FARRAGUT BOARD OF MAYOR AND ALDERMEN
Farragut Community Center
239 Jamestowne Blvd

AGENDA
November 14, 2024

WORKSHOP
Discussion of Mayor Bob Leonard Park Pickleball Complex
5:30 PM

BMA MEETING
6:00 PM

I. Roll Call, Silent Prayer, Pledge of Allegiance

II. Approval of Agenda

III. Approval of Minutes

A. October 24, 2024

IV. Mayor's Report

2024 Small Business Saturday Proclamation

V. Ordinances & Resolutions

A. Ordinances

1. First Reading

a) Ordinance 24-21, Ordinance to amend the Farragut Municipal Code, Chapter 8, Business, Section 2. to replace the existing Business License in its entirety with a new ordinance titled Business Registration Program

b) Ordinance 24-22, Ordinance to Amend the Farragut Municipal Code, Chapter 2, Administration; Article 4, Code of Ethics to replace the existing code of ethics standards for the Town's Officers and Employees, as required under Section 8-17-103 of the Tennessee Code Annotated

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, natural origin, gender, gender identity, sexual orientation, age, religion, disability or veteran status pursuant to Title VI of the Civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865-966-7057 in advance of the meeting

B. Resolution

1. Approval of Resolution R-2024-19, Town of Farragut Travel Policy
2. Approval of Resolution R-2024-22, Town of Farragut Surplus Property Policy
3. Approval of Resolution R-2024-23, Town of Farragut Personnel Policies and Procedures Manual
4. Approval of Resolution R-2024-24, Revised FY2025 Fee Schedule

VI. Business Items

A. Approval of Request for approval of a variance of 200 feet from the requirement for driveways to be at least 400 feet apart on an arterial street, as provided for in Article 5 of the Farragut Municipal Code, Section 22-150 (1) b. Distance between driveways, for the proposed Echo Suites Hotel, 11244 Outlet Drive, Parcel 154.02, Tax Map 130, west of the Cotton Eyed Joes, 3.1 Acres, Zoned OD-RE/E (Cox Universal Group, Applicant)

B. Approval of Professional Services Agreement with Cannon & Cannon, Inc. for Design of Traffic Signal at Intersection of Concord Road and Loop Road

C. Approval of legal services agreement with Watson, Roach, Batson and Lauderback, P.L.C.

VII. Citizens Forum

VIII. Town Administrator's Report

IX. Town Attorney's Report

The Board of Mayor and Aldermen welcomes and invites Farragut residents to participate in public meetings.

Public Participation Guidelines for Farragut Board of Mayor and Aldermen meetings

At the end of each business meeting, there will be time reserved for public comment under the Citizen Forum agenda item. If you are interested in speaking, please fill out a blue comment card and turn it in to the Town Recorder or staff member. This time is set aside specifically for comments on items that are not on the Board of Mayor and Aldermen regular agenda for the meeting. Each speaker will be given three (3) minutes to speak on his/her topic.

The Board also seeks public comment on regular agenda items during the portion of the meeting devoted to discussion and consideration of the specific agenda item.

The Mayor may recognize individuals for public comment during both the regular agenda and Citizen Forum portions of the meeting based on the following guidelines.

1. The Mayor shall maintain and control the meeting to provide a professional and objective environment conducive to presentation and discussion of the agenda items;
2. Any Farragut resident interested in speaking should fill out a blue comment card stating which agenda item they would like to comment on and turn it in to the Town Recorder or a staff member;
3. Speakers shall come to the podium and identify themselves by name and street address;
4. Public comment shall be limited to three (3) minutes per individual. Time for public comment may be amended at the discretion of the Mayor; provided that when additional time is allowed, speakers with differing points of view are allowed the same amount of time if requested. Time is not transferable to other speakers;

5. Speakers should strive to avoid redundancy; different considerations than expressed by previous speakers on a subject are encouraged;
6. Comments that threaten violence or imminent physical harm toward any individual will not be tolerated.
7. Comments may support or oppose issues or measures;
8. Personal attacks on the character of individuals who hold different points of view that have no relationship to the merits of the matter or issue raised for discussion will not be tolerated.
9. An applicant, and/or their representative(s), for an item on the regular agenda shall be afforded the time necessary to present their request and respond to questions. The three (3) minute limitation shall not apply. However, the Mayor may ask an applicant to stay on point in order to facilitate the efficiency of the meeting.

Each speaker will be asked if they can agree to abide by the Comment Protocol. If so, please be prepared to speak when your name is called.

Tennessee Code Annotated 39-17-306. Disrupting meetings or processions.

(a) A person commits an offense if, with the intent to prevent or disrupt a lawful meeting, procession, or gathering, the person substantially obstructs or interferes with the meeting, procession, or gathering by physical action or verbal utterance.

(b) A violation of this section is a Class A misdemeanor.

farragut TENNESSEE

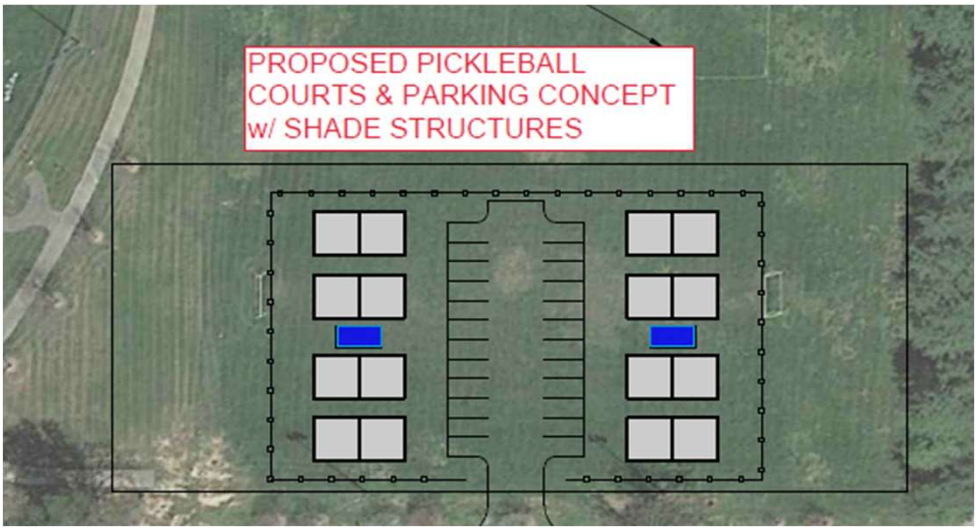
Town of Farragut
Parks and Recreation Department
Pickleball Design Options

farragut PARKS & REC

1

Option 2

8 Court Design with 24 Spot Parking Lot and Amenities



2

Option 2

8 Court Design with 24 Spot Parking Lot – plus Shade Structures

ROSS/FOWLER

LANDSCAPE
URBAN DES

MAYOR BOB LEONARD PICKLEBALL COURTS & PARKING
Schematic Design - Order of Magnitude Probable Cost
Option 2 – Original 8 Court Design w/ Asphalt Parking Lot (24 Spaces) & Shade Structures
October 17, 2024
Revised October 23, 2024

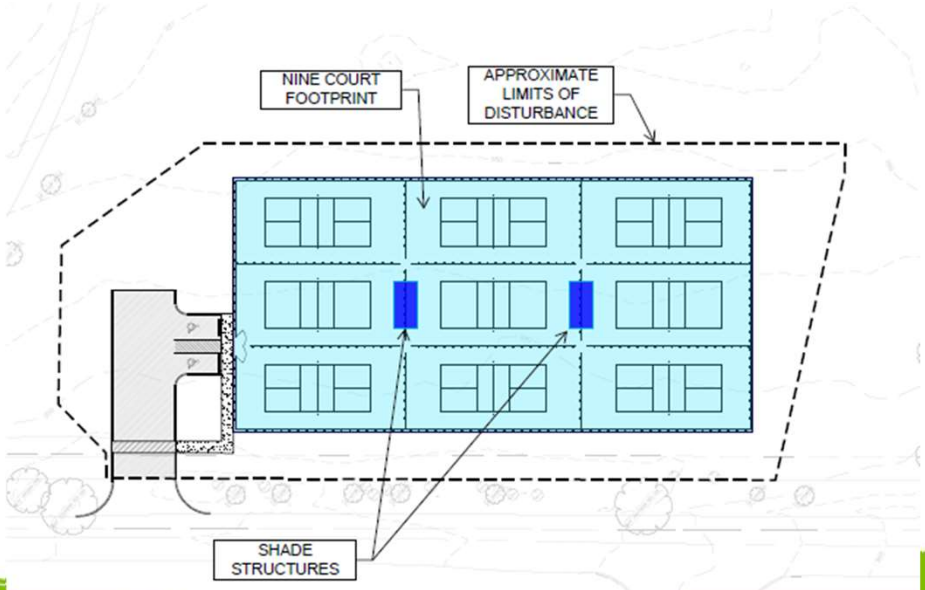
DEMOLITION	$660.00
EROSION CONTROL	$13,200.00
GRADING (~1.2 Acres)	$270,336.00
STORM DRAINAGE	$99,007.00
ASPHALT PARKING LOT w/CURBS (24 Spots)	$87,160.00
(8) PICKLEBALL COURTS (Incl. lights)	$730,732.00
(2) SHADE STRUCTURES	$30,000.00
POWER UPGRADES	$12,000.00
LIGHTING (Relo. 2 existing MUSCO field lights)	$66,000.00
IRRIGATION REWORK	$6600.00
PLANTING (Seeded Matting)	$20,117.00
TOTAL	$1,335,812.00

Project Budget is CIP	**$1.450,000**
Option 2 Projected Expense	**$1,335,812**
Projected Net Savings	**-$114,188**

3

Option 6

9 Court Design with 2 ADA Parking Spots Plus Amenities



4

Option 6

9 Court Design <u>without</u> full parking lot (2 ADA parking spots) plus amenities

ROSS/FOWLER

LANDSCAPE AR
URBAN DESIGN

MAYOR BOB LEONARD PICKLEBALL COURTS & PARKING
Schematic Design - Order of Magnitude Probable Cost
Option 6 – Proposed 9 Court Design w/ Asphalt Parking Lot (2 ADA Spaces)
October 23, 2024
Revised October 30, 2024

DEMOLITION	$660.00
EROSION CONTROL	$13,200.00
GRADING (~0.9 Acres)	$125,440.00
STORM DRAINAGE	$94,000.00
PAVING	$45,200.00
(9) PICKLEBALL COURTS (Incl. lights)	$821,047.00
(2) SHADE STRUCTURES (fabric roof)	$30,000.00
POWER UPGRADES	$12,000.00
LIGHTING (relo 2 existing MUSCO field lights)	$66,000.00
PLANTING (Hydroseeding)	$8,649.00
TOTAL	$1,216,196.00

Project Budget is CIP	**$1.450,000**
Option 6 Projected Expense	**$1,216,196**
Projected Net Overage	**-$233,804**

5

	8 Courts	9 Courts	
Demolition	660	660	0
Erosioin Control	13,200	13,200	0
Grading 1.2 acres v. .99 acres	270,336	125,440	-144,896
Storm Drainage	99,007	94,000	-5,007
Asphalt Parking Lot with Curbs (24 Spots) v. 2 spots	87,160	45,200	-41,960
8 Pickleball Courts v. 9 Pickleball Courts	730,732	821,047	90,315
2 Shade structures	30,000	30,000	0
Power upgrades	12,000	12,000	0
Relocate MUSCO Lights	66,000	66,000	0
Irrigation Rework v. No rework	6,600	0	-6,600
Planting v. Seed blanket	20,117	8,649	-11,468
	1,335,812	1,216,196	

6

BMA MEETING
October 24, 2024
MINUTES

WORKSHOP MINUTES
PICKELBALL COMPLEX DESIGN AT MAYOR BOB LEONARD PARK

Ron Oestreich, Parks & recreations Director, gave an overview of the design and pricing options for the pickleball complex at Mayor Bob Leonard Park. The Board of Mayor and Aldermen asked questions of the consultant.

BMA MEETING
6:00 PM

Roll Call, Silent Prayer, Pledge of Allegiance

Mayor Williams called the meeting to order at 6:00 PM. Roll Call for attendance: Alderman Burnette, yes; Alderman Cain, yes; Vice-Mayor Meyer, yes; Alderman White, yes; Mayor Williams, yes; in additional to staff and member of the press.

Approval of Agenda

Motion was made to approve the agenda as presented. Moved by Alderman Cain, seconded by Alderman White; voting yes, Mayor Williams, Vice-Mayor Meyer, Aldermen Burnette, Cain, and White; no nays; motion passed.

Approval of Minutes

Motion was made to approve the minutes of October 10, 2024, as presented. Moved by Vice-Mayor Meyer, seconded by Alderman White; voting yes, Mayor Williams, Vice-Mayor Meyer, Aldermen Burnette, Cain, and White; no nays; motion passed.

Mayor's Report

Mayor Williams thanked the staff and class members for a successful Intro to Farragut Class.

Alderman Burnette announced the following:

- Freaky Friday Fright Nite will be October 25 at Mayor Bob Leonard Park from 5-7 PM.
- Veteran's Salute and Battle of Campbell Station presentation is Sunday, November 10 at the Farragut Community Center at 1:00 PM.
- Campbell Station Skate will be from November 23-January 4, daily from 3-9 PM.

Ordinances & Resolutions

Ordinances

Second Reading

Ordinance 24-18, an Ordinance of the Town of Farragut, Tennessee amending the Fiscal Year 2024-2025 Capital Investment Program and ARPA Fund budgets, passed by Ordinance 24-07

Motion was made to approve Ordinance 24-18 on second and final reading. Moved by Vice-Mayor Meyer, seconded by Alderman White; roll call vote; Alderman Burnette, yes; Alderman Cain, yes; Vice-Mayor Meyer, yes; Alderman White, yes; Mayor Williams, yes; motion passed.

Resolution

Approval of Resolution R-2024-10, authorizing the Town to participate in the Public Entity Partners Property Conservation Matching Grant Program.

Motion was made to approve Resolution R-2024-10. Moved by Vice-Mayor Meyer, seconded by Alderman White; voting yes, Mayor Williams, Vice-Mayor Meyer, Aldermen Burnette, Cain, and White; no nays; motion passed.

Approval of Resolution R-2024-15, authorizing the Town to Participate in the Public Entity Partners "James L. Richardson Driver Safety" Matching Grant Program

Motion was made to approve Resolution R-2024-15. Moved by Alderman Burnette, seconded by Alderman Cain; voting yes, Mayor Williams, Vice-Mayor Meyer, Aldermen Burnette, Cain, and White; no nays; motion passed.

Approval of Resolution R-2024-16 Authorizing the Town to Participate in The Public Entity Partners "Cyber Security Partners" Matching Grant Program

Motion was made to approve Resolution R-2024-16. Moved by Vice-Mayor Meyer, seconded by Alderman White. Kim Parks, 10701 Farragut Hills Blvd., addressed the board concerning a cyber security policy. Voting yes, Mayor Williams, Vice-Mayor Meyer, Aldermen Burnette, Cain, and White; no nays; motion passed.

Business Items

Approval of Jamestowne Blvd Road closure for a Special Event for the Farragut Christmas Parade and Santas Village

Motion was made to approve the FHS event application involving the use of the Town's public right of ways and pedestrian facilities and closure of Jamestowne Blvd for the Christmas Parade on December 8, 2024. Moved by Vice-Mayor Meyer, seconded by Alderman Burnette; voting yes, Mayor Williams, Vice-Mayor Meyer, Aldermen Burnette, Cain, and White; no nays; motion passed.

Citizens Forum

The following citizens spoke during citizens forum:

- George Ellis, 12650 Brass Lantern Lane
- Kim Parks, 10701 Farragut Hills Blvd.

Town Administrator's Report

David Smoak, Town Administrator, announced the following:

- Finance staff received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association
- Chris Sheffield completed the Project Management Professional certification
- Eric Schindler passed his PE exam

The meeting adjourned at 6:29 PM.

_____
Ron Williams, Mayor

_____
Allison Myers, Town Recorder

Town of Farragut

P R O C L A M A T I O N

2024 SMALL BUSINESS SATURDAY

Whereas, the government of the Town of Farragut, Tennessee, celebrates our local small businesses and the contributions they make to our local economy and community; and

Whereas, according to the United States Small Business Administration, there are 34.7 million small businesses in the United States, small businesses represent 99.7% of firms with paid employees, small businesses are responsible for 61.1% of net new jobs created since 1995, and small businesses employ 45.9% of the employees in the private sector in the United States, and

Whereas, 68 cents of every dollar spent at a small business in the U.S. stays in the local community and every dollar spent at small businesses creates an additional 48 cents in local business activity as a result of employees and local businesses purchasing local goods and services; and

Whereas, 59% of U.S. consumers aware of Small Business Saturday shopped or ate at a small, independently owned retailer or restaurant on Small Business Saturday 2023; and

Whereas, Farragut, Tennessee supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

Whereas, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

Now, **Therefore**, the Board of Mayor and Aldermen of Farragut, Tennessee do hereby proclaim, November 30, 2024, as:

SMALL BUSINESS SATURDAY

And urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday – celebrating its 15th year in 2024 – and Shop Small throughout the year.

Signed this 14th day of November 2024.

_____

Ron Williams, Mayor

AGENDA NUMBER V.A.1.a. **MEETING DATE November 14, 2024**

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Finance Director/Town Recorder

SUBJECT: Ordinance 24-21, Ordinance to amend the Farragut Municipal Code, Chapter 8, Business, Section 2. to replace the existing Business License in its entirety with a new ordinance titled Business Registration Program

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INTRODUCTION: This ordinance will be amending the current business license program by creating a new title for the program, Business Registration Program, and revising the current language.

BACKGROUND: In July 2012, the Board of Mayor and Aldermen adopted an ordinance to institute a Business License program. The program's purpose is to identify, aid and support businesses who are engaged in any business by obtaining reliable information as to who is conducting or planning to conduct business and the nature of the business, within the town.

DISCUSSION: Over the years, the title of the program has been confused with the State of Tennessee's business tax and licensing program. The state's program is a gross receipts tax on businesses.

Due to the similarity of the program titles, staff request to rename the Town's program to the Business Registration Program. In addition to the title change, additional language has also been amended. A summary of the changes is below:

- Identifying additional businesses required to have a business registration, such as salon suites and business renting booth space
- Simplified the application process
- Updated the issuance and renewal section
- Added the requirement of an expiration date on the certificate
- Removed the section for delinquent license fee and penalty. This section referred to the state requirements for the state business license

The updated ordinance reflects the purpose of the program and assist staff in acquiring information to involve the business community and aid with property maintenance contacts.

RECOMMENDATION BY: Allison Myers, Finance Director/Town Recorder for approval.

PROPOSED MOTION: To approve Ordinance 24-21 on first reading.

BOARD ACTION:

MOTION BY:_____ SECONDED BY:_____

VOTE/TOTAL	BURNETTE	CAIN	WHITE	MEYER	WILLIAMS
YES					
NO					
ABSTAIN					

ORDINANCE	24-21
PREPARED BY	Myers
1ST READING	November 14, 2024
2nd READING	December 12, 2024
PUBLISHED IN	Farragut Press
DATE	_____

AN ORDINANCE TO AMEND THE FARRAGUT MUNICIPAL CODE, CHAPTER 8, BUSINESS, SECTION 2. TO REPLACE THE EXISTING BUSINESS LICENSE IN ITS ENTIRETY WITH A NEW ORDINANCE TITLED BUSINESS REGISTRATION PROGRAM

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend the Farragut Municipal Code, Chapter 8, Section 2, Business License.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Municipal Code is hereby amended by replacing the existing business license in its entirety with a new ordinance titled business registration program as follows:

SECTION 1.

Sec. 8-19. Purpose.

The purpose of this article is to identify, aid and support businesses who are engaged in any business by obtaining reliable information as to who is conducting or planning to conduct business and the nature of the business, within the town.

Sec. 8-20. Application of article.

(a) Each person who conducts a business, as that term is defined by T.C.A. § 67-4-702(a)(2), which operates from a physical site or place of business situated within the corporate limits of the town is subject to this article. Any person operating a business which does not do so from a physical location or site within the corporate limits of the town, needs not obtain a business registration certificate, even though it conducts business with customers in the town. For purposes of this article, the term "person" shall include either individuals, corporations, partnerships, or any other legal entity involving a business relationship.

(b) The business registration requirement shall apply to all vocations, occupations, and businesses within the town as declared by the general laws of the state. The business registration requirement applies to all commercial, office and home-based businesses and does not replace or nullify the need to obtain other permits or licenses required by separate ordinances.

Sec. 8-21. Separate businesses.

Each person or entity doing business in more than one factory, mill, warehouse, store, stall or stand, or other place of business, shall secure a separate registration for each such place of business, unless such places of business are contiguous to each other, communicate directly with and open into each other, and are operated as a unit, and shall pay the prescribed fee for each such place of business.

Sec. 8-22. Multi-vendor sales locations.

In the case of office suites, salon suites, antique malls, vendors renting booth space, or similar activities as determined by the town administrator, each business shall register businesses separately.

Sec. 8-23. Applications.

Every application for business registration as defined in this article shall be submitted through the town's website or in writing on a form to be provided by the town.

Sec. 8-24. Registration issuance and renewals.

(a) New *Registration.* Upon receipt of the application, payment of $15.00, review and approval by the Community Development Department, the town recorder shall issue the business registration certificate. Business Registration certificates will be emailed to the business owner.

(b) *Term of registration.* A business registration certificate issued to a new business shall be effective on the day it begins operating and shall expire on June 30 of the town's fiscal year. A registration certificate issued for each subsequent fiscal year shall be effective July 1 and shall expire on June 30 of the town's fiscal year.

(c) *Business Registration Renewal.* The business shall renew the business registration on or before June 30 of the town’s fiscal year. There shall be no charge for the renewal of an existing registration. In the event a business fails to submit a request for renewal of its existing registration on or before August 31, its registration shall lapse, and a new registration must be applied for and the proper fee paid as with any new registration.

Sec. 8-25. Procedure if other approval or permit is required.

In any case where other municipals, permits or licenses are required of any business, the town recorder shall not issue a business registration certification until such approval or permits have been acquired. In addition to being cited and fined for violation of these regulations, in a case where other municipal approvals, permits or licenses are required of the business, such other approvals, permits or licenses may be revoked or withheld by the town if the business does not obtain business registration as required by this article.

Sec. 8-26. Contents of license; official copies of same.

Every business registration certificate shall show the name of the business, the location thereof, and expiration date. The town recorder shall maintain the status of every business registration issued.

Sec. 8-27. Display of license.

Every business registration certificate shall be kept in plain sight for the public to view the place of business named on the license.

Sec. 8-28. Assignments and transfers.

Every business registration issued under these provisions shall only be assignable when that business carried out at a fixed place is sold as a unit to any person and the purchaser thereof is carrying on the same business and business name at the same place, the business registration may be assigned to the purchaser. Upon delivery of the registration certificate, properly assigned, to the town recorder, together with a written statement that the business has been sold as a unit and that the purchaser is to carry on the same at the same place of business the assignee shall be entitled to have a new certificate issued. The town recorder shall cancel the assigned registration certificate upon issuance of a revised business registration.

Sec. 8-29. Exemptions.

The following businesses are exempt from the requirements of this article as indicated below:

a) Any not-for-profit business operated for a religious, educational, civic, patriotic, charitable, or fraternal purpose, if the entire gross income of the business is used for said purpose.

b) Any not-for-profit business that operates group homes, day cares or other types of care facilities for a nonprofit religious, educational, civic, patriotic, charitable, or fraternal purpose is exempt from payment of a business registration fee, if the entire gross income of the business is used exclusively for nonprofit purposes.

Secs. 8-30—8-59. Reserved.

SECTION 2.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

_____
Ron Williams, Mayor

_____
Allison Myers, Town Recorder

Red-Lined Version

ARTICLE 2. BUSINESS ~~LICENSES~~[1] REGISTRATION PROGRAM

Sec. 8-19. Purpose.

The purpose of this article is to identify, aid and support businesses who are engaged in any business by obtaining reliable information as to who is conducting or planning to conduct business and the nature of the business, within the town.

(Code 2007, § 5-301; Ord. No. 12-05, § 1, 7-12-2012)

Sec. 8-20. Application of article.

(a) Each person who conducts a business, as that term is defined by T.C.A. § 67-4-702(a)(2), which operates from a physical site or place of business situated within the corporate limits of the town is subject to this article. Any person operating a business which does not do so from a physical location or site within the corporate limits of the town, need not obtain a ~~privilege~~ business ~~license~~registration certificate, even though it conducts business with customers in the town. For purposes of this article, the term "person" shall include either individuals, corporations, partnerships, or any other legal entity involving a business relationship.

(b) The ~~privilege~~ business registration requirement ~~licenses~~ shall apply to all vocations, occupations, and ~~businesses,~~businesses within the town as declared by the general laws of the state. The ~~privilege~~ business registration requirement ~~license~~ applies to all commercial, office and ~~home based~~home-based businesses and does not replace or nullify the need to obtain other permits or licenses required by separate ordinances.

(Code 2007, § 5-302; Ord. No. 12-05, § 1, 7-12-2012)

Sec. 8-21. Separate businesses.

Each person or entity doing business in more than one factory, mill, warehouse, store, stall or stand, or other place of business, shall secure a separate ~~license~~ registration for each such place of business, unless such places of business are contiguous to each other, communicate directly with and open into each other, and are operated as a unit, and shall pay the prescribed ~~license~~ fee for each such place of business.

(Code 2007, § 5-305; Ord. No. 12-05, § 1, 7-12-2012)

Sec. 8-22. Multi-vendor sales locations.

~~(a)~~ In the case of office suites, salon suites, antique malls, vendors renting booth space, or similar activities as determined by the town administrator, each business shall register businesses separately.

~~In the case of antique malls, flea markets, craft shows, antique shows, gun shows, farmers markets, auto shows, or similar activities as determined by the town administrator, operated as public facilities for such~~

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~~[1]State law reference(s)—Business Tax Act, T.C.A. § 67-4-701 et seq.; municipal business tax, T.C.A. § 67-4-705.~~

particular purpose (referred to herein "public markets") from which business is carried on by two or more retailers of tangible personal property (individually referred to as "exhibitors"), the owner, manager, operator or promoter of the facility shall be required to obtain a collective license for all nonlicensed exhibitors, and shall collect and submit to the town recorder a fee as allowed by state law, currently provided for in T.C.A. § 67-4-710, from each such exhibitor who does not possess a current business license issued by the town.

(b) Exhibitors at a public market may elect to either obtain a business license as provided herein, or not obtain a license and pay the fee per booth per day to the public market operators who shall in turn remit it to the town. Those exhibitors electing to obtain a business license must present evidence of a current, valid license to the operator before conducting business, and will not be required to pay the daily fee. The operator of a public market shall at all times maintain copies of the current business licenses of current exhibitors from whom the daily fee is not being collected. These records shall be open for inspection and copying by the town administrator or his designee.

(c) In the case of a public market in which the location is not a continuing business, the fees collected by the owner, manager, operator, or promoter shall be submitted to the town recorder within 72 hours after the closing of the event.

(d) In the case of a public market in which the location is a continuing business, the fees collected by the owner, manager, operator, or promoter shall be due and payable monthly, on the first day of each month.

(e) This provision will not apply to any business that is primarily engaged in selling antiques at least five days each week in a permanent location which has a common cash register for all sales. For antique malls selling antiques at least five days a week with a common cash register for all sales, only the mall operator will be required to obtain a business license. Individual booths rented at such malls will not be deemed to be separate places, locations, or outlets in the state from which business is conducted.

(Code 2007, § 5-306; Ord. No. 12-05, § 1, 7-12-2012)

Sec. 8-23. Applications.

Every application for a license under business registration as defined in this article shall be submitted through the town's website or in writing to the town recorder's office upon a form to be provided by the town. Such application shall be signed either by the applicant or by his agent, and shall contain the following information:

(1) Complete and exact name under which the business is proposed to be operated.

(2) If the business is proposed to be operated by an individual under any assumed name, the name of such individual and his address.

(3) If the business is a partnership, the name and address of the active managing partner of said business.

(4) If the business is a corporation, the name and address of the president and of the secretary of the corporation, and the location of the principal office.

(5) Nature of the business for which license is desired.

(6) Proposed or existing location.

(Code 2007, § 5-307; Ord. No. 12-05, § 1, 7-12-2012)

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Sec. 8-24. ~~License~~Registration issuance and renewals.

(a) ~~*New license*~~ *New Registration*. Upon receipt of the application~~,~~ ~~and~~ payment of $15.00, review and approval by the Community Development Department, the town recorder shall issue the business ~~privilege~~ registration~~license~~ certificate.~~ The license shall be issued at the time of registration. In the event the application and payment are submitted online the license will be mailed to the business address.~~ Business Registration certificates will be emailed to the business owner.

(b) *Term of ~~license~~ registration*. A business ~~privilege~~ registration ~~license issued~~certificate issued to a new business shall be effective on the day it begins operating and shall expire on June 30 of the town's fiscal year. A ~~license~~ registration certificate issued for each subsequent fiscal year shall be effective July 1 and shall expire on June 30 of the town's fiscal year.

(c) *Business Registration ~~license r~~Renewal.* The business shall renew the ~~license~~ business registration ~~upon the notification from the town~~on or before June 30 of the town's fiscal year. There shall be no charge for the renewal of an existing ~~license~~registration. In the event a business fails to submit ~~its~~ a request for renewal of its existing ~~license~~ registration on or before August 31, its ~~license shall~~registration shall ~~lapse~~lapse, and a new ~~license~~ registration must be applied for and the proper fee paid as with any new ~~license~~ registration.

(d) ~~*Fee waived.* The license fee of $15.00 shall be waived for all businesses voluntarily submitting applications for a business privilege license within 90 calendar days of adoption of the ordinance from which this article is derived on second reading. All businesses, as defined in this chapter, that fail to submit an application during this initial grace period will be subject to the license fee as outlined in subsection (a) of this section.~~

(Code 2007, § 5-308; Ord. No. 12-05, § 1, 7-12-2012)

Sec. 8-25. Procedure if other approval or permit required.

In any case where other municipal, ~~county or state approvals,~~ permits or licenses are required of any ~~licensee~~ business, the town recorder shall not issue a business ~~privilege~~ ~~license~~registration ~~until such approval or permits have been acquired. In addition to being cited and fined for violation of these regulations, in a case where other municipal approvals, permits or licenses are required of the ~~licensee~~business, such other approvals, permits or licenses may be revoked or withheld by the town if the ~~licensee~~ business does not obtain a business ~~privilege~~ registration ~~license~~ as required by this article.

(Code 2007, § 5-309; Ord. No. 12-05, § 1, 7-12-2012)

Sec. 8-26. Contents of license; official copies of same.

Every ~~license~~ business registration certificate shall show the name of the business, ~~the nature of the business~~, the location thereof, and expiration date. The town recorder shall ~~keep a copy of~~ maintain the status of every ~~license~~ business registration issued.

(Code 2007, § 5-310; Ord. No. 12-05, § 1, 7-12-2012)

Sec. 8-27. Display of license.

Every ~~license~~ business registration certificate shall be kept in plain sight for the public to view at the place of business named on the license.

(Code 2007, § 5-311; Ord. No. 12-05, § 1, 7-12-2012)

Sec. 8-28. Assignments and transfers.

Every ~~license~~business registration ~~issued~~ issued under these provisions shall only be assignable when that business carried on at a fixed place is sold as a unit to any person and the purchaser thereof is to carry on the same business and business name at the same place, the ~~license~~ business registration may be assigned to the purchaser. Upon delivery of the ~~license~~registration certificate, properly assigned, to the town recorder, together with a written statement that the business has been sold as a unit and that the purchaser is to carry on the same at the same place of business the assignee shall be entitled to have a new ~~license~~ certificate issued ~~to him~~. The town recorder shall cancel the assigned ~~license~~ registration certificate upon issuance of a revised ~~license~~business registration.

(Code 2007, § 5-312; Ord. No. 12-05, § 1, 7-12-2012)

Sec. 8-29. Exemptions.

The following businesses are exempt from the requirements of this article as indicated below:

a) ~~(1)~~Any not-for-profit business operated for a religious, educational, civic, patriotic, charitable, or fraternal purpose, if the entire gross income of the business is used for said purpose.

b) (2) Any not-for-profit business that operates group homes, day cares or other types of care facilities for a nonprofit religious, educational, civic, patriotic, charitable, or fraternal purpose is exempt from payment of a ~~privilege~~ business registration ~~license~~ fee, if the entire gross income of the business is used exclusively for nonprofit purposes.

(Code 2007, § 5-313; Ord. No. 12-05, § 1, 7-12-2012)

~~Sec. 8-30. Delinquent license fee and penalty.~~

~~Upon discovering any business which has been operating within the town without a business license as required by this article, the town recorder is hereby authorized to assess and collect the delinquent privilege license fee plus a penalty as specified by T.C.A. § 67-1-804 of one percent of the total license fees due and unpaid for each 30 days or fraction thereof that the fee remains unpaid subsequent to the assessment date, up to a maximum of 25 percent of the total unpaid amount. Where an application or renewal is delinquent the minimum penalty shall be as provided in T.C.A. § 67-1-804 regardless of the amount of the fees due.~~

(Code 2007, § 5-314; Ord. No. 12-05, § 1, 7-12-2012)

Secs. 8-~~31~~30—8-59. Reserved.

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AGENDA NUMBER V.A.1.b. **MEETING DATE November 14, 2024**

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Finance Director/Town Recorder

SUBJECT: Ordinance 24-22, Ordinance to Amend the Farragut Municipal Code, Chapter 2, Administration; Article 4, Code of Ethics to replace the existing code of ethics standards for the Town's Officers and Employees, as required under Section 8-17-103 of the Tennessee Code Annotated

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INTRODUCTION: The ordinance applies to members of all boards, commissions, authorities, corporations, and other entities created or appointed by the municipality.

BACKGROUND: In 2006, as part of the Comprehensive Governmental Ethics Reform Act, the General Assembly required all municipalities to adopt ethics standards by no later than June 30, 2007. T.C.A. § 8-17-103 requires municipalities to adopt a code of ethics by ordinance. The Town adopted the initial Code of Ethics in February 2007.

DISCUSSION: The ethics standards are required to address: (1) rules setting limits on and/or providing for reasonable and systematic disclosure of gifts or other things of value received by officials or employees that affect or appear to affect their discretion, and (2) rules requiring reasonable and systematic disclosure by officials and employees of personal interests that affect or appear to affect their discretion. The Town is electing to adopt the MTAS model code of ethics which combines these two restrictions with other ethics provisions that municipalities have commonly adopted. The changes can be reviewed in the attached, red-lined version.

RECOMMENDATION BY: Allison Myers, Finance Director/Town Recorder, for approval

PROPOSED MOTION: To approve Ordinance 24-22 on first reading.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

VOTE/TOTAL	BURNETTE	CAIN	WHITE	MEYER	WILLIAMS
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE	24-22
PREPARED BY	Myers
1ST READING	November 14, 2024
2nd READING	December 12, 2024
PUBLISHED IN	Farragut Press
DATE	_____

AN ORDINANCE TO AMEND THE FARRAGUT MUNICIPAL CODE, CHAPTER 2, ADMINISTRATION, ARTICLE 4. CODE OF ETHICS TO REPLACE THE EXISTING CODE OF ETHICS STANDARDS IN ITS ENTIRETY

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend the Farragut Municipal Code, Chapter 2, Administration; Article 4, Code of Ethics.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Municipal Code is hereby amended by replacing the existing Code of Ethics with the following:

SECTION 1.

Sec. 2-149. Applicability.

This article is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words “municipal” and “municipality” include these separate entities.

Sec. 2-150. Definition of “personal interest”.

(a) For the purposes of sections 2-151 and 2-152, the term "personal interest" means:

(1) Any financial, ownership, or employment interest in the particular entity or person that is the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or

(2) Any financial, ownership, or employment interest in entity or person to be regulated or supervised; or

(3) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

(b) The words "employment interest" include a situation in which an official employee or a designated family member is negotiating possible employment with a person or entity that is the subject of the vote or that is to be regulated or supervised.

(c) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this article.

Sec. 2-151. Disclosure of personal interest by official with vote.

An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure.

Sec. 2-152. Disclosure of personal interest in non-voting matters.

An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the particular person or entity being regulated or supervised that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose the interest on a form provided by and filed with the recorder before the exercise of the discretion when possible.. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter.

Sec. 2-153. Acceptance of gratuities, etc.

An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

(a) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(b) That might reasonably be interpreted as an attempt to influence his discretion or reward him for past exercise of discretion, in executing municipal business.

Sec. 2-154. Use of information.

(a) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(b) An official or employee may not use or disclose confidential information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity.

Sec. 2-155. Use of municipal time, facilities. etc.

(a) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(b) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interest of the municipality.

Sec. 2-156. Use of position or authority.

(a) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(b) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality.

Sec. 2-157. Outside Employment

An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy.

2-158 Ethics complaints.

(a) The town attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the town attorney may render an oral or written advisory ethics opinion based upon this article and other applicable laws.

(b) Except as otherwise provided in this subsection, the town attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(c) The town attorney may request the governing body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(d) When a complaint of a violation of any provision of this article is lodged against a member of the municipality's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body

determines that a complaint warrants further investigation, it shall authorize an investigation by the town attorney or another individual or entity chosen by the governing body.

(e) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(f) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics.

Sec. 2-159. Violations.

An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this article is subject to punishment as provided by the municipality's charter or other applicable law and, in addition, is subject to censure by the governing body. An appointed official or an employee who violates any provision of this article is subject to disciplinary action.

Secs. 2-160—2-184. Reserved.

SECTION 2.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

_____

Ron Williams, Mayor

_____

Allison Myers, Town Recorder

Red-Lined Version

ARTICLE 4. CODE OF ETHICS[1]

Sec. 2-149. Applicability.

This article is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities.

Sec. 2-150. Definition~~s~~ of "personal interest" ~~and employment interest~~.

(a) For purposes of sections 2-151 and 2-152, the term "personal interest" means:

(1) Any financial, ownership, or employment interest in the particular entity or person that is the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or

(2) Any financial, ownership, or employment interest in entity or person ~~a matter~~ to be regulated or supervised; or

(3) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), step-parent(s), grandparent(s), sibling(s), child(ren), or step-child(ren).

(b) The ~~term~~ words "employment interest" include~~s~~ a situation in which an official ~~or~~ an employee or a designated family member is negotiating possible employment with a person or ~~organization~~ entity that is the subject of the vote or that is to be regulated or supervised.

(c) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this article.

~~(Code 2007, § 1-502; Ord. No. 07-01, § 1, 2-8-2007)~~

Sec. 2-151. Disclosure of personal interest by official with vote.

An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure.

~~(Code 2007, § 1-503; Ord. No. 07-01, § 1, 2-8-2007)~~

[1]State law reference(s)—Campaign finance, T.C.A. § 2-10-101 et seq.; conflicts of interest, T.C.A. §§ 6-54-107, 6-54-108, 12-4-101, 12-4-102; conflict of interests disclosure statements, T.C.A. § 8-50-501 et seq.; consulting fee prohibition for elected municipal official, T.C.A. §§ 2-10-122, 2-10-124; public official misconduct, T.C.A. § 39-16-41 et seq.; removal of public officials, T.C.A. § 8-47-101 et seq.

Sec. 2-152. Disclosure of personal interest in non-voting matters.

An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the particular person or entity being regulated or supervised ~~matter~~ that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose the interest on a form provided by and filed with the recorder~~,~~ before the exercise of the discretion when possible~~, the interest on a form provided by and filed with the recorder~~. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter.

~~(Code 2007, § 1-504; Ord. No. 07-01, § 1, 2-8-2007)~~

Sec. 2-153. Acceptance of gratuities, etc.

(a) An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That might reasonably be interpreted as an attempt to influence his ~~action~~ , ~~or~~discretion or reward him for past ~~action~~ exercise of discretion, in executing municipal business.

(b) ~~It shall not be a violation of this section for officials or employees to accept gifts given as an expression of general thanks for the work of public service performed by the official or employee, which are reported to the town administrator in writing and which have a value, the amount of which would not reasonably influence the official or employee to act favorably toward the donor on official matters within the responsibility of the official or employee. For purposes of this section, the value of $35.00 at the time of enactment of this section, or as increased by three percent for each year thereafter, shall be defined as the amount which would not reasonably influence an official or employee.~~

~~(c) It shall not be a violation of this section for officials or employees to accept invitations to openings of new businesses or facilities, open houses or similar events at which refreshments or meals are served to which many members of the local community are also invited, or complimentary passes to events hosted by not-for-profit organizations.~~

~~(Code 2007, § 1-505; Ord. No. 07-01, § 1, 2-8-2007)~~

Sec. 2-154. Use of information.

(a) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(b) An official or employee may not use or disclose confidential information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity.

~~(Code 2007, § 1-506; Ord. No. 07-01, § 1, 2-8-2007)~~

Sec. 2-155. Use of municipal time, facilities. etc.

(a) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(b) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interest of the municipality.

(c) ~~For purposes of this section, the term "private gain or advantage" shall not include:~~

~~(1) A benefit to a private person or entity that is authorized in writing by the town administrator or in official action by the town board of mayor and aldermen; or~~

~~(2) A mere incidental benefit to a private person or entity that flows secondarily to said person or entity as the indirect result of any action by any official or employee taken primarily and in the course of the performance of his authorized duties and responsibilities, and for the benefit of the municipality and the community at large.~~

~~(Code 2007, § 1-507; Ord. No. 07-01, § 1, 2-8-2007)~~

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Sec. 2-156. Use of position or authority.

(a) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(b) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality.

~~(Code 2007, § 1-508; Ord. No. 07-01, § 1, 2-8-2007)~~

Sec. 2-157. Outside Employment

An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy.

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2-158 Ethics complaints.

~~(a)~~(1) The town attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the town attorney may render an oral or written advisory ethics opinion based upon this article and other applicable law.

~~(b) Conducting investigations.~~

~~(1)~~ 2 Except as otherwise provided in this subsection, the town attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

~~(2)~~3 The town attorney may request the governing body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

~~(3)~~4 When a complaint of a violation of any provision of this article is lodged against a member of the municipality's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants

further investigation, it shall authorize an investigation by the town attorney or another individual or entity chosen by the governing body.

~~(c)~~5 The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

~~(d)~~6 When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics.

~~(Code 2007, § 1-509; Ord. No. 07-01, § 1, 2-8-2007)~~

Sec. 2-15~~8~~9. Violations.

An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this article is subject to punishment as provided by the municipality's charter or other applicable law and, in addition, is subject to censure by the governing body. An appointed official or an employee who violates any provision of this article is subject to disciplinary action.

~~(Code 2007, § 1-510; Ord. No. 07-01, § 1, 2-8-2007)~~

Secs. 2-160~~59~~—2-184. Reserved.

AGENDA NUMBER V.B.1. **MEETING DATE November 14, 2024**

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Finance Director/Town Recorder

SUBJECT: Approval of Resolution R-2024-19, Town of Farragut Travel Policy

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INTRODUCTION: Tennessee Code Annotated 6-54-901 provides that municipalities are authorized to reimburse expenses related to the office of Mayor; members of the governing body, boards, commissions, or committees; and to any official or employee whose salary is set by charter or general law.

It is the intent of this Travel Policy and Procedures manual that employees do not suffer additional costs as a result of travel incurred to carry on assigned duties. Per the Internal Revenue Service regulations, the Town of Farragut maintains an "accountable plan" for reimbursing travel expenses. Reimbursements through an "accountable plan" are not taxable to employees.

This policy applies to the travel of the Board of Mayor and Alderman and all employees of the Town of Farragut in the performance of their official duties. To best utilize the most economical means available to the Town of Farragut, employees are expected to minimize the costs of necessary business travel.

DISCUSSION:
The main difference in the new policy is the rate for reimbursement. The current reimbursement amount is based on a set per diem rate. The revised policy will utilize reimbursement rates set by the General Services Administration (GSA). This is beneficial due to the varying cost between cities within the United States. For example, food and lodging costs are less in Tennessee than in California. The travel policy is attached for your review.

RECOMMENDATION BY: Allison Myers, Finance Director/Town Recorder for approval.

PROPOSED MOTION: To approve Resolution R-2024-19.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

VOTE/TOTAL	BURNETTE	CAIN	WHITE	MEYER	WILLIAMS
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

Town of Farragut, Tennessee

RESOLUTION: R-2024-19

A RESOLUTION BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF FARRAGUT, APPROVING AND ADOPTING THE TOWN OF FARRAGUT TRAVEL POLICY

WHEREAS, the Board of Mayor and Aldermen wish to update the Town travel policy; and

WHEREAS, in order to guide decisions involving travel for Town employees and elected officials and to ensure consistency with policies acceptable to the Board of Mayor and Aldermen, it would be beneficial for the Town to have an updated travel policy; and

WHEREAS, after reviewing the current policy, a new policy was developed with updated information and rates; and

NOW, THEREFORE, be it resolved by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee that:

SECTION 1. The travel policy attached hereto is approved and accepted as the travel policy of the Town.

SECTION 2. This resolution shall be in full force and effect upon passage, signatures hereon, and filed with the office of the comptroller of the treasury.

Resolved this 14th day of November 2024.

_____

Ron Williams, Mayor

_____

Allison Myers, Town Recorder



Town of Farragut

Travel Policy and Procedures

Introduction

T.C.A 6-54-901 provides that municipalities are authorized to reimburse expenses related to the office of Mayor; members of the governing body, boards, commissions, or committees; and to any official or employee whose salary is set by charter or general law.

It is the intent of this Travel Policy and Procedures manual that employees do not suffer additional costs as a result of travel incurred to carry on assigned duties. Per the Internal Revenue Service regulations, the Town of Farragut maintains an "accountable plan" for reimbursing travel expenses. Reimbursements through an "accountable plan" are not taxable to employees.

This policy applies to the travel of the Board of Mayor and Alderman and all employees of the Town of Farragut in the performance of their official duties. In order to best utilize the most economical means available to the Town of Farragut, employees are expected to minimize the costs of necessary business travel.

Mayor _____

Town of Farragut

1. Purpose

This policy is intended as a guide for decisions involving travel for Town employees and elected officials who submit business related expense reports and those who approve such expense reports. The responsibility to observe and comply with the policy rests with the traveler and the traveler's supervisor who, by approving an expense report, certifies its conformance with this policy. Reimbursement should be sought and authorized only for expenses that have been legitimately expended and contribute to the Town's objectives.

All municipal travel and expense reimbursement policies, and any amendments to the policies, must be made available for review and audit by the office of the comptroller of the treasury or the comptroller of the treasury's designee. Such policies and amendments are not subject to the approval of, but shall not be effective until filed with, the Office of the Comptroller of the Treasury. (Tennessee Code Annotated §6-54-903)

2. General Provisions

When traveling, employees should be as conservative as circumstances permit; however, costs should be selected whenever practical. Reimbursement for travel will be based on the most direct or expeditious route possible. Employees traveling by an indirect route may be required to assume any extra expense incurred.

Reimbursement for travel expenses will only be for actual expenses incurred. No expenses will be reimbursed until after travel has been completed. Travel reimbursement rates will be consistent with rates set by the General Services Administrations (GSA). To view these rates, go to GSA.gov. All travel expenses must be itemized on the supplied "Travel Expense Form".

All expenses for airfare, lodging, rental cars, and parking (when possible) may be charged to the Town of Farragut credit card. Employee's may charge their own travel expenses on their personal card, and be reimbursed after travel. Itemized receipts must be submitted to the employee's department's credit card administrator upon return to be used for reconciliation of the credit card statement.

3. Approval

All travel requires advanced authorization from the appropriate department head. Reimbursement of travel expenses are limited to expenses incurred for travel authorized in advance.

Travel which may be authorized will be limited to the following:

- Travel which is necessary for the proper education of official Town of Farragut business or justifiable pursuit of a department's objectives
- Travel to meetings or conferences of a professional nature which will increase the attending employee's usefulness to department or Town business

- Mileage, parking, and meal expenses incurred while on official Town business are reimbursable. **Meals will only be reimbursed when overnight travel is necessary.**
    - **Also, per T.C.A 6-54-902, if officials or employees are overcompensated for an expenditure, the overage is considered salary.**
- Travel will not include, and no reimbursement for expenses will be made for, transportation in connection with an employee's regular/official place of employment.

When using websites to make travel arrangements (Expedia, Hotwire, etc.) and getting package deals, documentation is required for each specific item included in the package such as airfare, hotel and car rental. When the website documentation is not detailed, a signed statement by the employee (along with documentation for separate airfare rates, hotel rates, etc.) referencing the comparison above is to be attached to the travel claim to verify that a reasonable effort was made to procure the best price in an effort to keep costs at a minimum.

The Town of Farragut is tax exempt. All efforts should be made to have the tax removed from travel fares. Tax exempt forms can be obtained from the Finance department.

4. Lodging

Lodging expenses must be for actual lodging costs plus any required taxes incurred. If the hotel does not accept a credit card for payment, a Town of Farragut check will be issued (payable to the hotel) in advance. If a check must be issued, a requisition for payment must be submitted to the Finance department at least two weeks before travel is to occur.

Lodging receipts are required (regardless of payment method) and must itemize room charges and taxes by date.

All efforts should be made to procure the best possible lodging rates in an effort to keep costs to a minimum. Higher rates for lodging at the location of a convention or conference will be allowed without special approval, up to the amount indicated in the convention brochure or on the conference website. The convention or conference brochure which indicates the lodging rates must be submitted with the lodging receipt.

5. Per Diem Rates for Meals and Incidental Expenses (M&IE)

Meal expenses will be reimbursed only if you are required to be "away from home" (requires an overnight stay). The per diem rates for meals and incidental expenses (baggage handling, phone calls to work, etc.) are established on the GSA website at www.gsa.gov.

Receipts are not necessary for meal and incidental expense reimbursement.

Departure and return time for meal reimbursements is shown on the chart below. The departure hour and date and the return hour and date must be shown on the Training/Travel Expense Form. Employees will not be reimbursed for meals outside the travel time shown on the chart:

	Departure Must be Before	Return Must be After
Breakfast	7:30 AM	8:00 AM
Lunch	11:30 AM	1:30 PM
Dinner	5:30 PM	6:30 PM

6. Mileage, Transportation, and Related Costs

The official start of travel shall be the location where the employee regularly works, and the work activities of the employee's position are based when calculating mileage. Travel between the employee's home (place of residence) and official start is considered commuting and is not reimbursable.

Automobile Travel

A. Personally owned vehicle use is allowable. Only actual mileage is reimbursable and will be reimbursed according to the POV Mileage Reimbursement Rates as designated by the General Services Administration at www.GSA.gov. No additional reimbursement rates for operating expenses such as oil, gas, etc. Mileage for one day trips will be reimbursed. Proper documentation (verifying official Town business) must be included with the travel claim. Employees should document/verify mileage by using a reputable website site as MapQuest, Google Maps, Etc. to determine point-to-point and/or vicinity mileage.
B. Town owned vehicle use is appropriate and preferred. Town vehicles should only be used on official business. Toll fees, parking, and gasoline expenses are allowable for reimbursement with a receipt.
C. Auto rental (must be pre-authorized for reimbursement) is permitted on rare occasion when necessary. Advance authorization from the employee's department head must be secure for vehicle rentals. Charges for insurance for rented automobiles are not reimbursable costs since the Town is self-insured. Whenever possible, employees should refuel the rented automobile before returning it; additional expenses incurred as a result of not returning an automobile with a full tank of gas are not reimbursable.
D. Employees receiving an automobile allowance, mileage reimbursement will occur when traveling outside of Knox County.

Airfare

Airfare will be charged to the Town's credit card only when it is determined to be the best mode of transportation. A brochure or comparable documentation, indicating day(s) of conference or event, must be attached if applicable.

Taxi Fares

Reasonable taxi fares are allowed while traveling. It is expected that bus, Uber, or light rail service to or from/airports will be used when available and practical. When traveling between the hotel or other lodging and the meeting or conference site, reasonable taxi fares will be allowed. Receipts for Taxi Fares are required.

Parking
Charges for routine parking while on travel status will be reimbursed. Receipts are required for parking charges.

Expenses not paid by the Town
The following list is given only as a guideline and is not necessarily a complete list:

- Airline or other travel insurance.
- Barbers and hairdressers.
- Kennel costs for dogs and other pets.
- Golf fees.
- Alcoholic beverages.
- Car wash for employee-owned automobiles.
- Traffic fines and parking tickets.
- Accidents and breakdowns in employee-owned vehicles.

7. Reimbursement Procedures

Employees should submit claims for reimbursement as soon as possible, but no more than 30 days from the completed travel to be reimbursed. To receive reimbursement of any travel expenses, a properly completed travel expense form must be submitted to the Finance department. Late travel reimbursements (paid at 60 days from travel completion) could be considered a taxable wage per IRS Publication 463. The documentation must, at a minimum, make an "adequate accounting" pursuant to the IRS regulations and include the following elements;

- The business connection or the purpose for the travel and the business benefit gained or expected to be gained must be documented on the travel form. If all travel is for a single purpose, it can be documented on the top of the form in the space indicated "Reason for Travel". If for multiple purposes, indicate the purpose on the line immediately following the requested reimbursement.
- An agenda, registration, conference brochure, etc., must be attached. Essential elements of the expense including date, place, and amounts (including receipts as applicable) must be included.
- All signatures on the Authorization for Travel form, the Travel Advance form and Claim for Traveling Expense form must be original. Typically, the immediate supervisor must approve the travel claim.

8. Travel Advances

Travel advances are available only under extraordinary circumstances. Advances are subject to the approval of the department head, Finance Director and Town Administrator. All travel advances must be justified, and a Travel Advance form signed by the employee. The Travel Advance form notes that any advance not recovered, the Town of Farragut may deduct the advance from the employee's salary.

8. Exceptions

The Town Administrator and Finance Director (in consultation with the employee's department head) has the authority to grant exception from any or all of these rules and regulations when deemed appropriate for an employee or group of employees on official Town travel.

AGENDA NUMBER V.B.2. **MEETING DATE November 14, 2024**

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Finance Director/Town Recorder

SUBJECT: Approval of Resolution R-2024-22, Town of Farragut Surplus Property Policy

---

INTRODUCTION: In the public interest for the Town of Farragut to periodically sell or dispose of certain machinery, equipment, or materials which, by nature of its obsolescence, low value, or disrepair, has been determined by the Board of Mayor and Aldermen to be surplus to the realistic and foreseeable needs of the Town

This resolution establishes a uniform policy, which provides that obsolete and unneeded property will be offered for sale to the general public in an open, transparent, and cost-effective manner.

DISCUSSION:
The current threshold for the sale of surplus items is $100. The updated policy will increase the value to $2,000 for the sale of surplus items. The complete policy is attached for review.

RECOMMENDATION BY: Allison Myers, Finance Director/Town Recorder for approval.

PROPOSED MOTION: To approve Resolution R-2024-22.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

VOTE/TOTAL	BURNETTE	CAIN	WHITE	MEYER	WILLIAMS
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

Town of Farragut, Tennessee

RESOLUTION: R-2024-22

A RESOLUTION BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF FARRAGUT, APPROVING AND ADOPTING THE TOWN OF FARRAGUT SURPLUS PROPERTY POLICY

WHEREAS, the Board of Mayor and Aldermen wish to approve the Surplus Property Policy; and

WHEREAS, it is in the public interest for the Town of Farragut to periodically sell or dispose of certain machinery, equipment, or materials which, by nature of its obsolescence, low value, or disrepair, has been determined by the Board of Mayor and Aldermen to be surplus to the realistic and foreseeable needs of the Town; and

WHEREAS, the Board of Mayor and Aldermen wishes to establish a uniform policy, which provides that obsolete and unneeded property will be offered for sale to the general public in an open, transparent, and cost-effective manner, and assures against usable and valuable property from wrongfully being declared obsolete and offered for sale; and

NOW, THEREFORE, be it resolved by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee that:

SECTION 1. The surplus property policy attached hereto is approved and accepted.

SECTION 2. This resolution shall be in full force and effect from and after its date of adoption.

Resolved this 14th day of November 2024.

_____
Ron Williams, Mayor

_____
Allison Myers, Town Recorder

Town of Farragut

Surplus Property Sale and Disposal Policy and Procedures

Per Tennessee Code Annotated (T.C.A) §6-54-125, Town officials or employees are prohibited from purchasing any property declared to be surplus by the Town of Farragut, except at bid at public auction, during the tenure of such person's office or employment, or for six (6) months thereafter. Any Town official or employee who violates this statute is committing a Class A misdemeanor and subject to penalty.

