CIVIL SERVICE POLICIES

Current as of October 11, 2022

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POLICY: 2.6-I REMOVAL OF NAMES FROM REGISTER OR LIST

Names may be removed from eligibility registers or lists by the Director of Human Resources for any of the reasons listed below:

1. At the written request of the applicant

2. Appointment from the register or list to fill a Civil Service position

3. Appointment from the register for another class at the same or higher compensation: In such case, at the request of the applicant, his name may be left on the register or list.

4. The failure to report for an interview or to respond to a notice of interview

5. Notice by postal authorities of the inability to locate an applicant at the last known physical address or the inability to notify by electronic address

6. The death of the applicant

7. The separation from Civil Service employment, other than by layoff, of an eligible whose name is on a promotional register

8. The discovery that the applicant has willfully provided erroneous information, withheld information, evaded questions, or otherwise misrepresented his qualifications in order to qualify for appointment or promotion

9. Any cause or condition specified in these rules and regulations for the rejection of an applicant shall likewise be cause for removal of his name from a register or list

10. Failure to pass any subsequent examination of the applicant's fitness for the position, such as a polygraph and/or computerized voice stress analysis (CVSA), drug test, medical exam, or psychological exam if reasonable accommodation cannot be made for that position or another position in the same classification

11. Failure to remain in compliance with specified job description prerequisites that qualified the applicant to apply for the promotional classification

12. Temporary removal for disciplinary action until such time as the candidate is eligible to return to the register

APPROVED: 06/14/1994

EFFECTIVE DATE: 09/01/1994
REVISED: 07/01/2018

POLICY: 2.6-II BACKGROUND CHECKS

The Metropolitan Government of Nashville and Davidson County is committed to providing quality service for our citizens in an environment that is safe for our employees. To ensure these high standards, we are implementing a consistent policy that reserves Metro Government's right to conduct standardized background investigations on current employees subject to the provisions of this policy and all new hires.

Definition: For the purpose of this policy, the following definitions apply:

- **A viable candidate** is a person the hiring authority has determined is qualified for the job and to whom the hiring authority is considering for employment, *re-employment or re-hire* (not current Metro employees).

- **Fair Credit Reporting Act** – The FCRA is the body of law governing background checks. It is designed to protect the privacy of consumer report information and to guarantee that the information supplied is as accurate as possible. Individuals must be aware that consumer reports may be used for employment purposes and must agree to such use. Individuals will be notified promptly if information in a consumer report results in a negative employment decision.

- **Notice of Adverse Action** – Documents sent to an employee or viable candidate who through the background check process has received a "does not meet criteria" designation may be moved from their present position, or have duties changed, or cannot be appointed to the applied for position.

Background investigations should be completed prior to the viable candidate or the employee starting work in the new position. Prior to ordering background investigations for current employees, participating departments/agencies shall designate the classifications and/or positions within the department where background checks are to be conducted. These must be reviewed and approved by the Human Resources Department and the Department of Law.

Individuals on whom background investigations are to be performed must first sign the Background Authorization/Release Form and Consumer Credit Release Form. Refusal to sign these forms will disqualify an employee from consideration for a position for which a background check is required or may be cause to remove an employee from a current position.

In the event that a viable candidate's background investigation report contains records or information that would preclude the individual from meeting the hiring criteria, then Metro Human Resources Department shall send the applicant a letter which provides the applicant five (5) business days to seek a reinvestigation, clarification, challenge or update on his/her Report prior to any formal adverse action being taken by Metro. In the event that the viable candidate does not take such action within the five (5) business days, then the Human Resources Department of Metro will make an employment determination based on the contents of the Report and send the applicant a Notice of Adverse Action letter.

If a request for a reinvestigation is timely made, no decision will be made by Metro to disqualify a viable candidate from consideration for employment by Metro. However, there is no requirement to keep the position open during any reinvestigation. Accordingly, Metro will continue to interview and review applications as well as background investigation reports. In the event that a viable candidate's

initial background investigation report is clarified, corrected, or re-issued, and the applicant thereafter meets the criteria, then his/her application will be re-activated and considered for future positions.

If the background investigation report is conducted on a current Metro employee, then that employee may follow the same procedure for a reinvestigation as those established for a viable candidate.

A Notice of Adverse Action will be sent to an employee or viable candidate who through the background check process has received a “does not meet criteria” designation. This and other forms for background checks will be maintained in the HR Recruitment Division.

Background investigations may be conducted on current employees who are being considered for a position or are already in a position requiring a background check. Background investigations conducted on current employees shall be limited to the following type classifications/positions:

- Classifications/positions involving the management, processing of, or access to, financial or business transactions where there is the potential for the loss of funds from theft, fraud, embezzlement.

- Information Systems classifications or positions where there is a potential for the release of confidential information, the unauthorized transfer of information, or the destruction of files.

- Classifications or positions having access to files protected by law such as confidential legal files or sealed court records.

- Classifications or positions performing security related to public health and/or safety of Metro facilities, employees or the general public.

- Classifications or positions performing Motor vehicle operations/transportation. Background checks should be conducted on a regular basis for current employees to ensure they continue to possess a valid license.

- Classifications or positions responsible for codes or law enforcement.

- Classifications or positions involving counseling, guidance, teaching or care of children and/or adults.

When adverse information is reported on an employee or the employee refuses to sign release forms, the appointing authority will evaluate whether the employee should be removed from the position and/or employment. The appointing authority is expected to follow all applicable Civil Service rules that may apply to the situation.

