



FARRAGUT BOARD OF MAYOR AND ALDERMEN
Farragut Town Hall
11408 Municipal Center Drive

AGENDA
July 28, 2022

RECEPTION for RON PINCHOK
5:00 PM

BEER BOARD
5:55 PM
(See Agenda)

BMA MEETING
6:00 PM

- I. Roll Call**
- II. Approval of Agenda**
- III. Approval of Minutes**
 - A. July 14, 2022**
- IV. Mayor's Report**
 - A. Presentation from Jeff Welch, Knoxville Regional Transportation Planning Organization (TPO)**
- V. Business Items**
 - A. Approval of Special Event Permit for St. John Neumann Catholic Church and School 5K race**
 - B. Approval of the Farragut Tourism/Visitor Advisory Committee (TVAC) Charter Amendment**
 - C. Approval of Supplement Request from LDA Engineering, Inc. for Additional Design Services on the Little Turkey Creek Greenway, Brookmere to Sheffield Project**
 - D. Request for approval of an updated concept master plan for an amendment to the Town Center at Biddle Farms PCD to include 47 townhome units in an area**

11408 MUNICIPAL CENTER DRIVE | FARRAGUT, TN 37934 | 865.966.7057 |
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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

identified on the original concept master plan as “future development.” (Budd Cullom, Applicant)

- E. Approval of Contract 2022-11, Dimmick House Demolition, 917 McFee Road
- F. Approval of Resolution R-2022-09, adopting changes to the State of Tennessee’s 401(k) Plan.
- G. Approval of updated Town of Farragut Policies and Procedures Manual

VI. Town Administrator’s Report

VII. Town Attorney’s Report

VIII. Citizens Forum

This meeting can be viewed live on the Farragut YouTube Channel and the Town of Farragut website www.townoffarragut.org/livestream.

The meeting will be held at the Farragut Town Hall, 11408 Municipal Center Drive

The Board of Mayor and Aldermen welcomes and invites Farragut residents to participate in public 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 five (5) minutes to speak on his/her topic.

During the regular agenda portion of the meeting there may be an allowance for public comment for each agenda item. The Mayor may recognize individuals for public comment based on the following guidelines.

1. The Mayor shall maintain and control the meeting to provide a professional and objective environment;
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 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 five (5) minutes per individual. Time for public comment may be amended at the discretion of the Mayor. Time is not transferable to other speakers;
5. Speakers should strive to avoid redundancy; each speaker should have their own original viewpoint;
6. Comments shall address issues, not individuals or personalities;
7. Comments may support or oppose issues or measures, but the motives of those with differing views shall not be questioned or attacked;
8. Personal attacks and malicious comments shall 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 five (5) 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.

**BMA MEETING
6:00 PM**

Roll Call

Mayor Williams called the meeting to order at 6:00 PM. Roll Call for attendance: Alderman Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; in addition to staff and members of the press.

Approval of Agenda

Motion was made to approve the agenda as presented. Moved by Alderman Meyer, seconded by Alderman Povlin; voting yes; Mayor Williams, Alderman Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Approval of Minutes

Motion was made to approve the minutes of July 14, 2022, as presented. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Alderman Burnette, Meyer and Povlin; Alderman Pinchok abstained; no nays; motion passed.

Mayor's Report

Mayor Williams presented Alderman Pinchok with plaque for his service to the Town of Farragut as Alderman from 2014-2022.

Presentation from Jeff Welch, Knoxville Regional Transportation Planning Organization (TPO)

Business Items

Approval of Special Event Permit for St. John Neumann Catholic Church and School 5K race

Motion was made to approve the event application involving the Town's greenways for the St. John Neumann catholic Church and School 5K race. Moved by Alderman Meyer, seconded by Alderman Povlin; voting yes; Mayor Williams, Alderman Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Approval of the Farragut Tourism/Visitor Advisory Committee (TVAC) Charter Amendment

Motion was made to amend the Farragut Tourism/Visitor Advisory Committee Charter. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Alderman Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Approval of Supplement Request from LDA Engineering, Inc. for Additional Design Services on the Little Turkey Creek Greenway, Brookmere to Sheffield Project

Motion was made to approve the supplement request in the amount of \$9,500 from LDA Engineering, Inc. for additional design services, for the Little Turkey Creek Greenway, Brookmere to Sheffield project. Moved by Alderman Pinchok, seconded by Alderman Povlin; voting yes; Mayor Williams, Alderman Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Approval of an updated concept master plan for an amendment to the Town Center at Biddle Farms PCD to include 47 townhome units in an area identified on the original concept master plan as "future development." (Budd Cullom, Applicant)

Motion was made to approve the updated concept master plan for an amendment to the Town Center at Biddle Farms PCD to include 47 townhome units in an area identified on the original concept master plan as "future development." Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Approval of Contract 2022-11, Dimmick House Demolition, 917 McFee Road

Motion was made to approve Contract #2022-11 to Environmental Abatement, Inc. in the amount of \$25,000. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Approval of Resolution R-2022-09, adopting changes to the State of Tennessee's 401(k) Plan.

Motion was made to approve Resolution R-2022-09, adopting the Amended and Restated State of Tennessee's Deferred Compensation Plan and Participating Employer Agreement. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Approval of updated Town of Farragut Policies and Procedures Manual

Motion was made to approve the updated Town of Farragut Policies and Procedures Manual. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Town Administrator's Report

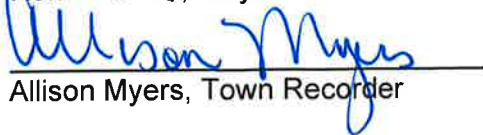
David Smoak, Town Administrator, announced the following:

- The Town received a \$25,000 grant from the Boyd Foundation for a Dog Park at McFee Park.
- Intro to Farragut class begins August 10
- August 4th is election day
- School begins August 8th

Meeting adjourned at 7:19 PM.



Ron Williams, Mayor



Allison Myers, Town Recorder



FARRAGUT BEER BOARD

July 28, 2022

5:55 PM

I. Approval of Minutes

A. June 23, 2022

II. Beer Permit Request

A. Approval of Class 1, on-premise beer permit for the Top Golf,
11400 Outlet Drive

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FARRAGUT BEER BOARD

June 23, 2022

Alderman Pinchok, Chairman called the meeting to order at 5:55 PM. Member present; Mayor Williams, Alderman Burnette, Alderman Pinchok and Alderman Povlin; Alderman Meyer was absent.

Approval of Minutes

Motion was made to approve the minutes of May 12, 2022, as presented. Moved by Alderman Povlin, seconded by Mayor Williams; voting yes, Mayor Williams, Aldermen Burnette, Pinchok and Povlin; no nays; Alderman Meyer was absent; motion passed.

Beer Permit Request

Approval of Class 6, special occasion beer permit for the Farragut Business Alliance, MUSICFEST at West End, July 8-9, 2022

Motion was made to approve the Class 6, special occasion beer permit for the Farragut Business Alliance, MUSICFEST at West End, July 8-9, 2022. Moved by Alderman Povlin, seconded by Alderman Burnette; voting yes, Mayor Williams, Aldermen Burnette, Pinchok and Povlin; no nays; Alderman Meyer was absent; motion passed.

Approval of Class 6, special occasion beer permit for the Farragut Business Alliance, DOG DAZE 6, August 12-14, 2022

Motion was made to approve the Class 6, special occasion beer permit for the Farragut Business Alliance, DOG DAZE 6, August 12-14, 2022. Moved by Alderman Povlin, seconded by Mayor Williams; voting yes, Mayor Williams, Aldermen Burnette, Pinchok and Povlin; no nays; Alderman Meyer was absent; motion passed.

Ron Pinchok, Chairman

Allison Myers, Town Recorder

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REPORT TO THE BEER BOARD

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of Class 1, On-Premise Beer Permit for Top Golf, 11400 Outlet Drive

DISCUSSION:

The purpose of this agenda item is the approval of a Class 1, On-Premise Beer Permit for Top Golf, 11400 Outlet Drive.

The applications and information are in order.

RECOMMENDATION BY:

Allison Myers, Town Recorder, for approval.

PROPOSED MOTION:

To approve a Class 1, On-Premise Beer Permit for Top Golf, 11400 Outlet Drive.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>MEYER</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

APPLICATION FOR BEER PERMIT

STATE OF TENNESSEE

TOWN OF FARRAGUT

I hereby make application for a permit to sell, store, manufacture, or distribute Beer under the provisions of Tennessee Code Annotated Section 57-5-101 et seq. and base my application upon the answers to the following questions:

1. Reason for application: New Business ☒ New Ownership _____ Name Change _____ Other _____
2. Type of permit requested, please circle all that apply:

Class 1 On-Premise

Class 2 On-Premise, Other

Class 3 On-Premise, Hotel/Motel

Class 4 On-Premise, Tavern

Class 5 Off-Premise

Class 6, Special Occasion

3. Name of Applicant(s) (Owner(s) of Business) Topgolf USA FKX, LLC

4. Type of applicant (check one):
Person _____ Firm _____ Corporation _____ Joint-Stock Company _____ Syndicate _____ Other LLC

5. List all persons, firms, corporations, joint-stock companies, syndicates, or associations having at least a 5% ownership interest in the business:

TG Holdings I, LLC - Sole Member

6. Applicant's present home address:

8750 N. Central Expressway, Suite 1200, Dallas, TX 75231

7. Date of Birth 02/26/1968 Home Telephone Number (214) 501-5052
Business Telephone Number (214) 501-5052 Social Security Number EIN: 83-2429186

8. Representative Email Address: Cheree.Goodall@topgolf.com

9. Under what name will the business operate? Topgolf

10. Business address 11400 Outlet Drive, Farragut, TN 37932

Business Telephone number (214) 501-5052

11. Specify the identity, email and physical address of the person to receive annual privilege tax notices and any other communication from the Town:
Cheree Goodall, Licensing Manager
8750 North Central Expressway, Suite 1200, Dallas, TX 75231-6430
12. Information of any manager, other than the applicant:
Name: Elizabeth Bonesio Birth Date: 02/26/1968
Address: _____
Phone Number: (214) 924-1794
13. Has any person having at least a 5% ownership interest, any of the managers, or any other employee of the business, been convicted of any violation of the beer or alcoholic beverage laws or any crime within the last ten (10) years: ____ Yes ☒ ____ No. If yes, give particulars of each charge, court, and date convicted.

14. Have you or your organization ever had a Beer Permit revoked, suspended, or denied in the State of Tennessee? No ____ If so, specify, where, when, and why:
n/a
15. Name and address of property owner, if other than the business owner:

16. What is the name and address of the Church (or other place of worship) nearest to your business?
Concord Church, 11549 Snyder Road, Knoxville, TN 37932
17. What is the name and address of the school nearest to your business?
Knoxville Christian School, 11549 Snyder Road, Knoxville, TN 37932
18. Special Occasion Event Name: n/a
Location of the special occasion event: _____
Event Date & Times: _____
Representative name & phone number: _____
Have you received a special event permit to hold the event in the Town of Farragut? _____
19. Tennessee Sales Tax Number: _____
20. Town of Farragut Business License Number _____

I certify that I am knowledgeable of the laws prohibiting the sale of beer to minors and that this application contains true information to the best of my knowledge and belief.

I understand that this application is subject to the Tennessee Public Records Act and shall be open for inspection and reproduction by any citizen. Tennessee Code Annotated 10-7-503.

I understand that by submitting this application, a background investigation shall be conducted and any and any and all documents related to my request shall become public records.

I understand that the applicant or representative must be present at the beer board meeting in which the permit will be discussed.

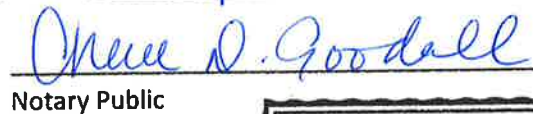
TOPGOLF USA FKX, LLC

By:

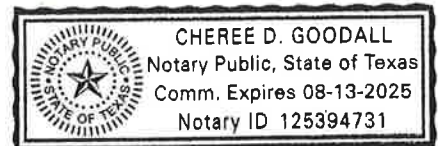


Elizabeth Bonesio, Secretary

Sworn to and subscribed before me this 11 day of July, 2022.


Notary Public

My Commission Expires: 8-13-2025



Notice: A non-refundable \$250 fee must accompany this application. Any applicant making false statement in this application shall forfeit his/her permit and shall not be eligible to receive any permit for a period of ten years.

A privilege tax of \$100 is imposed on the business of selling, distributing, storing or manufacturing beer in this state effective January 1, 1994 and each successive January 1. Any holder of a beer permit issued after January 1, 1994 shall pay a pro rata portion of this annual tax when the permit is issued.

FOR OFFICE USE ONLY

Application is hereby: Approved _____ Denied _____

On this date: _____, 20__

Beer Board Chairman

Town Recorder

**BMA MEETING
6:00 PM**

Roll Call

Mayor Williams called the meeting to order at 6:00 PM. Roll Call for attendance: Alderman Burnette, yes; Alderman Meyer, yes; Alderman Povlin, yes; Mayor Williams, yes; Alderman Pinchok was absent; in addition to staff and members of the press.

Approval of Agenda

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

Approval of Minutes

Motion was made to approve the minutes of June 23, 2022, as presented. Moved by Alderman Povlin, seconded by Alderman Burnette; voting yes; Mayor Williams, Aldermen Burnette, Meyer and Povlin; no nays; Alderman Pinchok was absent; motion passed.

Mayor's Report

- Representatives from the Knoxville-Knox County Emergency Management Agency presented an overview of their organization
- Aldi had their grand opening
- Mayor Williams presented a Proclamation for the Parks & recreation Department

Business Items

Approval of request for Re-Appointment to the Education Relations Committee

Motion was made to re-appoint Beth Duncan to the Farragut Education Relations committee. Moved by Alderman Povlin, seconded by Alderman Burnette; voting yes; Mayor Williams, Aldermen Burnette, Meyer and Povlin; no nays; Alderman Pinchok was absent; motion passed.

Approval of the Farragut Education Relations Committee Charter Amendment

Motion was made to approve the proposed amendment to the Farragut Education Relations Committee Charter. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Aldermen Burnette, Meyer and Povlin; no nays; Alderman Pinchok was absent; motion passed.

Approval of the Farragut Museum Committee Charter and By-Laws Amendment

Motion was made to approve the proposed amendment to the Farragut Museum Committee Charter and By-Laws. Moved by Alderman Meyer, seconded by Alderman Povlin; voting yes; Mayor Williams, Aldermen Burnette, Meyer and Povlin; no nays; Alderman Pinchok was absent; motion passed.

Rejection of Bids for Contract 2022-07, Advanced Traffic Management System (ATMS) Project

Motion was made to reject all bids for Contract 2022-07, ATMS Phase 1. Moved by Alderman Meyer, seconded by Alderman Povlin; roll call vote: Alderman Burnette, yes; Alderman Meyer, yes; Alderman Povlin, yes; Mayor Williams, yes; Alderman Pinchok was absent; motion passed.

Approval of First Utility District Easements at McFee Park

Motion was made to approve documents and granting of utility easements to First Utility District as presented. Moved by Alderman Meyer, seconded by Alderman Povlin; voting yes; Mayor Williams, Alderman Burnette, Meyer and Povlin; no nays; Alderman Pinchok was absent; motion passed.

Approval of Purchase of a 2022 John Deere 997R Zero Turn Lawnmower

Motion was made to approve the purchase of a 2022 John Deere Z997R Zero Turn mower from Ag-Pro in the amount of \$21,513.91. Moved by Alderman Meyer, seconded by Alderman Povlin; voting yes; Mayor Williams, Alderman Burnette, Meyer and Povlin; no nays; Alderman Pinchok was absent; motion passed.

Approval of Purchase of a 2022 Case Backhoe Loader 580SN

Motion was made to approve the purchase of a 2022 Case 580SN Loader Backhoe from Contractors Machinery, Inc. in the amount of \$132,508.89. Moved by Alderman Meyer, seconded by Alderman Povlin; voting yes; Mayor Williams, Alderman Burnette, Meyer and Povlin; no nays; Alderman Pinchok was absent; motion passed.

Town Administrator's Report

David Smoak announced that the Lawn Chair Series is Saturday June 16 at Founders Park.

Meeting adjourned at 6:53 PM.

Ron Williams, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Treasurer/Town Recorder

SUBJECT: Approval of Special Event Permit for St. John Neumann Catholic Church and School 5K race

INTRODUCTION: St. John Neumann Catholic Church and School are requesting a special event permit for the Mustang Miles 5K race. The 5K event is open to the public beginning at 8:00 AM on October 1, 2022. The start and finish area will be located at the St. John Neumann Church, 625 St. John Ct.

DISCUSSION: This event will include the use of the Town of Farragut greenways.

RECOMMENDATION BY: Allison Myers, Treasurer/Town Recorder

PROPOSED MOTION: Approve the event application involving the Town's greenway for the St. John Neumann Catholic Church and School 5K race.

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

Farragut
Special Event Permit Application
BP-2022-486

Submitted by Patrick Wade
pwade@sjnknox.org
(865) 696-1182

Address of Proposed Work: **625 ST JOHN CT**

City: **FARRAGUT** State: **TN** Zip: **37934**

Contact Information

Applicant's Contact Information

Title: First Name: **Patrick** Last Name: **Wade** Suffix:

Business Name: **St. John Neumann Catholic Church**

Mailing Address: **625 St. John Ct**

City: **Knoxville** State: **TN** Zip: **37934**

Email Address: **pwade@sjnknox.org**

Cell Phone: Work Phone: Home Phone: **(865) 696-1182**

Contractor's Contact Information

Title: First Name: **Patrick** Last Name: **Wade** Suffix:

Business Name: **St. John Neumann Catholic Church**

Mailing Address: **625 St. John Ct**

City: **Knoxville** State: **TN** Zip: **37934**

Email Address: **pwade@sjnknox.org**

Cell Phone: **(865) 696-1182** Work Phone: Home Phone:

Property Owner's Contact Information

Title: First Name: St. John Last Name: Church Suffix:
Neumann Catholic
Business Name: St. John Neumann Catholic Church
Mailing Address: 625 St. John Ct
City: Knoxville State: TN Zip: 37934
Email Address: pwade@sjknnox.org
Cell Phone: (865) 696-1182 Work Phone: Home Phone:

Application Questionnaire (* denotes required question)

Special Event

Will any Public Parks/Facilities be used in your event? * No

Please note that use of any public parks/facilities must be approved by the Farragut Parks and Recreation Department prior to applying for this permit. Please call 865-966-7057 for approval before proceeding with this permit.

Start Date of Event * 10/1/2022

Name of Event * St. John Neumann Catholic Church and School Mustang Miles

Type of Event * Race

Brief Description of Event * St. John Neumann Catholic Church and School 5K. Any proceeds will benefit the church and school. We will have proof of insurance from our provider.

Is event private or open to the public? * Open to the public

Will you have Security/Police Officers at your event?

Please note: The Town of Farragut does not provide Security or Police Officers.

Will you have any Emergency Medical Personnel/Apparatus On-Site?

Please Note: The Town of Farragut does not provide Emergency Medical Personnel/Apparatus.

Will you have any Fire Officers/Apparatus at your event?

Will you have Tents?

If Yes, please list tents in order from largest to smallest.

Will you have Bounce Houses?

Have you applied for an insurance certificate of general liability insurance? * No

Naming the Town of Farragut, its employees and agents as additionally insured.

I hereby understand and agree that approval of event permit is contingent upon receipt of copy of insurance. Patrick Wade

Please Provide a Full Name Signature.

Do you want this event advertised on VisitFarragut.org?

Will there be any animals at the event?

Will alcoholic beverages be served? * No

How many people do you expect?

A Signed Letter of Approval from Property Owner must be uploaded in the document uploads section.

End Date of Event 10/1/2022

Event Start Time 8:00 AM

Event End Time 12:00 PM

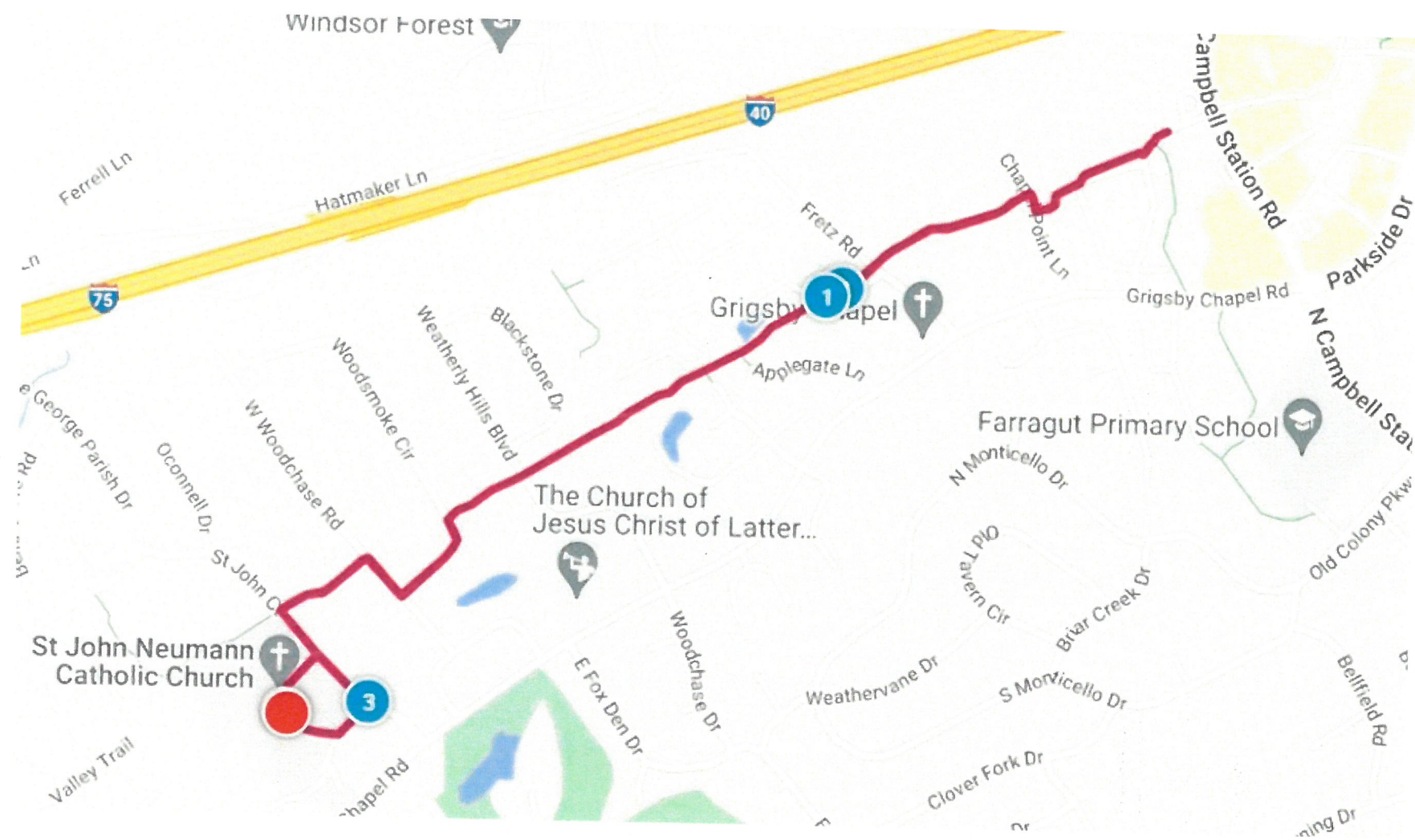
Event Setup Time 7:00 AM

Event Teardown Time 12:30 PM

Documents Uploaded

The following documents are attached to the Application.

Site Plan **proposed course map sjn 5k 625 st. john ct.pdf**



REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Karen Tindal, Tourism Manager

SUBJECT: Approval of the Farragut Tourism/Visitor Advisory Committee (TVAC) Charter Amendment

INTRODUCTION: The Farragut Tourism/Visitor Advisory Committee allows eligible high school students to serve as Youth Representatives on the committee. Youth Representative positions allow high school students to engage with the committee, offer input on committee business, and provide the committee with a perspective that the committee would not otherwise have without the Youth Representative's involvement.

DISCUSSION: After reviewing the Youth Representative applications for the Farragut Tourism/Visitor Advisory Committee, the committee would like to amend the charter to remove a specified number of Youth Representatives. This will provide more opportunities for eligible youths in the community to serve on each committee.

RECOMMENDATION BY: Karen Tindal, Tourism Manager, for approval

PROPOSED MOTION: To approve the proposed amendment to the Farragut Tourism/Visitor Advisory Committee charter.

BOARD ACTION:

MOTION BY:_____ **SECONDED BY:**_____

<u>VOTE/TOTAL</u>	<u>BURNETTE</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>WILLIAMS</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



FARRAGUT TOURISM/VISITOR ADVISORY COMMITTEE CHARTER (TVAC)

ARTICLE I: NAME

The name of this body shall be the **Farragut Tourism/Visitor Advisory Committee** (hereafter called the “committee”).

ARTICLE II: PURPOSE

The purpose of the committee is to advise and assist the Town of Farragut, its elected officials, citizens and staff, and serve as an advocate in the Town’s decision-making process for promoting the tourism initiative known as Visit Farragut. Committee members will act as ambassadors for the Town and work to identify tourism opportunities which will have a positive economic impact in our community.

ARTICLE III: COMMITTEE

Section I. Number, Terms, Qualifications

The committee shall consist of nine (9) voting members; five (5) of these voting members shall be composed of the following:

At least one (1) member shall be a representative of the Farragut Board of Alderman appointed annually on or around July 01 by the Board of Mayor and Alderman; at least one (1) member shall be a representative of a Farragut lodging business; at least one (1) member shall be a representative of a Farragut attraction; at least one (1) member shall be representatives of a Farragut dining establishment; at least one (1) shall be representatives of a Farragut sales-tax producing retail establishment. The remaining four (4) at-large voting members will be representatives of our diverse community. Two-thirds (2/3) of the committee shall be Farragut residents and/or registered Farragut business owners with the remaining one-third (1/3) of the members representing community stakeholders from the East Tennessee region. The Committee shall have ~~one~~ non-voting youth members that will be selected and appointed by the majority of the committee.

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- Tourism ~~Coordinator~~ Manager shall serve as an ex-officio member of this committee and be responsible for providing Town staff support to the committee as she/he deems appropriate.
- The members of the committee shall be appointed for a term of two (2) years. Committee members shall be limited to two (2) terms on this committee. Terms shall be staggered.
- The non-voting youth member's term may be for one school-year term or less depending on the youth member's availability. The non-voting youth members may be removed from the committee at any time by majority vote of the committee.

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Section II. Appointment

- Except for the Tourism ~~Coordinator~~ Manager and the non-voting youth members may, all members of the committee shall be appointed by majority vote of the Board of Mayor and Aldermen.

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Section III. Committee Responsibilities:

- a) Be subordinate to the Board of Mayor and Aldermen.
- b) Annually establish committee goals and objectives and make funding recommendations to the Board of Mayor and Aldermen, through the Town Administrator, for inclusion into the annual budget.
- c) Provide a written annual report to the Board of Mayor and Aldermen at the end of the fiscal year.
- d) Assist in identifying grant opportunities and preparing grant proposals to help fund the Town's tourism objectives.
- e) Assist in the conceptualization, development and prioritization of economic development projects specific to tourism.

Section IV. Attendance at Meetings

Committee members serve at the pleasure of the Board of Mayor and Aldermen. The term of any member shall expire on the third absence from committee meetings during the fiscal year. Members may seek reappointment by the Board of Mayor and Aldermen.

Section V. Disclosure of Interests

A committee member who has any interest in any matter before the committee, shall disclose said interest in accordance with the adopted Town Ethics Ordinance. The chairman shall make the determination on whether that member shall have a vote in said matter.

ARTICLE IV. OFFICERS

Section I. Officers

The officers of the committee shall be a chairman, vice-chairman, and secretary.

Section II. Nomination and Election of Officers

Any member may nominate any other member of the committee (other than the Board of Mayor and Aldermen committee member and Tourism Coordinator Manager) to serve as an officer of the committee. Officers of the committee shall be elected by majority vote of the committee. Officers shall be elected upon inception of the committee (at the 1st official meeting).

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Section III. Terms of Officers

Officers of the committee shall be for a term of one year commencing after election. These positions shall be elected by a majority vote of the committee. These positions can be renewed for one additional year (two-year maximum) if elected by a majority of the committee but cannot serve more than two consecutive years in the same position.

Section IV. Vacancies

A vacancy in an officer position due to resignation, removal, or otherwise may be filled by majority vote of the committee for the unexpired portion of the term.

Section V. Chairman

The chairman shall prepare agendas in collaboration with the Tourism Coordinator Manager or his/her designee, preside at all meetings of the committee in accordance with Roberts Rules of Order, call special meetings of the committee, have the authority to cancel called meetings of the committee, provide the annual goals and year-end report to the Board of Mayor and Aldermen, and appoint a subcommittee of the committee as needed.

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Section VI. Vice Chairman

In the absence of the chairman, the vice chairman shall perform the duties of the chairman.

Section VII. Secretary

The Secretary shall record and maintain accurate records and minutes of the proceedings of the committee.

ARTICLE V. MEETINGS

Section I. Regular Meetings

The committee may meet six (6) times a year at Town Hall with the time and date to be determined by the committee. The committee will determine and publish the upcoming year's schedule at the first official meeting of the fiscal year.

Section II. Quorum

A quorum shall consist of a majority of the committee members upon calling of the roll at any meeting.

Section III. Special Meetings

Special meetings may be called by the Chairman or by simple majority of the committee. Notice of a special meeting may be served by delivering it to the committee

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Brannon Tupper, PE

SUBJECT: Approval of Supplement Request from LDA Engineering, Inc. for Additional Design Services on the Little Turkey Creek Greenway, Brookmere to Sheffield Project

INTRODUCTION: The purpose of this item is the approval of a supplement request for additional design services for a greenway connection along Little Turkey Creek from the Brookmere Subdivision to the Sheffield Subdivision.

BACKGROUND: LDA Engineering is currently under contract with the Town of Farragut to provide consulting and engineering services related to the design of approximately 1,400 linear feet of new greenway between the Brookmere Subdivision and the Sheffield Greenway Connector. Once completed, this project will provide a critical greenway connection for the Town's strategic goal of providing excellent parks, recreation, cultural amenities and programs.

DISCUSSION: This scope and fee supplement proposes to provide surveying and engineering services for a small trailhead parking area between Virtue Road and Little Turkey Creek near the south end of the project. This location is already planned to be used for access and storage during construction of the greenway. The temporary construction area can be converted to a permanent parking area at little cost to the project and will provide the additional amenity of a trailhead for the new greenway. LDA Engineering will design the temporary construction yard, temporary bridge crossing, parking area and all associated items.