Any Town Official or employee of the Town of Farragut found to have sold or offered for sale any Town owned property in violation of the Town of Farragut Surplus Property Sale and Disposal Policy shall be subject to disciplinary action and if applicable, criminal prosecution.

Town officials and employees are responsible for furnishing to the Town Recorder, a nominated listing of all surplus property, real or personal in nature. All nominated Surplus property shall be declared by and submitted to the Board of Mayor and Aldermen for approval. This listing must contain a complete description, general condition, quantity, estimated value and should include any Town information attached thereto (i.e. Town Capital Asset Tag Number). It will be determined by the Town Recorder, with the help of the Town Department Heads the value of the surplus property. A listing of surplus property shall be maintained in the office of the Town Recorder until the property is disposed of. The Town Recorder is responsible for the coordination of the sale, disposal, or transfer between departments, of all such listed surplus items. Transactions of a sale or disposal of Town property must be kept for a minimum of 5 years.

Surplus Property Procedures for items with Accumulative Estimated Value of $2,000.00 or Less.

All surplus property with an accumulative value of $2,000.00 or less at the Town Recorders discretion, can be disposed of, sold on the open market, or gifted to a nonprofit or charitable organization properly incorporated under the laws of the State of Tennessee and in which no part of the net earnings of the organization inures or may lawfully inure to the benefit of a private shareholder or individual and it provides services benefiting the general welfare of the residents of the Town.

Surplus Property Procedures for items with Accumulative Estimated Value of more than $2,000.00 or have Capital Asset Numbers.

All surplus property with an accumulative estimated value of more than $2,000.00 or any capital asset item, must be declared surplus and sold by public auction, web auction, or by sealed bid sale. All proceeds will be returned to the Town General Fund except as is not allowed by law.

All property with an accumulative estimated value of more than $2,000.00 or any capital asset item, which has become surplus, obsolete or unusable shall be sold by public auction, as defined in T.C.A §47-2-328 and 62-19-101, or by sealed bid, or web auction at the discretion of the Town Recorder or responsible official.

Surplus property to be sold must be done by public auction, web auction, or by sealed bid sale. The Public auction shall be conducted only by licensed auctioneers and may be held at least once annually, or as necessary, for disposal of any or all listed surplus property. The Town Recorder shall give public notice

of such an auction by advertisement in a newspaper and/ or by posting on a public bulletin board in Town Hall, and/or publishing it on the Town website at least five (5) days prior to the date of the auction or sealed bid sale. This notice shall specify the auction or bid sale opening date, time, place, property to be sold and the terms of such auction. T.C.A. §5-14-108

Surplus Property Interdepartmental Transfers

A department may submit a written request to the Town Recorder when they desire to have another department's declared surplus asset transferred to their department. The Board of Mayor and Aldermen must approve the transfer when the value of the property is in excess of one thousand dollars ($2,000.00). The Town Recorder or Town Administrator at their discretion may authorize transfer of items less than one thousand dollars ($2,000.00) in value. A transfer of a motor vehicle cannot be justified without first declaring another motor vehicle as surplus property.

Surplus Property purchased through Grants.

Sale or disposal of surplus property acquired through grant funding will be based on the laws and regulations of the original grant. Retention of sale and disposal records of grant funded surplus property will be based on the laws and regulations of the original grant.

SURPLUS PROPERTY NOMINATION FORM
TOWN OF FARRAGUT, TENNESSEE
******Please fill out completely and attach any documentation and pictures******

DEPARTMENT: _____

The following items are hereby nominated for designation as surplus county property:

Item/Description: _____

Current Location: _____

Serial Number: _____

County Tag Asset Number: _____

Age: _____

Purchase price: _____

Estimated Current Value: _____

Is the Item to be used as a trade-in (yes or no)? _____

Reasons for making the nomination OR disposal:

_____

_____

****Equipment going to the IT Department will need a help desk ticket created****

_____ _____/____/____
Signature of Department Head **Date**

Town Recorder Use Only Fill out all that is applicable	
Item Capital Asset Number:	Sale Price:
Disposed, Donated, or Sold:	Date of Sale, Donation or Disposal:
Auctioneer or To Whom was the item Donated to:	
Traded to Department:	

** Send a copy of the form to the Finance Director when completed**

AGENDA NUMBER V.B.3. **MEETING DATE: November 14, 2024**

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Michelle Pence, Human Resource Director

SUBJECT: Approval of Resolution R-2024-23, Town of Farragut Personnel Policies and Procedures Manual

---

INTRODUCTION: The current *Town of Farragut Personnel Policies and Procedures Manual*'s last update was in July 2022. Federal policy implementation is the main driver in this update.

BACKGROUND: Since 1980, the Town has evolved from an organization with a handful of employees into a larger and more complex organization. In addition to changes in employee benefits offered, the number of employees, the expansion of disciplines, and the complexity of the organization necessitates an updated version of the original Town of Farragut Personnel Policy Manual to meet both the employee and the organization's needs.

The updating of The Town of Farragut Personnel Policy Manual was based on adding federally mandated policy, addition of new benefits that the Town offers, revising the inclement weather policy, modify the personal appearance and dress section and revise the appendices that are included with the manual. All the revisions completed will assist in a fluid, interactive and informative new hire orientation process.

DISCUSSION: The goal of establishing Town human resources policies and procedures is to develop an employee structure that when consistently applied will build a harmonious employee culture in which employees are treated fairly, with dignity and respect. Secondly, the policies and procedures will establish good processes that translate into employee effective and efficient work efforts and fair employee compensation for their work. Finally, the policies and procedures, when consistently applied Town-wide, will provide pro-active legal defense for the Town.

The revision includes, but is not limited to the following changes (note: changes are in yellow):
Updates to definitions
Addition of 90-day performance review
Updates to Code of Conduct
Addition of Pregnancy Workers Fairness Act
Addition of PUMP Act
Updates to Harassment, Sexual Harassment, and Other Forms of Harassment Policy
Updates to Inclement Weather Policy
Updates to Personal Appearance and Dress
Updates to Appendices to include:

- Appendix B: Acceptable use of information technology and security
- Appendix D: Credit Card and Buyer Policy
- Appendix G: Vehicle Use Policy
- Addition of Appendix I: Employee Recognition Policy

Note: Appendix E: Purchasing Policy, Appendix F: Ethics Policy and Appendix H: Travel Policy will be presented as a separate update from the Finance Director to be implemented into this policy and procedure manual.

PROPOSED MOTION: Approval of Resolution R-2024-23, Town of Farragut Personnel Policies and Procedures Manual

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

VOTE/TOTAL	WILLIAMS	MEYER	WHITE	CAIN	BURNETTE
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

Town of Farragut, Tennessee

RESOLUTION: R-2024-23

A RESOLUTION BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF FARRAGUT, APPROVING AND ADOPTING THE TOWN OF FARRAGUT PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, the Board of Mayor and Aldermen wish to approve the Personnel Policies and Procedures Manual; and

WHEREAS, The Town of Farragut has expanded into a larger and more complex organization since 1980; and

WHEREAS, the Board of Mayor and Aldermen wishes to update the personnel based on Federally Mandated policies and other revised policies; and

NOW, THEREFORE, be it resolved by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee that:

SECTION 1. The attached Personnel Policies and Procedures Manual hereto is approved and accepted.

SECTION 2. This resolution shall be in full force and effect from and after its date of adoption.

Resolved this 14th day of November 2024.

_____
Ron Williams, Mayor

_____
Allison Myers, Town Recorder


farragut
TENNESSEE

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Town of Farragut History



The area of East Tennessee, now known as Farragut, was originally part of the greater Campbell's Station area, a fort and stagecoach station built in the late 1700's. Concord, Tennessee, founded in the mid-1800's (though never formally incorporated), was a bustling community located along the Tennessee River (formerly Holston River) where boat and train travel facilitated the movement of people and Marble, the community's largest export. By the late 1880's, Concord was the second largest community in Knox County, second only to Knoxville. With railroad and ferry options, Concord was the transportation center of the region.

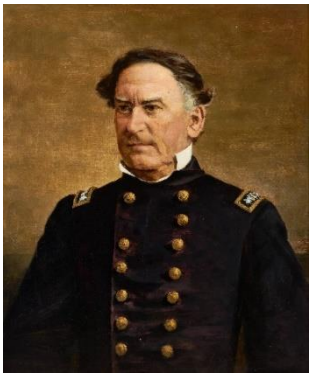
During the Civil War, Farragut was the site of the Battle of Campbell's Station, taking place along Kingston Pike and the intersection of Concord Rd. The Historic Campbell Station Inn located nearby was used by both Union and Confederate armies as a field hospital in the aftermath of the short, but influential engagement. The Campbell Station Inn is still located at the intersection of Kingston Pike and Campbell Station Road. Although unrelated to this battle, United States Navy Admiral David Glasgow Farragut born near Campbell's Station, grew to national fame for his leadership during the Civil War. The schools built in this area used his name and over time, he has become known as the namesake for the area.



Despite the industry in Concord, however, when the Tennessee Valley Authority created Fort Loudon Lake in the early 1940's, approximately one third of the town was flooded, the majority of which was its business district. The decline of the community's marble industry because of the Great Depression and the fact that the railroad line stopped providing passenger services combined to lead to the decline of the community. The development of automobiles and completion of the 40/75 interstate system made Concord's rail and ferry options obsolete, pulling development closer to the Interstate, and further from Concord.

Development continued to expand to the outskirts of Concord into the 1960's and 70's, bringing new residents to the area. At that time, the area was considered a bedroom community of Knoxville. And

because much of the area was still farmland, developers saw the opportunity to purchase large tracts of land and build residential subdivisions.



The Town of Farragut was incorporated on April 1, 1980, following a referendum vote by community members: 1,020 for, 303 against.

Prior to becoming a legal municipality, residents of the area that now constitutes Farragut were governed by Knox County regulations. Poor planning on the part of developers and a lack of oversight from the County Planning Commission led to issues with flooding, poor road conditions, and signage. Residents were also concerned about a lack of control over where new commercial development would take place.

In 1978 a small group of residents formed The Farragut Community Group and began making plans to gain support for incorporation and to tackle the many tasks involved with that endeavor. Opposed to incorporation, The Concerned Citizens Group worked against them.

At the same time, in preparation for the 1982 World's Fair, the City of Knoxville was annexing commercial property along major roadways, specifically along Kingston Pike and Parkside Drive. The growing frustrations with signage clutter, flooding and stormwater issues, and general lack of control over development of the area all combined to create the impetus for the desire to become a municipality.

Based on rules governing municipal incorporation, community members determined the meets and bounds of the Town, making sure to not be too close to Knoxville or Oak Ridge, yet while capturing as much of the unincorporated area as possible. The Town later annexed Thornton Heights and Concord Hills, but otherwise remains largely the same as it did upon incorporation.

Those opposed to incorporation, among other reasons, feared that becoming a city would mean paying more taxes. However, at the time, Tennessee State law did not require cities to have a property tax. Realizing the opportunity to incorporate without a municipal property tax, The Farragut Community Group proposed the Town rely on other revenue, such as sales tax, to fund the city's expenses. They planned to rely on Knox County for law enforcement and schools, and to allow residents to subscribe individually with First Utility District, Lenoir City Utility Board, and Rural Metro for utilities and fire services.

It was envisioned that the Town government would mostly focus on providing formal, deliberate planning and oversight of zoning and development, road construction, stormwater systems, and providing public facilities like parks and a Town Hall.

When considering the name for the new town, community members considered the area's history. Schools were already named "Farragut" after the acclaimed civil war hero Admiral David Glasgow Farragut, who was born roughly in the nearby area. Of course, Concord was also considered, given the existing community of Concord and its use as a label on existing maps.

In the end, after realizing that Concord is a very common name and already prevalent across the U.S, and that the village of Concord would not be included in the Town's official boundaries, Farragut seemed a better choice. That is how the Town came to be named Farragut.

From the very beginning, community members agreed the best solution to staffing was to hire a city manager to provide professional leadership. This necessarily influenced the Town to pursue a specific type of charter which acknowledges the relationship between an elected board of aldermen and a professional manager.

When the Town was finally incorporated, the Town Attorney and Town Clerk where the only two employees until a Town Administrator could be hired, an arrangement that would remain for several years. However, to supplement the very scant staff, the Town created several volunteer citizen committees.

Summary Timeline:

Late 1700's/Early 1800's- Settlement in the Concord/Farragut area began, Campbell's Station built.

1801- David Glasgow Farragut was born near Campbell's Station

1863- Battle of Campbell's Station was fought November 16th

1904- Farragut High School was built

Early 1970's- Failed referendum attempt to incorporate.

1979- Farragut Community Group gathered often as friends to discuss issues and concerns with the area

October 6, 1979- The Farragut Community Group was officially formed and decided to pursue incorporation.

October 26, 1979- A petition for referendum vote is filed with Knox County

January 15, 1980- The Referendum vote is held at Farragut High School

January 16, 1980- Town Charter is Certified by The State of Tennessee

April 1, 1980- The Town's first election is held for Board of Mayor and Aldermen

April 7, 1980- The Town's first Board of Mayor and Aldermen are sworn in.

January 1981- First Town Administrator is Hired.

August 1981- Town Court established.

March 1982- Board of Zoning Appeals formed, Municipal Planning Commission had been formed by 1981.

September 1984- First full-time building inspector hired.

June 1987- 2nd Full-time building inspector hired.

August 1987- Public Works Department created.

1990- First Recreation Director hired, also responsible for community engagement

1996- Planning & Codes departments merged to form the Community Development Department

2008- First Human Resource Manager is hire

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Article I – General Provisions

Section A. Purpose

It is the declared purpose of these Policies and Procedures to establish and provide normal, orderly, and uniform policies and procedures for employees in their service to the Town of Farragut, Tennessee under the direction of the Town Administrator.

These Policies and Procedures shall apply to all employees of the Town without regard to race, color, religion, national origin, sex, sexual orientation, gender identity, disability, veteran's status, military affiliation or obligation, age, or genetic information, but shall not apply to those persons who are specifically exempted from coverage in accordance with these regulations. These Policies and Procedures shall be administered by the Human Resources Director under the direction of the Town Administrator.

For simplicity's sake, all employees, whether male or female, are referred to by pronouns suggesting male gender. All use of the words "he", "him", or "his" is meant to include both genders and is in no way to be construed as being discriminatory.

This policy is not to be construed as a contract between the Town of Farragut and its employees and does not in any way imply or create any rights, contractual or otherwise, on behalf of the Town's employees. The Town may, at its sole discretion, alter or amend this policy or portions thereof at any time. This policy is established under authority of TCA 6-54-123.

Section B. Policy

It is hereby the declared personnel policy of the Town of Farragut that:

1. The Town shall neither cause nor permit discrimination because of race, color, religion, national origin, sex, sexual orientation, gender identity, disability, veteran's status, military affiliation or obligation, age, or genetic information. The Town shall make every effort to employ those individuals who are best qualified and capable of filling authorized vacant positions. The Town staff shall not practice prejudice, favoritism, discrimination, or cronyism concerning fellow employees, citizens, vendors, or visitors.
2. Continued employment with the Town shall be based on merit, performance, and individual ability and be free of favoritism, discrimination, and political considerations.
3. Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and effectiveness in the operation of the Town.
4. Positions having similar duties and responsibilities shall be classified and compensated on a uniform merit basis.
5. Appointments, promotions and other personnel actions or terms or conditions of employment requiring the application of the merit principle shall be based on a comprehensive employee evaluation and examinations where applicable.
6. Every effort shall be made to stimulate high morale by fair administration of this policy and by every consideration of the rights and interests of employees, consistent with the best interests of the public and the Town. Employees who believe this policy and/or these Policies and Procedures have been violated, either in the administration thereof or in the adherence thereto, should report such belief to their supervisor, Department Head or to the Human Resources Director.

Section C. At-will Employment

No provision of this Human Resources Policies and Procedures Manual shall be construed as an employment agreement or legal contract. Employment with the Town of Farragut can be terminated at any time, with or without cause, either by the employee concerned or by the Town. The Town reserves the right to modify or change the policies at its sole discretion without notice. It also reserves the right not to apply the policies in individual cases where application, in the opinion of the Town, is considered inappropriate. Any agreement for a specified period or contrary to the foregoing, if such agreement is to be made, shall be in writing and signed by the individual employee and the Town Administrator.

Article II – Definitions

The following words, terms, and phrases, when used in the Personnel Policies and Procedures Manual, shall have the meanings ascribed to them in this Article II.

Absence with Pay – Absence approved by the Supervisor and/or Department Head and for which compensation is received.

Absence without Pay – Absence from duty which is without pay due to no accrued annual or sick leave or an approved leave of absence without pay.

Absence without Leave – Unauthorized absence for which a leave request was either not made or denied.

Anniversary Date - The most recent date of employment in a regular position used to determine seniority or eligibility for promotion.

Annual Leave – Paid leave for approved time off from work which does not qualify for other types of paid leave. (See Article XVI, Section B)

Active Employee – An employee of the Town who is not on unpaid leave and is not receiving long-term disability benefits from or through the Town.

ADA – Federal Americans with Disabilities Act providing certain employment protections for individuals with qualifying disabilities.

Appeals – Procedures as prescribed by these regulations for appealing disciplinary actions and other individual grievances.

Applicant – An individual who has applied in writing and submitted a resume or has completed an application form for employment in response to an open position advertisement.

Application – A form or forms that are prescribed by the Human Resources Director for use in applying for positions with the Town.

Appointment – The offer of and acceptance by a person of a position either on a regular full-time, regular part-time or temporary basis.

Appointment Date or Employment Date – The original date of appointment to, or employment in, a budgeted position.

Authorized Representative – A person or person possessing authority, authorized, and delegated by the immediate superior, who has the authority and power to delegate such authority.

Base Salary – An employee's actual salary amount in each pay range exclusive of all pay differentials and allowances.

Board of Mayor and Aldermen – The Mayor and other members of the Town Board of Aldermen who collectively serve as the governing body of the Town and are vested with the power to enact ordinances and resolutions for the Town.

Classification – The act of grouping positions into classes about: (1) duties and responsibilities; (2) requirements as to education, knowledge, experience, and ability; and (3) tests of fitness. Classification

allows an arrangement of positions whereby equal pay is given for substantially equal responsibility and authority.

Classification Plan – The plan approved by the Board of Mayor and Aldermen upon recommendation of the Human Resources Director and the Town Administrator which places positions into pay grades.

Closing Date – The last date established for which applications can be received for a particular open position.

Compensation Plan – The official schedule of pay approved by the Board of Mayor and Aldermen assigning a range of pay-to-pay grade**s**.

Compensatory Time – Time off from work in lieu of monetary payment for overtime worked.

Continuous Service – The most recent period of employment with the Town without a break in service as evidenced by separation from the Town payroll and Human Resources records.

Counseling – A verbal statement, which may be documented in written form, made to improve an employee's job performance or job-related behavior. Counseling is not disciplinary action and is not subject to appeal.

Demotion – Re-assignment of an employee from one position to another, the latter of which has a lower level of responsibilities and a lower maximum rate of pay and rank than the former.

Department – The primary organizational unit which is under the immediate charge of a Department Head.

Department Head – The Supervisor immediately in charge of a department, the primary organizational unit.

Departmental Rules – Any written policies, procedures or orders established by the Department Head and approved by the Town Administrator which dictate certain expectations, actions, rules, or regulations. All departmental rules shall be consistent with these rules.

Disability – A physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment or is regarded as having such impairment.

Disciplinary Action – Action which may be taken by a supervisor when an employee fails to carry out designated position duties and responsibilities or to follow departmental rules or any provisions of these Policies and Procedures.

Dismissal – Disciplinary action which terminates an employee's employment with the Town.

Employee – An individual who is employed by the Town and is compensated through the Town payroll for services performed.

Employee Development – Training programs for the purpose of improving an employee's quality of service and productivity.

Evaluation – The system that has been established for use by supervisors to assess employee job performance.

Exempt Employee – A person employed in a bona fide executive, computer, administrative or professional capacity, as these terms are defined in regulations of the Secretary of Labor and the Fair Labor Standards Act (FLSA) and therefore exempt from the overtime requirements of the FLSA. To qualify for an exempt status, the requirements of the employee's position must meet all the pertinent tests relating to duties, responsibilities, and salary as stipulated in the applicable section of Regulations, 29 CFR Part 541.

Family Medical Leave Act (FMLA) – The Family Medical Leave Act is a federal law which applies to employers with over 50 employees within a 75 miles radius. This law allows employees who work a minimum of 1,250 hours over the previous 12 months, with one-year service, to take up to 12 weeks unpaid leave on a rolling year basis for their own or their immediate family members' serious medical condition or other qualifying circumstances. Refer to Article XVI Section F.

Governing Body – The Board of Mayor and Aldermen of the Town of Farragut.

Immediate Family – For purposes of using sick leave and FMLA, "immediate family" shall mean present lawfully-married spouse, children (including natural, step and adoptive), parents (including natural, step and adoptive), and any other individual residing within the employee's household who is a legal dependent of the employee for income tax purposes.
Inactive Employee – An employee of the Town who is either on unpaid leave or receiving long-term disability benefits from or through the Town.
Inactive Service – The period, if any, during which an employee of the Town is either on unpaid leave or receiving long-term disability benefits from or through the Town.
Intern – An individual, regardless of their age, who volunteers to perform services for the Town freely and without the anticipation of compensation for the purpose of gaining real-world experience and exposure to the kind of work tasks that are performed by municipal employees.
Job Description - A written document describing the essential functions of a job, additional functions, minimum qualifications, and performance indicators.
Leadership Team – Consists of the Town Administrator, Assistant to the Town Administrator, Department Heads, and the Human Resources Director.
Lay-off – The involuntary, non-disciplinary separation of an employee from a position because of shortage of work, materials, or funds.
Leave – An approved type of absence from work as provided for by these Policies and Procedures.
Market Adjustment – The raising or lowering of all salary ranges for all job classifications based upon a job market analysis of comparable positions, job functions, and salaries.
Maximum Salary Rate – The maximum salary authorized by the pay plan for an employee within an assigned salary grade.
Merit Increase – An increase in salary above the standard job rate based on service that meets or exceeds the standard and/or expected performance of the assigned position.
Minimum Salary Rate – The minimum salary authorized by the pay plan for an employee within an assigned salary grade who meets the minimum requirements for the assigned position.
Military Training Leave – In accordance with TCA 8-33-109, the period of up to twenty (20) working days, with pay, per calendar year, granted to employees who are members of a Military Reserve Component. Military Training Leave is not charged to annual leave.
Municipal Code – The Town Municipal code can be found online at www.townoffarragut.org/27/Government.
Nepotism – Favoritism shown to members of an employee's immediate family because of relationship rather than merit.
On Call – Being available for work outside of normal hours or at a designated period.
New Hire – An applicant who has accepted a conditional offer of employment from the Town.
Non-Exempt Employee – A person employed in a position that is not in an executive, administrative or professional capacity, as these terms are defined in regulations of the Secretary of Labor. An employee in this position is subject to all provisions of the Fair Labor Standards Act (FLSA).
Occupational Disability or Injury Leave – A medically excused absence from duty because of an injury or illness sustained during employment and determined to be compensable (1) by the Town's workers' compensation insurance carrier and (2) under provisions of the Workers' Compensation law.
Official – When referring to a person, shall mean a member of the Town of Farragut Board of Mayor and Aldermen.
Other Post Employment Benefits (OPEB)-Health insurance benefits will be provided to employees who meet retirement eligibility. The rates are provided at the current rate employees are provided up to age 65.

Overtime – Time worked by an employee more than the maximum hours allowed per work period under the Fair Labor Standards Act and as provided for herein. Generally, overtime is paid to non-exempt employees for all hours worked over 40 during a seven-day work period.
Overtime Pay – Compensation paid to an employee in accordance with federal regulations and these rules for overtime work performed.
Paid Status – Employees who are actively at work or who are paid by accrued annual and/or sick time.
Part-Time Employee – An individual that has satisfactorily completed a probationary period and been scheduled to work regularly or intermittently less than twenty (20) hours per week on a consistent year-round basis. Part-time employees do not meet the minimum hours required to receive Town insurance and retirement benefits, and are not eligible for pro-rated sick, annual leave and holiday pay.
Pay Plan - A schedule of pay ranges arranged by sequential rates including minimum and maximum salaries for each class assigned to a salary range.
Performance – The way in which an employee executes assigned duties and responsibilities.
Personnel File – An official file which is maintained in the Human Resources Department for each employee and generally consists of such items as application or resume for employment and records of transfers, promotions, demotions, reinstatements, reclassification, changes in pay, training, performance evaluations, leave, disciplinary actions and counseling interviews, etc.
Position – Any office or employment, whether occupied or vacant, full-time, or part-time, consisting of a group of essential functions, additional functions and responsibilities legally assigned or delegated to one individual.
Probationary Employee – An individual who has not yet completed a probationary period.
Probationary Period – A trial period served after the initial selection process by all new employees before attaining regular status (the initial period), and upon a current employee's transfer or promotion into a new position (Article VIII, Section E), in which the employee is required to demonstrate his fitness for the position by the actual performance of the duty. The initial probationary period shall be six (6) months for all departments.
Promotion – Officially authorized re-assignment of an employee from one position to another, the latter of which has a higher level of responsibility and a higher maximum rate of pay and rank than the former.
Qualifications – The requirements of education, experience and other skills prescribed by the job description.
Rate of Pay – A specific dollar amount, expressed as an annual rate, a monthly rate, a bi-weekly rate, a weekly rate, or an hourly rate.
Reasonable Accommodations – Job accommodation required pursuant to State and/or Federal Law.
Re-Classification – A classification action of a position by classifying it upward, downward or to a different type of position based on sufficient changes in the type, difficulty, or responsibility of work assigned to the position.
Records – All records maintained on each employee, both in the Human Resources Office and the department, such as the personnel file, attendance records, medical records, records of disciplinary actions, counseling records, pay and benefit records, training accomplishments, etc.
Reprimand – A type of disciplinary action, oral or written, denoting a violation of personnel regulations, which becomes part of the employee's personnel record.
Regular Appointment – Appointment without time limitation or special restrictions as to continued employment.
Regular Full-Time Employee – An individual that has (1) satisfactorily completed a probationary period, (2) been scheduled to regularly work at least forty (40) hours per week on a non-temporary basis. Generally, these employees are eligible for the full benefits package, subject to the terms,

conditions, and limitations of each benefits program.

Regular Part-Time Employee – An individual that has (1) satisfactorily completed a probationary period and (2) been scheduled to work regularly or intermittently less than thirty (30) hours per week on a consistent year-round basis. Regular Part-time employees do not meet the minimum hours required to receive the Town insurance and retirement benefits. However, they are eligible for pro-rated sick and annual leave and holiday pay subject to the terms, conditions, and limitations of each benefits program.

Resignation – Termination from the employment of the Town at the request of the employee.

Retaliation – Retaliation is any act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights to complain about bullying or harassment, report a workplace injury claim, to request an accommodation for a disability, to request a religious accommodation, or other protected class accommodations. Retaliation may be physical, verbal, or non-verbal, including the use of social media.

Retirement Eligibility- employees who have twenty (20) or more years of service and are over 60 years of age.

Seasonal Employee – An employee holding a position other than regular, which is of a temporary, casual nature. The customary annual employment is six (6) months or less and the period of employment begins in approximately the same part of each year. Seasonal employees are not eligible for Town benefits unless specifically stated otherwise in Town policy or are deemed eligible according to benefit plan documents.

Seniority – Length of service as a Town employee.

Separation – The termination of employment from the Town for any reason.

Service Awards – An award given for a period of continued service.

Sick Leave – Approved absence due to non-occupational illness, injury, or health maintenance for the employee. Sick leave shall be considered a benefit and not a right for employees to use at their discretion.

Supervisor – Any individual having authority on behalf of the Town to assign, direct, discipline, and evaluate the job-related performance of other employees, if the exercise is not a mere routine or clerical nature but requires the use of independent judgment.

Suspension – An enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee, which may be with or without pay as decided by the employee's Department Head or the Town Administrator.

Terminal Leave – Leave granted to a retiring employee following his/her last workday and usually consisting of unused, accrued vacation time, one-half of accrued sick time (Article IX, Section J.) and/or compensatory time.

Terminal Pay – The compensation paid to a terminating employee following the last workday.

Terminating Employee – An employee of the Town who is ending employment due to resignation, layoff, death, retirement, or dismissal.

Termination – The cessation of employment with the Town due to resignation, layoff, death, retirement, or dismissal. Also, the separation of a probationary employee for failure to meet legal requirements for employment.

Town Administrator – The highest-ranking appointed officer of the Town, appointed by the Town Board of Mayor and Aldermen. Terms and conditions of employment for the Town Administrator shall be governed by an Employment Agreement approved by the Board of Mayor and Aldermen.

Town – Shall mean the municipal government of the Town of Farragut, Tennessee.

Town Business Days – Shall mean any Monday, Tuesday, Wednesday, Thursday, or Friday, except holidays observed by the Town, of any week.

Transfer – Re-assignment of an employee from one position to another position.
Vacancy – An unoccupied budgeted position within the Town.
Volunteer – An individual, regardless of their age, who volunteers to perform services for the Town freely and without anticipation of compensation for charitable, civic, or humanitarian purposes.
Workday – Scheduled number of hours an employee is required to work per day.
Work Week – The number of hours regularly scheduled to be worked during any seven (7) consecutive days; usually forty (40) hours; beginning on Saturday at 12:00 a.m. and ending Friday at 11:59 p.m.

Article III – Coverage

All regular full-time employees are covered under these personnel policies and procedures. Part-time, seasonal, and temporary employees are subject to all regulations but do not have access to benefits except as otherwise noted. Excluded from the provisions of these policies and procedures are:

1. The Board of Mayor and Aldermen.
2. Members of appointive boards, commissions or committees who are not Town employees.
3. Consultants, advisors, and counsel who are engaged by the Town on a fee or contractual basis.
4. Town Attorney.
5. Town Judge.
6. Town Administrator (where applicable)

Article IV – Administration

The Board of Mayor and Aldermen shall be responsible for establishing and approving personnel policies and the position in the Classification Plan and Compensation Plan and may change the policies and benefits as necessary. They also shall make and confirm appointments when so specified by the general statutes, Town Charter, or Municipal Code.

The Town Administrator shall have the responsibility for the personnel program as set forth in Chapter 4 of the Town Charter and Title 1, Chapter 2 of the Municipal Code and subject to the powers vested in the governing body by charter. The Town Administrator specifically shall:

1. Recommend to the Board specific personnel positions, as may be required for the needs and operations of the Town.
2. Recommend personnel policies and procedures to the Board.
3. Authorize the appointment, dismissal, promotion, or demotion of any employee of the Town in accordance with the personnel policies adopted by the Board.
4. Designate a Human Resources Director who shall be responsible for the administration and technical direction of the Town's personnel program.

The Human Resources Director shall assist in the preparation and maintenance of the position classification plan and the pay plan and perform such other duties in connection with a modern personnel program as the Town Administrator shall require. All matters dealing with personnel shall be routed through the office of the Human Resources Director who shall maintain a complete system of personnel files and records.
Under the authority and direction of the Town Administrator, the Human Resources Director may:

1. recommend rules and revisions to the personnel system to the Board of Mayor and Aldermen for consideration.

2. recommend revisions to the position classification plan, pay plan, and benefit plan to the Board of Mayor and Aldermen for approval.
3. determine which employees shall be subject to the overtime provisions of FLSA.
4. establish and maintain a roster of all persons and authorized positions in the municipal service, setting forth each position and the employee, position title, position grade, salary, any changes in position title and status, and such data as may be desirable or useful.
5. develop and administer recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town.
6. ensure annual performance evaluations are conducted for each employee.
7. develop and coordinate training and educational programs for Town employees.
8. investigate periodically the operation and effect of the personnel provisions of this Policy; and
9. perform such other duties as may be assigned by the Town Administrator not inconsistent with this policy.

Article V – Classification Plan

Section A. Purpose

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

Section B. Composition of the Classification Plan

The Classification Plan shall consist of:

1. A grouping of classes of positions into a numbered pay grade which reflects the relationship of job duties which are approximately equal in difficulty and responsibility, which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions, reflecting the hierarchical structure of the organization.
2. Written job descriptions for each class of positions; and
3. Physical standards for performance of the duties of the position.

The grouping of classes will be accomplished by using rating factors of job descriptions based on training and ability, level of work, physical demands, independence of actions, supervision exercised, experience required, human relations skills, working conditions/hazards, and impact on the end results.

Section C. Use of Job Titles

Job titles are to be used in all personnel, accounting, budget appropriation and financial records of the Town. No person will be appointed or employed in a regular full-time position in the Town service under a job title not included in the Classification Plan.

Section D. Use of Job Descriptions

Job descriptions are to be interpreted in their entirety and in relation to others in the Classification Plan. Phrases or examples are not to be isolated and treated as a full definition of the class. Job descriptions are deemed to be descriptive and explanatory of the kind of work performed and not

necessarily inclusive of all duties performed.

Section E. Use of the Classification Plan

The classification plan shall be used:

1. As a guide in recruiting and examining candidates for employment.
2. In determining lines of promotion and in developing employee training programs.
3. In determining salaries to be paid for positions within the classification plan.
4. In providing uniform job terminology understandable by all Town employees and by the public.

Section F. Administration of the Classification Plan

The Human Resources Director is charged with maintenance of the classification plan to assure that it reflects the duties performed by each employee covered in the plan and the class to which each position is allocated. It is the HR Director's duty to examine the nature of the classes and to update the classification plan as necessary by changes in the duties and responsibilities of existing positions, and periodically to review the entire classification plan and recommend changes to the Town Administrator. (See also Article IX Compensation Plan).

Section G. Allocation of Positions

When a new position is established, or the duties of an existing position change, Department Heads shall submit in writing a comprehensive job description describing in detail the duties of such a position. The job description will contain a general description of the position, essential functions, and additional duties of the job. It should be noted that these are not entirely inclusive or descriptive of all duties. The job description will also contain minimum training and qualifications; physical, cognitive, and sensory standards required to perform essential job functions; and whether the position is eligible for telecommuting. The minimum qualification standards on job descriptions should serve as norms for applicants coming into the position to assure that the best qualified individuals are selected for the position based on merit and efficiency.

The Human Resources Director shall thereupon investigate the actual or suggested duties and shall then make a recommendation to the Town Administrator as to the appropriate class allocations or the establishment of a new class. The Town Administrator shall make the final decision as to reclassification of employees into positions authorized by the Board of Mayor and Aldermen in the Town's Classification and Pay Plan.

Article VI – Recruitment

Section A. Policy

Selection for employment with the Town of Farragut shall be based on qualifications, without regard to race, color, religion, national origin, sex, sexual orientation, gender identity, disability, veteran's status, military affiliation or obligation, age, or genetic information, except where age is a bona fide occupational qualification requirement, and in accordance with other federal or state regulations. No political test or qualification is permitted as a qualification in selection. Appointments to and retention in positions in the Town of Farragut which violate the nepotism policy (Article XXIII Section L) are not permitted.

It is the policy of the Town to promote qualified employees to more responsible positions whenever possible. When a vacancy exists, the Department Head shall submit a Personnel Requisition to the Human Resources Director. Personnel requisitions must be approved by the Town Administrator before the vacancy is advertised or posted by the Human Resources Director. ~~It is the policy of the Town that the recruitment and selection of an applicant for employment shall be based upon that individual's qualifications, competency, and potential, and shall not be influenced by race, color, religion, national origin, age, sex, veteran's status, military affiliation or obligation, political affiliation, disability, or genetic information.~~ Individuals shall be recruited from a wide geographic area to ensure well-qualified applicants for various types of positions. Recruitment shall not be limited to the residents of Farragut. ~~The primary objective of this hiring policy is to ensure compliance with the law and to obtain the best qualified individual to serve the citizens of the Town.~~

Section B. Job Postings; Transfers; Promotions

The Human Resources Director shall ensure the posting of all authorized positions as they become vacant for the purpose of informing Town employees. Once a personnel requisition has been filed, the Human Resources Director, in consultation with the Department Head, will determine whether an external competitive search or an internal search will best serve the interests of the Town. Internal vacancies shall be posted Town-wide.

Applications for employment shall be accepted only when a specific vacancy is announced and only until the closing date of the vacancy. All applicants must be required to complete a Town application ~~form either in hard copy or~~ on the Town website. However, resumes, transcripts, training certifications and other certifications may be attached and, in some cases, may be required to judge the applicant's merit and fitness.

Transfer or promotion of an employee within that employee's department shall be reviewed by the Human Resources Director and approved by the employee's Department Head and the Town Administrator.

Lateral transfers shall be made only after evaluating whether the transfer is in the best interests of the Town and the employee. Finding a capable replacement for the employee who is seeking a transfer will be considered.

The transfer or promotion of an employee from one department to another shall be coordinated through the affected Department Heads and the Human Resources Director and shall be subject to the approval of the Town Administrator. Generally, employees are not eligible for promotion or transfer to another department during the probationary period. ~~Employees with two years of Town service are eligible for transfers and/or promotions.~~ The employee must have both a satisfactory performance record and no adverse disciplinary action during the twelve (12) months immediately preceding the closing date for application submittal.

Section C. Notification

The Human Resources Department shall prepare recruitment notices to publicize vacancies and to secure applicants for vacant positions.

Section D. Minimum Qualifications

The Human Resources Director, in consultation with the Department Head concerned, shall review the minimum qualifications as specified in the current job description. Upon approval by the Town

Administrator, such requirements shall be announced in all vacancies and/or promotional announcements.

Section E. Rejection of Applicants

The Human Resources Director may reject any new applicant for employment if it is determined that the applicant is not qualified for the job. The reasons for rejection may include, but are not limited to, any one or more of the following: the application was not timely filed on the prescribed form; the applicant does not possess the minimum qualifications; the applicant has established an unsatisfactory employment or personnel record of such a nature as to demonstrate unsuitability for employment; the applicant has made a false statement of any material fact; the applicant is unable to perform the essential functions of the position with or without reasonable accommodation; the applicant tests positive on a post-offer, pre-employment drug test; the applicant does not reply to mail or telephone inquiry; the applicant fails to accept appointment within the period of time prescribed in the offer; another more qualified applicant is selected for the position; or the applicant was previously employed and was removed for cause or resigned not in good standing.

Section F. Examinations

Applicants may be subject to a competitive examination. All examinations shall fairly and impartially test those matters relative to the ability and fitness of the applicant to efficiently perform the duties of the positions to be filled.

Examinations may consist of one or more of the following types: A written test of required knowledge; an oral interview by the supervisor and/or the Department Head and/or an oral interview panel established to assess the knowledge, skills, and abilities of the applicants; a performance test of manual skills; or an evaluation of training and experience. The Human Resources Director will make reasonable accommodations in the examination process to disabled applicants requesting such accommodations.

Section G. Conditional Offer of Employment

Following a verbal offer of employment, all offers of employment shall be made in writing by the Human Resources Director or Town Administrator's designee and will specify the conditions that must be met before they may start work.

Section H. Medical Exam

After a conditional offer of employment and prior to the first day of employment with the Town, all regular full-time new hires shall be required to undergo and pass a medical examination to determine physical fitness to perform the essential functions of the position for which they have been offered employment. Such physicals shall be job-related and in accordance with the Town's drug and alcohol testing policy.

Section I. Background Checks

The Town shall conduct appropriate background checks on all final candidates for employment in accordance with state and federal law. The scope and nature of this background check may vary based upon the type of position being filled. Upon reporting to work, all new hires will have their social security numbers verified along with their ability to legally work in the USA using E-Verify.

Negative results may or may not impede employment depending upon an individualized analysis of the job duties of the position applied for, the nature and gravity of the criminal offense or conduct, the number of offenses, the length of time since the offense or conduct, the age at the time of the offense, and the work history following the offense.

Article VII – Appointments

Section A. Procedure

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

When a vacant position is to be filled, the Human Resources Director will certify a list of qualified candidates for that position. The Department Head will select applicants to interview and subsequently choose a candidate for employment from this list. All offers of employment, except promotions, transfers, and demotions made within the same department, shall be made by the Human Resources Director. In the event a vacancy is filled within the same department, the Department Head may make an offer documenting the action.

The Town Administrator may authorize a temporary promotional appointment for an existing employee. No such employee shall remain on a temporary promotional appointment status for more than six (6) months unless the Town Administrator determines that the situation warrants an extension of time. Employees temporarily promoted will be compensated according to Article IX, Section B of this manual after assuming the full responsibilities and duties of the higher position for more than twenty (20) working days. By the conclusion of six (6) months, the employee shall either be returned to their original position, or an extension must be granted with the approval of the Board of Mayor and Aldermen.

Section B. Regular Full-time, Regular Part-time, Part-time and Seasonal Employees

Regular full-time employees shall be paid a weekly salary or at the approved hourly rate for all hours worked. All regular full-time employees are eligible for: (1) group health, vision and dental insurance, group life insurance, and group accidental death and dismemberment coverage under the Town's group policies and optional voluntary benefits; (2) a defined contribution retirement plan; and (3) pay adjustments as specified for all employees.

Regular part-time employees shall be paid an hourly rate for all hours worked per week and are not eligible for group insurance benefits or retirement benefits. Regular part-time employees, scheduled to work a set number of weekly hours (not intermittent hours) year-round may accrue pro-rated sick leave, annual leave, and holiday pay. Regular part-time employees are eligible for pay adjustments as specified for all employees.

Part-time employees shall be paid an hourly rate for all hours worked per week and are not eligible for group insurance benefits or retirement benefits. Part-time employees are not eligible to accrue sick leave, annual leave nor holiday pay. Part-time employees are eligible for pay adjustments as specified for all employees.

A seasonal employee is any employee hired to work on a temporary, casual basis (such as for the growing season/sports season), regardless of the number of hours worked per week. Seasonal employees do not receive Town benefits, unless specifically stated otherwise in Town policy or they are deemed eligible according to benefit plan documents but may be eligible for market pay adjustments as specified for all employees. Seasonal employees may be dismissed at any time without right of appeal as provided herein for regular employees. Seasonal employees may not exceed six months (6) of employment.

Section C. Types of Appointments

Original Appointment – When a non-employee passes all the pre-conditions to employment and accepts a final offer of employment with the Town.

Re-employment – When a former employee is reinstated to the same or similar position which may or may not be equal to the original position. Former employees, who leave the Town in good standing and were classified as eligible for rehire, following approval by the Human Resources Director, may be considered for reemployment. An application must be submitted to the Human Resource Director for approval, and the applicant must meet all minimum qualifications and requirements of the position, including an interview, when required. Previous tenure will not be considered in calculating longevity, leave accrual or any other benefits. *An applicant or employee who is involuntarily terminated for violating policy or for poor performance, or who resigned in lieu of termination from employment due to a policy violation will be ineligible for rehire.*

Temporary Appointment – The Town Administrator may authorize the appointment of any qualified person to a position in case of an emergency or when the Town is unable to fill a vacancy because of an insufficient number of applicants.

Promotional Appointment – A promotion is an assignment of an employee from one position to another which has a higher pay grade, rank, and responsibility as described in Article X.

Student / Intern Appointments – The purpose of an internship is to help students gain practical experience, become acquainted with professionals in their field of interest, and develop an understanding of professional responsibilities and effective working relationships. Interns may be assigned to one department or on a rotational assignment to several departments where they are provided with specific job assignments. Interns may be paid or unpaid. Hours for interns are flexible, depending on the intern's needs, but may not exceed 1,040 hours in any consecutive 12-month period. All Interns must sign the appropriate liability release form.

Section D: Internship Expectations

All Interns are allowed by the Town to participate as Interns on the condition that they are doing so to gain real-world experience and knowledge of the tasks performed by municipal employees, and without the anticipation of compensation. Prior to their participation as an Intern, all individuals will be required to sign a writing stating the foregoing and affirming the following:

- There had been no promise of employment following their time acting as an Intern.
- That the Intern understands that he or she is required to follow all employment policies of the Town even though he or she is not an employee.
- That always while acting as an Intern, he or she will conduct themselves professionally, honestly, ethically and will not involve themselves in conflicts or disagreements with others.
- That in the event of an accident or injury, the Intern understands that he or she is not covered by the worker compensation laws or insurance coverage of the Town, and as a condition of

participating as an Intern, releases the Town, its employees, officers, agents and volunteers from any and all claims of liability of any kind, regardless of the cause, that occurs during the period of the internship, and assumes the risk of injury or harm inherent in acting in the capacity of an Intern.

Should the writing described herein be misplaced or not be signed by one acting as an Intern, the receipt of these Town of Farragut Policies and Procedures and the act of being in the capacity of an Intern shall constitute an Intern's binding agreement to all the foregoing with respect to the Intern position.

Article VIII – Probationary Period

Section A. Policy

It is the policy of the Town that all new employees in regular full-time, regular part-time and temporary positions be placed on a probationary status upon being hired. The probationary period is an integral part of the Town's evaluation process and shall be utilized by the Department Head and/or supervisor as an opportunity to observe the probationary employee's work, to train, to aid the probationary employee in adjusting to the position, and to dismiss any probationary employee whose performance or attendance fails to meet acceptable standards.

Section B. Duration

All new employees in regular full-time and regular part-time positions shall be on probationary status for six (6) months from the date of hire.

Section C. Evaluation and Completion of Probation

The supervisor shall evaluate the performance of the probationary employee at ninety days (90) of employment and six (6) months of employment and annually thereafter. Additional evaluations may be completed prior to these intervals, if necessary, to address performance problems. The evaluations shall be documented on a designated form. Upon satisfactory completion of the probationary period, as indicated by a performance evaluation score of "meets expectations" or above, the employee shall be classified as a regular full-time or part-time employee. If the performance evaluation does not "meet expectations", the probation may be extended for up to six (6) additional months in the Town's absolute discretion or the employee may be dismissed.

Section D. Dismissal of Probationary Employee

At any time during or following the conclusion of the probationary period, an employee may be dismissed by the employee's respective Supervisor with or without cause and with no right to appeal as provided for regular employees herein.

Section E. Transferred or Promoted Regular Employees

Regular full-time or regular part-time employees who are transferred or promoted to a new position at their request must serve a six-month probationary period in the new position. If performance is not satisfactory in the new position, then the employee may again be reassigned if a position for which the employee is qualified is available. The Town will make every reasonable effort to provide continued employment for the employees. However, the Town makes no guarantee that a position will be available for such an employee. The probationary status shall not deprive the employee of any benefits that would have been received had the employee not been placed in the

new probationary period (provided the employee successfully completed the initial probationary period from the first date of hire). Regular full-time and regular part-time, who are transferred by management may serve six (6) months at management's discretion.

Section F. Pay for Performance

An employee will not be eligible for pay for performance salary increases until the employee has satisfactorily completed the probationary period. Once the probationary period is complete, all regular full-time employees may be eligible for a merit increase based on the range approved by the Board of Mayor and Alderman for the current Fiscal Year. *Note: If the 6-month review is in May or June, the same review score will be used for the annual review of the current year.*

Article IX – Compensation Plan

Section A. Policy

The Board of Mayor and Aldermen shall establish the parameters for salaries and annual merit pay increases as part of the annual budget process and approval. Within the budget appropriations authorized by the Board of Mayor and Aldermen, the Town Administrator will develop and implement a merit pay and cost-of-living program in conjunction with the required performance evaluations. The merit pay program and cost-of-living adjustments are subject to budget restriction and annual Board approval. The Town's Compensation Plan is based upon prevailing wage rates, economic conditions, competitive market salary surveys, labor market influences and internal equity.

The primary objective of the Town's compensation program is to attract, retain, motivate, and reward qualified employees who demonstrate a commitment to the Town of Farragut and its mission to be a leading municipality in the state. Employees are expected to be faithful stewards of the accountabilities, responsibilities, and resources entrusted to them.
In return, the Town is committed to compensating employees fairly based on job responsibilities and accountabilities, and doing so without regard to race, sex, age, religion, national origin, or disability and in compliance with all applicable laws and regulations.

Section B. Administration of the Compensation Plan

Human Resources Director, under the direction of the Town Administrator, shall administer and maintain the Town's Compensation Plan. The Compensation Plan for salary and wage administration is as follows:

1. The Town utilizes a total compensation philosophy which includes base pay, performance-related pay, employee benefits, and retirement compensation.
2. To provide compensation that is competitive with other like municipalities and governmental organizations with whom the Town competes for human resources, the Human Resources Director shall be responsible for conducting compensation and benefits surveys, salary surveys and/or reviewing studies of salary ranges and making recommendations for position and salary range changes to measure competitiveness of the Town's salary structure in the market.
3. Establishment of a salary range midpoint for each position which corresponds to the competitive market average (or mean) for this position, with appropriate range spreads developed from this midpoint to determine range minimum and maximum salaries. These spreads are to allow flexibility in the administration of actual salaries to be paid individuals

recognizing various levels of job performance, contributions, experience and qualifications, and time in position.

4. All starting salaries for new hires shall be a recommendation of the respective Department Head subject to review by the Human Resources Director and the approval of the Town Administrator.
5. The minimum salary range for the position classification is for new hires with little to no experience.
6. For positions that require special technical knowledge, expertise, or certifications and/or for which there is a small pool of qualified applicants, new hires with proven related experience may be hired above the minimum but generally no more than the midpoint of their respective salary range and not at a salary higher than current employees with comparable experience who are performing satisfactorily in the same position. A Department Head must submit a written recommendation for any starting salary above the minimum to the Town Administrator for review and approval.
7. The Town Administrator shall document the starting salary in a letter confirming acceptance of a verbal job offer by the selected candidate.
8. Depending upon annual salary budget guidelines and other economic factors, regular employees shall be evaluated for merit-based salary adjustments annually. The individual employee's performance, attendance record, and efforts for self-improvement shall be factors in determining the adjustment of salary within the salary scale.
9. Normally annual rate-of-pay adjustments, including merit-based, cost-of-living (COLA), and market adjustment, if any, may be made effective with the first full pay period in July of each fiscal year subject to budget approval by the Board of Mayor and Aldermen.
10. Recognize that the salary range midpoint for a range represents a fully competitive salary for that position in the market, assuming acceptable job performance by that employee. Salary increases for positions above the midpoint may be awarded for employees achieving exemplary annual performance reviews.
11. Employees may not receive additional base pay increases above the maximum of their salary range. Depending on budgetary constraints, these employees may be eligible for one-time bonuses as approved by the Board of Mayor and Aldermen.
12. The Town, in its sole discretion, may add a cost-of-living adjustment (COLA) depending on budget constraints as approved by the Board of Mayor and Aldermen.
13. When an employee in one classification is promoted to a position in another classification, then the rate of pay upon promotion shall be based upon the following:
    a. When an employee is promoted to a higher salary grade the employee shall receive a pay increase of not less than 5.0% or the minimum rate of pay for the new position range, whichever is greater. The Town Administrator has the discretion to establish a higher initial salary not to exceed the maximum rate of pay for the higher classification.
    b. In determining the rate of pay, the Town Administrator shall consider a comparable rate of pay if the position was filled by an external candidate with similar education, experience, and ability. Employees who are promoted shall be placed on probationary status in accordance with Article VIII of this *Human Resources Manual*.
14. In the case of disciplinary demotion, performance-based demotion, voluntary demotion, or demotion through no fault of the employee, the employee's salary shall be reduced accordingly.
15. Occasionally there may be compelling reasons to grant salary increases for reasons other than performance or promotion. Such reasons may be based on labor market conditions or to correct

identified salary inequities. Any such salary adjustments will be treated as an exception to policy and must be approved by the Town Administrator.

16. In no case should an employee's salary be less than the minimum or more than the maximum for their current pay grade.

Section C. Adoption or Rejection of the Compensation Plan

The Human Resources Director, under the direction of the Town Administrator, shall develop a uniform and equitable Compensation Plan consisting of a minimum, midpoint, and maximum range of pay for each class of positions. The salary range mid-point for each position corresponds with the competitive market average (mean) for the position. Additionally, the midpoint represents a fully competitive salary for that position in the market. Salary ranges for each class shall be coordinated with the position classification plan and shall be based upon the ranges of pay for other classes, requisite qualifications, general rates of pay for comparable work in public and private employment in the area, cost of living data, maintenance of other benefits received by employees, the financial policy of the Town, and other economic considerations. Salary ranges have a consistent numeric relationship with one another. The Compensation Plan shall be submitted to the Board of Mayor and Aldermen for approval and adoption.

The Compensation Plan may be amended from time to time, as circumstances require, in accordance with the above provisions and approval of the Board of Mayor and Aldermen.

Section D. Payroll Processing

The Town processes payroll on a biweekly basis. For pay purposes, the work week for all employees is Saturday at 12:00 AM through Friday at 11:59 PM. Pay checks and/or stubs will be available on the Friday following the end of each two-week pay period via the provided email. *Pay stubs are password protected using the last 4 digits of your social security number.*

It is the policy of the Town to deduct from an employee's paycheck only those amounts that are required by law or authorized by the employee. Employees will be notified of deductions due to court orders, such as child support or garnishments, in accordance with such orders.

It is the Town of Farragut's policy to comply with applicable wage and hour laws and regulations. Improper pay deductions specified in Title 29 of the Code of Federal Regulations 541.602 (a) may not be made from the pay of employees who are subject to the salary basis test under the FLSA. If you believe that an improper or unauthorized deduction has been made from your paycheck, it is your duty to report your complaint to the Human Resources Director. If, upon investigation, the deduction was improper, you will be reimbursed for the deduction and the Town will make the appropriate change to its payroll system. It is the Town's policy that no adverse action (i.e., retaliation) will be taken against any employee who takes advantage of this complaint procedure. Any required corrections identified after the payroll has been processed will be made on the next biweekly payroll.

Section E. Direct Deposit

Direct Deposit is available and encouraged for all employees.

Section F. Overtime and Compensatory Time

Overtime is computed and paid according to current Federal Fair Labor Standards Act criteria and

regulations. Overtime for non-exempt employees shall only be authorized by express advance approval of the supervisor, Department Head, other authorized department designee, or the Town Administrator, except in the case of an emergency.

Non-exempt employees required to work overtime may be compensated with time off (compensatory time) or paid for such overtime as determined by the Department Head. Hours worked do not include holiday, sick and annual leave. Non-exempt employees may accumulate up to a maximum of forty (40) hours of compensatory time. For an employee, who has reached the maximum compensatory time accrual of forty (40) hours and earns additional overtime before any of the accrued compensatory time can be used, said additional overtime shall be paid at the rate of time and one-half (1½). Compensatory time shall be used before using annual leave time. Employees may use compensatory time on the date they request unless doing so would "unduly disrupt" the operations of the Town. The Town reserves the right at any time to pay an employee accrued compensatory time at time and one-half (1½) the employee's regular rate of pay. Upon termination of employment an employee shall be paid for unused compensatory time at not less than the average regular rate received by the employee during the last three years or the final regular rate at termination, whichever is higher.

Regular full-time employees who are in executive, administrative, or professional positions as defined by the Fair Labor Standards Act are exempt from the overtime provisions of the Act. Whenever a salaried exempt employee requests a period of absence equal to or greater than one-half (½) day, said employee shall obtain approval by the Town Administrator or his designee. Annual leave or sick leave will be utilized for absences of one-half days or longer.

All employees, whether exempt or non-exempt, are required to fully and accurately report hours worked on the appropriate forms and forward them to the Department Head or designee for approval. The Administration Department shall maintain all payroll records.

Nonexempt Employee Electronic Communications outside of Work Hours
Employees of the Town of Farragut may perform job duties using a variety of electronic communications, including cellphones, laptop computers and email.

As with other types of authorized work, all time, that is not di-minimums, spent by nonexempt employees using electronic communications for work purposes will be considered hours worked; the time is compensable and will count toward overtime eligibility as required by law. Therefore, electronic communications should not be used outside regularly scheduled work hours unless required by management. This includes all types of work-related communication; for example, nonexempt employees should not check for, read, send or respond to work-related e-mails outside their normal work schedules unless specifically authorized based on job duties or direction by management to do so. If management directs an employee to engage in such activities, the employee must report the hours worked as compensable time.

Nonexempt employees using electronic communications for work-related correspondence outside of work hours without authorization will be considered non-compensable time

Section G. On-Call Status

The Town of Farragut requires public works employees to be on call for emergencies within the Town. Being on call means that the employee is not at work but is available in case they are called back by their employer outside of their normal working hours.

This policy establishes the procedure in which public works employees are placed on On-Call Duty, the department's requirement for their conduct while so designated, and establishes a process for public works employees to receive appropriate on-call and call-back compensation.

ON-CALL PROCEDURES:

A. General

The Town requires two full-time regular employees (non-exempt) and one full-time supervisor (non-exempt) within the public works department to be always assigned to On-Call Duty outside of the public works department regular schedule. Public works employees are scheduled to be on On-Call Duty on a rotating weekly basis. Switching on-call shifts is not allowed unless approved by the Public Works Director or Public Works Foreman.