Types of Background Checks

Background Checks are to be conducted by an outside contractor and shall comply with the Fair Credit Reporting Act. Metro uses four (4) separate levels of background checks.

Investigations: Levels 1- 4

Level One Basic Check

- Social Security Number Verification (SSN)
- Seven (7) year County Criminal Check
- Sexual Offender Registry (if appropriate)
- Driving Record (if appropriate)

Level Two Management Level Check

- SSN Verification
- Seven (7) year County Criminal Check
- Sexual Offender Registry (if appropriate)
- Driving Record
- Employment Verification (last job only)
- Education Verification (if appropriate)

Level Three Executive Level Check

- SSN Verification
- Seven (7) year County Criminal Check plus Federal check
- Sexual Offender Registry (if appropriate)
- Seven (7) year Employment Check
- Driving Record
- National Law Enforcement Submission and Warrants
- Credit Report
- Education Verification

Level Four Sensitive Check

- Executive Level plus the following:
  - Civil litigation (State and Federal)
  - Media Search

APPROVED: 07/09/2002
REVISED: 07/01/2018

POLICY: 2.7-I SUBSTITUTION POLICY

GENERAL

The minimum requirements stated in the job description for a classification provided a guideline for the screening of applications. It is assumed that only a candidate with at least a certain amount of education and experience would be able to effectively perform the duties of the position.

Situations may arise however, in which an applicant may have demonstrated the ability to perform the duties of a position, without having the education and/or experience as specifically stated in the job description. The purpose of this policy is to document that in these cases, when the applicant has demonstrated that he has the ability to perform the duties of the position at the level required by the duties and performance standards of the job description, the applicant may be considered eligible to compete in the assessment process.

GUIDELINES

1. Applications will be reviewed with respect to (1) the minimum requirements as stated in the job description; and (2) the skills and skills levels required for the position as stated in the functional job description.

2. Applicants whose education and experience meet the minimum requirements will be considered eligible and screened further for ranking purposes. Applicants must meet the minimum requirements exactly as stated in the job descriptions for certain classifications. These classifications will specifically state “No Substitution” in the job descriptions.

3. Substitution of experience or education will not be permitted for a license or certification of any kind unless there is a stated equivalency in the job description.

4. Where the job description allows for substitution, it may be considered in those instances:

   a) where it has been agreed upon with the Appointing Authority in advance of the job posting and is in compliance with Civil Service Rules, procedures, and policies; or

   (b) (i.) where specific licenses, certifications, experience, or education are not universally required; and (ii.) where the applicant has demonstrated that he or she can perform the duties of the position at the level required by the duties and performance standards of the job description; and (iii.) where the applicant has made a written request to the Human Resources Department for substitution consideration prior to the application filing deadline.

APPROVED: 03/01/1994
REVISED : 07/08/1997; 02/08/2011

POLICY: 2.7-II RESIDENCE REQUIREMENT FOR COLLEGE CREDIT – FOR QUALIFYING ON ENTRANCE AND PROMOTIONAL EXAMS

GENERAL

This policy establishes minimum requirements for credits earned in residence at a college level institution. College course credit from an accredited institution submitted by an applicant for meeting minimum qualifications and for scoring on education ratings may be earned in a traditional classroom environment or by non-traditional sources.

RESIDENCE REQUIREMENTS

Applicants must have taken in residence at least ½ of the total hours required for the degree or applied to an education rating. No more than ½ may be earned in non-traditional credits. Those employed prior to the effective date of this policy may qualify without meeting the residence requirement if the qualifying degree was awarded prior to the effective date.

INTERNET COURSE WORK

In lieu of the residence requirement, internet or correspondence course work may be accepted for meeting minimum qualifications and for scoring on education ratings, however, the credits must have been awarded from an accredited institution with a physical campus and the accrediting body must be recognized by the Council on Higher Education and/or the United States Department of Education."

NON-TRADITIONAL SOURCES OF CREDIT

The following types of non-traditional credits *awarded by an accredited institution* are generally recognized for examination credit by the Human Resources Department. This list is not all-inclusive; other sources of credit recognized by an accredited college level institution will be evaluated for acceptability. The Human Resources Department will determine whether the course should count toward an education requirement.

Advanced Placement Credit:	These credits are achieved through examination under the Advanced Placement Program of the College Entrance Examination Board.
Correspondence Credit:	These credits earned through correspondence courses offered by college level institutions.
University Credit by Exam:	These are credits achieved by taking in-house examinations at the college or university granting the credit hours.
CLEP:	This is a national program of credit-by-examination, sponsored by the College Credit Examination Board.
Credit for Service in the Armed Forces:	These credits may include direct credit for physical education or credits for training completed through formal service schools.

Non-collegiate Sponsored:	These credits are awarded for courses completed through certain non-collegiate sponsored instruction.
University Credit for Experiential Learning:	These credits are granted by an accredited college level institution for college level knowledge and understanding gained from work experience, life experience, or from certain non-traditional instruction.

APPROVED: 06/14/1994
EFFECTIVE: 09/01/1994, 09/14/2004

POLICY: 2.7-III TRANSFER OF SCORES

An applicant can request to have his/her score transferred from one eligibility register (first eligibility register) to another eligibility register (second eligibility register) for similar positions or classifications under the following conditions.

1. The applicant formally makes application to compete for the second eligibility register with the announced time frame and following the appropriate procedures. The competitive examination for the second eligibility register will be announced in accordance with Civil Service Rules. Announcements for the two positions or classifications may be announced at the same time.