FINANCIAL SECTION:

Project: Little Turkey Creek Greenway, Brookmere to Sheffield			
<u>Project Budget</u>	<u>Requested Amount</u>	<u>Contracted Amount</u>	<u>Remaining Amount</u>
\$720,000.00	\$9,500.00	\$62,500.00	\$648,000.00
Approved By: <u>A. Myers</u>			

RECOMMENDATION BY: Brannon Tupper, Assistant Town Engineer

PROPOSED MOTION: Approval of supplement request from LDA Engineering, Inc. for additional design services for the Little Turkey Creek Greenway, Brookmere to Sheffield project.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>POVLIN</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



July 15, 2022

Mr. Brannon Tupper, P.E.
Town of Farragut, Engineering Department
11408 Municipal Center Drive
Farragut, Tennessee 37934

Reference: Scope and Fee Supplement Request No. 1
Little Turkey Creek Greenway Connection

Dear Brannon,

We appreciate the opportunity to work with the Town of Farragut on this project. Below is our proposal to provide engineering and surveying services related to the design of the project.

PROJECT DESCRIPTION

LDA is currently under contract with the Town of Farragut to provide consulting and engineering services related to the design of approximately 1,400 linear feet of new greenway between the Brookmere Subdivision and the Sheffield Greenway Connector.

This scope and fee supplement proposes to provide surveying and engineering services for a new parking area between Virtue Road and Little Turkey Creek near the south end of the project. This additional scope includes all the base tasks described in the original agreement, as listed below.

SCOPE OF SERVICES

Task 1 – Topographic and Boundary Survey

Task 2 – Engineering and Design

Task 3 – Permitting / Environmental

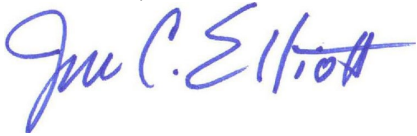
Task 4 – Bidding

PROJECT FEES

The estimated fee associated with this supplement is \$9,500. This will increase the contract amount from \$62,500 to \$72,000.

If all conditions of this proposal are acceptable, please sign below for authorization to proceed.
Thank you again for this opportunity.

Respectfully,

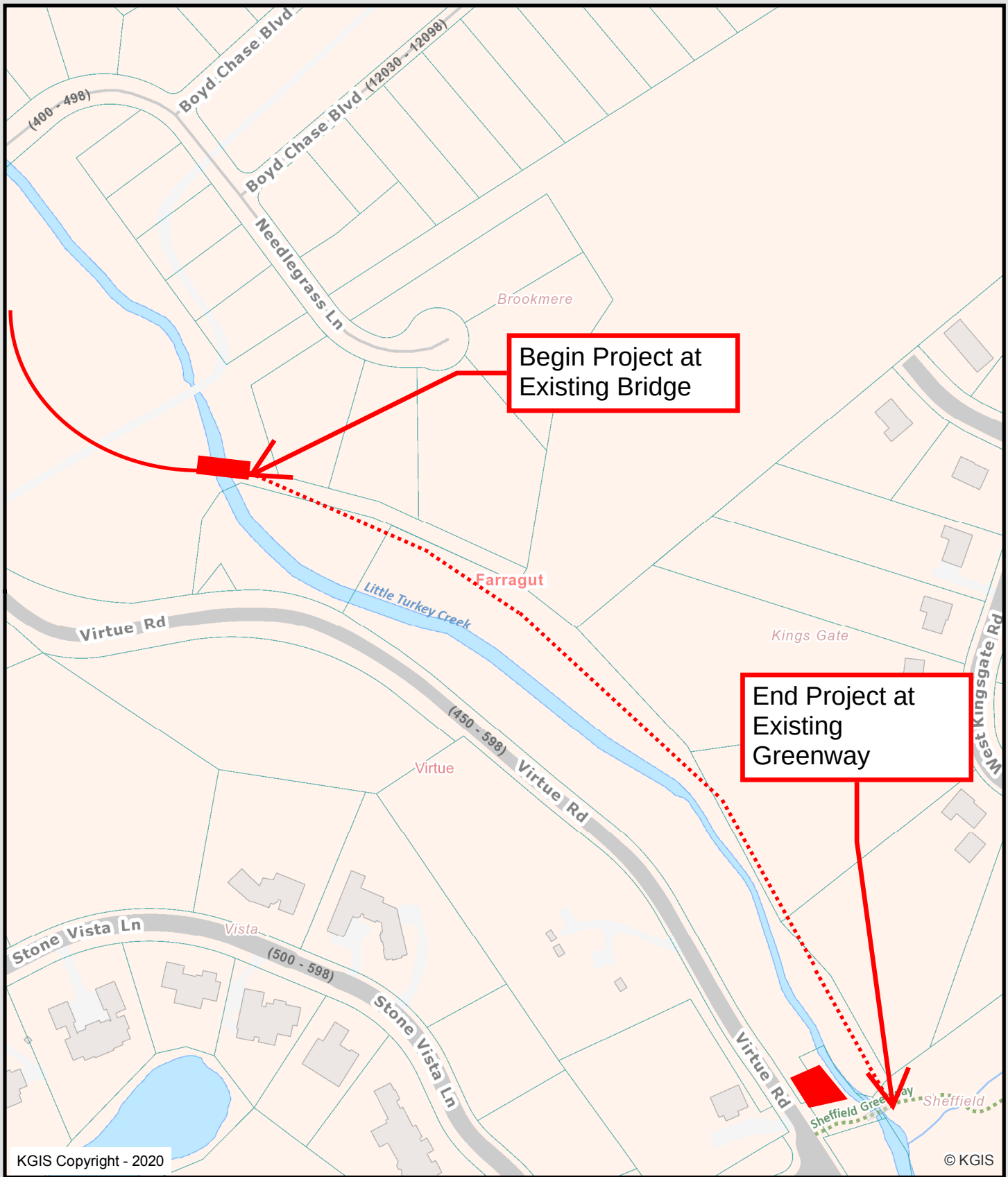


Jason C. Elliott, P.E.
Principal Engineer

ACCEPTANCE OF PROPOSAL AND AUTHORIZATION TO PROCEED

By: _____

Date: _____



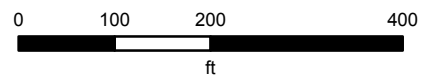
Little Turkey Creek Greenway

Brookmere to Sheffield

Knoxville - Knox County - KUB Geographic Information System



Printed: 3/17/2020 at 3:17:48 PM



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.

REPORT TO THE BOARD OF MAYOR AND ALDERMEN**PREPARED BY:** Mark Shipley, Community Development Director**SUBJECT:** Request for approval of an updated concept master plan for an amendment to the Town Center at Biddle Farms PCD to include 47 townhome units in an area identified on the original concept master plan as “future development.” (Budd Cullom, Applicant)

INTRODUCTION AND BACKGROUND: As part of a rezoning to the Planned Commercial Development District (PCD) a Development Plan is required which consists of a survey, a written narrative, and a concept master plan. Once a property is rezoned, future modifications are categorized into “minor” vs. “major.” When the property associated with the Town Center at Biddle Farms was rezoned to PCD, a couple of areas were designated as “future development.”

At the May 19, 2022, Planning Commission meeting, the developer presented, for discussion purposes, the concept of building townhome units in one of the areas that was originally shown as “future development” on the concept master plan included with the rezoning request. This use was favorably received by the Planning Commission. Since this would involve new construction and increased density in comparison to the original rezoning, this would be classified as a “major modification” and subject to review and approval by both the Planning Commission and the Board of Mayor and Aldermen.

RECOMMENDATION: Included in the packet are the revised narrative and concept master plan associated with the townhome addition to the Town Center at Biddle Farms rezoning. Also included is an updated traffic study report that addresses the trip generation from the proposed townhome addition to this overall project. At their meeting on July 21, the Planning Commission recommended approval of the updated concept master plan and narrative associated with the Town Center at Biddle Farms PCD rezoning to include townhomes in an area identified on the original concept master plan as “future development.” The approval was subject to the following items being satisfactorily addressed:

1. Please include a title sheet with all sheets that are part of this submittal numbered in sequence.
2. Staff would note that this is a concept plan only and more detailed preliminary plat sheets will be needed when the townhome portion of the project is initiated. An example is the need for two additional fire hydrants in the townhome portion of the development. All buildings and mechanical equipment will also have to meet the Town’s freeboard requirement based on the CLOMR that was recently finalized. The preliminary plat will be reviewed and approved by the Planning Commission.
3. Please contact staff regarding Sheet CP-1. There are numerous clarification related updates needed on this sheet.

BOARD ACTION:**MOTION BY:** _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



1100 Marion St., Suite 300
Knoxville, Tennessee 37921
tel: 865.963.4300
fax: 865.524-5311

June 20, 2022

Mr. Budd Cullom
CHM Development
6312 Kingston Pike, Suite C
Knoxville, TN 37919

RE: BIDDLE FARMS TOWNHOMES, TRAFFIC STUDY, FARRAGUT, TN.

Dear Mr. Cullom:

This letter report is a summary of the anticipated trip generation for the proposed development of 48 townhomes within the Biddle Farms development located in Farragut adjacent to Kingston Pike (US 11/70) and Campbell Station Road. **Figure 1** illustrates this location. The trip generation for this report was prepared applying the single family attached residential rates (LUC 215) published in the current 11th edition of **Trip Generation**, the recognized reference published by the Institute of Transportation Engineers (ITE).

The trip generation for the 48 townhomes is presented in **Table 1**.

TABLE 1 BIDDLE FARMS TOWNHOME RESIDENTIAL

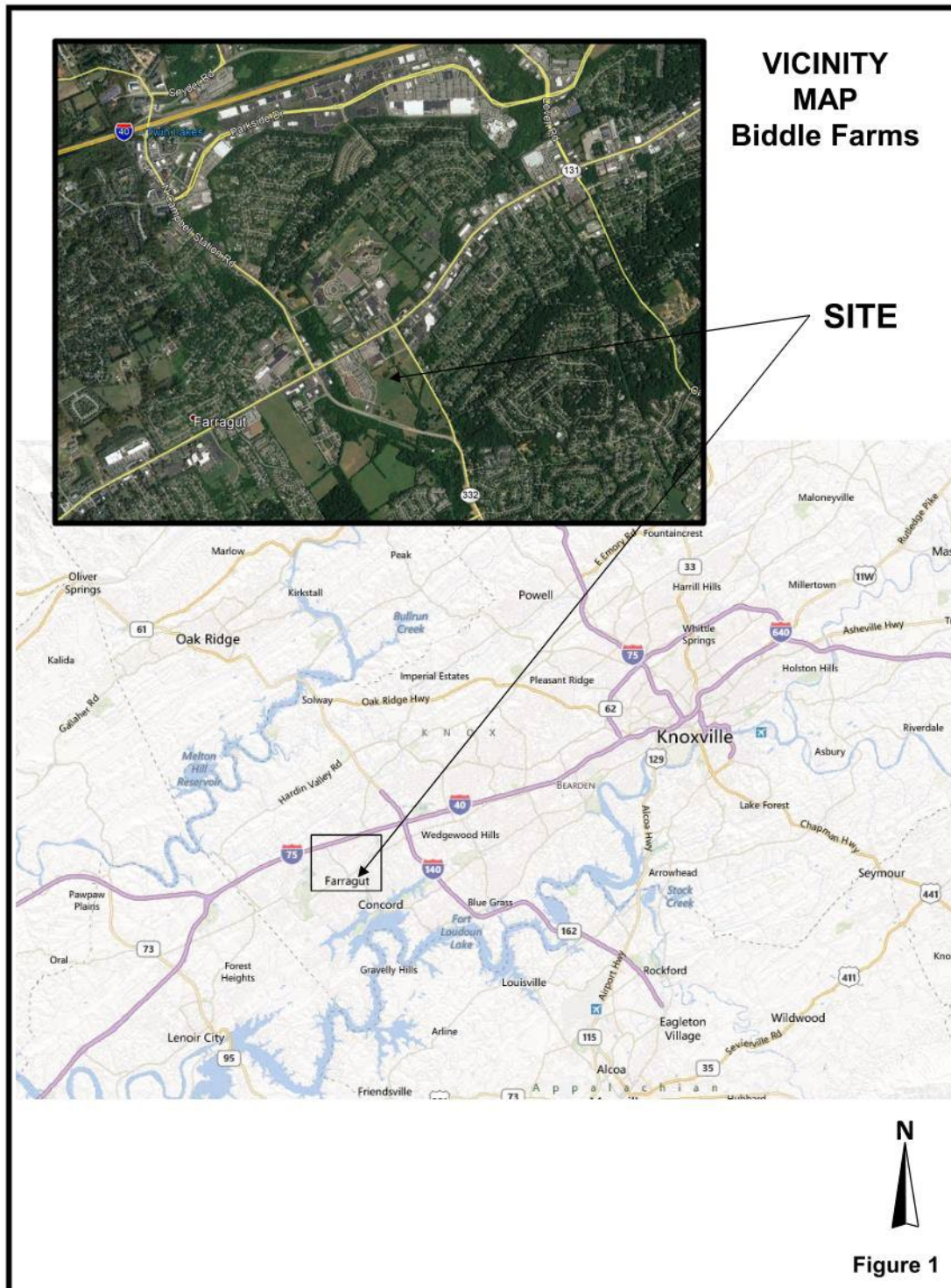
Land Use	Land-Use Code	Units	Daily Trips	AM Peak-Hour Trips			PM Peak-Hour Trips		
				Enter	Exit	Total	Enter	Exit	Total
SINGLE FAMILY (Attached)	215	48	383	6	13	19	14	11	25

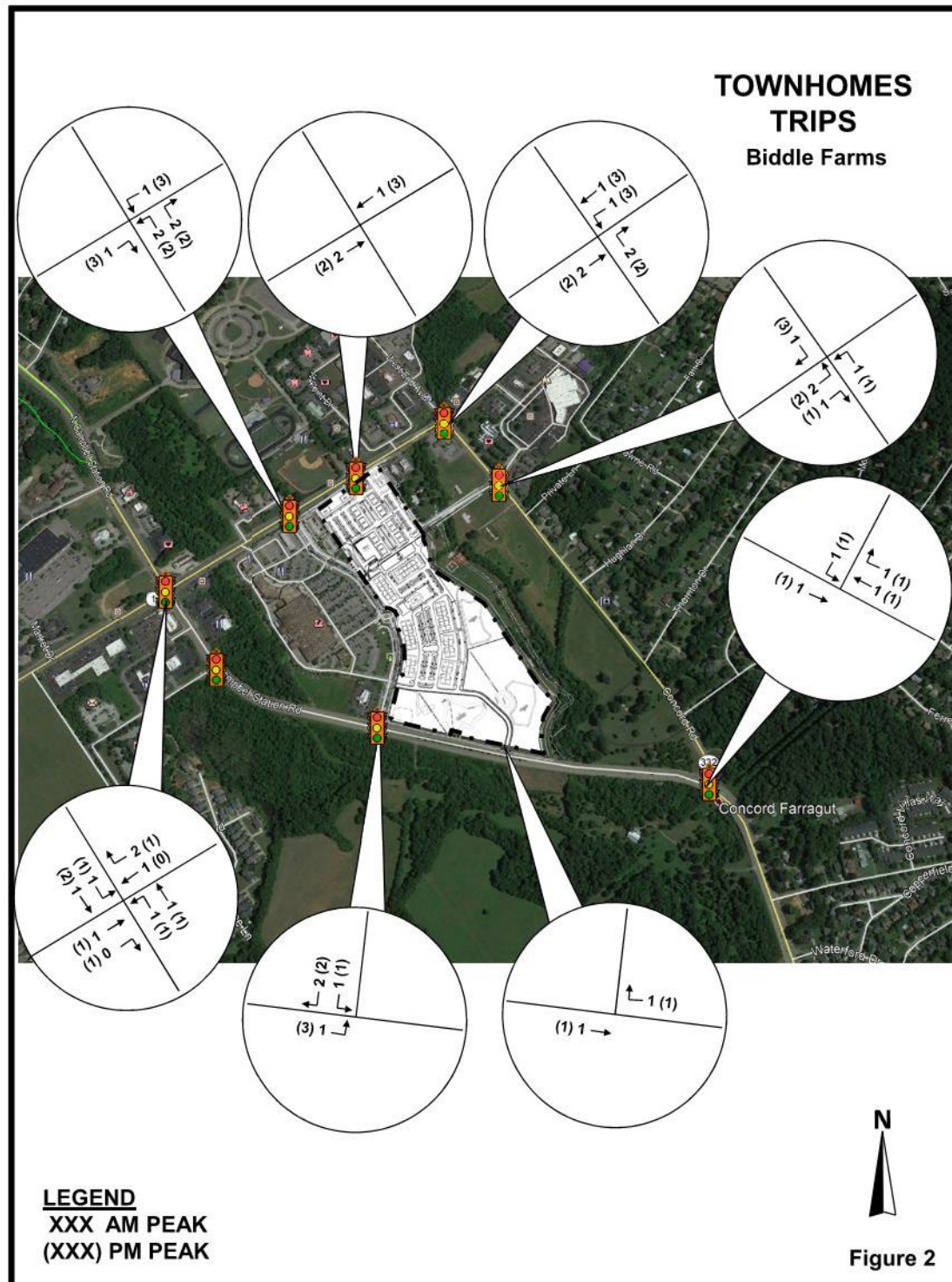
Reference: Institute of Transportation Engineers TRIP GENERATION, 11th Edition

Figure 2 illustrates the townhome trip assignment based on the residential distribution assumed for the Biddle Farms residential component provided in the traffic impact study report prepared October 2020. This distribution and assignment assumed 10-percent of the generated trips would remain internal to the Biddle Farms development. From the trip generation and the assignment of the 48 townhomes, the associated traffic is nominal and its impact would not be significant.



Mr. Budd Cullom
CHM Development
June 20, 2022
Page 2







Mr. Budd Cullom
CHM Development
June 20, 2022
Page 4

Should you have any questions, please call me.

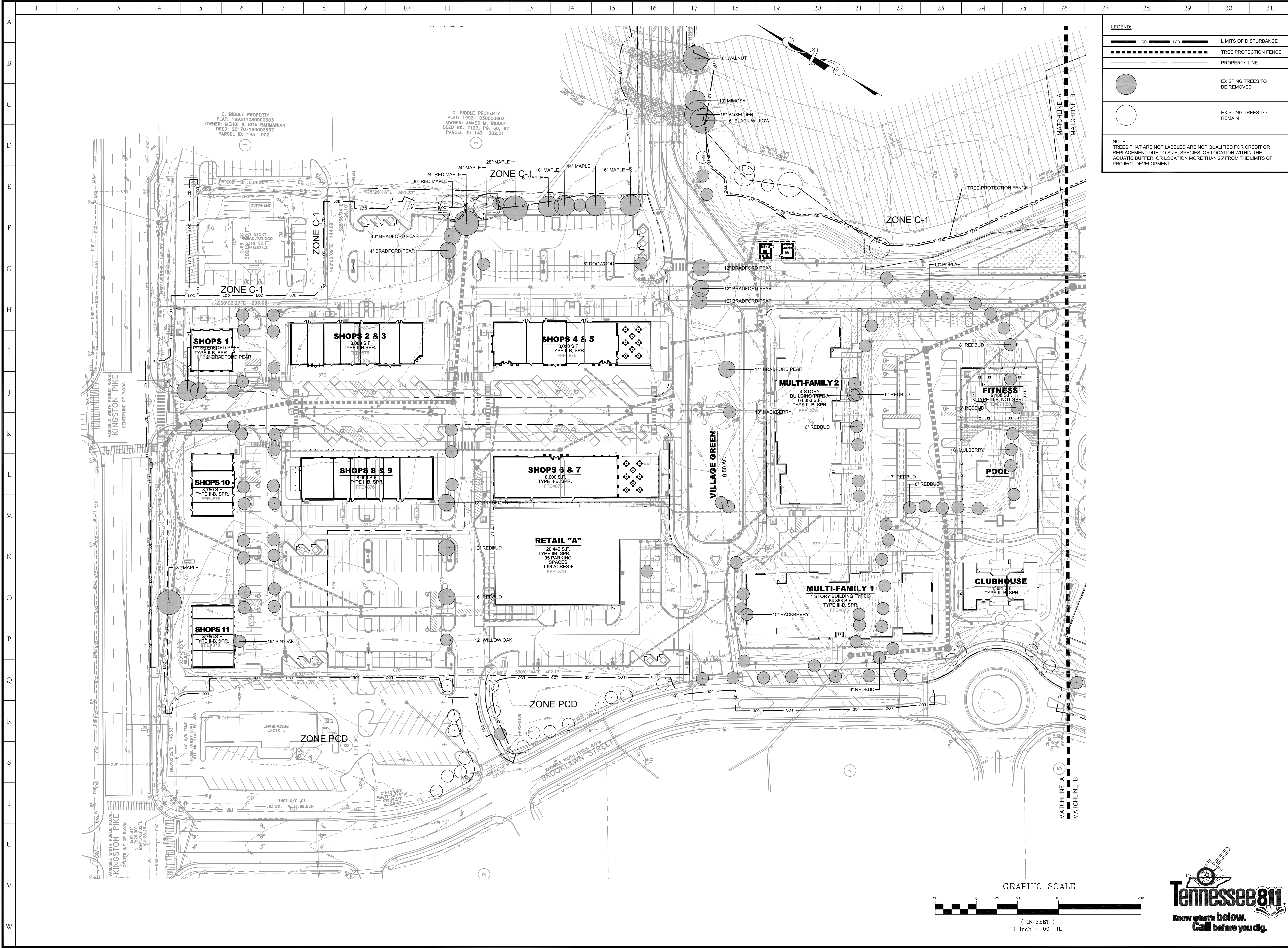
Sincerely,
CDM Smith Inc.



John F. Gould, P.E.
Senior Transportation Engineer

Project No. 245285





LEGEND:

	LIMITS OF DISTURBANCE
	TREE PROTECTION FENCE
	PROPERTY LINE
	EXISTING TREES TO BE REMOVED
	EXISTING TREES TO REMAIN

NOTE:
TREES THAT ARE NOT LABELED ARE NOT QUALIFIED FOR CREDIT OR REPLACEMENT DUE TO SIZE, SPECIES, OR LOCATION WITHIN THE AQUATIC BUFFER, OR LOCATION MORE THAN 25' FROM THE LIMITS OF PROJECT DEVELOPMENT

EST. 1997
CIVIL ENGINEERS & SURVEYORS

10215 Technology Drive, Suite 304
Knoxville, TN 37932
(865) 777-4160
www.site-incorporated.com

CONCEPTUAL

Conceptual Tree Preservation Plan - North

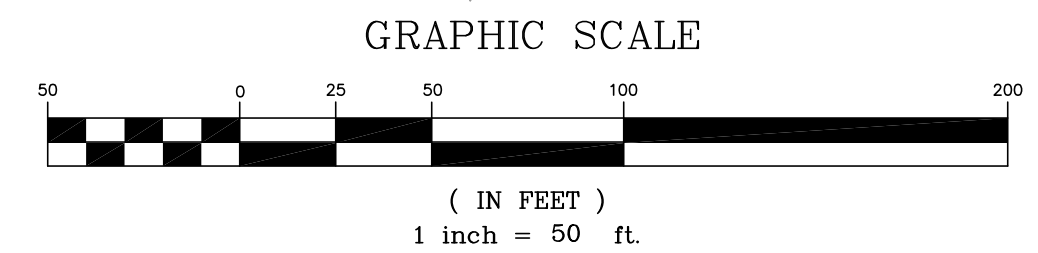
Farragut Town Center at Biddle Farms

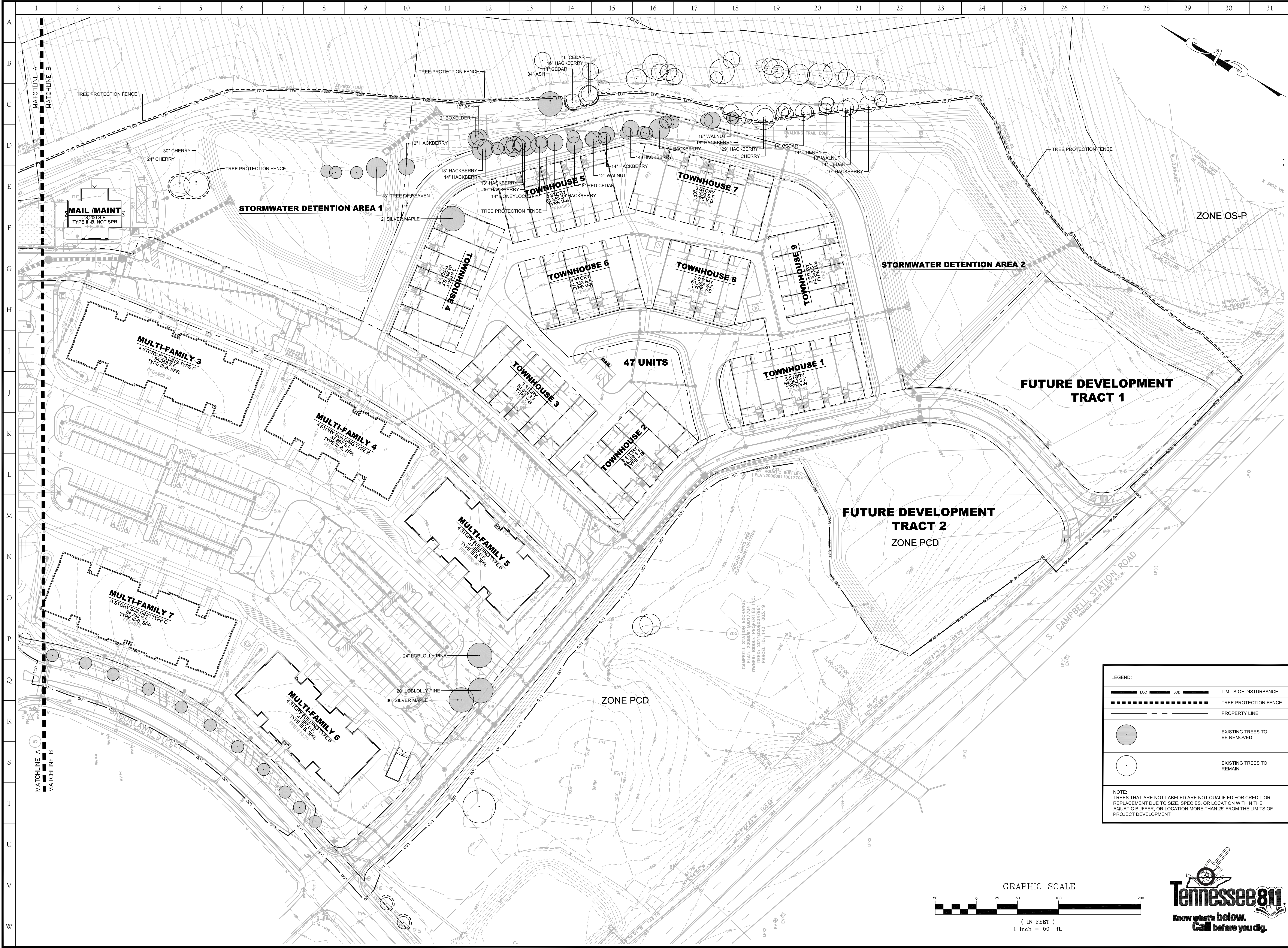
Kingston Pk, Brooklawn St, Campbell Station Rd & Concord Rd
Civil District No. 6 of Knox County, Tennessee 37934
Town of Farragut

REVISIONS	
NO.	DATE COMMENTS
1	11/09/2020 Revised per Town Comments
2	06/20/2022 Revised to Update Plan for Townhouses

ORIGINAL ISSUE: 10/19/2022
SITE PROJECT #: 1994
FILE: Tree PresTH
SHEET: OF:

L2.1





SITE, INCORPORATED

CIVIL ENGINEERS & SURVEYORS

EST. 1997

10215 Technology Drive, Suite 304

Knoxville, TN 37932

(865) 777-4160

www.site-incorporated.com

CONCEPTUAL

Conceptual Tree Preservation Plan- South

Farragut Town Center at Biddle Farms

Kingston Pk, Brooklawn St, Campbell Station Rd & Concord Rd
Civil District No. 6 of Knox County, Tennessee 37934
Town of Farragut

REVISIONS	
NO.	DATE
1	11/09/2020
2	06/20/2022
3	07/11/2022

ORIGINAL ISSUE: 10/19/2020

SITE PROJECT #: 1994

FILE: 1994-Landscape

SHEET: OF:

L2.2

LEGEND:

LOD

LOD

LIMITS OF DISTURBANCE

TREE PROTECTION FENCE

PROPERTY LINE

EXISTING TREES TO BE REMOVED

EXISTING TREES TO REMAIN

NOTE:

TREES THAT ARE NOT LABELED ARE NOT QUALIFIED FOR CREDIT OR REPLACEMENT DUE TO SIZE, SPECIES, OR LOCATION WITHIN THE AQUATIC BUFFER, OR LOCATION MORE THAN 25' FROM THE LIMITS OF PROJECT DEVELOPMENT

GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

BIDDLE FARMS
FARRAGUT TOWN CENTER

Public Gathering Spaces, Hardscape, and Paving Elements

One of the most important objectives of the proposed Town Center design is to incorporate vibrant and inviting public gathering spaces that seamlessly connect the retail and multi-family portions of the project and provide the citizens of the Town of Farragut with gathering space for public events that take advantage of the available amenities that the project offers. The seamless connection is achieved through the following elements:

- The removal of walking barriers by treating the streets without vertical curbs such that the entirety of the expanse is near level and fluid when entirely assigned to pedestrian access.
- The treatment of the driving surfaces in the village center with pavers to promote the impression of a walking surface you could drive on rather than a driving surface you could walk on.
- Pressing landscape to the edges to frame the village square instead of populating this public place bringing sidewalks closer to the building faces to isolate a central area within that pedestrian boundary that could be outdoor “flex space”.

Additionally, hardscape design is a natural extension of the storefront and provides connectivity between different buildings, parking areas and pedestrian paths. Diverse scoring patterns, colored concrete, and stamping enrich the sidewalk and enhance the sense of place. Combined with landscape areas, tree wells, benches, planters, pedestrian level lighting and other site amenities, a well-designed hardscape encourages a more relaxed and friendly Town Center experience.



BIDDLE FARMS
FARRAGUT TOWN CENTER

Architectural Design Statement

The overall objective of the Development Team has been to create an inviting mixed-use community that blends commercial and multiple residential occupancies into a walkable environment that emulates the key principles of Traditional Neighborhood Planning and Design while honoring the image and identity of the Town of Farragut as advanced in their development guidelines.