B. Employee Responsibilities

1. Employees assigned to On-Call Duty, are free to continue with all their normal off-duty activities if they remain mentally and physically fit to perform their duties during the entire period of On-Call Duty.

- Employees assigned to On-Call Duty shall not consume alcoholic beverages.
- If an employee is taking medication that can affect their preparedness, they must inform their supervisor immediately.

2. An on-call employee is subject to the provisions of the Town of Farragut Drug and Alcohol Policy, during the entire on-call period.

3. Employees assigned to On-Call Duty shall be able to arrive at the Public Works Building within one hour or less driving the speed limit.

4. Employees assigned to On-Call Duty, who cannot immediately respond because of illness or other emergency, must contact the Public Works Director or their Foreman as soon as they are aware that they will not be able to respond to a call to duty.

5. An employee who does not respond to a call when contact is attempted or is unable to report to work within the allotted time, one (1) hour for any reason other than illness or emergency, will be subject to disciplinary action.

6. If the supervisor on call is unable to reach the scheduled on-call staff, the Call Back Procedures will be utilized.

C. Compensation

If an employee is called in from an on-call status on a non-holiday, the employee shall receive a

minimum of two (2) hours of compensation at one and a half (1.5) times their regular pay. If an employee is called in from an on-call status on a Town approved holiday, the employee shall receive a minimum of two (2) hours compensation at two and a half (2.5) times their regular pay.

Snow Removal On Call: Public Works Employees: During the snow season, there will be 3 rotating shifts covering 24 hours on call schedule. During the on-call time frames, employees must be free and available to work. Including no alcohol consumption or drug use and must be available to report within one (1) hour.

If any employee is farther than forty (40) Miles away from the Public Works Facility or does not feel safe driving back and forth during the event, limited hotel rooms will be made available at the Town expense at employee request.

During the duration of these events, Supervisors will be permitted to take home their Town issued vehicle.

Section H. Emergency Call Back

A call-back is when the employer calls an employee back in to work outside of their normal working hours. A call-back can occur whether an employee is on-call or not.

An emergency call back is when a non-exempt employee is called out by his/her supervisor, Town Administrator, security company, or other agent of the Town on official Town business due to an emergency, such as an alarm call on the Town Hall or Public Works Facility, a public works emergency such a tree in the street, reset of a traffic light, or traffic sign replacement due to an accident, etc.

If a non-exempt employee is called back to work for an emergency after the normal work shift has ended and after the employee has left the work premises, on a non-holiday, the employee shall receive a minimum of two (2) hours of compensation at one and a half (1.5) times their regular pay. If on a Town approved holiday, and the employee shall receive a minimum of two (2) hours compensation at two and a half (2.5) times their regular pay A call back is not an extension of regular duty hours or prearranged scheduled overtime by the employee's supervisor or scheduled training or meetings. No less than two (2) hours shall be granted for such time in a single day.

If an employee is called back to work more than once in a day, there must be a break of two hours between the end of one call and the beginning of the next. If there is not a break of two hours, then the time will be counted from the first call.

Section I. Holiday Pay

Regular full-time employees shall receive payment for eight (8) hours of holiday pay per holiday. Regular part-time employees, who work a consistent number of hours per week year-round, shall receive up to four (4) hours of holiday pay per holiday. Both regular full-time and regular part-time employees are paid at double their base pay rate for hours worked on a holiday. Seasonal and temporary workers do not receive holiday pay.

Holidays that fall in the middle of periods of paid sick or annual leave will be charged as holidays**.** Employees are not paid for holidays while on terminal leave, leave without pay, and suspension without pay or workers compensation total temporary disability (TTD).

To be eligible for holiday pay, regular full-time and regular part-time non-exempt employees either must not have been absent from work on the workday before or after the holiday or must be in paid status for the regularly scheduled working day immediately preceding and immediately following the holiday. An exempt employee must be in a paid status on the days immediately preceding and immediately following the holiday to receive holiday pay.

When an employee is required to work on Independence Day to assist in the Town's annual activities, said full-time employee will be compensated as follows:

-Non-exempt employees are paid for eight (8) hours at their overtime time pay rate (12 hours at straight time rate) plus eight (8) hours annual leave in accrual.

-Exempt employees shall receive twelve (12) hours of annual leave in accrual.

If the holiday falls on a weekend, the above applies plus employees who work the Independence Day Parade must take the official Town observed holiday, either Friday or Monday, with the approval of their Department Head. Annual Leave will be added to the total available annual leave through the payroll system on the pay period following Independence Day. See Article XVI, Section A for the Holiday Schedule.

Section J. Service Recognition

Each year, employees who have completed five, ten, fifteen, twenty, and subsequent five-year additional incremental periods of service with the Town will receive a longevity Service Award. Employees eligible for such service awards will be notified of the time and place of the presentation.

Section K. Terminal Pay /Terminal Leave

Employees who are eligible for retirement may be paid for accumulated, unused sick leave allowance as of the effective date of retirement (at the employee's regular straight time rate of pay in effect as of the date of retirement) at a 50% rate of the total accumulated sick leave up to a maximum of ninety (90) sick days plus any accrued annual leave (terminal pay); or they may be granted an equal amount of paid retirement leave (terminal leave) in pay-period increments immediately preceding retirement at the employee's choosing. All benefits cease when retirement pay begins. Only retiring employees are entitled to compensation for accumulated, unused sick leave.

All terminal pay shall be paid at the employee's regular rate of pay at the time of termination from the Town. Terminal pay shall be paid lump sum, on or by the regular payday for the pay period during which the employee separates from the Town. The Town shall not match 401(k) contributions on terminal pay. Any request to pay terminal pay other than a lump sum must be approved by the Human Resources Director and Town Administrator. All accrued sick and annual leave terminal pay shall be paid by using a separate check(s) from the regular paycheck.

Section L. Employee Recognition Program

Recognizing and rewarding excellent results and the contributions of staff members is important to the Town of Farragut. The Town's total compensation program for regular full-time employees consists of four components: base salary, benefits, retirement, and employee recognition awards. The recognition component provides opportunities to recognize and reward individual employees and

teams and to celebrate their successes as we continue to build Farragut as the municipal government of choice in Tennessee.

To nominate an individual, complete the Employee Recognition Award form which is located on the public drive or available through the HR Director. All nominations shall be reviewed by Human Resources and approved by the Town Administrator. The Town Administrator has the sole discretion to approve (or not approve) all Recognition Awards.

See Appendix I for more information.

Employee Recognition Awards

Secondly, employees may be presented Level A or B awards with a value of $25-$100. Finally, individual employees or team/project groups who make exceptional contributions are eligible for the Excellence Awards. Examples of awards are providing outstanding service, implementing a new idea which saves significant time or money, completing a significant project, contributing to the success of a team initiative, or contributing above and beyond what is expected, earning a professional certification or college degree which is not a job requirement.

Eligibility/Awards

• Level A: Employees or teams can be nominated for an Employee Recognition Award by a department head or a co-worker with the department head's approval. This award level is a $25 gift card.
• Level B: Employees may be nominated for this Level by a department head or co-worker with the department head's approval. This award level is for a gift card amount up to $100.
• Excellence Awards must be nominated by department heads. Excellence Awards may be either gift cards or cash bonuses ranging from $100-$1,000.

An Employee Recognition Award should be made as close to the performance or result as possible.

Award Criteria

Award criteria are designed to monitor performance in five major categories: financial, customer service, efficiency improvement, strategic and organizational development, and applicable personal achievement. Examples of specific measures or results which fall under these categories are illustrated below:

Financial

Significant individual or team contributions that result in:
• Reduced expenses.
• Energy savings.
• Improved work output within a set time frame.

Customer Service

• Providing outstanding customer service to citizens, developers, volunteer committees, or co-workers.
• Working above and beyond normal expectations to reduce backlog or support process change and/or conversions.
• Improving timeliness and/or quality of service.

Operational/Efficiency Improvement
Developing and/or implementing ideas that improve internal work processes like improvement in communication effectiveness, Citizen Request resolutions across departmental lines, project completion on time and within budget, improvement in the bid process, etc.

Strategic and Organizational Development
• Building outstanding relationships with citizens, vendors, and other governmental entities.
• Making substantial strides to obtain needed skills/competencies.
• Significant contributions to the learning and development of Town employees.

Personal Achievement
•Acquiring a professional certification which adds to the quality of work that the individual brings to the job.
•Completing a college degree which adds to the quality of work that the individual brings to the job or is necessary for a different Town job.

Article X – Promotions

Section A. Policy and Procedures

It is the policy of the Town of Farragut to hire employees for entry level positions, to provide training and development for employees, when necessary, and to offer employees promotions to higher level positions when deemed appropriate. All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their supervisor, Department Head and/or Human Resources Department. An internal candidate's eligibility for promotion will be determined by the requirements of the new open position for which they apply. The employee must have both a satisfactory performance record and no adverse disciplinary actions during the twelve (12) months immediately preceding the closing date for application submittal.

Promotions shall be based on merit, efficiency, and fitness (determined by competitive evaluation, if practical). This evaluation shall consider the qualifications of the candidates in relation to the position's qualifications and essential function, seniority, and merit rating. It may also include an evaluation of the physical and/or mental condition of the applicant. To select the best available candidate for each position, recruitment may also be made from outside the Town organization.

When a position above entry level becomes vacant, or is to be vacated, the Department Head will notify Human Resources immediately.

The Human Resources Director, after consultation with the Department Head and approval by the Town Administrator, will determine whether an external competitive examination or an internal examination will best serve the interests of the Town. The Human Resources Director shall post internal vacancies Town-wide. All internal vacancies shall be posted for a period of no less than five (5) working days.

The Human Resources Director, subject to review by the Town Administrator, shall determine the method of selection examination when filling a vacancy by promotion.
The Human Resources Director will certify the names of the qualified candidates, which may be placed in rank order or unranked. The Department Head shall then fill the position(s) from among those

qualified candidates. The Department Head is not obligated to select in rank order but should select the best available candidate for the position after considering all the qualifications.

Promotions in every case must involve a definite increase in duties and responsibilities and should not be made merely to affect an increase in compensation. Promotions will be made to vacant, budgeted and/or authorized positions.

All promotional appointments shall be for a six (6) month probationary period. During the probationary period, the employee may be rejected at any time without charges, right of appeal and hearing when, in the judgment of the Department Head, the quality of the employee's work is not such as to merit continuation in the position.

An employee rejected during the probationary period from a position to which he has been promoted or who voluntarily requests to be reinstated to a position in the same grade from which they were promoted may be reinstated to a position in the grade from which he was promoted unless he is discharged as provided in these Rules and provided that such a position is available. The employee shall be reduced to the rate of pay in effect immediately prior to the promotion.

Section B. Promotional Eligibility

Regular employees will be considered eligible for promotion if he or she:

1. Is not a probationary employee.
2. Performed at the "meets standards" level or higher in their current position.
3. Meets the minimum qualifications for the position to which promotion is being considered.

Section C. Application

The Human Resources Director may require that each employee who wants consideration for the promotional opportunity apply on or before a specified closing date.

Section D. Promotion Without Examination

In exceptional cases, the Town Administrator may authorize the promotion without competition of an eligible employee upon receipt of a written statement from the Department Head showing that the duties performed by the employee nominated are natural preparation for the higher position, that such employee has earned the promotion by reason of service and effective performance and that no other employee of the department meets the foregoing conditions.

Each town employee shall be evaluated during and at the end of the initial six months of service in a new position and thereafter annually of each year. The employee will have an opportunity to discuss each evaluation with the supervisor who conducted the evaluation. All evaluations become a part of the permanent personnel file. Performance evaluations may be used in the process of employee counseling and personal development and shall be considered as a means of determining employees who should be promoted, transferred, granted merit pay increases, selected for specialized in-service training, demoted, or dismissed.

Article XI – Performance Evaluation Program

Section A. Policy

The Human Resources Director shall administer a program to evaluate the work performance of each Town employee. The individual employee's performance evaluation shall be completed by the supervisor, subject to review and signature of the Department Head, and shall be relevant to actual job duties and responsibilities. Departments are required to use evaluation forms approved by the Human Resources Director. Each Department Head is responsible for ensuring that employee evaluations are conducted in a timely manner prescribed by the Human Resources Director. The Town Administrator and the Human Resources Director, in consultation with the Department Heads, shall monitor and approve employee evaluations considering clarity of job expectations and documentation of job performance. Performance evaluations of Department Heads and other administrative employees reporting directly to the Town Administrator shall be conducted by the Town Administrator in a manner substantively like other Town employees.

Section B. Frequency of Assessments

Each Town regular full-time, and regular part-time employee shall be evaluated after completion of first ninety (90) days of employment, at the end of the initial six months of service and on an annual basis. The same assessment schedule will also apply to internal transfers to new positions. The employee will have an opportunity to discuss each evaluation with the supervisor who conducted the evaluation. All evaluations become a part of the permanent personnel file.

Performance evaluations may be used in the process of employee counseling and personal development and shall be considered as a means of determining employees who should be promoted, transferred, granted merit pay increases, selected for specialized in-service training, demoted, or dismissed.

Section C. Processing of Employee Evaluations

The processing of employee performance evaluations will be used in conjunction with merit-based pay increases. Employees are required to sign their evaluation forms indicating that the employee has had an opportunity to discuss the evaluation with the employee's supervisor. All evaluations become part of the Town's official personnel file for that employee. Individual performance evaluations are subject to the Tennessee open records law.

If the Town Board of Mayor and Aldermen approve a merit increase percentage to be applied according to the Performance Evaluations results, a merit-based rate-of-pay adjustments shall be implemented in July of each year. The merit program increase percentage is evaluated annually by the Board of Mayor and Aldermen and implemented by the Town Administrator at his discretion.

Section D. Appeal of Performance Appraisal

An employee who feels that his/her performance appraisal is not correct shall have the right to appeal the appraisal to the Town Administrator through the Human Resources Director. The appeal shall be submitted to the Human Resources Director by ten (10) Town business days from the date the employee receives the evaluation. The Town Administrator will make the final decision regarding the performance appraisal rating.

Article XII – Employee Development and Training

Section A. Employee Development and Training

Both the Town of Farragut and the employees benefit when the employees are well trained. The importance of training employees within each department unit leads to improved organizational development, increased productivity, and enhanced service. This is generally accomplished best through on-the-job or in-service training with occasional or mandated specialized off-site training. The Department Head will work through Human Resources to provide realistic and effective job-related training to employees. As budgets allow, each department will organize employee training in such a way to assure that adequate and necessary training is provided and that unjustified training activities are not engaged in. Budgeted training opportunities will be provided uniformly, equally, and fairly. To accomplish this objective, each Department Head, as appropriate, utilizing the assistance of Human Resources, shall develop, maintain, and coordinate the following:

1. A written Departmental Training Policy.
2. Comprehensive organizational training plans.
3. A funding request in the annual budget for training and employee time for training activities.
4. A system of reporting and review; and
5. A system of evaluating all training activities undertaken.

Training certifications will be forwarded to Human Resources for inclusion in the employee's personnel file.

Section B. Administration of Employee Development Program

Working in conjunction with Department Heads and within budgeted funds, the Human Resources Director shall:

1. Assure that policies and procedures are implemented for developing ethical behavior, technical and Directorial skills, and skills and behaviors essential to effective work performance and a favorable work environment.
2. Assure that training, as approved, is carried out and that a certificate or other forms of recognition, if appropriate, are prepared for persons who satisfactorily complete training courses and programs.
3. Keep a record of all training courses and programs, requirements for such courses and an attendance record, and documentation of employees who successfully complete or fail such courses and programs for permanent file.
4. Assist Department Heads in developing and conducting developmental training to meet the specific needs of their departments or common to all departments. 5. Assist employees with issues related to wellness and personal growth insofar as these affect the employee's ability to perform his/her duties. Development activities, programs or opportunities are those which:
    a. Inform employees about the Town of Farragut's objectives, programs, organization, policies, procedures, and work methods.
    b. Help employees obtain or improve job-related knowledge, skills, or competence to improve performance efficiency and effectiveness, preclude obsolescence and cope with changing environments, technology, and equipment.
    c. Help employees become qualified for more responsible work within the Town or for

work in different fields for which they may be needed by the Town; and

d. Contribute as appropriate to fulfilling the Town of Farragut responsibilities under its equal employment opportunity policy.

6. Plan in-house employee development activities. The municipality's in-house employee development activities include training programs which, as appropriate, may be planned and administered jointly with other agencies and organizations. The three types of in-house training activities are:
    a. Occupational qualifying training for preparing employees to perform all the duties of a specific job, usually at the entry level.
    b. Technical training for enhancing and upgrading employees' knowledge, skills and abilities related to specific aspects of their current jobs and/or current areas of work.
    c. Developmental training for improving employees' personal, administrative, supervisory, Directorial, and other related, but generally non-technical, skills to improve performance in their current jobs and to assume broader and/or higher-level responsibilities.
7. Assure an adequate supply of trained employees is available to fill job openings created by promotions, expansions, or losses.
8. Encourage and assist employees in the acquisition of additional knowledge and skills which are useful in assuming greater responsibilities.
9. Ensure that essential employee knowledge and skills are identified, maintained, and improved upon to accomplish the best performance on every job through the performance evaluation system. Specific goals for improvement and training needed to accomplish goals will be established on employee performance appraisal forms.
10. Functionally supervise employee development programs and activities, where necessary, throughout the municipal government.
11. Ensure all job descriptions adequately address knowledge, skills and abilities required in each position and that minimum education, training and certification levels are clearly identified; and
12. Maintain copies of employee training records in employees' Human Resources files.

Developmental training is a benefit both for the employee and for the Town. The cost of job-specific training that is required for a position must be included within the department's annual budget. The Town pays for the training with the expectation that an employee's increased knowledge and/or skill benefit the Town also. Therefore, prior to beginning training, an employee will be required to sign an Acknowledgment of employee training cost reimbursement to the Town should they voluntarily leave employment in under two years after the completion of each course.

The Acknowledgment states that the employee shall reimburse the Town the training cost according to the following schedule: Under one (1) year from course completion at 100% of cost; one to two (1-2) years from course completion at 50% of cost.

Section C. Safety Education and Training

The Human Resources Director shall have the basic responsibility for coordinating a program of safety education and training. The Human Resources Director shall have enforcement powers at the discretion of the Town Administrator. All employees are required to take every precaution in the prevention of accidents to themselves, other employees, and the public. Department Heads shall

actively implement safety programs and practices in cooperation with the Human Resources Director.

All employees whose duties require the operation of office equipment, motorized vehicles, machinery or tools of any kind or nature shall follow safety procedures and instructions and use every precaution in the prevention of accidents to themselves and/or other employees. Such employees are charged with the responsibility of proper operation of all equipment that is used in the normal function of their duties. Employees who knowingly and willfully violate proper safety precautions may be subject to appropriate disciplinary action. The Town of Farragut Safety Manual governs safety procedures and policies.

Article XIII – Guidelines for Employee Conduct and Discipline

Section A. Guidelines for Employee Conduct

Employees of the Town shall not engage in any criminal, dishonest, infamous, immoral, or notoriously disgraceful conduct or behavior, activity, or association, either on or off duty, which discredits him/her and/or the Town. Each employee is expected to conduct himself/herself both on and off the job in such a manner as to reflect positively on both himself/herself and the Town.

No person shall seek or attempt to use any political endorsement in connection with any appointment to a position, or demotion, or dismissal from a Town position.

No person shall use or promise to use, directly or indirectly, any official force or influence whether possessed or anticipated, to secure or to attempt to secure for any person an appointment to a position within the Town or any increase in wages or other advantage in employment for influencing the vote or political action of any person or for any other consideration. (See Appendix G: Ethics Ordinance)

No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment or promotion, or any advantage in, a position within the Town employment. Any officer or employee who violates any of the provisions of this section shall forfeit his office or position.

Whether an employee is on or off duty, an employee's conduct is reflected upon the Town. Consequently, all employees are encouraged to always observe the highest standards of professionalism.

Listed below are some of the rules and regulations of the Town. This list should not be viewed as being all-inclusive. Types of behavior and conduct that the Town considers inappropriate, and which could lead to disciplinary action up to and including termination of employment without warning, at the sole discretion of the Town's management staff, include, but are not limited to, the following:

1. ~~Falsifying employment or another Town records.~~ Falsifying, omitting, or misrepresenting information on company records, including timesheets, reports, or expense claims.
2. Providing false or misleading information during investigations, interviews, or while performing duties.

3. Misuse of confidential or proprietary information for personal gain or to mislead others.
4. Violating the Town's nondiscrimination and/or harassment policy:
5. Soliciting or accepting gratuities from vendors or citizens in violation of the Town's Ethics Policy.
6. Establishing a pattern of absenteeism or tardiness.
7. Engaging in excessive, unnecessary, destructive, or unauthorized use of Town supplies, equipment, or work time, particularly for personal purposes or other non-Town purposes.
8. Violation of either of the Town's Drug and Alcohol Abuse Policies.
9. Fighting or using obscene, abusive, or threatening language or gestures.
10. Stealing property, committing fraud and/or embezzlement from the Town, coworkers, or the public.
11. Having unauthorized firearms or dangerous weapons on Town premises or while on Town business not in compliance with the state's firearm and ammunition transportation statute.
12. Disregarding safety or security regulations.
13. Engaging in insubordination or failing to correct inadequate or unsatisfactory job performance.
14. Failing to maintain the confidentiality of coworkers' personal information which is entitled to protection under privacy laws.
15. Failure to process Approval of Outside Employment Form (see Article XXIII, Section D).
16. Neglect of duty, carelessness, or negligence in the use of Town property.
17. Violation of safety rules or Tennessee traffic laws while driving a Town vehicle.
18. Failure to report an accident involving Town Property (including a Town vehicle) regardless of the amount of damage.
19. Failure to personally notify the supervisor within one (1) working day of notification by the courts or Department of Motor Vehicles when the employee's driver's license and driving privileges have been suspended, revoked, or restricted for any reason, or having been cited by a law enforcement agency for DUI or a vehicle accident involving loss of life or serious bodily injury whether such occurred on or off duty when the operation of a motor vehicle is required by the employee's job description;
20. Gambling on Town property or during work hours.
21. Failure to report within two (2) business days to the employee's Department Head, Assistant Town Administrator (if applicable) and the Town Administrator the employee's receipt from any local, state, or federal regulatory agency of an administrative complaint, warning, or other written notice of violation or non-compliance with applicable law or regulations concerning employee's work for the Town.
22. Political pressure or bribery to receive an advantage or appointment, or to influence a Town employee in his/her duties.

If your performance, work habits, overall attitude, conduct, or demeanor becomes unsatisfactory in the judgment of the Town's management staff, based on violations either of the above or of any other Town policies, rules, or regulations, you will be subject to disciplinary action, up to and including dismissal.

Section B. Disciplinary Guidelines

It is the policy of the Town to utilize disciplinary action to correct job behavior and/or performance problems. The primary purpose of discipline is remedial in nature and intended to improve performance and/or correct behavior. It may be a dimension of performance evaluation and employee development extended to help the employee develop knowledge, skills, and abilities.

These Policies and Procedures shall be applied considering the seriousness of the infraction, mitigating circumstances, previous work record, and other relevant criteria.

For disciplinary action to be documented, it must be filed in the Human Resources Department.

Any supervisor may take corrective action by orally counseling employees, as necessary. This action may be taken as an effort to correct a situation that, if uncorrected, may require more serious disciplinary action. In most instances, counseling notices should be written by the employee's immediate supervisor and must be concurred with by the Department Head. Disciplinary action is the basic responsibility of the immediate supervisor in consultation with the Human Resources Director. All supervisors are expected to notify those above them in the chain of command of documented disciplinary action. Furthermore, supervisors are expected to participate in the disciplinary process. Of course, the Town Administrator, as the chief Director of Town staff, also has authority to discipline all employees as he deems is in the best interest of the Town.

An employee will not be disciplined for any of the following reasons:

- Reporting unlawful practices covered by equal opportunity laws, such as discrimination based on race, color, religion, national origin, sex, sexual orientation, gender identity, disability, veteran's status, military affiliation or obligation, age, or genetic information or any other legally protected status, including filing a complaint with the Equal Employment Opportunity Commission or Tennessee Human Rights Commission,
- Reporting occupational health or safety violations, and/or
- Refusing to perform an act that is in clear violation of the law.

Any decision to impose disciplinary actions must be made considering the totality of the circumstances, included, but not limited to, the severity and seriousness of the infraction, any mitigating circumstances, the employee's prior work history, the consequences, or potential ramifications of the infraction to the Town, its citizens, and coworkers, as well as other considerations deemed relevant. Disciplinary action can include oral reprimands, written warnings, suspension pending investigation (with or without pay), suspension (without pay), demotion, termination, and other requirements directed by management staff designed, in the opinion of management, to correct performance or behavior. The order, extent, degree, and combination that the foregoing actions are to be used is within the discretion of the member of the Town's management staff to whom the offending employee is subordinate, and to be exercised considering all the foregoing circumstances. It is the intent of these guidelines that the Town's management staff will employ the disciplinary options uniformly and consistently to similar circumstances, with the understanding that few, if any, events, or infractions are the same or call for identical treatment.

Article XIV. Complaint and Disciplinary Appeal Procedure

This Procedure is available to regular full-time regular part-time employees and seasonal employees. Misunderstandings or conflicts can arise in any organization. This can occur as the result of disciplinary action or other work-related circumstances that adversely affect an employee or the Town. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. Most incidents resolve themselves naturally; however, if a situation persists that an employee believes is detrimental to them or to the Town and the situation is not excluded hereafter, the employee should follow the procedure described herein for bringing the concern to management's attention.

When used in connection with a disciplinary action, this procedure will only apply to disciplinary actions more severe than a written warning.
This procedure will not be applicable to obtain a review of:

- The details of an employee's performance evaluation.
- Personnel actions pertaining to position classifications and assignments.
- Pay and/or other forms of compensation including employee fringe benefits, or changes thereto.
- Demotions, transfers, and lay-offs because of the abolishment of positions; and
- Harassment or retaliation complaints covered by Article XIX.

Step One
Discussing the problem with the employee's immediate supervisor is encouraged as a first step. If, however, the employee does not believe a discussion with the supervisor is appropriate, employee may proceed directly to Step Two.

Step Two
If the problem is not resolved after discussion with the supervisor or if an employee feels discussion with the supervisor is inappropriate, the employee should request a meeting with the Department Head. To resolve the problem, the Department Head will consider the facts, investigate, and may also review the matter with a member of the Human Resources department. The employee should expect to receive a written response regarding the problem within five (5) working days of meeting with the Department Head, unless the circumstances presented by the problem will not allow for turnaround within that time, in which event the written response will be made as soon as reasonably possible.
If the Department Head is the immediate supervisor, or the employee does not believe a discussion with the Department Head is appropriate, employee may skip Step Two.

Step Three
If the employee is not satisfied with the Department Head's decision, or has skipped Step Two, and wishes to pursue review of the disciplinary action or adverse circumstance further, employee may prepare a written summary of concerns and request that the matter be reviewed by the Town Administrator or his designee. The Town Administrator or his designee, after a full examination of the facts (which may include a review of the written summary of your statement, discussions with all individuals concerned and a further investigation if necessary), will normally advise the employee of his judgment on the matter within fifteen (15) working days. The judgment of the Town Administrator shall be final.
The Town does not tolerate any form of retaliation against employees availing themselves of this procedure. The procedure should not be construed, as preventing, limiting, or delaying the Town from taking disciplinary action against any individual, up to and including termination, in circumstances (such as those involving problems of overall performance, conduct, attitude, or demeanor) where the Town deems disciplinary action appropriate.

Article XV – Non-Disciplinary Transfers, Demotions, Separations and Reinstatements

Section A. Transfers

A transfer is a lateral movement of an employee from one position to another at relatively the same pay range between positions of the same class or a different class. Transfers may be made within a department or between departments. A transfer is not the assignment of an employee from one shift to another without a change in duties or job title. Transfers may be made because of:

1. Layoff.
2. Abolishment of a position.
3. Further training and the development of an employee in another position would be beneficial to the future staffing needs of the Town.
4. Personal request of the regular employee when it is consistent with other requirements of this Rule.
5. To provide accommodation for a disability; and
6. Other reasons determined to be justifiable by the Department Head, Human Resources Director, and Town Administrator.

To be transferred, an employee must meet the minimum qualifications for the position and the move must be in the best interest of the Town. Regular full-time and regular part-time employees, who are transferred, may serve a six-month probationary period at management's discretion. (See Article VIII Section E)

Section B. Demotions (Non-disciplinary)

In accordance with these Rules, a Department Head may demote an employee to a position of lower grade in which the employee meets the minimum qualifications for any of the following reasons:

1. Because the employee's position is being abolished and the employee would otherwise be laid off.
2. Because another employee returning from authorized leave will occupy the position to which the employee is temporarily assigned.
3. The employee does not possess the necessary qualifications to render satisfactory service in the position he/she holds.
4. The employee voluntarily requests such demotion.
5. When a regular employee is demoted, the compensation shall be in accordance with Article IX, Section B. All notices of demotions will be in writing, specifying the reasons for the demotions and placed in the employee's personnel file.

Section C. Types of Separation

Types of separation may include, but are not limited to the following:

Resignation – Any employee may resign from the Town service by presenting a letter of resignation to the Department Head. A minimum two-week written notice for non-supervisory employees is considered appropriate notice to the Town. Any unauthorized absence from work by an employee for a period of three (3) consecutive working days will be considered job abandonment and a voluntary and immediate resignation by that employee.

Disability – An employee may be separated from the Town Service or demoted when it has been determined that the employee cannot continue to satisfactorily perform the essential duties of the position due to a physical or mental disability and no reasonable accommodation can be made. All determinations of physical or mental disability will be by a licensed, practicing medical doctor or medical doctors.

Retirement – When an employee is 60 or more years of age, the employee may set a date to retire from employment. Official notice of such intended action must be submitted by the employee in writing to the Department Head or the Human Resources Director one month in advance.

Termination – Termination of regular employees shall be in accordance with Article XIII. Dismissal of probationary employees shall be in accordance with Article VIII, Section D.

Lay-offs - Nothing herein shall be construed as affecting the power of the Board of Mayor and Aldermen to abolish positions in the classification plan upon recommendation of the Town Administrator as prescribed in Title 4, Chapter 1 of the Municipal Code. Whenever the lay-off of one or more employees is necessary, the Town Administrator shall notify each employee at least ten (10) days in advance of the intended actions. Lay-offs shall be made within positions and all temporary and probationary employees in the affected position or positions shall be laid-off prior to the lay-off of any regular non-probationary employee. When more than one individual is employed in a position determined for lay-off, the said lay-off will be based upon many factors including, but not limited to, performance, ability to perform the work remaining and length of service.

Section D. Reinstatements

Reinstatement is a return to employment status without competitive selection or examination. Any regular or probationary employee in good standing who has been laid off is eligible for reinstatement to the same class of position in accordance with applicable state and federal laws. Following a break in service, a reinstated employee shall be credited with prior accumulated service for retirement purposes and longevity service calculations. For purposes of vacation, sick leave, and other benefits he/she shall be considered a new employee.

Article XVI – Leaves and Absences

Section A. Holidays

The following days shall be declared official holidays for the Municipal Government employees and other such days as may be designated by the Board of Mayor and Aldermen:

New Year's Day	January 1
Martin Luther King's Birthday	3rd Monday in January
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Friday after Thanksgiving	4th Friday in November
Christmas Eve	December 24th
Christmas Day	December 25th

When a holiday falls on a Saturday, the Friday before the holiday shall be observed as the holiday. When a holiday falls on a Sunday, the following Monday shall be observed as a holiday. When the July 4th holiday is on a weekend, a Department Head may designate for their department that either Friday or Monday be used as their holiday, regardless of whether July 4th falls on a Saturday or Sunday, to consider work requirements for the department. Floating holidays are not allowed.

Employees required to work when their scheduled shift falls on any Town-observed holidays shall receive compensation in accordance with Article IX, Section H of these Policies and Procedures.

Section B. Annual Leave

All active regular full-time and regular part-time employees, who work a consistent number of hours year-round, and all active employees in a probationary period for regular full-time positions of the Town, shall accrue annual leave monthly.

An employee must be in a paid status with the Town for at least 50% of the month to accrue annual leave for that month. Employees on unpaid leave including medical leave, terminal leave, job related disability / injury leave, layoff, leave without pay, absent without leave, or any combination of the above for more than 50% of the month will not accrue annual leave time during that month. Employees on suspension pending investigation or disciplinary hearing (unpaid) shall not be eligible to accrue annual leave during the month of suspension. Employees may not borrow against future annual leave before it is earned and accrued.

Annual leave shall be accrued on the following basis unless otherwise designated by the Town Administrator:

Less than three years	8 hours per month
Three to ten years	12 hours per month
Ten to twenty years	16 hours per month
Over twenty years	20 hours per month

Regular part-time employees who consistently work 20 or more hours per week on a year-round basis shall earn four (4) hours annual leave per month for uninterrupted continuous service.

Annual Leave will be computed on the number of standard work hours in a week. For annual leave purposes, the term “workday” as it applies in this section shall be computed on an eight (8) hour basis for 40 hours per week.

Annual leave shall not accrue until the end of the first full calendar month of employment or appointment. An employee starting to work at any time after the first working day of the calendar month shall not have accumulated annual leave until the end of the following calendar month.

For annual leave purposes, re-employed employees shall be considered as new employees. Additionally, if an employee moves from a part-time status to a full-time status, the years of service will be credited for the accrual amount.

Regular full-time annual leave may be accrued up to a maximum of 240 hours (30 days) at the end of each calendar year. Regular part-time annual leave may be accrued up to a maximum of 120 hours (15

days) at the end of each calendar year. Any unused annual leave above the maximum limit on January 1 of each year shall be forfeited.

Accrued annual leave time may be taken at a minimum of two (2) hours at a time and in increments of fifteen (15) minutes thereafter. Annual leave can be taken throughout the year to cover periods of absence needed for recreation, rest, or for other personal reasons. Requests for annual leave shall be given to the employee's ~~department head~~ direct supervisor with at least 24 hours' notice prior to the taking of the time requested.

Employees on annual leave will continue to accrue annual and sick leave.

Annual leave, which is to be scheduled as far in advance as possible, may be used at the employee's discretion, provided the ~~Department Head~~ direct supervisor approves it. Any annual leave may be scheduled at the approving supervisor's discretion and in accordance with any approved departmental guidelines.

Generally, annual leave should not exceed ten (10) consecutive working days. However, under unusual or special circumstances, Department Heads may approve requests for more than (10) consecutive days of vacation after considering the following:

- Whether the annual leave is being asked in lieu of sick leave as maternity leave or for military service beyond military leave.
- The effect of the employee's absence on the functioning and workload of the organization.
- The time needed by the employee to complete a special project or trip.
- The lapse in time from the employee's last extended vacation.

All employees are encouraged to use annual leave in the year in which it is earned. Department Heads should ensure that work schedules allow employees to use annual leave in a timely manner.

Employees separating from Town service, who are in good standing, shall be paid for their unused annual leave; provided, however, voluntarily resigning employees must give reasonable notice of intent to resign to receive payment of such unused accrued leave.

Payment will be figured at the straight time rate in effect on the termination date. Employees who are not retiring will be paid at the next regularly scheduled pay day after the Department Head verifies that all uniforms, keys, and equipment have been returned. Also, any money owed under the Tuition and Employee Development Reimbursement policies will be deducted.

Section C. Payment for Annual Leave

When an employee has accumulated a minimum of fifteen (15) days of annual leave, an employee may request payment in lieu of actual leave for up to ten (10) days subject to the following conditions:

1. Employees shall have previously taken at least one (1) week (five workdays) of actual leave within the current calendar year.
2. The request shall be submitted in writing to the Town Administrator.
3. The request shall be submitted by November 30 for each calendar year.

Section D. Transfer of Annual Leave

Accumulated leave may be transferred from one employee to another employee under the following specific conditions:

1. The contributing employee must have a remaining accumulated balance of twelve (12) days of annual leave after the transfer is made.
2. The recipient of the annual leave must have exhausted all his/her annual leave and must be out from work on authorized leave from employment due to personal illness or injury or to an illness with an immediate family member which prevents the employee from returning to work at this time.
3. The annual leave days will be traded as equal days regardless of any differential in compensation rates for the two positions. The annual leave which is given by another employee is compensated at recipient employee's current rate of pay.
4. A confidential request must be submitted to the Town Administrator in writing for approval. If approved, the contributing employee must sign a written acknowledgement prepared by the Town prior to the transfer.
5. The recipient of annual leave must sign a written acknowledgement that payment for said annual leave was received.

Section E. Sick Leave

All active regular full-time and regular part-time employees, who work a consistent number of hours year-round, and all active employees in a probationary period for regular full-time and regular part-time positions, shall accrue monthly sick leave. All active regular full-time employees shall earn eight (8) hours for each completed month of service. Employees on part-time status shall earn four (4) hours of sick leave for each completed month of service. *Part-time employees must work 20 hours per work week year-round to be eligible for this benefit.*

Regular full-time sick leave may be accrued up to a maximum of 720 hours (90 days) at the end of each calendar year. Regular part-time sick leave may be accrued up to a maximum of 360 hours (45 days) at the end of each calendar year. Any accumulated sick leave over the designated maximum number of hours listed above will be forfeited at the end of each calendar year and said employee shall not accumulate any additional sick leave until the accumulated total falls below the designated maximum number of hours listed above. Unused sick leave above the maximum limit on January 1 of each year shall be forfeited. No payment will be made for accrued sick leave upon separation from the Town.

Sick leave may be paid out to a full-time employee at a rate of 50% for the entire bank at retirement only in accordance with the terminal pay policy (Article IX, Section J). This can only occur at the eligible retirement age as set forth in the Town's retirement plan. Other than terminal leave or pay, any accrued and unused sick leave shall become null and void upon an employee's termination.

Sick leave shall not accrue until the end of the first full calendar month of employment or appointment. An employee starting to work after the first workday of the calendar month shall not have accumulated any sick leave until the end of the following calendar month. Doctor's certifications are required for sick leave during the first six (6) months of employment. Employees may not borrow against future sick leave before it is earned and accrued. Sick leave taken that extends beyond earned sick leave credits shall be charged to annual leave or to leave without pay.

Sick leave must be taken at minimum fifteen-minute increments. An employee must be in a paid status with the Town for at least 50% of the month to accrue sick leave for that month. Employees on sick leave, terminal leave, job related disability / injury leave, layoff, leave without pay, or absent without leave for more than 50% of the month will not accrue sick leave time during that month. Employees on suspension pending investigation for a disciplinary hearing (unpaid) shall not be eligible to accrue sick leave during the month of suspension.

The employee may use sick leave for the following purposes:

- for personal illness, non-occupational injury, or absence due to pregnancy, childbirth, or related medical conditions.
- for the illness of any members of the employee's immediate family (see Article II, the definition of "Immediate Family").
- for personal doctor and dental appointments.
- for doctor and dental appointments for any members of the employee's immediate family (see Article II, definition of "Immediate Family") whenever the employee must accompany that family member to that appointment.

Sick leave is considered a benefit and privilege and not a right for the employee to use at his discretion. Sick leave may not be used as personal time and may not be used at any time while an employee is at work on a second job, regardless of health status. Use of sick leave following notice of resignation must be supported by a valid doctor's statement.

To utilize sick leave, the employee must notify the immediate supervisor ~~or the Department Head~~ no later than thirty (30) minutes before the beginning of the scheduled work shift for the department. Employees must notify their supervisor as far in advance as possible of foreseeable sick leave usage such as doctor appointments, therapy sessions, etc. Furthermore, employees are expected to make every effort to schedule such foreseeable absences in such a way as to not unduly disrupt Town operations.

If the absence is for three (3) consecutive working days or longer, a written statement from a licensed physician shall be required. Additionally, after the equivalent of three (3) occurrences of sick leave have been taken in any twelve (12) month period, the Department Head may require a physician's statement for the approved use of any sick leave during the next twelve (12) month period. All doctor's excuses and sick leave slips shall be forwarded to the Human Resources Director by the Department Head.

Employees who abuse sick leave or deliberately make or cause to make false or misleading statements or claims regarding the necessity for sick leave shall be subject to the loss of such benefits, dismissal or such other disciplinary action as the Department Head deems necessary. All supervisors confirming an absence as sick leave, knowing the cause not to be justified, or failing to report the absence, shall be liable to the same disciplinary action as the employee.

Section F. Family Medical Leave Act

The following content outlines the Town of Farragut's policies in compliance with the federal Family and Medical Leave Act of 1993 (FMLA). Not every detail can be included in this policy; however, it is our intent to comply with the provisions of the FMLA, as may be amended from time to time. Any

changes to the law shall supersede this policy. The following policy and all terms and conditions set forth herein shall be construed and applied in accordance with the FMLA.

1. General Provisions
It is the policy of The Town of Farragut to grant up to 12 weeks of family and medical leave during a rolling calendar year 12-month period in accordance with the Family and Medical Leave Act of 1993 and up to 26 weeks of leave in a rolling calendar year 12-month period in compliance with the expansion of FMLA under The National Defense Authorization Act. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave as specified in this policy.

2. Eligibility
Employees who have worked for the Town for a minimum of twelve (12) months and worked a minimum of 1,250 hours in the preceding twelve (12) months may be eligible for family and medical leave. The Town calculates family and medical leave on a 12-month rolling period. Hence, each time an employee takes family and medical leave, the remaining FMLA leave entitlement would be any balance of the twelve (12) weeks which has not been used in the preceding twelve (12) months.

Employees on military leave will be given credit for any months and hours of service he or she would have been employed while on military leave for purposes of determining eligibility for FMLA.

Eligible part-time employees may take FMLA leave in proportion to the number of hours they normally work for the Town per week.

If the leave is requested for the purposes of caring for a newborn child or a newly placed adopted or foster child, the leave must be taken before the end of the twelve (12) months following the birth or placement.

If the employee and the employee's spouse are employed by the Town, they are entitled to a combined leave of up to twelve (12) weeks in a 12-month period for the birth, adoption, or placement of a child for foster care or to care for a sick parent.

3. Basic Leave Entitlement
Eligible employees may take family and medical leave for up to 12 weeks for one of the reasons listed below:

a. the birth of the employee's child and to care for that child.
b. placement of a child with the employee for adoption or foster care and to care for the newly placed child.
c. to care for the employee's spouse, child, or parent who has a serious health condition (see Serious Health Condition, below)
d. the employee's own serious health condition (see Serious Health Condition, below)

4. Military Family Leave Entitlements
Eligible employees may take leave up to 12 weeks to address certain qualifying exigencies when a spouse, son, daughter, or parent is on active duty or is called to active-duty status in the National Guard or Reserves in support of a contingency operation. Qualifying exigencies include non-medical and non-routine activities such as attending military events, counseling activities, post-deployment

activities, making financial and legal arrangements, or childcare arrangements.

Eligible employees may take up to 26 weeks of leave to care for a spouse, son, daughter, parent, or next of kin who is a service member in the Regular Armed Forces, National Guard, or Reserves and has incurred a serious injury or illness in the line of duty while on active duty.

5. Intermittent Leave and Reduced Leave Schedules

Leave due to a serious health condition may be taken intermittently or on a reduced leave schedule when that type of scheduling is medically necessary as certified by the healthcare provider. Intermittent or reduced leave schedules for routine care of a new child can be taken only with the Town's approval. The employee and his or her supervisor must mutually agree upon the schedule. Employees on intermittent or reduced leave schedules may be temporarily transferred to an equivalent alternate position that may better accommodate the intermittent or reduced leave schedule. Intermittent or reduced leave may be spread over a period longer than twelve (12) weeks, but it will not exceed the equivalent of twelve (12) workweeks total leave in a 12-month period.

Leave due to qualifying exigencies may also be taken on an intermittent basis.

6. Serious Health Condition

A serious health condition, as defined by the Department of Labor, means an illness, injury, impairment, or physical or mental condition that involves one of the following:

a. any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility.
b. a period of incapacity requiring absence of more than three (3) consecutive calendar days from work, school, or other regular activities that also involves continuing treatment by or under the supervision of a health care provider.
c. any period of incapacity due to pregnancy, or for prenatal care.
d. any period of incapacity or treatment thereof due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.).
e. a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.).
f. any absences to receive multiple treatments (including any period of recovery there-from) by, or on referral by, a health care provider for a condition that would likely result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

7. Leave Request and Notification Procedures

Procedure for Requesting Leave for 1) the birth of a child or to care for the child; 2) the placement of a child for adoption or foster care and to care for the newly placed child; 3) to care for a spouse, child, or parent with a serious health condition; or 4) the serious health condition of the employee:

8. Designation as FMLA

The Town may designate leave as FMLA entitled leave if information received by Human Resources indicates that the employee's absence from work qualifies under the Family and Medical Leave Act regardless of whether the employee requested FMLA leave. A Designation Notice will be provided to the employees by the HR department.

9. Medical Certification
The Town reserves the right to verify an employee's request for FMLA leave. If employee requests leave because of a serious health condition or to care for a family member with a serious health condition, the Town requires that the request be supported by certification from the healthcare provider of either the eligible employee or the family member, as appropriate. If the Town has reason to question the original certification, it may, at the Town's expense, require a second opinion from a different healthcare provider chosen by the Town. That healthcare provider may not be employed by the Town on a regular basis. If a resolution of the conflict cannot be obtained by a second opinion, a third opinion may be obtained, at the Town's expense, from another provider and that opinion will be final and binding.

This certification must provide the date on which the serious health condition began, its probable duration, and appropriate medical facts within the knowledge of the healthcare provider regarding the condition. The certification must also state the employee's need to care for the son, daughter, spouse, or parent and must include an estimate of the amount of time the employee needs to care for the family member. Medical certifications will be treated as confidential and privileged information.

Any required certifications or other documentation must be furnished by the date he or she is notified that such certification or documentation is required. Any costs associated with completion of the medical certification will be the responsibility of the employee. If the certification is for the employee's serious health condition and is the result of a work-related injury, the Town will reimburse the employee for this cost upon presentation of the applicable receipt.

Certification is not required for parental leave; however, employees may be required to provide documents evidencing birth, adoption, legal custody, or foster placement.

10. Certification of Qualifying Exigency for Military Family Leave
Employees requesting this type of service member FMLA leave must provide proof of the qualifying family member's call-up or active military service. Completion of a certification form will be requested as well as documentation such as a copy of the military orders or other Armed Forces communication.

11. Certification for Serious Injury or Illness of Covered Service member for Military Family Leave
Employees requesting this type of service member FMLA leave must provide documentation of the family member's or next of kin's injury, recovery or need for care. Completion of a certification form will be requested. Additional documentation may include a copy of the military medical information, orders for treatment, or other official Armed Forces communication pertaining to the service member's injury or illness incurred on active military duty that renders the member medically unfit to perform his or her military duties.

12. Use of Accrued Leave and Coordination with Other Leave
Sometimes more than one type of leave may apply to a situation. Where allowed by law, leaves shall run concurrently and be counted against the employee's FMLA entitlement.

An employee who is taking FMLA leave because of the employee's own serious health condition, or the serious health condition of a family member must use all accrued sick and annual leave prior to being eligible for unpaid leave. All leave will run concurrently with FMLA leave if the reason for the

FMLA leave is covered by the established sick leave policy.

An employee who is taking leave for the adoption or foster care of a child must use all paid vacation leave prior to being eligible for unpaid leave.

Workers' compensation leave, to the extent that it qualifies, will be designated as FMLA leave.

13. Benefits Continuation

The Town will maintain health and dental insurance benefits during periods of FMLA leave without interruption. During this time, the employee must pay for his or her share of the premiums and/or any other payroll deductible insurance policies or the benefits may be placed under COBRA.

The Town has the right to recover from the employee all health insurance premiums paid (including the Town's share of the premiums) during the unpaid leave period if the employee fails to return to work after leave. Employees who fail to return to work because they are unable to perform the functions of their job due to their own serious health condition or because of the continued necessity of caring for a seriously ill family member may be exempt from the recapture provision.

14. Return to Work

While on leave for FMLA qualifying reasons, the employee is required to contact his or her immediate supervisor or Department Director periodically. The purpose of this contact is to report the status of the leave and the approximate return to work date.

If FMLA leave is for the employee's own serious health condition that may prevent him or her from performing the essential functions of the job, the employee will be required to provide a fitness-for-duty statement from the treating medical professional before returning to work. After receipt of this statement, the Town may, at its discretion and expense, require a second opinion. Employees in safety sensitive positions who have been absent from duty due to medical leave of a nature or duration that could affect his or her ability to perform the job may be required to undergo evaluation by a physician chosen by the Town before returning to regular duty.

At the end of the FMLA leave, employees will be reinstated to their regular job or to an equivalent position. Employees cannot be guaranteed to return to their exact previous duties and/or assignment. Employees are expected to promptly return to work when the circumstances which necessitated leave no longer exist.

If an employee does not return to work at the end of his or her qualified leave, they may request additional leave in accordance with Article XVI, Section J of the Town Policies and Procedures.

15. Key Employee

Certain highly compensated key employees may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the Town's operations. A "key" employee is a salaried eligible employee who is among the highest paid ten (10) percent of employees within 75 miles of the worksite. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave. A key employee may be denied reinstatement if such reinstatement will cause substantial and grievous economic injury to the Town.

16. Extended Leave after Exhaustion of FMLA Leave

Any request to extend an absence from work for an employee's own serious medical condition beyond the twelve (12) weeks in a rolling 12-month period must be directed to the Human Resources Director to be considered under the ADA/ADAAA. Refer to Article XXII.

17. Consequences of Failure to Comply
If an employee fails to provide notices and certifications set forth in this Section, leave may be delayed or denied.

18. Working Second Job While on Leave
FMLA leave is intended for a time of rest and recovery due to an employee's serious illness that has the purpose of allowing the employee to regain their health and return to work healthy. Employees are prohibited from working a second job while on FMLA medical leave. Employees who violate this policy are subject to disciplinary action up to and including termination.

EMPLOYEE RESPONSIBILITIES - Employees requesting FMLA leave under Section 7 (a) must provide verbal notice of the needed leave to the Human Resources Director. Employees must provide sufficient information (state a qualifying reason, explain reason leave is needed, provide anticipated timing and duration) to allow the HR department to determine if the leave may qualify for FMLA protection. When subsequently requesting leave for the same FMLA-qualifying reason for which leave has previously been provided, employee must specifically reference the qualifying reason or state "FMLA" leave.

If the leave is foreseeable, the employee is required to notify the Human Resources Director at least thirty (30) days prior to the requested leave. Otherwise, such a request must be submitted as soon as is practicable. This 30-day advance notice is not required in cases of emergency or other unforeseen events such as premature birth or sudden changes in a patient's condition. Parents who are awaiting the adoption of a child and are given little notice of the availability of the child may be exempt from this 30-day notice.

An employee who is to undergo planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the City's operations.

Employees may also be required to provide a certification and periodic recertification supporting the need for leave.

EMPLOYER RESPONSIBILITIES - The HR department will provide individual notice of eligibility as well as rights and responsibilities to each employee requesting leave within five (5) business days or as soon as practicable. If not eligible, the employee will be notified of the reason for ineligibility.

Section G. Bereavement Leave

Regardless of length of employment, regular full-time employees shall be allowed up to **three (3)** days paid leave in the event of the death of a member of the employee's immediate family. For using bereavement leave, "immediate family" shall include present spouse, children (including natural, step and adoptive), parents (including natural, step and adoptive), siblings, parents-in-law, siblings-in-law, grandparents and grandchildren, and any other individual residing within the employee's household who is a legal dependent of the employee for income tax purposes.

If death in the employee's immediate family requires additional time for an out-of-town trip or for other good and sufficient reasons, the Town Administrator may authorize up to two (2) additional days of bereavement leave. For the death of an employee's aunt, uncle, cousin, niece, nephew, or grandparents-in-law, one (1) day shall be allowed. If additional time is justifiable as determined by the employee's Department Head, it may be charged to their annual leave. Annual leave may be granted to attend additional funerals. Verification of the death may be required for approval of leave under this policy.

Section H. Jury Duty / Civil Leave

An employee's supervisor or Department Head shall authorize civil leave with pay in order that employees may serve required jury duty, provided that the need for such leave is requested by the employee as far in advance as possible. The employee shall have the option of receiving full pay from the Town for civil leave by assigning to the Town the amount earned from the court. Otherwise, the Town shall pay the difference between the employee's regular salary and the amount earned by the court. If the employee is released from jury duty after serving less than three (3) hours of jury duty, he/she is expected to return to the work location. Employees on night shift will be excused from work on the shift immediately preceding the first day of jury duty. After the first day, if the employee serves more than three (3) hours then the employee shall be excused from his next scheduled shift within twenty-four (24) hours of such day of jury duty.

Section I. Military Leave

Any regular employee of the Town who is a member of the United States Army Reserve, Navy Reserve, Air Force Reserve, or Marine Reserve, or the Tennessee National Guard is entitled to military leave with pay while engaged in "duty or training [including weekend drills] in the service of this state, or of the United States, under competent orders." Such an employee should notify their Department Head at least two (2) weeks in advance of the leave, if possible, or immediately if orders are received less than two (2) weeks from departing for duty.

Upon presentation to the Town of official orders, such an employee shall be allowed such leave with pay for any such duty or training not exceeding twenty (20) working days in any one calendar year (T.C.A. 8-33-109). In the event such duty or training exceeds twenty (20) days in a calendar year, then the employee may request in writing that such excess time be charged to the employee's accrued and unused annual leave or compensatory time, if any, but not to any accrued and unused sick leave. It shall be the employee's responsibility to arrange to attend monthly Reserve or Guard meetings on regular off time.

In addition to the twenty (20) days of paid leave as provided by state law, an employee called into active military duty who so requests shall be paid by the Town on a monthly basis for up to six (6) months the difference, if any, between the employee's monthly military compensation and the employee's base monthly compensation by the Town, which shall not exceed $1,000 per month per employee. An employee called into active military duty who so requests shall be allowed while on active duty to maintain all insurance benefits available through or provided by the Town to the employee on the terms and conditions as if the employee remained actively employed by the Town. At the time the employee provides Human Resources with a copy of active-duty orders, the employee shall also provide Human Resources with written documentation verifying base military pay amount. If the employee's base military pay exceeds his or her base Town pay, no supplement will be provided.

Any supplement provided by the Town will be paid in the same manner as a normal payroll check and will be paid on normal Town paydays. The supplemental pay will be subject to all applicable payroll taxes. If the employee's supplemental pay is not sufficient to cover all current voluntary deductions (i.e., insurance, deferred compensation, etc.) the employee must either notify the Town to cease those deductions, if allowed by law, or the employee may make a payment directly to the Town to cover those deductions.

The employee has the option to use accrued vacation time during the military leave to continue receiving full pay from the Town. If vacation time is used, any Town supplemental pay would only begin after vacation time has been exhausted. Since the employee will receive paid leave benefits from the military, accrual of Town vacation and sick leave will not continue for any employee receiving an active-duty military pay supplement from the Town.

For the first thirty (30) days of active-duty military leave, the employee will continue to be covered under the Town's group health insurance plan. As provided by federal law, the employee will be covered under the military's insurance program and cease to be covered under the Town's group insurance plan after the first thirty (30) days. The employee will be eligible to re-enroll in the Town's group insurance plan upon return to Town employment.

If an employee covers a spouse or other dependents under the Town's group health insurance plan, the spouse and/or dependents will have the option of switching to the military insurance program after the first thirty (30) days or continuing coverage under the Town's group health insurance plan as provided by federal law. If the employee's spouse and/or dependents choose to continue coverage under the Town's group health insurance plan, the spouse and/or dependents will be placed in the appropriate COBRA coverage tier (i.e., individual, individual plus children). The employee will be required to pay the same amount towards spouse and/or dependent COBRA coverage as he was paying under the group plan, and the Town will pay the remaining amount. The employee's share may be paid either via payroll deduction from the supplemental pay provided for above, if applicable, or direct payment to the Town.

Employees ordered or enlisted to full-time military duty will be re-employed in accordance with the provisions of current State and Federal law, including the Uniformed Services Employment and Re-employment Rights Act (USERRA).

Section J. Leave of Absence

The Town is aware that special problems of a personal nature often prompt employees to request a leave of absence. The Town will also consider a request for a medical leave of absence when the employee is not eligible for FMLA leave, or an extension of medical leave where the employee has exhausted FMLA leave, as a request for a reasonable accommodation under the ADA/ADAAA. All requests for accommodation, whether for an initial or extended medical leave or for working conditions accommodation, must be directed to the Human Resources Director. The Town will hold the employee's job during the period of medical leave granted as ADA accommodation unless holding the job open creates an undue hardship for the Town. To clarify the Town's position on granting a leave of absence, the following conditions shall apply to all regular employees who have completed the probationary period:

1. A leave of absence shall <u>not</u> be granted to probationary, temporary, seasonal, or part-time employees except as a reasonable accommodation under the ADA as determined on a case-by-case basis and regardless of the employee's length of employment with the Town.