2. The minimum requirements for placement on the second eligibility register are similar to or lower than the requirements for the first eligibility register.

3. The selection process for the second eligibility register measures similar knowledge, skills, and abilities as the one used in establishing the first eligibility register. The first selection process may be more comprehensive than the selection process for the second eligibility register.

4. The exam components used in the second process were also used in the first process at the same or less difficulty level. In cases where the exam components are the same but the weights are different, the raw score from the first process will be used and converted to the weights used in the second process, treating the raw scores in the same manner as all other applicant scores in the second process. It is not necessary that the exam components be identical, the key is whether the exam components to be used in the second process were used in the first process. For example, the first selection process may have been 50% written and 50% oral with the second process being 100% written. As long as the difficulty level of the first process was the same or higher, then the score on the written part could be transferred to the second list. An experience/education rating could be added to the second process.

The Human Resources Department shall make the final determination as to whether transfer of scores will be allowed. The applicant can elect to compete anew in the second process; but, once that decision is made, there is no longer an option to transfer the score from the first eligibility register. Applicants transferring the score will be rank ordered in the appropriate place with the new applicants competing for the second eligibility register.

APPROVED: 06/14/1994
EFFECTIVE: 09/01/1994

POLICY: 2.10 C-I ESTABLISHING ELIGIBILITY REGISTER CATEGORIES

GENERAL

The policy will be used when categories are applied, such as for Open Competitive registers. Applicants successfully completing the recruitment process for a specific classification will be placed in categories according to their final composite score or rating on an eligibility register and will be divided into the categories of Outstanding, Well-Qualified, and Qualified.

PROCEDURE

A. For each recruitment, applicants will be divided into four categories: Outstanding, Well-Qualified, Qualified, and Not Qualified. While all four categories are available for any particular recruitment, it is not necessary that all four categories be utilized. However, if any applicants qualify, there will be at least an Outstanding category.

B. Different exam components may require alternate methods for establishing the categories. Human Resources' staff will determine the exam components for a particular position and the best method for that particular combination of exam components will be utilized to distribute the applicants into the four available categories.

C. Point Spread would be the method of choice to distribute applicants into the four available categories for some exam components, i.e., written, oral, etc. The spread of scores for that exam component would determine the exact score needed to achieve a particular category.

D. Training and Experience Rating is one of the most recognized methods for establishment of Open Competitive Registers. Various methods of T&E ratings exist. The recruitment staff will decide which method is best suited for a particular recruitment. The following method is an example of the T&E method that is widely used in the private sector and is considered the method of choice for announced Open Competitive Registers:

E. All resumes or applications are reviewed and placed into four groupings: Not Qualified, Qualified, Well Qualified, and Outstanding. The groupings are based upon the essential job factors identified for this vacancy by the requesting department. Applicants are placed in categories according to the extent to which their background matches the needs of the position.

F. Continuous Applicant Pools will be maintained on certain classifications. Applicants will identify their skills and interest in certain occupational areas. They will be placed in the general pool of qualified candidates and selected for referral only when a department describes a vacancy similar to the profile of the candidate. All those applicants drawn from the pool for referral will become the Outstanding category for the vacancy and those candidates not selected will remain in the Qualified Pool.

G. Police and Fire Recruit testing will utilize two components to establish the rankings for the respective eligibility registers; a written exam and a physical agility test. Each component will be scored from 0 to 5 points and will be given equal weight. The final composite score for each applicant will be the sum of the applicant's written and physical agility test scores. The categories on the registers will be established in the following manner:

a. **Police**

6 – 10 points	=	Outstanding
3 – 5 points	=	Well-qualified
0 – 2 points	=	Qualified

b. **Fire**

7 – 10 points	=	Outstanding
4 – 6 points	=	Well-qualified
0 – 3 points	=	Qualified

APPROVED: 12/10/1991

EFFECTIVE: 10/12/1999
LAST REVISION: 07/21/1999, 10/12/1999

POLICY: 2.12 PHYSICAL EXAMINATIONS

PRE-EMPLOYMENT PHYSICAL EXAMINATIONS:

It shall be the Policy of the Metropolitan Government to have a licensed medical professional as designated by the Health Department Director, to conduct post-offer physical examinations for selected Civil Service appointments. Those selected appointments will involve employees who work in public health, public safety, as well as those required to perform labor intensive / heavy manual lifting, operate heavy equipment, and operate other motorized vehicles on a regular basis

PERIODIC PHYSICAL EXAMINATIONS:

It shall be the Policy of the Metropolitan Government to have a licensed medical professional as designated by the Health Department Director, to conduct periodic physical examinations for those selected classifications where license/ certifications are required or those classes where public safety job duties are performed.

This requirement shall be the responsibility of the respective department and shall be addressed in their departmental rules.

APPROVED: 12/12/2000
EFFECTIVE: 07/01/2018

POLICY: 2.12-I METRO DRIVER SAFETY STANDARDS – VISION

1. VISUAL ACUITY

POLICE: Far Visual Acuity:

Far Visual Acuity shall be at least 20/40 in each eye corrected with contact lenses or spectacles. Far visual acuity uncorrected shall be at least 20/100 binocular for wearers of hard contacts or spectacles. Successful long-term soft contact lens wearers shall not be subject to the uncorrected criterion if recommended by the Civil Service Medical Examiner. Applicants must have worn soft contacts for at least twelve months prior to the employment physical and upon recommendation by the Civil Service Medical Examiner.