To affect this outcome the land planning effort and architectural imaging sought to promote the following key distinctions that comprise Traditional Neighborhood Design while offering an expression of style and finish consistent with the qualities that hallmark Farragut.:

- Create a Town Center that offers a site arrangement that capitalizes on the natural assets within the site, the access arrangements currently serving the site, and the existing commercial and historic occupancies of the site to be preserved.
- Seek an expanded focus on pedestrian friendly design and pedestrian interconnectivity with all buildings within the town center, both residential and commercial, able to move seamlessly on a network of walkways, trails and promenades interfacing with priority over the vehicular demands generated by the service activities and public events that will coexist within the development.
- Place buildings to the street to create intimate relationships with the public way between indoor and outdoor environments.
- To the extent possible, shield from the public way from large or expansive parking areas such that the street experience features finished and landscaped fades that create a pedestrian environment with priority over the vehicular environment.
- Fashion a street scape that invites leisure activities such as outdoor display, dining, and occasional event venues that celebrate community through healthy interaction by both business and residential constituents.
- Express the structures with a modeling of massing, material and detail that avoids long straight walls and unarticulated facades while concurrently promoting expanded “eyes on the street” (windows viewing the public way) to enhance a sense of interest, personal scale and a measure of perceived public safety.
- Use rich materials consistent with quality expressions of architecture, and workmanship associated with durable performance.

- Landscape with a view to maturity with trees and shrubbery that improve the overall quality of appearance and outdoor comfort over time.
- Visually manage service areas and infrastructure to minimize negative impact on neighboring uses
- Screen rooftop mounted equipment utilizing building elements to shield from public view.
- Develop well-engineered responses to storm water management, flood plain capacities, and environmental features worthy of protection and enrichment.
- Create a “living place” that attracts residents and merchants seeking a synergistic environment that offers 24/7 occupancy.
- Promote opportunities through design and site arrangement for managed and spontaneous public events through the creation of a “sense of space” within the town center. along its public river walk, and at outdoor open space suitable for unstructured park-like relaxation.

It is the hope both the plan and the character studies advanced provide both inspiration and responsive direction to the future of the Town of Farragut.



BIDDLE FARMS
FARRAGUT TOWN CENTER

Architectural Elements

Central to the creation of a walkable mixed-use setting are features of ***scale, safety, convenience, and character***. Each of these important standards has been used to advance concepts to the stage they are offered today.

The traditional site design standards guiding the current town center plan offer direction, but the market itself also offers important criteria that will activate their acceptance and maintain their continuing value for a project well-conceived and executed.

Consumer preference is undergoing major changes. The changes are found in everything from housing, work, school entertainment and shopping are hard to ignore. The Virus along with a preexisting trend toward internet dependency on everything we do has impacted what the future resident, business tenant, and surrounding community will expect from such an undertaking.

Please then explore briefly the key elements identified and how they have been incorporated into the planning for this important development:

Scale:

Farragut is a TOWN, and proud of its status as such. It is not an urban settlement. Within “towns” you would expect to find everything proportioned closer to the scale of an individual than that of a larger population. To that end every element of the plan must consider how to moderate the overall size of the concept such that in all areas offer a physical relationship that is comfortable and selectively even intimate. Affording the individual both personal space as well as promoting congregate place are the blended objectives.

This is best accomplished by integrating detail and rhythms that promote the experience of living, working, or shopping even when portions of the overall complex are nearly devoid of others, so as not to feel “overwhelming”. Concurrently the scale should allow community gatherings of fellowship to feel secure and personal. The tools in this arsenal reside in the character of the street scape, and the cadence of features that link all parts together.

- The frequency of spacing trees along the public promenades.
- The comforting width of walkways that invite shared use.
- The heights of streetlights adorned with season banners the add day and night value to the street scape.

- The stature of doorways, windows, and canopies offering incremental shade and relief along the main street.
- The invitation to enjoy either the inside or outside parts of a vender’s offering.
- The use of appropriately scaled signs directed at the individual rather than the highway.
- The richness of materials employed that show detail and craftsmanship.
- The feature accents of street furniture,
- plus others....

...all combine to establish scale that when occupied offers a warm and comforting reaction and promotes a continuing invitation to explore the range of venues and passages offered for inspection.





BIDDLE FARMS

FARRAGUT TOWN CENTER

Safety:

Scale is a natural companion to “perceived” safety. When coupled with the planning principles of *Crime Prevention Through Environmental Design* (CPTED) the physical place that is created advances the perception of safety to a functional level of improved safety.

- The use of “Eyes on the street” is a phrase often used to promote the frequency of windows facing public and private areas as a form of courteous intimidation to those who would do harm.
- The avoidance of easily accessed blind or obscure service areas that can harbor mischief.
- The use of lighting the softly distributes light instead of introducing glaring light the obscures areas around it.
- The management of shrubs and landscape kept low and arranged to avoid creating hiding areas.
- The organization of the plan in ways that make wayfinding intuitive.
- The structuring of street crossing that declare with feature pavement “the pedestrian has priority”.

...all contribute to the sense of place that feels and functions with personal safety as a priority



Convenience:

Convenience is not measured in distance; it is measured in time! The human reaction to the question of “How far is it from here?” is to respond with a time reference such as, “About 20 minutes away”. Time can be an obstacle unless the experience of time is filled with interest along the way.

The integration of mixed use in a 24/7 setting makes daily activities feel convenient. Even if just walking the dog, the setting allows the effort to engage with views and points of interest that make the activity fulfilling the time index feels less of a compromise.

Convenience can also be a competitor to the mission of a well-ordered environment. Today everything from class work and vocation, to shopping and worship can be done with a click of a button from a comfortable chair at home. This tendency to hibernate is contrary to building community. When the experience of place can activate “mobility” over “time efficiency” and the activities of our daily routine are enriched because they can occur both time efficiently and within a pleasing setting, then the best form of convenience has resulted. When personal mobility becomes an alternate to driving or Ubering, society becomes healthier and more engaged with the place they live, work, and shop and the people they share that place with.

Character:

When considering what makes one place more inviting and interesting than another, the distinction derived from its appearance can often be the measure of difference. More than just the look of structures, it is the full assemblage of all parts of the created environment that create the signature of something special.

Measured uniformness has value in building a cohesive feel to a settlement of many parts and functions.

- The treatment of the walking surfaces,
- The range and appeal of exterior materials,
- The selection of landscape species and their orderly application and maintenance,
- The timeless execution of facades and focal points,
- The invitation of patina as an expression of maturity;

...can all be unifying parts of what individually might be seen as an assortment of separate functions and features.

A theme need not be expressed in a style, **but rather in an experience** that serves the overall objective. The Town Center thus must offer a holistic experience unified with elements of sight, sound, textures and potentially even fragrances, while still allowing variety of expression within that range of consistent quality, that combined keep all the parts feeling as members of a unified family of thought.

BIDDLE FARMS
FARRAGUT TOWN CENTER

The Application:

The mixed-use nature of the Town Center is evidenced by the fusion of residential and business uses into one cohesive composition. In true town fashion these are not competitive but complementary interests. Both rely on each other to optimize the experience that can only be fashioned with the merger of these important parts.

Scale: The public face of each sector shares a common pattern of materials and forms. Both have been enveloped with brick, siding, and window/door treatments of preferred quality as a testament to durable and traditional flavors.

The exterior faces have been fashioned with varying applications of these materials so to generate a measure of variety without appearing as random or disconnected parts.

The scale of the mains street seeks a human scale with statured two-story or appearance thereof facades offering both vertical and horizontal modeling, while avoiding the conventional lineal alignment often found in commercial centers.

The scale of the residential structures, while higher by floor count, is rusticated with bolder forms at the lower levels, slowly stepping back to lighter forms as the building elevation rises to the roof level. The scale is also moderated by the horizontal animation of the plans and the treatment of exterior materials on the façade to emulate attached narrower independent facades, avoiding one monolithic building statement.

Safety: The arrangement of all structures is such that none have a “backside”. All buildings are surrounded by publicly exposed facades (*with exception of one small and secured service lane between grocery and other retail elements*). Each façade is companioned by a pedestrian network that abuts parking and invites ready access to front and rear approaches, and selectively to area gardens between structures that connect all sides with walkable interconnectivity.

In the commercial sector, along the main street, parking is brought to the curb for quick access, while in most areas the bulk of the parking field is fragmented into smaller separate zones and held away from the “public street” frontage

The intimate context of the main streets and the public square offer clear oversight from stores fronts and residential windows. The larger parking fields offer shielded box lighting to insure nighttime legibility for patrons after dark.

In the residential sector, the buildings compose a collar around an internal parking domain set aside exclusively for residents, awarding them a safe relationship between vehicle and dwelling door.

Concurrently the outward face of this collar orients to the public thoroughfares with a public entry duplicating invitation for guest. Here again windows, doors, and walkways surround buildings and advance “eyes of the street” as a prevention to unwanted activity.

Resident parking is lighted similar to the commercial parking fields, while street lighting along the public road perimeter mirrors the scale and treatment of the main streets in the commercial zones.

Convenience: Both the commercial and residential areas merge around the town square, the central hub of all development interaction. From this hub, ready access to home, shopping, park areas, and external routing are easily and quickly affected.

Within the residential sector, residential amenities are centrally located within reach if not line of site from dwellings that surround this lifestyle feature.

The convenience internally is matched by the convenience directed to adjacent features equally important to the Town Center, such as shopping across Brooklawn Blvd, education across Kingston Pike, town government offices to the west, and professional services along the frontages of the external public roads. For many within, an unusually large number of daily destinations are within a few minute walk or bike ride.





BIDDLE FARMS

FARRAGUT TOWN CENTER

Character: Today's market seeks expressions that offer reflections of the past, housed in settings appropriate to current lifestyle and technologies. Achieving both a classical sense of form with traditional materials and applications, while expressing the "NOW" demands of our current wants requires a balance of elements that offer both collective distinction and harmonious interplay.

The combination of all the elements that speak to our physical senses; sight, smell, touch, sound, and even taste, are the palate that has guided the design representations. More will come into focus as the design is refined through the continuing advancement of this proposal and through the life of its successful operations.

This proposal seeks to establish a feel and identity that would hallmark Farragut as a representation of its self-image and a center piece of its community's leisure lifestyle.

The proposal has evolved since the design process began, in recognition of this changing condition and the permanence it has already vested in the lives of all residents. Continuing lessons remain ahead and the need for flexibility should never be forgotten. **Static pictures are not as vital as moving pictures.** The presentation offers a point of beginning but not the final outcome. That will continuously model as we move together in the future.

The Townhome Addition

The maturing of post war baby boomers has delivered to the housing market a surge in "lifestyle housing" demand focused on the move-down market for the plus age 55 consumer. Concurrently, upper-ly mobile, post babu boomers have sought quality housing in compact lifestyle settings where ownership includes easy access to all the amenities of mixed-use developments.

In most instances these consumers represent "move-down" households that seek all the unit features of today's best single-family plans with the compactness of walkable settings

In service to this demand, the family of townhouse designs offered consider key planning features to accommodate the consumer. The features are premier in nature. A brief listing of key design conditions includes the following:

- Oversized two car garages
- Elevator eligible design for dwellings of two or more levels
- Full size master bedrooms and dressing suites
- Generous living, dining, and kitchen accommodations
- Traditional character with premium materials consistent with PUD design character

- Statured ceilings an all areas
- Outdoor elevated living and dining opportunities
- Generous storage
- Bonus space for home office, hobby, or additional sleeping accommodation

The units are grouped in clusters of four to six dwellings, with all adjoining units varying from their neighboring plans and appearances.

All parking and service functions are hidden from the public way.

All units are interconnected with a sidewalk system that extends to the community amenities and shopping/entertainment venues.

The front of units will orient toward public streets, feature ponds, or river walk park

Summary:

It is unlikely the lessons learned from the Corona virus will ever go away. Magnified home deliveries, quick pick up and Uber/Lift accommodations, de-congested public places, touch free appointments, work at home preference are all here for the long term. Accommodation for this new paradigm must also be considered as many seek the efficiencies in time they afford.





BIDDLE FARMS

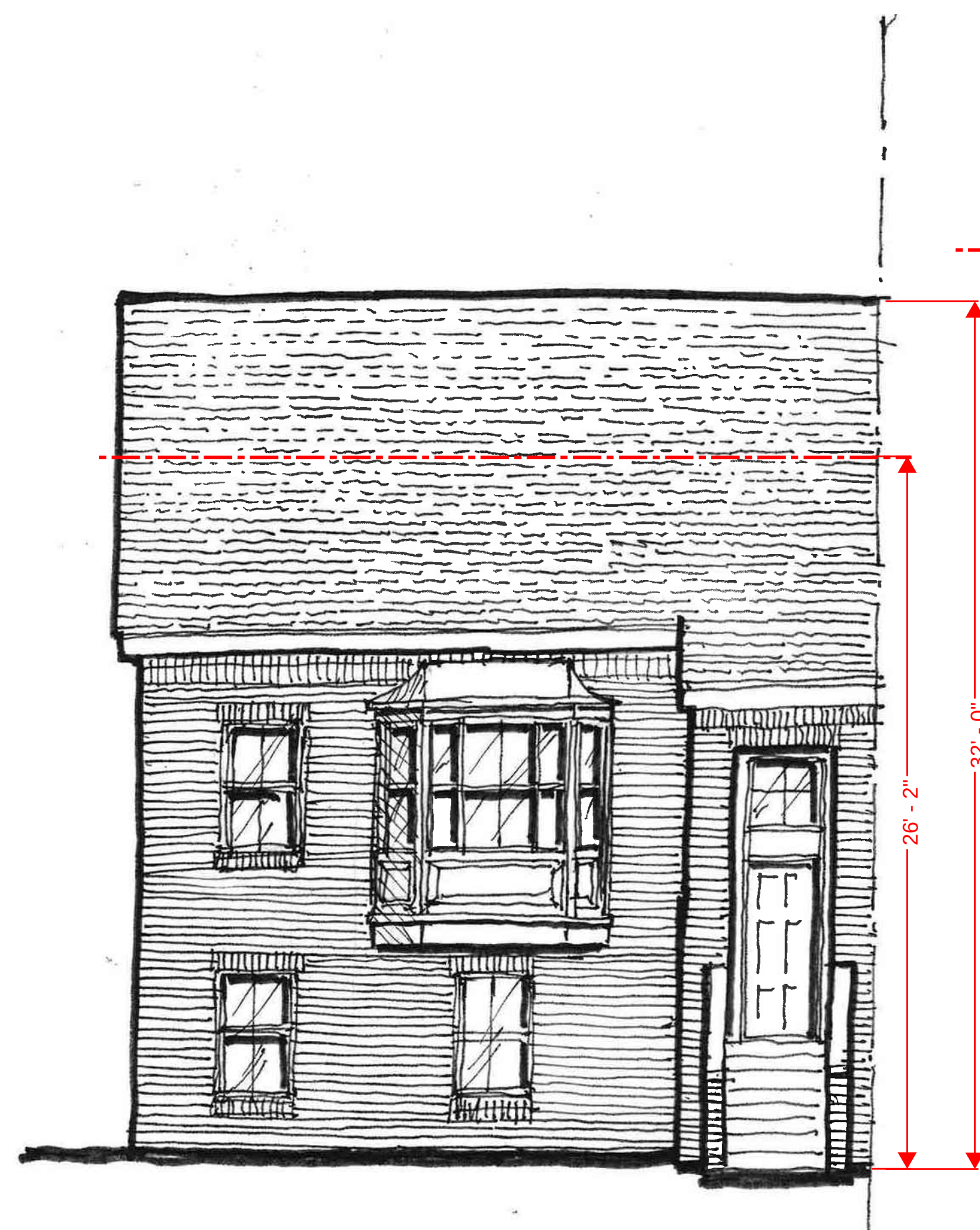
FARRAGUT TOWN CENTER



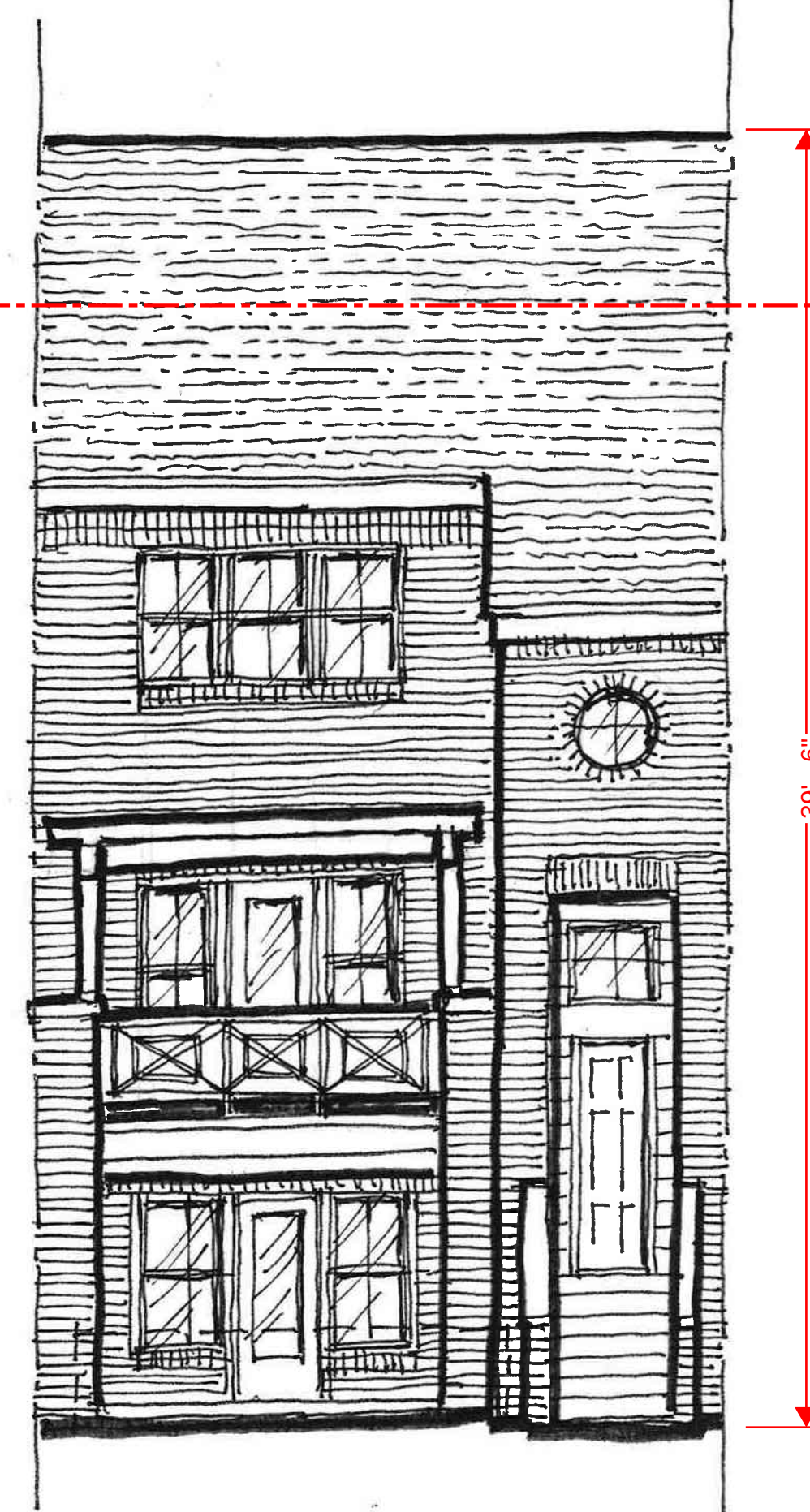
FARRAGUT TOWNHOMES - 3D VIEW



BIDDLE FARMS
FARRAGUT TOWN CENTER



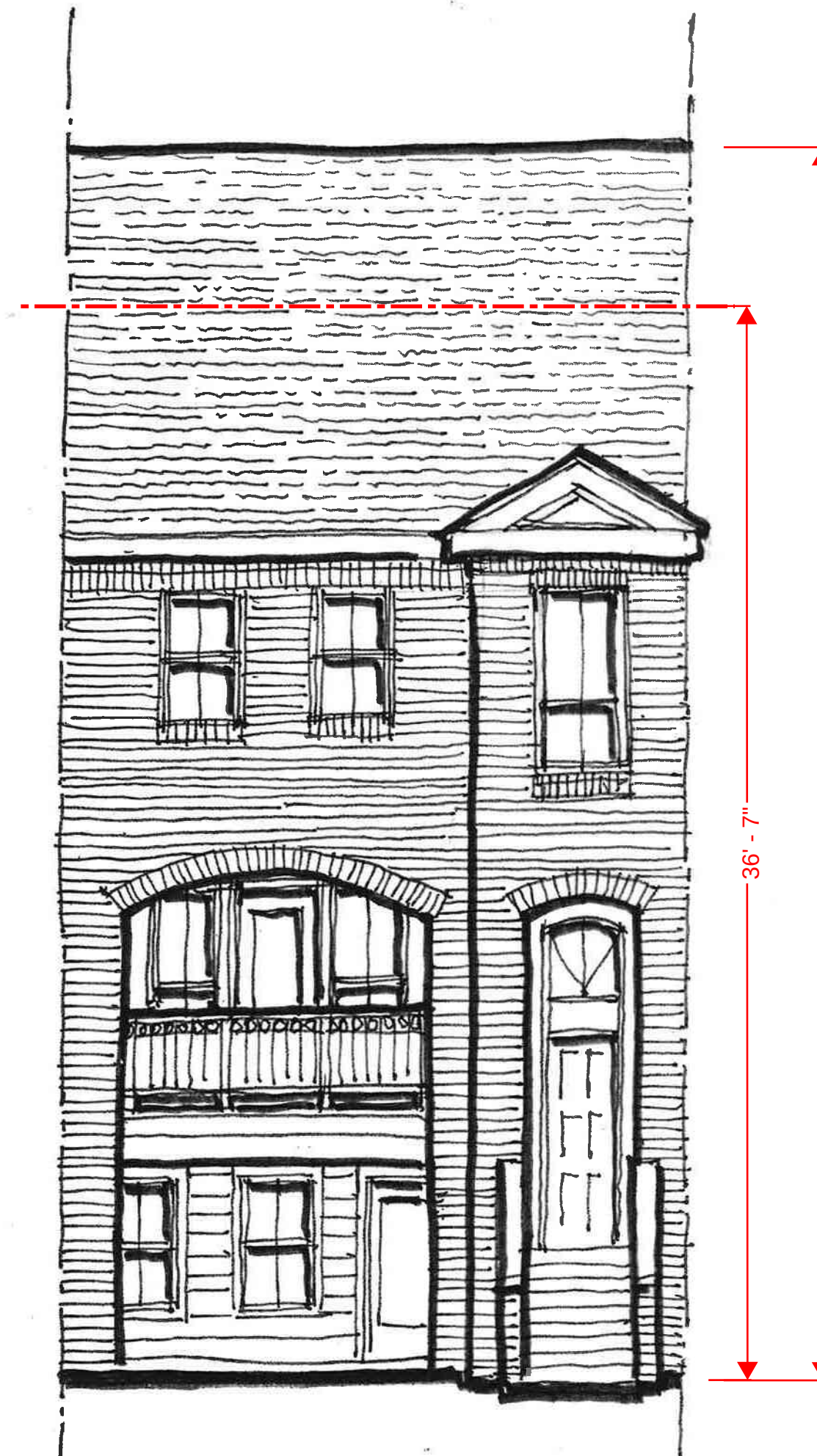
FRONT ELEVATION
TWO STORY
END CAP UNIT



FRONT ELEVATION
THREE STORY
UNROOFED FRONT TERRACE



FRONT ELEVATION
THREE STORY
ROOFED FRONT TERRACE



FRONT ELEVATION
THREE STORY
EXPANDED THIRD LEVEL PLAN



REAR ELEVATION
THREE STORY
TYPICAL

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PRELIMINARY ELEVATION VINGNETTES

FARRAGUT TOWNHOUSES

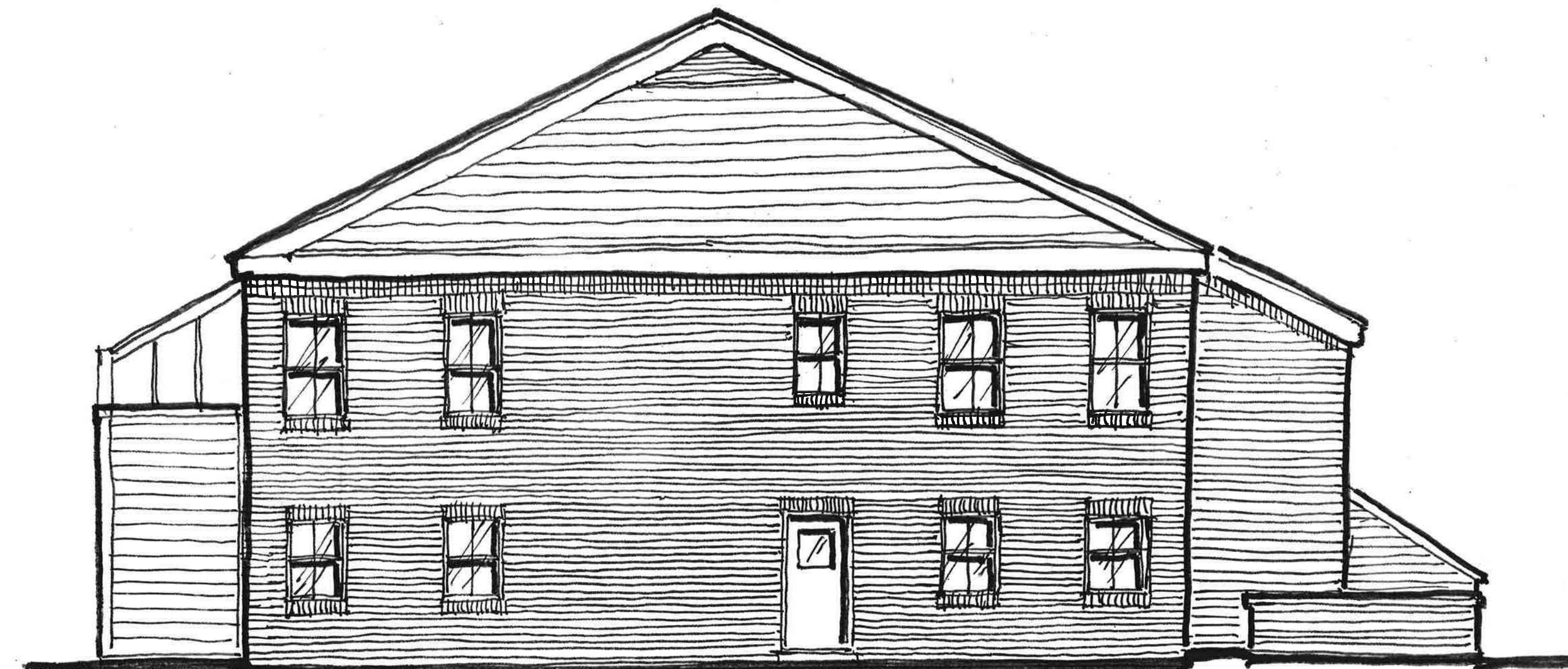
PROJECT No: 5451

DATE: 03/15/2022

FARRAGUT, TN



BIDDLE FARMS
FARRAGUT TOWN CENTER



SIDE ELEVATION TWO STORY
END CAP UNIT



PRELIMINARY SIDE ELEVATION

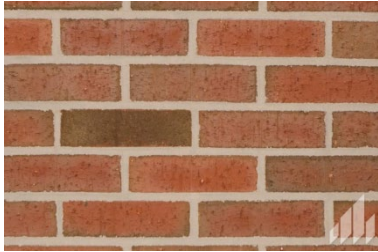
FARRAGUT TOWNHOUSES

PROJECT No: 5451

DATE: 03/15/2022

FARRAGUT, TN

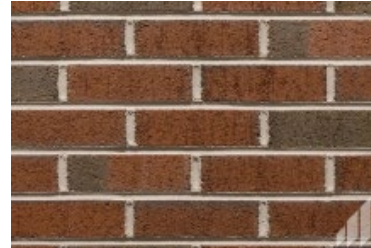
Proposed Brick Materials



FULL RANGE WIRECUT 6024

Manufactured in our Moncure, NC Plant*

Clay brick is the superior building material for residential and commercial projects. Stronger and more sustainable than other building materials, its beauty and value is unmatched. Choose from classic red bricks to warm earth tones and unique pastels.

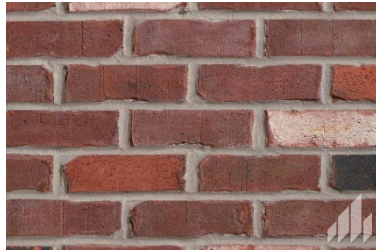


FULL RANGE WIRECUT 6035

Manufactured in our Moncure, NC Plant*

Clay brick is the superior building material for residential and commercial projects. Stronger and more sustainable than other building materials, its beauty and value is unmatched. Choose from classic red bricks to warm earth tones and unique pastels.

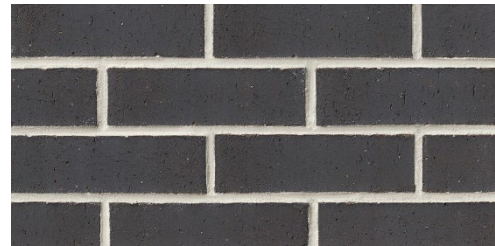
Alternate Proposed Materials



OLD LOUISVILLE TUDOR

Manufactured in our Spring City, TN Plant*

Old Louisville Tudor is a classic brick created through a sea of red color tones. Highlighted with a combination of selective, yet bold white tones; the tudored edge finish completes the look.



DOMINO (RESIDENTIAL)

Manufactured in our Terre Haute, IN Plant*

Clay brick is the superior building material for residential and commercial projects. Stronger and more sustainable than other building materials, its beauty and value is unmatched. Choose from classic red bricks to warm earth tones and unique pastels.



RALEIGH COURT

Manufactured in our Roanoke-VA Plant*

Clay brick is the superior building material for residential and commercial projects. Stronger and more sustainable than other building materials, its beauty and value is unmatched. Choose from classic red bricks to warm earth tones and unique pastels.