2. A leave of less than two (2) work weeks shall not be treated as a leave of absence but as an "excused absence" without pay and shall be granted only when all accrued leave is exhausted.
3. A request for a personal leave of absence must be made in writing to the employee's supervisor or Department Head, and a request for a family or medical leave of absence must be made to the Human Resources Director.
4. The employee's Department Head, Assistant Town Administrator (if applicable), the Human Resources Director, and the Town Administrator must evaluate each request for a leave of absence in advance. The Town shall grant or deny the petition based on the factors of the individual case.
5. A leave of absence shall not exceed three (3) months unless it has been extended as reasonable accommodation to an employee's disability under the ADA that does not create an undue hardship. Sick leave (where applicable) and annual leave shall be used until exhausted and then the leave shall be without pay. Failure to report back to work at the expiration of any leave of absence, without approval, shall be considered a voluntary termination of employment, in which case the date of termination shall be considered the last day worked before the leave of absence expired. The leave of absence may be extended upon written request if circumstances justify granting reasonable accommodation under the ADA. Such extensions require the approval of the Town Administrator.
6. After returning from a leave of absence, the Town shall make every effort to return an employee to the same job. If the Town finds that a leave of absence approved under the ADA creates an undue hardship on Town operations, this situation may necessitate hiring someone else to fill the position. Depending on the situation there may not be another comparable job opening available at the end of the leave of absence; therefore, the Town cannot guarantee reemployment after a leave of absence. Prior to hiring a replacement employee, the Town shall invite the employee to return to work and pay status before filling the employee's former position. The employee shall have ten (10) calendar days to respond to the offer to return to work.
7. During leaves of absence not considered FMLA leave, employees shall not receive credit for, or accrue, any paid holidays, annual leave, or sick leave, or 401(k) longevity matching.
8. Employees are prohibited from working a second job while on FMLA medical leave. Employees who violate this policy are subject to disciplinary action up to and including termination.
9. This Section does not apply to Military Leave.

Section K. Leave without Pay

Leave without pay is a temporary, unpaid, approved absence from work that lasts two work weeks or less. A regular full-time or regular part-time employee ~~who has completed the probationary period~~ may request leave without pay, which will be approved at management's discretion. This policy does not guarantee that approval will be granted.

Notification of approval or denial will be provided in writing.

The request for leave without pay must be written and include the beginning and end dates of the requested leave and its purpose.

Leave without pay may be taken for personal reasons, family issues and emergencies, educational purposes, community service and other activities approved by management. Leave without pay will not generally be granted to allow an employee to engage in other employment or explore other job opportunities. All paid leave must be exhausted before an employee can request leave without pay, and all leave without pay must be taken in full day increments.

An employee will continue to accrue annual and sick leave during a leave without pay if he or she is in paid status for at least 50% of the month during which leave is taken (see Article XVI, Section B, and Article XVI, Section E).

An employee's employment status remains intact for the duration of the leave. He or she will be allowed to return to the same position with the same pay upon completion of the leave in accordance with this section.

An employee is required to return from the leave without pay on the originally scheduled return date. If the employee is unable to return, he or she must request an extension of the leave in writing. If the Town declines to extend the leave, the employee must then return to work on the originally scheduled return date or be considered to have voluntarily resigned from his or her employment. Extensions of leave will be considered on a case-by-case basis.

This section applies only to leave without pay other than FMLA, military and worker's compensation leave without pay. For information on FMLA, military and worker's compensation leave, consult Article XVI, Section F; Article XVI, Section I; and Article XVIII, Section B, respectively. Absences of longer duration than two work weeks are covered by Article XVI, Section J (*Leave of Absence*).

Section L. Suspension from Work without Pay

Suspension from work without pay, also known as unpaid suspension, is the temporary removal of an employee from job duties and cessation of his or her pay. Unpaid suspension may be the result of an investigation of employee conduct or of disciplinary action. All Town employees may be subject to suspension from work without pay where permitted by law, and any such unpaid disciplinary suspension must be imposed in full-day increments.

Unpaid suspension permits the Town to review or investigate actions that warrant removing the employee from the worksite. These actions include, but are not limited to, theft or misappropriation of funds or Town property, drug, or alcohol use while on the job, gross safety negligence or acts endangering others, illegal acts and violations of the Town's Harassment, Workplace Violence and Retaliation or Abusive Conduct policies (see Article XX and Article XIX, respectively).

Suspension may begin with or without notice but will be confirmed in writing. Such confirmation will include the reason for and the expected duration of the leave. Upon conclusion of an investigation, the employee will receive written notice of the result of the Town's investigation, the actual dates of leave and if any backpay for time on unpaid suspension will be awarded. Information on suspensions without pay due to disciplinary reasons is included in Article XIII Section B.

Article XVII– Employee Benefits

Regular full-time employees may be eligible to receive benefits above and beyond salary for time worked. ~~The Town of Farragut has a valuable benefits program that has been established to attract high-caliber personnel and to retain experienced, valued employees.~~

All benefits are subject to annual review in the Town's budget process. Sustainment of the benefits listed below depends on available money and the Board of Mayor and Aldermen's approval. The following represent summaries of current benefits available to eligible town employees. Where information in this manual conflict with the actual plan documents, the plan documents control.

Employees should always consult the plan documents for information concerning benefits. Insurance carriers, policy specifications, and benefits are subject to change. The Town of Farragut reserves the right to modify, amend or terminate any of these benefit plans at any time with Board of Mayor and Aldermen approval. Employees are enrolled in benefits during new hire orientation. Employee questions regarding benefits should be addressed to the Human Resources Director.

Section A. Group Life and AD&D Insurance Program

The Town offers life insurance and accidental death and dismemberment (AD&D) insurance coverage under a group policy at no cost to each regular full-time employee. The insurance carrier establishes the terms and conditions of the policy. Eligible participants must designate a beneficiary and may change their beneficiary at any time by notifying the Human Resources Department in writing.

Section B. Group Health Insurance Program

The Group Health Insurance Program shall be available to all regular full-time employees. Coverage for the employee and family (if applicable) will begin on the first day of the month following hire. ~~Employees are responsible for a portion of premiums.~~

Post-Retirement Health Benefits:
The Town will provide post-retirement health benefits to employees who have twenty (20) or more years of service and are between the ages of 60-65. The Town will cover these benefits, minus what the employee is responsible for, until the employee is eligible for Medicare.

Section C. Wellness Program

Benefit Eligible full-time employees can participate in the Town provided wellness program.

Section D. Dental Insurance

In conjunction with the group health insurance program, the Town provides dental insurance under the same terms and conditions as the group health insurance program.

Section E. Vision Insurance

In conjunction with the group health insurance program, the Town provides vision insurance under the same terms and conditions as the group health insurance program.

Section F. Long-term Disability Insurance Program

The Town provides, at no cost to the employee, a long-term disability insurance program for full-time employees. All active, full-time employees who have completed thirty days (30) of continuous service with the Town of Farragut and who become totally disabled to perform the essential duties of their job by reason of injury, sickness, or pregnancy may become eligible for long-term disability benefits subject to all the terms and conditions of the policy and as provided. Long-term disability benefits are payable only following a 90-day period of total disability and shall provide up to 60% of the employee's base salary including a combination of workers compensation, disability pensions, and any other sources of income up to a maximum of $7,000 per month.

All claims for long-term disability benefits shall be governed by the specifications of the long-term disability insurance policy in its entirety.

Long Term disability is portable and can be transferred upon termination, regardless of the reason.

Section G. Voluntary Benefits: Short Term Disability, Accident Insurance, Critical Illness Insurance, Hospital Indemnity and Voluntary Life (employee, spouse, child(ren)

The Town provides, at cost to the employee, a short-term disability insurance program for full-time employees. All active, full-time employees who have completed thirty days (30) of continuous service with the Town of Farragut and who become disabled to perform the essential duties of their job by reason of injury, sickness, or pregnancy may become eligible for short-term disability benefits subject to all the terms and conditions of the policy and as provided. Short-term disability benefits are payable only following a 7-day period of disability and shall provide up to $1,000 a week for a maximum of thirteen (13) weeks.

All claims for short-term disability benefits shall be governed by the specifications of the long-term disability insurance policy in its entirety.

The Town provides, at cost to the employee, an accident insurance program for full-time employees. All active, full-time employees who have completed thirty days (30) of continuous service with the Town of Farragut are eligible. The accident insurance covers hospital bills and accidental death and dismemberment coverage.

The Town provides, at cost to the employee, a critical insurance program for full-time employees. All active, full-time employees who have completed thirty days (30) of continuous service with the Town of Farragut are eligible. Critical Illness insurance covers either $10,000 or $20,000 of benefit to cover costs associated with critical illness. ~~The rate for this coverage is associated with tobacco or non-tobacco use.~~

The Town provides, at cost to the employee, a hospital indemnity insurance program for full-time employees. All active, full-time employees who have completed thirty days (30) of continuous service with the Town of Farragut are eligible. Hospital Indemnity benefit is to cover costs associated with overnight hospital stays.

The Town provides, at cost to the employee, additional life insurance for full-time employees, spouse and/or child(ren). All active, full-time employees who have completed thirty days (30) of continuous service with the Town of Farragut are eligible. The additional life insurance is available in increments of $10,000 up to $300,000- or 5-times annual salary for employee, increments of $5,000 up to $150,000 not to exceed 50% of employee coverage for spouse and increments of $5,000 up to $10,000 for children.

Section H. Social Security and FICA Insurance

Town employees voted in an irrevocable Social Security Divided Vote Referendum on February 21, 2012, to join or not to join Social Security. Therefore, employees who voted to remain out of the Social Security system will permanently remain out of Social Security while Town employees.

Employees who voted to join the Social Security system and all part-time, temporary, seasonal, and paid intern employees hired after the February 21, 2012; vote was taken are members of the Social Security system. The Town provides the employer's share of Social Security contributions at the current federal rate and the employee provides the employee's share at the current rate by payroll deduction**.** All employees hired after the Social Security Referendum will be members of Social Security.

The Town participates in the Federal Insurance Contributions Act (Medicare). The Town and employees are required by law to make appropriate contributions according to current rates and regulations.

Section I. Retirement Plan: 401K

The Town shall provide a retirement plan for all regular full-time employees. Currently, the Town offers a defined contribution retirement plan for all regular full-time employees.

For employees in the Social Security system, the Town will provide a 6% contribution upon hire and match up to 8% of gross wages for employee contributions into a 401k plan.

Employees are 100% vested in the retirement plan after three (3) years of service. The employee contribution will have an automatic 1% increase annually, unless declined in writing.
The matching opportunity is based upon years of service according to the following schedule:

0-4 years of service = 2% matching
5-8 years of service = 4% matching
9-12 years of service = 6% matching
13+ years of service = 8% matching

When an employee meets the conditions set forth in the retirement plan regulations, the employee may elect to retire and receive all benefits earned in the Town's retirement plan. The Board of Mayor and Aldermen shall periodically designate the authorized carrier for each of the above benefits.

NOTE: For employees who voted in the Social Security Referendum to remain out of Social Security, the Town will deposit 10% of gross wages into a 401(k) plan. Also, the Town will match these employees' contributions by up to 2%.

Section J. Supplemental Retirement Program: 457

Any regular full-time employee may contribute a portion of their salary on a pre-tax basis to a 457 plan. Participation in the 457 plan is completely voluntary. Employees may enroll in the 457 plans at any time during their employment.

Section K. Service Recognition

See Article IX, Section I for details regarding service recognition.

Section L. Unemployment Insurance

The Town adheres to the Tennessee Unemployment Compensation Act. The Town is required by law to make appropriate payments.

Section M. Town-Supplied Equipment and Uniforms

In many circumstances, the Town issues equipment such as cell phones, computers, personal safety devices or other equipment deemed necessary to perform the job duties required by the employee's positions.

The Town provides or pays a portion of the cost of uniforms and equipment (such as cell phones, computers, personal safety devices, etc.) deemed necessary for employees to carry out their day-to-day work.

The Town requires employees, whose uniforms are assigned by an outside vendor, to sign a Uniform and Equipment Agreement upon issuing such uniforms or equipment. If an employee loses or damages the equipment or uniforms, other than in the line of duty, or if they are not returned in good condition at the time of termination, then the Town may require the employee to pay for replacement items in accordance with the Uniform and Equipment Agreement. From time to time, any/all employees may be required to wear collared shirts, tee shirts, and/or jackets with the Town logo embroidered or embossed on them. These garments will be issued to employees by the Town.

Uniform Policy

The following guidelines are to be followed by all employees that are provided uniforms:

1. The type, style and quantity of uniforms and positions eligible to be provided by the Town shall have the approval of the Town Administrator for each Department.
2. Uniforms provided by the Town may be considered as taxable income to the employee by the IRS and subject to taxation as such.
3. Uniforms provided by the Town through a contracted uniform service, shirts and work pants, jackets, etc. are not considered taxable income to the employee.
4. All Town employees that are provided with uniforms are to always wear them when performing their job duties.
5. Safety shoes (commonly called steel-toed boots) are to be always worn by all Town employees that are subject to foot/toes injuries. On an annual basis, the Town may provide safety shoes or a shoe allowance to Town employees for the purchase of quality, waterproof shoes that meet A.N.S.I. / O.S.H.A. standards. The Town Administrator must approve any exception to this guideline.
6. Uniforms are the property of the Town of Farragut or the contracted uniform service and are provided as an employee benefit. Loss of, willful damage to, and/or neglect of Town uniforms are not acceptable and may result in disciplinary action.
7. To control the number and condition of these uniforms, employees will be required to return laundered older uniforms when provided with new uniforms.
8. Employees are not allowed to wear Town uniforms in personal time away from the job, except when traveling to and from work. Anytime a Town uniform is worn, the employee is representing the Town and should act accordingly.
9. Uniforms, T-shirts, and polo shirts must be clean and in good condition. Torn or sleeveless T-shirts are not permitted.
10. Coveralls, overalls, rain gear, gloves, and heavy coats are always permitted and encouraged during bad weather.
11. Shorts will only be permitted when recommended by the Department Head and approved

by the Town Administrator. Such approval will be based on the type of work assignment and safety issues.

12. All uniform purchases, including safety shoes, must be coordinated through the employee's Department Head. Any exception must be approved by the Town Administrator.

Section N. Employee Assistance Program (EAP)

Confidential professional assistance is offered to any employee or family member of an employee who feels an experienced counselor could help resolve a personal problem. The EAP helps in the areas of marital, family, children, financial, legal, alcohol abuse, drug and substance abuse, grief, anxiety, depression, stress, and any other personal or emotional problems. Although there is no charge for this service, costs may be incurred if a counselor recommends outside help. However, EAP will work to minimize the employees' costs by locating a qualified referral source that may be covered in part or completely by insurance. The Human Resources Director will connect employees with the EAP professional.

The Town of Farragut also recognizes that a wide range of problems not directly associated with one's job function can affect an employee's job performance. In most instances, such personal problems can be overcome independently and the effect on the job performance will be minimal. In other instances, normal supervisory counseling will provide the needed motivation or guidance by which such problems can be resolved so that job performance will return to an acceptable level. In some cases, regardless of the efforts of the employee or supervisor, where unsatisfactory job performance persists over a period, either constantly or intermittently, the Town may make a mandatory supervisory referral to EAP.

It is the policy of the Town of Farragut to handle such problems through a <u>mandatory</u> supervisory referral to an EAP provider within the following framework:

1. The Town of Farragut recognizes that almost any human problem can be successfully treated, provided it is identified in its early stages and appropriate referral is made, whether the problem is one of physical, mental, or emotional illness, finances, marital or family distress, alcoholism, drug abuse, legal problems, or other concerns.
2. When an employee's job performance or attendance is unsatisfactory, and the employee is unable or unwilling to correct the situation, either alone or with normal supervisory assistance, a cause outside of the realm of job responsibilities may be the basis of the problem.
3. The purpose of this policy is to assure employees that, if personal problems are the cause of unsatisfactory job performance, the employee may receive careful consideration and an offer of assistance to help resolve these problems in an effective and confidential manner.

The procedure for implementing the mandatory supervisor referral is as follows:

1. When an employee's work performance or attendance is unsatisfactory, it will be called to his/her attention per the regular procedure by the Department Head or immediate supervisor.
2. If low performance or attendance problems continue, the Department Head/supervisor will discuss the problem formally with the employee, whereby the employee may be referred to the EAP for mandatory assistance following corrective action procedures. This discussion will consist of a written counseling statement as outlined in the corrective action policy (Article XIII). Both the job-related problem and the offer of EAP must be documented. A supervisory

referral to EAP is mandatory and a condition of continued employment. The Department Head will notify the Human Resources Department and request assistance in making a referral.

3. The initial assessment with the EAP may be scheduled during regular work time, provided that the time away from the employee's department is approved by the Department Head. The employee will be paid for this time away from the department at the same rate received as if working his/her regular schedule and applies to the initial assessment only. Counseling time extending past the employee's regular scheduled work shift will not be compensated. The employee may use sick leave for subsequent visits.
4. If the employee successfully completes EAP counseling and the job performance or attendance problems improve to a satisfactory level, no further action will be taken. If the employee's job performance or attendance problems continue, the regular disciplinary procedures will apply. (See Article XIII)
5. When the Department Head or Human Resources Director refers the employee for mandatory assistance, further communications will be made to the Department Head **or** Human Resources Director by the counselor after the employee has signed a required Release of Information. Generally, the only information that is released is whether the employee made the appointment and is following the treatment plan.

The Town of Farragut's EAP Program is operated by outside consultants and available free of charge to employees and family members living in the immediate household. Except under the circumstances outlined above, all information is confidential.

Section O. Tuition Reimbursement

Tuition reimbursement for employees is a plan which offers financial assistance to an employee who takes accredited courses on a for-grade basis directly related to his/her work or to a position the employee may conceivably be considered for in the future and which is likely to increase his/her value to the Town. Courses or professional development seminars taken for certifications do not need a grade to qualify for Town reimbursement.

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 who have satisfactorily completed the probation period and after approval as provided below.

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

1. Employee is regular full-time. Reimbursement will not be approved for employees whose last annual performance evaluation is not at or above "meets standards".
2. Written notice of intention to use the Tuition Reimbursement Program shall be presented to the Department Head prior to March 1 to be included in the following fiscal year. This notice should be presented to the Town Administrator for approval to be included in the budget. Each individual department head is responsible for allocating funds to cover the Tuition Reimbursement Program for his/her employees.
3. Employees have submitted a Tuition Reimbursement Request Form for preapproval from his/her Department Head and Town Administrator to enroll in a class. The Tuition Reimbursement Request Form shall be submitted no later than five (5) working days before the course begins. Tuition Reimbursement Request Forms are available from the Human Resource/Administrative Office. Additionally, the employee must sign a Town reimbursement form that requires full reimbursement of Town training costs if the employee voluntarily leaves

Town employment in less than one (1) year and 50% reimbursement if the employee voluntarily leaves Town employment between one (1) and two (2) years of completing the class (see item number 9, below).

4. Upon completion of the preapproved course, the employee must submit proof that he/she has received a grade C or better. The employee must also submit the tuition receipt verifying cost and payment of the tuition.
5. The employee shall affirm that he/she has not been reimbursed for this approved educational training by some other funding source. Persons being supplemented under any other program(s) (i.e., state supplements, G.I. Bill, scholarships, government funding, etc.) are not eligible for course reimbursement under the Town's Tuition Reimbursement program.
6. Employees will be reimbursed for educational tuition and required fees upon submission of a transcript as follows:

For-Grade Basis	% Reimbursement
• A or B	100% of Tuition
• C	50% of Tuition
• Below C	No reimbursement

7. Employees will be limited to a reimbursement of up to $3,000 per fiscal year. The reimbursement will be presented in a lump sum check after the course is completed and notification of completion of the course has been received. The reimbursement is subject to IRS regulations and may be considered taxable income.
8. This reimbursement amount is for tuition and required fees only. The reimbursement amount shall not include books, departmental fees, or any other associated fees. Books excluded fees and other associated costs are the responsibility of the employee.
9. Employees participating in the program are required to sign an Agreement to refund 100% of the cost to the Town if he/she voluntarily leaves Town employment within one (1) year of receiving tuition reimbursement. Should the employee voluntarily resign within 1-2 years of taking the class, the former employee must reimburse the tuition money to the Town at the pro-rated amount of 50%. If an employee leaves service during the course, he/she shall not be entitled to any reimbursement.

Section P. Park and Recreation Discounts

The Town provides, at no cost to the employee, park and recreation discounts. All active, full-time, part-time and seasonal employees are eligible for the discount.

The discounts include the following:

- Free drop-in use of community center for employee and their immediate family. *Including: Open gym basketball, volleyball, cornhole and toddler takeover*
- 50% off rental- pavilions, community center classrooms, community center assembly hall, gym, or community center birthday party
- 50% off rental- tennis or pickleball courts
- 50% off league entry fee (this is for individual or team-different sports require different registrations)
- 50% discount on staff-led programming class
- 25% discount for contractual programming class

How to use:
Drop in use: staff and/or immediate family need to check in at the community center front desk and must have a membership (this is free and can be done anytime, needs to be renewed annually).
Rentals: Call 865-218-3376 to rent (no online registrations). Let the recreation staff know that you are Town of Farragut staff when you call.

NOTE: The Town reserves the right in its sole discretion to amend, modify or discontinue the benefits and plans offered under this Article XVII, including making any changes to the benefits, eligibility, and employee premium and/or contribution requirements for the group health insurance and welfare plans provided for herein.

Article XVIII – Workplace Safety / Risk Management

Section A. Policy

It is the policy of the Town to provide a safe and secure work environment for all Town employees. The Town has established workplace safety procedures and regulations that comply with regulatory requirements, and which are intended to increase safety consciousness among all employees. It is Town policy to maintain a constant vigilance of all safety programs, and where safety standards are found to be deficient, the Town shall take immediate action to correct the situation. The Town adheres to the philosophy that the safety of the employees and the public is a high priority.

Section B. Workers' Compensation

The Town covers all employees under Workers' Compensation Insurance. The Town adheres to the provisions and requirements of the Division of Workers' Compensation of the Tennessee Department of Labor.

When an employee is injured while working and being compensated by the Town and requires medical attention, the employee should seek medical attention from a physician on the panel of physicians approved by the Town's workers' compensation insurance carrier. The panel of approved physicians will be posted in each location. In a life-threatening emergency, the injured employee may use the most convenient medical service or hospital.

Employees off work on temporary total disability (TTD) or on-the-job injury leave shall receive compensation in accordance with the Tennessee Department of Labor regulations. The Human Resources Director under the direction of the insurance carrier or its representatives shall coordinate all workers' compensation claims. The employee shall be required to communicate with and coordinate all activities (i.e., medical care, restricted duty, return to work, etc.) through the Human Resources Director. Failure to follow proper procedure may result in disciplinary action.

The Town of Farragut Human Resources Director will assist the employee in scheduling medical provider appointments, if requested by the employee. For injured employees who return to work on light duty status, up to two hours spent at medical or physical therapy appointments as follow-up treatment for any occupational injury or illness shall be considered Town work and shall not be charged against any of the employee's accrued paid sick leave. Any time over two hours away from work shall be charged against the employee's accrued paid sick leave.

Section C. Workers' Compensation Reporting Procedures and On the Job Injury Leave Procedures

Employees shall adhere to the Town's Workers' Compensation Reporting and On the Job Injury Leave Procedures that are found in the Safety Manual. Employees shall report immediately any injury incurred in the course of their employment, however minor, to their supervisor or Department Head, and take necessary first aid or medical treatment. It is mandatory that within twenty-four (24) hours the employee (or supervisor if the employee is deemed unable) shall complete and sign the *Employee Injury Report*). Next, the employee will complete and sign Form C-42 to choose a treating physician. An employee determined to have been able and who fails to complete these forms shall not be eligible for occupational disability or injury leave.

When an employee is injured on the job, the supervisor or Department Head shall, immediately after receiving the Employee Injury Report, complete the Supervisors' Accident Investigation Section of the report. The original of each report must be submitted to the Human Resources Director within twenty-four (24) hours of the incident. The Department Head may keep a copy of his/her file. Where an accident causes serious bodily injury or death to an employee, the supervisor shall immediately notify the Department Head and the Human Resources Director.

Section D. Return to Work

Prior to return-to-work following a work-related injury or illness or a personal injury or illness, employees must present the Human Resource Director with a medical release from their treating physician. The medical release to return-to-work must specify work restrictions (if any).

If the medical return-to-work release states that the employee is fully recovered and able to perform the essential functions of their job, the HR Director shall notify the Department Head appropriately.

If the medical return-to work release specifies restrictions, the Human Resource Director, in conjunction with the Department Head, will determine if the Town can accommodate the restrictions. If accommodation can be made, a temporary light duty work assignment will be assigned. The work assignment may or may not be within the employee's current department but will be paid at their regular rate of pay.

In all cases of occupational disability, the responsibility of determining the character, degree, and potential duration of an injury shall rest with the licensed practicing medical doctor(s) designated by the Town. The medical doctor(s) may make periodic examinations, progress reports, and recommendations as deemed necessary by the Human Resources Director. The employee shall be required to return to work upon the approval of the medical doctor(s) with or without reasonable accommodation unless the employee qualifies for additional leave under state or federal law.

An employee who suffers a work-related illness or injury and is unable to return to work shall be granted worker's compensation leave that will run concurrently with the Family Medical Leave Act (FMLA) and will be governed by the Town's FMLA policy (see Article XVI, Section F). While on worker's compensation leave, the employee must follow the treating physician's orders. If the treating physician orders include time off work, the physician's order includes both their regular job and their secondary job (if any).

Employees on worker's compensation leave will be required to use sick or annual leave during the first seven (7) days of an on-the-job injury. If the absence from the injury exceeds 7 days, a reimbursement to the employee's leave balance may occur. The employee shall continue to accrue sick leave and vacation pay at the employee's regular rate while he/she is on any paid worker's compensation leave up to the maximum allowable benefit.

Before an employee is returned to full duty, the employee must be certified by the attending physician as capable of performing the essential functions of the job. The attending physician will be furnished a copy of the job description, including a list of the essential job functions, and required capabilities. The attending physician must certify the employee's ability to perform the essential job functions and state clearly any medical restrictions placed on the employee and the duration of such restrictions. The Town reserves the right to obtain a second medical opinion from the physician of its choosing before a final decision is made on a return to duty.

If an employee is unable to return to the position held at the time of the injury, with or without a reasonable accommodation, the Town Administrator may take reasonable steps to place the individual in a comparable position, if one is available, for which he/she is qualified and able to perform the essential functions, with or without reasonable accommodations. However, the Town is not required to create a "light duty" position.

Should an employee be unable to return to full duty after FMLA leave or leave granted as a reasonable accommodation under the ADA is exhausted, and no comparable position for which the employee is qualified is available, the employee may be subject to separation if:

a) he/she cannot perform the essential functions of the employee's position or any vacant available position due to a disability that cannot reasonably be accommodated without an undue hardship; or
b) the employee poses a direct threat of injury to himself/herself and/or others.

Section E. Drug and Alcohol Testing

The Town has two substance abuse testing policies. The first is for CDL holders. The second is for all other employees. Employees shall adhere to the Town's Drug and Alcohol Testing Policies found in Appendix A.

Section F. Pregnancy-Related Accommodations

In accordance with the Pregnant Workers Fairness Act (PWFA), The Town of Farragut is committed to providing reasonable accommodations to employees and applicants with known limitations related to pregnancy, childbirth, or related medical conditions.

Reasonable Accommodations:
If an employee or applicant is unable to perform the essential functions of their job due to pregnancy, childbirth, or a related medical condition, the Town will provide reasonable accommodations. These may include, but are not limited to:

- Modified work schedules
- More frequent breaks or rest periods
- Temporary reassignment to light-duty or less strenuous tasks
- Assistance with manual labor tasks

- Provision of seating, equipment adjustments, or temporary job restructuring
- Private, non-bathroom space for lactation
- Time off to recover from childbirth or pregnancy-related medical conditions

Employees are not required to take leave if a reasonable accommodation can be made.

Accommodation Request Process:
Employees or applicants seeking accommodations should notify their direct supervisor or the HR department as soon as possible. The Town will engage in an interactive process to determine the appropriate accommodation, considering both the employee's needs and the business's operational requirements. The employee may be required to provide documentation from a healthcare provider outlining any work-related restrictions or limitations.

Non-Discrimination and Non-Retaliation:
The Town strictly prohibits discrimination or retaliation against any employee or applicant for requesting accommodations or asserting their rights under the PWFA. Any concerns regarding accommodations or violations of this policy can be reported to the HR department and will be addressed promptly and confidentially.

Section G. Employee Lactation Accommodation

In compliance with the Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act), the Town of Farragut supports the rights of breastfeeding employees to express milk during the workday.

Break Time for Nursing Employees:
Nursing employees will be provided reasonable break time to express breast milk as needed for up to one year following the birth of a child. These breaks may run concurrently with any other break times already provided. If additional time is needed, employees should coordinate with their supervisor to ensure that any break more than regularly scheduled breaks can be accommodated.

Private Space for Lactation:
The Town will provide a private, non-bathroom space that is shielded from view and free from intrusion for nursing employees to lactate. This space will be equipped with a chair, electrical outlet, and any other reasonable accommodations to facilitate lactation.

Payment During Lactation Breaks:
Employees who are using unpaid break times for lactation will not receive compensation during that time. However, if an employee expresses milk during an already compensated break, the break will remain paid.

Request for Accommodation:
To request lactation accommodations or to report issues with provided accommodations, employees should contact the HR Department for assistance. The Town will address requests promptly and in compliance with all legal obligations under the PUMP Act.

Non-Retaliation:

The Town prohibits any form of retaliation against employees who request or use lactation breaks. Any concerns regarding rights under the PUMP Act can be brought to the attention of the HR Department without fear of discrimination or retaliation.

Article XIX – Harassment, Workplace Violence and Retaliation

It is the policy of the Town of Farragut that all employees have a right to work in an environment free from discriminatory harassment. The Town prohibits any form of harassment of its employees by other employees and will take immediate and appropriate action to prevent and to correct behavior that violates that policy. The Town also strives to protect its employees from any form of harassment by third parties, including citizens and vendors.

Consequently, this policy applies to officers and employees of the Town of Farragut, including but not limited to, full and part-time employees, elected officials, and seasonal/temporary employees, employees covered or exempt from the *Personnel Policies and Procedures Manual* or other regulations of the municipal government and employees working under contract for the municipality.

Section A. Harassment, Sexual Harassment and Other Forms of Harassment

The Town also has a strong policy against harassment based upon race, color, religion, sex (including sexual orientation; gender identity; and pregnancy, childbirth, or related medical conditions), national origin, disability, age (40 or older), and genetic information (including family medical history).~~race, sex, national origin, color, disability, age, veteran's status, or religion. This harassment might include words, gestures, behaviors, or actions which diminish employees, make the job environment hostile, affect employment decisions, and/or interfere with work performance.~~ For harassment to violate the law, it must be based on a legally protected characteristic (see above). Being rude, teasing, or mistreating somebody because of a personality conflict, without a connection to a protected characteristic, does not violate the laws enforced by the EEOC.

Further, to violate the law, harassment based on a protected characteristic must either:
involve a change to the victim's employment (e.g., an employee is fired, demoted, denied a promotion or transfer, reassigned, or receives reduced hours or pay because the employee rejected a supervisor's sexual advances); or
create a "hostile work environment"

Harassment can take many forms, including:

- saying or writing an ethnic, racial, or sex-based slur;
- forwarding an offensive or derogatory "joke" email;
- displaying offensive material (such as a noose, swastika, or other hate symbols, or offensive cartoons, photographs, or graffiti); threatening or intimidating a person because of the person's religious beliefs or lack of religious beliefs;
- sharing pornography or sexually demeaning depictions of people, including AI-generated and deepfake images and videos;
- making comments based on stereotypes about older workers;
- mimicking a person's disability;
- mocking a person's accent;
- making fun of a person's religious garments, jewelry, or displays;

- asking intrusive questions about a person's sexual orientation, gender identity, gender transition, or intimate body parts;
- groping, touching, or otherwise physically assaulting a person;
- making sexualized gestures or comments, even when this behavior is not motivated by a desire to have sex with the victim; and
- threatening a person's job or offering preferential treatment in exchange for sexual favors.

Sexual Harassment

Sexual harassment is defined as sexually offensive or inappropriate conduct, including unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. This conduct constitutes unlawful sexual harassment when: (1) submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment; (2) submission to or rejection of such conduct is used as the basis for an employment decision; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. While sexual harassment usually involves members of the opposite sex, it also includes same sex harassment (i.e., males harassing males and females harassing females because of the recipient's sex).

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with our work effectiveness. Sexual harassment may take different forms. ~~One specific form is the demand for sexual favors. Other forms of harassment include:~~

~~***Verbal:*** Sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, threats, and offensive language.~~
~~***Non-Verbal:*** Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures either in person or on any form of electronic media.~~
~~***Physical:*** Unwanted physical conduct, including touching, pinching, brushing the body, coerced sexual intercourse, assault.~~

Sexual harassment may be overt or subtle. Some behavior which is appropriate in a social setting may not be appropriate in the workplace. But whatever form it takes, verbal, nonverbal or physical, sexual harassment can be insulting and demeaning to the recipient and cannot be tolerated in the workplace. Sexual harassment by an employee, Director, supervisor, or third-party non-employee will not be tolerated by the Town of Farragut. All employees, Directors and non-supervisors will be expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur. Based on the seriousness of the offense, disciplinary action, up to and including termination, will be taken against any employee who violates this policy. In furtherance of this policy, the Town of Farragut prohibits Directors and supervisors from dating or otherwise having romantic or sexual involvement with any subordinate employee.

Hostile Work Environment

A hostile work environment will not be tolerated. This policy applies to all employees, contractors, visitors, and clients while engaged in work activities or on Town premises.

Definition of a Hostile Work Environment:

A hostile work environment is created when an individual's behavior makes it difficult or uncomfortable for others to perform their job due to unwelcome actions or conduct. This may include, but is not limited to:

- Offensive, intimidating, or abusive comments or behavior related to an employee's race, gender, religion, age, national origin, disability, sexual orientation, or any other protected characteristic
- Persistent, unwelcome jokes or derogatory remarks
- Bullying or humiliation
- Threats, physical assault, or any form of harassment
- Displaying or circulating offensive materials, images, or literature

Unacceptable Behaviors:
Behaviors that may contribute to a hostile work environment include, but are not limited to:

- Verbal abuse or unwelcome comments about someone's appearance or personal characteristics
- Sexual harassment, including inappropriate jokes, advances, or physical contact
- Isolation, exclusion, or spreading malicious rumors
- Intimidation or creating fear through threats, actions, or manipulation
- Deliberately sabotaging someone's work performance

Reporting Procedure:
Employees who believe they are experiencing or witnessing a hostile work environment should report the behavior immediately. Reports can be made to:

- Your direct supervisor or manager
- The Human Resources Department
- The Town Administrator

All complaints will be taken seriously and investigated promptly and thoroughly. Employees are encouraged to document incidents, including details such as the date, time, individuals involved, and specific behavior or conduct.

Non-Retaliation:
No employee will suffer retaliation for reporting hostile behavior or participating in an investigation in good faith. Any form of retaliation, including demotion, termination, or unfavorable changes to work assignments, is strictly prohibited and will result in disciplinary action.

It is the intent of this policy to treat all harassment complaints seriously and to utilize the same complaint processing procedure regardless of the type of complaint.

Section B. Workplace Violence and Abusive Conduct

It is the policy of the Town of Farragut to promote a productive, safe, and healthy work environment for all employees, customers, vendors, contractors, and members of the public and to provide for the efficient and effective operation of the Town's activities. The Town of Farragut will not tolerate verbal or physical conduct by an employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive or hostile environment.

No employee or non-employee shall be allowed to harass, threaten, bully, or engage in violent conduct toward a co-worker, subordinate or superior employee, or non-employee by exhibiting behavior

including, but not limited to, the following:

Verbal: Verbal threats toward persons or property; the use of vulgar or profane language directed towards others; disparaging or derogatory comments or slur; offensive flirtations or propositions; verbal intimidation (bullying); exaggerated criticism or name-calling; spreading untrue and malicious gossip about others.
Non-verbal: The use of suggestive body language, use of hand signs, or any additional suggestive, intimidating, or lewd gestures such that any reasonable person would deem them inappropriate; derogatory or offensive posters, cartoons, publications, or drawings, including electronic harassment via any form of social media or email.
Physical: Any physical assault, such as hitting, pushing, kicking, holding, impeding, or blocking the movement of another person.

The Human Resources Director is charged with investigating all cases of workplace violence and harassment. Depending on the severity of the charges or whether a crime is committed, the Town Administrator may request that the Knox County Sheriff or legal counsel aid the Human Resources Director or assume responsibility for the investigation.

The Town retains the right, based upon reasonable suspicion of a violation of these policies, or out of business necessity to locate needed materials, documents, or other things, to search an employee's office, desk, locker, and other Town property under the control of the employee.
Reasonable suspicion sufficient to justify a search may be based upon a clear and reasonable belief, through observation or information provided by a reliable and credible source, that a violation of Town policies is occurring and that in furtherance of the investigation of such violation access to such areas is necessary.

A decision to search shall be made by the Town Administrator in consultation with the employees' Department Head and the Human Resources Director.

Searches of Town property under the control of an employee (offices, desks, filing cabinets, lockers, etc.) are subject to being conducted without notice to the employee, once the reasonable suspicion standard has been satisfied, or the need to search has been established by the Town Administrator.

Definition of Abusive Conduct
Abusive conduct includes acts or omissions that would cause a reasonable person, based on severity, nature, and frequency of the conduct, to believe that an employee was subject to an abusive work environment, which can include but is not limited to:

- Repeated verbal abuse in the workplace, including derogatory remarks, insults, and epithets.
- Verbal, nonverbal, or physical conduct of a threatening, intimidating, or humiliating nature in the workplace; or
- The sabotage or undermining of an employee's work performance in the workplace.

A single act generally will not constitute abusive conduct unless such conduct is determined to be severe and egregious.
Abuse conduct does not include:

- Disciplinary procedures in accordance with adopted policies of the Town.
- Routine coaching and counseling, including feedback about and correction of work performance.

- Reasonable work assignments, including shift and overtime assignments.
- Individual differences in styles or personal expressions.
- Passionate, loud expression with no intent to harm others.
- Differences of opinion on work-related concerns.
- The non-abusive exercise of Directorial prerogative.

Employer Responsibility
Supervisors and others in positions of authority have a particular responsibility to ensure that healthy and appropriate behaviors are always exhibited and that complaints to the contrary are addressed in a timely manner. The Supervisor will:

- Provide a working environment as safe as possible by having preventative measures in place and by dealing immediately with threatening or potentially violent situations.
- Provide good examples by treating all with courtesy and respect.
- Ensure that all employees have access to and are aware of the abusive conduct prevention policy and explain the procedures to be followed if a complaint of inappropriate behavior at work is made.
- Be vigilant for signs of inappropriate behaviors at work through observation and information seeking and take action to resolve the behavior before it escalates.
- Respond promptly, sensitively, and confidentially to all situations where abusive behavior is observed or alleged to have occurred.

Employee Responsibility (including witnesses)
Employees shall treat other employees with dignity and respect. No employee shall engage in threatening, violent, intimidating, or other abusive conduct or behaviors. Employees are expected to assume personal responsibility to promote fairness and equality in the workplace and report any incidents of abusive conduct in accordance with this policy.
Employees should co-operate with preventative measures introduced by supervisors and recognize that a finding of unacceptable behavior at work will be dealt with through appropriate disciplinary procedures.

Section C. Making Complaints

Employees have the responsibility to *immediately* bring any form of unwelcome workplace harassment or violence to the attention of either the Town Administrator or the Human Resources Director at the option of the employee. Both Town officials are trained to respond promptly and effectively to any complaint. Although employees are free to address inappropriate conduct with the offending person, an employee does not have to complain first to the offending person.

All complaints will be handled in a timely manner. A thorough and independent investigation will be conducted based on the employee's statement of what has occurred. The Town will not tolerate harassing, threatening, bullying, or violent conduct toward its employees. The Town will take immediate, positive steps to stop it when it occurs. The Town may also be responsible for the acts of non-employees, with respect to the harassment of employees in the workplace, where the municipal government (or its agent or supervisory employees) knows or reasonably should have known of the conduct and failed to take immediate corrective action. Prevention is the best tool for the elimination of harassment. Therefore, the following rules shall be strictly enforced. An employee who feels that he/she is being subjected to harassment should immediately contact one of the people below with

whom the employee feels the most comfortable. Complaints may be made orally or in writing to the Town's Human Resources Director or the Town Administrator.

Should the harassment involve the Town Administrator, the employee may report the unwelcome harassment or workplace violence to the Human Resources Director or the Town attorney. Both the Human Resources Director and the Town attorney are trained to respond promptly and effectively to any complaint. Employees have the right to circumvent the employee chain of command in selecting which person to whom to make a complaint of harassment. Regardless of which of the above Town officials the employee complains to, the employee should be prepared to provide the following information:

1. Official's or employee's name, department, and position title.
2. The name of the person(s) committing the harassment, including their job title(s).
3. The specific nature of the harassment, how long it has gone on and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.), taken against the employee because of the harassment, or any other threats made against the employee because of the harassment.
4. Witnesses to the harassment; and
5. Whether the employee has previously reported the harassment and, if so, when and to whom.

Section D. Investigation of Harassment Complaints

The Human Resources Director, or their designer, is the person designated by the Town to be the investigator of complaints of harassment or workplace violence against employees. In the event the complaint is against the Human Resources Director, the investigator shall be appointed by the Town Administrator. The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of harassment or workplace violence, witnesses interviewed during the investigation, the person against whom the complaint was made, and any other person contacted by the investigator in connection with the investigation. The notes shall be made at the time the verbal interview is in progress. Upon conclusion of the investigation, the investigator shall submit a report of the findings to the Town Administrator. The report shall include the statement of the person complaining of workplace violence or harassment, the written statement of witnesses, the written statement of the person against whom the complaint was made, all the investigator's notes connected to the investigation and a recommendation for disciplinary action, if any.

Upon receipt of the investigator's report, the Town Administrator shall immediately review the report and may discuss it with the investigator. If the Town Administrator determines that the report is not complete in some respect, he/she may request additional statements be taken from the person complaining of harassment, the person against whom the complaint has been made, witnesses to the conduct in question or any other person who may have knowledge about the harassment. Based upon the report and his/her review of the information, the Town Administrator shall, within a reasonable time, determine whether the conduct of the accused violated the workplace violence and harassment policy constitutes harassment. In making that determination, the Town Administrator shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred and the conduct of the person complaining. The determination of whether harassment occurred will be made on a case-by-case basis.

If the Town Administrator determines that the complaint of harassment or workplace violence is founded, he/she shall take immediate and appropriate disciplinary action against the guilty employee, consistent with his authority under the municipal charter, ordinances or rules governing his authority to discipline employees. Disciplinary action for harassment shall be governed by the same rules governing disciplinary actions generally (see Article XIII). The disciplinary action shall be consistent with the nature and severity of the offense, the rank of the employee and any other factors the Town Administrator believes relate to fair and efficient administration of the municipal government, including, but not limited to, the effect of the offense on employee morale and public perception of the offense, and the light in which it casts the municipality. Disciplinary action up to and including termination of employment shall be taken. A determination of the level of disciplinary action shall also be made on a case-by-case basis. A written record of disciplinary actions taken shall be kept, including verbal reprimands. In all events, an employee found guilty of harassment shall be warned not to retaliate in any way against the person making the complaint of harassment, witnesses or any other person connected with the investigation of the complaint of harassment. In cases where the harassment is committed by a non-employee against a municipal government employee in the workplace, the Town Administrator shall take whatever lawful action against the non-employee is necessary to bring the harassment to an immediate end.

Section E. Obligation of Employee

All employees, Directors, supervisors, and non-supervisors will be expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur. Approval of, participation in or acquiescence in conduct constituting workplace violence or harassment will be considered a violation of this policy. Additionally, employees are obligated to report instances of workplace violence or harassment. Employees are also required to cooperate in every investigation of workplace violence and/or harassment. The obligation includes, but it is not necessarily limited to, coming forward with evidence, both favorable and unfavorable for a person accused of such conduct and fully and truthfully making written reports or verbally answering questions when required to do so by an investigator. Employees are also obligated to refrain from making bad faith accusations of workplace violence and harassment. Based on the seriousness of the offense, appropriate disciplinary action, up to and including termination, will be taken against any employee who violates this policy.

Section F. Retaliation

The Town of Farragut prohibits all forms of retaliation against any individual who complains in good faith about workplace discrimination or harassment or reports in good faith conduct which violates Town policy. This zero-tolerance policy also protects individuals who participate in the investigation of any such complaint or report.

It is the Town's policy to encourage discussion of workplace issues and to help protect others from being subjected to inappropriate behavior. Violation of this policy may result in severe disciplinary action up to and including dismissal.

Any employee who believes he or she has been retaliated against shall *immediately* report the retaliation to the Town Administrator or the Human Resources Director.

Section G. Open Door Policy

The Town of Farragut recognizes that the question of whether a particular action or incident produces a discriminatory employment effect requires a factual determination based on all facts in the matter. Given the nature of this type of discrimination, the Town also recognizes that false accusations of workplace violence or harassment can have serious effects on innocent individuals. We trust that all employees of the Town will continue to act responsibly to establish and maintain a pleasant working environment, free from discrimination, for all. The Town of Farragut *encourages* any employee to raise questions he or she may have regarding these issues with the Town Administrator or Human Resources Director. The Town of Farragut Human Resources Department has an open-door policy and employees are welcome to discuss any aspect of their employment without fear of retaliation.

Article XXI – Firearms and Weapons

The Town of Farragut is committed to providing a safe, healthy working environment, and to making adequate provisions for the safety and health of our employees, citizens, and the public. It will not permit employees to act in ways that may endanger themselves or others.

All employees are prohibited from possessing, carrying, trading, or showing weapons of any kind, including firearms, fireworks, guns, explosives, bows and arrows, knives, chains, or other items carried for purposes of inflicting injury or intimidation, etc. while on premises, while on duty, while operating Town vehicles or equipment, or while operating personal vehicles for Town purposes.

Employees are also prohibited from keeping weapons in their personal vehicles parked on the Town's premises, unless the weapon is stored in the employee's personal vehicle in accordance with Tennessee state law. Town premises include any property owned operated, controlled, or managed by it. Individuals are permitted to carry mace, pepper spray and pocketknives with blades no longer than four inches if they are stored in a pocket, purse, briefcase, or their personal belongings.

This policy does not apply to those who are expressly authorized by the Town to use firearms and explosives (and other authorized tools that could be viewed as weapons) in the performance of their jobs.

The Town reserves the right, based upon reasonable suspicion of a violation of this policy, to search an office desk and other property under the control of the employee, as well as the packages, purse, lunch boxes, briefcases, and employees' vehicles parked on its premises. Individuals may also be required to remove a jacket or sweater and to turn out their pockets. Reasonable suspicion sufficient to justify a search may be based on a clear and reasonable belief, through observation or information provided by a reliable and credible source, that an employee is in violation of this policy. Searches of Town property under the control of the employee are subject to being conducted without notice to the employee once the reasonable suspicion standard has been met.

It is not a violation of this policy to possess chains, dangerous chemicals, etc. on Town property that were issued or sanctioned by the Town for use in the performance of the employee's job.

Article XXII – ADA/ADAAA

Purpose

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that require employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of the Town of Farragut to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the Town policy not to discriminate against qualified individuals with disabilities regarding application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions, and privileges of employment.

Procedures

When an applicant with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.

The Town will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace which cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the Town.

Contact the ADA Coordinator in the Human Resources department with any questions or requests for accommodation. The ADA Coordinator/HR Director shall initiate an interactive process in which the employee, health care provider and employer each share information about the nature of the disability and the limitations that may affect the employee's ability to perform the essential job duties. The interaction process entails a good-faith effort by the employer and the employee to discuss the limitations or performance issues the employee's disability may pose. The purpose of this discussion is to determine what (if any) accommodation may be needed that is reasonable. If needed, an employee or applicant may follow the Town ADA Grievance Procedure which is available on the Town website.

All employees are required to comply with the Town's safety standards. Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on leave until the Town's organizational decision has been made regarding the employee's immediate employment situation.

Individuals who are currently using illegal drugs are excluded from coverage under the Town ADA policy.

The HR department is responsible for implementing this policy, including the resolution of reasonable accommodation, safety/direct threat, and undue hardship issues.

Article XXIII – General Policies and Procedures

Section A. Political Activity

In accordance with T.C.A. Sections 7-51-1501 through 7-51-1503, all Town employees shall:

1. Enjoy the same rights of other citizens of Tennessee to be a candidate for and to hold any federal, state, or local political office except for any elected office of the Town of Farragut; and
2. Enjoy the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. Provided, however, that:

    a. Employees of the Town shall not participate in any such political activities while on-duty for the Town; and
    b. Employees shall not use Town equipment, including wearing Town uniforms, or any other Town resources either on or off duty while participating in political activities; and
    c. Employees shall not seek election or appointment to Town of Farragut Board of Mayor and Aldermen.

Any willful violation or violations through negligence of any of this policy shall be sufficient grounds for the discharge of any employee guilty of such violation.

Section B. Records

Personnel records including the employee's social security number, bank account and routing numbers, medical records, and driver's license information (unless driving is part of the employee's duties or job description), home and personal cell number and residential address are confidential under T.C.A. Title 10, chapter 7. Additionally, employee drug tests are generally protected from disclosure under T.C.A. 50-9-109.

Information including salary, disciplinary records, and employment applications are open records for public inspection. These records shall be open for public inspection during regular office hours in accordance with such procedures as the Town Administrator may prescribe. The Human Resources Director shall retain records necessary for the proper administration of the personnel system and the Town Administrator shall prescribe necessary forms and report on all necessary personnel changes and actions. The Human Resources Director shall maintain adequate records of all personnel activities and transactions, the proceedings of all hearings and appeals as they relate to personnel administration, this *Human Resources Policy and Procedures Manual*, the record of every applicant as required by applicable record retention standards, and the employment record of every employee.

Personnel Records Request

As required by State Law, any Tennessee resident may have access to personnel information for the purpose of inspection, examination, and copying, during the regular business hours, subject only to such rules and regulations for the safekeeping of public records.

The following provisions govern access to such information:

- All disclosures of records will be requested in writing to the Town Recorder per Municipal Code Section 1-307 and will be documented and placed in the employee's file.
- Employees shall be notified in writing of the disclosure of their personnel. records within 3 days of request.
- Any individual examining a personnel record may copy the information.
- Available photocopying facilities may be provided, and the cost will be assessed to the individual per Municipal Code Section 1-307.

Confidential Information: All information contained in a Town employee's personnel file will be maintained as confidential in accordance with the requirements of State and Federal Law and is open to public inspection only in accordance with these laws.
Records of former employees: The same provisions for access to records apply to former employees as well as present employees.
HR Director responsibility: Pursuant to the current state and federal legislation regarding open records, the HR Director, as personnel records custodian, will redact confidential employee information and copy the requested personnel file. This ensures that all confidential employee information is protected.
Employee access: All employees may inspect their own personnel file during normal business hours by contacting the HR Manager. Files will be inspected in the HR Manager's office with the HR Director present. In the absence from work of the HR Manager, the Town Recorder can be contacted to follow the above procedure.
Department Head access: A department head may request access to their department's personnel files or that of an employee requesting transfer or promotion into their department. The department head will contact the HR Director during normal business hours and review the file in the HR Manager's office with the HR Director present. In the absence from work of the HR Manager, the Town Recorder can be contacted to follow the above procedure.
Remedies of employees objecting to material in file: An employee who objects to material in his/her file may place in the file a statement relating to the material considered inaccurate or misleading.

Destruction of records regulated: No public official, including Town employees, may destroy, sell, loan, or otherwise dispose of any public record except in accordance with State and Federal Law. This includes removal of documents from any personnel file by an employee.

Section C. Outside Employment

No regular, full-time employee of the Town of Farragut shall accept or engage in additional employment outside the official hours of duty without the written approval of the Department Head and Town Administrator with concurrence by the Human Resources Director. The Outside Employment Form must be renewed by January 31st of each year. Approval may be granted after determining whether outside employment will cause or can cause a conflict of interest; is incompatible with the employee's position with the Town; will interfere with the satisfactory performance of the employee's duties; or is likely to reflect discredit upon or create embarrassment for the Town. If the second job interferes with performance at the Town, the employee will be counseled and appropriate steps to correct the deficiencies will be taken.

Employees may not accept or continue any outside employment if the work unreasonably inhibits the performance of any duty of their position. Employees are to be reminded that the Town is their primary employer, and that the Town will not schedule around the requirements of the employee's second job. Further, employees may not perform outside employment while on sick leave, FMLA leave, or worker's compensation leave and worker's compensation restricted duty. Exceptions may be granted if an employee is returned to limited duty by a physician and the Town cannot accommodate the work constraints, but the secondary employer can without further injury or increased recovery time.

Section D. Business Dealings

Except for the receipt of such compensation as may be lawfully provided for the performance of Town duties, and except as noted below, no officer or employee of the Town shall have any financial interest in the profits of any contract, service, or other work performed by the town; or shall personally profit directly from any contract, purchase, sale, or service between the Town and any person or company; or serve as an agent to provide any surety, bail, or bond required by law or subject to the approval of the Board of Mayor and Aldermen.

No officer or employee shall accept any free or preferred services, benefits, or concessions from any person or company which person or company could in any manner directly or indirectly profit from action or inaction by the Town. Any official or employee who violates the provisions of this section shall be guilty of misconduct and be subject to disciplinary action. All officials and employees shall comply with the Code of Ethics in effect.

Section E. Acceptance of Gratuities

No Town officer or employee shall accept or solicit any money or other consideration or favor from anyone other than the Town for the performance of an act which the officer or employee would be required or expected to perform in the regular course of employment; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be an attempt to influence the individual's actions with respect to Town business. For further explanation see Title 1, Chapter 5, Section 1-505 of the Municipal Code.

Section F. Use of Information

Employees may not disclose any information obtained in their employment that is made confidential under state or federal law except as authorized by law. Furthermore, employees may not use or disclose information obtained in their employment for financial gain for themselves or any other person or entity. For further explanation see Title 1, Chapter 5, Section 1-506 of the Municipal Code.

Section G. Use of Town Time, Facilities, Resources

No Town officer or employee shall use or authorize the use of Town time, facilities, supplies, inventory, materials, tools, machinery, equipment or other resources for private gain or advantage to himself/herself or any other private person or group; provided, however, that this prohibition shall not apply when the Board of Mayor and Aldermen has authorized the use of such resources of the Town, and the Town is paid at such rates as are normally and customarily charged by private sources for comparable services. For further explanation see Title 1, Chapter 5, Section 1-507 of the Municipal Code

Section H. Use of Position

No Town officer or employee shall make or attempt to make private purchases in the name of the Town, nor otherwise use or attempt to use status as a Town employee to secure unwarranted privileges or exemptions. For further explanation see Title 1, Chapter 5, Section 1-508 of the Municipal Code.

Section I. Use of Town-Provided Technology and E-mail

Employees are encouraged to use authorized electronic communication systems and equipment responsibly and productively in performing their jobs. However, such use is a privilege and not a right, and it must be done properly and ethically in accordance with all applicable licenses, copyrights, patents, rules, laws, and regulations.

The Town of Farragut owns, leases, maintains, or operates various electronic communication systems and equipment, including but not limited to cell phones, smart phones, computers, software, telephones, voice mail, facsimiles, telecopiers, copiers, postage meters, e-mail, the Internet, the Web or other electronic communication systems, network, or equipment. Employees may not copy or remove any town related information from electronic systems for any purpose other than a work-related purpose authorized by the Town Administrator. Town computers, email, internet-enabled phones, and voice mail are for business purposes and not to be used for illegal or inappropriate purposes and may be searched or monitored at any time. Employees can have no expectation of privacy on Town business equipment. The use of these Town-provided electronic communication systems and equipment for personal or non-work-related purposes during work hours is prohibited. Employees are responsible for the content of all text, messages, images, information, and communications that they create, send, receive, or download.

Any employee who abuses the company-provided access to email, the Internet, or other electronic communications systems or networks, including social media, may be denied future access and, if appropriate, be subject to disciplinary action up to and including termination.