FIRE: See current NFPA medical Standards.

PERSONAL VEHICLE DRIVERS: Corrected to 20/40 or better in one eye or with both eyes open.

These drivers of Metro vehicles that are operated as one would operate a privately owned vehicle and include: non-emergency cars, pickups, station wagons, and vans. They do not carry hazardous materials or non-employee passengers and carry nine passengers or fewer not including the driver. Persons 20/40 or better in one eye and 20/60 to blind in the other eye are restricted by the Tennessee Department of Safety to driving vehicles with both outside rear-view mirrors.

ALL OTHERS: Corrected to 20/40 or better in each eye.

2. EXTRA OCULAR MUSCLE

All drivers except personal vehicle drivers must have Binocular Visual Acuity at 20 feet.

3. COLOR VISION

POLICE: Police officers must meet minimum color vision requirements in order to perform their essential job functions, including but not limited to, distinguishing the color(s) of cars, clothing and other items, as well as detecting and distinguishing the color(s) of traffic control signals and lights. However, some individuals with partial color vision deficiencies may have sufficient color identification and discriminatorial skills to perform the essential job functions of a police officer. Applicants for the position of police officer will be administered the PIP color vision test and will meet the color vision requirement if they satisfy the minimum pass/fail requirements as per the manufacturer's specifications. Candidates who do not successfully pass the PIP or the Farnsworth D-15 color vision test will be administered the HRR, 4th edition, color vision test, in accordance with the manufacturer's testing guidelines. Candidates with a color vision deficiency severity classification of "strong" will not be accepted. Candidates passing the PIP, Farnsworth D-15 or HRR 4th edition with a color vision deficiency severity classification of "mild" or "medium" will be deemed to have met the color vision requirement.

No color correcting or color enhancing optical aides, lens or other device may be worn or utilized by an applicant for police officer when being administered the PIP, Farnsworth D-15, or HRR 4th edition test.

FIRE: See Current NFPA Medical Standards.

ALL OTHERS: Ability to distinguish color(s) of traffic control signals or devices.

4. DEPTH PERCEPTION

POLICE: Normal depth perception

FIRE: See current NFPA Medical Standards

ALL OTHERS: No standard used

5. FIELD OF VISION

FIRE: See current NFPA Medical Standards.

PERSONAL VEHICLE DRIVERS:

Driver must have visual field recognition throughout an arc of 140 degrees with both eyes open.

ALL OTHERS:

Significant (to above or below the horizontal meridian) impairment of field of vision is not acceptable. Abnormality of Field of Visions matters are investigated accordingly on a case-by-case basis.

6. ALL OTHER OCULAR PATHOLOGY

These are evaluated as to the degree of ocular impairment by the Civil Service Medical Examiner. He shall make a recommendation to the Appointing Authority as to which vehicles, if any, the applicant or employee should be allowed to operate.

APPROVED: 02/08/1994
EFFECTIVE: 09/01/1994
LAST REVISION: 6/14/1994, 9/26/1995
6/13/2000, 10/14/2008, 9/12/2017

POLICY: 3.0 EMPLOYEE ASSISTANCE PROGRAM

Purpose

The purpose of this policy is to establish and clearly define the services of the Employee Assistance Program (EAP) provider for the Metropolitan Government of Nashville and Davidson County. The vendor will function as a direct care provider of mental health counseling and referral source. This policy establishes the guidelines for identifying and assisting employees and their eligible dependents and communicates to supervisors and employees a clear understanding of the EAP so that services may be used in a timely, efficient, and appropriate manner.

The EAP provider services include, but are not limited to, personal issues, legal/financial referrals, short-term counseling on work performance issues, substance abuse, conflict management, violence, and family counseling.

Policy

The Metropolitan Government of Nashville and Davidson County recognizes the need to provide assistance for employees and their family members who are experiencing a variety of personal issues. To provide professional assistance for such employees and their eligible dependents, the Human Resources Department will utilize a contracted EAP vendor provider.

Confidentiality

The same confidentiality applies to all clients. The EAP provider will not acknowledge to anyone that an employee is seeking counseling or has been mandated to use counseling services, nor will they respond to any questioning regarding the client except as the client's or guardian's request with a written release. The supervisory and/or department authority listed on the signed mandatory referral forms may be notified regarding attendance and compliance with treatment recommendations; however no details regarding the content of these sessions will be reported. The only exception to the practice of confidentiality and anonymity extend to state and federal statutes that mandate reporting of behavior indicating risk to self or others.

Procedural Guidelines

There are four ways to utilize the EAP provider services: voluntary inquiry, informal referral, formal referral, and critical incident counseling. Contact information for the EAP provider can be found by calling the Human Resources Department or checking with HR website.

Voluntary Inquiry

All Metropolitan Government employees and their eligible dependents may seek confidential counseling services or information about such services from the EAP provider by contacting the provider directly. Call the EAP provider with questions regarding eligibility.

Informal Referral

A supervisor or manager may informally refer an employee to the EAP. An informal referral is a suggestion to the employee that EAP services may be beneficial; the employee must elect whether or not to seek their assistance. Such referrals may be made whenever the supervisor has reason to

believe the employee could benefit from counseling services. All informally referred employees' participation with the EAP will be held in strict confidentiality by the EAP and no information will be provided to the referring manager.