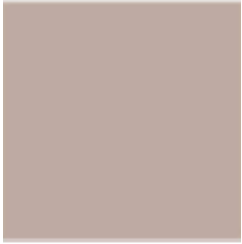
WINTERHAVEN

Manufactured in our Rome, GA Plant*

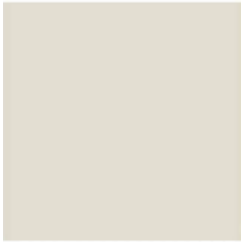
Clay brick is the superior building material for residential and commercial projects. Stronger and more sustainable than other building materials, its beauty and value is unmatched. *PLEASE READ COLOR DISCLAIMER ON SAMPLE SHEET.*

Proposed Siding/Roofing Materials

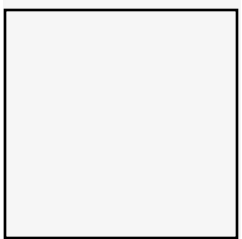
Hardie Board Panel & Hardie Board and Batten



SW9083 DUSTED TRUFFLE



SW1015 SKYLINE STEEL

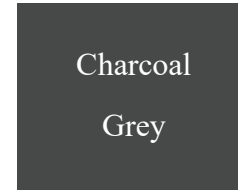


SW7646 FIRST STAR

Proposed Roofing Materials



Tamko Heritage Weathered Wood Shingles



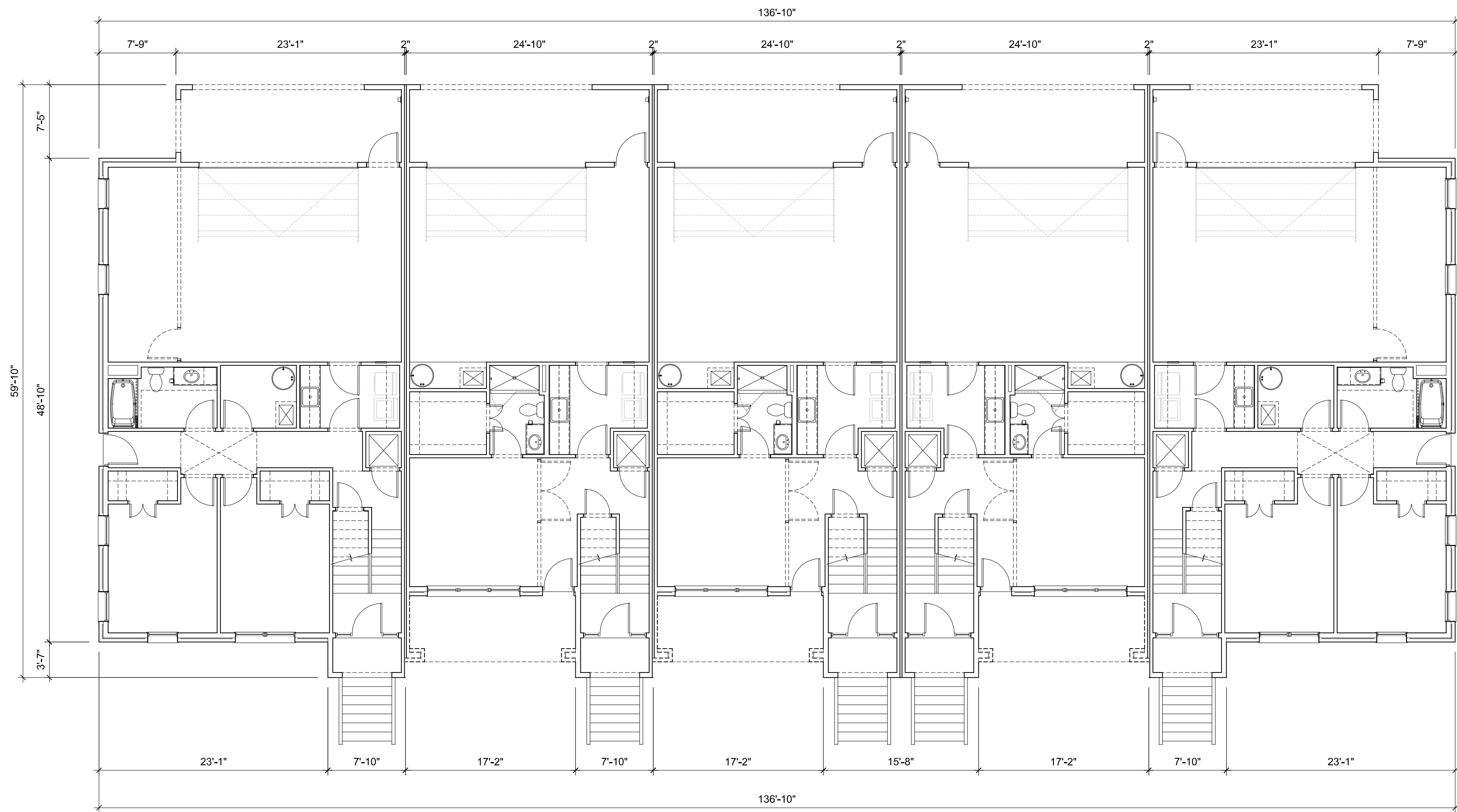
**Charcoal
Grey**

Metal Roofing

All Windows Frames/Mullions: White



BIDDLE FARMS
FARRAGUT TOWN CENTER



BUILDING TYPE 'A' - GROUND FLOOR
SCALE 1/8" = 1'-0"

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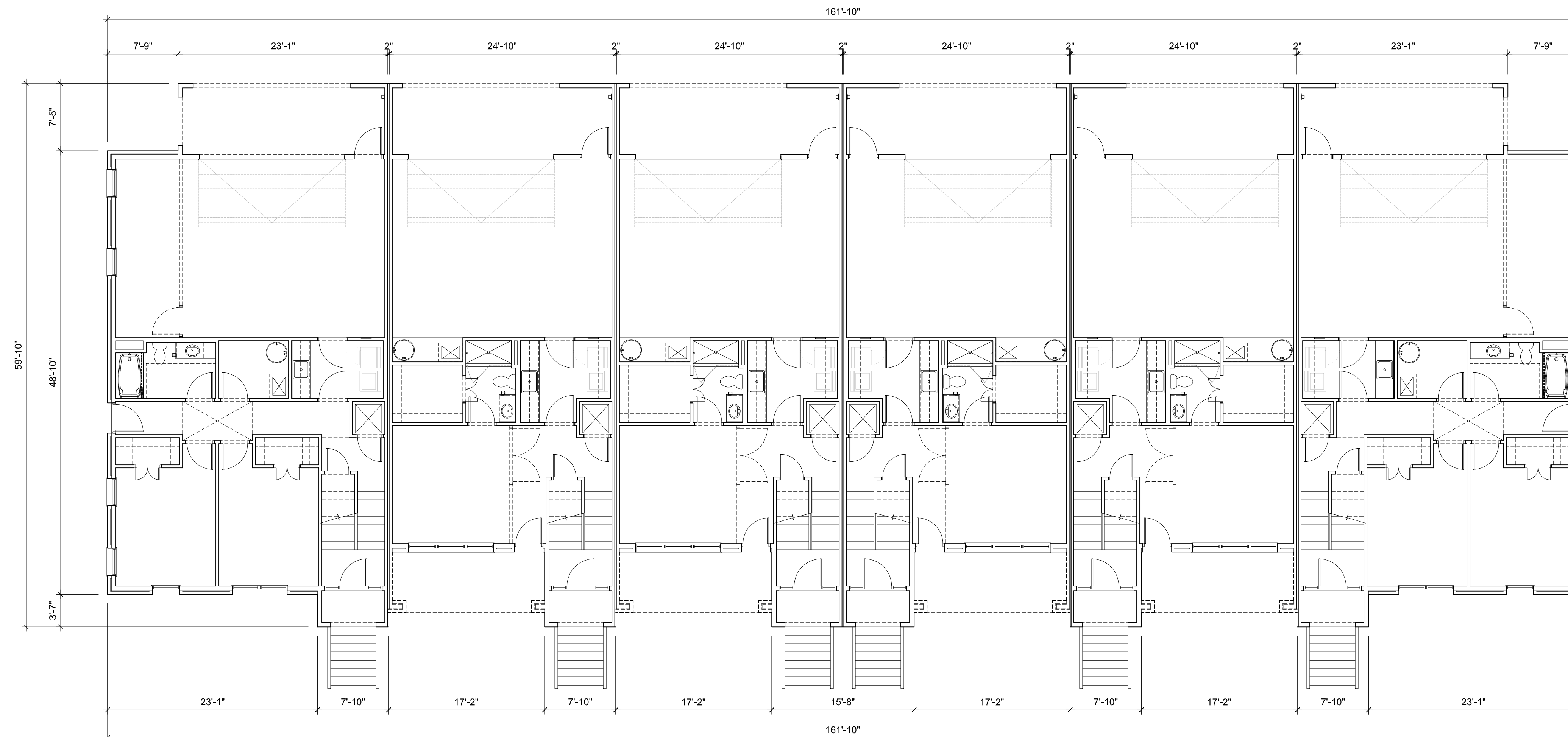


BUILDING TYPE A - GROUND FLOOR PLAN FARRAGUT TOWNHOUSES

PROJECT No: 5451 DATE: 03/15/2022 FARRAGUT, TN



BIDDLE FARMS
FARRAGUT TOWN CENTER



BUILDING TYPE 'B' - GROUND FLOOR
SCALE 1/8" = 1'-0"



BUILDING TYPE B - GROUND FLOOR PLAN FARRAGUT TOWNHOUSES

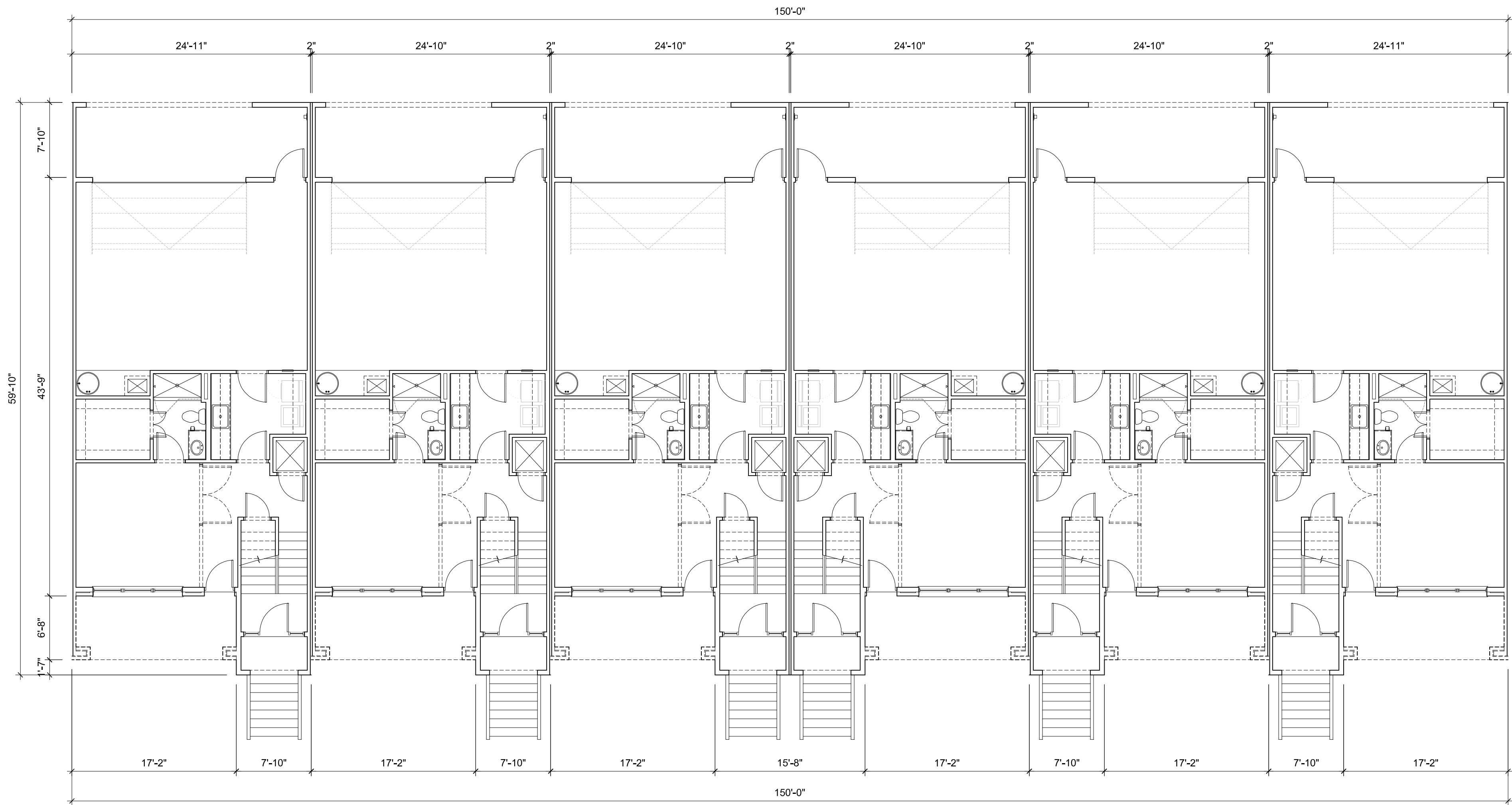
PROJECT No: 5451

DATE: 03/15/2022

FARRAGUT, TN



BIDDLE FARMS
FARRAGUT TOWN CENTER



BUILDING TYPE 'C' - GROUND FLOOR
SCALE 1/8" = 1'-0"



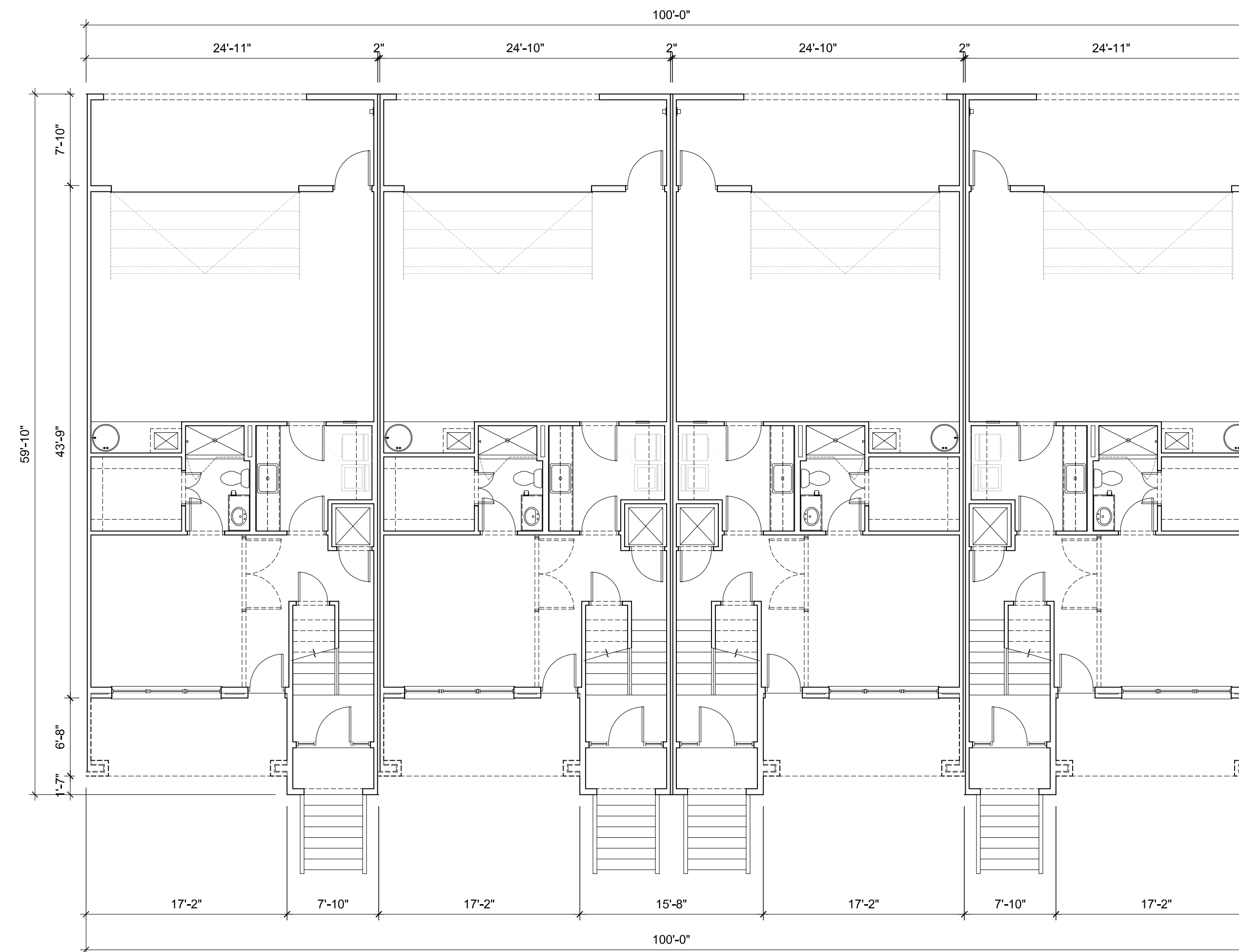
BUILDING TYPE C - GROUND FLOOR

FARRAGUT TOWNHOUSES

PROJECT No: 5451 DATE: 03/15/2022 FARRAGUT, TN



BIDDLE FARMS
FARRAGUT TOWN CENTER



BUILDING TYPE 'D' - GROUND FLOOR
SCALE 1/8" = 1'-0"



BUILDING TYPE D - GROUND FLOOR

FARRAGUT TOWNHOUSES

PROJECT No: 5451

DATE: 03/15/2022

FARRAGUT, TN



BIDDLE FARMS FARRAGUT TOWN CENTER

Conceptual Signage Vision

The overall objective of the proposed Town Center's conceptual signage vision is provide a consistent, effective, and unified approach to assist the citizens of the Town of Farragut convenient identification of the tenants of the project, and allows the tenants ample opportunities to promote their brands and assist in navigation to their store locations.

All Signage shall meet the Farragut Municipal Code signage requirements.

Several types of signage proposed for the project include:

- **Multi-Tenant Monument Signage** - The priority of this signage is frontage identification for the users that would otherwise be lined up in a lineal row all facing the street in the manner of the prior retail development. In the aggregate the proposition does not increase the global allocation of signage found in more conventional solutions. Rather it repositions it to add orientation, invitation, and retail activity to the Main Street, which is the focus of the "town center" concept.
- **Ground Monument Gateway Signage** - The ground monument signage similarly replaces a host of individual signs had the site been platted to allow for each building and tenant to have their own "fee simple" parcel. Their positioning along the secondary roads is in return replacing signage for many internal users organized in another development pattern than a town center model.
- **Primary Building Signage** – This signage is proposed to present a consistent approach regarding signage size and presentation while allowing retailers the opportunity to present their brand with little or no compromise. Both wall signage and under canopy blade signage are proposed.
- **Wayfinding & Accent Signage** – This signage, often cast at corners or suspended from cross arms of light standards that support multiple suspended signage shingles in a series with arrows pointing in the direction of each institution are





BIDDLE FARMS

FARRAGUT TOWN CENTER



OPEN/GREEN SPACE TO BE MAINTAINED
BY THE DEVELOPER



OPEN/GREEN SPACE TO BE DEDICATED
AND MAINTAINED BY THE TOWN

THIS PROPERTY WILL BE
RETAINED BY THE BIDDLE
FAMILY AND IS LOCATED IN
THE AQUATIC BUFFER AREA
THAT CANNOT BE DISTURBED

EXISTING HORSE
BARN

PROPOSED WALKING
TRAIL (20' EASEMENT
PROVIDED)

PROPOSED VILLAGE
GREEN

KINGSTON PIKE

BROOKLAWN STREET

PROPOSED
PEDESTRIAN
PATH

PROPOSED
PEDESTRIAN
PATH

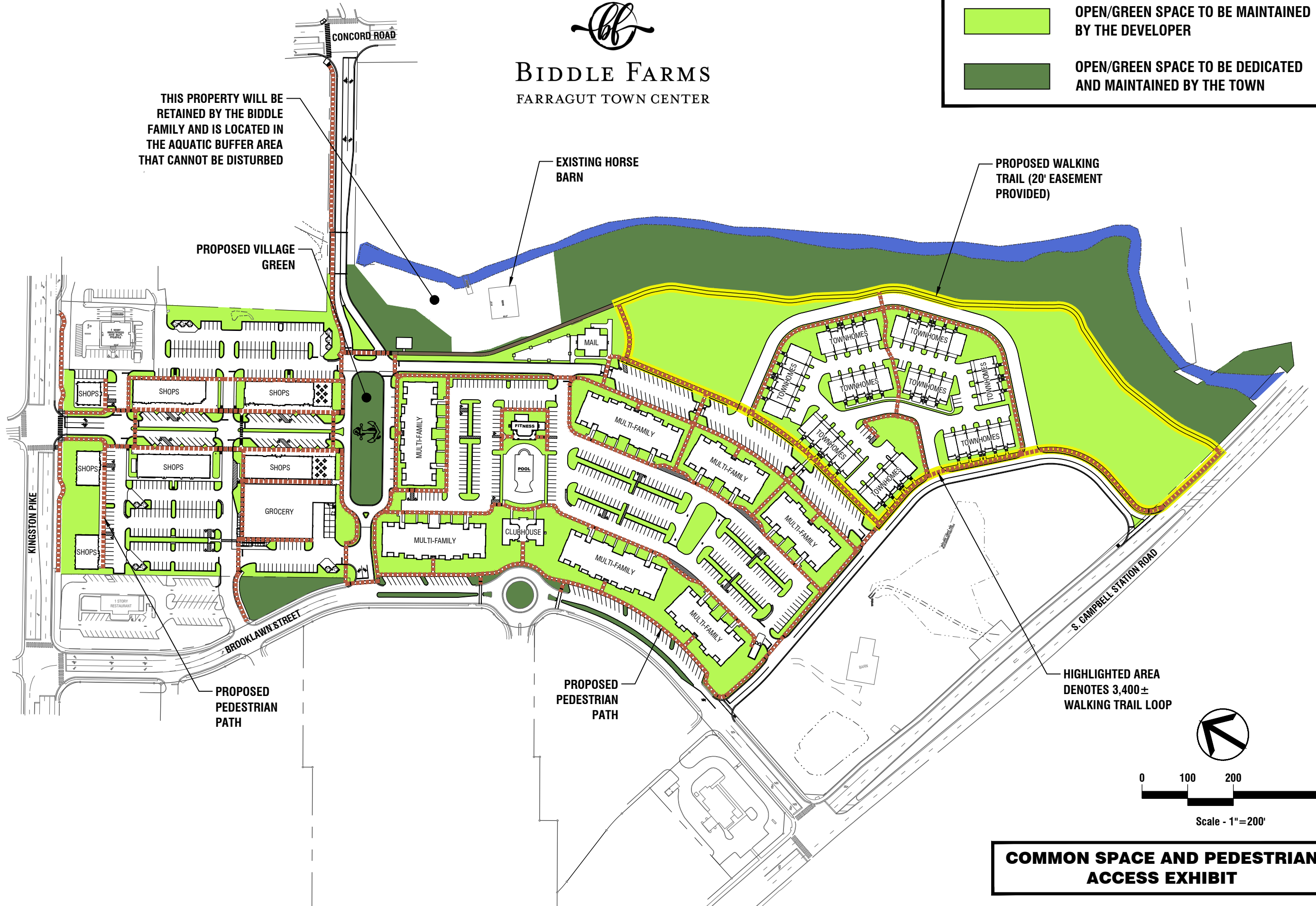
HIGHLIGHTED AREA
DENOTES 3,400±
WALKING TRAIL LOOP

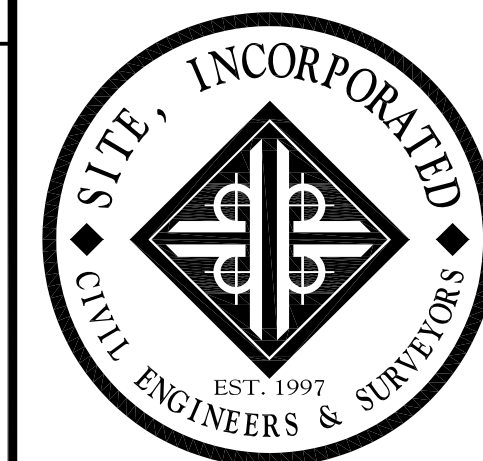
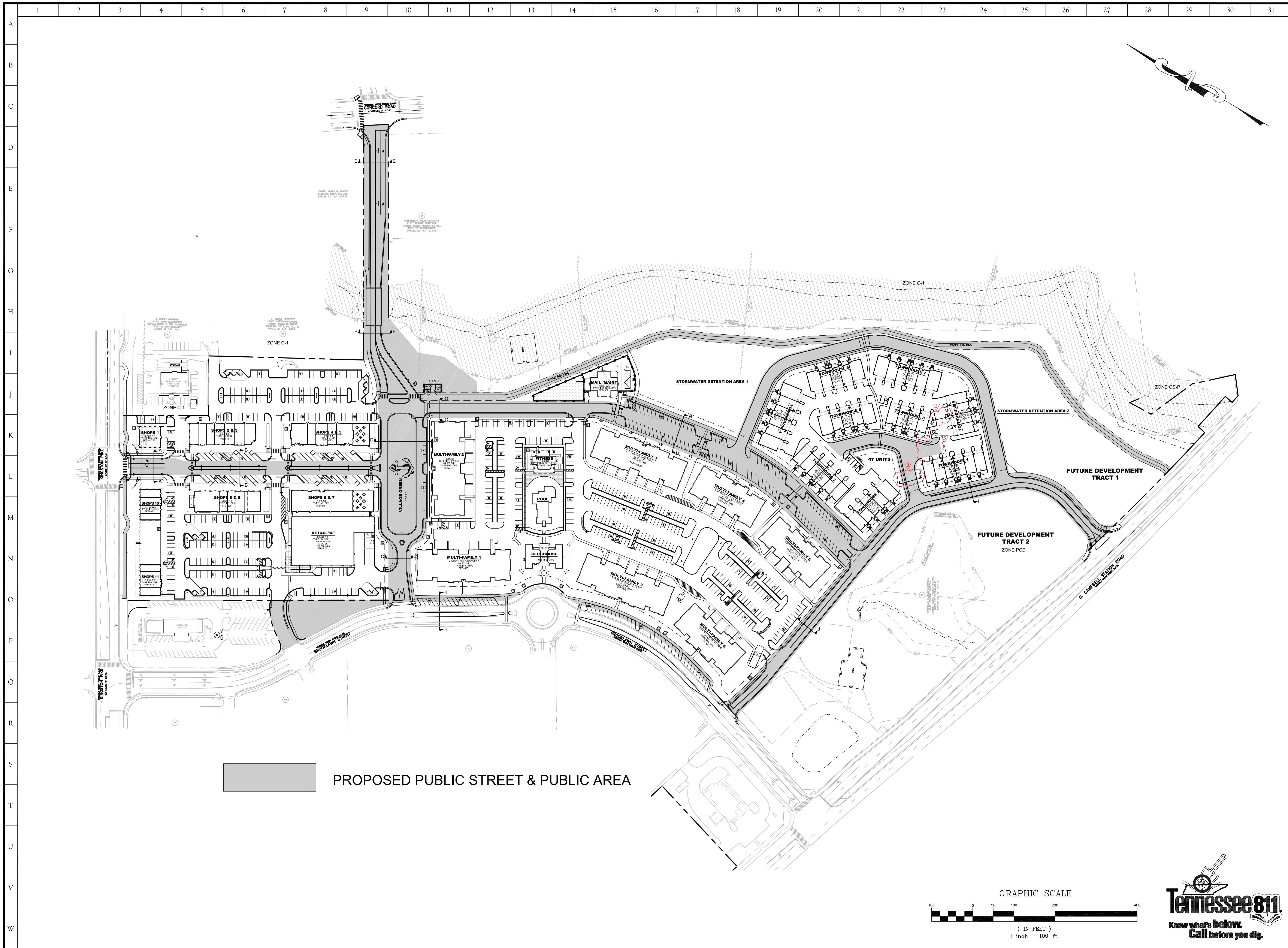


0 100 200 400

Scale - 1"=200'

**COMMON SPACE AND PEDESTRIAN
ACCESS EXHIBIT**





10215 Technology Drive, Suite 304
Knoxville, TN 37932
(865) 777-4160
www.site-incorporated.com

CONCEPTUAL

Proposed Public Area Plan

Farragut Town Center at Biddle Farms

Kingston Pk, Brooklawn St, Campbell Station Rd & Concord Rd
Civil District No. 6 of Knox County, Tennessee 37934

Town of Farragut

[illegible]