All electronic mail is a local government record and may be considered a "public record" for the purposes of the Tennessee Public Records Act. Under the Public Records Act, certain email communications may be open to public access and inspection. In addition, such communication may be subject to discovery under the Tennessee or Federal rules of Civil Procedure.

The Town may also restrict or block an employee's access to certain websites while using an electronic communication device supplied or paid for by the Town.

For more detailed information, see Appendix B, *Acceptable Use of Information Technology and Security Policy*

Section J. Employee Cell Phone Policy

Employees whose job duties include the frequent need for a cell phone may receive a Town issued cell phone or a cell phone allowance to cover business-related costs on their personal cell phone. ~~No further reimbursement for cell phone costs is available to employees who receive such an allowance. The Town shall maintain a limited number of cell phones assigned to a specific department or piece of equipment. Town reimbursed personal cell phone expense is subject to open records. Cell/smart phones~~

~~are not to be used while operating Town vehicles or machinery except in the event of an emergency. When driving on Town business in a Town vehicle, Town employees will focus on safe vehicle operation and therefore, shall not use cell/smart phones, PDA/laptop computer, and like technology. Pursuant to the T.C.A. 55-8-199, employees must not text while driving. (Appendix C: Cell Phone Policy).~~ See Appendix C for more information.

Section K. Nepotism

No applicants for employment shall be hired and no employees shall work or be placed in positions within the Town if the applicant's immediate family (as defined in Article II), as related through blood, adoption, or marriage, currently works for the Town. An applicant applying for a seasonal position and whose immediate family member works for the Town can only be hired if they are not directly or indirectly supervised by their family member.

If, after adoption of these Policies and Procedures, two employees in the same department or under the same direct supervision or accountability should marry or otherwise become in violation of this section by marriage or adoption, then those employees shall be asked to determine which of them will transfer within ninety (90) days to any vacant position in another department, division, or shift for which the employee is qualified and which would resolve the violation of the Town's nepotism policy. An employee who is allowed to transfer under these circumstances must meet the minimum qualifications of a vacant, budgeted position and must have had an overall satisfactory rating in the last performance evaluation. If such a transfer cannot be arranged within ninety (90) days for either of the employees, then the employees shall be asked to determine which of them will leave Town employment. In the event the employees cannot decide between them who will leave, and if a transfer cannot be arranged, then the Town Administrator shall resolve the issue at his discretion.

Section L. Employee Licenses and Certifications

All employees are responsible for maintaining current and valid licenses and certifications necessary to perform job duties. For example, any employee required to operate a Town vehicle or equipment must always possess the appropriate type of valid driver's license. An employee's failure to immediately report expiration or revocation of a required certificate or license shall be subject to disciplinary action in accordance with Article XIII. The Town shall conduct periodic checks of required licenses and certification to insure employees keep them valid and current.

Section M. Smoking, Vaping and Tobacco Policy

It is the policy of the Town of Farragut to prohibit use of all tobacco products, smoking and vaping on all Town premises to provide and maintain a safe and healthy work environment for all employees. The Town defines smoking as the act of lighting, smoking, or carrying a lighted or smoldering cigar, cigarette, or pipe of any kind. Vaping refers to the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs, and e-cigars.

The smoke-free workplace policy applies to:

- All buildings owned and maintained by the Town of Farragut are tobacco free. Smoking is prohibited within twenty-five (25) feet of all entrances, passageways, operable windows, and ventilation systems owned and maintained by the Town of Farragut.
- All Town-sponsored off-site conferences and meetings.
- All vehicles owned, operated, maintained, or leased by the Town are tobacco-free.

- All visitors (customers and vendors) come to the company premises.
- All contractors and consultants and/or their employees work on the company premises.
- All employees, temporary employees, and student interns.

Smoking and vaping are permitted in parking lots only.
While performing job duties, whether in or out of uniform, an employee may not smoke, vape, or use smokeless tobacco. Employees who violate this policy will be subject to disciplinary action up to and including immediate discharge.

Section N. Hours of Work, Attendance, Inclement Weather and Emergency Action Plan

Hours of Work: The Town Administrator shall establish hours of work per working period for each budgeted position and the hours during which offices shall be opened for business. The needs of service and the reasonable needs of the public who may be required to do business with the various Town Departments always shall be considered before the personal wishes of employees. Although the regular work week for all positions shall be 40 hours, an hourly employee shall be considered a full-time employee if the individual works a minimum of 34 hours per work week for benefits purposes. For pay purposes, the workweek for all employees is Saturday, 12:00 AM through Friday, 11:59 PM.

Whenever a salaried exempt employee requests a period of absence equal to or greater than one-half day, said employee shall obtain approval by the Town Administrator or his designee. Annual leave or sick leave will be utilized for absences of one-half a day or longer.

Attendance: All employees shall attend assigned workstations or locations at established starting times in accordance with general departmental regulations and these *Policies*. Employees are required to adhere to the Town's time and attendance procedures, including but not limited to punching in and out at time clocks and completing leave slips. All departments shall keep daily attendance records of their employees which shall be reported to the Administration Department on Mondays at a time specified by the Town Finance Director/Recorder.

When an unexpected personal illness or situation arises, an employee is required to notify their Department Head at a minimum of one half (½) hour before their work shift begins. Notification may be by phone, voice mail on their Department Heads' Town issued phone or an email to their Department Heads' Town email address. All employees are subject to discipline, up to and including termination, for failure to attend work as required. Any unauthorized absences from work for a period of three (3) consecutive days or more may be considered by the Town Administrator as voluntary resignation.

~~**Inclement Weather:** Generally, inclement weather does not warrant the closing of Town facilities or activities, and every employee is expected to make every attempt to report to work as usual. Some Town operations and activities must continue regardless of, or because of, the weather conditions. Employees who must perform these activities are considered emergency personnel and are designated as such under specific or all circumstances by the Town Administrator in conjunction with individual Department Heads. These employees may be asked to report to work under the most severe weather conditions. Emergency personnel who fail to report to work will be charged with leave without pay.~~

~~If an employee is late due to severe weather conditions, the employee will not lose paid time unless the delay is longer than one (1) hour. Delays of longer than one (1) hour will be charged to annual leave or compensatory leave, or made up within the workweek, with the approval of the Department Head.~~

~~If weather conditions become progressively worse during the day, only the Town Administrator can approve closing all activities, operations, and functions in any department, facility, and/or building.~~

~~**Emergency Action Plan:** The Risk Manager and the Town Administrator are the Emergency Action Plan contacts and will provide information and clarification of any emergency.~~

~~When a fire or tornado alert is made, all employees shall exit their work area via designated passageways and exits. Employees are requested to familiarize themselves with the fastest route of exit from their own work area.~~

~~*Employee Assembly Locations:* Following exit from the facility, all employees shall assemble in a pre-designated area and report to their Department Head. A "head count" will be conducted for all employees along with the reporting of any missing persons to the Risk Manager. Periodic drills will be conducted, and employee participation is mandatory.~~

~~*Rescue and Medical Duties:* Area hospitals and ambulance service will provide emergency assistance. Employee first aid responders (if available) shall be responsible for providing interim care until professional help arrives.~~

~~*Reporting Emergencies:* In a life-threatening emergency, a call to 911, followed by notifying the Department Head and the Town's first aid responders (if available) are required.~~

Inclement Weather: The Town of Farragut will remain open except in the most severe weather conditions. In adverse weather conditions, the Town is committed to making every possible effort to ensure the continued provision of essential services to the community. Despite challenging weather circumstances, the Town staff will diligently work to uphold its service commitments, keeping the community's needs at the forefront of our operations.

Inclement Weather Conditions:
Inclement weather includes, but is not limited to, severe snowstorms, ice storms, tornadoes, floods, and any other adverse weather conditions that may jeopardize the safety of individuals.

Employee Safety:
Employee safety is of the utmost importance. Employees are encouraged to prioritize their safety and the safety of their families when considering travel during inclement weather.

Work Arrangements:
Delayed Opening: In the event of severe weather, the Town Administrator may implement a delayed opening to allow time for conditions to improve.

Early Release: The Town Administrator may authorize an early release of employees to ensure safe travel home before the weather worsens.

Closure: In the event of severe weather, the Town Administrator may close Town Services to allow time for conditions to improve.

Remote Work: Employees will not have the option of remote work.

Communication:
Notification: Employees will be notified, by the Town Administrator, of changes in work arrangements due to inclement weather through a Town wide notification system.

Employees could also be notified via phone, text or email from the Department Director or Human Resources.

Emergency Contacts: Employees are responsible for keeping their emergency contact information up to date with the Human Resources Department.

Compensation:
If unable to report to work and the Town is open:
Non-Exempt Employees: Non-exempt employees who are unable to work due to inclement weather will be required to use accrued annual leave.

Exempt Employees: Exempt employees are expected to fulfill their job responsibilities even during inclement weather. In cases where work is not possible, the employee will be required to use accrued annual leave.

If annual leave is not available, leave without pay will be applied.

If an employee is late due to severe weather conditions, the employee will not lose paid time unless the delay is longer than one (1) hour. Delays of longer than one (1) hour will be charged to annual leave or compensatory leave, or made up within the workweek, with the approval of the Department Head.

If the Town is closed, all employees will be paid for scheduled time of work for the time of closure.

Emergency Services and Essential Personnel:
Certain employees providing emergency services or essential functions may be required to report to work regardless of inclement weather conditions and/or closure.

Positions within this category include but are not limited to:
Town Administrator
Public Works Director
Public Works Foreman
Public Works Crew Leader
Public Works Technician II/I
Park Maintenance Foreman
Park Maintenance Technician II/I

Section O. Separation and the Return of Town Property

The separating employee must return all Town property at the time of separation, including uniforms, cell phones, keys, PCs, and identification cards. Failure to return items may result in deductions from the final paycheck.

Employees will be required to sign the *Wage Deduction Authorization Agreement* to deduct the costs of such items from the annual leave and wages owed in their final paycheck upon resignation.

~~The separating employee shall contact the Human Resource department as soon as notice is given to schedule an exit interview. The interview will be on the employee's last day of work or another day, as mutually agreed on.~~
Separating employees will be sent an exit interview within seven (7) days of the last day of employment via email.

Accrued annual leave will be paid in the last paycheck unless the employee resigned and failed to give at least a full two (2) weeks' notice.

Health insurance terminates the last day of the ~~last~~ following month of employment ~~unless an employee requests immediate termination of benefits.~~ Auxiliary insurance benefits terminate the last day of the last month of employment. Information for Consolidated Omnibus Budget Reconciliation (COBRA) continued coverage will be provided.

Section P. Personal Appearance and Dress

~~In all our dealings with citizens of the Town and others with whom we come in contact; it is important that we are viewed as professionals in whom all those we deal with can have confidence~~. ~~People with whom each employee deals will make judgments about our professionalism based on his or her appearance, dress, and hygiene~~.

~~The Town expects all employees to dress in a manner that is appropriate to the duties and responsibilities of their positions and conveys an image of self-pride, pride in the organization and respect for other employees and the public. In addition, clothing should be clean, neat, pressed, and well-maintained.~~
Employees are expected to present themselves in a professional manner that reflects the values of the organization and the nature of their work. Personal grooming and attire should align with the responsibilities of the role, maintaining a clean, polished appearance while respecting diversity in personal expression.

Non-uniformed administrative and office staff regardless of department shall wear business casual attire. Business attire is required for Board, Town Committee, and citizen meetings.

The Town Administrator shall declare "special occasion" days which may include Fridays, days before holidays, and days where a significant portion of the workday will be spent outdoors or engaged in manual labor indoors. *On "special occasion" days, casual attire (blue jeans) is acceptable for such staff.*

Public Works Technicians, Park Maintenance Technicians, Codes Officers, and Engineering Technicians are required to wear non-athletic type boots which possess a sole with gripping capacity and safety toes. Other employees requiring the wear of such boots, as deemed necessary by the Town

Administrator, may also be covered. This policy applies to both full-time and part-time employees.

~~The following items are prohibited for non-uniformed administrative and office staff unless specifically authorized by the Department Head and Town Administrator:~~

- ~~Suggestive attire, see-through fabrics, low-cut blouses or shirts, midriff shirts, miniskirts, clothing that is not the proper fit, or any other revealing apparel.~~
- ~~Overalls~~
- ~~Wind pants~~
- ~~Tank tops, spaghetti straps, or tube tops (unless worn under a blouse)~~
- ~~Athletic wear such as sweatshirts, sweatpants, jogging suits, yoga pants, and sports jerseys~~
- ~~Printed t-shirts not assigned to the employee as part of their uniform.~~
- ~~Casual flip-flops~~
- ~~Large belt buckles that draw attention or belt buckles with words or symbols~~
- ~~Pants with frayed hems, holes, rips, or obvious patches~~
- ~~Overly worn, torn, or tattered clothing~~
- ~~Clothing or accessories that promote political affiliations that are a violation of Section B. "Political Activity" of this Article.~~
- ~~Subjective or inflammatory symbols or any offensive clothing that is a violation of the Town's Harassment and Workplace Violence Policy (Article XX).~~
- ~~Shorts~~
- ~~Denim blue jeans~~
- ~~Open toed shoes or sandals in work areas where exposure to chemical, environmental, or crushing hazards exist.~~

Business Casual Appropriate Dress

Tops:

- **Collared Shirts**: Button-up shirts or polo shirts in neutral or muted tones (e.g., white, navy, light blue, gray). These can be long-sleeved or short-sleeved, depending on the formality and climate.
- **Blouses/Shirts**: Simple, professional blouses or tops with modest necklines. Avoid overly bright or bold prints.
- **Sweaters**: Knit sweaters or cardigans in neutral colors can be paired with collared shirts for a layered, professional look.
- **Blazers (Optional)**: A structured blazer or jacket in neutral tones (e.g., black, navy, gray) adds a more formal touch but isn't always necessary.

Bottoms:

- **Dress Pants**: Tailored slacks or chinos in neutral colors such as black, gray, navy, or khaki. Ensure they fit well and are neatly pressed.
- **Skirts (Optional)**: If desired, knee-length or longer skirts in neutral colors can be worn. Keep the fit professional, avoiding anything too tight or short.
- **Dress Shorts (Seasonal)**: Dress shorts that reach the knee may be acceptable for business casual in warmer months.

Shoes:

- **Closed-Toe Shoes**: Loafers, oxfords, or dress shoes in black, brown, or neutral tones. Shoes should be clean and polished, with a focus on comfort.
- **Flats**: Simple, professional flats in neutral tones are also acceptable.
- **Boots**: In cooler weather, ankle boots or dress boots that are clean and polished work well with business casual attire.

Outerwear (Optional):

- **Blazers or Cardigans**: A neutral-colored blazer or cardigan can be worn for added polish and professionalism.
- **Professional Jackets**: Simple outerwear such as trench coats or wool coats in neutral tones can be worn over business casual outfits during colder weather.

Accessories:

- **Belts**: A simple, professional belt that complements the color of the shoes or pants.
- **Hats**: Only hats with the Farragut logo are acceptable for wear
- **Minimal Accessories**: Keep accessories like watches, jewelry, and bags minimal and professional.

Business Appropriate Dress

Tops:

- **Button-Down Shirts**: Crisp, collared shirts in white, light blue, or other neutral tones. These should be neatly pressed and can be worn with or without a tie depending on the level of formality.
- **Blouses or Dress Shirts**: Simple, high-quality blouses or dress shirts in neutral colors (white, gray, navy). Ensure that the shirt is professional and not too tight or revealing.
- **Blazers or Suit Jackets**: A structured blazer or suit jacket in a neutral color (e.g., black, gray, navy) is a key piece for formal business attire. Ensure it is well-tailored and fits comfortably.

Bottoms:

- **Dress Pants**: Tailored trousers in neutral tones such as black, gray, navy, or dark brown. Avoid casual fabrics like denim or overly tight fits. Pants should have a clean, pressed appearance.
- **Skirts (Optional)**: For those who prefer skirts, knee-length or longer skirts in neutral colors are appropriate. They should fit well but not be too tight or short.
- **Full Suit**: For more formal occasions, a matching suit (jacket and pants or skirt) in a neutral color is ideal. This is the most traditional option for business proper attire.

Shoes:

- **Dress Shoes**: Polished oxfords, or loafers in black, brown, or dark gray are appropriate. Shoes should be formal, clean, and comfortable for long wear.
- **Flats or Heeled Shoes**: Low or mid-heeled shoes in neutral colors can be worn for a professional look. Closed-toe shoes are generally expected in formal settings.
- **Boots (Seasonal)**: In colder months, professional ankle or dress boots in dark, neutral colors can be acceptable as long as they are polished and match the rest of the outfit.

Outerwear (Optional):

- **Suit Jackets or Coats**: In cooler weather, formal outerwear like trench coats or wool coats in neutral colors can be worn. Avoid casual jackets like parkas or puffers in formal settings.

Accessories:

- **Ties (Optional)**: Solid-colored or subtly patterned ties in traditional tones like navy, gray, or burgundy can be worn with collared shirts, but they are optional in some environments.
- **Belts**: A simple, professional belt in black or brown, matching the color of the shoes.
- **Hats**: No hats are permitted in the formal setting

~~Employees should always maintain proper hygiene. Hair should be clean, combed and neatly trimmed or arranged. Shaggy, unkempt hair is not permissible regardless of the length. Extreme, fad type, or "edgy" hairstyles, such as "mohawks", "fauxhawks", mullets and the like are not permitted. Sideburns, mustaches, and beards should be neatly trimmed. Beards may not be more than one inch in length from the chin or check. Long hair should be pulled back if it creates a safety concern. Fingernails should be clean and well-trimmed. Offensive body odors and fragrances should be avoided.~~

~~While on duty, tattoos shall not be visible by others and must be covered when working in settings where the employee is interacting with or may meet members of the public. Body piercing jewelry will only be worn on the ear. Male members shall not wear earrings while on duty or in uniform. Female members Employees may wear conservative earrings that do not interfere with proper performance of duty or pose a safety hazard. No other visible piercings shall be permitted.~~

~~Employees with sincerely held religious beliefs that require clothing that may or may not be addressed here may speak to the Human Resources Director regarding accommodation~~.

Grooming and Appearance Policy

Hair:

- Hairstyles should be neat, clean, and appropriately maintained. The policy allows for a range of hairstyles, including natural, textured, and cultural styles (e.g., locs, braids, twists), provided they are maintained in a way that does not interfere with safety or the ability to perform duties effectively.
- Hair should be pulled back or restrained if required for safety or hygiene reasons in certain roles.

Facial Hair:

- Mustaches, beards, and sideburns are permitted as long as they are well-groomed and neatly trimmed.
- Beards must be neatly groomed and should not extend longer than 2.5 inches from the face. Other standards may be implemented if the length poses a safety concern in specific job functions or violates specific health or safety standards (e.g., proper mask fit in hazardous environments).

Hygiene:

- All employees are expected to maintain proper personal hygiene, including regular grooming practices, ensuring that body odors or strong fragrances do not interfere with the comfort of colleagues and the public.

Tattoos and Piercings Policy

Tattoos:

- Visible tattoos are generally allowed, if they are not offensive or inappropriate (e.g., containing obscene, discriminatory, or violent imagery or language). In roles where employees interact with the public, tattoos should be covered if they may cause discomfort or undermine public

trust.
- Departments may provide specific guidance based on the public-facing nature of the position.

Piercings:
- Earrings and other piercings are permitted, provided they are conservative and do not pose a safety hazard or interfere with job performance.
- In public-facing roles, certain piercings may need to be removed or covered at management's discretion if deemed unprofessional or inappropriate for the workplace.

Inclusivity and Accommodation:
- The organization recognizes and respects cultural, religious, and personal expressions related to grooming, tattoos, and piercings. Reasonable accommodations will be made where appropriate, in accordance with legal requirements and organizational values of inclusivity.
- Employees who require exceptions to this policy due to religious or cultural reasons should consult with HR to explore accommodation options.

Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Any work time missed because of failure to comply with this policy will not be compensated and repeated violations of this policy will be cause for disciplinary action.

Town-Issued Clothing:
All Town uniforms shall be approved by the Town Administrator. Employees required to wear a Town-issued uniform from an outside uniform rental company will be required to sign a Uniform and Equipment Agreement. If issued a uniform, the employee shall wear such uniform while on duty, unless otherwise specified by their supervisor or Department Head.

Furthermore, employees are prohibited from wearing their uniform while not on duty (unless they are traveling to or from work). Town uniforms shall not be altered. Any employee wearing a Town uniform shall conduct themselves in a manner prescribed by the Town. Upon termination, all rental uniforms must be returned to the Human Resources Director.

From time to time, a Department Head may choose to order clothing with the Town of Farragut logo for their employees. Such items should never be given to charities or individuals not employed by the Town of Farragut. Should an employee be separated from employment in the Town of Farragut, these items should be returned to Human Resources prior to the employee receiving their final paycheck.

Violations of the Town's personal appearance policy may be grounds for disciplinary action.

Section Q. Use of Town-Owned Vehicles

The Town of Farragut employees who drive a town owned or leased vehicle will always operate them in a safe manner, adhering to all Town, State, and Federal traffic laws. Employees are always expected to extend common driving courtesies to fellow motorists. No employee will operate a Town vehicle unless he/she possesses a valid driver's license. See Appendix E, *Vehicle & Idling Policy*

Section R. Travel

See Appendix D, *Travel Policy*

Section S. Media Relations

From time to time, as an employee of the town, you may receive inquiries from the media (e.g., newspapers, television stations, radio stations, magazines, or other periodicals). To ensure that the Town of Farragut maintains the appropriate public image and that communications to the media are accurate and in line with applicable town policies, if you are contacted by the media, you should refer the individual making the inquiry to the Communications Department and/or the Town Administrator. No employees are authorized to give statements on behalf of the Town of Farragut to any representative of the media without the express authorization of the Town Administrator.

Section T. Social Media/Social Networking

Social media is a term that encompasses the various activities that integrate technology, social interaction, and content creation. It includes, but is not limited to, social networking, and the use of websites that allow users to share content, interact, and develop communities around similar interests.

This policy is intended to provide guidelines to ensure that social media tools are used properly and to address potential risks. Every Town employee is responsible for reviewing and complying with the following policy at work and outside of work.

The lines between public and private, personal and professional are blurred in online social networks, and whatever you post on your personal account has potential to reflect on the Town. Therefore, be mindful of your association with the Town and thoughtful of how you present yourself online. A personal social media account, while an appropriate place to share personal opinions, is not a place to present an individual opinion as an official Town view. Be mindful that despite all privacy controls, whatever you publish can be seen by many different people, including your supervisors, coworkers, and the public.

- Personal use of social media must be consistent with the terms of use outlined in the *Employee Acceptable Use of Technology Policy*, available in Appendix B of the Town of Farragut Policies and Procedure Manual. Town employees cannot use personal social media sites for political purposes, to conduct private commercial transactions, or to engage in private business activities during business hours or with Town-issued property. Town employees are also prohibited from using social media to violate any other applicable state, federal, or local laws, policies, and regulations.
- Certain positions have job functions which require or permit authorized postings on behalf of the Town. When posting on behalf of the Town for an official purpose, employees must abide by these rules and only post authorized messages.
- Employees' personal use should not be attributable to an agency or department of the Town of Farragut or the employee's job function. An employee's use and comments made on social media sites are subject to First Amendment protections. However, any personal use must be conducted in such a manner that a reader would not think that the employee is speaking for or on behalf of his/her employer. If you list the Town of Farragut as your employer on your personal social media profiles, any information you post will be held to a higher level of scrutiny.
- An employee's use of social media must be in conformance with relevant portions of Town workplace policies, laws, and regulations including but not limited to harassment and

discrimination policies, confidentiality policies, ethics rules, code of conduct, workplace violence, etc.

- Employees shall not give employment references online, no mention of dates of employment, status of employment nor performance. Such references must be handled by the human resources department.
- Any information that is considered confidential shall not be released on any social media account.
- Employees shall not use the Town of Farragut logo or any agency logo on any personal postings.
- Employees' social media accounts may be subject to monitoring without notice or consent if these sites are accessed on Town property.

Violation of any of these policies may result in disciplinary action, up to and including termination.

Section U. Obstruction of Rights

No employee of the Town of Farragut shall consciously and by overt action(s) deprive any person of any rights to which such person is entitled under any law, ordinance, rule, or regulation of the Town.

Section V. Impartiality

Each employee of the Town shall discharge his duties fairly and impartially. Determinations and decisions shall be made without discrimination on account of race, color, creed, national origin, sex, ancestry, age, disability, veteran's status, military affiliation or obligation, religious belief, genetic information, political or organization affiliation, kinship, or friendship.

Article XXIV – Amendments; Severability; Conflicts

Section A. Amendments and Changes

The provisions of this *Policy and Procedures Manual* may be amended by formal resolution of the Board of Mayor and Aldermen. The Board of Mayor and Aldermen has the right to amend the *Policy and Procedures Manual,* in accordance with the Municipal Code and state and federal laws, at any time. No employee or other person enjoys any contractual or vested right to the continuation of any rules, regulations, policies, procedures, provisions, or employee benefits contained within this *Policy and Procedures Manual*. The provisions of all employee benefits covered in this document are subject to annual appropriation by the Board of Mayor and Alderman. In addition, all benefits offered through third parties are subject to the terms and conditions of the service contract between the Town and the provider, which may be changed in the future, including the actual benefits offered, and any employee premiums and/or contribution rates.

Any of the provisions of this *Policy and Procedures Manual* that are intended to comply with State or Federal laws or regulations shall be administered and implemented to always remain in compliance with such laws or regulations as may be amended in the future, regardless of whether this document is modified to reflect such amendments in the laws or regulations.

Section B. Severability

The provisions of this *Policy and Procedures Manual* are hereby declared to be severable. Should

any rule or regulation, section or subsection, provision, exception, sentence, clause, phrase or part of this Manual be held by any court to be invalid or unconstitutional, then the same shall not invalidate or impair the validity, force and effect of any other rule or regulation, section or subsection, provisions, exception, sentence, clause, phrase, or part of this Manual unless it clearly appears that such other part or parts is wholly or necessarily dependent for its operation upon the part or parts so held invalid and unconstitutional, and the remainder of this *Manual* shall continue in full force and effect, it being the corporate intent, now hereby declared, that this *Manual* would have been passed, approved and adopted even if such unconstitutional or void matter had not been included herein.

Section C. Conflicts

Should any rule or regulation, section or subsection, provision, exception, sentence, clause, phrase or part of this *Policy and Procedures Manual* conflict with any provision of the Town Charter or Municipal Code, then the Town Charter and Municipal Code shall prevail.

Section D. All Prior Rules Superseded

These Policy and Procedures shall be the Human Resources Policy and Procedures for all Municipal Government employees of the Town of Farragut, Tennessee, and shall supersede all previous Personnel rules and regulations. Those employees specifically excluded by Section 4 of the Municipal Code may not enjoy the benefits and privileges of specific sections of Human *Resources Policies and Procedures*. Any Rule or parts of Rules in conflict with the Human Resources Rules and Regulations or the Municipal Code are repealed to the extent of such conflict.

Section E. Departmental Rules

Individual Town Departments may have supplemental rules and regulations that are specific to the work-related goals and mission of that department.

Supplemental rules and regulations shall not be inconsistent with the Town's *Human Resources Policy and Procedures Manual* and are subject to review and approval by the Human Resources Director and the Town Administrator.

The departmental policies and procedures must be submitted to the Town Administrator through the Human Resources Director for approval before implementation, and a copy shall always be available to all employees of that department. Human Resources activities arising out of the administration of departmental policies and procedures are subject to the complaint and appeals procedures in accordance with these Rules and Regulations.

Section F. Implementing These Rules and Regulations

It is the responsibility of the Department Heads to carry out these rules and regulations in consultation with the Human Resources Director. Department Heads and the Human Resources Director shall be held accountable to the Town Administrator for failure to carry out these rules and regulations as written. The Town Administrator and the Human Resources Director will advise and assist the Department Heads in enforcing and interpreting these rules and regulations.

Section G. Further Implementation

The Human Resources rules and regulations contained herein are an outline covering personnel

policies and procedures and may be further amended by specific policies and procedures duly adopted by the Board of Mayor and Aldermen.

Section H. Provisions for Review

It shall be the duty of the Town Administrator to review and/or modify any action taken by the Human Resources Director.

Article XXV – Appendices

Appendix A ..... Drug and Alcohol Policy
Appendix B ..... Acceptable use of Information Technology and Security Policy
Appendix C ..... Cell Phone Policy
Appendix D ..... Credit Card Policy
Appendix E ..... Purchasing Policy
Appendix F ..... Ethics Policy
Appendix G ..... Vehicle Use Policy
Appendix H ..... Travel Policy
Appendix I ..... Employee Recognition Policy

DRUG AND ALCOHOL TESTING POLICY WITH DEPARTMENT OF TRANSPORTATION (DOT) SPECIFICATIONS

The provisions of this policy may be amended at any time with or without prior notice to employees to comply with federal or state law or regulations. Absent a written agreement to the contrary, employment in the Town of Farragut is "at will" and nothing in this policy is intended to alter that employment relationship.

I. PURPOSE

The Town of Farragut (the "Town") is committed to providing a safe drug-free working environment by making adequate provisions for the safety and health of our employees at their place of employment. The Town is also dedicated to operating in a responsible and efficient manner for the benefit of our citizens and the public. As a result of the societal problem concerning drug and alcohol misuse, to which the Town is not immune, the Town has implemented a comprehensive drug and alcohol prevention, and testing program designed to combat substance abuse.

The Town is further committed to complying with all applicable laws and regulations including, but not limited to, adopting the State of Tennessee's Drug-Free Workplace Program and conforming to the Department of Transportation ("DOT") regulations. The catalyst for this anti-drug and alcohol abuse policy is the DOT Federal Motor Carrier Safety Administration Controlled Substances and Alcohol Use and Testing Regulations, 49 CFR Part 382 (hereinafter "FMCSA regulations" or "Part 382"), which require the Town to conduct substance abuse testing of its employees who are required to maintain commercial driver's licenses ("CDLs"). The FMCSA regulations also require the Town to follow DOT's drug and alcohol testing procedures, 49 CFR Part 40 (hereinafter "Part 40"), which specifies the procedures to be followed in conducting the DOT drug and alcohol testing.

The overall purpose of this policy is to prevent accidents that result from the abuse of drugs or alcohol, thereby reducing fatalities, injuries, and property damage. **This policy is intended solely to implement FMCSA drug and alcohol testing regulations.**

II. DEFINITIONS

For the purposes of this drug and alcohol abuse policy, the following definitions apply:

1. "Accident" means an accident as defined in FMCSA regulations, which means any reportable accident involving a Town commercial motor vehicle where the driver receives a citation for a moving traffic violation and the accident results in either bodily injury which requires treatment away from the scene or disabling property damage, or where there is a fatality even if the driver is not cited for a moving traffic violation.
2. "Alcohol confirmation test" means a subsequent test using an EBT, following a screening test with a result of 0.02 or greater, which provides quantitative data about the alcohol concentration.
3. "Breath alcohol technician (BAT)" means a person who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device ("EBT").
4. "Chain of custody" means the procedure used to document the handling of the urine specimen from the time the employer gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF).

5. “Collector” means a person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen as provided by those employees, and who initiates and completes the CCF.
6. "Commercial driver's license (CDL)" means a driver's license required to operate the Town’s commercial motor vehicles.
7. "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles and towed vehicles used in commerce to transport passengers or property when the vehicle has a gross vehicle weight rating or gross combination weight rating of 26,001 or more pounds, including a towed unit with the gross vehicle weighing more than 10,000 pounds, or a gross vehicle weight rating of 26,001 or more pounds or is designed to transport 16 or more passengers.
8. "Confirmation (or confirmatory) test" in drug testing means a second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite. In drug testing, a confirmation test employs the techniques and principles of gas chromatography/mass spectrometry (“GS/MS”), which uses a different technique and chemical principle from that of the initial test to ensure reliability and accuracy. In alcohol testing, a confirmation test means a second test, following an initial or screening test with a result of 0.02 or greater, which provides quantitative data of alcohol concentration.
9. "Covered CDL function (safety-sensitive function)" means any on-duty functions by a covered employee set forth in 49 CFR § 395.2, including: (a) waiting to drive a Town commercial motor vehicle; (b) inspecting, servicing, or otherwise conditioning any Town commercial motor vehicle; (c) driving a Town commercial motor vehicle; (d) being in or upon a commercial motor vehicle; (e) loading or unloading a Town commercial motor vehicle or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, or remaining in readiness to operate the vehicle; (f) performing driver requirements related to accidents; or (g) repairing, obtaining assistance, or remaining in attendance of a disabled commercial motor vehicle.
10. "Covered employee" means any Town employee who is required to maintain a CDL to operate the Town’s commercial motor vehicles. This includes all Town employees who regularly, intermittently, or occasionally are required to operate the Town’s commercial vehicles.
11. "Fail a test" or "test positive" means that the test result shows positive for a prohibited drug or alcohol in a person's system in an amount equal to or greater than the cutoff concentrations.
12. "Prohibited drug" means amphetamines (specifically including MDMA), cocaine, marijuana, opiates (specifically including 6-Acetylmorphine), phencyclidine ("PCP") and semi-synthetic opioids (specifically hydrocodone, oxycodone, hydromorphone, oxymorphone).
13. "Refusal to submit to a test" means refusal by an individual, who after receiving notice of the requirement to be tested in accordance with this policy and without a valid medical explanation, refuses to provide adequate breath for an alcohol test or refuses to provide a urine sample for a drug test, or otherwise engages in conduct that clearly obstructs the testing process.
14. “Safety Sensitive Function” means that a position involves some aspect of a heightened danger that requires an employee's full and unimpaired skills and judgment to safely execute his or her job.
15. "Substance abuse professional" means a licensed physician (i.e., a medical doctor), a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders.

III. POLICY

Employees covered by this policy are those employees performing safety-sensitive functions (see comprehensive list in Section XIX) when they are performing, ready to perform, or immediately available to perform such functions. Consequently, covered employees are required to follow this policy at any time they report to work, are working, or have immediately completed work in a covered classification.

This policy is communicated to each covered employee by furnishing a copy of this policy to the individual and verbally discussing the policy in training sessions. These sessions will be repeated as needed to ensure that the Town's employees are informed and aware of this policy and of the effects of drug and alcohol abuse. New employees covered by this policy will be given a copy of this policy when hired, and they will also be included in the next available training session.

Before administering an alcohol or drug test under this policy, the Town will inform the covered employee that the test is required by this policy and applicable FMCSA regulations. Should an employee governed by this policy fail an alcohol test, the employee will be removed immediately from the covered position. Should a covered employee fail a drug test under this policy, the employee will be removed immediately from the covered position upon notification to the Town by the Medical Review Officer ("MRO") of the positive test results of the drug test. Refusal of an employee to submit to an alcohol or drug test in accordance with this policy for any purpose required under FMCSA regulations will require that the employee be immediately removed from his or her covered position.

Violation of this policy is automatically a violation of the Town's General Drug and Alcohol Abuse Policy and will lead to disciplinary action up to and including termination under the General Policy. Failing an alcohol or a drug test or refusing to be tested will result in a potential forfeiture of workers' compensation benefits as authorized by Tenn. Code Ann. §50-9-101 et. seq. and §50-6-110. Every employee who violates this policy shall be advised by the Town of the resources available to the employee in evaluating and resolving problems associated with the misuse of alcohol and the use of controlled substances. An employee who is not terminated will be mandatorily referred to a substance abuse professional and may be referred to rehabilitation as described in Section VI of this policy.

It is a condition of employment for an employee to refrain from reporting to work or working with the presence of drugs or alcohol in the employee's body, and if an injured employee refuses to submit to a test for drugs or alcohol or receives a confirmed positive drug or alcohol test, the employee may forfeit eligibility for workers' compensation medical and indemnity benefits. Tenn. Code Ann. §50-9-101 *et. Seq*. Pursuant to Tenn. Code Ann. §50-6-110(c) if an employee tests positive on either a drug or alcohol test it is presumed that the presence of either the drug or the alcohol was the proximate cause of a workplace injury. This presumption may be rebutted by a preponderance of the evidence that such drug or alcohol was not the proximate cause of the injury.

A. Drug Policy

No covered employee shall unlawfully manufacture, distribute, dispense, possess, or use a prohibited drug while on Town properties, while on duty for regularly scheduled or emergency work, while operating Town vehicles or equipment, or off the job to affect the employee's job performance or integrity on the job as a representative of the Town. An amount of a prohibited drug in an individual's body equal to or higher than the cut-off levels detected by a drug test, for the purposes of this policy, is the use of drugs by the individual.

B. Alcohol Policy

No covered employee shall report to work under the influence of alcohol or use or be under the influence of alcohol while on Town properties, while on duty for regularly scheduled or emergency work or while operating Town vehicles or equipment. No covered employee shall report for duty or remain on duty in a covered position while having an alcohol concentration of 0.02 or greater. No employee may use alcohol while performing functions in a covered position.

Moreover, covered employees are prohibited from using alcohol within four (4) hours prior to reporting to duty. If a covered employee is called to duty to respond to an emergency, the employee is prohibited from using alcohol after the employee has been notified to report for duty. A covered employee being paid to be on call for a period is prohibited from consuming alcohol during that time.

A covered employee involved in an accident in which his or her performance has not been discounted as a factor contributing to the accident shall not use alcohol for eight (8) hours following the accident, unless he or she has been given a post-accident alcohol test or the Town has advised the employee that it has determined that his or her performance could not have contributed to the accident.

The Town will not knowingly allow an employee to perform covered functions where the employee has violated any of the foregoing provision.

IV. RESPONSIBILITY

The Town Administrator has overall responsibility for this program and for approving disciplinary actions that occur because of a refusal to be tested or because of a positive test. The Town Administrator has the functional responsibility for the administration of the program established by this policy, coordinating with the medical review officer and the laboratory selected to do the testing, keeping records relative to drug and alcohol testing, and for coordinating and initiating testing of employees under Return-to-Work agreements.

V. EMPLOYEE AWARENESS AND NOTIFICATION

The Town has developed a drug and alcohol awareness program to inform covered employees about the dangers of drug and alcohol abuse, the availability of counseling and treatment for employees who voluntarily seek such assistance, and the sanctions that the Town will impose for violations of its drug and alcohol policies. This program will be monitored on an on-going basis and revised as new materials and information become available.

The Town has held training sessions for its managers and department supervisors on drug and alcohol awareness, identification of drug and alcohol misuse, and the proper procedures to be followed for drug and alcohol testing. The Town will ensure that managers and department supervisors designated to determine whether reasonable suspicion exists to require a covered employee to undergo drug or alcohol testing, will receive training on the physical, behavioral, speech, and performance indicators of probable drug and alcohol misuse. During new-hire orientation, the employee will be instructed on stress and the workplace. 2. Safety and the workplace. 3. Warning signs. 4. The most abused drugs in the workplace (e.g., marijuana, cocaine/crack, inhalants, alcohol, opiates, hallucinogens, or prescription drugs, opioids, etc.). 5. The physical and psychological effects related to the abuse of the above drugs, and others. 6. The health & medical risks of substance abuse. 7. Avoiding substance abuse through wellness, exercise, diet, etc. The employee will receive a copy of the Town of Farragut Drug and Alcohol Testing Policy either in hard copy or as a PDF.

VI. SUBSTANCE ABUSE COUNSELING

Information concerning substance abuse counseling will be included in the training sessions conducted with managers, supervisors, and covered employees. Information concerning substance abuse counseling includes the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs approved by the Town. Details on substance abuse counseling are available through the Town Administrator.

The Town strongly encourages employees using illegal drugs or misusing alcohol to voluntarily refer themselves to a counseling and/or rehabilitation program. A covered employee wishing to voluntarily refer himself to counseling or treatment may contact an approved counseling or treatment program directly or may place a confidential call to the Town Administrator for assistance.

A voluntary referral will not be allowed once an employee has failed a drug or alcohol test or has otherwise violated this policy. Employees are not subject to disciplinary action for voluntary referral, even if the problem involves drug or alcohol abuse, if they have not otherwise been found in violation of this policy.

Other violations of Town work rules or policies may subject the employee to disciplinary action. Note: covered employees who voluntarily refer themselves to a substance abuse professional and, who are in turn referred for drug and/or alcohol rehabilitation or treatment, and who release or otherwise disclose that information to the Town, will be monitored by the substance abuse professional, in partnership with the Town Administrator, to help

ensure they continue to follow the treatment recommendations. Where the employee fails to follow the requirements, the Town reserves the right to mandatorily refer the employee to a substance abuse professional.

The Town reserves the right to mandatorily refer a covered employee to substance abuse counseling when work performance or the ability to safely perform in a covered position has been affected by alcohol or prohibited drugs or when the employee has otherwise violated this policy. An employee who fails either an alcohol or drug test, and who is not terminated, will be mandatorily referred to a substance abuse professional. In the case of a mandatory referral, substance abuse counseling is not confidential, and information will be given to the Town from the substance abuse professional as allowed by DOT regulations.

Costs of counseling or rehabilitation may be covered under the Town's group health insurance plan, subject to the eligibility requirements, limitations, and conditions of the plan. **All costs of counseling and rehabilitation, whether incurred because of a voluntary or mandatory referral, that are not paid or covered by the Town's group health insurance plan will be the responsibility of the employee.**

Disciplinary action related to the actions necessitating the mandatory referral to a substance abuse professional may occur prior to, during, or following the mandatory referral. Employees returning to work following a mandatory referral and rehabilitation for drug and/or alcohol misuse will be subject to a Return-to-Work agreement to help ensure the employee continues to follow the treatment recommendations of the substance abuse professional. Failure of the employee to comply with and complete the recommended treatment plan outlined by the rehabilitation facility or substance abuse professional or the terms of the Return-to-Work agreement will lead to disciplinary action up to and including termination.

An employee who is approved to enter a rehabilitation program, whether on a voluntary or mandatory referral basis, will be allowed to use accumulated off-time pay which the employee had accrued at the time of entering the program. If no paid days are available, the employee will be approved for absence without pay, if the employee is continuing in the rehabilitation program.

In accordance with FMCSA regulations, any covered employee or applicant for a covered position who has engaged in conduct prohibited by this policy will be advised of the resources available to him or her for evaluating and resolving problems associated with the misuse of drugs or alcohol, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs approved by the Town. Where the employee is not terminated for violating this policy, or is hired by the Town, the Town will mandatorily refer the employee to an approved substance abuse professional who will determine what assistance, if any, the employee needs in resolving problems associated with the misuse of drugs or alcohol. (See the Mandatory Referral Provision of Section VI, Substance Abuse Counseling.) Before an employee will be returned to a covered position, the substance abuse professional must certify that the employee has properly followed any rehabilitation program prescribed by that professional.

Employee assistance is available by contacting any one of the following agencies:

Tennova Behavioral Services
900 E. Oak Hill Ave.
Knoxville, TN 37917
Phone: 545-7863

Metropolitan Drug Commission
501 W. Main Street
Knoxville, TN 37902
Phone: 588-5550

Alcohol and Drug Referral
(in patient referral)
Hotline: 1-800-252-6465

Alcoholics Anonymous (AA)
Hotline: 522-9667 (Knoxville)

Narcotics Anonymous (NA)
Hotline: 1-844-409-3762

Helen Ross McNabb Center, Inc.
Alcohol and Drug Program
5310 Ball Camp Pike
Knoxville, TN 37920
Phone: 523-4704
Metro Main number: 637-9711

United HealthCare Employee Assistance Program	Myuhc.com to access provider's names

Nothing contained herein should be construed as restricting the Town's right to terminate a covered employee for violating this policy or the Town of Farragut's General Drug and Alcohol Abuse Policy.

VII. TESTING PROCEDURES AND METHODOLOGY

The Town will conduct drug and alcohol testing under this policy in accordance with the procedures set forth in Part 40. The Town has implemented the Part 40 procedures in a separate document entitled, "The Town of Farragut's Drug and Alcohol Testing Procedures" (hereinafter sometimes called the "Testing Procedures"), which is hereby referenced and made a part of this policy the same as if it had been fully rewritten herein. A copy of the Testing Procedures is available to any employee (or applicant) upon request directed to the Town Administrator. A summary of the Testing Procedures is as follows:

A. Drug Testing Procedures

Drug testing under this policy will involve the screening of urine samples for the prohibited drugs. The initial test performed on the urine sample will be an enzyme-multiplied-immunoassay technique ("EMIT") screen which will be used to eliminate negative urine specimens from further consideration. All specimens identified as positive through the EMIT screen will be confirmed by using gas chromatography/mass spectrometry ("GC/MS") techniques at the cutoff levels set forth in the Testing Procedures.

The collection of urine samples for drug testing under this policy will occur at the offices of **Occupational Health Systems, 9135 Middlebrook Pike Knoxville, TN 37923** or at another designated collection site in the discretion of the Town Administrator. A designated collection site, including properly equipped mobile facilities, will be any suitable location where a urine specimen can be collected under conditions set forth in the Testing Procedures.

Personnel trained in the process of collecting the urine samples and seeing that correct chain of custody procedures are followed will be available at the collection site. The Town, or any subsequent contractor performing the Town's urine specimen collection, shall have all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping of urine specimens to a certified drug testing laboratory designated by the Town. These personnel shall follow standard prescribed laboratory procedures and the Town of Farragut's Drug and Alcohol Testing Procedures to ensure that the drug test results of the urine samples are attributable to the correct employee and to preserve the integrity of the testing process and validity of the test results.

At the time of the publication of this policy, **Medtox, St. Paul, MN**, a DHHS-certified laboratory, has been selected by the Town to perform the testing of urine samples collected under this policy. The laboratory shall provide services in accordance with Parts 40 and 382. If a need arises for a confirmation of a positive result by another laboratory, or for the purpose of analyzing split sample specimens, another DHHS-certified laboratory will be selected from the published list of DHHS-approved laboratories in the Federal Registry or latest DOT publication. Even further, if business needs of either the Town or its Medical Review Officer require or call for change of laboratory, the Town and the MRO may select another DHHS-certified laboratory from the DHHS-approved list at any time. It is the employee or job applicant's responsibility to notify the laboratory of any administrative or civil action brought pursuant to the State of Tennessee's Drug Free Workplace Program.

The results of the drug test performed by the laboratory will be forwarded to the Town's designated MRO who, among other things, is responsible for reviewing the results of the drug test before they are reported to the Town. Verified results of the drug test will be communicated by the MRO to the Human Resource Director. A verified positive, adulterated or substituted test result communicated to the Town will result in the employee being immediately removed from performing any covered functions. Disciplinary action will be imposed pursuant to and in accordance with the Town's General Drug and Alcohol Abuse Policy and will involve discipline up to and including termination. Further details concerning the MRO's responsibilities, the communication of the results of

drug tests to the Town, and the ability of an employee to request that a retest of the split specimen by a different laboratory be conducted, are set forth in this policy and the Town's Drug and Alcohol Testing Procedures.

B. Alcohol Testing Procedures

Alcohol testing will be conducted using evidential breath testing ("EBT") devices which have been approved by the National Highway Traffic Safety Administration ("NHTSA") and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices." Alcohol testing may be conducted by either the Town or its authorized agents, who will use an EBT device capable of printing out the results, date and time, sequential test number, and the name and serial number of the EBT to ensure reliability of the results. The locations for testing will afford sufficient privacy to the individual being tested to prevent unauthorized persons from seeing or hearing test results. The Town (or its agents) may utilize mobile collection facilities which meet the DOT privacy requirements.

An initial or screening test will be performed by a qualified BAT utilizing an EBT. Any screening test result with an alcohol concentration less than 0.02 is considered a negative test result, and no further action will be taken. However, if the alcohol concentration in the screening test is 0.02 or greater, a second or confirmation test will be conducted after a 15-minute waiting period.

The confirmation test may be conducted on the same EBT or different EBT by the BAT, but it must be performed no sooner than 15 minutes and no later than 30 minutes after the screening test. The confirmation test result is deemed to be the result upon which any action will be taken under this policy. The employee and BAT will complete and sign the alcohol testing form in accordance with the Town's Drug and Alcohol Testing Procedures, and the BAT will report the test results to the Human Resource Director. A confirmation test result with an alcohol concentration of 0.04 is considered a positive test, and the employee will be immediately removed from performing any covered functions. Where a covered employee is found to have an alcohol concentration of greater than 0.02 but less than 0.04, the employee will not be allowed to perform or continue to perform covered functions until the start of the next regularly scheduled shift, but in any event not less than 24 hours following the administration of the confirmation test. Any disciplinary action taken for a violation of this policy will be imposed pursuant to and in accordance with the Town of Farragut's General Drug and Alcohol Abuse Policy and not DOT regulations or this policy. Disciplinary action in accordance with the Town of Farragut's General Drug and Alcohol Abuse Policy may involve discipline up to and including termination.

VIII. PRE-EMPLOYMENT DRUG TESTING

In accordance with FMCSA regulations, a pre-employment drug test is required before an applicant is employed in a covered position or an employee transfer or is promoted from a non-covered to a covered position. Urine specimens will be screened for the prohibited drugs as defined in this policy. Procedures for taking urine samples and handling of the specimens will be in accordance with the Town's Drug and Alcohol Testing Procedures. The test will be conducted after the Town makes an offer of employment or transfer, and such offer of employment or transfer will be contingent on the employee passing the pre-employment drug test.

Applicants for a covered position (or employees transferred/promoted to a covered position) will be given a summary of this policy and will be advised where the entire policy and testing procedures can be reviewed if they so request. Individuals subject to pre-employment drug testing under this policy will acknowledge having read or had this policy explained to them and should understand that they are subject to its contents as a condition of employment.

A negative test result is required before employment or transfer/promotion into the covered position. Applicants who test positive on the drug test or who refuse to take the test will not be hired and will not be eligible to be considered for employment at the Town until the applicant shows proof of successful completion of a drug rehabilitation program. **Employees transferring or being promoted to a covered position who test positive in the drug test will be in violation of the Town of Farragut's General Drug and Alcohol Abuse Policy and will be subject to disciplinary action up to and including termination.**

In addition to pre-employment testing, covered employees who have a CDL at the time of employment and/or before any employee begins to perform safety-sensitive work will be required to sign consent forms authorizing

previous employers to release to the Town information within the preceding three years concerning (i) any positive alcohol test (0.04 or above) for the employee; (ii) any positive drug test for the employee; and (iii) any refusals by the employee to be tested. If it is not feasible for the Town to obtain and review this information prior to the time the employee begins to perform safety-sensitive functions, such information must be obtained and reviewed by the Town within 30 calendar days after the employee first performs safety-sensitive functions. The Town will not permit a CDL employee to perform safety-sensitive functions after 30 days without first obtaining and reviewing the required information.

The above information may be obtained by the Town from previous employers either orally or in writing. The Town will maintain a written, confidential report with respect to each employer contacted and will ensure the confidentiality of the information provided by the previous employers. The Town will not permit a CDL employee to perform safety-sensitive functions who has either previously tested positive for alcohol, tested positive for drugs, or refused to be tested, unless and until the Town obtains (i) information that the employee has subsequently tested negative on a return-to-duty test; and (ii) records pertaining to a subsequent determination by a substance abuse professional concerning the employee's need for assistance and compliance with recommendations of the substance abuse professional. If the Town is unable to obtain the required information on such an employee, the employee may be terminated.

IX. RANDOM DRUG AND ALCOHOL TESTING

In accordance with FMCSA regulations, all covered employees will be subject to random drug and alcohol testing. Beginning upon the effective date of this policy, covered employees will be tested for prohibited drugs at a rate equal to 50% of those employees employed as of the first day of the calendar year. Covered employees will also be tested for alcohol misuse as specified in this policy at a rate equal to 10% of the covered employees employed as of the first day of the calendar year. These testing rates are subject to change at the beginning of each calendar year pursuant to FMCSA regulations. The Town will advise covered employees of any change in the random rate before such change is implemented.

The frequency of testing dates will vary, and testing will be reasonably spread throughout the year. The process will be unannounced as well as random, and employees will be notified that they have been selected for testing only **after** they have reported for duty on the day of testing.

The testing will be done using a random selection of dates coupled with a random number table or computer-based random number generator that is matched with an employee's social security number or other appropriate identification number. The Town reserves the right to create multiple pools of covered employees if it will ensure that all covered employees are subject to the appropriate alcohol testing rate of 10% and drug testing rate of 50%. All testing will be conducted in accordance with the Town's Drug and Alcohol Testing Procedures.

Since covered employees are subject to both random drug and alcohol testing, the Town reserves the right to conduct random drug and alcohol testing simultaneously, provided that the covered employees, who are tested simultaneously for drug and alcohol misuse, are selected at the appropriate annual rate for drugs and alcohol, respectively. For example, where the annual drug testing rate is 50% and the annual alcohol testing rate is 10%, the Town reserves the right to create a pool of covered employees and will randomly select twenty percent of the employees identified for both drug and alcohol testing, while the remaining eighty percent will be drug tested only. In the case where an employee is tested for both alcohol and drugs, the alcohol test will be performed first.

An employee who refuses to take a random alcohol or drug test will be in violation of this policy and will be immediately removed from his or her covered position. Refusal to take the test is a violation of the Town of Farragut's General Drug and Alcohol Abuse Policy and will subject the employee to immediate termination under that policy. Any covered employee who fails an alcohol or drug test will be immediately removed from a covered position and will be in violation of the Town of Farragut's General Drug and Alcohol Abuse Policy which provides that failing an alcohol and/or drug test will result in disciplinary action up to and including termination. If the employee is not terminated, the employee is subject to the provisions of Section VI, Substance Abuse Counseling, and the provisions of Section XII, Return-to-Duty and Follow-Up Testing.

X. REASONABLE SUSPICION TESTING

FMCSA regulations and the Tennessee Drug-Free Workplace Program require testing of covered employees upon reasonable cause or suspicion that the employee is using prohibited drugs or misusing alcohol. Whenever the Town reasonably suspects that a covered employee has violated the provisions of this policy, the Town will require the employee to submit to either an alcohol or drug test or both. Tests administered based on reasonable suspicion will be conducted in accordance with this policy and the Town of Farragut's Drug and Alcohol Testing Procedures.

The Town's determination that reasonable suspicion exists will be based on specific and contemporaneous observations concerning the appearance, behavior, speech, or body odors of the employee, indicating that the employee is in violation of this policy. Reasonable suspicion sufficient to justify either or both an alcohol or drug test may be based on, but is not limited to, direct observation by a manager or department supervisor of symptoms of alcohol or drug use such as slurred speech, unsteady walk, impaired coordination, displays of violent behavior, argumentative, improperly talkative, loud or uncontrolled laughter; information provided by reliable and credible sources; job performance; behaviors over a period of time; or similar conduct or appearance indicative of alcohol or drug use. In determining reasonable suspicion, a manager or department supervisor can consider job performance over a period or continued deterioration of job performance if that has resulted in a pattern of events identifiable with alcohol or drug misuse, or information provided by a reliable or credible source, but the decision to test must be grounded in the manager or department supervisor's contemporaneous observations. In addition, the occurrence of a serious or potentially serious incident or accident that may have been caused by human error, or flagrant violations of established safety, security, or other operational procedures can constitute grounds for testing under this section.

The determination to administer either or both a drug or alcohol test based on reasonable suspicion must be made by at least two managers or department supervisors, one of whom is trained in the detection of possible symptoms of drug or alcohol use. Both managers and supervisors must substantiate and concur in the decision to test. The observations giving rise to the decision to administer a drug and/or alcohol test must be made during, just preceding, or just following the period of the workday that the covered employee is required to follow this policy. The requirement of having two supervisors observe the conduct can be reduced to one supervisor when it is not feasible for two supervisors to witness the conduct.

NOTE: If the alcohol test is not administered within two hours following the reasonable suspicion determination, the Town will prepare a written record stating the reasons why the test was not promptly administered. If the test is not administered within eight hours following the reasonable suspicion determination, the Town will cease attempts to administer the test and will record, in writing, the reasons for not administering the test. If the reasonable suspicion test is not administered, the Town will, nevertheless, not permit a covered employee to remain on duty in a covered position while the employee is under the influence of alcohol as shown by behavioral, speech, or performance indicators and will not allow an employee to perform in a covered position until an alcohol test is administered and the employee's alcohol concentration measures less than 0.02 on the start of the employee's next shift but, in any event, not less than twenty-four hours following the reasonable suspicion determination.

Within 24 hours of the reasonable suspicion determination, the managers or department supervisors will document the covered employee's conduct, in writing, which led to the determination to conduct a reasonable suspicion drug test. A copy of this documentation shall be given to the employee upon request and the original documentation shall be kept confidential by the Town pursuant to Tenn. Code Ann. § 50-9-109 and shall be retained by the Town for at least one (1) year. The managers or department supervisors witnessing the conduct must have received training in the identification of actions, appearance, or conduct of an employee indicative of the use of a prohibited drug or alcohol. Once it is determined that an employee should be subjected to a reasonable suspicion test, the verifying manager or department supervisor shall contact the Human Resource Director to coordinate the testing and to obtain any necessary instructions.