Formal Referral

A formal referral is a mandate requiring the employee to attend EAP and comply with their instructions until the formal referral is lifted. While Metro Government is pleased to offer EAP services to those who desire and seek them independently, requiring employees to receive treatment as a condition of their employment is an extreme option only to be exercised when absolutely necessary. A supervisor or manager may initiate a formal referral for employees who provide a reason to believe they are a risk to self and/or others.

Reasons to consider formal referral include, but are not limited to:

- Violent or threatening behavior
- Incidents related to substance abuse
- Life-threatening behaviors toward others

Inappropriate behavior patterns include, but are not limited to:

- Verbal/Physical display of anger
- Sexist or racist remarks or harassment
- Destruction of property
- Chronic absenteeism or other abuse of work time

A referral will not be used in place of, or as part of, any disciplinary action. A formal referral is a positive, preventative response in order to assist employees with their own professional lives. Although a particular incident may ultimately lead to both a disciplinary sanction and an EAP referral, they will be considered separate actions. At no time should there be mention of or indication of a referral to EAP listed in any disciplinary documentation.

A formal referral to EAP requires the employee to comply with the instructions of the referral. Notice from the EAP vendor that the employee has failed to comply will result in a documented counseling session. Additional notice that the employee has failed to comply will result in disciplinary action up to and including termination.

Critical Incident Stress Debriefing (CISD)

A CISD is an opportunity for employees directly involved in or witnessing a traumatic workplace event to discuss the event and its affect upon them. These sessions are mandatory for employees identified by the department head / designee. Critical Incident Stress Debriefings are confidential; the EAP provider only reports to the agency that an employee has complied with attending the critical incident session and not the content of the session.

Reasons to conduct a CISD include, but are not limited to:

- Direct involvement in an incident involving death
- Direct involvement in an incident involving a weapon
- Direct involvement in a suicide or suicide attempt
- Extraordinary event that impacts groups of employees

- Witnessing the death or life-threatening injury of a fellow employee

The procedure for Critical Incident Stress Debriefing is:

- The department head / designee will contact the HR representative, who will notify the EAP vendor
- The EAP provider will coordinate with the department head / designee to determine meeting time and place for the critical incident debriefing for the group.
- Each mandated employee will be given the meeting information by the department head / designee
- The EAP vendor will follow up to provide confirmation of each employee's attendance. The EAP vendor will work with the department head / designee in situations where the CISD reveals an employee who may need further time off for counseling.

APPROVED: 02/14/2012
EFFECTIVE: 02/14/2012

POLICY: 3.1- I GUIDELINES ON DISCRIMINATION

Administrators and supervisors in the Metropolitan Government are familiar with and will comply with all laws, regulations and guidelines governing various forms of discrimination. Specific guidelines are summarized in this document. Furthermore, harassment of any person in the form of verbal or physical conduct based on a person's race, gender, color, religion, national origin or disability, creed, gender identity, or sexual orientation will not be condoned when such conduct:

1. Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's opportunities associated with employment.

A. Race Discrimination (Civil Rights Act of 1964, Title VII, as amended by the Civil Rights Act of 1991)

It shall be against the policy of the Metropolitan Government to discriminate against an individual as a result of that person's race. This policy applies to applicants for employment as well as current employees.

B. Sexual Discrimination

It is the policy of the Metropolitan Government that there shall be no discrimination against any individual based on gender. This covers all employment actions and conditions of employment and benefits.

1. Job Policies and Practices (Civil Rights Acts of 1964, Title VII, as amended by the Civil Rights Act of 1991 & Equal Pay Act of 1963)

   a. Personnel policies do not discriminate on the basis of gender.
   b. Employees and applicants of both genders are equally considered for any positions for which they are qualified.
   c. Employment opportunities, wages, hours, conditions of employment and benefits are equally offered to all employees regardless of gender.
   d. Marital status shall not be a factor in any employment opportunity or decision.
   e. Appropriate physical facilities shall be provided for people of both genders.

2. Maternity Leave (Pregnancy Act of 1978 & Tennessee Maternity Leave Law)

Accrued sick leave shall be granted for the time that a woman is physically unable to work due to childbirth as documented by her physician. Additional vacation and/or leave without pay may be granted in accordance with applicable law. The same vacation and/or leave without pay may be granted as paternity or adoption leave.

3. Sexual Harassment (Civil Rights Act of 1964, Title VII, as amended by the Civil Rights Act of 1991; Guidelines on Discrimination Because of Sex, 1980)

   The Metropolitan Government prohibits sexual harassment of any employee. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

   a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or

   b. Submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual, or

   c. Such conduct has the purpose of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

   Sexual harassment can take many forms. It is not limited to overt physical acts. Suggestive comments, jokes of a sexual nature, sexually suggestive objects or pictures, obscene gestures, sexually graphic stories, as well as unwanted touching, may all constitute sexual harassment.

   Sexual harassment of any employee will not be tolerated. No employee will be allowed to sexually harass, either verbally or physically, another employee; nor shall any supervisor allow the harassment of any of his/her employees, either by other employees or by persons not employed by Metro Government. It will be the responsibility of managers and supervisors to take all steps necessary to enforce the provisions of this policy. Any complaint of harassment will be promptly investigated and corrective and/or disciplinary action taken if the charges are found to be true.

   Action can only be taken when managers and supervisors have knowledge of sexually harassing conduct. Employees have a duty to inform managers and supervisors when they observe or they are aware of improper sexual conduct exhibited by a Metropolitan Government employee. This obligation to inform includes improper conduct committed by non-government employees if the conduct is directed toward government employees.