ORIGINAL ISSUE: 10/19/2020

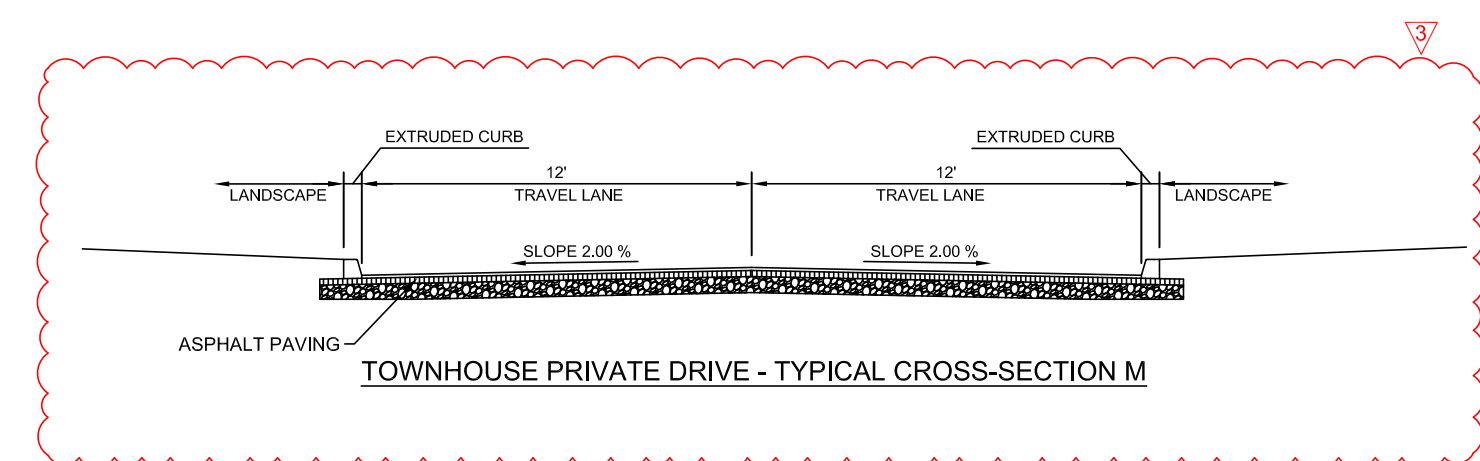
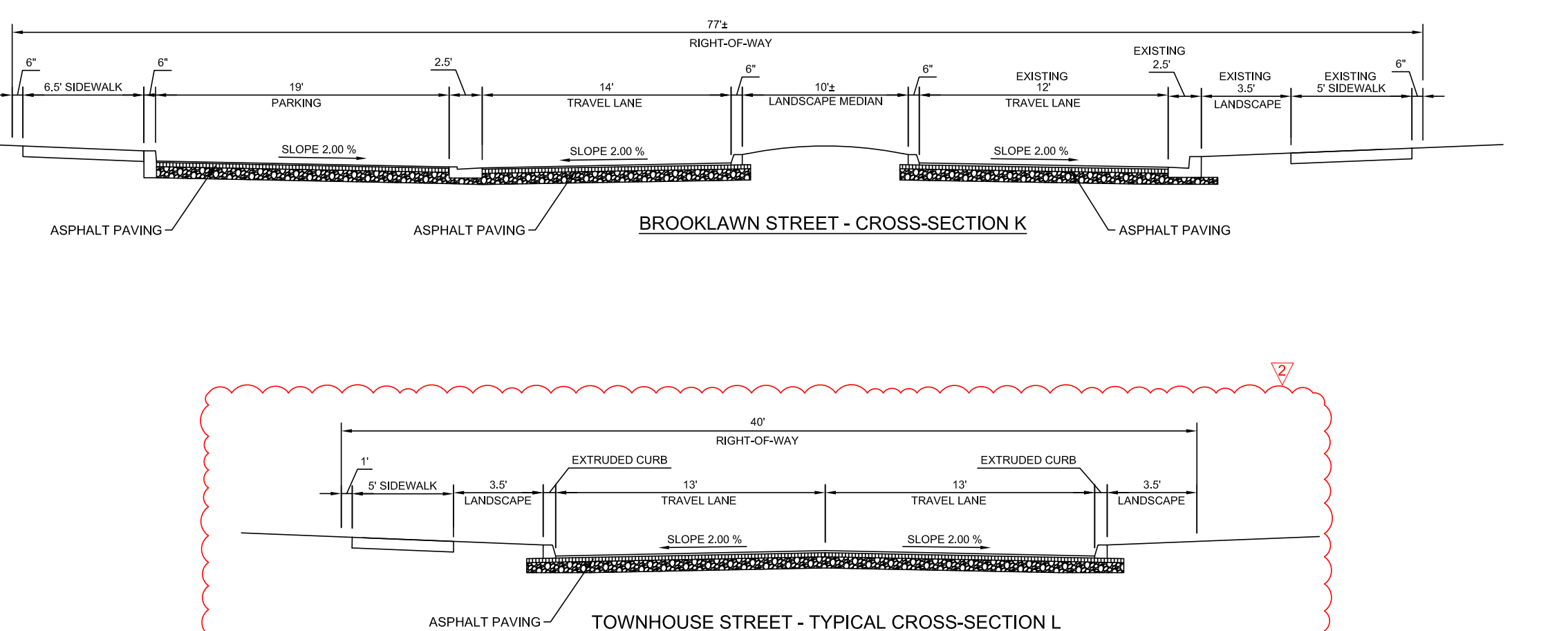
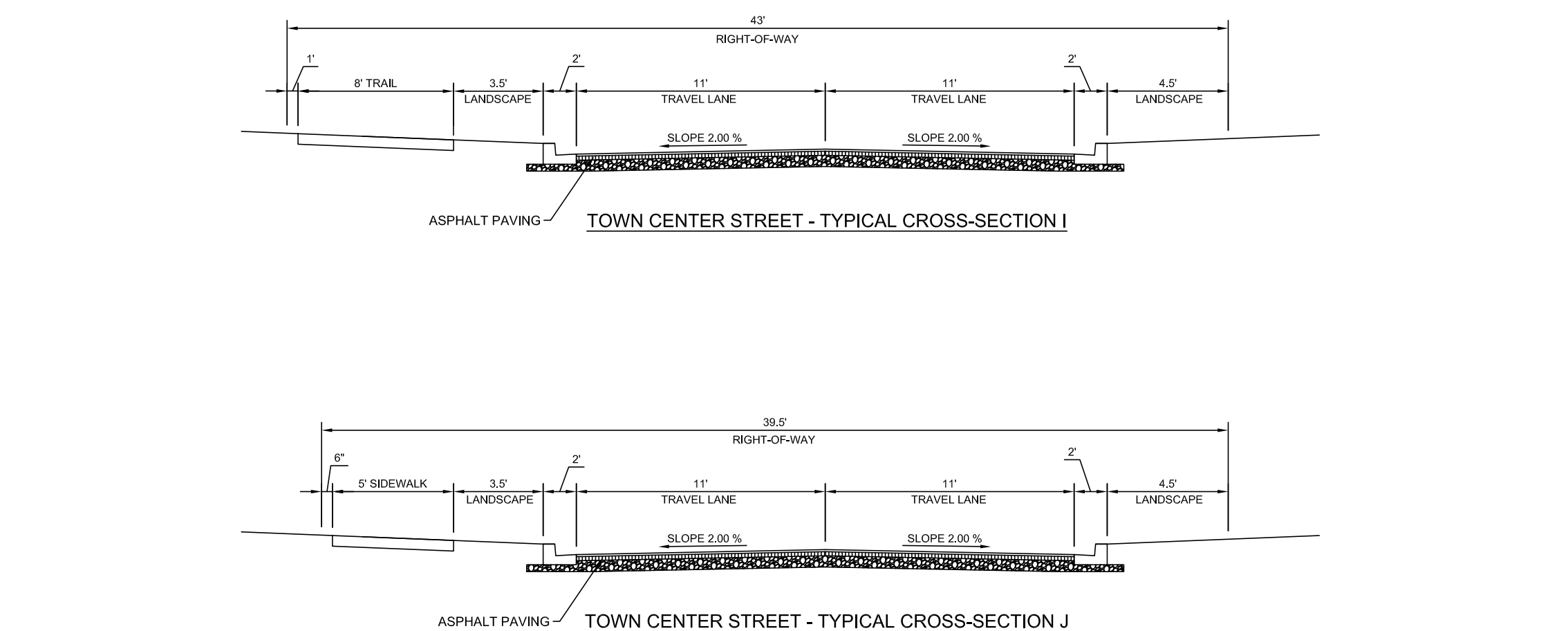
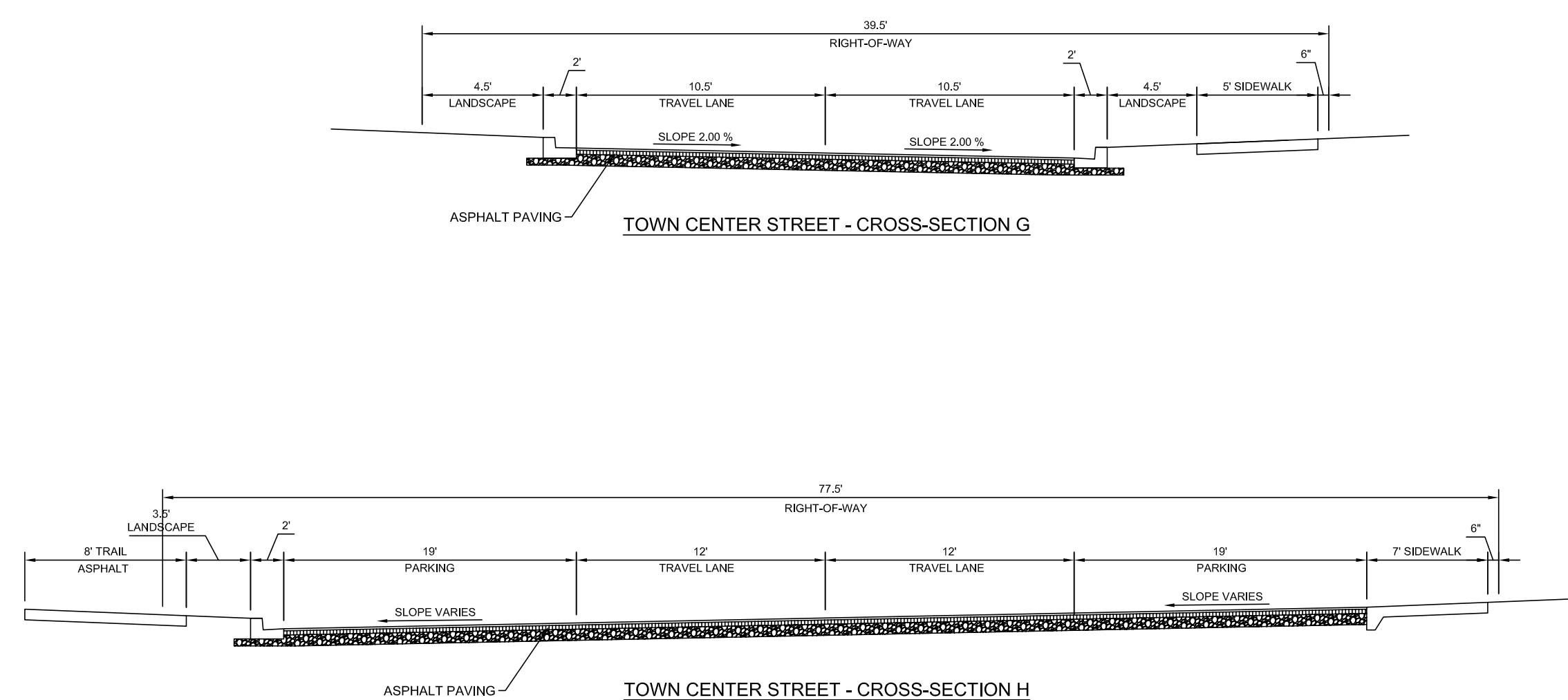
SITE PROJECT#: 1994

FILE: Public AreasTH

SHEET: OF:

PPA-1





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Knoxville, TN 37932
(865) 777-4160
www.site-incorporated.com

CONCEPTUAL

Proposed Town Center Street Cross Sections

Farragut Town Center at Biddle Farms

Town of Farragut

[illegible]ORIGINAL ISSUE: 10/19/2020

SITE PROJECT#: 1994

FILE: 1994XS

XS



BIDDLE FARMS

FARRAGUT TOWN CENTER

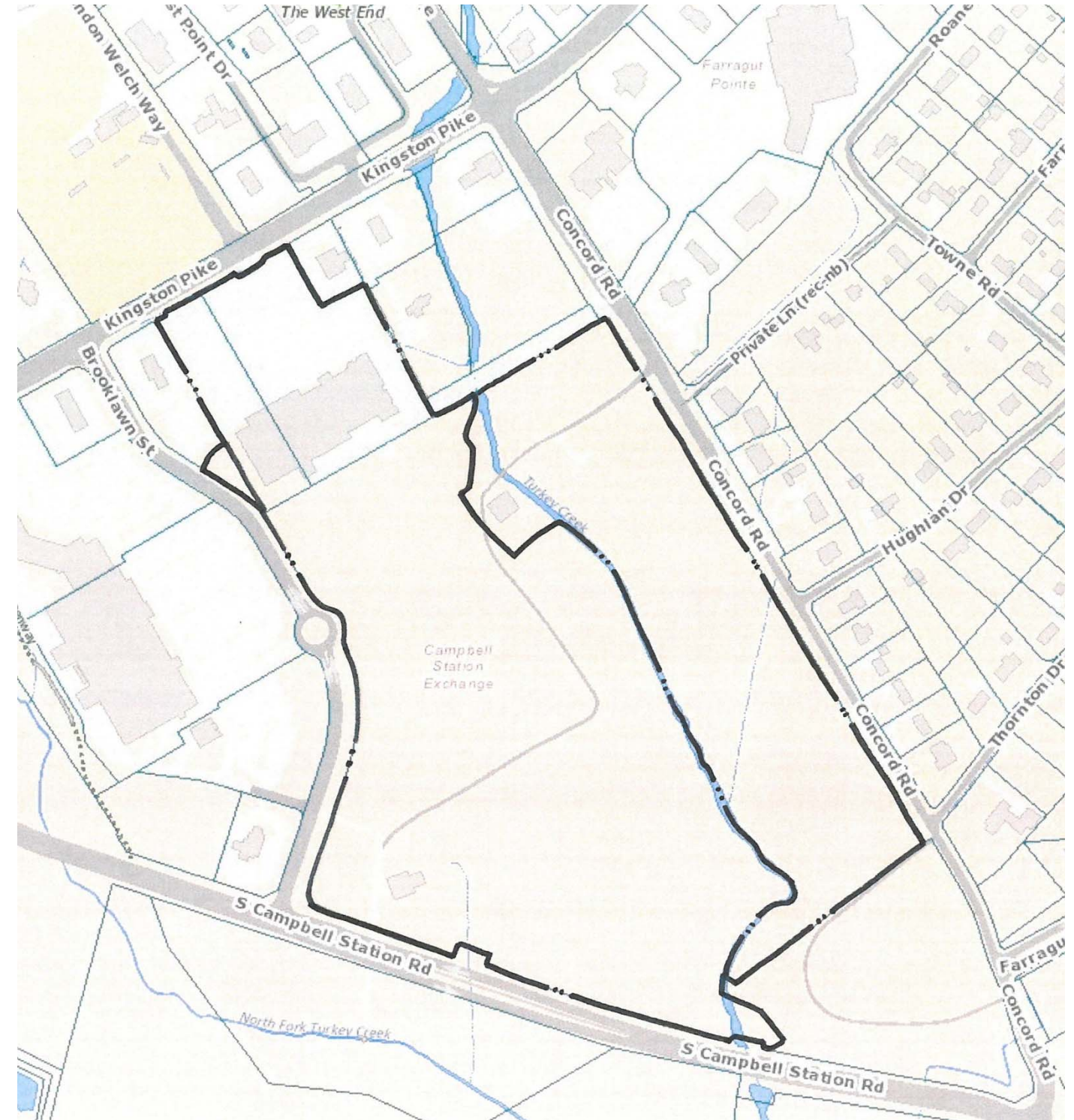
Hydraulic & Hydrology Study Summary and Recommendations

Hydraulic and hydrology models were requested and received from FEMA for both Turkey Creek and North Fork Turkey Creek. The results of both models match the effective results as shown in the Flood Insurance Study (FIS) number 47093CV001B. Both models were updated with new ground data as gathered by our project surveyor. The Base Flood Elevation (BFE) results for both Turkey Creek and North Turkey Creek models were verified to become the Existing Conditions Model (ECM).

From this point, the ECM was used to create the Proposed Conditions Model (PCM). The PCM included the conceptual layout for the development called "Farragut Town Center at Biddle Farms" provided by SITE Inc.

Based upon the results of the hydrology study, not only can the proposed development be constructed, but along with the new bridge over Turkey Creek and other measures undertaken will also help alleviate some of the existing conditions.

FEMA approved the Conditional Letter of Map Revision on July 5, 2022.





Traffic Impact Study Summary and Recommendations

The study of the Biddle Farms, a proposed mixed commercial and residential development evaluated the projected traffic conditions. Background traffic was determined using a 3.5-percent annual compounded growth rate until the horizon year 2025. Traffic associated with the proposed project was then generated and distributed to the proposed site accesses. The proposed site may generate approximately 8,480 daily weekday trips. After the consideration of pass-by traffic and internal trips, approximately 6,730 new daily trips (Primary) may be generated for a typical weekday. Using the identified turning movements for the projected traffic conditions, unsignalized and signalized capacity and level of service analyses were conducted using the 2000 Highway Capacity Manual.

Current conditions for study intersections are LOS E or better. Intersections are operating with a minimum LOS C except for the Kingston Pike intersections with Campbell Station Road and Concord Road. The PM peak hour for the intersection of Kingston Pike at Campbell Station Road is a LOS E and operates over capacity with a V/C ratio of 1.08, thereby an operation that is unstable and experiencing saturated traffic flows resulting in significant congestion with adverse traffic queues. The Kingston Pike intersection with Concord Road is a LOS D during the peak hours with a capacity ratio exceeding 0.90 indicating traffic conditions becoming unstable.

From the analyses conducted, changes in intersection capacity and delays are minimal for the study intersections, and levels of service did not change significantly from the background traffic conditions. Analyses determined that the proposed site development did not result in any significant changes from the analyses conducted for the background traffic conditions which found that the Kingston Pike intersections with Campbell Station Road and Concord Road may experience a LOS F during the PM peak hour and an E during the AM peak hour, respectively; the site impact increase the average intersection delay less than 6 seconds for either intersection and the increase in the V/C ratio not more than 4-percent. The poor levels of service for the Kingston Pike intersections with Campbell Station Road and Concord Road would occur regardless of the proposed development.

The proposed site does not have a significant impact on the adjacent road network as traffic projections and intersection analyses found little impact resulting from the proposed development. This impact is minimized with the proposed signalized accesses available to the site thereby affectively distributing the trips generated by the mixed-use development. **The proposed development is a lower trip generator than the zoned property which could possibly develop an approximate 295,000 square feet of retail uses.** The comparison of the trip generation found the proposed site reduces the trip generation potential as compared to the possible development with the current zoning. **With the same pass-by rate of 20-percent applied to the trip generation of a 295,000 square foot center, the daily trips generated may be 3,300 fewer daily trips and 390 fewer PM peak hour trips with the proposed mixed commercial and residential**

development. An additional approximate 75 trips might be generated during the AM peak hour with the mixed-use commercial and residential site but is not significant as it is managed with numerous accesses to the adjacent street network.

RECOMMENDATIONS

The analyses conducted and the review of the traffic volumes identified the following recommendations:

Minimize landscaping, using low growing vegetation, and signing at the planned site accesses.

Intersection design should conform to the recommended standards and practices of the American Association of State Highway and Transportation Officials, the Institute of Transportation Engineers, Tennessee Department of Transportation (TDOT), and the Town of Farragut. The proposed site access for the site was found to operate at acceptable levels of service; however, the adjacent Kingston Pike intersections with Campbell Station Road and Concord Road may experience lower and unacceptable levels of service as the background traffic will have a significant impact on the intersections' capacities. Background left-turn volumes exceed 300vph for the northbound, southbound, and eastbound approaches of the Kingston Pike and Campbell Station Road intersection thereby requiring double left-turn lanes. Double left-turn lanes for the Kingston Pike and Campbell Station Road intersection would be very difficult with the current development of the intersection corners. The provision of these double left-turn lanes would require several design exceptions if they were to be considered by the Town of Farragut, minimizing any right-of-way required.

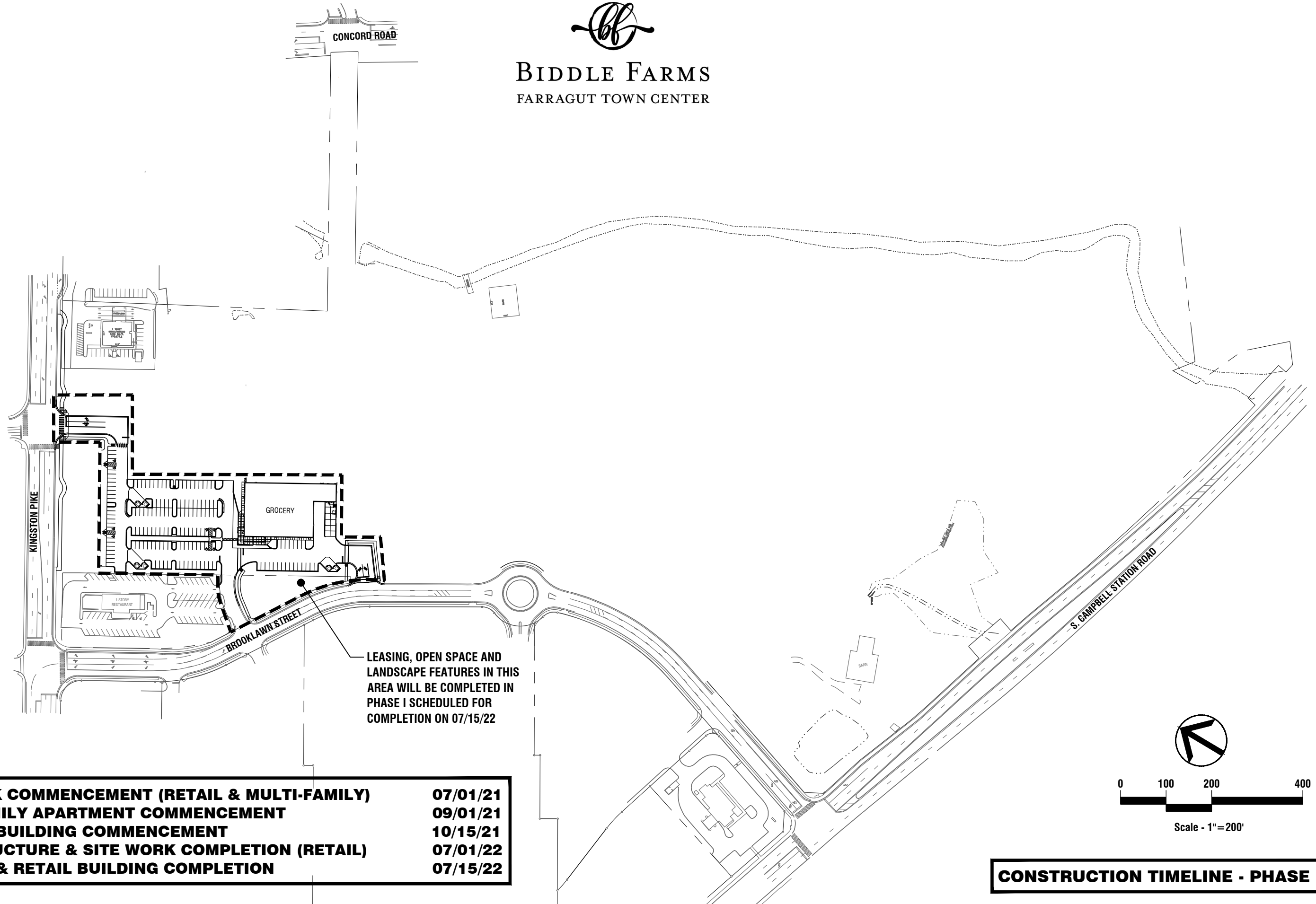
Mitigation of background traffic impacts for the of Kingston Pike intersection with Concord Road is an additional northbound right-turn lane. The mitigation of both Kingston Pike intersections with Campbell Station Road and Concord Road would return level of service and capacity back to that currently experienced for the 2020 traffic conditions. The development of the Biddle Farms property did not determine any required mitigation as its impacts were not significant and acceptable levels of service provided for the accesses to the site.

Per the TIS letter amendment dated 06-20-22, The addition of the proposed 48 townhomes would result in an expected 25 additional trips (entering and exiting) during the evening peak, and 19 additional trips (entering and exiting) during the morning peak. These trips would be distributed between four different access points to the development. We would expect the impact of these added trips to be negligible – with only a few trips at any turning movement location for a specific access point during the peak periods.

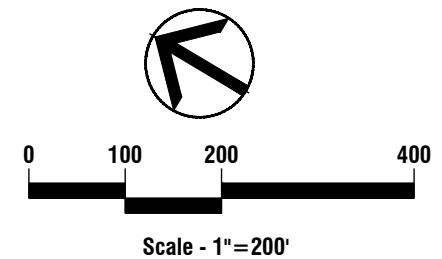


BIDDLE FARMS

FARRAGUT TOWN CENTER



SITE WORK COMMENCEMENT (RETAIL & MULTI-FAMILY)	07/01/21
MULTI-FAMILY APARTMENT COMMENCEMENT	09/01/21
GROCERY BUILDING COMMENCEMENT	10/15/21
INFRASTRUCTURE & SITE WORK COMPLETION (RETAIL)	07/01/22
GROCERY & RETAIL BUILDING COMPLETION	07/15/22

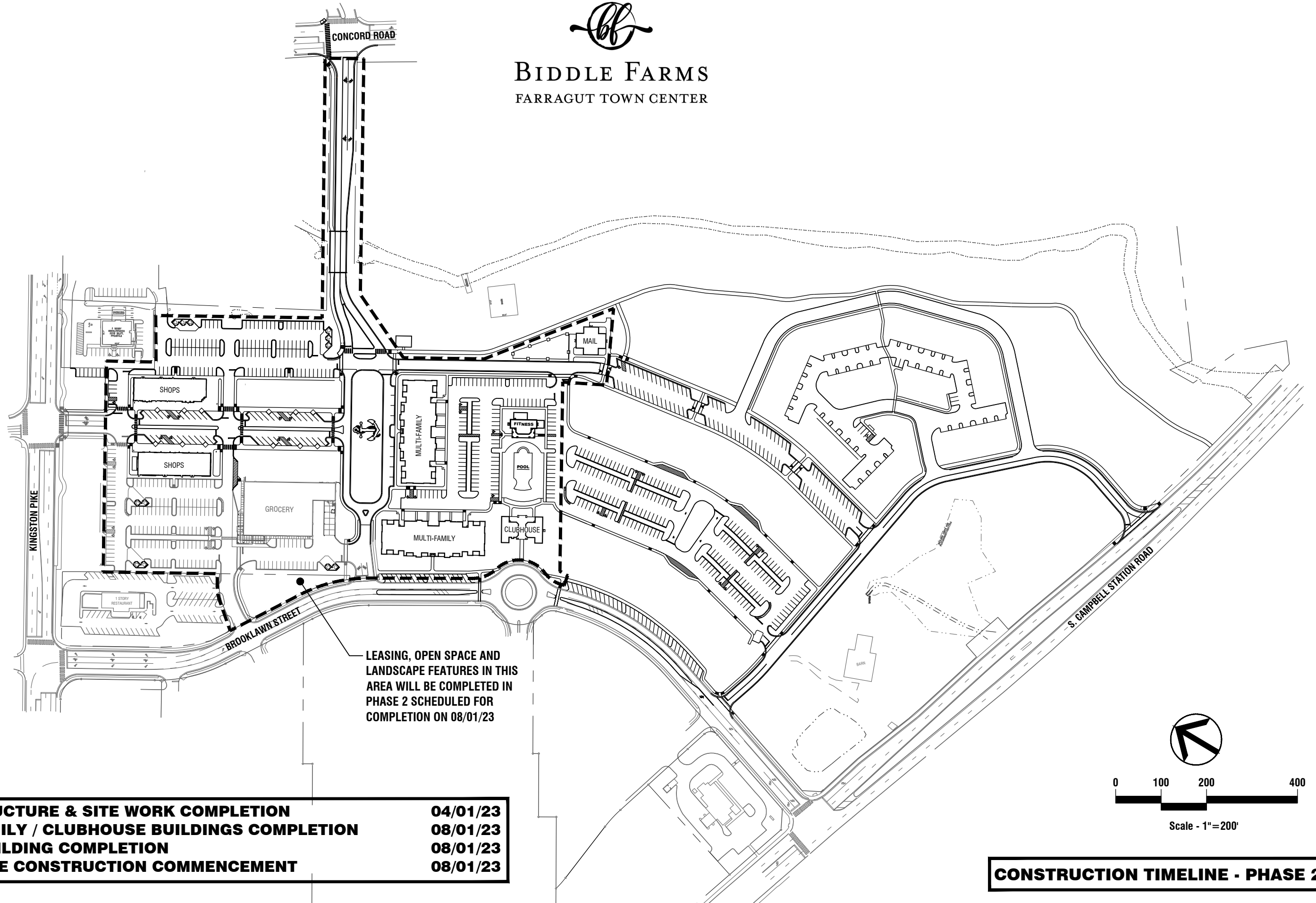


CONSTRUCTION TIMELINE - PHASE 1



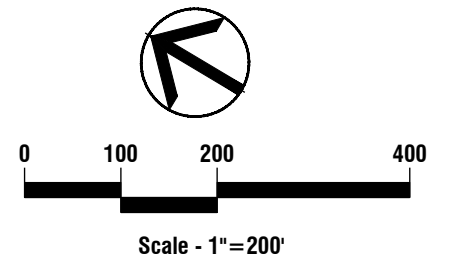
BIDDLE FARMS

FARRAGUT TOWN CENTER



LEASING, OPEN SPACE AND
LANDSCAPE FEATURES IN THIS
AREA WILL BE COMPLETED IN
PHASE 2 SCHEDULED FOR
COMPLETION ON 08/01/23

INFRASTRUCTURE & SITE WORK COMPLETION	04/01/23
MULTI-FAMILY / CLUBHOUSE BUILDINGS COMPLETION	08/01/23
RETAIL BUILDING COMPLETION	08/01/23
TOWNHOME CONSTRUCTION COMMENCEMENT	08/01/23

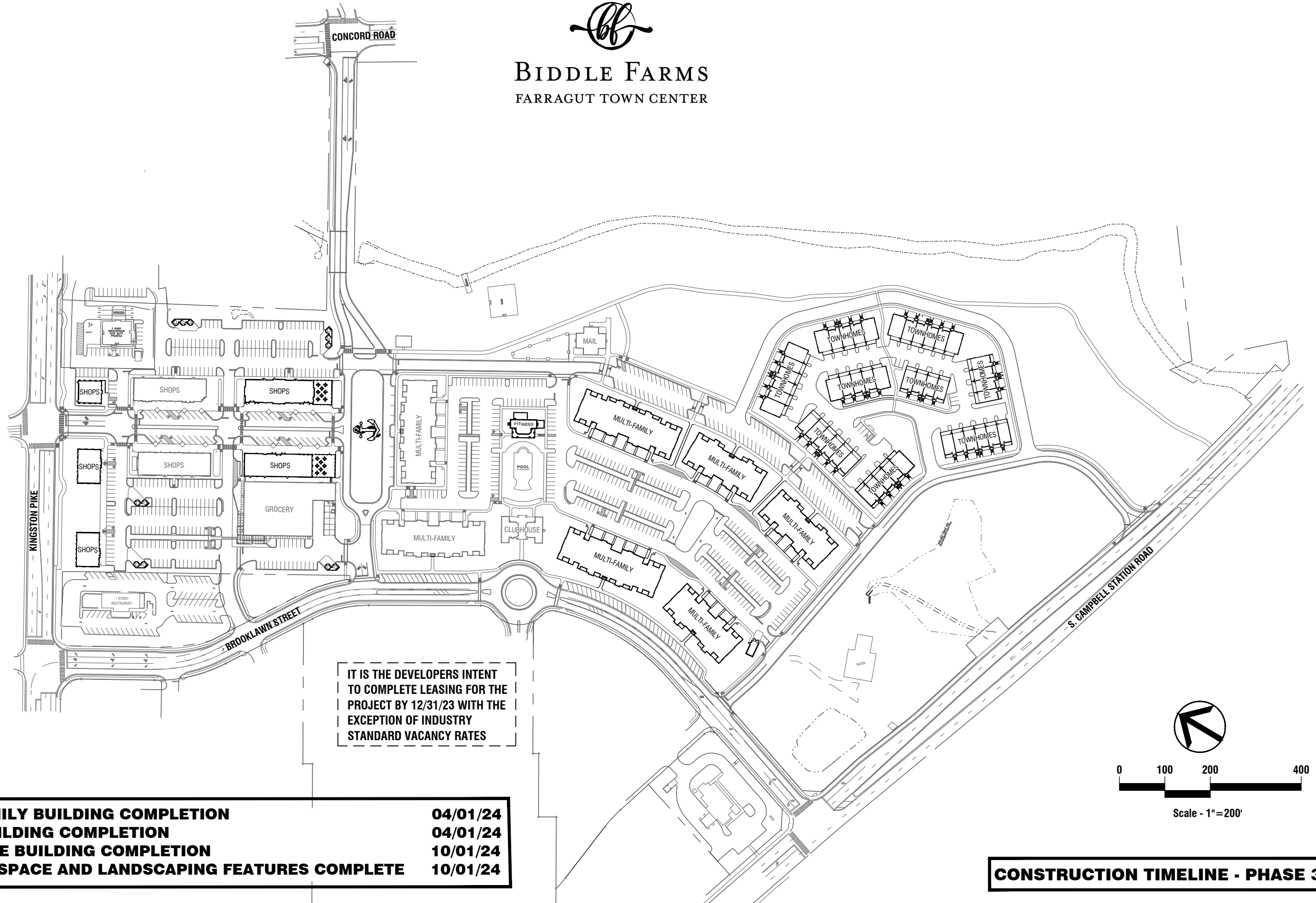


CONSTRUCTION TIMELINE - PHASE 2



BIDDLE FARMS

FARRAGUT TOWN CENTER



MULTI-FAMILY BUILDING COMPLETION	04/01/24
RETAIL BUILDING COMPLETION	04/01/24
TOWNHOME BUILDING COMPLETION	10/01/24
ALL OPEN SPACE AND LANDSCAPING FEATURES COMPLETE	10/01/24

CONSTRUCTION TIMELINE - PHASE 3

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: William E. McKelvey, Public Works Director

SUBJECT: Approval of Bid for Contract #2022-11: 917 McFee Road Dimmick House Demolition

INTRODUCTION: The purpose of this agenda item is to consider bids and award Contract #2022-11: 917 McFee Road Dimmick House Demolition to the chosen contractor.