Any covered employee who refuses to take a reasonable suspicion drug or alcohol test will be in violation of this policy and will be immediately removed from his or her safety-sensitive position. Refusal to take a test is a

violation of the Town's General Drug and Alcohol Abuse Policy and will subject the employee to immediate termination under that policy. An employee who agrees to be tested will be transported to and from the collection test site. Where a reasonable suspicion drug test is administered or administered in addition to a reasonable suspicion alcohol test, the employee will be removed from covered activities pending receipt of the drug test results even if the employee passes the alcohol test.

If an employee is subjected to a reasonable suspicion drug test, or fails a reasonable suspicion alcohol test, the employee should decide to be transported home. The employee should be instructed not to drive any motor vehicle due to the reasonable belief that he or she may be under the influence of a prohibited drug or due to the positive alcohol test result. If an employee who has failed a reasonable suspicion alcohol test insists on driving, the proper local enforcement authorities should be notified that an employee whom the Town believes to be under the influence of alcohol is leaving Town premises driving a motor vehicle.

An employee who tests positive on a reasonable suspicion test will be in violation of this policy and the Town's General Drug and Alcohol Abuse Policy. Violation of the Town's General Drug and Alcohol Abuse Policy subjects the employee to disciplinary action, up to and including termination. If the employee is not terminated, the employee is subject to the provisions of Section VI, Substance Abuse Counseling, and the provisions of Section XII, Return-to-Duty and Follow-Up Testing.

XI. POST-ACCIDENT DRUG AND ALCOHOL TESTING

The Town will conduct post-accident drug and alcohol testing under this policy only for those accidents where a CDL employee driving a Town commercial motor vehicle is involved in an accident where there is the loss of human life or where the employee receives a citation for a moving traffic violation arising from the accident and the accident results in either bodily injury which requires treatment away from the scene or disabling property damage. Post-accident drug and alcohol tests will be conducted in accordance with the Town's Drug and Alcohol Testing Procedures. **Accidents which do not meet the definition of this policy, but which involve Town employees, may require post-accident drug and alcohol testing under the Town's General Drug and Alcohol Abuse Policy. Covered employees will be advised whether they are being tested under this policy or under the Town's General Drug and Alcohol Abuse Policy.**

A covered employee may not consume any alcohol for eight (8) hours following the accident or until an alcohol test has been conducted. A covered employee subject to post-accident testing under this policy who fails to remain readily available for testing may be deemed by the Town to have refused to submit to the required testing. But nothing herein is intended to require the delay of necessary medical attention for injured people or prohibit a covered employee from leaving the scene of the accident for the period necessary to obtain assistance or necessary emergency medical care.

If an alcohol test is not administered within two (2) hours following the accident, the Town will prepare written records stating the reasons why the test was not properly administered. If the test is not administered within eight (8) hours following the accident, the Town will cease attempts to administer an alcohol test and will prepare a written record for the reasons for not administering the test. If a drug test is not administered within thirty-two (32) hours following the accident, the Town will cease attempts to administer the test and will prepare a written record for the reasons for not administering the test.

If a covered employee refuses to submit to post-accident testing, the employee will be immediately removed from the covered position. Under the Town's General Drug and Alcohol Abuse Policy, the employee will be charged with insubordination and subject to immediate termination. If an employee agrees to be tested, he or she will be transported to and from the collection test site. Any employee selected for post-accident testing under this policy will not be allowed to proceed alone to or from the collection test site. Because a post-accident drug test will be administered in addition to an alcohol test, the employee after returning from the collection site will not be allowed to perform covered functions pending the results of the drug test even if the result of the alcohol test is negative.

If an employee fails the alcohol test, the employee should plan to be transported home. The employee should be instructed not to drive any motor vehicle due to the positive alcohol test. If the employee who has failed the

alcohol test insists on driving, the proper local law enforcement authorities should be notified that an employee, whom the Town believes to be under the influence of alcohol, is leaving Town premises driving a motor vehicle.

An employee who tests positive on a post-accident alcohol or drug test will be removed immediately from his or her covered position. The employee will be in violation of the Town's General Drug and Alcohol Abuse Policy, which provides that failing an alcohol or drug test subjects the employee to disciplinary action, up to and including termination. If the employee is not terminated, the employee is subject to the provisions of Section VI, Substance Abuse Counseling, and the provisions of Section XII, Return-to-Duty and Follow-Up Testing. A positive test or a refusal to test may result in a forfeiture of workers' compensation benefits.

XII. RETURN-TO-DUTY AND FOLLOW-UP TESTING

Any covered employee who has either refused to take or has failed a drug or alcohol test, or who has otherwise violated this policy, but who has not been terminated, must pass a return-to- duty drug and/or alcohol test administered under this policy before the employee will be allowed to return to work in a covered position. The alcohol or drug test administered for return-to-duty testing will be conducted in accordance with the Town of Farragut's Drug and Alcohol Testing Procedures.

Covered employees, who have engaged in conduct prohibited by this policy concerning alcohol, shall undergo a return-to-duty alcohol test immediately before returning to work, and the covered employee must have a test result indicating an alcohol concentration of less than 0.02 before returning to duty. Covered employees, who have engaged in conduct prohibited by this policy concerning prohibited drugs, shall undergo a return-to-duty drug test with the result indicating a verified negative test result before returning to duty.

In addition, if because of a mandatory referral under this policy, a substance abuse professional decides that some form of further evaluation and/or treatment is required, then the covered employee must comply with the recommendations of the substance abuse professional to be considered eligible to return-to-duty. Following a determination by a substance abuse professional approved by the Town that a covered employee, who has failed a drug or alcohol test, needs assistance in resolving problems associated with alcohol or drug abuse, a covered employee returning to duty will be subject to unannounced follow-up alcohol and/or drug testing as recommended by that substance abuse professional.

The follow-up testing may include testing for both drugs and alcohol, as directed and determined by the substance abuse professional. Follow-up testing may be continued for up to 60 months, but it will consist of at least six tests in the first twelve months following the employee's return-to-duty. The duration and extent of the follow-up testing will be determined by the Town, in consultation with the substance abuse professional or MRO, and will be based on the extent of the employee's substance abuse problem and nature of the employee's position. All follow-up drug and alcohol testing will be conducted in accordance with the Town's Drug and Alcohol Testing Procedures.

A covered employee will be required to sign a Return-to-Work agreement before returning to work, which will include, among other things, any follow-up testing and other conditions pertinent to that employee's continued employment with the Town. If a covered employee refuses to submit to return-to-duty or follow-up testing, the employee will not thereafter be used in a position covered by this policy and will be subject to immediate discharge for insubordination as set forth in the Town's General Drug and Alcohol Abuse Policy. Likewise, any covered employee who has a confirmed positive test result for a return-to-duty or follow-up test will not thereafter be used in a position covered by this policy and will be subject to immediate termination under the Town's General Drug and Alcohol Abuse Policy.

Return-to-duty and follow-up testing are not options under this policy if the Town terminates an employee who has tested positive or has refused to submit to a test.

XIII. USE OF PERSONS WHO FAIL A DRUG OR ALCOHOL TEST OR WHO REFUSE TO TEST

Compliance with this policy is a condition of employment. Refusal of a covered employee to take a drug or alcohol test or failing a drug or alcohol test will result in removal from a covered position under this policy. Refusing to take or failing to take a drug or alcohol test are violations of the Town's General Drug and Alcohol

Abuse Policy and subjects the employee to disciplinary action under that policy up to and including termination and will result in a potential forfeiture of workers' compensation benefits as authorized by Tenn. Code Ann. § 50-9-101 *et. seq*. and § 50-6-110.

Before a covered employee can be returned to duty requiring the performance of covered functions, the employee must pass a return-to-duty test and be evaluated by a substance abuse professional who will certify that the employee has properly followed any rehabilitation program prescribed by that professional. Nothing herein entitles an employee to be returned to duty if the employee is terminated under the Town's General Drug and Alcohol Abuse Policy.

Any employee who fails or refuses to take a second test required by this policy (*i.e.*, either a return-to-duty or follow-up test after returning to duty) will not thereafter be used in a position covered by this policy and will be subject to immediate termination under the Town's General Drug and Alcohol Abuse Policy.

XIV. MEDICAL REVIEW OFFICER ("MRO")

At the time of publication of this policy, the Town has designated **Christopher Copeland, M.D., Occupational Health System, 9135 Middlebrook Pike, Knoxville, TN 37923** as its Medical Review Officer. If business needs of the Town require or call for change of MRO, the Town Administrator may select another qualified MRO at any time, provided that the newly selected MRO has and maintains all necessary certifications and qualifications.

The MRO will be responsible for reviewing the results of drug tests before the results are reported to the Town; reviewing and interpreting each confirmed positive test to determine if there is an alternative medical explanation for the positive result; conducting an interview with the individual who has tested positive; reviewing the individual's medical history and all medical records made available to him or her by the individual to determine if the positive result occurred from legally-prescribed medication; requiring a retest of the original specimen if the MRO deems it is necessary; verifying that the laboratory report and assessment are correct; determining when an employee who tested positive or refused to test can return-to-duty; determining an appropriate schedule of follow-up unannounced testing in accordance with the follow-up testing provisions; and ensuring that an employee has passed an appropriate return-to-duty drug test conducted in accordance with this policy and the Town's Drug and Alcohol Testing Procedures before returning to work.

If the MRO determines that there is a legitimate medical explanation for the positive test result other than the use of a prohibited drug, the MRO will conclude that the test is negative and will report the test result to the Town as negative. If the MRO concludes that a particular drug test is scientifically insufficient, the MRO will conclude that the test is negative for that individual. If the MRO determines that there is no legitimate explanation for the positive test result other than the use of a prohibited drug, the MRO will communicate the result of the verified positive test to the Human Resource Director. It is the employee's responsibility to inform the MRO that prescription drug use may have affected the drug test result.

An applicant or employee who receives a positive or confirmed test may contest or explain the result to the MRO within five (5) working days after receiving written notification of the test result. If the applicant's or employee's explanation or challenge is unsatisfactory to the MRO, the MRO shall then report the positive test result to the Human Resource Director and will maintain complete confidentiality, except as otherwise permitted by the individual employee (or applicant) or other applicable federal or state law.

Employees and job applicants may consult with the MRO for technical information regarding prescription and non-prescription medication.

Because the Town will utilize the split sample method of collection under this DOT Policy, a covered employee (or applicant) can request that the MRO direct the retest of a split specimen by a different DHHS-certified laboratory, and the MRO will abide by such a request, provided such a request is made within seventy-two (72) hours of the employee (or applicant) having been notified of the verified positive result. The MRO is responsible for informing the employee (or applicant) of his or her right to request the retest. If the retest does not confirm the original test, the MRO will cancel the test and report the reasons for the cancellation to the Human Resource Director, DOT, and the employee (or applicant). The person requesting the retest is responsible for paying the cost of the second test, but if the retest is negative, the cost will be reimbursed.

Results of negative tests will be communicated by the MRO to the Human Resource Director, who in turn will advise the appropriate manager as indicated by the employment status of the person tested. Further details concerning the MRO's responsibilities are set forth in the Town's Drug and Alcohol Testing Procedures.

XV. RETENTION OF SAMPLES

Urine samples that yield positive results and which have been confirmed by the MRO will be retained by the laboratory and properly secured (long term), frozen and stored for at least 365 days. Within this 365-day period, the employee, FMCSA or state agencies within their jurisdiction, or the Town's may request in writing that the sample be retained for an additional period. The laboratory may discard the sample if no such request is received within the 365-day period.

XVI. USE OF PRESCRIPTION DRUGS

The Town recognizes that use of prescription drugs under the supervision of appropriate health care professionals is protected under the Americans with Disabilities Act ("ADA"). However, legal use of certain prescription drugs by employees in covered positions may cause impairment and create dangerous situations in the workplace. Accordingly, employees who are required to take prescription drugs which may cause impairment must strictly conform to the limits prescribed by a licensed medical practitioner familiar with the employee's medical history and assigned duties. Failure to do so, e.g., by taking prescription drugs without a prescription, or in amounts greater or more frequently than that prescribed or otherwise in violation of the foregoing requirements, is conduct prohibited by the Town's General Drug and Alcohol Abuse Policy and subjects the employee to disciplinary action, up to and including termination. Moreover, all employees are directed to advise their prescribing physician of any safety-sensitive responsibility that they perform for the Town before taking prescribed medication which may prevent them from performing their jobs in a safe manner.

It is the responsibility of any employee who tests positive in a drug test to inform the MRO of any prescription or non-prescription drug use that may have affected the results of the drug test. The purpose of this disclosure will assist the MRO in determining whether such prescription or non-prescription drug use is the source of any positive test result.

Any records of prescription drugs in the possession of the MRO will be maintained in a confidential manner and disclosed to the Town only to the extent necessary to address any work-related safety risks.

Records of Town employee reports of prescription drugs in the possession of the MRO are recognized to be private and sensitive records. These records will be maintained by the MRO in a secure fashion to ensure confidentiality and will be disclosed to the Town Administrator or Human Resource Director only to the extent necessary to address any work-related safety risks occasioned by the prescription drug use. The Town will maintain any such records in a secure fashion to ensure confidentiality.

XVII. RECORD RETENTION -- CONFIDENTIALITY

Records of the Town's drug and alcohol abuse prevention and testing program are recognized to be private and sensitive records and will be maintained separate and apart from personnel records in a secure fashion to ensure confidentiality. The Human Resource Director, Town Administrator, or their appropriate designee shall be deemed the custodian of these confidential records. Access to these records shall be obtained only through these individuals. These records will be handled on a strict "need to know" basis.

The Town and the MRO will maintain records which comply with the requirements of FMCSA regulations. In summary, records shall be maintained in accordance with the following schedule:

(1) **Five Years** -- The following records shall be maintained for a minimum of five (5) years: (i) alcohol test results indicating an alcohol concentration of 0.02 or greater, or records of verified positive drug test results; (ii) documentation of refusal to take the required alcohol or drug test (including substituted or adulterated drug test results); (iii) SAP reports, and (iv) all follow-up tests and schedules for follow-up tests.

(2) **Three Years** – Information obtained from previous employers under §40.25 concerning drug and alcohol tests of employees

(3) **Two Years** -- Records related to drug and alcohol testing collection process and training, including the inspection, maintenance, and calibration of EBTs, shall be maintained for a minimum of two (2) years.

(4) **One Year** -- Records of negative and cancelled drug and alcohol test results shall be maintained for a minimum of one (1) year.

Any of the records listed above may be maintained for an indefinite period beyond the above-specified minimums at the Town's discretion.

Information regarding an individual's drug or alcohol use, including testing results and rehabilitation or treatment, will not be released by the Town except upon written authorization by the covered employee or as hereinafter provided. The Town will make the records available to a subsequent employer upon receipt of written request from the covered employee. The Town may also disclose, regardless of consent, such information to proper representatives of FMCSA and/or other federal or state agencies within their jurisdiction. Such consent must include the following information: the name of the person authorized to obtain the information; the purpose of disclosure; the precise information to be disclosed; the duration of the consent; and the employee's signature. Information regarding an individual's alcohol or drug use and testing information may also be disclosed regardless of consent to the decision-maker of a judicial or administrative tribunal in the event of a lawsuit, grievance, civil service, unemployment compensation, workers' compensation, or other proceeding brought by or on behalf of the covered employee arising from the results of a test or violation under this policy. Statistical data related to drug testing and rehabilitation -- without identifying the names of the individuals and with all personal identifies removed -- will be made available to the proper representatives of FMCSA and/or the Tennessee Public Service Commission, including its successor entity, upon request.

XVIII. REPORTING RESULTS TO FMCSA

As required by FMCSA, the Town will prepare and maintain an Annual Calendar Year Summary of the results of its drug and alcohol testing programs in the form required by FMCSA. This Annual Calendar Year Summary will be completed by March 15 for the previous calendar year, and if the Town is notified by FMCSA to report this information, it will do so within the time and in the format requested.

XIX. SAFETY SENSISTIVE POSITIONS

1. Public Works
    a. Foreman
    b. Crew Leader
    c. Technician I
    d. Technician II
2. Engineering
    a. Engineering Technician
    b. Senior Engineering Technician
    c. Capital Improvements Coordinator
    d. Stormwater Coordinator
3. Community Development
    a. Building Official
    b. Codes Enforcement Officer
    c. Codes Officer
    d. Codes Officer-Commercial Plans Examiner
4. Parks and Recreation
    a. Lead Park Attendant
    b. Part Attendant-Part Time
    c. Park Facility Operator
    d. Park Program Coordinator
    e. Park Maintenance Foreman
    f. Park Maintenance Technician II
    g. Park Maintenance Technician I
    h. Lead Recreation and Event Attendant
    i. Recreation and Event Program Coordinator
    j. Tourism Manager
    k. Tourism Coordinator
    l. Tourism Assistant
5. Administration
    a. Staff Accountant
    b. Accounting Clerk
    c. Assistant to the Town Administrator

All Directors and Town Administrator

Acceptable Use of Information Technology Assets Policy

Purpose:

The purpose of this policy is to establish guidelines for the appropriate use of the Town of Farragut's ("Town") Information Technology ("IT") assets. These guidelines are intended to protect the Town's resources, ensure compliance with relevant laws and regulations, and maintain the integrity of the Town's IT infrastructure, including but not limited to devices, networks, software, and information. This policy is binding upon all users as defined herein and any violation may result in disciplinary action up to and including termination of employment or legal action.

I. DEFINITIONS

1. **Approved User-Owned Devices**: Any device that is owned by an authorized user and approved by the Department Head for connection to the Town's non-public network.
2. **Authenticating Information**: Data used to verify the identity of a user, device, or process, which may include but is not limited to passwords, PINs, or biometric identifiers.
3. **Critical Business Information**: Information essential to the Town's operations, the loss or compromise of which could result in significant financial, legal, or operational harm.
4. **Sensitive Information**: Any data classified as "Confidential" or "Restricted" per the Town's Information Classification Policy. This includes information protected by law, such as personally identifiable information (PII) and health information under HIPAA.
5. **Removable Media**: Storage media designed to be physically removed from a computing device, including but not limited to USB drives, CDs, DVDs, and external hard drives.
6. **User**: Any individual, including employees, contractors, consultants, and any other persons or entities authorized by the Town to access IT assets.

II. ACCESS AND USE OF INFORMATION TECHNOLOGY ASSETS

1. **Authorization**:
   Access to the Town's IT assets, including devices and networks, is restricted to users who have received explicit authorization from both their Department Head and IT Manager. Such access shall be limited to the IT assets necessary for the user to perform their job responsibilities.
2. **Scope of Access**:
   Users are only permitted to access the information and IT assets required for their official duties. Access beyond this scope, including the use of Town IT resources for personal gain or non-business-related activities, is strictly prohibited unless explicitly authorized by their Department Head.
3. **User Responsibilities**:
   Users are required to protect sensitive and classified information in their custody. Unauthorized dissemination of such information is prohibited, and upon termination, users must return all documents or media containing sensitive information to their Department Head or the Human Resource Director.

III. SECURITY MEASURES

1. **Password and Authentication Management**:
   Users must ensure that all passwords and other forms of authenticating information are kept confidential. Under no circumstances should passwords be written down, shared, or stored in an insecure manner. The use of autofill or auto-complete features for sensitive information is prohibited. Users are solely responsible for activities performed using their credentials.
2. **Virus Protection**:
   Users must not download files, open email attachments, or use removable media from unknown or untrusted sources without prior authorization from their Department Head or IT Manager. All suspected or known instances of viruses or malicious software must be immediately reported to the IT Manager or designated IT support.
3. **Physical and Logical Locks**:
   All devices that provide access to the Town's network or sensitive information must be secured with proper authentication mechanisms, such as password-protected screen locks. Users must also refrain from allowing unauthorized persons physical access to secure areas containing IT assets.

IV. PROHIBITED ACTIVITIES

1. **Personal Use**:
   The use of Town IT assets for personal activities, including internet gambling, non-work-related chat rooms, or viewing inappropriate content (e.g., pornography, harassing, or offensive material), is strictly prohibited. Occasional, limited personal use is allowed provided it does not interfere with work performance, violate this policy, or affect the Town's operations.
2. **Inappropriate Material**:
   IT assets must not be used to create, store, or transmit material that is fraudulent, defamatory, sexually explicit, or otherwise inappropriate. Any violation may be subject to federal, state, or local laws governing harassment, discrimination, and workplace behavior.
3. **Unauthorized System Access ("Hacking")**:
   Any attempt to gain unauthorized access to another user's data or external systems is strictly prohibited. Such actions, including the unauthorized reading, copying, or altering of files, may result in immediate termination and legal action.

V. EMAIL AND COMMUNICATION GUIDELINES

1. **Footer Language**:
   Use of any email footer or signature block requires the approval of the Department Head. Users may be required by their Department Head to use an approved footer or signature block.
2. **Mass Email Distribution**:
   Sending mass emails to all Town employees is prohibited without prior authorization from the Department Head or the Human Resources Department. Department-wide emails must also be approved by the relevant Department Head.

3. **Email Monitoring**:
   The Town reserves the right to monitor and review all email communications, including those marked private, to ensure compliance with this policy. Emails may be subject to public records laws and may be inspected as part of legal or regulatory investigations.
4. **Preservation of Emails in Litigation**:
   Upon the initiation of a legal investigation, Users must immediately suspend the deletion of any emails or other records that may be relevant to the matter. Any intentional deletion of such records may result in disciplinary or legal consequences.

VI. PRIVACY AND MONITORING

1. **No Expectation of Privacy**:
   Users should have no expectation of privacy when using Town IT assets. The Town retains the right to monitor and review all electronic communications, files, and internet activity, consistent with applicable laws and policies. Users must acknowledge that their communications and work product may be subject to monitoring, public records requests, or legal discovery.
2. **Global Password Access**:
   The Town may utilize global passwords to access any data stored on its IT systems, regardless of individual user passwords. Password usage by a user does not guarantee privacy over the information they access or create.

VII. REMOVABLE MEDIA AND DATA PROTECTION

1. **Encryption**:
   Removable media used to store sensitive information must be encrypted using software approved by the Town's IT Manager. Unencrypted storage of sensitive data is prohibited.
2. **Physical Security of Media**:
   Removable media containing sensitive data must be kept secure when not in use, and must not be left unattended, particularly when transported off-site. The loss or theft of removable media must be immediately reported.
3. **Data Destruction**:
   When IT assets or removable media are no longer needed, they must be destroyed using methods approved by the IT Manager, ensuring compliance with applicable legal and regulatory data retention and destruction requirements.

VIII. MISCELLANEOUS PROVISIONS

1. **Amendments and Revisions**:
   The Town reserves the right to amend or revise this policy at any time without prior notice. Users are responsible for reviewing and adhering to the most current version of this policy.
2. **Disciplinary Actions**:
   Any violation of this policy may result in disciplinary action, up to and including termination of employment. Violations may also result in legal action where appropriate.

Cell Phone Policy

1. **Policy: Town–owned, Town-issued cell phones and personal cell phone allowances are provided as a tool to enhance productivity and improve our ability to serve the public.** Employees whose job duties include the frequent need for a cell phone may receive a Town issued cell phone or a cell phone allowance to cover business-related costs on their personal cell phone. No further reimbursement for cell phone costs is available to employees who receive such an allowance. Additionally, the Town shall maintain a limited number of cell phones assigned to a specific department or piece of equipment. These town issued phones are intended to be used only during work hours and personal use of these phones is strictly prohibited.

   As a rule, cell phones should not be selected as an alternative to other means of communication -- e.g., landlines and radios -- when such alternatives would provide adequate but less costly service to the Town.

2. **Cell Phone Allowance:**
   a. **Eligibility:** Employees eligible for a cell phone allowance generally include department heads, supervisors, and full-time employees whose job duties regularly require emergency call back, irregular work hours or other job-related factors that require the employee to routinely utilize a cell phone to enhance their ability to perform their job duties. Department heads shall recommend which employees within their departments are eligible for a town issued cell phone or allowance. The Town Administrator or designee shall approve all town issued cell phones and employees eligible for an allowance.
   b. **Allowance Amount:** The standard monthly cell phone allowance amount shall be $30.00. No further reimbursement for cell phone costs is available to employees who receive an allowance.
   c. **Allowance Payment**: The approved cell phone allowance will be paid monthly as part of the employee's paycheck and will be subject to all applicable payroll taxes. This allowance does **not** constitute an increase to base pay, and will **not** be included in the calculation of percentage increases to base pay due to salary increases, promotions, etc.

3. **Employee Responsibilities:** Employees that receive a town issued cell phone or allowance must provide their department head and the Town Receptionist (for distribution) with their current cell phone number and immediately notify both parties if the number changes. Employees receiving a cell phone allowance are expected to carry the cell phone on their person both on and off duty, respond when called for Town business, and must retain an active cell phone contract if a cell phone allowance is in place.

   To receive a phone allowance, employees are required to use the Town's cellular service provider.

   Because the employee owns the cell phone personally, and the allowance provided is taxable income, the employee may use the phone for both business and personal purposes, as needed.

Use of the phone in any manner contrary to local, state, or federal laws will constitute misuse, and will result in immediate termination of the cell phone allowance.

4. **Department Assigned Cell Phones:** Town issued cell phones assigned to departments may be used by multiple employees on an as-needed basis during the workday and are intended solely for Town business use.

5. **Open Records:** All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency is an open record. Therefore, **r**egardless of whether the designated cell phone user possesses a town supplied cell phone or uses their personal cell and/or smart phone, employees have no expectation of privacy in connection with the use of these electronic communication systems and equipment or with the creation, transmission, receipt, or storage of information for Town business purposes.

6. **Safety:** It is recognized that an increasing number of vehicle accidents have been attributed to cell phone usage while driving. Cell/smart phones are not to be used while operating Town vehicles or machinery except in the event of an emergency. When driving on Town business in a Town vehicle, Town employees will focus on safe vehicle operation and therefore, shall not use cell/smart phones, PDA/laptop computer, MP3, portable two-way radio, or global positioning systems (GPS). Pursuant to the T.C.A. 55-8-199, employees must also not text while driving. An exception may be made when business circumstances dictate that employees use their cell phone to talk while they are driving, and the employee uses a hands-free device or speakerphone.

7. **Monitoring, Reporting and Investigation:** All use of Town-owned cell phones and two-way communication systems is treated as being related to Town business and subject to monitoring.
   All reports of alleged policy violations, regardless of the source, are to be directed to department heads or the Human Resources Office. Alleged policy violations will be thoroughly investigated.

   Other Town policies including, but not limited to, EEO, harassment prevention, conflicts of interest, e-mail, voice mail, telephone, hours of work, overtime, FLSA, software, Internet, etc. also apply to cell phone use. Employees are absolutely forbidden to use Town-owned cell phones for illegal purposes or to harass anyone.

Credit Card and Buyer Policy

The Town of Farragut has adopted and implemented this Credit Card and Buyer Policy to safeguard public funds and to provide clear instructions to Town employees that have been authorized to use Town credit cards and/or on account purchasing.

The use of a Town credit card by employees involves both the purchasing of goods and services and the payment of those purchases. As a card holder, you assume the responsibility for the protection and proper use of the card.

A. Obtaining a Town Credit Card: The following positions will be issued a Town Credit Card upon hire:

1. Town Administrator
2. Assistant to the Town Administrator
3. Department Directors
4. Executive Assistant
5. Communications Manager
6. Tourism Manager
7. IT Manager
8. Public Works Foreman
9. Park Manager
10. Recreation and Event Manager
11. Building Official
12. Staff Accountant

If a Department Director would like to request a position outside of the list above to have a Town Credit Card, a Cardholder Request Form must be submitted to the Finance Director.

The Finance Director and/or designee shall approve/disapprove a request based on the following:

- Historical procurement needs.
- Projected procurement needs.
- Needs of Town.

If approved, the Finance Director and/or designee completes and then submits a credit card application to the bank.

- A new card will be received within 7 to 10 days of submission.
- The Finance Director and/or designee contacts HR to provide the cardholder with a user guide and cardholder signs Cardholder Agreement Form, accepting the terms and conditions of the Cardholder Agreement.

B. Cardholder's Responsibilities:

Your Town Credit Card should always be treated with great care and should be kept in a secure location. You are the only person authorized to use the card and it should not be lent to another person. Be sure not to write the credit card number(s) down in any location and do not allow any vendor to write down your credit card number.

1. All purchase transactions processed against a Credit card shall comply with the requirements of these Credit Card procedures.

A sample list of approved purchases with Town card include:

- Approved travel related expenses
- Approved conference registration expenses
- Food and non-alcoholic beverages.
- Services (e.g., equipment repairs {excluding auto}, locksmiths, carpet cleaning).
- Rentals (e.g., copiers, computers, buildings)
- Office supplies and small office equipment
- Capital construction-funded purchases.
- Earned and documented Employee recognition, wellness or longevity prizes and awards

The following is a list of items the Credit card may NOT be used for:

- Alcoholic beverages.
- Recurring expenses where the Town has a business account.
- 1099 reportable purchases, such as:
- Non-employee compensation.
- Fees for professional services rendered by attorneys, public accountants, and members of other professions.

2. Only the cardholder makes transactions.
    a) It is the cardholder's responsibility to inform merchant of the employer's
    b) tax-exempt status, EIN number and TN certification of tax exemption.
    c) It is the cardholder's responsibility to obtain an itemized receipt from merchant for purchase made.
    d) It is the cardholder's responsibility to submit original receipts attached to the purchase requisition approved by the Department Head to the Accounting Department within one week of receipt.
    e) It is the responsibility of the cardholder to obtain any missing receipts and forward them to the Accounting Department immediately.
    f) If there are any missing receipts, the cardholder and his/her supervisor will be notified via e-mail. The cardholder will then have 48 hours to turn in any missing receipts or submit a missing receipt memo in lieu of the receipt. If the receipts are not received by the specified deadline, the Finance Director and/or designee will be notified, and the cardholder's charging privileges may be suspended.
    g) Multiple failures to provide receipts may result in cancellation of the card and other disciplinary action.
    h) in the event of a lost, stolen, or mutilated card, card holders must immediately notify the Finance Director.

C. Store On-Account Use

The following positions will be issued Store On-Account purchase authority upon hire:

1. Town Administrator

2. Finance Director and/or designee
3. Park and Recreation Director
4. Public Works Director
5. Park Manager
6. Park Program Coordinator
7. Park Facility Operator
8. Lead Park Attendant
9. Park Maintenance Foreman
10. Public Works Foreman
11. Public Works Crew Leader

If a Department Director would like to request a position outside of the list above to have Store On-Account use, the request must be submitted to the Finance Director and/or designee in writing.

The Finance Director and/or designee shall approve/disapprove a request based on the following:

- Historical procurement needs.
- Projected procurement needs.
- Needs of Town.

If approved, the Finance Director and/or designee contacts the appropriate merchant to change the authorized user list.

D. Accounts Payable Monitoring & Reporting Responsibilities:

The accounting department will receive receipts from cardholders and store on-account users by the end of the month.

a) If no infractions were found the documents will be maintained for record retention purposes.
b) If any infractions were found (charges with sales tax, charges that do not match receipts, i.e.), the accounting department will notify the cardholder and Supervisor to resolve the infraction.
c) For any unresolved disputes after seven calendar days, the accounting department will notify the Finance Director and/or designee that the cardholder has not resolved the reported infraction.
d) Finance Director's Monitoring and Reporting Responsibilities:
    1. If any infractions are discovered (e.g., split purchasing, purchase of restricted goods, services), resolutions will be documented, and disciplinary action will be initiated.
e) Failure to abide by the policies and procedure regarding cardholder and buyer usage may cause the loss of privileges and appropriate disciplinary action may be taken at management's discretion including a response time frame to reinstate the cardholder's charging privileges by notifying the Finance Director.
f) For any disputes that the cardholder has been unable to resolve on his/her own within seven calendar days, the cardholder and/or buyer is required to forward a memo of explanation and forward it to the Finance Director and/or designee.

E. Gas Credit Cards

For additional information specific to gas cards, refer to the Purchasing Policy.

F. Annual Control and Disclosure
The Finance Director and/or designee will conduct an annual physical card inventory test to verify all city issued cards have been accounted for.

The Finance Director and/or designee will also prepare an annual disclosure for the Town Administrator that includes a review of credit limits, past year spending pattern, number of unauthorized expenditures (i.e. fraudulent charges), number of employee errors reimbursed (cards mistakenly used for personal purchases), any losses to the Town and results of the physical inventory test.

G. Credit Limits
Credit limits are set to match typical needs and are generally set at $2,500-$5,000 for managers and $10,000 for Directors and Executives. Card limits can be temporarily raised for travel or a specific authorized purchase. If an increase or decrease in these transaction limits is deemed necessary by the Department Director, the request must be submitted in writing to the Finance Director. Please specify within this increase request whether this is a temporary or permanent request.

H. Store-On Account Purchasing
Stores doing business with the Town of Farragut that have extended credit to the Town will only be used for business expenses; Personal use is prohibited.

TOWN OF FARRAGUT
Purchasing Policy
Approved March 10, 2011
Resolution 2011-03

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INTRODUCTION

This manual has been prepared to provide information and direction to the various departments of the Town. Its primary purpose is to communicate policies and give guidance to purchasing personnel.

The manual will be revised and supplemented, as required, to meet new need and conditions. Revised pages will be dispensed to all holders who are responsible for keeping the manual current. An important part of this updating process depends on the constructive comments, information, and suggestions received from you, the users. Your comments are encouraged.

DEFINITIONS

Policies: Policies, as referred to in this manual, are pre-decisions made by administration for the purpose of giving information and direction. Policies establish basic philosophies and climate and determine the major values upon which the Town must operate.

Procedures: Procedures are the prescribed means of accomplishing policy. Their intent is to provide Town personnel with the guidelines and, where appropriate, the specific action sequences to ensure uniformity, compliance, and control of all policy-related activities.

If there are any questions, please contact the Town Recorder or Accounts Payable Clerk. Requests for additional copies should be addressed to the same office.

ADMINISTRATION DEPARTMENT'S RESPONSIBILITIES

- Develop written operating policies, procedures and standards for the procurement of goods and services.
- Comply with appropriate State and Federal laws on procurement.
- To achieve maximum integration with other departments of the Town.
- To aid and cooperate with all departments in meeting their needs for operating supplies, equipment, and services.
- To process all requisitions with the least possible delay.
- To know the sources and availability of needed products and services and maintain current vendor files.
- To process and maintain order and requisition files.
- To assist in preparation of specifications.
- To prepare and advertise requests for bids and maintain bid files.
- To keep items in sufficient quantities to meet normal requirements of the town for a reasonable length of time within space availability.
- To transfer or dispose of surplus property.

USING DEPARTMENT'S RESPONSIBILITIES

- To allow ample lead time for the Accounts Payable Clerk to process the requisition.
- To prepare a complete and accurate description of materials to be purchased.

- To plan purchases in order to eliminate avoidable emergencies.
- To initiate specification preparation on items to be bid.
- To obtain prices on comparable materials.
- To inspect merchandise upon receipt, and complete a receiving report noting any discrepancies in types, numbers, condition, or quality of goods.
- To advise the Accounts Payable Clerk of defective merchandise or dissatisfaction with vendor performance.
- To advise the Town Recorder of surplus property.

GLOSSARY

For purpose of this manual, the following terms, phrases, words, and their derivations shall have the meanings given here in:

Authorized Personnel: Those persons approved to perform designated functions.

Bid: A price offer by an intended seller or an intended buyer.

Bid Advertisement: A public notice placed in a newspaper of general circulation containing information about an Invitation for Formal Bid (IFB) or Request for Proposal (RFP)

Bidders List: A list of vendors who have signified in writing an interest in submitting bids for particular categories of goods and services.

Bid Opening: The act of publicly opening the bid envelopes and making the bids available for public inspection.

Capital Expenditure: An expenditure that results in the acquisition of, or an addition to a fixed asset.

Change Order: The written order to a contract authorizing an addition, deletion or revision in the work, price or contract time, issued after the execution of the purchase or contract.

Contract or Agreement: A formal written agreement executed by the Town and a Vendor containing the essential terms and conditions under which goods or services are to be furnished to the Town.

Contractor: Any person or business having a contract with the Town.

Department: An organizational unit within the Town government that is responsible to the Town Administrator, or designee.

Emergency Purchase: The purchase of supplies and/or services whose immediate procurement is essential to prevent delays which may vitally affect the life, health, safety, or convenience of citizens or serious loss or injury to the Town.

Employee: An individual employed by the Town and compensated with wages.

Fixed Assets: Individual tangible items, either original or replacement that have useful life expectancy beyond one year and a cost of $1,000.00 or more.

Goods: Includes property to be purchased by the Town, including equipment, supplies, materials, and component or repair parts.

Invitation to Bid (IFB): Formal bidding documents issued by the Town, accompanied by a bid advertisement requesting pricing from vendors for specified goods or services.

Lease: A contract for the use of real estate or personal property for a term in return for a specified rent or other compensation.

Lowest Responsible Bid: The lowest bid or offer meeting all requirements of the specifications, terms, and conditions of the invitation for bid. It is expressly understood that the lowest responsible bid includes any related costs to the Town in a total cost concept. The term "responsible" refers to the financial and practical ability of the bidder to perform the contract.

May: Denotes the permissive.

Municipal Officer: Municipal officer is a person who holds or occupies a municipal office. The holding of a municipal office is in accordance with the mandates provided by any statute or a charter. A municipal officer on occupying the office is required to take an oath and is obliged to exercise sovereign authority in carrying out public duties.
Board of Mayor and Aldermen: The legislative and governing body of the Town.

Performance Bond: A bond provided in connection with a contract that guarantees the performance and fulfillment of all the terms, conditions, and agreements contained in the contract.

Policies: Policies, as referred to in this manual, are pre-decisions made by administration for the purpose of giving information and direction. Policies establish basic philosophies and climate and determine the major values upon which the Purchasing Policies and Procedures Manual functions must operate.

Procedures: Procedures are the prescribed means of accomplishing policy. Their intent is to provide company personnel with the guidelines and, where appropriate, the specific action sequences to ensure uniformity, compliance, and control of all policy-related activities.

Procurement: Purchasing, renting, leasing or otherwise acquiring any supplies, services or construction.

Purchasing Agent: The director of the Town's purchasing program.

Purchase Requisition: A request generated by a user department which authorizes a contract to be entered into with a vendor to purchase goods or services for the Town and to charge the appropriate user department budget or project. This is for internal use and cannot be utilized by the user department to order materials directly from a supplier.

Purchasing: The act, function, and responsibility for the acquisition of goods and services.

Responsible Bidder: A person or business that has the capability in all respects to perform fully the contract requirements, and has integrity and reliability that will assure good faith performance.

Responsive Bidder: A person or business that has submitted a bid that conforms in all material respects to the bid solicitation.

Sealed Bid: An offer submitted in a closed envelope to be opened at a specific time and place.

Shall: Denotes the imperative.

Services: Includes all work or labor performed for the Town on an independent contractor basis, including maintenance, construction, manual, clerical or professional services.

Sole Source: That only one supplier of an item or service exists.

Specification: A statement containing a detailed description or enumeration of particulars, as to the terms of a contract, detailed description of the physical or functional characteristics of goods or services.

Statutes: These are laws passed by Congress or a state legislature and signed by the President of the United States or the Governor of a State, respectively, that are codified in volumes called "Codes" according to subject matter.

Surplus Property: Town owned property that is no longer required or has no practical use by the Town.

Town: The Town of Farragut, Tennessee.

Town Administrator: The chief administrative officer of the Town, appointed by the Board of Mayor and Aldermen.

User Department: The organizational unit within the Town that utilizes supplies, services or construction.

Vendor: Any individual or Business conducting business or seeking to do business with the Town.

ANTI-TRUST LAWS

I. PURPOSE

To provide guidance to employees engaged in the purchasing function concerning the antitrust laws.

II. SCOPE

This policy applies to all Town personnel involved in the procurement process.

III. ANTITRUST

This policy of the Town is to comply with the letter and spirit of all laws applicable to the Town's business and interest.

Violation of the antitrust laws in any area of the Town's operations may have far-reaching effects, causing substantial injury to the company in lengthy and expensive litigation, damage liability, and injunctions. An employee who participates in a violation is individually and personally subject to fine or imprisonment.

The Town's compliance with these laws depends on the employees occupying positions of responsibility, especially in a procurement capacity.

It is, therefore, the policy to comply strictly in all respects with the antitrust laws. There shall be no exception to this policy, nor shall it be compromised or qualified by anyone acting for or on behalf of the Town.

Each employee is obligated in his/her area of responsibility to adhere to the above policy. The Town's purchasing personnel is not expected to have the knowledge of a lawyer, but are expected to be guided by the Town's past practices and policies and by his or her own common sense. When he or she is faced with a new problem with unknown legal implications, he or she is expected to refer to their immediate supervisor who will consult the Town's legal counsel for advice and handling.

LAWS

There are laws, mostly federal statutes that have as their main objectives the preservation of competition.

The Sherman Antitrust Act
Congress passed the Sherman Antitrust Act in 1890. It prohibits contracts and conspiracies in restraint of trade, conspiracies to monopolize trade, and attempts to monopolize. The United States Department of Justice, the states' attorney general and private parties may sue to enforce it. The act makes illegal price fixing, bid rigging, territorial market allocation and some types of tying arrangements and boycotts.

The Clayton Antitrust Act
Congress enacted the Clayton Antitrust Act in 1914. It prohibits price discrimination and also precludes tying arrangements, certain mergers and interlocking directorates between

competing companies, and certain exclusive deals and refusals to deal where their effect is to substantially lessen competition or to monopolize interstate commerce.

The Federal Trade Commission Act

The Federal Trade Commission Act, which Congress passed in1914, prohibits unfair competition. It created the Federal Trade Commission, which prosecutes through administrative action conduct that restrains trade but may not rise to the level of a violation of antitrust law.

BIDS, QUOTATIONS, PROPOSALS POLICY

I. PURPOSE

To give a brief description of the three most used forms of procurement by the Town.

II. SCOPE

This applies to specific forms of procurement.

III. GENERAL

The purpose of obtaining bids, quotations, or proposals is to obtain the quality of materials and/or services consistent with the Town's needs, in a timely manner, and at the best value.

The process will involve communications between the using department, Town Administrator, Town Recorder, Accounts Payable Clerk, vendors and consultants.

Potential vendors will be given an opportunity to provide bids, quotations, or proposals and will be treated fairly in the process of doing so.

IV. TYPES OF SOLICITATIONS

Competitive Formal Bid or Invitation for Bid:

An Invitation for Bid is the solicitation of competitive, written, sealed bids, based on specifications of the required equipment, material, and/or service. These are sometimes called "Competitive Formal Bids" because bids are submitted to the Town Recorder or designee where they are held until there is a public opening of the bids, and because bids are reported to the Town of Farragut Board of Mayor and Aldermen for award at a Board meeting.

This method of solicitation is used when the cost of the goods, materials, and/or services will be $10,000 or greater.

Written Quotation:

A Written Quotation is the solicitation of three written offers and/or pricing based on specifications of the required equipment, material, and/or general services. These are sometimes called "informal bids" because there is usually not a public opening, and the award is generally not made by the Town Board of Mayor and Aldermen.

This method of solicitation is used when the cost of the goods, materials, and/or services will be between $4,000 and $9,999.99.

Verbal Quotations:

Sometimes referred to as "phone quotes", these are verbal requests for pricing. This type of price solicitation is usually used for readily available parts, supplies, and/or general services of a nontechnical nature for which no written record of the quotation is deemed necessary.

This method of solicitation is used when the cost of the goods, materials, and/or services will be between $3999.99 and $1,000.

Request for Proposals (RFP):

This is the solicitation of proposals to furnish equipment or services. Proposals are requested based on general requirements and/or guidelines and those persons or companies submitting proposals may offer the equipment or services they have determined to be best suited to the general requirements stated in the RFP. Proposals will usually differ in the details of what is offered by those submitting proposals; the details and/or pricing of proposals are usually subject to negotiation.

An RFP may also be used for the purchase of equipment that is designed and built for a specific project, or if more than one type of equipment will suit the intended purpose and "results" along with "performance" is the emphasis of the specification.

Proposals may also be used for general services when the companies who are expected to respond will offer different levels of service or have a range of qualifications that are to be considered in addition to price.

Request for Qualifications (RFQ)

This method is usually used to procure professional services when it has been determined by the Town Administrator that the use of competitive sealed bidding is not practicable or not advantageous to the Town. (Note: If the proposed consultant has previously performed related work on the system for which services are being contracted, and contracting with another professional would cause additional expense to the Town in order for the consultant to become familiar with the system, and exception may be requested.)

The basis for selection is qualifications of the prospective professional not price bidding.

CONFLICT OF INTEREST POLICY

I. **PURPOSE**

To provide guidance to employees & elected officials engaged in any aspect of the purchasing function concerning the avoidance of conflict of interest.

II. **SCOPE**

This policy applies to all who participate in any phase of the purchasing process.

III. **GENERAL**

Disclosure of personal interest by official with vote.

An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure.

Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter.

EMERGENCY PURCHASES POLICY

I. **PURPOSE**

To establish guidelines for emergency purchases.

II. **SCOPE**

This policy applies to all Town departments involved in the procurement process.

III. **GENERAL**

Emergency purchases require authorization by the Town Administrator.

Emergency Defined:

An emergency is a situation that occurs suddenly and unexpectedly and demands immediate action to prevent delays which may vitally affect the life, safety, or health of the public or Town employee, or the continuation of services to the citizen, or serious loss or injury to the Town.

The Town Administrator shall inform the Board of Mayor and Aldermen within 24 hours of the incident or event.

Failure to exercise reasonable planning or anticipation of routine needs is not justification for using emergency procedures.

GAS CARD POLICY

I. **PURPOSE**

To establish guidelines for fuel purchases with a Town issued gas card.

II. **SCOPE**

This policy applies to all employees who purchase fuel for Town vehicles.

III. **GENERAL**

Assigned company fuel credit cards are to be used for gas only and for the assigned vehicle only, unless otherwise authorized. Employees are to use the self service fuel island and to use regular unleaded gas only, unless otherwise specified. Fuel receipts must contain the following information: the correct date, gallons, price per gallon, total price, and **mileage** at the time the vehicle is refueled.

PURCHASING CYCLE

I. PURPOSE

To illustrate the cycle a purchase must follow in order to maintain the proper flow of purchases.

II. SCOPE

The purchasing of a product or service requires a starting point and an ending point, or cycle, as indicated by the following steps.

III. GENERAL

The purchasing Cycle is the series of activities that must be undertaken to assure that Town departments receive the goods and services needed to operate their programs in the most timely and economical manner.

The Cycle consists of the following:

Requesting Department:

1. Recognition of need for goods and services
2. Preparation of description (specification) of needed goods and services;
3. Determination of proper procurement method (quotes, competitive sealed bid, request for proposal, etc,);
4. Preparation of requisition;
5. Preparation of solicitation document;
6. Receipt of quotes, bids or proposals;
7. Review of quotes and bids for lowest responsive and responsible bidder or selection of proposal that is most advantageous to the Town;

Accounts Payable Clerk & Town Recorder:

8. Issuance of contract number, approved by the authorized personnel;
9. Receipt of goods and/or services;
10. Payment to vendor.

REQUISTION POLICY

I. PURPOSE

The purpose of a Requisition is to communicate the need of the using department and to correctly define the material or service requested to the Accounts Payables Clerk. A requisition is required for all purchases. Information presented on and attached to the requisition provides the basis for the purchase, requested verbal and written quotes, Invitations to Bid or Requests of Proposals sent to bidders or offers or supplying the needed goods or services. An accurate and well-thought-out requisition is essential for assuring the completion of an economical and timely purchasing transaction.

II. SCOPE

This policy applies to all procurements.

III. POLICY

Before preparing a requisition, the using department should invest a sufficient amount of time in planning to be certain the requisition is prepared properly. If a department has a critical, complex or expensive requirement, taking the time at the front end will save time later. **It is also important to coordinate with the Accounts Payable Clerk in advance for requirements that are critical and time sensitive.**

IV. REQUISITION DO'S AND DON'TS

A. DO

- Write in ink and legibly
- Provide as much information as possible.
- Provide a description of functional, performance or technical characteristics, as appropriate.
- When the purchase requires quotes or bids, provide a list of no less than three vendors with the capability to meet the requirements of the purchase.

B. DON'T

- Assume the Vendors are familiar with all your needs.
- Divide the requirements to fall under the competitive threshold.
- Copy specifications verbatim from a Vendor's publication.
- Assume competitive requirements will be waived.
- Assume the same Vendor will win the order all the time.

SOLE SOURCE PURCHASES POLICY

I. PURPOSE

To provide guidance to employees engaged in the purchasing function concerning sole source procurements.

II. SCOPE

This policy applies to all Town personnel involved in the procurement process.

III. GENERAL

Tennessee Code Annotated §6-54-304 (2) allows for a limited exemption from competitive quoting or bidding for the purchase of item(s) where the functional requirements of the Town can be satisfied by only one source.

This exemption for the purchase of goods or services from competitive procurement will be allowed once it has been determined by the Town Administrator that the goods or services to be purchased are impossible or impractical to procure through competitive procurement.

Because of the requirement for justification of such exemptions, all requests for Sole Source purchases must be supported by the Sole Source Justification Form and approved by the Town Administrator. Refer to "Sole Source Purchases Procedure" for detailed instructions.

SALE AND DISPOSAL OF SURPLUS PROPERTY POLICY

I. PURPOSE

To establish a procedure for the sale of surplus property.

II. SCOPE

This procedure is to be used by the Town Administrator, Town Recorder and Department Heads.

III. GENERAL

When a department head decides there is excess equipment or material in the department, they shall notify the Town Recorder in writing. The Town Recorder will determine if the value is greater than $100. Said property shall be disposed of by public auction or sealed bids at the discretion of the Town Administrator. Items with an estimated value of more than $100 shall be advertised for bidding, after the Town Recorder has received approval from the governing body. Such equipment or materials will be sold to the highest bidder. The Town of Farragut may transfer surplus equipment or material from one department to another.

All town employees shall be permitted to bid on any surplus town property.

ORGANIZATION AND RESPONSIBILITY
DEPARTMENT PURCHASING RESPONSIBILITIES

I. PURPOSE

It is mandatory in all departments that the employee responsible for buying goods and services have a thorough understanding of the policies and procedures contained in this manual.

Their primary responsibility is to provide for the purchase of materials, supplies and services with the objective that they will be available at the time, place, quantity and price consistent with the need of the Town.

To achieve this overall objective, the responsibilities, authorities, and controls set forth in this policy and related policies, must be adhered to by all employees.

II. SCOPE

This policy applies to all Town employees having any purchasing responsibilities.

III. RESPONSIBILITIES

1. Departments will conduct business in accordance with the Town Purchasing Policies and Procedures Manual.

2. To allow lead-time for a purchase through a competitive process, allowing the supplier time to deliver the needed items.

3. To suggest sources of supply.

4. To plan purchases in order to eliminate avoidable emergencies.

5. To supply generic and general specifications on items to be bid.

6. To inspect merchandise upon receipt, and complete a receiving report noting any discrepancies.

7. To advise the Accounts Payable Clerk of defective merchandise or dissatisfaction with vendor performance.

8. To advise the Town Recorder of surplus property.

PROCUREMENT AWARD AUTHORITY

I. PURPOSE

To establish the hierarchy of authority and responsibility upon which all of the policy and policy bulletins in this manual are based.

II. SCOPE

This policy applies to all employees.

III. PROCUREMENT AWARD AUTHORITY

Amounts $10,000 or More

Except as otherwise provided, all contracts equal to or exceeding ten thousand dollars ($10,000.00) for the procurement of supplies, services, equipment and construction shall be awarded only after authorization of the award has been given by the Board of Mayor and Aldermen. A contract number will be issued and referenced on all documentation from the vendor.

Amounts $4,000 to #9,999.99

Except as otherwise provided, all contracts equal to nine hundred ninety-nine dollars and ninety-nine cents ($9,999.99) and equal to or exceeding four thousand dollars ($4,000.00) for the procurement of supplies, services, equipment and construction shall be awarded only after authorization of the award has been given by the Department Head or Town Recorder and the Town Administrator. A contract number will be issued and referenced on all documentation from the vendor.

Amounts $3,999.00 or Less

Except as otherwise provided, all contracts equal to or less than three thousand nine hundred ninety-nine dollars and ninety-nine cents (3,999.99) for the procurement of supplies, services, equipment and construction shall be awarded only after authorization of award have been given by a Department Head or the Town Recorder.

For additional information regarding signature authority for procurement purposes, see the “Signature Authority” section.

PURCHASING ORGANIZATION CHART

I. PURPOSE

To establish the hierarchy of responsibility upon which all of the policy and procedures in this manual are based.

II. SCOPE

This policy applies to all employees.

III. RESPONSIBILITY

The Town Recorder is responsible for the maintenance of this manual.

IV. ORGANIZATION

The purchasing organization chart below shows the positions referred to in the manual.

Town Administrator
Department Head
Town Recorder
Accounts Payables Clerk

SIGNATURE AUTHORITY

I. PURPOSE

To establish the signature authority for all Town of Farragut Purchase Requisitions.

II. SCOPE

This policy applies to all purchase requisitions.

III. POLICY:

It shall be the policy of the Town of Farragut that the following positions shall have the signing authority to bind the Town of Farragut contractually by way of purchase requisition within the following designated dollar limits.

PURCHASES BETWEEN $0 TO $1,000

One signature required by:

- Department Head or Town Recorder

PURCHASES BETWEEN $1,000 TO $3,999

Two signatures required by:

- Town Recorder &
- Department Head

PURCHASES BETWEEN $4,000 TO $9,999

Two signatures required by:

- Town Administrator &
- Department Head or Town Recorder

PURCHASE BETWEEN $10,000 OR MORE

Two signatures required by:

- Town Administrator &
- Department Head or Town Recorder

And approved by the Board of Mayor and Aldermen

In the absence of the Town Administrator the Associate Town Administrator may sign.

PURCHASING PROCEDURES

PROCEDURES

EMERGENCY PURCHASES PROCEDURE

I. PURPOSE

To provide detailed instructions for performing an emergency purchase.

II. SCOPE

This procedure applies to all purchases recognized as an emergency as defined in the "Emergency Purchases Policy."

III. GENERAL

OBTAINING EMERGENCY AUTHORIZATION DURING NORMAL PURCHASING OFFICE HOURS

When an emergency is identified, contact the Town Administrator immediately and advice:

1. The nature of the emergency.
2. The estimated cost of the services/good required; and,
3. The vendor who will receive the order.

Even though competition is not required, it is the department's responsibility to attempt to obtain the goods or services required at competitive prices.

A written explanation of the emergency should be prepared using the Emergency Purchase Explanation Form. Suppliers shall furnish sales tickets, delivery slips, invoices, etc., for the supplies or services rendered. Terms of the transactions, indicating price and other data, shall be shown. Attach all information to the form and forward the entire package to the Accounts Payable Clerk. No invoice will be paid unless the Accounts Payable Clerk has received an acceptable Emergency Purchase Explanation form.

A sample form for duplicating is located in the Sample Forms Appendix.

OBTAINING EMERGENCY AUTHORIZATION OUTSIDE NORMAL PURCHASING OFFICE HOURS

When an emergency need is identified outside the normal office hours, and immediate action is required to correct a threat to the safety, health or welfare of the public, the ordering department has the authority to procure the goods or services necessary to correct the problem with approval from the Department Head or Town Administrator.

Process in the same manner as above.

ONLY THE QUANTITY OF GOODS OR SERVICES NECESSARY TO ALLEVIATE THE EMERGENCY MAY BE PURHASED UNDER THE PO NUMBER

REQUISITION – PREPARATION PROCEDURE

I. PURPOSE

To provide detailed instructions for completing a purchase requisition.

II. SCOPE

This procedure applies to all purchase requisitions.

III. GENERAL

The following are detailed procedures to be followed when implementing a request for purchase of materials, supplies, services, etc.

The purchase requisition is designed to contain all of the necessary information and signatures relevant to the processing of the procurement. The completion of the purchase requisition by the requisitioner serves to create the first step in completing a contractual commitment between the supplier and the Town.

A sample form for duplicating is located within this manual in Sample Forms Appendix.

IV. REQUISITIONER INSTRUCTIONS FOR COMPLETING A REQUISITION

Note: The following procedures are for all general purchases below the formal bid threshold.

A. Date: - The date requisition is prepared.

B. Requisitioner - Signature of the person initiating the purchase request.

C. Date Needed – Avoid the use of the term ASAP (as soon as possible), "AT ONCE", and "RUSH". Always estimate or project a specific preferred date the material or items is to be delivered. This consideration will assist the Buyer to determine priorities regarding delivery requirements. Always allocate as much lead-time as practical by determining your needs as far as possible in advance. This allows adequate time to receive competitive bids and to purchase in the best and most efficient manner for the Town.