C. Religious Discrimination (Civil Rights Act of 1964, Title VII, as amended by the Civil Rights Act of 1991)

The Metropolitan Government expresses its commitment to prohibit religious discrimination against applicants for employment and employees in all areas of employment and benefits. No distinction based on religion shall apply in employment opportunities, wages, hours of work, and other conditions of employment or benefits.

Efforts will be made to accommodate the religious observance and practices of an employee unless such accommodation is unreasonable and would result in an undue hardship on the conduct of business.

D. Age Discrimination (Civil Rights Act of 1964, Title VII, as amended by the Civil Rights Act of 1991 & Age Discrimination in Employment Act of 1967, as amended)

The policy of the Metropolitan Government prohibits age-based discrimination against individuals 40 years of age or older. No Appointing Authority shall be allowed to refuse to hire, to discharge, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of an individual's age.

Exceptions:

1. There may be differentials in bona fide employee benefit plans.
2. For some areas of work, age may be a bona fide occupational qualification.

E. National Origin Discrimination (Civil Rights Act of 1964, Title VII, as amended by the Civil Rights Act of 1991)

1. Policy

It shall be against the policy of the Metropolitan Government to discriminate because of an individual's or his or her ancestor's place of origin or because an individual has the physical, cultural or linguistic characteristics of a national origin group. Furthermore, it is against the policy to discriminate for reasons which are grounded in national origin, such as (a) marriage or association with persons of a national origin group; (b) membership in, or association with an organization identified with or seeking to promote the interests of national origin groups; (c) attendance or participation in schools, churches, temples or mosques, generally used by persons of a national origin group; and (d) because an individual's name or spouse's name is associated with a national origin group. There shall be no discrimination based on national origin in any area of employment or condition of employment or in the granting of employment benefits.

2. Citizenship

The Metro Civil Service Commission requires that all employees be United States citizens, legal resident aliens, or aliens authorized to work in the United States. Specified classifications require U.S. citizenship as a bona fide occupational qualification.

F. Disability Discrimination (State and Local Fiscal Assistance Act of 1972 and Rehabilitation Act of 1973: Americans with Disabilities Act of 1990)

1. Policy

It is the policy of the Metropolitan Government to assure equal employment opportunity to disabled persons on the basis of qualifications and ability to perform the job. There shall be no discrimination in terms of employment opportunities, wages, and hours of work or other conditions of employment or benefits.

An individual with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or who is regarded as having such an impairment.

2. Application Process

Disabled persons are guaranteed the same application process as other applicants. Assistance may be provided when needed, such as the following:

a. A reader may be provided for completing an application or written examination for qualified applicants who are vision-impaired or illiterate to due a learning disability.

b. Waiver of a driver's license may be requested for qualified disabled applicants who are not allowed to drive.

3. Post Offer of Employment Physical

All new appointees are considered provisionally hired until a standard post offer of employment physical examination, where applicable, is completed at the Metro Health Department at Metro expense. If a physical limitation is determined which is considered by the Appointing Authority as justification for reversing the provisional appointment, the applicant and Appointing Authority shall determine the possibility of reasonable accommodation. Information obtained in the post offer of employment physical shall be confidential except for the following:

a. Supervisors shall be informed of any restrictions on the duties required for reasonable accommodation

b. Safety personnel shall be informed of any possibility of emergency treatment.

4. Reasonable Accommodation

A department shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified disabled individual unless to do so would be an undue hardship. The specific accommodations needed shall be determined jointly by the individual and the Appointing Authority with technical assistance provided by the EEO Coordinator. Reasonable accommodation may include, but shall not be limited to:

a. Making facilities readily accessible to and usable by disabled persons
b. Job restructuring, job sharing or modified work schedule, acquisition or modification of equipment or devices and other similar actions.
c. Assignment to a vacant position for which the person is otherwise qualified

In determining whether an accommodation would impose an undue hardship on the operation of the department, factors to be considered include:

a. The overall size of the specific work area or program with respect to the number of employees and budget;

b. The type of operation;

c. The nature and cost of the accommodation needed.

5. Accessibility

Each department is required to periodically survey their programs and physical facilities to determine if they are accessible to disabled persons. If structural problems are found, it is the responsibility of the Appointing Authority to budget for changes. Non-structural problems requiring some form of reasonable accommodation will be addressed on an individual basis. The EEO Coordinator will provide technical assistance in areas of accessibility related to employment.

THE LAW

In our efforts to achieve equal employment opportunity for everyone in the service of the Metropolitan Government we are guided by the intent and mandates of all applicable laws. Major laws governing employment in the public sector include but are not limited to the following:

A. Federal Laws and Regulations

1. Civil Rights Act of 1964, Title VII - makes it unlawful for an employer to discriminate as to hiring, firing, compensation, terms, conditions or privileges of employment on the basis of race, color, religion, gender, or national origin. It also forbids employers to limit, segregate or classify employees in any way that tends to deprive any individual of employment opportunities or adversely affects his employment status because of his race, color, religion, gender or national origin. This also applies to people in apprenticeship, training and retraining programs. It is also illegal to indicate a preference in advertisements relating to employment.

   Major Amendments

   a. Pregnancy Act of 1978 - clarified that women affected by pregnancy and related conditions must be treated the same as other applicants and employees on the basis of their ability or inability to work.

   b. Guidelines on Discrimination Because of Sex (1972 and 1980) - establish specific prohibitions of discrimination based on gender and make sexual harassment a violation of Title VII.