STRATEGIC PLAN: In our long-term planning of Phase 3 McFee Park this dwelling was slated for removal upon completion of that area of McFee Park.

BACKGROUND: The Dimmick house has been used for years as a storage unit for numerous items. After completion of Phase 3 McFee Park and the completion of the new 2000 square foot storage building at Public Works we have moved everything out of the house and garage into the new building. We no longer have a use for the house and garage. It also has been an attractive nuisance with the opening of the park. The contract is for the abatement and removal of hazardous materials and the demolition of the Dimmick house, garage, septic tank, and grading.

DISCUSSION: On July 19, 2022, we opened bids from two (2) contractors and Public Works recommends awarding the contract to the vendor Environmental Abatement, Inc., based on their bid and their ability to perform the required work. They have also done work for us in the past on Virtue Rd to our satisfaction.

BID TABULATIONS:

BIDDER	BID PRICE
VENDOR: Environmental Abatement, Inc. LOCATION: 717 Kevin Lane Lenoir City, TN 37772	\$25,000.00
VENDOR: First Place Finish, Inc. LOCATION: 142 Midway Lane Oak Ridge, 37830	\$37,834.00

FINANCIAL SECTION:

Account Number:

Total Budget
\$30,000

Requested Amount
\$25,000

Remaining Amount
\$5,000

Approved By: A. Myers

RECOMMENDATION BY: Bud McKelvey, Public Works Director, for approval.

PROPOSED MOTION: To approve Contract #2022-11 to **Environmental Abatement, Inc.** in the amount of \$25,000.00

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>BURNETTE</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>WILLIAMS</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

**AGREEMENT
CONTRACT #2022-11
917 MCFEE ROAD DIMMICK HOUSE DEMOLITION**

This agreement made as of the 19th day of July in the year 2022 by and between the;

TOWN OF FARRAGUT
11408 Municipal Center Drive
Farragut, TN 37934

(Hereinafter called Owner) and

Environmental Abatement, Inc.
717 Kevin Lane
Lenoir City, TN 37772

(Hereinafter called Contractor)

WITNESSETH THAT OWNER and CONTRACTOR in consideration of the mutual covenants hereinafter set forth agree as follows:

ARTICLE 1. WORK

The Contractor shall perform all Work as specified or indicated in the Contract Documents for the completion of the project generally described as follows:

Provide labor, material equipment, and services to perform the Work, both temporary and permanent, for the 917 McFee Road Dimmick House Demolition project to include:

Permits: acquire all required permits (Town, County and State as needed); any permits needed from the Town will be at no cost, but all requirement needs must be met to obtain a permit.

Demolition: everything that is part of the property building located at 917 McFee Rd, otherwise known as the Dimmick House; comprised of three (3) structures (the house, garage, and septic tank) as identified on the property map provided (see page 9), to include all:

- Asbestos abatement and removal
- Building;
- Septic Tank
- Footers;
- Foundation;
- Slab;
- Removal of all materials that qualify for certified landfill must be taken to certified landfills;
- Rough Grade of all disturbed areas to ensure proper drainage, seed, and straw;
- Contract Deadline for completing the project of the 917 McFee Road Dimmick House Demolition is **September 16, 2022.**

ARTICLE 2. ADMINISTRATOR

The Town Director of Public Works will act as Administrator in connection with completion of the work in accordance with the Contract Documents.

ARTICLE 3. CONTRACT TIME

The work shall begin upon receipt of a written Notice to Proceed from the Director of Public Works and shall be completed in its entirety, including completion of any punch list items, on or before September 16, 2022. **In the event the Work is not completed in its entirety on or before the completion date, deduction for Liquidated Damages shall be made as defined in item #13 of the General Conditions.**

ARTICLE 4. CONTRACT PRICE

The Owner will pay the Contractor for the performance of the contract in current funds for the total quantities of work performed at the prices stipulated in the bid for the several respective items of work completed, the total amount to be due upon completion and final acceptance of the Work, and the receipt of lien releases from the Contractor and all Subcontractors.

ARTICLE 5. CONTRACT DOCUMENTS

The Contract Documents which comprise the contract between Owner and Contractor are attached hereto and made a part hereof and consist of the following:

- A. Instructions to Bidders
- B. Special Conditions
- C. General Conditions
- D. Agreement
- E. Bid Form
- F. Bid Submission Checklist
- G. Affidavits and Certifications
- H. Bid Envelope Cover Sheet

ARTICLE 6. MISCELLANEOUS

- A. Neither Owner nor Contractor shall, without the prior written consent of the other, assign or sublet in whole or in part his interest under any of the Contract Documents; and, specifically, Contractor shall not assign any monies due or to become due without the prior written consent of the Owner.
- B. Owner and Contractor each bind himself, his partners, successors, assigns and legal representatives to the other party hereto in respect to all covenants, agreements and obligations contained in the Contract Documents.

- C. The Contract Documents constitute the entire agreement between Owner and Contractor and may be altered, amended, or repealed only by a written instrument signed by the party to be charged.
- D. **Guarantee and Correction of Work After Final Payment:** Neither the final certificate nor payment nor any provisions in the Contract Documents shall relieve the Contractor of responsibility for faulty materials or workmanship and, unless otherwise specified, he shall remedy any defects due thereto and pay for any damage to other work resulting there from, which shall appear within a period of one year from the date of final acceptance of the work by the Owner. The Owner shall give notice of observed defects with reasonable promptness. The Director subject to arbitration shall decide all questions arising under this article.

Contractor, and through it each Subcontractor, in accepting the contract for this construction or respective portions of the construction covered by this contract and specifications, does hereby agree to replace and make good, without expense to the Owner, any work or material which may be found to be defective within one year from the date of the final certificate of payment to said Contractor. The deterioration due to ordinary use and normal wear is accepted from this guarantee.

Contractor shall reimburse the Owner for cost of damage, if any, as well as cost of replacing defective materials or workmanship. If replacements are not made within fourteen days after notice is given of such defect in workmanship, or thirty days in case of materials, then the Owner shall have the right to make replacements and charge cost of same to Contractor or his bondsman.

- E. Contractor shall comply with the Department of Labor Safety and Health Regulations for construction promulgated under the Occupational and Health Act of 1970 (PL 91-596) and under Section 107 of the Contract Work Hours and Safety Standards Act (PL 92-54).
- F. **Subcontracting:** Contractor shall not assign this Contract or enter into a subcontract for any of the services performed under this Contract without obtaining the prior written approval of the Town. If such subcontracts are approved by the Town, each shall contain, at a minimum, sections of this contract pertaining to "Lobbying" and "Nondiscrimination," (as identified by the section headings). Notwithstanding any use of approved subcontractors, the Contractor shall be the prime contractor and shall be responsible for all work performed.
- G. **Lobbying:** Contractor certifies, to the best of its knowledge and belief, that:
- (a) No federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
 - (b) If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this contract, grant, loan, or cooperative

agreement, the Contractor shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

- (c) Contractor shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into and is a prerequisite for making or entering this transaction imposed by section 1352, title 31, U.S. Code.

- H. Nondiscrimination: Contractor hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits of, or be otherwise subject to discrimination in the performance of this Contract or in the employment practices of the Contractor on the grounds of handicap or disability, age, race, color, religion, sex, nation origin, or any other classification protected by Federal, Tennessee State constitutional, or statutory law. The Contractor shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

The undersigned, having become familiar with the existing and proposed conditions of the project affecting the cost of the work, hereby proposes to furnish all supervision, technical personnel, labor, machinery, tools, appurtenances, equipment, and services of **Contract #2022-11, 917 McFee Road Dimmick House Demolition**, all in accordance with the listed documents at and for the unit prices for work in place for the following items and quantities:

Per Bid Form signed and submitted on or before July 19, 2022.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

OWNER:

Town of Farragut
11408 Municipal Center Drive
Farragut, TN 37934

BY: _____

(Printed or Typed)

Title _____

ATTEST: _____

CONTRACTOR:

Environmental Abatement, Inc.

717 Kevin Lane

Lenoir City, TN 37772

BY: _____

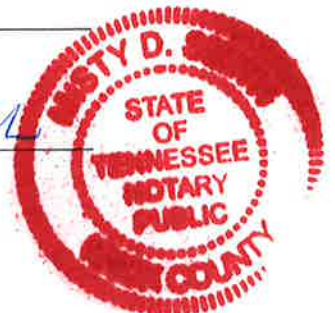

Gary Stapleton

(Printed or Typed)

Title Division Manager

ATTEST: _____





BID FORM

- A. The undersigned, having become familiar with the existing conditions on the Project Areas affecting the cost of the work, hereby proposes to furnish all supervision, technical personnel, labor, machinery, tools, appurtenances, equipment, and services, including utility and transportation services, required to complete **Contract # 2022-11, 917 McFee Road Dimmick House Demolition**, all in accordance with the listed documents at and for unit prices for work in place for the following items and quantities.
- B. The Town of Farragut is soliciting bids for Contract # 2022-11, 917 McFee Road Dimmick House Demolition, with the intent to secure a bid to **demolish, remove and grade the house, garage, and septic tank**.

Contractor shall submit a schedule for the **917 McFee Road Dimmick House Demolition** to the Public Works Director, or his designee, within 15 days of the notice to proceed.

Item #	Description	Total Price
101	Permits, Asbestos Removal, Demolition, Removal and Rough Grade to Drain	\$ 25,000.00
Total Bid:		\$ 25,000.00

- C. In submitting this Bid, the bidder recognizes that the right is reserved by the Town of Farragut to accept the Total Bid or any part, to negotiate with any Bidder, waive any formalities in the bidding, or to reject any or all bids.

NOTE: All Work items not specifically mentioned above, but required by the Contract Documents, shall be considered incidental to the other Work, and not be paid for directly.

Substitutions for this contract must be submitted with bid form.

List any items that are intended to be used as a substitute for specified items (if necessary):

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Michelle Pence, Human Resource Director

SUBJECT: Approval of Resolution R-2022-09, adopting the Amended and Restated State of Tennessee's Deferred Compensation Plan and Participating Employer Agreement

INTRODUCTION: The Town of Farragut provides employees with a 401k retirement plan as an employee benefit to proactively prepare for retirement.

BACKGROUND: In March 2012, the Board voted to implement a 401k retirement plan from the State of Tennessee. The 401k plan implemented a dollar-for-dollar match up to 10% of employee gross wages, based on years of service.

DISCUSSION: Recent studies show that retirement professionals are recommending that Americans have 10%-15% minimum of annual wages in a 401k or other retirement plan to proactively plan for retirement. That recommendation has been trending higher and higher every year.

Upon a benefit review by the Town Administrator and the Human Resource Director comparing other similar cities and municipalities to Farragut, it was determined that we were not competitive in the area of retirement benefits.

Staff recommends the Town adopt a 6% contribution upon hire with no employee match required. The Town would provide an additional match contribution based on the employees' years of service as follows.

Years of Service	Town Contribution not requiring match	Employee Contribution to receive match	Town Match	Maximum Town Contribution
0-4 years	6%	2%	2%	8%
5-8 years	6%	4%	4%	10%
9-12 years	6%	6%	6%	12%
13+ years	6%	8%	8%	14%

All employees will be auto enrolled into the plan at 2% of gross wages, with the option to decline. The cliff vesting schedule would not change as the employee is fully vested at 3 years of service.

STRATEGIC PLAN: Adoption of this update to the 401k retirement plan would achieve the Town's goal of Supporting and Caring for a Committed Workforce.

FINANCIAL SECTION: The additional funding for the increased Town contribution is already in the approved FY 2022-2023 budget.

RECOMMENDATION BY: Town Administrator David Smoak and Human Resource Director Michelle Pence recommend approval of Resolution R-2022-09.

PROPOSED MOTION:

Approval of Resolution R-2022-09, adopting the Amended and Restated State of Tennessee’s Deferred Compensation Plan and Participating Employer Agreement.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>BURNETTE</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>WILLIAMS</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

**AMENDED AND RESTATED
STATE OF TENNESSEE
DEFERRED COMPENSATION PLAN II
- 401(k) -
RESOLUTION AND
PARTICIPATING EMPLOYER AGREEMENT**

**Town of Farragut
[Participating Employer]**

**Administered by:
Treasurer, State of Tennessee
502 Deaderick Street, 15th Floor
Andrew Jackson State Office Building
Nashville, Tennessee 37243
Telephone: 615-741-3552**

RESOLUTION R-2022-09

WHEREAS, the Town of Farragut (hereinafter referred to as the "Employer") has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a 401(a) or 401(k) defined contribution plan, funded by employee deferrals and, if elected pursuant to Section N, Q, or HH of the Amended and Restated Participating Employer Agreement, employer contributions;

WHEREAS, Tennessee Code Annotated, Section 8-25-111(a) allows a Tennessee local governmental entity to participate in the State of Tennessee's 401(a)/401(k) defined contribution plan subject to the approval of the Chair of the Tennessee Consolidated Retirement System (hereinafter referred to as the "Chair");

WHEREAS, the liability for participation and the costs of administration shall be the sole responsibility of the Employer and/or its employees, and not the State of Tennessee;

WHEREAS, the Employer has also determined that it wishes to encourage employees' saving for retirement;

WHEREAS, the Employer has reviewed the State of Tennessee Deferred Compensation Plan II Adoption Agreement for a Section 401(k) Cash or Deferred Arrangement for Governmental Employers, as adopted by the State of Tennessee, as amended and restated effective January 1, 2010, as amended December 21, 2010, and as amended by Amendment Number Two dated January 4, 2012, as well as the Section 401(k) Cash or Deferred Arrangement for Governmental Employer Basic Plan Document (collectively known as the "Plan" or "Plan Document");

WHEREAS, the Employer wishes to provide certain benefits to its employees, reduce overall administrative costs, and afford attractive investment opportunities;

WHEREAS, the Employer is eligible to become a Participating Employer in the Plan, pursuant to Article XX of the Plan Document;

WHEREAS, the Employer executed a Participating Employer Agreement to participate in the Plan effective February 9, 2012 (the "Existing Agreement");

WHEREAS, the Employer desires to revise the Existing Agreement by changing the Employer's contribution elections;

WHEREAS, the Employer is concurrently executing an Amended and Restated Participating Employer Agreement for the Plan, which will replace the Existing Agreement in all respects; and

WHEREAS, the Board of Mayor and Aldermen ("Governing Authority") of the Employer is authorized by law to adopt this resolution approving the Amended and Restated Participating Employer Agreement on behalf of the Employer;

NOW, THEREFORE, the Governing Authority of the Employer hereby resolves:

1. The Employer adopts the Plan Document for its Employees; provided, however, that for the purpose of the Plan, the Employer shall be deemed to have designated irrevocably the Chair as its agent, except as otherwise specifically provided herein or in the Amended and Restated Participating Employer Agreement.
2. The Employer acknowledges that the Plan does not cover, and the Trustees of the Plan ("Trustees") have no responsibility for, other employee benefit plans maintained by the Employer.
3. The Employer acknowledges that it may not provide employer contributions to the Plan on behalf of any of its employees that exceed three percent (3%) of the respective employees' salary if the employees are members of the Tennessee Consolidated Retirement System ("TCRS") or of any other retirement program financed from public funds whereby such employees obtain or accrue pensions or retirement benefits based upon the same period of service to the Employer, unless such employees are members of TCRS' local government hybrid plan established under Tennessee Code Annotated, Section 8-35-256 or TCRS' State hybrid plan established under Tennessee Code Annotated, Title 8, Chapter 36, Part 9. If such employees participate in either of those hybrid plans, the total combined amount of employer contributions to the Plan and to any one or more additional defined contribution plans may not exceed seven percent (7%) of the respective employees' salary. In no instance shall the total combined employer contributions to all defined contributions plans on behalf of a single employee exceed the maximum allowed under the Internal Revenue Code ("Code"), and shall conform to all applicable laws, rules and regulations of the Internal Revenue Service ("IRS") governing profit sharing and/or salary reduction plans for governmental employees.
4. The Employer hereby adopts the terms of the Amended and Restated Participating Employer Agreement, which is attached hereto and made a part of this resolution. The Participating Employer Agreement (a) permits all employees of the respective entity to make elective deferrals; (b) sets forth the Employees to be covered pursuant to Section N, Q, or HH of the Participating Employer Agreement for employer contributions, if any; (c) outlines the benefits to be provided by the Participating Employer under the Plan; and, (d) states any conditions imposed by the Participating Employer with respect to, but not inconsistent with, the Plan. The Participating Employer reserves the right to amend its elections under the Amended and Restated Participating Employer Agreement, so long as the amendment is not inconsistent with the Plan, the Code, Tennessee law, or other applicable law and is approved by the Chair.
5. The Chair may amend the Plan on behalf of all Employers, including those Employers who have adopted the Plan prior to a restatement or amendment of the Plan, for changes in the Code, the regulations thereunder, Tennessee law, revenue rulings, other statements published by the Internal Revenue Service ("IRS"), including model, sample, or other required good faith amendments, and for other

reasons that are deemed at the Chair's sole discretion to be in the interest of the Plan. These amendments shall be automatically applicable to all Employers.

6. The Chair will maintain, or will have maintained a record of the Employers and will make reasonable and diligent efforts to ensure that Employers have received all Plan amendments.
7. The Employer shall abide by the terms of the Plan, including amendments to the Plan and Trust made by the Chair, all investment, administrative, and other service agreements of the Plan, and all applicable provisions of the Code, Tennessee law, and other applicable law.
8. The Employer accepts the administrative services to be provided by the Tennessee Treasury Department and any services provided by Plan vendors. The Employer acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the Participants' Accounts and/or charged to the Employer.
9. Subject to the provisions of Section 20.06 of the Plan, the Employer may terminate its participation in the Plan, including but not limited to, its contribution requirements pursuant to the Plan, if it takes the following actions:
 - a. A resolution must be adopted by the Governing Authority of the Employer terminating the Employer's participation in the Plan.
 - b. The resolution must specify the proposed date when the participation will end, which must be at least six calendar months after notice to the Chair and the Employer's employees.
 - c. The Chair shall (i) determine whether the resolution complies with the Plan, and all applicable federal and state laws, (ii) determine an appropriate effective date, and (iii) provide appropriate forms to terminate ongoing participation. Distributions under the Plan of existing accounts to Participants will be made in accordance with the Plan Document.
 - d. Once the Chair determines the appropriate effective date, the Employer shall immediately notify all its Employees participating in the Plan of the termination and the effective date thereof.
 - e. The Chair can, in the Chair's sole discretion, reduce the six month notice and withdrawal period to a shorter period if the Employer so requests, but in no event shall the period be less than three months.
10. The Employer acknowledges that the Plan Document contains provisions for Plan termination by the Trustees, subject to applicable Tennessee law.
11. The Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan.

No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Trustees to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan and subject to the vesting provisions of the Plan. All contributions to the Plan must be timely transferred by the Employer to the Trust Fund pursuant to and in the manner provided by the Chair. The Employer acknowledges that if the Employer fails to remit the requisite contributions in a timely manner, the Chair reserves the right, at the Chair's sole discretion, to terminate the Employer's participation in the Plan. In such event, the Chair shall notify the Employer of the effective termination date, and the Employer shall immediately notify all its employees participating in the Plan of the termination and the effective date thereof. Notwithstanding the foregoing, the Employer acknowledges that it is the sole responsibility of the Employer to remit the requisite reports and contributions to the Plan and that neither the State, the Chair, the Trustees, its employees, or agents shall have any responsibility or liability for ensuring or otherwise monitoring that this is done. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan.

12. The Employer agrees to offer and enroll only those persons, whether appointed, elected, or under contract, wherein an employee-employer relationship is established, providing service to the Employer for which compensation is paid by the Employer.
13. The Employer understands that IRS rules and Tennessee law limit participation in the Plan to governmental entities and their respective employees. The Employer will notify the Chair in writing within ten (10) calendar days if it ceases to be a governmental entity under applicable federal or Tennessee law, and/or if it discovers that it is transferring or having transferred employee deferrals and/or employer contributions to the Plan on behalf of an individual who does not meet the requirements in Paragraph 12 above.
14. The Employer acknowledges that the Chair and other Trustees are the fiduciaries of the Plan and have sole and exclusive authority to interpret the Plan and decide all claims and appeals for Plan benefits. The Employer agrees to abide by the Chair's decisions on all matters involving the Plan.
15. This resolution and the Amended and Restated Participating Employer Agreement shall be submitted to the Chair for approval. The Chair shall determine whether the resolution and the Agreement comply with the Plan, and, if they do, shall provide appropriate forms to the Employer to implement participation in the Plan. The Chair may refuse to approve a Participating Employer Agreement executed by

an Employer that, in the Chair's sole discretion, does not qualify to participate in the Plan.

16. The Governing Authority hereby acknowledges that it is responsible to assure that this resolution and the Amended and Restated Participating Employer Agreement are adopted and executed in accordance with the requirements of applicable law.

Adopted by the Governing Authority on _____, 2022, in accordance with applicable law.

By: _____
Signature

Printed Name

Title

Attest: _____

Date: _____

[Governing Authority must assure that applicable law is followed in the adoption and execution of this resolution.]

STATE OF TENNESSEE

DEFERRED COMPENSATION PLAN II - 401(k)

AMENDED AND RESTATED PARTICIPATING EMPLOYER AGREEMENT

A. PARTICIPATING EMPLOYER INFORMATION

Name: Town of Farragut

NOTE: A Participating Employer Agreement must be completed for each employer. For example, if a city has separate legal entities for the city and a utility company – each would need to complete their own Participating Employer Agreement in order to participate. However, divisions of the same employer (e.g., finance, HR, departments, etc.) do not need to complete and should not complete separate agreements.

(1) GOVERNING AUTHORITY

Name: Board of Mayor and Aldermen

Address: 11408 Municipal Center Drive; Farragut, Tennessee 37934

Phone: (865) 966-7057

Person Authorized to receive Official Notices from the Plan or Administrator:

Town Administrator

(2) PARTICIPATING EMPLOYER TAX ID NUMBER: 62-1095212

(3) DISCLOSURE OF DEFERRED COMPENSATION OR RETIREMENT PLAN(S)
***[INCLUDING, IF APPLICABLE, PARTICIPATION IN THE TENNESSEE
CONSOLIDATED RETIREMENT SYSTEM (“TCRS”)]***

This Participating Employer [☒] does or [☐] does not have an existing deferred compensation or retirement plan. If the Participating Employer does have one or more deferred compensation plans or retirement plans (including TCRS), the Governing Authority must provide in the space below the plan name, name and telephone number of the provider, and such other information requested by the Administrator.

State’s 401(k) Plan

State’s 457(b) Plan

B. TYPE OF ADOPTION AND EFFECTIVE DATE

NOTE: This Participating Employer Agreement ("Agreement"), with the accompanying Plan, is designed to comply with Internal Revenue Code ("Code") Section 401(a), as applicable to a governmental qualified defined contribution plan. By adopting this Participating Employer Agreement, with its accompanying Resolution, the Participating Employer is adopting a Plan Document intended to comply with Code Sections 401(a) and 414(d).

This Agreement is for the following purpose: **(Check and complete box 1 OR box 2 OR box 3.)**

1. ☐ This is a new defined contribution plan adopted by the Participating Employer for its Employees effective _____, _____ **(insert effective date of this Agreement).**

2. ☒ This is an amendment to the current Agreement previously adopted by the Participating Employer, which was effective February 9, 2012. The amendment is for the following purpose and shall be effective on August 6, 2022 **(please specify type below):**

a. ☒ This is an amendment to change one or more of the Participating Employer's contribution elections in the existing Participating Employer Agreement.

b. ☐ Other (must specify elective provisions in this Agreement that are being changed):

3. ☐ This is an amendment and restatement of another defined contribution plan of the Participating Employer, the effective date of which shall be _____, _____ **(insert effective date of this Agreement).** This Agreement is intended to replace and serve as an amendment and restatement of the Participating Employer's preexisting plan, which became effective on _____, _____ **(insert original effective date of preexisting plan).** The Participating Employer understands that it is the Participating Employer's responsibility to ensure that the preexisting plan met all applicable state and federal requirements.

C. **PLAN YEAR.** Plan Year shall mean the calendar year.

D. **CUSTODY OF ASSETS.** Code § 401(a) shall be satisfied by setting aside Plan assets for the exclusive benefit of Participants and Beneficiaries, in a Trust pursuant to the provisions of Article VIII of the Plan. The Trustees for the Plan are also the Trustees for the separate accounts for each participating employer.

E. **ELIGIBLE EMPLOYEES.**

1. "Employee" shall mean, for purposes of making **Elective Deferrals or Mandatory Employee Salary Reduction Contributions**, any person, whether appointed, elected or under contract wherein an employee-employer relationship is established, providing services to the Participating Employer for which Compensation is paid by the Participating Employer. Any other individual who is a subcontractor, contractor, or employed by a subcontractor or contractor, or is under any other similar arrangement wherein an employer-employee relationship is not established will not be treated as an Employee. An Employee is immediately eligible to make Elective Deferrals under the Plan. An Employee is required to make mandatory salary reduction contributions if and as specified in Section 2.e. or f., below. An Employee's Entry Date, unless otherwise specified in Article IV of the Plan, shall be for purposes of any Matching Contributions as described in Section N, any Non-Matching Contributions as described in Section Q, and Mandatory Employee Salary Reduction Contributions as described in Section II:

- a. ☐ the date the Employee satisfies the eligibility requirements specified in this Section E for the relevant types of contributions
 - b. ☐ the January 1 and July 1 following the date the Employee satisfies the eligibility requirements specified in this Section E for the relevant type of contributions
 - c. ☒ the first payroll following the date the Employee satisfies the eligibility requirements specified in this Section E for the relevant type of contributions
2. a. "Employee" shall mean for purposes of **Matching Contributions as described in Section N** of this Agreement: *(Check and complete each box that applies. If no Matching Contributions will be made, do not complete.)*
- i. ☒ any full-time employee, which is an employee who renders 40 or more Hours of Service per week, as defined in Section H below
 - ii. ☐ any permanent part-time employee, which is an employee who is not a full-time employee and who renders ____ or more Hours of Service per week, as defined in Section H below
 - iii. ☐ any seasonal, temporary or similar part-time employee
 - iv. ☐ any elected or appointed official
 - v. ☐ any employee in the following class(es) of employees:

who meets the definition in Section E.1 above.

- b. Each Employee will be eligible to participate in this Plan for purposes of receiving **Matching Contributions as described in Section N** of this Agreement and in accordance with the provisions of Article IV of the Plan, except the following: ***(Check and complete each box that applies. If no Matching Contributions will be made, do not complete.)***

- i. ☒ Employees who have not attained the age of 18 (not to exceed 21).
- ii. ☐ Employees who have not completed ____ Years of Service during the Vesting Computation Period as defined in Section X below.
- iii. ☐ Employees who do not satisfy the following eligibility requirements:

- c. "Employee" shall mean for purposes of **Non-Matching Contributions as described in Section Q** of this Agreement: ***(Check and complete each box that applies. If no Non-Matching Contributions will be made, do not complete.)***

- i. ☒ any full-time employee, which is an employee who renders 40 or more Hours of Service per week, as defined in Section H below.
- ii. ☐ any permanent part-time employee, which is an employee who is not a full-time employee and who renders _____ or more Hours of Service per week, as defined in Section H. below.
- iii. ☐ any seasonal, temporary or similar part-time employee
- iv. ☐ any elected or appointed official
- v. ☐ any employee in the following class(es) of employees:

- vi. ☐ any employee listed or otherwise described in Schedule 1 attached to this Agreement.

who meets the definition in Section E.1 above.

- d. Each Employee will be eligible to participate in this Plan for purposes of receiving **Non-Matching Contributions as described in Section Q** of this Agreement and in accordance with the provisions of Article IV of the Plan, except the following: ***(Check and complete each box that applies. If no Non-Matching Contributions will be made, do not complete.)***

- i. ☒ Employees who have not attained the age of 18 (not to exceed 21).
- ii. ☐ Employees who have not completed _____ Years of Service during the Vesting Computation Period as defined in Section X below.
- iii. ☐ Employees who do not satisfy the following eligibility requirements:

- e. "Employee" shall mean for purposes of **Mandatory Employee Salary Reduction Contributions as described in Section II** of this Agreement: ***(Check and complete each box that applies. If no Mandatory Salary Reduction Contributions will be made, do not complete.)***

- i. ☐ any full-time employee, which is an employee who renders _____ or more Hours of Service per week, as defined in Section H below
- ii. ☐ any permanent part-time employee, which is an employee who is not a full-time employee and who renders _____ or more Hours of Service per week, as defined in Section H below
- iii. ☐ any seasonal, temporary or similar part-time employee
- iv. ☐ any elected or appointed official
- v. ☐ any employee in the following class(es) of employees:

who meets the definition in Section E.1 above.

- f. Each Employee will be eligible to participate in this Plan for purposes of making **Mandatory Employee Salary Reduction Contributions as described in Section II** of this Agreement and in accordance with the provisions of Article IV of the Plan, except the following: *(Check and complete each box that applies. If no Mandatory Salary Reduction Contributions will be made, do not complete.)*

- i. ☐ Employees who have not attained the age of _____ (not to exceed 21).
- ii. ☐ Employees who do not satisfy the following eligibility requirements:
- _____
- _____

F. AUTOMATIC ENROLLMENT. (Check and complete box 1 OR box 2.) [NOTE: THIS SECTION F ONLY APPLIES TO ELECTIVE DEFERRALS, NOT TO MANDATORY EMPLOYEE SALARY REDUCTION CONTRIBUTIONS.]

1. ☐ The Participating Employer DOES NOT elect automatic enrollment.
2. ☒ The Participating Employer DOES elect automatic enrollment, which will be effective on and after August 6, 2022 as follows:
- a. Employees covered under the automatic enrollment are: *(If this Section F (Automatic Enrollment) is elected, check one option below. Otherwise, do not complete.)*

- i. ☒ All Employees.