Prepare far enough in advance to avoid emergencies.

D. Department – The complete name of the using department.

E. Deliver To – Specific location to which shipment is to be delivered.

F. Quantity – Specific quantity to be purchased and delivered.

G. Description - Specific description of items ordered includes model numbers, part numbers, amps, voltage, hp, brand, size, catalog references, color, dimensions, etc. Try not to generalize unless absolutely necessary!

   If the purchase is of a technical nature, specifications should be attached to the requisition.

H. Unit Price - Price that has been agreed upon between requisitioner and supplier for the item to be purchased.

I. Estimated Total Price – Multiply the Unit (F.) by the Estimated Unit Price (H.) and enter the total in the appropriate line within the Estimated Total Price column.

J. Account Number – Enter the appropriate budgetary account number.

K. Ship via – Means for which the items will be transported to its destination such as vendor truck, customer pick-up, common freight carrier, UPS, etc.

L. Estimated Freight Cost – Freight charges that have been quoted by the supplier to the requisitioner.

M. Estimated Total Cost – Enter the total estimated cost by adding each Estimated Total Price(s) (I.) to the Estimated Freight Cost (L.) for all items requisitioned.

N. Recommended Vendor(s) – The requisitioner suggested or known source or supplier. A supplier address, telephone number, and contact are required. **Try to provide at least three potential sources.**

O. Justification for Purchase – Requisitioner to enter reason for the purchase of the described items.

P. Approved By – Signature of individual authorized to approve expenditure of funds.

Q. Date – The date-authorized individual signed the requisition.

Distribution as follows:

Purchase under $10,000: The original signed requisition, with receipts attached, will be forwarded to the Accounts Payable Clerk for processing.

Purchase over $10,000: The original signed requisition will be attached to the formal bid documents.

A requisition for formal bids shall contain only these categories listed above: A, B, D, E, F, J, O, P And Q. For item “G” the department will attach specifications to the requisition and forward it to the Accounts Payable Clerk.

SOLE SOURCE PURCHASE PROCEDURE

I. PURPOSE

To provide detailed instructions for requesting sole source purchase authorization.

II. SCOPE

This procedure applies to all purchases recognized as a sole source purchase as defined in the Sole Source Purchases Policy.

III. GENERAL

All requests for Sole Source Purchases must be supported by the Sole Source Justification Form and approved by the Town Administrator. A sample form for duplicating is located within this manual in Sample Forms Appendix.

Submission of the form is mandatory on the first request for purchase of material or services from a sole source. Departments are encouraged to request advance sole source authorizations by processing the Sole Source Justification Form with supporting documentation prior to beginning the purchasing process. Advance authorizations can save considerable time and should be used whenever possible.

IV. THE SOLE SOURCE JUSTIFICATION FORM

To expedite processing of sole source requests, the Sole Source Justification Form must be completed properly.

1. The explanation must be complete and accurate.
2. The Department Head must sign the form.
3. To establish a vendor as a sole source, users must provide with the Sole Source Justification form a statement from the manufacturer (NOT THE DISTRIBUTOR) of the product identifying the requested sole source as the only source available to the Town of Farragut, Tennessee for the goods or services.

SPECIFICATION PREPARATIONS PROCEDURE

I. PURPOSE

To define what form and information is needed from the department submitting specifications to the Accounts Payable Clerk for formal solicitation.

II. SCOPE

This procedure applies to all Town departments' specifications for formal solicitations.

III. GENERAL

A specification is a description of the material or services to be purchased. Thorough and careful preparation of the specification probably is the most important part of the bidding process.

Because the level of quality specified impacts directly the price, the Accounts Payable Clerk must be furnished with specifications that will fulfill but not exceed the requirements for which the materials, equipment or services are intended. When developing specifications it is necessary to follow the general policy of purchasing goods, standard grades of merchandise that represent an optimum relationship between quality and price, always consistent with providing a satisfactory level of service.

All purchases of the Town must be based upon adequate specifications. A lengthy specification designed solely to eliminate competition is contrary to public purchasing laws and regulations and must be avoided. Specifications must have enough detail to afford a basis for full and fair competitive bidding based on a common standard and must be free from restrictions that would tend to reduce or eliminate competition.

The term, "specification," is used interchangeably with the terms, "purchase description," "purchase specification," "purchase requirement," "commercial item description," "scope of work," and "statement of work." A specification may include requirements for samples, prototypes, inspection, testing, warranty and packaging.

IV. TYPES OF SPECIFICATIONS

There are several types of specifications. The development, selection and use of a particular type is dependent on the situation, time, information available and needs of the using department.

Performance Specifications:

This type describes the function and use of the product or exactly what the department wants to accomplish as an end result. This usually is considered as the most versatile type of specification. The supplier can apply the latest technologies and techniques to achieve the performance desired by the Town.

Care must be taken so that when preparing this type of specification to solve a given problem, the product received does not cause other, unexpected problems. For example, requesting a method for eliminating ice on streets could result in the purchase of a chemical that effectively and efficiently melts ice but destroys asphalt in the process. Performance specifications must be reviewed carefully by the department to be certain that the vendor can readily understand the essential nature of the problem to be solved.

Performance specifications are preferred since they communicate what a product is to do, rather than how it is to be built. Among the ingredients of a performance specification would be the following:

- A general nomenclature or description;
- Required performance characteristics (minimum/maximum) to include speed, storage capacity, production capacity, usage, ability to perform a specific function;
- Operational requirements, such as limitations on environment, water or air cooling, electrical requirements;
- Site preparation requirements for which the contractor will be responsible, such as electricity, plumbing, or for maintaining a current equipment or system until switching to the new equipment or system;
- Installation requirements;
- Delivery requirements;
- Maintenance requirements;
- Supplies and parts requirements;
- Warranty; and
- Service location and response time.

Design or Technical Specifications

This type of specification describes the construction of the item in detail. Although this may appear to be the best type of specification to use, the ordering department must have a complete understanding of the final product and its use before using it. Use of technical or design specifications may eliminate the vendor from liability as to the performance of the item after the purchase is made because someone other than the vendor has specified the performance. Because of this responsibility factor, technical or design specifications are among the most difficult to prepare.

Design and technical specifications are normally prepared by architects and engineers for construction or custom manufactured products. Among the ingredients of a design specification would be the following:

- Dimensions, tolerances ad specific manufacturing or construction processes;
- References to a manufacture's brand name or model number; and
- Use of drawings and other detailed instructions to describe the product.

Brand Specifications

A brand name may be used if it represents the quality desired and its use is intended to be illustrative. When a specification mentions a manufacturer's brand name or model number, it shall also include the words, "or equal." In this regard, "or equal" is interpreted to mean, "Substantially equal and capable of performing the essential functions of the referenced brand name or model." Identify any specific features of the referenced brand that must be met.

The term "or equal" used frequently in specifications does not mean that the product will be evaluated as to whether it is exactly equal to the product named in the specification. "Or equal," or the more preferable term, "or equivalent," means that an alternate product will be evaluated to determine if it produces the same result as the brand specified. You should always be aware that the product proposed by a vendor might be substantially different from the specified product and that, if it produces the same results, it must be considered on an equal basis with the specified product. To avoid being faced with a limited choice such as this, it is important to add to the specification any mandatory physical characteristics of the product specified (such as general size, horsepower, weight, etc.) that must be met by the alternate bid to be accepted as "equivalent." Although the purchaser reserves the right to be the final judge about the acceptability of an "equivalent" item, the justification can be extremely difficult to prepare unless any mandatory physical characteristics of the item desired are included in the specification. Try to avoid listing only a brand name or model number in the specification.

Scope of Work for Services

The following is an outline of the types of information that should be included in a scope of work for procurement of professional or other services:

1. General Requirements: Describe the contractor's responsibility to provide a service or produce a specific study, design or report for the using department.
2. Specific Requirements: Address the specific tasks, sub-task, parameters and limitations that must be considered in producing the service or final project. Such factors as the following should be included:
    - Details of work environment;
    - Minimum or desired qualifications;
    - Amount of service needed;
    - Location of service;
    - Definition of service unit;
    - Time limitations;
    - Travel regulations or restrictions;
    - Special equipment required; and
    - Other factors affecting working environment.

3. Town Provided Materials or Services: List any plans, reports, statistics, space, personnel, or other Town provided items that must be used by the contractor.

4. Deliverables, Reports and Delivery Dates: Identify the specific delivery dates for all documentation or products the contractor must furnish. Be clear about the expectations of the Town for the contractor's performance.

V. SPECIFICATION "DO'S" AND "DON'TS"

A. DO'S

- Use the word "shall," to describe a command or mandatory requirement;
- Use the words, "should" or "may," to describe an advisory or optional requirement;
- Be specific and detailed in presenting mandatory requirements; and
- State a requirement of fact once and avoid duplication.

B. DON'TS

- Present something as mandatory when it is really only optional;
- Write specification or scope of work that restricts response to a single bidder/offeror; and
- Place bid/proposal administrative or contractual terms in the specification portion of the document.

VI. PREPARATION AND REVIEW OF SPECIFICATIONS

Departments are responsible for the product specifications. All specifications should be submitted to the Accounts Payable Clerk in Word format. After the clerk has reviewed the specifications and attached its standard terms and conditions, the Department will be forwarded a draft for final review. This draft will require a signature for approval by the Department Head and returned to the Accounts Payable Clerk for continuation through the solicitation process.

SALE AND DISPOSAL OF SURPLUS PROPERTY PROCEDURE

I. PURPOSE

To provide instruction for the disposal of surplus property

II. SCOPE

This procedure applies to the disposal of surplus property.

III. GENERAL

Disposal of Surplus Property

The Town Administrator shall be in charge of the disposal of surplus property and make a full report to the Board of Mayor and Aldermen after the items are disposed of. When a department head determines there is surplus equipment or materials within the department, he/she shall notify the Town Recorder in writing of any such equipment. The Town Administrator may transfer surplus equipment or materials from one department to another.

Surplus Property: Items Consumed in the Course of Work thought to be Worthless.

Town property which may be consumed in the course of normal Town business and items thought to be worthless shall be disposed of in a like manner as any other refuse.

Items Estimated to Have Monetary Value.

When disposing of surplus property estimated to have monetary value, the Town Administrator and Town Recorder, in conjunction with the Department Head, shall comply with the following procedures:

a. Obtain from the Board of Mayor and Aldermen a resolution declaring said items to be surplus property.
b. A notification of surplus property shall be posted on the website and at Town Hall. If the sale of surplus property is requested by sealed bidding the notification shall be advertised in a newspaper of general circulation.
c. Such equipment or materials shall be sold to the highest bidder. In the event the highest bidder is unable to pay within forty-eight (48) hours, the item shall be awarded to the second highest bidder.
d. All pertinent information concerning the sale shall be noted in the fixed asset records of the Town.
e. The advertisement, bids, and property cards shall be retained for a minimum period of five (5) years.

Surplus Property: Town Identification Removed Prior to Sale

No surplus Town property shall be sold unless and until all decals, emblems, lettering, or coloring which identifies the item as belonging to the Town of Farragut have been removed or repainted.

WRITTEN QUOTATIONS PROCEDURE

IV. PURPOSE

To provide detailed instruction for soliciting and completing a written quotation (Request for Quotation) for goods and/or services.

V. SCOPE

This procedure applies to purchases less than $10,000 but greater than $4,000.

VI. GENERAL

Purchases between $4,000 and $10,000 require competitive pricing. This may be accomplished by written quotations (Request for Quotation) solicited by fax from no less than three firms with written confirmation from each vendor. Written confirmation and evidence of acceptable insurance coverage also must be obtained for construction/repair-related purchases.

VII. WRITTEN QUOTATION FORM

1) Steps In Preparing Form Before Solicitation

A sample Request for Quotation form for duplicating can be found within this manual in the Sample Forms Appendix. The following required instructions need to be properly completed.

The following information is required before faxing a Request for Quotation form to a vendor for solicitation for goods and/or services.

A. NUMBER – Quotation number used by the department for tracking and identification purposes.

B. DATE – The date of the Request for Quotation solicitation.

C. DELIVERY REQUIRED – A specific date should be entered informing the vendor of the required delivery of the goods and/or services.

D. REPLY NO LATER THAN – A time and date shall be entered within this area notifying each prospective vendor that the quotation must be returned by this time and on this specific date. The recommended time range for this type of solicitation is usually three (3) to five (5) business days.

E. REQUISTION NO. – The department will enter the requisition number as it appears on the authorized Town Purchase Requisition.

F. DEPARTMENT – Enter the name of the department soliciting the quote.

G. JOB NO. – Enter the job number of the project for which quote will pertain to. This area is optional depending on the department workflow tracking system.

H. VENDOR – All information regarding the vendor should be entered in this area. At least three (3) vendors should be listed. Include the following as a

minimum for vendor information: Firm Name, Phone Number, Fax Number and Contact Person for which fax should be delivered to.

I. TERMS – Vendor shall complete this area as directed within the Fax Instruction Cover Sheet. A sample Fax Instruction Cover Sheet for duplicating can be found within this manual in Sample Forms Appendix.

J. SHIPMENT VIA – Vendor shall complete this area as directed within the Fax Instruction Cover Sheet.

K. DATE SHIPMENT CAN BE MADE – Vendor shall complete this area as directed within the Fax Instruction Cover Sheet.

L. ITEM – Enter a number for each item described. This allows specific identification during vendor clarification and/or questions via phone or fax. It also assists in identifying the proper item when evaluating the vendor's response (quote).

M. QUANTITY – The department will identify their needs as to the quantity required for each described item.

N. SPECIFICATION or SCOPE OF SERVICES - A complete description should be entered in this area for each required item. The description should describe the goods and/or services to the best of the department's ability.

   If the quote is being solicited for services to be performed (including construction services) a detailed scope of services must be written and it must accompany the quotation form.

O. UNIT PRICE – Vendor shall complete this area as directed within the Fax Instruction Cover Sheet.

P. AMOUNT – Vendor shall complete this area as directed within the Fax Instruction Cover Sheet.

Q. COMPANY NAME – Vendor shall complete this area as directed within the Fax Instruction Cover Sheet.

R. CONTACT PERSON – Vendor shall complete this area as directed within the Fax Instruction Cover Sheet.

S. PHONE NO. – Vendor shall complete this area as directed within the Fax Instruction Cover Sheet.

T. SIGNATURE – Vendor shall complete this area as directed within the Fax Instruction Cover Sheet. The quote cannot be accepted unless an authorized agent of the company signs the Request for Quotation form

U. DATE – Vendor shall complete this area as directed within the Fax Instruction Cover Sheet.

2) Instruction for Soliciting Quotes

The most cost effective way to solicit a written quote is by fax communication. The alternative is the U.S. Mail. The department may fax the Request for Quotation form to the three prospective vendors along with the Fax Instruction Cover Sheet containing quoting instructions and the standard terms and condition pages. A sample of the Town's Standard Terms and Conditions for duplicating can be found within this manual in Sample Forms Appendix.

In the case of a solicitation for services to be performed (including construction services) an approved contract by the Town Attorney must accompany the solicitation package. A contract can be obtained from the Town recorder.

Note; On-site meetings and conversations with potential quotes will not take the place of the aforementioned solicitation requirements.

The complete Request for Quotation package will consist of the following items faxed to the prospective vendor.

1) Fax Instruction Cover Sheet
2) Standard Town of Farragut Terms and Conditions
3) Request for Quotation form
4) Approved Contract (If Required)

3) Evaluating The Returned Quote Forms

The department will gather all submitted quotes and enter the correct quote information within the designated area provided on the Request for Quotation form for the ease of evaluation. The following areas should be completed within the Summary of Quotations for an accurate evaluation.

1. Record the item number that refers to the correct item quoted.

2. Enter the amount quoted for each item that corresponds to the specific vendor.

3. Enter the shipping amount quoted for the entire quote that corresponds to the specific vendor.

4. Verify the accuracy of the offered lump sum total from each returned Request for Quotation form and enter it in the area for each corresponding vendor.

5. Enter the payment term for each vendor if they insist on other terms than preferred by the Town (NET 30 Days).

6. Enter the anticipated ship date as indicated on the specific vendor's Request for Quotation form.

VIII. LEGAL RESPONSIBILITY

When obtaining written quotations from vendors, you are subject to the same legal constraints that apply to all Town bids. You cannot reveal one vendor's price to another vendor until the terms have been accepted by the awarded vendor. No price revisions are allowed to be made by a vendor once the initial written quotation has been received from that vendor.

IX. PRICES RECEIVED ARE LESS THAN $1,000

If the price obtained (lump sum total price that include shipping and handling costs) at any stage in the written quotation process is less than $1,000 and the price is acceptable and considered competitive, you need not solicit additional prices.

X. IS A "NO BID" OR "NO QUOTE" RESPONSE CONSIDERED AS A "QUOTATION"

A "NO BID" or "NO QUOTE" is not considered a vendor quotation unless approved by the Town Administrator. Three qualifying quotes containing a lump sum total amount is required unless special circumstances prevent the department from receiving the three required quotes.

EMERGENCY PURCHASE EXPLANANTION FORM

Emergency Purchase Order number assigned: PO#_____ on (Date) _____

Purchase Order number assigned by: (Name) _____, (Title)_____

Material or Services Purchased (General Description):

Nature of emergency affecting safety, health or welfare of the public. Be concise but describe the emergency completely:

Vendor:_____ _____

Total Actual Cost of Emergency Purchase:
$_____

Prepared By:
(Name)_____ _____

Department:_____ _____

Date Prepared: _____

Attach receiving report or packing slip and any other supporting documentation and forward to the Town Administrator for review and approval. Once approved forward all documentation to the Accounts Payable Clerk for processing of the payment.

Approved by Town Administrator: _____

Date: _____

SOLE SOURCE JUSTIFICATION

VENDOR:

_____

_

ITEM DESCRIPTION:

_____

INITIAL ALL ENTRIES BELOW THAT APPLY TO THE PROPSED PURCHASE:
Attach a memorandum containing complete justification and support documentation as directed in initialed entry. (More than one entry will apply to most sole source products/services requested).

1. _____ The parts/equipment are not interchangeable with similar parts of another manufacturer. (Explain in a separate memorandum.)
2. _____ This is the only known item or service that will meet the specialized needs of this department or perform the intended function. (Attach memorandum with details f specialized function or application.)
3. _____ The parts/equipment are required from this source to permit standardization. (Attach memorandum describing basis for standardization request.)
4. _____ None of the above apply. A detailed explanation and justification for this sole source request is contained in the attached memorandum.

The undersigned requests that competitive procurement be waived and that the vendor identified as the supplier of the service or material described in this sole source justification be authorized as a sole source for the service or material.

Department Head Department Date

(Administration use only) **Sole Source Authorization**
Approved by Town Administrator: _____
Date: _____
Disapproved by: _____
Date: _____
Reason for Disapproval:

SURPLUS EQUIPMENT FORM

Place the asset tag (if available) in this box, complete the remaining information by filling in the blanks and forward to the Town Recorder.

BRAND _____
DATE REMOVED _____
DEPAERTMENT REMOVED FROM _____
SERIAL # IF AVAILABLE _____
DEPARTMENT HEAD SIGNITURE _____

SURPLUS EQUIPMENT FORM

Place the asset tag (if available) in this box, complete the remaining information by filling in the blanks and forward to the Town Recorder.

BRAND _____
DATE REMOVED _____
DEPAERTMENT REMOVED FROM _____
SERIAL # IF AVAILABLE _____
DEPARTMENT HEAD SIGNITURE _____

TOWN OF FARRAGUT
11408 Municipal Center Drive
Farragut, TN 37934

REQUEST FOR QUOTATION INSTRUCTION
FAX COVER SHEET

DATE: _____ TIME: _____
TO: _____FAX #: _____
FROM: _____ PAGES TO FOLLOW: _____

Each vendor receiving this Request for Quotation shall complete the following steps given below and shall return the completed form by fax to the above identified Town contact before the required time and date shown on the form.

Should the vendor be unable or not desire to offer a quote, the vendor is required to place "NO QUOTE" somewhere on the Request for Quotation form and fax it back to the identified Town contact in order for the vendor's name to remain on the Town's current vendor list for future solicitation.

1. The vendor shall enter the Payment Terms within the designated area on the Request for Quotation Form.
2. Vendor shall enter information regarding Ship Via within the designated area on the Request for Quotation Form.
3. Vendor shall enter information regarding Date Shipment can be made within the designated area on the Request for Quotation Form.
4. Vendor shall enter information regarding Unit Price for each item specified within the designated area on the Request for Quotation Form.
5. Vendor shall enter information regarding Shipping Cost within the designated area on the Request for Quotation Form.
6. Vendor shall enter information regarding Lump Sum Total for the quote including all shipping and handling costs within the designated area on the Request for Quotation Form.
7. Vendor shall fill in the blanks at the bottom of the Request for Quotation Form completely and accurately. The form must be signed and dated by an agent legally authorized to bund the said company. NO QUOTES WILL BE ACCEPTED WITHOUT A SIGNITURE AND DATE.

ORDINANCE:	**07-01**
PREPARED BY:	**Hale**
REQUESTED BY:	
1ST READING:	January 25, 2007
2ND READING:	February 8, 2007
PUBLISHED IN:	Farragut Press
DATE:	February 15, 2007

AN ORDINANCE TO AMEND TITLE 1 OF THE FARRAGUT MUNICIPAL CODE AND TO ADOPT A CODE OF ETHICS ESTABLISHING ETHICAL STANDARDS FOR THE TOWN'S OFFICERS AND EMPLOYEES, AS REQUIRED UNDER SECTION 8-17-103 OF THE TENNESSEE CODE ANNOTATED.

BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Municipal Code is hereby amended as follows:

SECTION 1.

Title 1 of the Farragut Municipal Code is amended by adding the following as Chapter 5:

Chapter 5

CODE OF ETHICS[1]

1-501. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities.

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

Campaign finance – T.C.A. Title 2, Chapter 10.

Conflict of interests – T.C.A. §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements – T.C.A. § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials – T.C.A. §§ 2-10-122, 124.

Crimes official misconduct, official oppression, misuse of official information – T.C.A. § 39-16-401 and the following sections.

Ouster law – T.C.A. § 8-47-101 and the following sections.

1-502. **Definition of "personal interest."** (1) For purposes of Sections 503 and 504, "personal interest" means:

(a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or

(b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

(c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or step child(ren).

(2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter.

1-503. **Disclosure of personal interest by official with vote.** An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure.

1-504. **Disclosure of personal interest in non-voting matters.** An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter.

1-505. **Acceptance of gratuities, etc.** (1) An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

(a) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(b) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business.

(2) It shall not be a violation of this section for officials or employees to accept gifts given as an expression of general thanks for the work of public service performed by the official or employee, which are reported to the Town Administrator in writing and which have a value, the amount of which would not reasonably influence the official or employee to act favorably toward the donor on official matters within the responsibility of the official or employee. For purposes of this section the "value" of Thirty-Five Dollars ($35.00) at the time of enactment of this section, or as increased by 3% for each year thereafter, shall be defined as the amount which would not reasonably influence an official or employee.

(3) It shall not be a violation of this section for officials or employees to accept invitations to openings of new businesses or facilities, open-houses or similar events at which refreshments or meals are served to which many members of the local community are also invited, or complimentary passes to events hosted by not-for-profit organizations.

1-506. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose confidential information obtained in his official capacity or position of employment with the intent to result in financial gain for himself.

1-507. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity.

(3) For purposes of this ordinance "private gain or advantage" shall not include

(a) a benefit to a private person or entity that is authorized in writing by the Town Administrator or in official action by the Farragut Board of Mayor and Alderman, or

(b) a mere incidental benefit to a private person or entity that flows secondarily to said person or entity as the indirect result of any action by any official or employee taken primarily and in the course of the performance of his or her authorized duties and responsibilities, and for the benefit of the municipality and the community at large.

1-508. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality.

1-509. Ethics complaints. (1) The Town attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the Town attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2)(a) Except as otherwise provided in this subsection, the Town attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The Town attorney may request the governing body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the Town attorney or another individual or entity chosen by the governing body.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics.

1-510. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

SECTION 2.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

W. Edward Ford, III

W. Edward Ford, III, Mayor

Allison Myers

Allison Myers, Town Recorder

Town of Farragut Vehicle Use Policy

SECTION 1. DEFINITIONS

Employee or Employees: Regular full-time and part-time employees, paid interns, and non-paid interns.
Idling: When an engine is running without moving or using equipment that requires the engine.
Town Vehicle or Town Owned Vehicle: Any vehicle or piece of equipment which the Town of Farragut leases or holds title and /or ownership. This includes but is not limited to, pick-up trucks, SUVs, dump trucks, bucket trucks, vans, and mobile equipment.
Vehicular Equipment: Any vehicle or piece of equipment which the Town of Farragut leases or holds title and /or ownership. This includes but is not limited to, pick-up trucks, SUVs, dump trucks, bucket trucks, vans, and mobile equipment.

SECTION 2. POLICY

Town of Farragut employees who drive a Town owned, or leased vehicle will always operate them in a safe manner, adhering to all Town, State, and Federal traffic laws. Employees are expected to always extend common driving courtesies to fellow motorists. No employee will operate a Town vehicle unless he/she possesses a valid driver's license. This policy may be supplemented with a more restrictive policy by any officially adopted and approved Department manual.

Failure of any employee to fully comply with the vehicle use policies as stated below may result in disciplinary action which may include a written reprimand, suspension, demotion, termination, or loss of driving privileges. An employee whose job requires the operation of a vehicle may be terminated upon the loss of driving privileges.

Employees who operate Town vehicles or vehicular equipment must be insurable at ordinary rates under the Town's insurance policy. In the event an employee's driving record, conditions of driver's license or insurable status should change, the employee must report the occurrence to the department head within one (1) working day (*Policies and Procedures*; Article VII, Section C.).

Disclosure of personal driving records for employees, whose responsibilities include the operation of a motor vehicle, will be a condition of continued employment with the Town. All changes in driving status must be reported to the employee's department head immediately. An employee's eligibility to drive a Town vehicle and an applicant's eligibility for employment based on his / her personal driving record will be determined as follows:

- Satisfactory: The employee is eligible to drive a Town vehicle while conducting Town business. The employee's driving record indicates not more than one moving violation in the previous 12 months.
- Probationary: The employee is eligible to drive while conducting Town business with the stipulation that the employee's motor vehicle record will be checked periodically over a probationary period. The employee's driving record indicates more than one moving violation in the previous 12 months but no more than two moving violations in the previous 24 months. Any violation during the probationary period may result in disciplinary action, up to and including termination.
- Unacceptable: The employee may lose driving privileges. An employee whose job requires the operation of a vehicle may be terminated upon the loss of driving privileges. An applicant for employment will not be hired due to an unsatisfactory driving record. Examples of unacceptable infractions include but are not limited to:

a. Suspended or revoked license
b. Three or more moving violations in the previous 36 months
c. Any violations involving drugs, alcohol, and/or controlled substances within the previous 24 months
d. Leaving the scene of an accident within the previous 24 months
e. Reckless driving within the previous 24 months
f. At fault accident resulting in fatality or serious injury within the previous five years.

The driver of a Town vehicle is solely responsible and will be held accountable as to the use and operation of the vehicle assigned in compliance with all State and local laws and these regulations. Specifically, Employees are solely responsible for the following:

- All traffic laws while operating any Town vehicle or vehicular equipment.
- Any violation of such laws which result in speeding, parking, or other moving violation.
- Tickets or citations shall be paid by the employee.

SECTION 3. TOWN DRIVERS' PROCEDURES AND RULES

a) Authorization for the use of vehicles must be approved by the immediate supervisor.
b) Unauthorized personnel are not to operate any Town vehicle at any time.
c) Unattended Town vehicles will be always locked. When vehicles are not in use, keys must be removed, and vehicles locked.
d) Town vehicles are not to be used for personal purposes at any time by an employee while on or off duty except as noted in Section 9 below.
e) When operating a Town vehicle, all employees must have seat belts fastened when driving. Passengers must also fasten seat belts.
f) No employee of the Town will operate a Town vehicle while under the influence of alcohol or drugs, including prescription or over-the-counter medication, which could impair his/her ability to operate the vehicle safely. Town employees are prohibited from the use, possession, and sale of drugs, alcohol, or any other controlled substance on Town property or in Town vehicles. Failure to comply with the intent or provisions of this policy may be used as grounds for disciplinary action, up to and including termination.
g) Employees are responsible for adhering to the following safety rules while driving Town vehicles and/or operating machinery:
    i. When business necessitates the use of a cell/smart phone while driving, a hands-free or speakerphone must be used, in accordance with State Law.
h) Employees are prohibited from the use of tobacco products while riding or driving in Town owned vehicles.
i) No employee or passenger is permitted to ride in or on any area of a Town vehicle or vehicular equipment not equipped with seat belts or which is not designated as proper occupant space while on a public street. This includes the beds of pickups, dump trucks, running boards, fenders, hoods, etc.
j) Bumper stickers or window stickers are not permitted on Town vehicles. The Town of Farragut may authorize decals or other seals, and identification deemed necessary; however, employees should not affix any advertisement, printed or pictures, to any part of the Town vehicle or any vehicular equipment.
k) All Town vehicles are subject to random inspection and/or searches at any time without notice to ensure compliance with this policy.
l) All accidents (on or off the road), whether at fault or not at fault, shall be reported to the local authorities, employee's supervisor, the department head, and the Town's Risk Manager as soon as possible. . The Risk Manager will obtain a copy of the jurisdiction's accident report. In all

cases, the employee must take the primary responsibility for notifying the Risk Manager and the handling of the claim will be done by the Risk Manager. The employee should make no statement without the Town representative's approval.

m) The employee and his/her supervisor should complete all applicable forms such as Accidents Involving Vehicles form, Owner Operator's Report (Tennessee Department of Safety), and the Employer's Injury Form (Workman's Compensation) as soon as possible after the accident. The Accidents Involving Vehicles form must be forwarded to the Risk Manager immediately. All other forms including the Owner Operator's Report (Tennessee Department of Safety) and the Employer's Injury Form (Workman's Compensation) must be forwarded to the Human Resources Manager.

n) An employee involved in an accident (on or off the road) must stop and get the names, addresses, phone numbers of other drivers, and insurance carriers involved, as well as driver's license number of the drivers, registration numbers of other cars involved, and names and addresses of occupants. It is important to get the names, streets, and city addresses of all witnesses. Express no opinion as to who was at fault and give no information except as required by the police. If the accident results in a serious injury, call a doctor or an ambulance.

SECTION 4. TAKE HOME VEHICLES

Vehicles assigned to employees for taking home may be recommended by the Department Head and must be approved by the Town Administrator.

a) Only those employees who are "on call," i.e., those who will respond to calls of Town business after hours, or who are designated by the Town Administrator to be vital to the continuation of Town government shall be considered for "take home use".

b) Any employee who is not exempt and takes a Town vehicle home is subject to all IRS, Town of Farragut, state, and local laws.

    i. Employees will be informed of the IRS options available to them, choose an option, and give notification to the Finance Department to ensure IRS compliance.

The employee is solely responsible and will be held accountable as to the use, safety, and the operation of the vehicle.

SECTION 5. CARE & MAINTENANCE

a) All Town vehicles shall be kept clean and in orderly condition and shall be the responsibility of the Department Head. He/she may delegate this responsibility to the individuals assigned a vehicle.

b) Maintenance of Town vehicles require the cooperation of the employee using such vehicles. Employees shall notify the Public Works Department of all mechanical or other unsafe problems.

c) The employee operating the vehicle is responsible for regularly checking the following: oil level, anti-freeze/coolant level, battery water level, fuel and tires. If he/she cannot do this, they have to ask a Public Works employee to look at it. No employee is allowed to authorize any service work or parts replacement without the Public Works Director's authorization.

d) The Public Works Director may periodically request all Town vehicles and vehicular equipment be brought to the Public Works building or the vehicle's Dealer for preventive maintenance scheduling. This preventive maintenance will be scheduled with the Department Head and/or designee.

e) The cost for maintaining Town vehicles will be charged to the Public Works budget.

f) To ensure Town vehicles are continually monitored for maintenance concerns, all vehicle operators will conduct a complete walk around of their vehicle and report any items of concern to Public Works before each use.

i. Employees will utilize the Town's *Vehicle Operator Inspection and Trouble Report* to document their walk-around and any report concerns (see Section 14).
ii. When vehicle concerns have been reported to Public Works, the technician completing maintenance to address the reported concern will annotate the reverse side of the *Vehicle Operator Inspection and Trouble Report* to communicate the status of repairs to Department Heads and Vehicle Operators.
iii. Department Heads will ensure that a *Vehicle Operator Inspection and Trouble Report* is posted and maintained in each assigned vehicle. These forms must be swapped out on the first business day of each month.

SECTION 6. INTRA-DEPARTMENT and INTER- DEPARTMENT TRANSFERS

It is the desire of the Town of Farragut to maintain its vehicle fleet in optimum performance condition and to operate the fleet in the most efficient manner possible. Therefore, the Town of Farragut will from time-to-time transfer Town vehicles from one department to another department within the Town, as well as from one division to another division within the same department.

All transfers must be approved by the department transferring the vehicle, as well as the department receiving the vehicle and the Town Administrator.

Proper transferal forms must be signed by all parties and delivered to the Town Administrator for appropriate transfer of assets.

When purchasing replacement vehicles, any trade-in vehicle will be considered for transfer prior to a trade. The Town will keep the vehicle of higher value and sell or trade the vehicle of lesser value even though that vehicle may be in a different department.

SECTION 7. TOWN POOL CAR USE

Town vehicles may be assigned within a department for use during normal work hours. If daily use is required and as the frequency increases, the Department Head will be expected to identify and justify designation as a permanently assigned vehicle.

The Town pool car may be assigned specifically to one individual or to several individuals within the Town for on-duty use only. The Pool car may be assigned to an employee to attend Town approved conferences including out of town conferences.

Unless otherwise stated in the procedures described below, Department Heads will ensure Town of Farragut employees adhere to Vehicle Prioritization guidelines contained in this document and any applicable Town policy. If the Department Heads are unable to determine the appropriate prioritization action after utilizing this process, Department Heads from each effected Department will jointly approach the Town Administrator for final prioritization decision.

Vehicle Priority Process

a) Town of Farragut employees/offices who are not assigned a fleet vehicle for day-to-day activities may be required to use a Town vehicle for specific tasks or events.

b) If the Town Pool Car is unavailable, the Tourism Mobile Visitor Center serves as the back-up pool car. The Town Mobile Visitor Center reservation system and key are managed by the Town Tourism Manager.

c) If the Pool Car and the Mobile Visitor Center are both unavailable for use, an employee requiring the use of a vehicle should contact their Department Head for assistance.

d) When a Town Employee is unable to reserve either the Pool Car or Mobile Visitor Center, Department Heads should first determine if the Town Employee's business can be delayed to a later date and time when the vehicle is available.

e) If the business cannot be delayed, the Department Head should first look for available vehicles within their own Department. If a vehicle is not available inside of the Department, then Department Heads will cross Departments to pull a Town vehicle in accordance with the Town Vehicle Priority Chart, see Section 12.

f) When pulling vehicles from other sections within a single Department or from other Town Department's, Department Heads must consider the following:
    a. Will pulling a vehicle cause the Town to delay or cancel business that has been paid for by a customer/applicant?
    b. Will pulling a vehicle cause the Town to lose money or negate an opportunity to a obtain service previously funded by the Town?
    c. Will pulling a vehicle cause the Town to cancel an external appointment with community or business partners without allowing for ample opportunity to reschedule? If an opportunity to reschedule exists, will doing so negatively impact the Town's relationship with the external partner?

g) If the answer to any of these questions is "yes", the Department Head should not pull any vehicle and they should consider the following options:
    a. If no Town vehicle is available without adversely impacting other Town business, the Department Head should request the Employee use their privately-owned vehicle, see Section 8: Personal Vehicle Use. If the employee is willing to use their private vehicle, the Department Head will ensure the employee understands and utilizes the Town's mileage reimbursement policy.
    b. If the Employee is unwilling or unable to use their private vehicle to complete necessary Town business, the Department Head will authorize the Employee to rent a vehicle in accordance with the Town's travel policies or cancel the business activity in question.

h) If the Department Head becomes involved in steps in the Vehicle Priority Process above, the Department Head must summarize the situation and relevant decisions via an email to the Operations Manager, Public Works Director, and other relevant Directors. Department Heads will monitor these emails and track occurrences to inform budget requests for future fiscal years.

SECTION 8. PERSONAL VEHICLE USE

In cases where an employee uses a personal vehicle for company business, the employee's personal auto liability insurance policy would provide primary coverage in the event of a collision.

Employees who use their personal vehicle for business are required to maintain primary personal auto insurance limits for bodily injury liability, per person per accident, of at least $100,999 and $300,000 total per accident or $300,000 combined single limit (CSL) for incidental driving exposures.

A few examples of incidental driving exposures are listed below:

- An auto owned by a co-worker to run an errand for the Town.
- An employee makes a run to the post office for Town business.
- Employees go to the store to purchase office supplies.

Employer has the right to request a copy of the insurance declaration.

SECTION 9. CAR ALLOWANCE and MILEAGE REIMBURSEMENT

The Town Administrator may at his discretion provide certain employees with a car allowance in lieu of assigning a Town vehicle to those employees. The amount of the allowance shall be determined by the Town Administrator. Employees receiving a car allowance are expected to have a personal car available for use on Town business. Town vehicles may not be used by an employee receiving a car allowance.

Employees who are required to drive their personal vehicles on Town business and who do not receive a car allowance shall be reimbursed at the current rate recognized by the IRS for each mile driven. Employees using personal cars must keep accurate mileage records and submit the mileage to their supervisor for approval before reimbursement will be made.

Car allowance and mileage reimbursements must be included in the Town's Fiscal Year Budget for approval by the Board of Mayor and Aldermen.

SECTION 10. ACCEPTABLE PERSONAL USE OF TOWN VEHICLE

Generally, Town-owned vehicles are not assigned nor shall be used for the convenience of the employee for personal transportation needs or other non-business activities.

Due to the continuing need for immediate access the following are authorized to use a vehicle for any type of personal use within a 50-mile radius of Farragut, TN:

1. Mayor
2. Town Administrator
3. Alderman may be assigned a Town vehicle for short-term assignments.

SECTION 11. ANTI-IDLING

No Town owned vehicle shall be permitted to idle for prolonged periods of time. Idling increases fuel consumption and pollution emitted by Town vehicles. Consuming less fuel by not idling enables Town vehicles to operate more efficiently and reduces fuel costs. Additionally, emitting less pollution protects public health and the natural environment by protecting local air quality.

Except when an exemption applies, Town vehicles must be turned off when stationary for longer than 60 seconds and/or when engaged in the following activities:

- Loading or unloading unless the engine is required to load or unload.
- Working on reports
- Making phone calls
- When the vehicle is unattended
- When the vehicle is parked for general purposes. Vehicles are not permitted to idle while parked to operate heating or air conditioning unless exempted below.

Once a vehicle becomes stationary for longer than 60 seconds, the engine is to be turned off unless one of the following exemptions applies:

- When idling in traffic
- When operating emergency lights in traffic
- To operate electrical equipment on the vehicle
- During emergency situations
- During weather conditions that involve the need to defrost windshields or to maintain driver and passenger comfort when the outside temperature is below 45 °F or above 80 °F.

SECTION 12. VEHICLE PRIORITY CHART

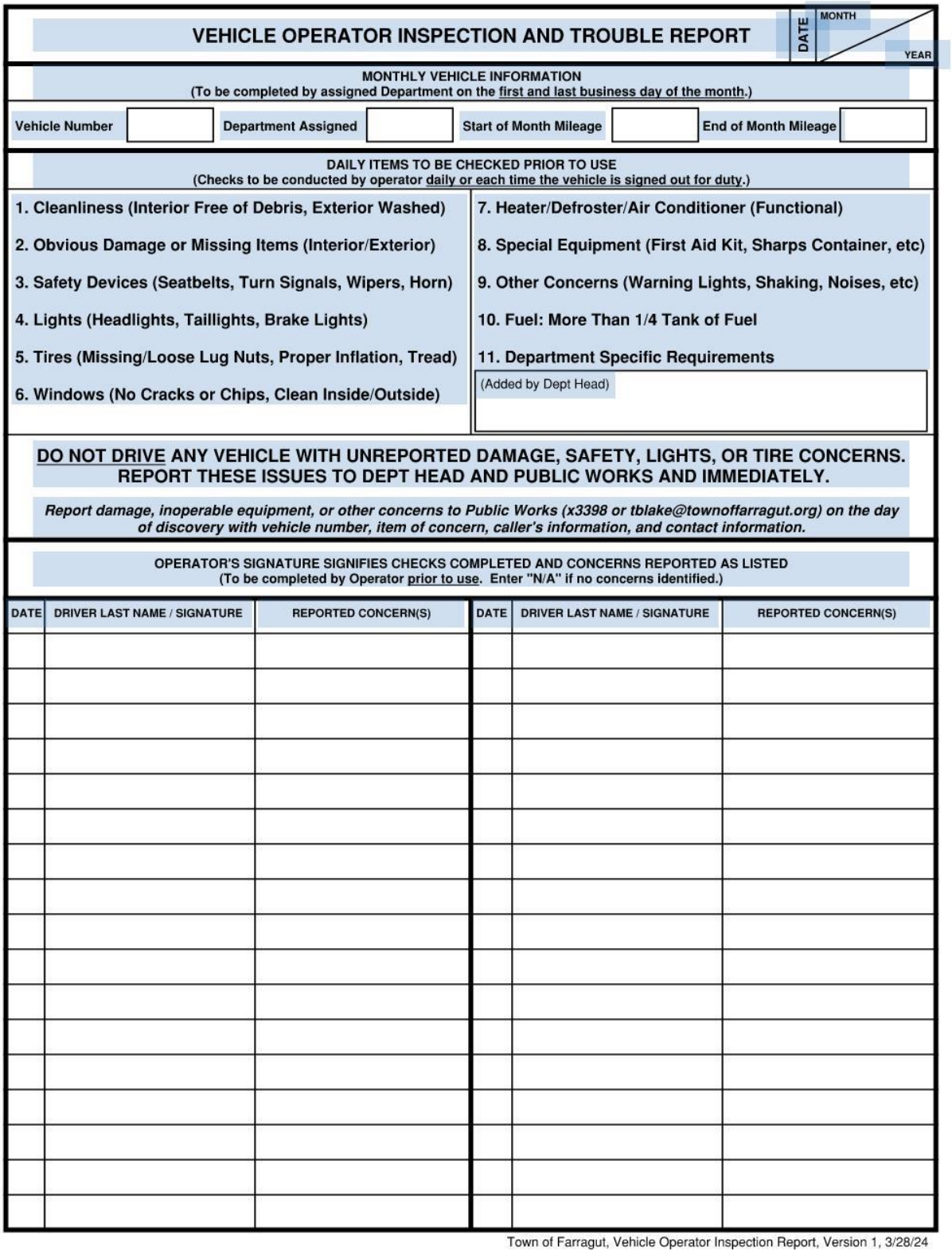
Town of Farragut vehicles are assigned to Departments for the purpose of conducting official Town business. All general-purpose fleet vehicles are listed on this chart in ascending order. If Department Heads are required to pull or reassign vehicles to accomplish Town business, they will do so in accordance with the priority chart. Vehicle #1 will be the first to be pulled or re-assigned. If Vehicle #1 is unavailable, Vehicle #2 will then be pulled or re-assigned then #3 and so on.

Priority No.	Fleet No.	Vehicle Assignment	Vehicle Type
1.	30	Town Pool Car	2024 GMC Terrain
2.	48	Mobile Visitor Center	2023 Chevrolet Traverse
3.	36	Parks and Recreation	2022 Ford Ranger
4.	50	Codes/Zoning Enforcement Officer	2024 GMC Terrain
5.	46	Town Administrator	2023 Chevrolet Tahoe
6.	35	Building Official	2022 Chevrolet Equinox
7.	31	Codes Officer/Commercial Plans Examiner	2019 GMC Canyon
8.	29	Stormwater Coordinator	2024 GMC Terrain
9.	2	Engineering Technician	2022 Chevrolet Equinox
10.	34	Codes Officer	2007 Chevrolet Colorado
11.	37	Parks and Recreation	2016 Ford F-150
12.	2	Engineering Technician	2020 Chevrolet Colorado
13	40	Senior Engineering Technician	2020 Chevrolet Colorado
14.	33	Codes Officer	2022 Chevrolet Equinox
15	28	Parks and Recreation	2024 Chevrolet Silverado 1500
16.	Any	Public Works (not snowplow capable)	Any
17.	Any	Public Works (snowplow capable)	Any

SECTION 13. EXCEPTIONS

The Town Administrator may approve exceptions to this policy upon written justification by the Department Head.

SECTION 14. VEHICLE OPERATOR INSPECTION AND TROUBLE REPORT



VEHICLE OPERATOR INSPECTION AND TROUBLE REPORT

DATE: MONTH / YEAR

MONTHLY VEHICLE INFORMATION
(To be completed by assigned Department on the first and last business day of the month.)

Vehicle Number		Department Assigned		Start of Month Mileage		End of Month Mileage	

DAILY ITEMS TO BE CHECKED PRIOR TO USE
(Checks to be conducted by operator daily or each time the vehicle is signed out for duty.)

1. Cleanliness (Interior Free of Debris, Exterior Washed)
2. Obvious Damage or Missing Items (Interior/Exterior)
3. Safety Devices (Seatbelts, Turn Signals, Wipers, Horn)
4. Lights (Headlights, Taillights, Brake Lights)
5. Tires (Missing/Loose Lug Nuts, Proper Inflation, Tread)
6. Windows (No Cracks or Chips, Clean Inside/Outside)
7. Heater/Defroster/Air Conditioner (Functional)
8. Special Equipment (First Aid Kit, Sharps Container, etc)
9. Other Concerns (Warning Lights, Shaking, Noises, etc)
10. Fuel: More Than 1/4 Tank of Fuel
11. Department Specific Requirements

(Added by Dept Head)

DO NOT DRIVE ANY VEHICLE WITH UNREPORTED DAMAGE, SAFETY, LIGHTS, OR TIRE CONCERNS. REPORT THESE ISSUES TO DEPT HEAD AND PUBLIC WORKS AND IMMEDIATELY.

Report damage, inoperable equipment, or other concerns to Public Works (x3398 or tblake@townoffarragut.org) on the day of discovery with vehicle number, item of concern, caller's information, and contact information.

OPERATOR'S SIGNATURE SIGNIFIES CHECKS COMPLETED AND CONCERNS REPORTED AS LISTED
(To be completed by Operator prior to use. Enter "N/A" if no concerns identified.)

DATE	DRIVER LAST NAME / SIGNATURE	REPORTED CONCERN(S)	DATE	DRIVER LAST NAME / SIGNATURE	REPORTED CONCERN(S)

Town of Farragut, Vehicle Operator Inspection Report, Version 1, 3/28/24

ANNOTATED AND WAIVERED DISCREPANCIES
(To be completed by Public Works after reported concerns are evaluated / repaired or after scheduled maintenance. Items are listed sequentially in the order worked, starting with one (1). All line concerning the same issue will start with the same item number.)

ITEM No.	REPORTED CONCERN / MAINTENANCE PERFORMED	MAINTENANCE PERFORMED BY:	DATE	STATUS CODE

MAINTENANCE STATUS CODES:

C = COMPLETED
D = DELAYED FOR PARTS
W = PERMANENT, WILL NOT BE REPAIRED
N = NO REPAIR REQUIRED

Town of Farragut, Vehicle Operator Inspection Report, Version 1, 3/28/24

Travel Policy

Section 1. Policy

Purpose

This policy is intended as a guide for decision involving travel for Town employees and elected officials who submit business related expense reports and those who approve such expense reports. The responsibility to observe and comply with the policy rests with the traveler and the traveler's supervisor who, by approving an expense report, certifies its conformance with this policy. Reimbursement should be sought and authorized only for expenses that have been legitimately expended and contribute to the Town's objectives.

All municipal travel and expense reimbursement policies and any amendments thereto, shall be filed with the Office of the Comptroller of the Treasury or the Comptroller of the Treasury's designee. Such policies and amendments are not subject to the approval of, but shall not be effective until filed with, the Office of the Comptroller of the Treasury. (Tennessee Code Annotated §6-54-903)

Responsibility

A clearly stated Town policy on travel expenses is necessary for cost control and for effective reporting of financial results related to departmental budgeting and Town-wide cost containment. In general, the quality of travel, accommodations and related expenses should be governed by what is "responsible and appropriate" to the business purpose involved. The Town does not require sacrifice on the part of its personnel where comfort, safety, and convenience are concerned; nor does it permit extravagant spending. The Town respects the personal integrity of each employee and conducts the approval of the expense accounts accordingly. The Town also expects that expense reports will be completed honestly and accurately. While this policy is intended to be comprehensive, it is impossible to anticipate every situation encountered by a traveler. Employees are expected to apply the guidelines on a conservative basis, consistent with normal living standards and, where the policy is not specific, to exercise good business judgment.

Expense Reporting and Receipt Requirements

For the employee to be reimbursed for business expenses, the expenses must satisfy all the following requirements:

- Have been spent.
- Fulfill a legitimate business purpose.
- Be responsibly consistent with normal living standards.
- Be supported with adequate documentation.
- Be submitted on an approved expense report form.
- Be approved by the Town Administrator.

Only expenses actually incurred will be reimbursed. Amounts should be recorded by day and by category.

Receipts are required for the following items:

- Any cash expense items.
- Any charges made with the credit card; the amount of the expenditure must have the charge slip attached to the expense report.
- Airline tickets purchased away from the Town require both the credit card charge slip as well as the passenger coupon of the airline ticket

- Lodging.
- Rental car charges.
- Purchase of gasoline, oil changes, tires, repair work for Town-owned vehicles.
- Luggage Charges and Parking Fees

Expenses Not Paid by the Town
The following list is given only as a guideline and is not necessarily a complete list:

- Airline or other travel insurance.
- Barbers and hairdressers.
- Kennel costs for dogs and other pets.
- Golf fees.
- Alcoholic beverages.
- Car wash for employee-owned automobiles.
- Traffic fines and parking tickets.
- Accidents and breakdowns in employee-owned vehicles.

Automobile Rental

Cars may be rented by employees traveling on Town business when other means of transportation are unavailable, more costly, or impractical. A car is to be rented about business need and safety rather than personal convenience. Cars are not to be rented exclusively for use in the evenings for transportation to restaurants, entertainment, etc. It is more economical in this case to use taxis and to be reimbursed on an expense report.

The size of the automobile rented should depend upon safety considerations, length of trip, traffic conditions to be encountered, number of people to be transported and the physical sizes of the individuals. In nearly all cases, an intermediate size automobile is the most appropriate.

When renting a car while on Town business, an employee should observe the following guidelines:

When picking up the rental car, verify that the lowest available rate is offered. When returning the car, verify that the correct mileage rate was charged. Travelers are requested to fill the fuel tank before returning the car to the rental agency since rental agencies assess a costly surcharge for this service.

Theft of Personal Property (Other than Vehicles)

If an employee has personal property stolen while on a business trip, the employee must first file a claim for reimbursement with their personal (homeowners) insurance coverage. The Town may elect to reimburse the employee for the difference between that claim and the total loss.

Reimbursement will not be made where employee negligence was a principal contributing factor to the loss. Any request for reimbursement must include proof of loss and a copy of the police theft report.

Regulation Details

The following regulations shall constitute the official policy regarding travel at the expense of the Town of Farragut. Authorization for travel will not be granted and expense will not be reimbursed unless the travel is made, and reimbursement is claimed in accordance with these regulations. All exceptions must receive prior approval from the Town Administrator.

Section 2. Overnight Travel

Authorization and Procedures

Travel, if significant distance, that requires an overnight stay shall not be undertaken unless inaccordance with the following procedures:

- Elected Officials and Town Administrator shall request travel approval on a Travel Request Form submitted to the mayor's office. Approved Travel Request Forms will be returned to the requesting official and represent authority to travel. The official will retain the original copy and submit a copy to the Town Recorder.
- Department Directors shall request travel approval on a Travel Request Form submitted to the Town Administrator's office. Approved Travel Request Forms will be returned to the requesting department and represent authority to travel. Departments will retain the original copy and submit a copy to the Town Recorder. Departments need to distribute these copies at the time of approval. Separate travel requests are required for each person traveling.
- Supervisors or other employees of each department shall obtain authorization from the department director prior to traveling out of town on official business and shall provide the same information as required above. All travel not specifically authorized in the current budget shall be approved in advance by the Town Administrator for all employees.
- Employees are expected to commence the return trip to the Town as soon as possible after the conclusion of their business, provided that no employee will be required to travel between the hours of 10:00 P.M. and 7:00 A.M.

Additional travel days required due to automobile travel rather than air travel, when automobile travel is selected rather than by air travel as a matter of personal preference by the traveler, shall be taken as annual leave or other appropriate leave.

Where air fares can be obtained at a reduced rate for weekend stays, the Town will reimburse the employee for the related additional expensed for the weekend stays,provided that the additional expenses do not exceed that savings realized for such weekend travel. Approval shall be at the discretion of the Town Administrator.

Employees will not be reimbursed for any fines for traffic violations or parking tickets.Costs incurred to private vehicles due to accidents, or the cost of repairs due to breakdowns of private vehicles will not be reimbursed to employees.

Mode of Transportation

Transportation for persons traveling singly out of state should be by common carrier (air, train, bus) whenever practical, and the fare must not exceed the regular tourist fare charged to the public. Advance purchase rates must be obtained when available. A receipt must accompany the expense claim. The use of air travel shall be encouraged when the trip is so long that other methods of travel would prove more expensive because of subsistence allowance.

Automobile Travel -Officials and employees should make use of Town owned cars whenever possible. When transportation is by personally owned vehicles, the authorized mileage allowance shall be the prevailing IRS government rates allowable per mile. The IRS rate includes all operating expenses such as gas, oil, and repairs. The total cost of an out-of-town trip in a personally owned car shall not exceed the total cost for the same trip by commercial transportation, including taxi fares and/or limousine charges, calculated at a seven day advance purchase rate.

If a private vehicle is used by two or more official travelers on the same trip, only the traveler having

custody of the vehicle will be reimbursed for mileage in accordance with the terms of this policy. Mileage rates shall apply only to mileage related to official business. If a Town vehicle is used, the Town will pay the cost of actual expenses for gasoline, oil and emergencyrepairs.

If not previously approved, charges for automobile rental shall be at most reasonable ratesavailable for a mid-size vehicle.

Taxi/Ride Share Fares

If an individual travels by common carrier, reasonable taxi fares will be allowed for necessary transportation. It is expected that shuttle service to and from airports will be used when available and practical. In traveling between hotel or lodging and meeting or conference, reasonable taxi fees will be allowed.

Parking

Necessary charges for parking will be allowed provided that airports parking fees do not exceed normal taxi fare to and from the airport. Receipts must be furnished on airport and hotel parking if available.

Unnecessary Expenses

Unnecessary meals and lodging expenses which are occasioned by the use of an automobile for reasons of the employee's personal convenience, or which are due to travel by an indirect route,will not be allowed or must have prior approval.

Meals

The Town will reimburse the employee for meal expenses incurred **when** on approved travel, in accordance with the following provisions:
The employee may claim a per diem amount for meals according to the following schedule:

1. Breakfast: $12.00
2. Lunch: $18.00
3. Dinner: $30.00

The total per day allowance shall not exceed $60.00. Individual receipts will not be required when claiming the per diem amount. If the per diem amount is not taken, receipts are required for reimbursement. For each trip only one method may be used-either per diem or receipt reimbursement.

If a meal is included as a part of the official program for which the Town has paid, the employee shall not be reimbursed for that meal allocation.

Alcoholic beverages will not be reimbursed by the Town.

Departure and return time for meal reimbursements is shown on the chart below. Thedeparture hour and date and the return hour and date must be shown on the Training/Travel Expense Form.

Employees will not be reimbursed for meals outside the travel time shown on the chart:

	Departure Must be Before	Return Must be After
Breakfast	7:30 AM	8:00 AM
Lunch	11:30 AM	1:30 PM
Dinner	5:30 PM	6:30 PM

Tips
Tips may not exceed twenty percent {20%) of actual expense for meals.