2. Civil Rights Restoration Act of 1987 - specifies that entire institutions receiving federal funds, rather than just programs or activities receiving the funds, must comply with Civil Rights laws.

3. Executive Order 11246 (as amended by Executive Order 11375) - imposes on

government contractors and subcontractors obligations parallel to those established by Title VII of the Civil Rights Act. This order also prohibits discrimination on the basis of age or physical disability and requires that contractors take affirmative action to ensure equal opportunity.

4. Fourteenth Amendment - declares that "No State make any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws".

5. Equal Pay Act of 1963 (amendment to the Fair Labor Standards Act) - mandates equal pay for equal work regardless of gender: the benchmarks for a job are skill, effort, responsibility and working conditions and the exceptions are applications of seniority or a merit system, a measure of quantity or quality of production or any other factor other than gender.

6. Age Discrimination in Employment Act of 1967 (as amended in 1978) - prohibits age-based employment discrimination against individuals 40 years of age or older.

7. Rehabilitation Act of 1973 - Section 503 requires employers with federal contracts to take affirmative action for the employment of disabled people. Section 504 forbids discrimination against disabled persons by any employers receiving federal financial assistance.

8. Americans with Disabilities Act of 1990, Title I - prohibits covered employers from discriminating against a qualified individual with a disability in all areas of employment.

9. Immigration and Nationality Act (Immigration Reform and Control Act of 1986 as amended) - The IRCA establishes sanctions against employers who knowingly recruit or hire illegal aliens and allows preference for U.S. citizens or nationals over equally qualified aliens. The law prohibits discrimination against foreign nationals by employers who are not covered by Title VII of the Civil Rights Act.

10. Civil Rights Act of 1991 - amends and provides statutory guidelines for implementation of Title VII of the Civil Rights Act of 1964.

B. <u>State Laws and Regulations</u>

1. Tennessee Human Rights Act - forbids job discrimination on the basis of race, creed, color, religion, gender, age or national origin.
2. Tennessee Maternity Leave Law - allows a female employee to take four months leave, paid or unpaid, for pregnancy, childbirth and nursing the infant.
3. Tennessee Handicapped Discrimination Act - prohibits discrimination against disabled persons.
4. Tennessee Equal Pay Act - prohibits discrimination in the rate of pay because of gender.

C. <u>Metro Ordinance BL2009-502</u> – It is unlawful for the Metropolitan Government to fail or refuse to hire or promote, or to discharge any individual, because of such individual's race, religion,

creed, gender, gender identity, sexual orientation, national origin, color, age, and/or disability.

UTILIZATION ANALYSIS

A periodic utilization analysis will be done to help monitor representation by race and sex in each department. Such analysis will compare departmental representation within EEO categories to similar numbers in the local labor market work force. Statistics used are taken from the most current U.S. Census data adjusted by State reports on unemployment.

APPROVED:	04/23/1991
EFFECTIVE:	09/01/1994
REVISION:	09/08/1992
LAST REVISION:	06/14/1994, 05/09/2000, 3/8/2011

POLICY: 3.1-II REASONABLE ACCOMMODATION

Once the need for reasonable accommodation for a qualified individual with a disability has been indicated, the department must make a reasonable effort to determine the appropriate accommodation. The appropriate reasonable accommodation is best determined through a flexible, interactive process that involves both the employer and the qualified individual with a disability. This process must be fully documented. The EEO Coordinator is available to assist in this process.

PROCEDURE:

1. Analyze the particular job involved and determine its purpose and essential functions.

2. Consult with the disabled individual regarding the precise job-related limitations imposed by the disability and how these limitations could be overcome with reasonable accommodation.

3. In consultation with the individual, identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position. The preference of the disabled person should be given primary consideration. However, the employer has the ultimate discretion to choose between effective accommodations.

4. If consultation doesn't reveal potential accommodations, the employer may find technical assistance helpful in determining how to accommodate a particular person in a particular circumstance.

5. Determine the approximate cost of providing potential accommodations. If there is a question of financial hardship, compare the cost to the department's overall budget, funds to be spent on renovations, construction, equipment, etc. and money available from other government funds.

6. Consider the possible impact of the accommodation(s) on departmental operations, other employees, any possible direction threat and binding rules or union agreements.

7. Considering the preference of the individual and the factors cited above in Steps 5 and 6, select and implement the accommodation that is most appropriate for both the employee and the employer. If the accommodation cannot be implemented immediately, such as one requiring construction, set a target date for completion.

8. If the request is to be denied, give the employee a chance to provide the accommodation himself/herself, or be prepared to cite reasons for the denial.

APPROVED: 12/10/1991
EFFECTIVE: 09/01/1994

LAST REVISION: 06/14/1994

POLICY: 3.1-III WORKPLACE CONDUCT POLICY

Employees of the Metropolitan Government should not be exposed or subjected to abusive behavior from other employees. Employees found to be engaging in such conduct shall be subject to corrective and/or disciplinary action. Supervisors may also be subject to corrective action or discipline if they learn of abusive conduct in their workplace and fail to take appropriate action.