- ii. ☐ All Employees who become Employees on or after the date set forth in F.2. above and who do not have an affirmative election in effect.

b. The default percentage contributed to the Plan on behalf of the Participant will be a deferral of 2% of the Participant's Compensation. The 2% default percentage will be subject to a percentage annual increase thereafter if provided for in the Plan Document. Any deferral percentage increase will take effect annually on the first day of the Plan Year. Participants' default deferrals will remain at the same percentage for at least twelve (12) months before their automatic deferral percentages will be increased automatically.

The automatic deferrals will be contributed on a pre-tax basis and will continue until the Participant affirmatively elects otherwise.

An Employee who affirmatively declines coverage after the first automatic enrollment contribution was made, may make an election to withdraw his or her entire automatic enrollment contribution. This election must be submitted no later than 90 days after the payroll date in which the first automatic enrollment contribution is made on behalf of the Participant. The amount of the distribution will be the value of the automatic enrollment contributions plus or minus investment gains or losses as of the date the distribution is processed. Automatic enrollment contributions made after such date remain in the Plan and are subject to the Plan's regular distribution rules. Further, an Employee who has made an election to withdraw who leaves employment and is then rehired by the Participating Employer before a 12-continuous-month absence may not make another election to withdraw his or her automatic enrollment contribution. Any Employer Matching Contributions attributable to the distribution of the automatic enrollment contributions will be forfeited regardless of the vesting percentage in the Matching Contributions. **[NOTE: If HH.2, "FICA Replacement ("3121") Plan", is elected and F.2 is elected, the Employee may not make an election to withdraw his or her automatic enrollment contribution.]**

c. An Employee who leaves employment and is rehired by the Participating Employer before a 12-continuous-month absence has occurred will be treated as subject to the automatic contribution schedule. An Employee who leaves employment and is rehired by the Participating Employer after a 12-continuous-month absence: ***(Check one option below.)***

- i. ☒ will be treated as a new Employee, or
- ii. ☐ will not be treated as a new Employee

for purposes of determining the Employee's contribution rate in F.2.b above.

G. SERVICE WITH PREDECESSOR EMPLOYER. *(If Vesting or Eligibility requirements will apply to Matching Contributions as described in Section N of this Agreement and/or Non-Matching Contributions as described in Section Q of this Agreement, check and complete box 1 OR box 2 OR box 3.)* "Predecessor employer" means a governmental employer that served the same functions as the current employer or has employees whose jobs were merged into the current employer.

1. ☒ This section is N/A because there are no predecessor employers.
2. ☐ Service with any predecessor employers will not be counted for any purposes under the Plan.
3. ☐ Service with (insert name of predecessor employer(s)):

will be counted under the Plan for eligibility and vesting.

H. HOURS OF SERVICE. Hours of Service shall be determined on the actual hours for which an Employee is paid or entitled to payment.

I. YEAR OF SERVICE FOR ELIGIBILITY AND VESTING. If Eligibility or Vesting requirements will apply to Matching Contributions as described in Section N of this Agreement and/or Non-Matching Contributions as described in Section Q of this Agreement, Year of Service shall mean the 12-consecutive-month period beginning on the Employee's Employment Commencement Date and each anniversary thereof.

Years of Service for Vesting shall include any Years of Service with a participating employer.

J. COMPENSATION DEFINITION. Compensation shall mean Code § 415 compensation as defined in Section 2.06 of the Plan.

K. COMPENSATION COMPUTATION PERIOD. Compensation shall be determined on the basis of the calendar year.

L. FIRST YEAR COMPENSATION. If Matching or Non-Matching Contributions will be made, for purposes of determining the Compensation on the basis of which such contributions will be allocated for a Participant's first year of participation, the Participant's Compensation shall be the Participant's Compensation for the period commencing as of the first day the Employee became a Participant for purposes of Matching or Non-Matching Contributions.

M. EMPLOYMENT COMMENCEMENT DATE. An Employee's Employment Commencement Date means the Employee's date of hire or rehire, as applicable, with respect to which an Employee is first credited with an Hour of Service.

N. MATCHING CONTRIBUTIONS. (Complete 1 and 2 below.)

1. Matching Contributions on Elective Deferrals. (Check and complete box a OR box b OR box c OR box d.) The Participating Employer shall:

- a. ☐ NOT make Matching Contributions on Elective Deferrals.
- b. ☐ match ___% of Participant elective deferrals of up to ___% of Compensation.
- c. ☐ match ___% of the first \$_____ of Participant elective deferrals.
- d. ☐ match the percentage of Participant elective deferrals that the Employer determines in its discretion for the respective Plan Year.
- e. ☒ match an amount pursuant to Schedule 1 attached to this Agreement.

If the Participating Employer elects Automatic Enrollment under Section F.2., Matching Contributions related to the distributed permissible withdrawal election will be placed in a forfeiture account and used in the manner provided in Section V below. Matching Contributions will not be made if a permissible withdrawal is taken before the date the Matching Contribution is allocated.

2. Matching Contributions on Mandatory Salary Reduction Contributions under Section II of this Agreement. (Check and complete box a OR box b OR box c OR box d.) The Participating Employer shall:

- a. ☒ NOT make Matching Contributions on Mandatory Salary Reduction Contributions.
- b. ☐ match ___% of Mandatory Salary Reduction Contributions for the Participant up to ___% of Compensation.
- c. ☐ match ___% of the first \$_____ of Mandatory Salary Reduction Contributions for the Participant.
- d. ☐ match the percentage of Mandatory Salary Reduction Contributions for the Participant that the Employer determines in its discretion for the respective Plan Year.

O. ALLOCATION OF MATCHING CONTRIBUTIONS. If Matching Contributions will be made, allocations will be made to each Participant who satisfies the applicable requirements of Section E of this Participating Employer Agreement.

P. VESTING SCHEDULE – MATCHING CONTRIBUTIONS. *(If Matching Contributions will be made, check box 1 OR box 2 OR box 3. Otherwise, do not complete.)* The vested interest of each Participant in his or her Matching Contribution Account shall be determined on the basis of the following schedule:

1. ☐ 100% vesting immediately.
2. ☒ 100% vesting after 3 Years of Service.
3. ☐ 20% after one Year of Service.
40% after two Years of Service.
60% after three Years of Service.
80% after four Years of Service.
100% after five Years of Service.

Q. NON-MATCHING CONTRIBUTIONS. *(If non-matching contributions will be made, check box 1 OR box 2.)*

1. ☐ The Participating Employer shall NOT make Non-Matching Contributions.
2. ☒ The Participating Employer shall contribute: ***(Check and complete one box.)***
 - a. ☐ an amount fixed by appropriate action of the Employer.
 - b. ☒ 6% of Compensation of Participants for the Plan Year.
 - a. ☐ \$_____ per Participant.
 - b. ☐ an amount pursuant to Schedule 1 attached to this Agreement and which is referenced in Section E.2.c above.
 - c. ☐ a contribution matching the Participant's contribution to the Employer's § 457(b) plan as follows: (Specify rate of match and time of allocation, e.g., payroll by payroll, monthly, last day of Plan Year.)

- R. ALLOCATION OF NON-MATCHING CONTRIBUTIONS.** If Non-Matching Contributions will be made, allocations will be made to each Participant who satisfies the requirements of Section E.2.c and E.2.d of this Participating Employer Agreement.
- S. VESTING SCHEDULE – NON-MATCHING CONTRIBUTIONS.** *(If Non-Matching Contributions will be made, check box 1 OR box 2 OR box 3. Otherwise, do not complete.)* The vested interest of each Participant in his or her Non-Matching Contribution Account shall be determined on the basis of the following schedule:
1. ☐ 100% vesting immediately.
 2. ☒ 100% vesting after 3 Years of Service.
 3. ☐ 20% after one Year of Service.
40% after two Years of Service.
60% after three Years of Service.
80% after four Years of Service.
100% after five Years of Service.
- T. ROTH CONTRIBUTIONS.** Participant Roth Contributions SHALL BE allowed.
- U. AFTER-TAX CONTRIBUTIONS.** Participant After-tax Contributions SHALL NOT BE allowed.
- V. FORFEITURES.** *(If Non-Matching or Matching Contributions will be made, check box 1 OR box 2. Otherwise, do not complete.)*
1. ☐ N/A because all contributions are 100% vested immediately.
 2. ☒ Forfeitures will be used first to reduce the Employer's Matching Contributions (if any), then to reduce the Non-Matching Contributions (if any), and then to offset Plan expenses.
- W. RETIREMENT AGES AND DISABILITY DEFINITION.**
1. Normal Retirement Age shall mean age 60.
 2. Early Retirement shall mean age 59 ½.
 3. Disability shall mean a determination of disability by the Social Security Administration or, if the Participant is a member of the Tennessee Consolidated Retirement System, a determination of disability by the Tennessee Consolidated Retirement System.

- X. VESTING COMPUTATION PERIOD.** A Participant's Years of Service shall be computed by reference to the 12-consecutive-month period beginning on the Employee's Employment Commencement Date and each anniversary thereof.
- Y. ROLLOVERS.** Rollovers from eligible Code § 457(b) plans, qualified plans under Code §§ 401(a), 403(a) and 403(b), Individual Retirement Accounts and Annuities described in Code §§ 408(a) and (b), and eligible rollover contributions of designated Roth contributions made from an applicable retirement plan described in Code § 402A(e)(1) SHALL BE allowed.
- Z. TRANSFERS.** Transfers from plans qualified under Code § 401(a) SHALL BE allowed.
- AA. HARDSHIP WITHDRAWALS.** The Administrator SHALL allow hardship withdrawals in accordance with Section 10.04 of the Plan. If Section HH (FICA Replacement Plan) is elected, hardship distributions are not permitted.
- BB. PARTICIPANT LOANS.** The Administrator SHALL direct the Trustee to make Participant loans in accordance with Article XIII of the Plan. Loans payments must be made by payroll deduction. If a Participant severs employment with the Participating Employer and is immediately hired by another Participating Employer, the loan will be carried forward and any missed loan repayment caused by a change in payroll processing can be made up by personal check in a single lump payment. If a Participant severs employment and is not hired by another Participating Employer, loan repayments may continue to be made by personal check. If Section HH (FICA Replacement Plan) is elected, loans are not permitted.
- CC. QUALIFIED DOMESTIC RELATIONS ORDERS.** The Plan shall accept qualified domestic relations orders as provided in Section 15.02 of the Plan.
- DD. PAYMENT OPTIONS.** The forms of payment that will be allowed under the Plan, to the extent consistent with the limitations of Code § 401(a)(9) and proposed or final Treasury regulations thereunder, include a single lump-sum payment; installment payments for a period of years; partial lump-sum payment of a designated amount, with the balance payable in installment payments for a period of years; annuity payments (payable on a monthly, quarterly, or annual basis) for the lifetime of the Participant or for the lifetimes of the Participant and Beneficiary; and such other forms of installment payments as may be approved by the Administrator, which is not inconsistent with the Plan.
- EE. DEEMED TRADITIONAL IRA.** The deemed traditional IRA provisions of Article XVI of the Plan SHALL NOT apply.
- FF. DEEMED ROTH IRA.** The deemed Roth IRA provisions of Article XVII of the Plan SHALL NOT apply.
- GG. DISTRIBUTIONS.** A Participant may request distributions as follows:

1. A Participant may request a distribution at any time upon Severance from Employment. "Severance from Employment" means the complete severance of the employer/employee relationship with any and all employers participating in the Plan, including retirement or death. Thus, a Severance from Employment would not occur if a Participant transfers employment (i) from one local government that participates in the Plan to another local government that participates in the Plan, or (ii) from the State to a local government that participates in the Plan, or (iii) from a local government that participates in the Plan to the State.
2. A Participant may request a distribution prior to Severance of Employment after reaching age 59½ or, if earlier, upon death. A Participant may also request a distribution prior to Severance of Employment upon incurring a hardship; however, the distribution will be limited to the Participant's Elective Deferral Account and transfer Elective Deferral Account, if any.
3. A Participant may request a distribution from a Rollover Contribution Account at any time.
4. If Section HH (FICA Replacement Plan) is elected, in-service distributions for hardship, loans, and attainment of age 59½ are not permitted.
5. Distributions taken before the Participant reaches age 59½ may be subject to a federal early withdrawal tax.

HH. FICA REPLACEMENT PLAN ("3121" PLAN). (Check box 1 OR box 2.) This Participating Employer Agreement as adopted:

1. ☒ IS NOT (*if checked continue to II below*), or
2. ☐ IS

intended to provide FICA replacement benefits pursuant to regulations under Code Section 3121(b)(7)(F).

a. Eligible Employee means: (*If this Section HH (FICA Replacement Plan) is elected, check each box that applies. Otherwise, do not complete*):

- i. ☐ any full-time employee, which is an employee who renders _____ or more Hours of Service per week, as defined in Section H above,
- ii. ☐ any part-time employee, which is an employee who is not a full time employee and who renders _____ or more Hours of Service per week, as defined in Section H above.
- iii. ☐ Any employee who is not covered by Social Security.

b. Contributions: (*If this Section HH (FICA Replacement Plan) is elected, check and complete each box that applies. Otherwise, do not complete*):

- i. ☐ The Employer shall make an annual contribution to each Participant's account equal to ____ percent of such Participant's Compensation.
- ii. ☐ Each Participant is required to make an annual contribution of ____ percent of Compensation.

(NOTE: The total percentage of b.i and b.ii must equal at least 7.5%.)

In the event that this Plan is a retirement system providing FICA replacement retirement benefits as described above, all references in the Plan Document to in-service distributions for hardship withdrawals, loans, and age 59½ shall be null and void. In addition, any part-time employee included under HH.2.a. shall be fully vested at all times. In the event F.2 "Automatic Enrollment" is selected, a Participant may not change his or her deferral election to an amount less than the Participant required annual contribution, if any, in HH.2.b above.

II. MANDATORY SALARY REDUCTION CONTRIBUTIONS. (Check box 1 OR box 2.) This Participating Employer Agreement as adopted:

1. ☒ does not provide for Mandatory Salary Reduction Contributions. ***(If checked continue to JJ below.)***
2. ☐ provides "Mandatory Salary Reduction Contributions" to be paid by the Employer through a reduction of the Participant's salary for services rendered, in accordance with Code § 414(h). These contributions are required as a condition of employment. Mandatory Salary Reduction Contributions are treated as Employer Contributions for federal income tax purposes, but are considered "wages" for purposes of FICA and FUTA. Such contributions shall be made as of each payroll period and allocated to the Mandatory Employee Contribution Account of the Participant on whose behalf they were made and shall be 100% vested at all times.

By the adoption of this Participating Employer Agreement, the Employer specifies that the mandatory employee salary reduction contributions, although designated as employee contributions, are being paid via salary reduction by the Employer as provided in Code § 414(h)(2) and Revenue Ruling 2006-43 or subsequent guidance. For this purpose, the adoption of this Participating Employer Agreement constitutes formal action to provide that the contributions on behalf of a specific class of Employees as defined in Section E, although designated as employee contributions, will be paid by the employing unit in lieu of employee contributions.

- a. The Participant shall make Mandatory Salary Reduction Contributions to the Plan equal to ____% (must be a fixed percentage and expressed only in whole and tenths of a percent) of the Participant's Compensation.

The contribution percentage above may be revised no more frequently than annually by the Employer, the new rate to become effective on the January 1 following the execution of an amendment to this Participating Employer Agreement. An amendment that changes the contribution percentage, at the Employer's election: **(Complete box i or box ii below):**

- i. ☐ shall apply only to Employees who become Participants on or after the effective date;
- ii. ☐ shall apply to all Employees.

b. Mandatory Salary Reduction Contributions: **(Complete box i or ii below):**

- i. ☐ are
- ii. ☐ are not

counted as Compensation for all Contribution purposes. However, Mandatory Salary Reduction Contributions are counted as for determining Annual Additions under Plan Section 6.06.

JJ. ADMINISTRATIVE INFORMATION.

The Participating Employer further understands and acknowledges that:

- This Participating Employer Agreement has not been approved by the Internal Revenue Service. Obtaining such approval, if desired by the Employer, is solely the responsibility of the Employer.
- The Chair of the Tennessee Consolidated Retirement System ("Chair") and the Participating Employers are not responsible for providing tax or legal advice to Participants.
- The Participating Employer has consulted, to the extent necessary, with its own legal and tax advisors.
- All capitalized terms which are used herein but not defined herein shall have the meanings set forth in the Plan Document.
- The Participating Employer will electronically remit in a timely manner, all employee and employer contributions to the Plan in a manner acceptable with the Plan's Third Party Administrator. The Employer's payroll administrator is responsible for reconciliation of all contributions to the Plan and shall provide the Plan Administrator with required contribution reconciliation reports. Each Employer is required to use the Plan Service Center to administer their employee contributions, indicative data, and enrollment information. If the Participating Employer fails to remit the requisite contributions in a timely manner, the Chair reserves the right, at the Chair's sole discretion, to terminate the

Employer's participation in the Plan. In such event, the Chair shall notify the Employer of the effective termination date, and the Employer shall immediately notify all its Employees participating in the Plan of the termination and the effective date thereof. Notwithstanding the foregoing, the Employer acknowledges that it is the sole responsibility of the Employer to remit the requisite reports and contributions to the Plan and that neither the State, the Chair, the Trustees, its employees or agents shall have any responsibility or liability for ensuring or otherwise monitoring that this is done.

- Participating Employers are required to use the investment options made available under the Plan. From time to time those investment options may be changed. If an investment option is eliminated, the Administrator may automatically reinvest the money in the eliminated investment option into a new investment option. After any appropriate black-out period, the affected Participants may re-direct money in the new investment option to any other available investment option. The Participants shall have no right to require the Administrator to select or retain any investment option. Any change with respect to investment options made by the Plan (on the Plan level) or a Participant (on the individual level), however, shall be subject to the terms and conditions (including any rules or procedural requirements) of the affected investment options.

This Amended and Restated Participating Employer Agreement is duly executed on behalf of the Participating Employer by the undersigned authorized signatories.

PARTICIPATING EMPLOYER'S AUTHORIZED SIGNATORIES:

By: _____ By: _____

Title: _____ Title: _____

Date: _____ Date: _____

**ACCEPTANCE OF PARTICIPATING EMPLOYER'S PARTICIPATION IN THE
STATE OF TENNESSEE DEFERRED COMPENSATION PLAN II BY THE
TREASURER, STATE OF TENNESSEE, CHAIR OF THE TENNESSEE
CONSOLIDATED RETIREMENT SYSTEM.**

By: _____
David H. Lillard, Jr.

Title: Treasurer, State of Tennessee, Chair of the Tennessee Consolidated Retirement System

Date: _____



SCHEDULE 1

STATE OF TENNESSEE

DEFERRED COMPENSATION PLAN II - 401(k)

AMENDED AND RESTATED PARTICIPATING EMPLOYER AGREEMENT

Participating Employer Name: Town of Farragut

The Employer will make matching contributions on behalf of its full-time employees (as defined in Section E above) who make elective deferrals to the 401(k) plan as follows:

- Employees who have completed 0 to 4 Years of Service, 100% of Employee/Participant elective deferrals of up to 2% of Compensation.
- Employees who have completed 5 to 8 Years of Service, 100% of Employee/Participant elective deferrals of up to 4% of Compensation.
- Employees who have completed 9 to 12 Years of Service, 100% of Employee/Participant elective deferrals of up to 6% of Compensation.
- Employees who have completed 13 or more Years of Service, 100% of Employee/Participant elective deferrals of up to 8% of Compensation.

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Michelle Pence, Human Resource Director

SUBJECT: Approval of updates to the Town of Farragut Policies and Procedures Manual

INTRODUCTION: The current *Town of Farragut Policies and Procedures Manual's* last update was in December 2020. Changes in employee benefits offered necessitate updating the manual.

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 organizational needs.

The updating of The Town of Farragut Personnel Policy Manual was based on revisions to merge similar sections, add in the new benefits that the Town offers, add in history of the Town 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 the following changes:

- Moving the welcome letter to the front page.
- Addition of History of Farragut section that will be covered during employee orientation.
- Addition of clarity of potential pay increase at completion of six-month probationary period following performance review. *Page 25, Section F Pay for Performance*
- Addition of clarity on receiving and accessing paystubs. *Page 28, Section D Payroll Processing.*
- Change of title in Emergency Callouts. Changed to Emergency Call Back. *Page 29, Section G Emergency Call Back.* Note: The policy did not change.
- Addition of On Call Status for Public Works Employees. *Pages 29-30, Section H On Call Status.*
- Addition of Post-Retirement Health Benefits. *Page 56, Section B Group Health Insurance Program.*
- Addition of Wellness Program. *Page 56 Section C Wellness Program.*
- Addition of Voluntary Benefits. *Page 57 Section G Voluntary Benefits: Short Term Disability, Accident Insurance, Critical Illness Insurance, Voluntary Life (employee, spouse, children)*
- Addition of Uniform Policy (this was an appendix before, no changes to the policy) to Town Supplied Equipment and Uniform Section. *Pages 58-59, Section M Town-Supplied Equipment and Uniforms.*
- Addition of Park and Recreation Discounts. *Page 62, Section P Park and Recreation Discounts.*

- Merger of Abusive Conduct Policy with Harassment, Workplace Violence and Retaliation. *Page 65, Article XIX- Harassment, Workplace Violence and Retaliation.* Note: No changes to the policy.
- Addition of previously approved Social Media Policy (previously an appendix) to Article XXIII- General Policies and Procedures. *Page 81, Section U Social Media/Social Networking.*
- Removal of Forms from Appendices to shared secure drive accessible to all employees.
 - Counseling Record
 - Education Assistance Form
 - Tuition Assistance Form
 - Report of Work Injury Form
 - C-42 and C-31 Form (Worker Comp Forms)
 - Secondary Employment Request Form
 - FMLA Notice of Eligibility Form
 - FMLA Designation Notice Form
 - FMLA Certification of Healthcare Form
- Re-organization of Appendices. *Page 84, Article XXV-Appendices.* Note: no change in policy

PROPOSED MOTION: Approval of updates to the Town of Farragut Policies and Procedures Manual

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



Welcome to the Town of Farragut! We are delighted that you have chosen to join the Town and hope that you will enjoy a long and successful career. We hope that you will find your employment with the Town to be an interesting, challenging and an enjoyable experience.

The Town of Farragut was incorporated in 1980 and is organized under the Board of Mayor and Aldermen form of government. We strive to provide the highest quality municipal services. Quality services, though, depend on each of us committing to do our best, all the time. We hope you will join our effort to build and improve upon our proud history.

The Town attempts to promote a feeling of understanding and respect among our employees. A key to our success lies in the quality and dedication of our employees. Each employee of the Town of Farragut plays a critical role in providing the Farragut community with the best possible service. We sincerely hope you will take pride in being an important part of the Town of Farragut's success.

By working together as a team, the Town hopes to continue our tradition of providing excellent service to the Farragut community. This is your copy of the Town of Farragut's Policies and Procedures Manual. No personnel manual can anticipate every possible situation, but the Town has provided you these general guidelines to give you a better understanding of what the Town expects of you and what you can expect of the Town.

Please refer to this manual for guidance when you have a question about the Town's policies. If you still have questions, your supervisor, Department Head, and the Human Resources Department continue to stand ready to assist you.

This manual does not constitute a contract between the Town and any of its employees. Further, the *Policies and Procedures Manual* can and may be changed, in accordance with the Town's Municipal Code, state and federal laws, and at the Board of Mayor and Aldermen's sole discretion at any time.

The Town also reserves the right to not apply the policies in individual cases where application, in the opinion of the Town, is considered inappropriate. Employment with the Town of Farragut can be terminated at any time, with or without cause, either by the employee or by the Town. Any agreement for a specified period or contrary to the foregoing, if such agreement is to be made, shall be made in writing, and signed by the individual employee and the Town Administrator.

Town of Farragut Policies and Procedures

December 14, 2017 (revised and BMA approved)
December 10, 2020 (revised and BMA approved)
July 28, 2022 (revision proposal to BOMA)

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 the 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 seventy'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 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 for 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 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 name 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 finally incorporated, the Town Attorney and Town Clerk were 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.

The Town Administrator slowly built the staff to include additional positions which ultimately led to the development of the Town's current departments:

Administration- Responsible for financial management, records maintenance, payroll, HR, and other essential functions.

Engineering- Responsible for stormwater management, road design and maintenance, traffic control management and inspecting on-going construction projects.

Community Development- Responsible for enforcing the municipal code, property maintenance, building and other codes, as well as promoting responsible development through enforcing the Town's zoning, subdivision, and architectural and design standards.

Parks & Recreation- Responsible for planning for community events and managing the Town's parks and community center.

Public Works- Responsible for maintaining the Town's right of ways and property, performing minor road repairs, the landscaping of Town properties and other general maintenance work throughout the Town.

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, 1989- 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

1997- The Community Program & Recreation Department is renamed Leisure Services Department

2008- First Human Resource Manager is hired



the

Vision

Farragut-redefining quality of life with a beautiful, close-knit, connected community where families and businesses thrive.

Mission

Farragut-an appealing and engaged community set apart by a dedicated team committed to integrity, innovation, and friendly service.

Critical Success Factors

Providing Excellent Parks, Recreation, Cultural Amenities and Programs- Farragut's expanded parks allow for a variety of experiences for residents and visitors. The Town provides events, programs and cultural activities that enhance a sense of community and support tourism. The Town's neighborhoods are connected by greenways and sidewalks to commercial activity hubs and parks.

Building and Maintaining the Town's Infrastructure and Assets- The Town of Farragut has established a safe transportation network for pedestrians, bicycles, and automobiles. The stormwater system is reliable and well-maintained, and the Town has the resources it requires to meet the needs of a growing community. The Town's investment in technology, parks and buildings is cared for through proper maintenance and improvements.

Enhancing the Town's Financial Position- Strong fiscal leadership has enabled the Town to maintain its excellent financial position. Expanded sales tax base will support important programs and services. The Town actively pursues grants and sponsorships to maintain and support programs and assets and sets goals, establishes benchmarks and utilizes best practices to fund priority initiatives.

Regional Leadership and Collaboration- The Town of Farragut cultivates relationships with regional partners to ensure it is at the forefront of innovation, process, and service delivery. The Town advocates for its interests and the future of the region by participating in decision making with other governmental and non-governmental entities.

Advancing a High-Quality Built Environment- The Town ensures a high-quality built environment through deliberate formal planning and community engagement, incentivizing innovation and promoting design before engineering.

Supporting and Caring for a Committed Workforce- The Town recognizes that excellent service delivery happens through its dedicated and committed workforce. The Town is a model employer that attracts talent and provides competitive compensation and benefits as well as ongoing training and professional development. The Town encourages innovation and efficiency and has appropriate staffing levels to meet growth and service level expectations.

Promoting a Convenient Retail and Services Destination- Farragut is known for family entertainment venues, vibrant commercial centers, mixed-use activity hubs, high building maintenance standards and collaborating with strategic partners to promote business development. Farragut's Town Center is a result of a bold vision and effective public-private partnerships.

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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 all 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 thoughtful attention 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 to not 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 to 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 persons 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 grades.

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 fifty employees within a seventy-five 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 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.

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 forty 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.

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 accommodations 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 continually 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.

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 consistent 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 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. The Town Administrator must approve all personnel requisitions 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 assure obtaining well-qualified applicants for several 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 interest of the Town and the employee. Finding a capable replacement for the employee who is seeking a transfer will be considered.

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 recruiting 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 vacancy 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 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 a 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 the offer documenting the action.

The Town Administrator may authorize a temporary promotional appointment of an existing employee. No such employee shall remain in 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 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.

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.

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 deficient 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 the 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 in 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 in a 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 six (6) month 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 employee. However, the Town makes no guarantee that a position will be available for such 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 a six (6) month 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 Human Resources Director and the approval of the Town Administrator.
5. The minimum of the 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 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 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 shall 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 mid-point 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 four 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 does 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 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. Emergency Call Back

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 H. 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.

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.

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. *The on-call status begins on Saturday at 12:01am and ends on Friday at 11:59pm weekly.*

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 Supervisor 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, and the employee shall receive a minimum of two (2) hours compensation at two and a half (2.5) times their regular pay.

Public Works Employees: During snow season, there will be three rotating shifts covering 24 hours on call schedule. During the on-call time frames, employee must be free and available to work.

Including no alcohol consumption or drug use and must be available to report within one (1) hour.

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.
- Exempt employee shall receive twelve (12) hours of annual leave.

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 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 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.

Employee Recognition Awards

There are three types of recognition. First is the longevity service award which is presented to employees upon meeting an employment milestone in five-year increments of service. 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 considerable time or money, completing a significant project, contributing to the success of a team initiative, or contributing beyond what is expected, earning a professional certification or college degree which is not a job requirement.

All nominations shall be reviewed by Human Resources and approved by the Town Administrator. With the Town Administrator's approval, Department Heads may use their discretion to present awards that differ from the suggested amount/form.

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 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.

To nominate an individual, complete the Employee Recognition Award form which is located on the public drive or available through the HR Director. The Town Administrator has the sole discretion to approve (or not approve) all Recognition Awards.

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 shall not be made merely for affecting 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 to 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 on July 1 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 shall be evaluated during and at the end of the initial six months of service in a new position and thereafter annually by July 1 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.

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 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. 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.

5. Assist employees with issues related to wellness and personal growth as far 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 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 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.

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 Conduct

As an integral part of Town staff, all employees are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and always exhibit a high degree of personal integrity. This not only involves sincere respect for the rights and feelings of others but also demands that both in their work and in their personal life they refrain from any behavior that might be harmful to themselves, their coworkers, and/or the Town, or that might be viewed unfavorably by the public at large.

Whether an employee is on or off duty, an employee's conduct reflects 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.
2. Violating the Town's nondiscrimination and/or harassment policy:
3. Soliciting or accepting gratuities from vendors or citizens in violation of the Town's Ethics Policy.
4. Establishing a pattern of absenteeism or tardiness.
5. Engaging in excessive, unnecessary, destructive, or unauthorized use of Town supplies, equipment, or work time, particularly for personal purposes or other non-Town purposes.
6. Violation of either of the Town's Drug and Alcohol Abuse Policies.
7. Fighting or using obscene, abusive, or threatening language or gestures.
8. Stealing property from the Town, coworkers, or the public.
9. 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.
10. Disregarding safety or security regulations.
11. Engaging in insubordination or failing to correct inadequate or unsatisfactory job performance.
12. Failing to maintain the confidentiality of coworkers' personal information which is entitled to protection under privacy laws.
13. Failure to process Approval of Outside Employment Form (see Article XXIII, Section D).
14. Neglect of duty, carelessness, or negligence in the use of Town property.
15. Violation of safety rules or Tennessee traffic laws while driving a Town vehicle.
16. Failure to report an accident involving Town Property (including a Town vehicle) regardless of the amount of damage.
17. 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;

18. Gambling on Town property or during work hours.
19. 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.
20. 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 affects 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 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 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 development of an employee in another position that 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 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. Retiring employees who qualify may be eligible for retirement leave (see Article XVII, Section H).

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. Seasonal, temporary, intern or emergency workers shall not earn annual leave.