Lodging
Reimbursement for actual expenses for out-of-state lodging will be on the following basis:

- Out-of-state lodging rate will be subject to the Town Administrator's approval; however, in-route lodging will be allowed for only one day each way on trips of long duration.
- Higher rates for lodging at the location of a convention or conference will not be allowed, without approval by the Town Administrator, beyond the amount indicated inthe convention or conference brochure. The employee should attempt to receive a government rate for the lodging. If the lowest rate indicated in the convention or conference is unavailable, advance approval of the higher rate must be obtained from the Town Administrator. The convention or conference brochure which indicates the lodging rates must be included with the travel claim.
- If a room is shared by another employee, each employee should claim their share of thetotal room on their own expense report and include an explanation detaining dates and other employees with whom the room was shared. One of the employees may use a copy of the hotel bill as their supporting document.

Registration
All registration fees for employees attending approved workshops, seminars, conventions,conferences and other business meetings will be allowed including costs of any official breakfast, luncheons, banquets or other associated meeting programs.

Spouses and Family
No expenses of spouses or related parties accompanying employees or officials on travel will be subject to reimbursement.

Credit Cards
If a Town credit card is used for meals, lodging, gasoline and other travel related expenses, receipts must be forwarded to the Accounts Payable clerk along with the department accountnumbers and department head approval.

Miscellaneous Expenses
Expenditures for entertainment such as movies, theatre, etc. are personal charges and will not be allowed for reimbursement unless an approval for an expenditure of this nature is received in advance by the Town Administrator upon a showing that said entertainment is for or on behalf of the Town.

Travel Advances
Travel advances are subject to the following procedures:

- After receiving travel approval, the department director may request a travel advanceby submitting a copy of the approval to the Town Recorder. Requests for travel advances must be received by Monday of the week prior to the travel.
- Travel advances will not exceed $1,000.00 per person or less than $100.00.
- *Travel* advances requesting funds for "Other Expense" or "Miscellaneous" shall not exceed $10.00 per day in those categories unless detailed justification is provided. An Expense Report Form must be prepared and submitted to the Town Recorder within ten {10) working days of return.

Failure by a department or individual to adhere to these requirements will result in the loss of travel advance privileges and withholding of subsequent paychecks until the account is clear.

- The Town Recorder may refuse an advance to any employee if that employee is or hasbeen delinquent in accounting for previous advances.
- Travel advances must be kept at a minimum whenever possible. Pre-payment of registration fees and billing of the Town for expenses are authorized and encouraged tokeep travel advances to a minim um.
- The Town Recorder will prepare a monthly report of all outstanding travel advances for
- Submittal to the Town Administrator.
- Travel advances will not be made from petty cash.

Expenditure Reimbursement

Within ten (10) working days following the return from the approved travel, the employee must submit an expense report with required receipts (including credit card receipts previously submitted to the Accounts Payable Clerk), justifications, etc., to the Town Recorder as required by this policy for reimbursement. (Reimbursements will not be made through petty cash.) Failure to submit required expense reports will result in immediate revocation of travel privileges. Failure to submit a required expense report within thirty (30) days shall be deemed a waiver of expense claims by the employee. Any reimbursements due the Town shall be payable immediately and may result in such fees being withheld from the employees next scheduled payck.

Section 3. Local travel

Applicability

These procedures apply to travel for official business conducted and completed in one day that does not require lodging.

Approval

Prior written approval is not required for local travel. However, travelers are advised that Department Head approval is required before reimbursement can be made. It is in the bestinterested of the traveler, therefore, to discuss plans and estimated expenses with the Department Head before incurring any cost.

Mileage

Mileage may be claimed for reimbursement per the IRS government rates allowable per mile. The Town asks that employees carpool if two or more persons will be attending the same conference or meeting. When two or more persons share an automobile, only the driver may claim reimbursement for mileage. Town of Farragut automobiles may be used for official business. No mileage reimbursement is paid when a traveler uses a Town of Farragut
automobile. Employees receiving an automobile allowance, mileage reimbursement will occur when traveling outside of Knox County.

Parking

Reasonable charges for necessary parking while on official business are allowed. Receipts are required for reimbursement.

Meals

Lunches are not provided with local travel. The exception to this is if the meal is included with a meeting and is part of the registration fee.

Conference and Meeting Registration

Actual costs of registration fees for meetings and conferences are reimbursed. Receipts and other appropriate documentation, such as an agenda or program, are required. A check for theregistration fees may be obtained from Accounts Payable by submitting a request for payment form with copies of documentation (flyers, brochure or application, tee.) attached. The requestformmust be turned in to accounts payable two weeks prior to the meeting.

Advances

Cash advances are not given for local travel expenses.

Claiming Reimbursement

Local travel expenses are reimbursed on a travel expense form or mileage log. Completed, approved forms should be sent to the Town Recorder for reimbursement within ten {10) working days.

Documentation Required

- Parking Receipts.
- Receipts for registration fees for meetings or conferences.
- Copy of agenda or program if meals are included.
- Proof of mileage (odometer readings or MapQuest, etc).

Signatures

The traveler must sign the travel expense form or mileage log
The traveler's Department Head must sign the travel expense form or mileage log.

Failure to comply with the provisions of this Policy shall be grounds for disciplinary action up to and including termination.

Town of Farragut Employee Recognition Program Guidelines

Recognizing and rewarding excellent results and contributions of staff members is important to the Town of Farragut.

Our compensation program consists of four components: base salary, benefits, retirement, and recognition awards. The recognition component provides opportunities to recognize and reward individual employees and teams and to celebrate their successes as we continue to build Farragut as the municipal government of choice in Tennessee.

This award is intended for individual employees or teams/project groups who make exceptional contributions--such as providing outstanding service, implementing a new idea which saves significant time or money, completing a significant project, contributing to the success of a team initiative or contributing above and beyond what is expected.

Eligibility/Awards

• Employees or teams can be nominated for a Recognition Award by any employee. All employees are eligible for nomination.
• Rewards are gift cards or cash bonuses ranging from $25-$1,000. (Note: these awards are charged to Employee Recognition Program under HR). Management may use its discretion to present awards that differ from the suggested amount/form.
• Awards should be made as close to the performance or result as possible.

Award Criteria

Award criteria are designed to monitor performance in four major categories: financial, customer service, efficiency and strategic and organizational development. Examples of specific measures or results which fall under these categories are illustrated below.

Financial

Significant individual or team contributions that result in:
• Reduced expenses.
• Energy savings.
• Improved work output within a set time frame.

Customer Service

• Providing outstanding customer service to citizens, developers, volunteer committees, co-workers.
• Working above and beyond normal expectations to reduce backlog or support process change and/or conversion.
• Improving timeliness and/or quality of service.

Operational/Efficiency Improvement

• Developing and/or implementing ideas that improve internal work processes like improvement in communication effectiveness, Citizen Request resolutions across departmental lines, project completion on time and within

budget, improvement in the bid process, etc.

Strategic and Organizational Development

- Building outstanding relationships with citizens, vendors, and other governmental entities.
- Making substantial strides to obtain needed skills/competencies.
- Significant contributions to the learning and development of Town employees.

AGENDA NUMBER V.B.4. **MEETING DATE November 14, 2024**

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Ron Oestreich, Parks and Recreation Director

SUBJECT: Approval of Resolution R-2024-24, Revised FY2025 Fee Schedule

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INTRODUCTION: The purpose of this item is to amend the Fiscal Year 2025 fee schedule by adding a Half Day rental option for Saturdays at the Community Center Assembly Hall.

DISCUSSION: Town staff have received several rental inquiries regarding a half-day rental option. The proposed fee will be $425 (50% of the full day rental).

RECOMMENDATION BY: Ron Oestreich, Parks & Recreation Director, for approval

PROPOSED MOTION: Approval of change to the fee structure for Assembly Hall rentals; adding a half day rental option for Saturdays

MOTION BY: _____ SECONDED BY:_____

VOTE/TOTAL	WILLIAMS	MEYER	WHITE	CAIN	BURNETTE
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

TOWN OF FARRAGUT

RESOLUTION R-2024-24

WHEREAS, the Board of Mayor and Aldermen established a general fee schedule for Fiscal Year 2025 on May 23, 2024, setting the necessary fees for all Town services and collection of Town accounts and expenditures, including but not limited to application, filing, license and permit fees; and

WHEREAS, it is the desire of the Board of Mayor and Aldermen to amend the Fiscal Year 2025 fee schedule by resolution;

NOW, THEREFORE BE IT RESOLVED by the Town of Farragut Board of Mayor and Aldermen, hereby adopted the amended Fiscal Year 2025 fee schedule as listed on the attached schedule.

This Resolution is duly adopted by the Board of Mayor and Aldermen of the Town of Farragut on this 12th day of November 2024.

_____
Ron Williams, Mayor

_____
Allison Myers, Town Recorder

Community Center Fees				
	Non Profit - Reg Hours	Non-Profit - After Hours	For Profit/ Social - Reg Hours	For Profit/ Social - After Hours
Classrooms				
Small (1 - 1/2 hour block)	$15	$40	$15	$40
Small (1 - 1/2 hour block) - Holiday Fee		$50		$50
Medium	$20	$45	$20	$45
Medium (1 - 1/2 hour block) - Holiday Fee		$55		$55
Large	$25	$50	$25	$50
Large (1 - 1/2 hour block) - Holiday Fee		$60		$60
Gym				
Sports/Fitness (1 hour block)	$30	$55	$30	$55
Sports/Fitness (1 hour block) - Holiday Fee		$75		$75
Sports/Fitness - Setup Fee	$15	$15	$15	$15
Camp/Tournament (Half Day - 6 hours)	$150	$275	$150	$275
Camp Tournament (Whole Day)	$325	$600	$325	$600
Camp/Tournament (Half Day - 6 hours) - Holiday Fee (20%)		$330		$375
Camp/Tournament (Whole Day) - Holiday Fee (20%)		$720		$800
Special Event (8 hours)*	$450	$650	$750	$950
Special Event (8 hours)* - Holiday Fee (20%)		$780		$1,140
Special Event Additional Hours (Per Hour)	$125	$125	$125	$125
Special Event Additional Hours (Per Hour) Holiday Fee (20%)	$150	$150	$150	$150
Refundable Damage Deposit	$250	$250	$250	$250
Assembly Hall (Monday-Saturday)				
8 Hour Rental**	$400	$650	$650	$850
Saturday Half Day Rental	$425	$425	$425	$425
Holiday Fee (20%)		$780		$1,020
Additional Hours (Per Hour)	$100	$100	$100	$100
Additional Hours (Per Hour) Holiday Fee (20%)	$120	$120	$120	$120
Alcohol Fee (No Sales)	$100	$100	$100	$100
Alcohol Fee (Sales) - For Profit Business Only (Not social)			$500	$500
Refundable Damage Deposit	$250	$250	$250	$250

*Includes commercial kitchen

**Includes pre-function room and catering kitchen

Assembly Hall - Special Rates (Monday-Thursday)	Non-Profit - After Hours	For Profit/ Social - After Hours	
2 Hour Rental**	$150	$200	
Additional Hour		$50	
Additional Table/Chair Rental		$10	per table/8 chairs
Refundable Damage Deposit		$100	
Assembly Hall - Special Rates (Sunday Only 1:00pm to 4:00pm)	Non-Profit - After Hours	For Profit/ Social - After Hours	
3 Hour Rental** (Max of 40 attendees)	$300	$300	
Refundable Damage Deposit	$250	$250	
Birthday Party Package			
2 Hour Rental - (Saturday) 1 hour gym, 1 hour class room		$100	
3 Hour Rental - (Sunday) 2 hours gym, 1 hour class room		$150	
Additional Table/Chair Rental		$10	per table/8 chairs
Refundable Damage Deposit		$100	

AGENDA NUMBER VI.A. **MEETING DATE** **November 14, 2024**

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Request for approval of a variance of 200 feet from the requirement for driveways to be at least 400 feet apart on an arterial street, as provided for in Article 5 of the Farragut Municipal Code, Section 22-150 (1) b. Distance between driveways, for the proposed Echo Suites Hotel, 11244 Outlet Drive, Parcel 154.02, Tax Map 130, west of the Cotton Eyed Joes, 3.1 Acres, Zoned OD-RE/E (Cox Universal Group, Applicant)

INTRODUCTION AND BACKGROUND: At the October 17 Planning Commission meeting, a site plan was conditionally approved for an Echo Suites Hotel on a portion of the property to the west of Cotton Eyed Joe's off Outlet Drive. The applicant requested that the access be from an existing abandoned access that had served the previous hotel (West Park Inn) that was demolished several years ago.

DISCUSSION: As part of the discussion with the Planning Commission, the staff noted that the applicant's requested access was only 110 feet from the nearest access along Outlet Drive that was situated to the northeast and referenced as Corporate Point Way on the aerial photograph included in the packet. The applicant had requested to use this existing access instead of moving it to the west where it would be at least 400 feet from Corporate Point Way due to topography (there is a significant grade change in the western portion of the lot near Outlet Drive) and the fact that they are subdividing the lot and the access will be shared with a new lot they will create to the east. This would help centralize the access for the two lots.

The staff explained to the Planning Commission that they understood the applicant's desire to have a more centralized access, and that the topography along the western portion of the lot abutting Outlet Drive was steep. The staff noted, however, that they were concerned about the offset that the existing access would have in relation to Corporate Point Way. The parcel on the north side of Outlet Drive that is served by Corporate Point Way is not within the Town of Farragut and has a sizable amount of undeveloped land. When developed, this area, in combination with the applicant's development, could generate enough traffic where the offset would be undesirable due to conflicts in the center turn lane. The staff recommended to the Planning Commission that, at a minimum, the access should be shifted to the west enough to reduce conflict in the center turn lane. This would also center the access more for the two lots that it would serve.

RECOMMENDATION: After a long discussion, the Planning Commission agreed with the staff that the existing abandoned access was too close to Corporate Point Way and could create issues in the center turn lane. The Planning Commission unanimously recommended moving the access roughly 90 feet to the west to the point where the nearest portion of the applicant's access, excluding the turning radius, would be at least 200 feet from the nearest portion of Corporate Point Way to the northeast. Thus, the Planning Commission supported a variance of 200 feet due to topography associated with the steep slopes along the western portion of the frontage along Outlet Drive. The revised site layout sheet showing the adjusted access point is included in the packet.

The Town Engineer, Darryl Smith, and Community Development Director, Mark Shipley, support the Planning Commission's recommendation for the reason noted.

BOARD ACTION:

MOTION BY:_____ SECONDED BY:_____

VOTE/TOTAL	WILLIAMS	MEYER	WHITE	CAIN	BURNETTE
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	



Echo Suites Hotel Access

Knoxville - Knox County - KUB Geographic Information System

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KGIS makes no representation or warranty as to the accuracy of his map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS ,WITH ALL FAULTS, and assumes all responsibility for the use thereof, and futher covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

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3.10 ACRES

OD-RE/E

ALYSIS

	124 ROOMS
R ROOM)	124 SPACES
RED:	119 SPACES
RED:	5 SPACE
	124 SPACES
OF TOTAL)	25 SPACES
ED:	98 SPACES
ED:	22 SPACES
DED:	5 SPACES
	125 SPACES

YSIS

D VEHICLE SPACES)	9 SPACES
	10 SPACES

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WALKING TRAILS/SIDEWALKS) MUST BE COORDINATED
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ET)

ARCHITECTURAL PLANS)

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NOR CITY UTILITIES BOARD

(SEE DETAIL SHEET)

O #" (SEE DETAIL SHEET)

ET C3.0

E STRIPES @ 4'-0" O.C.

RPENDICULAR TO

PAVING MATERIALS SCHEDULE

MATERIAL	THICKNESS	TYPE

HEAVY DUTY CONCRETE PAVING@DUMPSTER

AGGREGATE BASE COURSE	10"	TDOT TYPE A, CLASS A & GRADING D
CONCRETE	12"	PCC 4000 PSI TYPE I WITH FIBER REINFORCEMENT

STANDARD DUTY ASPHALT PAVING

AGGREGATE BASE COURSE LIFT 1"	3"	TDOT TYPE A, CLASS A & GRADING D
AGGREGATE BASE COURSE LIFT 2"	3"	TDOT TYPE A, CLASS A & GRADING D
ASPHALTIC BINDER**	2"	TDOT GRADING B
ASPHALTIC SURFACE***	1.5"	TDOT GRADING E
TRACKLESS TACK COAT	0.05 - 0.10 GAL PER SQ. YD.	

RIGHT-OF-WAY ASPHALT PAVING

AGGREGATE BASE COURSE LIFT 1"	3"	TDOT TYPE A, CLASS A & GRADING D
AGGREGATE BASE COURSE LIFT 2"	3"	TDOT TYPE A, CLASS A & GRADING D
ASPHALTIC BINDER COURSE LIFT 1**	2.5"	TDOT GRADING B
ASPHALTIC BINDER COURSE LIFT 2**	2.5"	TDOT GRADING B
ASPHALTIC SURFACE***	1.5"	TDOT GRADING E
TRACKLESS TACK COAT	0.05 - 0.10 GAL PER SQ. YD.	

*REFER TO TDOT "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION", SECTION 903.05
**REFER TO TDOT "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION", SECTION 307
***REFER TO TDOT "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION", SECTION 411

REFER TO GEOTECHNICAL EXPLORATION REPORT PROVIDED BY FOUNDATION SYSTEMS ENGINEERING, P.C. DATED 07/31/24

HEAVY DUTY ASPHALT PAVING

AGGREGATE BASE COURSE LIFT 1"	4"	TDOT TYPE A, CLASS A & GRADING D
AGGREGATE BASE COURSE LIFT 2"	4"	TDOT TYPE A, CLASS A & GRADING D
ASPHALTIC BINDER**	2.5"	TDOT GRADING B
ASPHALTIC SURFACE***	1.5"	TDOT GRADING E
TRACKLESS TACK COAT	0.05 - 0.10 GAL PER SQ. YD.	

SITE LAYOUT NOTES:

PROPERTY LINE STAKEOUT
ALL PROPERTY LINES SHALL BE MARKED FOR ROUGH LOCATION WITH CONTINUOUS SURVEYOR FLAGGING TAPE.

ALL PROPERTY CORNERS AND ALL OUTLOT CORNERS SHALL BE ROUGH PINNED WITH 2' HIGH METAL ROD OR EQUIVALENT AND FLAGGED WITH SURVEYOR TAPE AT COMPLETION OF ROUGH GRADING AND MAINTAINED THROUGHOUT COURSE OF WORK.

ROUGH LOCATION SHALL MEAN ACCURATE WITHIN 2' HORIZONTALLY. DO NOT ERR OUTSIDE PROPERTY LINE IN ANY CASE.

BUILDING STAKEOUT
BUILDING DIMENSIONS SHOWN ON-SITE PLAN ARE NOMINAL DIMENSIONS ONLY INTENDED FOR USE IN DETERMINE APPROXIMATE SQUARE FOOTAGES. SEE FOUNDATION PLAN FOR ACTUAL DIMENSIONS OF CONSTRUCTION.

A SURVEYOR LICENSED IN THE STATE OF THE PROJECT LOCATION MUST BE USED IN LOCATING ALL BUILDINGS ON-SITE BEFORE WORK IS BEGUN ON FOOTINGS OF ANY BUILDINGS. SITE, INC. SHALL BE NOTIFIED BY THE SURVEYOR UPON COMPLETION OF THIS WORK.

FOUNDATION AS-BUILT
A "FOUNDATION LOCATION PLAN" MUST BE PREPARED BY THAT SURVEYOR AND SUBMITTED FOR SITE, INC'S REVIEW AS SOON AS ALL FOUNDATION WORK IS UP TO FLOOR LEVEL.

SITE WORK STAKEOUT
CONSULT SITE, INC. FOR ALL DIMENSIONS AND OTHER ITEMS LABELED "VERIFY" OR "FIELD VERIFY" PRIOR TO INSTALLATION OF THAT WORK OR ANY RELATED WORK.

SURFACE LAYER OF ASPHALT SHALL NOT BE PLACED UNTIL ALL OTHER CONSTRUCTION IS COMPLETE AND NO OTHER CONSTRUCTION TRAFFIC IS ANTICIPATED

REFER TO SHEET C8.1 FOR TYPICAL SITE DETAILS

A VARIANCE WILL BE REQUESTED TO DECREASE THE MINIMUM REQUIRED DISTANCE BETWEEN DRIVEWAYS FROM 400' TO 140' FOR DISTANCE BETWEEN PROPOSED ACCESS DRIVEWAY AND CORPORATE POINT WAY

SITE PAVING NOTES

PAVING ELEVATION TOLERANCE
FINAL SUBGRADE SHALL BE INSPECTED BY PAVING CONTRACTOR FOR REQUIRED ELEVATION AND ADEQUATE COMPACTION BEFORE COMMENCING ANY PAVING ACTIVITY. PAVING ELEVATION SHALL NOT HAVE MORE THAN 1/2"DEVIATION IN ANY 10' INCREMENT.

PAVING THICKNESS TOLERANCE
PAVING THICKNESS AT ANY ONE CORE SHALL NOT BE LESS THAN 90% OF SPECIFIED THICKNESS. THE AVERAGE OF ALL APPROVED TESTS MUST BE AT LEAST EQUAL TO THE SPECIFIED THICKNESS FOR EACH MATERIAL. NOT MORE THAN 20% OF ALL APPROVED TEST MAY FALL BELOW SPECIFIED MINIMUMS. ANY AREA FOUND TO BE LESS THAN 90% SPECIFIED THICKNESS SHALL BE OVERLAIN WITH ASPHALT AS DIRECTED BY SITE, INC.

TESTING DURING PLACEMENT
GENERAL CONTRACTOR SHALL PERFORM SEVERAL SPOT CHECKS OF PAVING BASE THICKNESS PRIOR TO INSTALLATION OF ANY ASPHALTIC OR CONCRETE PAVING. DENSITY TESTS SHALL BE PERFORMED ON EACH LIFT AT THE RATE OF ONE TEST PER 10,000 SQUARE FEET.

CONTRACTOR SHALL PROVIDE FOR TESTING OF COMPLETED PAVING INSTALLATION FOR COMPLIANCE WITH DESIGN CRITERIA AND REQUIRED THICKNESS. CONTRACTOR SHALL REPLACE ALL NON-CONFORMING MATERIAL AT HIS OWN EXPENSE.

TESTING SHALL BE PERFORMED ONLY BY AN INDEPENDENT TESTING AGENT APPROVED BY SITE, INC. TEST HOLES NOT SPOTTED BY SITE, INC. MAY NOT BE CONSIDERED ACCEPTABLE.

ALLOW A MINIMUM OF SIXTEEN CORE TESTS TO BE LOCATED ONLY BY WRITTEN INSTRUCTION BY SITE, INC.

THE PAVING CONTRACTOR SHALL REPAIR ALL CORING HOLES BY FILLING HOLES WITH CONCRETE FLUSH TO TOP OF PAVEMENT.

ASPHALTIC PAVING MATERIALS
PROVIDE ASPHALTIC PAVING MATERIALS AS SHOWN ON THE PLANS AND IN ACCORDANCE WITH THE LATEST EDITION OF THE SPECIFICATION OF THE HIGHWAY DEPARTMENT OF THE STATE IN WHICH THE PROJECT IS LOCATED. REFER TO PAVING MATERIALS LEGEND,

CONCRETE
CONCRETE CURBING SHALL BE 4000 PSI 28 DAY STRENGTH 2" - 3" SLUMP. (NO CURB DEFORMATION) 3% - 5% AIR ENTRAINED. INSTALL WITH RC-70 TACK COAT EMULSION OVER ASPHALT.

PROVIDE CYLINDER BREAK TEST - 3/500 L.F. OF CURBING OR 1 DAY POUR WITH BREAKS - 1 @ 7-DAYS, 2 @ 28-DAYS, COMPLY WITH ASTM C-31 AND ASTM C-39. ALSO PROVIDE ONE SLUMP TEST PER 500 L.F. OF CURBING OR 1-DAY POUR.

PROVIDE EXPANSION JOINT @ 50' O.C. (MAX) AND CONTROL JOINTS @ 20' O.C. (MAX) AT ALL CONCRETE PAVING AREAS. REFER TO "PROJECT" MANUAL FOR ADDITIONAL REQUIREMENTS.

PAVEMENT MARKING
PROVIDE PAVEMENT MARKING AS SHOWN ON THE DRAWINGS. STRIPING SHALL BE 4" WIDE OR AS NOTED OTHERWISE ON THE PLANS. ALL MARKINGS SHALL MEET THE TENNESSEE DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, MARCH 1, 2006 (SECTION 9182.23).

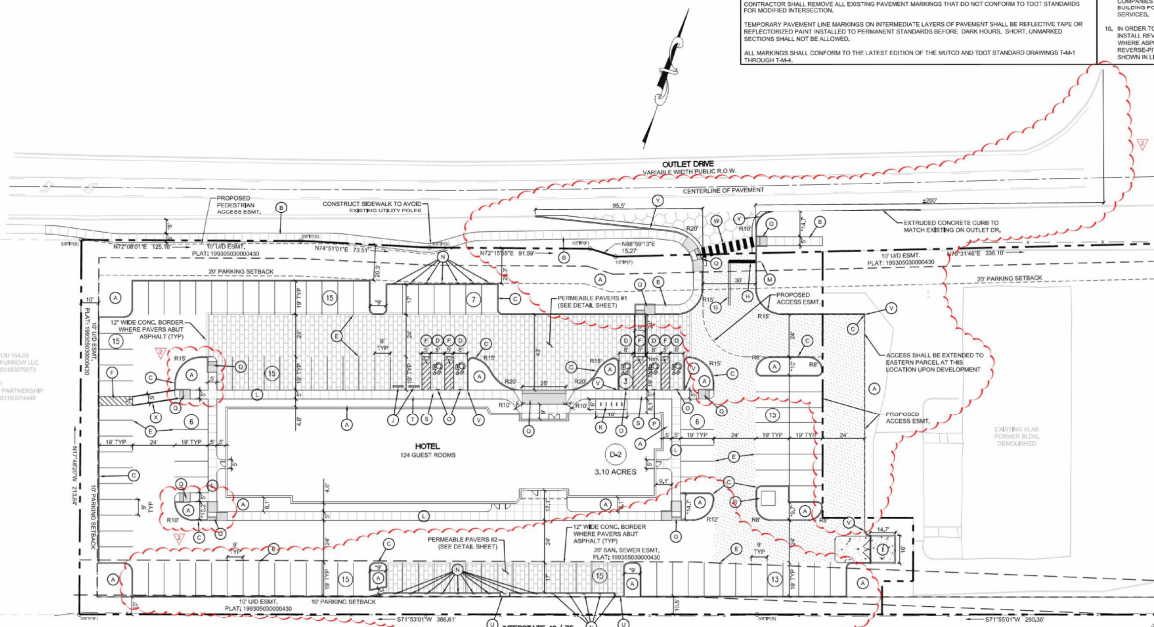
CONTRACTOR SHALL REMOVE ALL EXISTING PAVEMENT MARKINGS THAT DO NOT CONFORM TO TDOT STANDARDS FOR MODIFIED INTERSECTION.

TEMPORARY PAVEMENT LINE MARKINGS ON INTERMEDIATE LAYERS OF PAVEMENT SHALL BE REFLECTIVE TAPE OR REFLECTORIZED PAINT INSTALLED TO PERMANENT STANDARDS BEFORE DARK HOURS. SHORT, UNMARKED SECTIONS SHALL NOT BE ALLOWED.

ALL MARKINGS SHALL CONFORM TO THE LATEST EDITION OF THE MUTCD AND TDOT STANDARD DRAWINGS T-M-1 THROUGH T-M-4.

SITE PLAN NOTES

1. ALL WORK A CITY/COUNT STANDARDS
2. ALL DISTURB TO RECEIVE WATER UNTI ESTABLISHE
3. ALL DIMENSI OTHERWISE WITH AN " AF
4. ALL CURBED OTHERWISE,
5. BUILDING DI NOMINAL DI DETERMININ ARCHITECT/ BUILDING CO
6. EXISTING ST AVE TO BE A NECESSARY
7. CONTRACTO RELOCATION UTILITIES. ST REQUIRED, GOVERNING APPROVED BASE BID.
8. SITE BOUND INFORMATIO INCORPORA NOT ACCEPT PLANS. WITH SUPPLY. AT A REGISTER SURVEYOR
9. THE SITEWO EXCEED THE NECESSARY REQUIRED B COMPANIES BUILDING PC SERVICES.
10. IN ORDER TO INSTALL REV WHERE ASPI REVERSE-PI SHOWN IN LI



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AGENDA NUMBER VI.B. **MEETING DATE: November 14, 2024**

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Darryl Smith, PE, Town Engineer

SUBJECT: Approval of Professional Services Agreement with Cannon & Cannon, Inc. for Design of Traffic Signal at Intersection of Concord Road and Loop Road

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INTRODUCTION: The purpose of this agenda item is approval of a professional services agreement with Cannon & Cannon, Inc. for the design of a traffic signal at the intersection of Concord Road and Loop Road.

BACKGROUND: The Board has previously expressed the desire to install a traffic signal at the northern intersection of Concord Road at Loop Road (see map). The Tennessee Department of Transportation's Traffic Office completed a signal warrant analysis at this intersection last year and determined the location meets warrants outlined in the Manual on Uniform Traffic Control Devices. The signal will provide westbound motorists on Loop Road with better opportunities to enter Concord Road while also creating gaps in northbound traffic that will enable motorists on side roads (particularly those entering from Concord Hills Subdivision) to enter during peak hours.

DISCUSSION: We have attached a copy of Cannon & Cannon's proposal to provide engineering services to design the signal installation, for a lump sum fee of $49,510.

FINANCIAL SECTION:

Project: Concord/Loop Traffic Signal

Project Budget	Requested Amount	Contracted Amount	Remaining Amount
$700,000	$49,510	$0	$650,490

Approved By: A. Myers

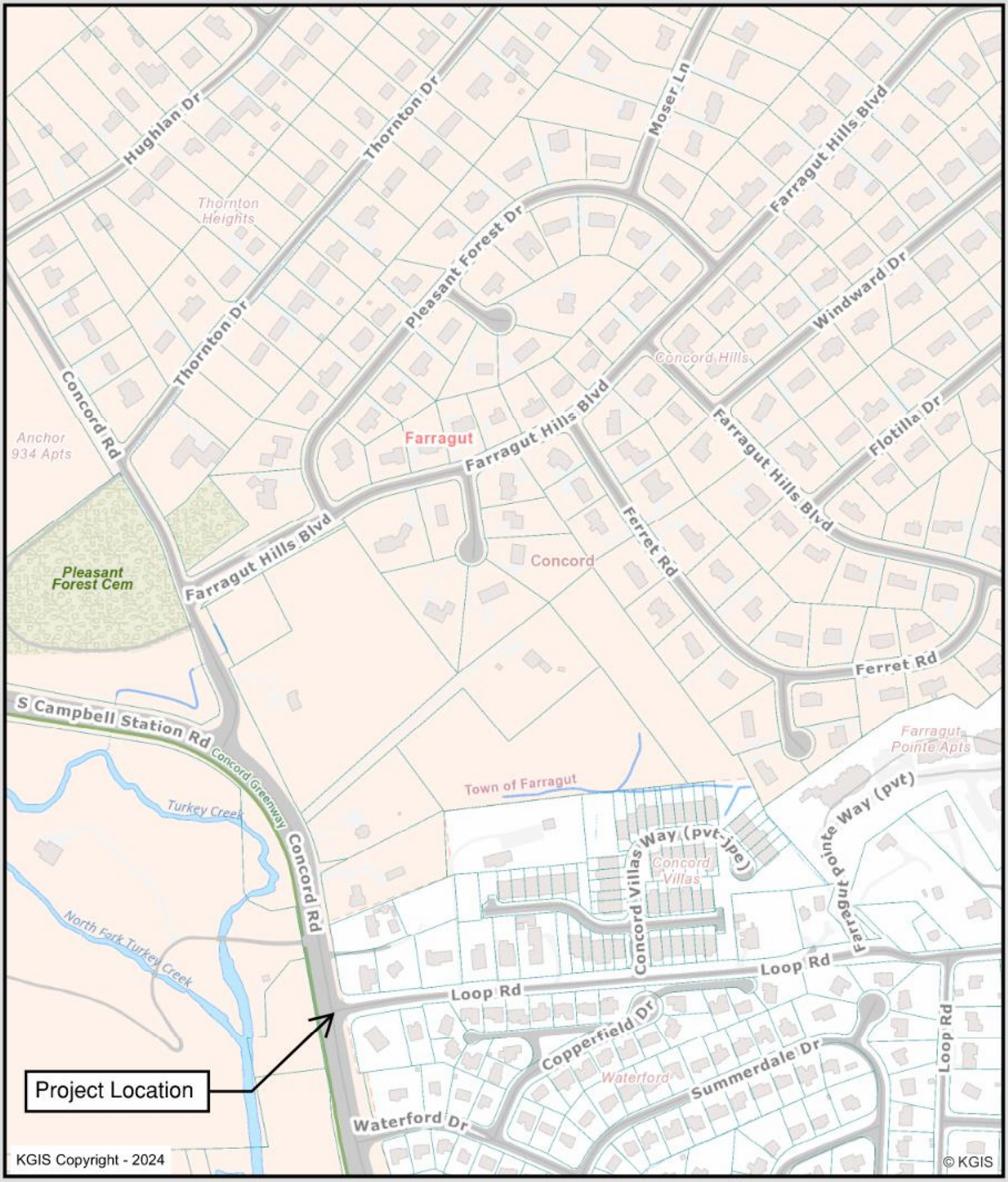
RECOMMENDATION BY: Darryl Smith, PE, Town Engineer, for approval.

PROPOSED MOTION: Approval of Professional Services Agreement with Cannon & Cannon for design of traffic signal at intersection of Concord Road and Loop Road.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

VOTE/TOTAL	WILLIAMS	MEYER	BURNETTE	WHITE	CAIN
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



Concord Road at Loop Road

Printed: 10/31/2024 at 11:53:05 AM

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Knoxville - Knox County - KUB Geographic Information System

KGIS makes no representation or warranty as to the accuracy of his map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS ,WITH ALL FAULTS, and assumes all responsibility for the use thereof, and futher covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

TOWN OF FARRAGUT

PROFESSIONAL SERVICES AGREEMENT

This Agreement is made by and between **Town of Farragut** ("Client") and **Cannon & Cannon, Inc.**("Contractor") for professional services for the assignment described as follows:

Project: Concord Road at Loop Road Traffic Signal Design

Location: Concord Road at Loop Road (North)

Description of Project: Design a new traffic signal at the intersection of Concord Road at Loop Road (north).

1. **Professional Services**. Contractor agrees to perform the following Basic Services under this Agreement:

See **Attachment A** to this Agreement for a description of Basic Services.

2. **Compensation**. Client shall compensate Contractor for the Basic Services as follows: A lump sum fee of $49,510.00, including reimbursable expenses. In addition, Client shall pay Contractor for additional services that may be requested by the Client beyond the Basic Services in accordance with the hourly rate schedule attached as **Attachment B** to this Agreement.

3. **Schedule**. Contractor shall begin work upon notification of approval of this Agreement by the Town Administrator and shall complete the work by submitting the deliverables for review within a mutually agreed upon schedule upon receiving authorization to proceed. The schedule for the various meetings and presentations as outlined in the Basic Services shall be agreed upon by the Client and Contractor before beginning work.

4. **Invoicing and Payments**. Invoices or payment requests shall be submitted to the Client no more than monthly and shall include such information, documentation or data as the Town Administrator may require including, but not limited to, the amount and breakdown of the payment requested, the period covered by the request, and the work performed during the period covered by the payment request. After review, the Town Administrator will indicate his approval of the payment request, or shall explain to Contractor, in writing, his reasons for not approving any portion or all of the request, and authorize payment of the amount approved. In the event the Town Administrator does not approve any portion of a payment request, and has communicated the reasons to Contractor, Contractor will then take the necessary action to satisfy the reasons for non-approval and resubmit the payment request. Client shall endeavor to remit payment of payment requests or portions thereof which are approved by the Town Administrator within thirty (30) days of receipt by Client. From time to time approval of a payment request may require action by the Board of Mayor and Aldermen which meets on the second and fourth Thursday of most months.

5. **Time**. Contractor will perform its services in a timely manner commensurate with the exercise of due professional care which it acknowledges can be done consistent with the schedule provided for in Paragraph 3. Time for performance shall be extended as necessary for delays or suspensions due to circumstances beyond Contractor's control. If such delay or suspension extends more than six (6) months (cumulatively), Contractor's compensation shall be equitably adjusted; provided, however, such adjustment and amendment to this Agreement must be approved by the Town Administrator before Client is bound.

6. **Suspension of Services**. If Client fails to pay any invoice when due or otherwise is in material breach of this Agreement, Contractor may, at its sole discretion, suspend performance of services upon five (5) days' written notice to Client. Contractor shall have no liability to Client and Client agrees to make no claim for any delay or damage as a result of such suspension, unless (i) the Town Administrator has refused to approve payment, (ii) his reasons are justified pursuant to this Agreement, and (iii) Contractor has failed to satisfy the reasons as required by Paragraph 4 hereof. Upon cure of the cause of a justified suspension, Contractor shall resume services within a reasonable time, and there shall be equitable adjustments of the project schedule and fees to reflect the effects of such suspension, if such adjustments are deemed reasonable and appropriate by the parties.

7. **Standard of Care**. Notwithstanding any other provision of this Agreement or any other document describing the services produced by Client, Contractor shall perform its services in accordance with the standard of professional care ordinarily exercised under similar circumstances by reputable members of its profession in the same locality at the time the services are provided. Beyond the foregoing and unless otherwise provided herein or in other documents produced, generated or provided by Contractor, no warranty, expressed or implied, is made or intended by Contractor. The parties further agree that Contractor is not a fiduciary of Client.

8. **Termination**. The obligation to provide further services under this Agreement may be terminated with or without cause by either party upon ten (10) days' written notice to the other party. On termination by either Client or Contractor, Client shall pay Contractor all amounts due for any services performed to the date of termination (plus all reimbursable expenses incurred) as Contractor's sole and exclusive remedy, subject to any setoffs to which the Client is entitled as a result of Contractor's failure to perform as required by this Agreement.

9. **Reuse of Documents**. All documents, including drawings, specifications, and reports, prepared by Contractor pursuant to this Agreement are instruments of professional service and shall become the property of the Client. They are not intended or represented to be suitable for reuse by Client or others for additions or modifications of the Project or on any other project. Any reuse without written consent, verification or adaption by Contractor for the specific purposes intended shall be at Client's sole risk and without liability or legal exposure to Contractor. Any such verification and adaption will entitle Contractor to further compensation at rates to be agreed upon by Client and Contractor.

10. **Access to the Site/Jobsite Safety**. Unless otherwise stated, Contractor will have access to the site for activities necessary for the performance of its services. Client agrees that Contractor shall have no responsibility for the means, methods, sequences, procedures, techniques, and scheduling of construction, as these decisions are solely the responsibility of the

contractors. Contractor further shall have no authority or duty to supervise the construction workforce and shall not be responsible for jobsite safety or for any losses or injuries that occur at the Project site.

11. **Insurance**. Prior to any access to the Project site, Contractor shall deliver to Client a certificate of insurance evidencing general liability coverage with a limit of not less than $1,000,000 each occurrence for bodily injury, personal injury and property damage. If such insurance contains a general aggregate limit, it shall apply separately to the work/location of the Project in this Agreement or be no less than $2,000,000. In addition, Contractor shall endeavor to secure and maintain insurance in such amounts as it deems necessary to protect itself from claims of professional negligence arising from the performance of services under this Agreement. Such insurance shall:

a. Contain or be endorsed to contain a provision that includes Client, its officials, officers, employees, and volunteers as additional insureds with respect to liability arising out of work performed by or on behalf of the Contractor. The coverage shall contain no special limitations on the scope of its protection afforded to the above-listed insureds.

b. For any claims related to this Project, the Contractor's insurance coverage shall be primary insurance as respects the Client, its officers, officials, employees, and volunteers. Any insurance or self-insurance programs covering the Client, its officials, officers, employees, and volunteers shall be excess of the Contractor's insurance and shall not contribute with it.

12. **Risk Allocation**. In recognition of the relative risks, rewards, and benefits of the Project to both Client and Contractor, to the fullest extent permitted by law, the parties agree to allocate the risks such that Contractor's total liability to Client for any and all injuries, claims, losses, expenses, damages, and/or claim expenses arising out of Contractor's services under this Agreement from any cause or causes shall not exceed the amount of Contractor's fee, or One Hundred Thousand Dollars ($100,000), or the amount of insurance coverage Contractor has, or is required to have, covering the risk or claim that is the basis for the injury, claim, loss, expense or damages, recovery for which is sought, whichever is greater. This limitation shall apply regardless of the cause of action or legal theory pled or asserted.

13. **Dispute Resolution**. It is agreed that all claims, disputes, or other matters in question arising out of or related to this Agreement shall be submitted to nonbinding mediation before any legal proceedings is commenced. The parties shall equally bear the fees and expenses charged by the mediator.

14. **Opinions of Construction Cost**. Any opinion of probable construction cost prepared by Contractor represents the judgment of one or more Contractor design professionals and is supplied for general guidance of Client. Since Contractor has no control over the construction marketplace and does not use the same pricing methods used by contractors, Contractor does not guarantee the accuracy of such opinions.

15. **Indemnification**.

a. The Contractor shall defend, indemnify and hold harmless the Client, its officers, employees and agents from any and all liabilities which may arise or be claimed against the Client, its officers, employees and agents or any third party for any and all lawsuits, claims, demands, losses or damages alleged to have arisen from an act or omission of the Contractors, its employers, agents or contractors in performance of this Agreement or from the Contractor's failure to perform this Agreement using ordinary care and skill, except where such injury, damage, or loss was caused by the sole negligence of the Client, its agents or employees.

b. The Contractor shall save, indemnify and hold the Client harmless from the cost of the defense of any claim, demand, suit or cause of action made or brought against the Client alleging liability referenced above, including, but not limited to, costs, fees, attorney fees, and other expenses of any kind whatsoever arising in connection with the defense of the Client; and the Contractor shall assume and take over the defense of the Client in any such claim, demand, suit, or cause of action upon written notice and demand for same by the Client. The Contractor will have the right to defend the Client with notice and demand for same by the Client. The Contractor will have the right to defend the Client with counsel of its choice that is satisfactory to the Client and the Client will provide reasonable cooperation in the defense as the Contractor may request. The Contractor will not consent to the entry of any judgment or enter into any settlement with respect to an indemnified claim without the prior written consent of the Client, such consent not to be unreasonably withheld or delayed. The Client shall have the right to participate in the defense against the indemnified claims with counsel of its choice at its own expense.

c. The Contractor shall save, indemnify and hold Client harmless and pay judgments that shall be rendered in any such actions, suits, claims or demands against Client alleging liability referenced above.

d. The indemnification and hold harmless provisions of this Agreement shall survive termination of the Agreement.

16. **Miscellaneous**.

a. The Contractor will not assign or transfer any interest in this Agreement without obtaining the prior written approval of the Client.

b. The Contractor will not enter into a subcontract for any of the services performed under this Agreement without obtaining the prior written approval of the Client.

c. The contract between the parties consists of this Agreement, its attachments, any written request for services issued by Client and any response thereto made by Contractor, including any addenda thereto. To the extent there is a conflict between the terms of any of the documents that constitute the contract between the parties, the terms that are most specific to the matter in dispute shall govern over the more general. In the event the conflicting terms cannot be characterized as specific vs. general, then the terms that provide the greater benefit to the Client and/or impose the greater obligation on the Contractor shall control.

d. This Agreement may be modified only by a written amendment or addendum that has been executed and approved by the appropriate officials shown on the signature page of this Agreement.

e. If any provision of this Agreement is determined to be unenforceable or invalid, such determination will not affect the validity of the other provisions contained in this Agreement. Failure to enforce any provision of this Agreement does not affect the rights of the parties to enforce such provision in another circumstance, nor does it affect the rights of the parties to enforce any other provision of this Agreement at any time.

f. In the event legal action is necessary to enforce the terms of the contract between the parties, the prevailing party shall be entitled to recovery of its attorney's fees, court costs, and other expenses of the legal action.

g. In the performance of this contract, Contractor will comply with all applicable laws, ordinances, rules, regulations and orders of local, state and federal governments, including, but not limited to, the President's Executive Order No. 11246 and 11375, which prohibit discrimination in employment regarding race, color, religion, sex or national origin, Title VI of the Civil Rights Act of 1964, Copeland Anti-Kick Back Act, the Contact Work Hours and Safety Standards Act, Section 402 of the Vietnam Veterans Adjustment Act of 1974, Section 503 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, all of which are herein incorporated by reference.

h. This Agreement will be governed and construed in accordance with the laws of the state of Tennessee.

CLIENT:	**CONTRACTOR:**
Town of Farragut	Cannon & Cannon, Inc.
By:_____	By: Brian J. Haas
Printed Name:_____	Printed Name: Brian J. Haas, P.E. PTOE
Title:_____	Title: Traffic Team Leader
Date:_____	Date: October 30, 2024

October 30, 2024

Mr. Darryl Smith, P.E.
Town of Farragut
Town Engineer
11408 Municipal Center Drive
Farragut, TN 37934

RE: Proposal for Traffic Engineering Design Services
Concord Road at Loop Road Traffic Signal

Dear Mr. Smith:

Cannon & Cannon, Inc. (CCI) appreciates the opportunity to prepare this proposal to provide engineering services for design of a traffic signal at the intersection of Concord Road at Loop Road (North) in Farragut, Tennessee. In accordance with your request, the following is a summary of our proposed scope of work, fee structure, and project schedule.

SCOPE OF WORK

Our understanding is that the Town of Farragut (the Town) desires to construct a new traffic signal at the intersection of Concord Road (State Route 322) at Loop Road. The Town has asked CCI to prepare a proposal to prepare engineering design plans for the construction of said traffic signal. The scope of work will generally consist of traffic analyses to determine appropriate signal phasing and timing, survey and traffic signal design, and bid/construction phase assistance. The following is a detailed description of our proposed scope of services for this effort.

Task 1 – Project Management

This task will be performed throughout the life of the project and includes general project coordination with staff from the Town, invoicing, etc.

Task 2 – Traffic Analyses

Utilizing intersection turning movement traffic count data previously provided by the Tennessee Department of Transportation (TDOT), CCI will perform an operational evaluation of the intersection for various forms of traffic signal phasing. With these evaluations, CCI will recommend the most appropriate signal phasing for the subject intersection. Additionally, CCI will develop both basic and coordinated timing settings such that the signal can be integrated within the existing coordinated signal system, which may include adjacent traffic signals in both directions along Concord Road.

Task 3 – Traffic Signal Design

3.1 Field Survey

CCI will perform a formal field survey of the project intersection in order to obtain detailed topographic data, presence of utilities (along with utility owner information), and right-of-way / parcel lines (along with property owner information). Survey data will be obtained for a distance of approximately 200 feet along each leg of the intersection. If needed, this effort may also involve potholing and survey of subsurface utility locations.

3.2 Construction Review Design Plans

CCI will prepare construction review design plans for the proposed traffic signal. Anticipated plan sheets for this effort include:

- Title Sheet (with list of applicable standard drawings)
- Proposed Layout (showing curb ramps, crosswalks, stop bars, etc.)
- Proposed Signal Layout (including fiber interconnect to the existing signal system)
- Signal Operational Settings
- Signal Pole Table
- Estimated Quantities
- Notes
- Utility Notes and Utility Contacts

CCI will submit a PDF of the Construction Review plans to the Town and to TDOT for comment.

3.3 Final Construction Plans

CCI will facilitate a plans review meeting with the Town to discuss the traffic signal design and to prompt Town feedback on the plans. Additionally, CCI will submit plans to potentially affected utility providers for their review for conflicts. CCI will incorporate comments from the Town, TDOT, and utility providers, as applicable, and will submit a PDF of the Final Construction plans, which will be sealed by a Professional Engineer. CCI will also prepare a final construction cost estimate that will be determined based on anticipated unit costs of calculated quantities.

Task 4 – Construction Services

4.1 Bid Phase Services

CCI will assist the Town during the construction bidding phase by assisting with bid book preparation, facilitating a pre bid meeting, responding to prospective contractors' questions, and preparing plans revisions and bid addenda as needed. CCI will attend the bid opening, tabulate bids, and prepare a contract award recommendation letter to the Town.

4.2 Construction Administration

CCI will provide limited construction administration services to assist the Town and contractor when building the proposed improvements. These services will include the following as needed:

- Attendance at the preconstruction meeting
- Attendance at construction status meetings, as appropriate
- Review and respond to contractor requests for information
- Equipment submittal review
- Plans revisions due to unforeseen field conditions
- Field visits as requested by the Town

This scope of work does not include formal construction engineering and inspection (CEI), change order requests, quantity tracking, contractor payment request review or approval, etc.

FEE STRUCTURE

Based on our understanding of this project, the proposed budget for the scope of work described is **$49,510.00**. CCI will invoice this amount on a lump sum basis, with monthly invoices to be issued in accordance with monthly estimates of percent completion of the project. Additional services that may become necessary beyond the project scope of work will be invoiced on an hourly basis at the then-current CCI standard hourly rates. In the unforeseen event the scope of work significantly changes requiring an amended budget, a revised proposal will be submitted for your approval prior to proceeding.

ADDITIONAL SERVICES

The following services are not included in this proposal and may require an amended budget:

- Attendance at public meetings or Board of Mayor and Aldermen meetings
- Roadway design, such as widening or additional turn lanes
- Utility relocation design
- Right-of-way acquisition services
- Environmental testing or permitting services
- Construction staking services
- Construction engineering and inspection (CEI)

PROJECT SCHEDULE

CCI will start work immediately upon authorization to proceed. The date of completion for the attached scope of work will be mutually agreed upon between the Town and CCI upon receiving the Authorization to Proceed.

This proposal is valid for 90 days from the date this letter was sent for your review. The budget and timeframe for this proposal shall be renegotiated if it hasn't been signed within this period of time.

We look forward to working with you on this project. Please do not hesitate to contact us with any questions or if you require additional information.

Sincerely,

Brian J. Haas, P.E., PTOE
Traffic Team Leader

SCHEDULE OF CHARGES – HOURLY RATE BASIS

PROJECT MANAGEMENT & DESIGN

Senior Project Manager	$235.00 per hour
Project Manager	$210.00 per hour
Senior Project Engineer	$185.00 per hour
Project Engineer	$175.00 per hour
Senior Engineering Designer	$155.00 per hour
Engineering Designer	$145.00 per hour
Project Technician II	$125.00 per hour
Project Technician I	$105.00 per hour

Rates for Principles and other Professionals/Experts provided upon request as specific project necessitates.

Unless otherwise noted in the Agreement; outside services contracted for a specific project, including but not limited to professional and technical consultants, laboratory testing, reprographics, photography, etc. will be invoiced at the amount of the subcontractor's statement plus 10 percent.

Other expenses which are properly chargeable to the work will be invoiced as follows:

- Travel by company or private vehicle at reimbursable rate per Federal guidelines at time expense is incurred.
- Travel, living and per diem expenses for all personnel when required to be away from office in connection with the project will be evaluated on a project by project basis and provided for in the project contract.

Statements will be issued on a monthly basis and are due upon receipt.

Effective: June 2024

AGENDA NUMBER VI.C. **MEETING DATE** November 14, 2024

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: David Smoak, Town Administrator

SUBJECT: Approval of legal services agreement with Watson, Roach, Batson and Lauderback, P.L.C.

INTRODUCTION: The purpose of this agenda item is to consider approval of a legal services agreement with Watson, Roach, Batson and Lauderback, P.L.C.

BACKGROUND: The Town of Farragut utilizes Town Attorney Tom Hale for professional legal services in all matters related to the town. The Town has been a defendant in a legal dispute since June 2024 in which Mr. Hale has a conflict, so outside counsel was hired to defend the town in this matter.

DISCUSSION: The Town Administrator approved a contract with John Batson with the law firm Watson, Roach, Batson and Lauderback, P.L.C. on July 23, 2024 to represent the town in the matter of *Shirley Harkins, David Galbraith and Howard and Bobbie Tipton v. The Town of Farragut, et. al,* in Knox County Chancery Court. The scope of the agreement is to represent the town in the above matter at a rate of $250 per hour including out of pocket costs for travel, copies, etc. A copy of the agreement is attached.

FINANCIAL SECTION: The FY2025 budget was approved with a total amount of $140,000 budgeted for legal services. As the defense of this matter is likely to exceed $25,000, this requires Board of Mayor and Aldermen approval.

RECOMMENDATION BY: Town Administrator David Smoak for approval.

PROPOSED MOTION: To approve the proposal from Watson, Roach, Batson and Lauderback, P.L.C. for legal services and hourly rates as attached.

BOARD ACTION:

MOTION BY:_____ **SECONDED BY:**_____

VOTE/TOTAL	WHITE	MEYER	WILLIAMS	BURNETTE	CAIN
YES					
NO					
ABSTAIN					

John T. Batson, Jr.
Benjamin K. Lauderback
Hanson R. Tipton
Reid A. Spaulding*
Dan R. Pilkington
Emily C. Taylor
Courtney E. Read
Brian R. Bibb
Cliff B. Robins+

WATSON ROACH
ATTORNEYS AT LAW

WATSON, ROACH, BATSON & LAUDERBACK, P.L.C.

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Robert H. Watson, Jr. (1945-2014)
Jon G. Roach, Of Counsel

Also Member:
* Illinois Bar
+ Ohio Bar

July 22, 2024

David Smoak, Town Administrator
Town of Farragut
239 Jamestowne Blvd., Suite 201
Farragut, TN 37934

Re: *Shirley Harkins, David Galbraith and Howard and Bobbie Tipton v. The Town of Farragut, et al.*; Knox County Chancery Court No. 209159-1

Dear David:

This letter is written to follow up on our Monday, July 22, 2024 telephone conversation and contains the terms and conditions upon which my law firm, Watson, Roach, Batson & Lauderback, PLC (hereinafter "the Firm"), proposes to the Town of Farragut (hereinafter the "Town") to represent the Town in the lawsuit styled *Shirley Harkins, David Galbraith and Howard and Bobbie Tipton v. The Town of Farragut and Ronald E. Williams, Louise Povlin, Drew Burnette, Scott Meyer and David White in their capacities as Mayor, Vice Mayor and Members of the Farragut Board of Mayor and Aldermen*; Knox County Chancery Court No. 209159-1 (hereinafter the "Harkins, Galbraith and Tipton Lawsuit"). I look forward to working with you and your staff.

This letter and the following Terms of Engagement establish the agreement between the Firm and the Town:

1. The scope of the retention of the Firm by the Town is as follows: to represent and assist the Town in defending the Harkins, Galbraith and Tipton Lawsuit.

2. The Firm agrees to the request made by the Town concerning the above referenced matter at an hourly rate of $250.00 per hour for the services of John T. Batson, Jr. and any other partner who may work on this matter. The time for which the Town will be charged will include, but not necessarily be limited to, relevant communications of any kind, meetings, e-mails and other correspondence, telephone calls, preparation of documents, travel time, legal research and analysis.

3. This representation by the Firm of the Town in the Turkey Creek Project may include customary out of pocket expenses such as mileage, costs for travel, copying costs, mailing expenses and other inter-office costs and fees. Those fees will be billed to and paid by the Town. Copying expenses will be reimbursed in the amount of .15 per page for black and white copies and .25 per page for color copies. Fax expenses will be reimbursed in the amount of .50 per page. Any necessary travel mileage by vehicle will be billed at the current IRS reimbursement rate. Any necessary travel expenses, including, but not limited to overnight travel expenses or overnight accommodations that may be incurred as a result of providing services to and for the client shall be billed at a dollar-for-dollar amount that may be incurred by the Firm and its attorneys. This file will be billed monthly and payment is expected to be received by the Firm within thirty (30) days of billing. In the event the costs and fees are not paid in a timely fashion, it may become necessary for the Firm and its attorneys to withdraw from representation in this matter. The Firm reserves the right to withdraw if the fees are not paid as agreed upon or if there is a lack of cooperation that makes it unreasonably difficult for the Firm and its attorneys to continue with the investigations referenced above.

4. The parties agree through their signatures below that this contract may be revoked and ended and completed at any time by either side through an e-mail or letter that specifically indicates in writing the desire to end the attorney-client relationship. At the point of that relationship ending in writing, the Firm shall present a final bill to the Town no later than thirty (30) days after said writing is provided. To the extent the attorney-client relationship is ended in writing, the Firm will not perform any additional legal services other than those that may be required pursuant to the law.

5. In consideration of the above, the below parties hereby expressly engage in this contract.

John T. Batson, Jr.
John T. Batson, Jr.
Watson, Roach, Batson & Lauderback, PLC
(the "Firm")

Date: 07/22/2024

David Smoak
David Smoak, Town Administrator
Town of Farragut (the "Town")

Date: 7-23-24