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, reemployed 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 with at least 24 hours' notice prior to the taking of the time requested.

Annual leave may be taken subject to the approval of the Town Administrator, who shall schedule annual leave as to meet the operational requirements of the town. 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 approves it. Department Heads may approve earned annual leave if the operational requirements of the department can still be met despite the employee's absence. Any annual leave may be scheduled at the approving supervisor's discretion and in accordance with any approved departmental guidelines. Annual leave should not exceed ten (10) consecutive working days. However, under unusual or exceptional 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 parental 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 according to Article XVII, Section N and Article XII, Section B.

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. Employee 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 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. 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 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 canceled upon an employee's termination.

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 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 employee 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 is needed 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 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 seventy-five 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 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 from 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 accommodations, whether for an initial or extended medical leave or for working conditions accommodations, must be directed to the Human Resources Director. The Town will hold the employee's job during the period of medical leave granted as an 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 not 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 a 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 a 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 paid 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 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 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 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 directed to the Human Resource 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 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 reason.

Section G. Voluntary Benefits: Short Term Disability, Accident Insurance, Critical Illness Insurance, 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. The 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, 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.

This 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

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.

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. Employees must give a thirty (30) days' notice of retirement.

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 up to 2%.

Section J. Supplemental Retirement Program

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 plan 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 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 on 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 harsh 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, the EAP will work to minimize the employee's 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 mandatory 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 initial 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. 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 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. Employee has 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:

<u>For-Grade Basis</u>	<u>% Reimbursement</u>
• 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)
- Fifty percent off rental- one per year (pavilions, community center classrooms, community center assembly hall, gym, or community center birthday party)
- Fifty percent off rental- one per month (tennis or pickleball courts)
- Fifty percent off league entry fee (this is for individual or team-different sports require different registrations)

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 to 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 for 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 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 an 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 accommodations 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 it is 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 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.

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. Definition of Sexual Harassment and Other Forms of 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 other 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, which 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, joke 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 act appropriately 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 a romantic or sexual involvement with any subordinate employee.

The Town also has a strong policy against harassment based upon 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. 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. The Town of Farragut *encourages* any employee to raise questions he or she may have regarding harassment with the Town Administrator or Human Resources Director.

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 employee's 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 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 behaviors 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 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 persons 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 designee, 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 (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 act appropriately 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 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) accommodations may be needed that are 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 determined 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. 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.

Section B. 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 C. 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 to the proper administration of the personnel system and the Town Administrator shall prescribe necessary forms and report for 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 by 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 by 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 being 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 D. 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 E. 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 F. 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 G. 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 H. 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 I. 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 J. 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 a non-work-related purpose 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 K. 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).

Section L. 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 on 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 M. 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 N. 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) to the company premises.

- All contractors and consultants and/or their employees working 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 O. Hours of Work, Attendance, Inclement Weather and Emergency Action Plan

Hours of Work: The Town Administrator shall establish hours of work per work 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 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 by 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 a 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) is required.

Section P. 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.

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.

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 month of employment unless an employee requests immediate termination of benefits. Information for Consolidated Omnibus Budget Reconciliation (COBRA) continued health coverage will be provided.

Section Q. 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.

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 sizable 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.

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 are not permitted in work areas where the exposure to chemical, environmental, or crushing hazards exist. Employees assigned to the Public Works Department, 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 be also covered. This policy applies to both full-time and part-time employees.

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 accommodations.

Town-Issued Clothing:

The Town Administrator shall approve all Town uniforms, in accordance with Article XVII, Section L. *Town-Supplied Equipment and Uniforms*. 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 at 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 R. 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 possess a valid driver's license. See Appendix E, *Vehicle Use Policy*

Section S. Travel

See Appendix D, *Travel Policy*

Section T. 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 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 U. 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.

Here are 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 subjective 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 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 Information Technology and Security 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 confidential 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 managed 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 V. 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 X. 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 benefits and privileges of specific sections of the *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 be always 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 conduct 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 conduct 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. Travel Policy

Appendix E. Vehicle Use Policy

Appendix F. Internal Financial Controls Policy

Appendix G. Ethics Ordinance



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 at 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.**

To achieve the health, safety, and efficiency goals outlined above, the Town has also developed a comprehensive substance abuse policy which is applicable to all Town employees and applicants. This "General Drug and Alcohol Testing Policy" is not required by DOT but rather is expressly and solely the policy of the Town. The General Drug and Alcohol Policy should also be thoroughly reviewed by the employee to get a better understanding of the Town's standards, goals, and efforts to provide employee education/awareness of the harmful consequences of drug use. Disciplinary actions for violating any of the Town's drug and alcohol policies are ultimately controlled by the General Drug and Alcohol Abuse Policy.

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 sixteen 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. "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

Pursuant to FMCSA regulations, this policy covers any applicant or employee required to maintain a CDL.

Employees covered by this policy are those employees performing safety-sensitive functions (CDL functions) 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, which 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 thirty 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.



Information Security Policy

Subject:

Acceptable Use of Information Technology Assets Policy

Purpose:

The purpose of this policy is to inform users of the Town of Farragut's (the Town) Information Technology Assets of what Information Technology uses are permissible and what uses are prohibited. Compliance with this policy drives the Town's ability to protect government resources, services, employees, and the citizens of the Town.

Definitions:

Certain capitalized terms used in this policy have specific meanings as defined by the Glossary section of this document.

Policy:

1. Access and Use

1.1. User Access – All User access to Information Technology Assets:

- Shall be approved by Department Head,
- Shall be limited to the Information Technology Assets necessary and appropriate for the User to perform the job duties and functions assigned to him or her.

2. Sensitive Information

2.1. User responsibility

Users shall be required to know the Classification of the Information of the Town to which they have access, and which they are permitted to work. Users shall understand the appropriate Security Controls that should be applied to that Information.

2.2. Dissemination and Confidentiality

Sending, transmitting, or otherwise disseminating Sensitive Information shall be strictly prohibited unless authorized by the Department Head. Users shall not publish or disclose any Sensitive Information to others using personal email, or to any Internet sites, or through Internet blogs or sites such as Facebook or Twitter. Users shall immediately return any documents or media containing Sensitive Information to their Department Head or Human Resource Director upon termination. Users shall have no right to any ownership interest in any Sensitive Information accessed or created by the User during and in the scope of the User's work at the Town. Users shall maintain the confidentiality of Sensitive Information after termination of employment.

2.3. Access from External Devices

A User shall not access Sensitive Information from a Device other than one issued to the User by the Town or an Approved User Owned Device. Any exceptions to this rule must be approved by the Department Head in conjunction with the Information Technology Manager.

3. Security

3.1. Use of Passwords or other Authenticating Information

Users shall be responsible for keeping Authenticating Information, including passwords, private and protected. Authenticating Information shall not be printed, kept near the Device in handwritten form, stored online or shared with others, including managers or

supervisors. A User shall not use an “AutoComplete” feature that allows a device to remember usernames or user id’s and passwords to access Sensitive Information.

Users shall be responsible for ensuring the proper use of their account and any actions performed with a User’s account shall be the responsibility of that User. Users shall not be permitted to allow other Users to have access to their Authenticating Information unless explicitly approved by the User’s Department Head. Users shall be responsible for following all standards regarding Authenticating Information. Immediately following instances of sharing Authenticating Information, User’s password(s) must be reset.

3.2 Use of Authenticating Mechanisms such as Logical Locks

All Town Devices that provide access to the Network or to Sensitive Information shall employ Authenticating Mechanisms such as software that allows the Device to be locked so that access to the operating system or application requires the User to re-enter Authenticating Information. Users are required to use this software feature.

3.3 Use of Authenticating Mechanisms for Physical Access

Users shall not use physical access to mechanisms to permit any User not similarly authorized to gain access to any secure area.

3.4 Virus Protection

A User shall never download files from the Internet from unknown sources, open attachments to email from unknown sources, use Removable Media from unknown sources, or otherwise risk virus infection, except where permitted by the Users Department Head or the Information Technology Manager. If a User has any reason to suspect material may be infected, the User shall immediately contact the Information Technology Manager or the Town’s approved helpdesk vendor so that the material can be virus scanned. Users shall not knowingly or negligently store, send or create destructive programs, including any virus, self-replicating code or any other program that operates in a similar fashion. Users shall not disable or modify the existing Town supported anti-virus software.

3.5 Prohibited Acts

3.5.1 Personal Use

Information Technology Assets are intended for business purposes. Users shall not use Information Technology Assets to engage in Internet gambling, post in non-business-related chat rooms or on non-business-related Internet Web logs (blogs), or to view pornographic or other inappropriate material as discussed below in 3.5.2. Occasional, limited, reasonable, and appropriate personal use shall be permitted when such use does not:

- Interfere with the User’s work performance.
- Interfere with any other User’s work performance.
- Unduly impact the operation of the Town and/or its Information Technology.
- Violate any Federal, State, or Local law, rule regulation or court order; or
- Violate any provisions of this policy, or any other Town Policy, standards, or practices.

3.5.2 Inappropriate Material

Information Technology Assets shall not be used to upload, download, communicate, create, store, send or intentionally, view, access or display material

that is fraudulent, libelous, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful or inappropriate. The above prohibition shall not apply where such treatment of such material has been explicitly authorized by the Town Administrator for the purpose of preserving evidence, or for other good reason.

Sending messages with derogatory or inflammatory remarks, including, but not limited to, remarks about race, color, national origin, gender, age, religion, sexual orientation, or disability may violate Federal, State or Local laws rule and policies on discrimination and sexual harassment. Such messages shall not be transmitted or forwarded using Information Technology Assets except where authorized by the Town Administrator for the purpose of preserving evidence or for other good reason, or as otherwise expressly required by their assigned job duties. Users encountering or receiving any such prohibited messages or material shall report the incident to a supervisor or a Department Head.

3.5.3 Intellectual Property Rights

The illegal duplication of software is strictly prohibited. Users shall not make, acquire, use, or provide to others unauthorized copies of computer software. Information Technology Assets shall not be used to illegally obtain, store, or copy computer software or information protected by copyright, including, without limitation, music, video, web casts, streaming media, audio content, software, designs, or other intellectual property.

3.5.4 Relocation and Modification of Information Technology Assets

Relocating or modifying Information Technology Assets including, but not limited to, network equipment, software, or peripherals, shall be coordinated through the Information Technology Manager or the Town approved help desk vendor.

3.5.5 Unauthorized System Access

The Ability to read, alter or copy a file belonging to another User shall not imply permission to access that file. Use of Information Technology Assets to obtain unauthorized access to the computer systems of other individuals, companies, or entities (i.e., “hacking”) are strictly forbidden.

3.5.6 Proper Storage of Town Information

Critical Business Information shall be stored on Network drives located on Town supported servers that are backed up and where access to this information can be secured. Storage of Town Critical Business Information to local storage on a desktop system shall be allowed when explicitly approved by the Department Head and shall be consistent with applicable data retention policies. The storage of Information of the Town to third party hosted Network storage areas, such as Microsoft SkyDrive, Google Docs, Dropbox, or other cloud storage mechanisms, shall not be allowed without prior approval of the Information Technology Manager.

3.5.7 Waste and Abuse

Users shall not monopolize or otherwise deliberately perform acts that waste, impair, damage, or prevent the use by other Users of Information Technology Assets or Information belonging to the Town, or attempt to do any of the above.

3.5.8 Unauthorized Distribution of Information on the Internet

Unless specifically authorized by the User's Department Head, all Users shall be prohibited from making any representations pertaining to or on behalf of the Town or from distributing or utilizing in any manner Information of the Town.

4. Privacy

4.1. Acknowledgement of and Consent to No Expectation of Privacy

Except as otherwise provided by applicable law, Users shall not have an expectation of privacy in any Information they create, store, send or receive on Information Technology Assets. The Town retains the right, but not the duty, to monitor all aspects of its Information and Information Technology Assets, including, without limitation, monitoring Internet sites visited by Users, monitoring chat groups and newsgroups, reviewing materials downloaded or uploaded electronically and reviewing files and Email created, stored, or received by a User. Such activity is to be consistent with applicable laws and performed in accordance with any Town policies and procedures governing these actions. Specifically, any correspondence of the Town in the form of email may be a public record under the public records law and may be subject to public inspection. Except for the Town's right to retrieve and read any email message as provided in this policy, email shall be accessed only by the intended recipient. Emails and their content are occasionally visible to the Information Technology Manager and the Town's approved Information Technology vendor engaged in routine maintenance and problem resolution.

4.2. Passwords and Privacy

Use of a password does not imply that Users have an expectation of privacy in the Information they create, store, send or receive on Information Technology Assets. The Town may utilize global passwords that permit access to all Information stored on its Information Technology Assets, regardless of whether access to that Information has been restricted by a requirement that a particular User's password must first be entered.

5. Email Guidelines

5.1. 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.

5.2. Mass Email Distribution

Except where necessary for legitimate Town business purpose, the transmission of emails to a general, non-specific audience of Town Users is prohibited. Request to send emails to all Town employees must be approved by the User's Department Head, and, where necessary, by the Department of Human Resources. Requests to send Department-wide emails must be approved by the applicable Department Head.

5.3. Actions Upon Commencement of Investigation or Litigation

Automatic deletion or manual deletion by Users of emails with potentially relevant information shall be suspended to preserve responsive records once a formal investigation or litigation is reasonably anticipated or has commenced, upon receipt of a notice of litigation hold, or upon receipt of a public records request regarding records responsive to it while it is pending. The obligation to preserve such records may be

imposed by request of the Information Technology Manager, the Department Head, or by the Town Administrator. Even in the absence of such a request, Users aware of litigation, or that litigation is reasonably anticipated, or of a pending public records request should not delete any potentially relevant information.

5.4. Spoofing or Other Methods to Conceal Identity

Users shall not, under any circumstances, use “Spoofing” or other means to disguise their identities in sending email or engaging in other activities, such as altering online content, posting to blogs, social media sites, etc. Notwithstanding the foregoing, it is permissible for Users to grant “delegate” access rights to certain other Users (typically by a Department Head to his or her Administrative Assistant).

6. At Work Network Access

At work Network access, wired or wireless, to a Town supported Network, except for the public use network, shall be limited to Town issued and supported Devices or Approved User Owned Devices. The Department Head shall accept all responsibility for any activity or issues stemming from the use of Approved User Owned Devices. Access to Approved User Owned Devices shall be provided to the Town Information Technology Manager when deemed necessary by the applicable Department Head. All Approved User Owned Devices connecting at work to the Network shall meet Town minimum security requirements and Users shall maintain their Approved User Owned Devices security on an ongoing basis.

At work Network access, wired or wireless, to a Town supported Network designed for public use shall not be used by Town Users during work hours, including breaks and lunchtimes. The public use Network is meant to provide services to the public. Use of the public Network shall be limited to intended purpose.

7. Permitted Forms of Network Access

External access to the Network shall utilize a Town approved Virtual Private Network (VPN), except for Information Technology Assets specifically configured for external access, such as applications accessible outside the Network, email, etc.

Remote access from Town approved vendors (i.e., TekLinks, Incode, etc.) is acceptable.

8. Removable Media

Users shall only use Removable Media that has been supplied by the Town. Any Removable Media that is used for the storage of Sensitive Information shall be encrypted with encryption software approved by the Information Technology Manager. The User shall return the Removable Media to the issuing Department consistent with Departmental requirements.

8.1. Physical Security

Removable media shall be secured if not in the possession of the User. Removable Media taken off-site and in transit shall not be left unattended. The theft or loss of any Removable Media containing Sensitive Information shall be reported immediately to the User’s Department Head.

8.2. Information Storage

Users who store Information belonging to the Town on Removable Media shall first ensure that they are fully aware of the content and Classification of that Information.

9. Destroying Information When No Longer Needed

Town Information stored on any of the following Devices shall be removed using a Town approved method: hard drives, CDs, DVDs, Copiers, computer memory, flash drives, etc. This should be done prior to the Device being retired or disposed of, and in a manner that is consistent with applicable laws and a records retention schedule approved by the Board of the Mayor and Aldermen. See also, the provisions of paragraph 5.3 above regarding pending public records requests, or where litigation has commenced or is reasonably anticipated.

10. Approved Cell Phones, PDAs, or Tablets

Any Mobile Device, such as a mobile phone, PDA, Tablet, etc., that will be used to store or access Information of the Town shall be connected to a Town approved Network or wireless cellular data connection. These devices are required to be PIN protected and shall allow remote wiping in the event of theft or loss of Device. The theft of any Device used to store or access Sensitive Information shall be reported to the User's Department Head immediately.

11. Social Media and Social Networking

Social media consists of Internet-based applications including web and mobile based technologies that allow for the creation and exchange of user-generated content. Examples of social media include, but are not limited to, Facebook, blogs, Twitter, LinkedIn, YouTube, Flickr, and comments following online news articles. Social networks are communities of people or organizations that share interests and/or activities and use a wide variety of Internet technology to interact. The Town uses social media as a means of communicating its services, events, and performance to the public.

11.1. Town Use of social media

An employee must be authorized by the Town Administrator or his/her designee to represent the Town prior to authoring content on the Town's social media sites.

Employees representing the Town through social media will conduct themselves as a representative of the Town. The Town's rules, policies and standards of conduct apply to all employees who engage in social media/networking activities while conducting Town business

12. Miscellaneous

This policy shall supersede all previous Town of Farragut acceptable use policies. This policy may be amended or revised at any time. Users are responsible for periodically reviewing this policy for any revision and for adhering to those revisions. This policy does not supersede any policies that address areas not defined in this policy if the requirements of such Departmental policies equal or exceed the minimum requirements set forth in this policy. This policy does not waive the User's responsibility to follow all applicable legal and/or regulatory requirements. Violation of this policy may result in disciplinary action up to and including termination of employment.

Glossary

Approved User Owned Devices – any device owned by a User, where connection to a non-public Network by the User using that Device has been approved by the User's Department Head.

Authenticating Information – any information that can be used to verify the identity of a User, process, or Device, often as a prerequisite to allowing access to resources in an information system, such as passwords, PINs, fingerprints, etc.

Authentication Mechanism – hardware or software-based mechanisms that force Users, Devices, or processes to prove their identity before accessing data on an information system, such as encryption software, smart cards, fingerprint readers, etc.

Classification – the security classifications of Information as provided in the Information Classification Policy.

Critical Business Information – vital Information, without which the Town of Farragut could suffer serious financial, legal, or other damages or penalties and/or incur a disruption of service.

Department – one of six distinct units consisting of Public Works, Human Resources, Town Recorder/Treasurer, Parks and Leisure, Engineering, and Community Development.

Department Head – the applicable director of a Department.

Device – computing and communications hardware with information storage capability (e.g., computers, servers, PDAs, tablets, cellular phones, smart phones)

Information – Any communication or representation of knowledge such as facts, data, or opinions in any medium or form, including textual, numerical, cartographic, narrative, or audiovisual.

Information Technology Assets – all electronic devices, communication and information systems and similar technology (as listed below), owned, leased, or licensed by the Town and provided to Users for their use in connection with, or concerning, business of the Town, including but without limitation:

- Computer hardware, Devices, network equipment, telephones, printers, copiers, and fax machines, calculators, Removable Media, etc.
- Software, Intellectual property, operating systems, firmware, source code, applications, middleware, etc.
- Procedural Information, configuration, or documentation of any of the above.

Logical Locks – The prevention of User access to data that is provided using software, as opposed to physical locks.

Mobile Devices – Portable Devices (e.g., tablets, notebook/laptop computers, PDAs, cellular telephones, smart phones, digital cameras, audio/video recording devices)

Network – Town supported Network, comprised of information systems implemented with a collection of interconnected components. Such components may include routers, hubs, cabling, telecommunication controllers, distributions centers, technical control Devices and the Information Technology Assets and Information of the Town that this infrastructure supports.

Personal Identification Number (PIN) – An alphanumeric code or password used to authenticate an identity.

Removable Media – Storage media which is designed to be removed from the computer without powering the computer off. This includes, but is not limited to, DVDs, CDs, memory cards, floppy disks, zip disks, tapes, USB flash drives, external hard disk drives.

Security Controls – Management, operational and technical measures prescribed for an Information Technology system which, taken together, satisfy the specified security requirements and protect the confidentiality, integrity and availability of the system and its information.

Sensitive Information – Any information of the Town of Farragut classified as “Confidential” or “Restricted” as defined by the Information Classification Policy.

Spoofing – 1. Faking the sending address of a transmission to gain illegal entry into a secure system; 2. The deliberate inducement of a user or resource to take incorrect action.

User – All Town of Farragut employees, independent contractors, consultants, temporary or part-time employees, leased employees, interns, and other persons or entities to whom the Town has explicitly granted access to the Town's Information Technology Assets and Information.



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, regardless 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.



INTERNAL FINANCIAL CONTROLS POLICY

Adopted September 30, 2015

INTRODUCTION

The Town of Farragut has adopted and implemented this Internal Financial Controls Policy to safeguard public funds and to provide clear instructions to City officers and employees as to how such funds should be processed and recorded. All city officers and employees handling city funds shall be subject to the requirements of this policy. This Policy may be amended from time to time by the Town Administrator.

RECEIPTS AND DEPOSITS OF FUNDS

The Receptionist/Administrative Assistant shall be responsible for **opening all incoming** mail and **stamping** "For Deposit Only" on all checks immediately upon receipt. A receipt shall accompany all checks.

All cash payments should be received by the Receptionist/Administrative Assistant who shall be responsible for preparing a written receipt and duplicate for all such funds. All cash and duplicate receipts should be locked in the vault not later than the end of the business day. A daily collection report should be prepared by the Accounting Clerk by source.

All deposits of cash, checks or other payments should be posted to the Town's cash receipts by Receptionist/Administrative Assistant. The Accounting Clerk shall be responsible for making deposits and all collections must be deposited no later than three (3) working **days after initial receipt**. Deposit receipts should also be retained and matched against the collection reports.

CHECK WRITING AND DISBURSEMENTS

All persons with authority to write and sign checks on the behalf of the Town shall be approved by resolution of the governing body of Town. The Town Recorder/Treasurer, who is responsible for **reconciling the bank statements**, shall **not be authorized to write** checks.

Two (2) authorized **signatures are required** for all checks. Before signing checks, each signatory should review the supporting documentation (such as vendor invoices, purchase authorizations, etc.) to verify that the expenditure is legitimate before the check is signed.

All debit/credit card statements should be reviewed and approved by the department head to ensure the legitimacy of the charges. All persons using Town **credit** cards shall comply with the Town's credit card use policy.

PETTY CASH

Petty cash disbursements are only allowable for legitimate purposes, are not for personal use and must be properly documented. An invoice/receipt, accompanied by a written petty cash request, signed by the requester and approved by the department head, showing the items purchased is required. The amount on hand and the petty cash vouchers and related invoices/receipts written must total to the originally authorized amount. The Accounting **Clerk and Town Recorder/Treasurer** shall be responsible for monitoring the petty cash account and shall “audit” the petty cash account for any **discrepancies at least** once a week. These employees shall not make any withdrawals from petty cash. The petty cash account may be used only for withdrawals of less than \$40 and the total account balance shall not exceed \$400.

CONCLUSION

All Town employees are responsible for **safeguarding public funds** and the **public trust**. Any violations of this policy observed by any Town employees shall be reported to the Town Administrator. Any employees found to have violated this policy may be disciplined up to and including termination.

APPROVED THIS 30TH DAY OF SEPTEMBER 2015

TOWN OF FARRAGUT, TENNESSEE


ALLISON MYERS, TOWN RECORDER/TREASURER

APPROVED:



DAVID SMOAK, TOWN ADMINISTRATOR



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

- 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, which requires an overnight stay shall not be undertaken unless in accordance 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 expenses 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 emergency repairs.

If not previously approved, charges for automobile rental shall be at most reasonable rates available 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 if 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 using 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 ~~table~~

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. 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

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 in the 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 the total room on their own expense report and include an explanation detailing 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 account numbers 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 procedure:

- After receiving travel approval, the department director may request a travel advance by 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 has been 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 to keep travel advances to a minimum.
- 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 pay~~chk~~

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 best interest 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 the registration 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 request form must 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.



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 possess 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.

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 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 will focus on safe vehicle operation and may not use cell/smart phones, PDA/laptop computer, MP3, portable two-way radio, or global positioning systems (GPS) while driving. Eating/drinking, reading, texting, and the operation of other equipment such as tablets, camera, etc. may distract the driver and are also not acceptable. Pursuant to the T.C.A. 55-8-199, employees must also not text while driving.
- h. Employees are responsible for adhering to the following safety rules while driving Town vehicles and/or operating machinery:
 - i. Avoid unnecessary cell/smart phone or two-way radio use.
 - ii. Keep two-way radio traffic and cell/smart phone conversations brief.
 - iii. When business necessitates the use of a cell/smart phone while driving, a hands-free or speakerphone must be used.
 - iv. The use of personal cell/smart phones is restricted to non-duty time, such as breaks, lunch, etc.
 - v. Personal cell/smart phones may not be used while operating a Town vehicle or Town machinery.
- i. Employees are prohibited from the use of tobacco products while riding or driving in Town owned vehicles.
- j. 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.
- k. 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.
- l. Employees shall not attach items such as radios, cassette players, citizens band radios, or air conditioners to any Town vehicle or vehicular equipment without approval of the Department Head and Town Administrator. Any installation of add-on accessories for Town vehicles and vehicular equipment must be installed by the Public Works Department or otherwise approved by the appropriate Department Head.
- m. All Town vehicles are subject to random inspection and/or searches at any time without notice to ensure compliance with this policy.
- n. All accidents (on or off the road), whether at fault or not at fault, shall be reported to the employee's supervisor, the department head, and the Town's Risk Manager as soon as

possible. 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.

- o. 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 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.

If the accident occurs outside Farragut, the employee should call the local authorities and notify the Risk Manager. 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.

SECTION 4. TAKE HOME VEHICLES

- a. Vehicles assigned to employees for taking home may be recommended by the Department Head and must be approved by the Town Administrator.
- b. 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."
- c. Any employee who takes a Town vehicle home is subject to all IRS, Town of Farragut, state, and local laws. All employees required to take home. Town vehicles, who are not exempt from IRS filing regulations, 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 4. 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 requires the cooperation of the employee using such vehicles. Employees shall notify the Public Works Director of all mechanical or other unsafe problems. 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 are 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.
- c. 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.

d. The cost for maintaining Town vehicles will be charged to the Public Works budget.

SECTION 5. INTRA-DEPARTMENT and INTER- DEPARTMENT TRANSFERS

a. 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.

b. All transfers must be approved by the department transferring the vehicle, as well as the department receiving the vehicle and the Town Administrator.

c. Proper transferal forms must be signed by all parties and delivered to the Town Administrator for appropriate transfer of assets.

d. 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 6. 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.

SECTION 7. CAR ALLOWANCE and MILEAGE REIMBURSEMENT

a. The Town Administrator may at his discretion provide certain employees 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.

b. 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.

c. 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 8. ACCEPTABLE PERSONAL USE

a. Generally, Town-owned vehicles are not assigned nor shall be used for the convenience of the employee about personal transportation needs or other non-business activities.

b. 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 9. EXCEPTIONS

The Town Administrator may approve exceptions to this policy upon written justification by the Department Head.

SECTION 10. ANTI-IDLING

Idling occurs when an engine is running without moving or using vehicle equipment. No Town operated vehicle shall be permitted to idle for prolonged periods of time. Vehicles are not permitted to idle while parked to operate heating or air-conditioning. Town vehicles must be turned off when engaged in the following activities:

- a. Loading or unloading, unless engine is required to load or unload
- b. Working on reports
- c. Making phone calls
- D. When unattended and when parked for general purposes.

Exemptions:

- When idling in traffic
- When operating emergency lights in traffic
- To operate electrical equipment on vehicle
- During emergency situations

During weather conditions that involve the need to defrost windshields, maintain crew and passenger comfort if the outside temperature is below 45 degrees F or above 80 degrees F



INTERNAL FINANCIAL CONTROLS POLICY

Adopted September 30, 2015

INTRODUCTION

The Town of Farragut has adopted and implemented this Internal Financial Controls Policy to safeguard public funds and to provide clear instructions to City officers and employees as to how such funds should be processed and recorded. All city officers and employees handling city funds shall be subject to the requirements of this policy. This Policy may be amended from time to time by the Town Administrator.

RECEIPTS AND DEPOSITS OF FUNDS

The Receptionist/Administrative Assistant shall be responsible for **opening all incoming mail and stamping** "For Deposit Only" on all checks immediately upon receipt. A receipt shall accompany all checks.

All cash payments should be received by the Receptionist/Administrative Assistant who shall be responsible for preparing a written receipt and duplicate for all such funds. All cash and duplicate receipts should be locked in the vault not later than the end of the business day. A daily collection report should be prepared by the Accounting Clerk by source.

All deposits of cash, checks or other payments should be posted to the Town's cash receipts by Receptionist/Administrative Assistant. The Accounting Clerk shall be responsible for making deposits and all collections must be deposited no later than three (3) working **days after initial receipt**. Deposit receipts should also be retained and matched against the collection reports.

CHECK WRITING AND DISBURSEMENTS

All persons with authority to write and sign checks on the behalf of the Town shall be approved by resolution of the governing body of Town. The Town Recorder/Treasurer, who is responsible for **reconciling the bank statements**, shall **not be authorized to write** checks.

Two (2) authorized **signatures are required** for all checks. Before signing checks, each signatory should review the supporting documentation (such as vendor invoices, purchase authorizations, etc.) to verify that the expenditure is legitimate before the check is signed.

All debit/credit card statements should be reviewed and approved by the department head to ensure the legitimacy of the charges. All persons using Town **credit** cards shall comply with the Town's credit card use policy.

PETTY CASH

Petty cash disbursements are only allowable for legitimate purposes, are not for personal use and must be properly documented. An invoice/receipt, accompanied by a written petty cash request, signed by the requester and approved by the department head, showing the items purchased is required. The amount on hand and the petty cash vouchers and related invoices/receipts written must total to the originally authorized amount. The Accounting **Clerk and Town Recorder/Treasurer** shall be responsible for monitoring the petty cash account and shall "audit" the petty cash account for any **discrepancies at least** once a week. These employees shall not make any withdrawals from petty cash. The petty cash account may be used only for withdrawals of less than \$40 and the total account balance shall not exceed \$400.

CONCLUSION

All Town employees are responsible for **safeguarding public funds** and the **public trust**. Any violations of this policy observed by any Town employees shall be reported to the Town Administrator. Any employees found to have violated this policy may be disciplined up to and including termination.

APPROVED THIS 30TH DAY OF SEPTEMBER 2015

TOWN OF FARRAGUT, TENNESSEE


ALLISON MYERS, TOWN RECORDER/TREASURER

APPROVED:



DAVID SMOAK, TOWN ADMINISTRATOR

ORDINANCE:
PREPARED BY:
REQUESTED BY:
1ST READING:
2ND READING:
PUBLISHED IN:
DATE:

07-01
Hale

January 25, 2007
February 8, 2007
Farragut Press
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 ETHICS¹

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.

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