Definitions and Guidelines:

Abusive conduct is behavior that creates an intimidating environment likely to interfere with an individual's work. This conduct can be verbal, visual, physical, or communicated in writing or electronically. Such conduct is typically directed against a particular individual or individuals. It includes, but is not limited to, situations in which one person has authority over another and engages in conduct that unfairly exploits the power inherent in a supervisor's position. A "supervisor" is the person in an employee's chain of command having the departmental authority to direct the employee's work, to approve or deny leave requests, to conduct the employee's performance evaluations, and to counsel, correct, discipline and recommend termination of employment.

Examples of conduct that may be considered abusive include but are not limited to:

- Repeated threatening or intimidating behavior or words (written or oral);
- Repeated use of obscenities, profanity, epithets, gestures or cartoons directed at a person or group;
- Repeated degrading of a person or a group on the basis of personal characteristic(s);
- Repeated taunting, jeering, mocking, or humiliating another person through acts or words;
- Repeated screaming and/or yelling at or around others;
- Insulting someone, especially in the presence of others;
- Endangering the safety of an individual or individuals;
- Sabotaging or undermining an employee's work performance.

In considering a complaint under this policy, it shall be understood that abusive conduct must be distinguished from behavior that is appropriate to the carrying out of certain supervisory or instructional responsibilities. Examples of conduct that demonstrates the non-abusive exercise of managerial prerogative and which should not be considered as abusive include but are not limited to:

- Routine coaching and counseling, including feedback about and correction of work performance;
- Reasonable work assignments, including shift, post, and overtime assignments;
- Disciplinary procedures in accordance with adopted rules of the Civil Service Commission;
- Individual differences in styles of personal expression;
- Passionate, loud expression with no intent to harm others;
- Differences of opinion on work-related concerns;

For candidate-class employees of public safety departments or agencies, while abusive behavior should not be part of an academy or training program, this Policy recognizes that loud and/or repetitive instructions from a trainer may be part of an acceptable teaching method. Further, loud or repetitive instructions may be necessary in a life-safety setting (for example, in a facility evacuation due to a bomb threat).

The fact that someone did not intend to be abusive is generally not considered a sufficient defense to a complaint. In most cases, it is the effect of the behavior on the complainant and whether a reasonable person would find the conduct abusive that determines whether the behavior was abusive.

A single act generally will not constitute abusive conduct, unless such conduct is determined to be severe and egregious.

b. Reporting Procedures

Any employee who feels he or she has been subjected to abusive conduct, or any employee who believes abusive conduct has been perpetrated by one or more employees toward one or more co-workers, should report the matter to a supervisor including his or her supervisor, to their department's Human Resources personnel, to Metro Human Resources, or to their department or agency's appointing authority, including an elected agency head.
Employees should not feel obligated to report their complaints to their immediate supervisor first before bringing the matter to the attention of one of the representatives identified above. While it is encouraged, an employee need not make their initial complaint in writing. However, the complainant will be required to sign an "Employee Complaint Form," and must be prepared to present sufficient detail concerning the alleged abusive conduct, including dates, times, locations, the identity of any witnesses, and what the complainant expects the witnesses to know concerning his/her complaint.
Unless a threat of personal or professional harm has caused an employee to delay reporting abusive conduct, a report of abusive conduct should be made within sixty (60) calendar days of the date of the conduct giving rise to the report.
If the alleged conduct is part of a continuing problem going back more than sixty (60) calendar days, the complaint should be filed within a reasonable time frame of the most recent occurrence and the complainant will need to state when the abusive conduct began and the progression to the time of the complaint.

c. Response to Complaint

The recipient of an abusive conduct complaint should timely notify both the appointing authority and human resources personnel of the complainant's department. The appointing authority may appoint his/her own department personnel to investigate or may request the assistance of investigators from the Human Resources Department. If an investigation is deemed necessary, it will be conducted as soon as practicable. All affected parties will be informed of the investigation's outcome. If a complainant or group is dissatisfied with the report's finding on the ultimate question of whether the conduct complained of violated this policy, they may appeal to the Appointing Authority of their department or agency by making a written request for review within ten (10) calendar days of the date the investigative report was issued. The decision of the Appointing Authority shall be final.
Lodging a complaint of abuse is not proof of prohibited conduct. A complaint against an individual shall not be taken into account during a performance evaluation or consideration for targeting into a new position or promotion, unless a final determination has been made that the individual violated this policy.

d. Retaliation

Retaliation means conduct that adversely affects another's terms or conditions of employment and has the effect of harming a person for filing a complaint or for participating in an investigation. Retaliation can take many forms. Examples include but are not limited to:

- A threat of transfer or reassignment of work duties;
- A threat of the loss of one's job, salary level, or tangible benefits related to one's job.

It is a violation of this policy to retaliate against persons who report or make a charge of abusive conduct or to retaliate against those who testify, assist, or participate in any investigation involving a complaint. Any such retaliation, or any encouragement of another to retaliate, is a violation of this policy, independent of whether the underlying claim was substantiated.

NOTE – a department or agency's decision to temporarily transfer or re-assign a complainant's work duties, as a protective measure, pending the outcome of an investigation, will ordinarily not be considered retaliation.

e. False or Frivolous Allegations

Accusations of abusive conduct typically have injurious and far-reaching effects on the careers and lives of accused individuals. Therefore, allegations must be made in good faith and not out of malice. Knowingly making a false or frivolous allegation will not be tolerated and will subject the person making such a report to disciplinary action.

f. Corrective and/or Disciplinary Action

Any employee who engages in conduct that violates this policy or who encourages such conduct by others may be subject to corrective and/or disciplinary action.
Supervisory personnel who allow abusive conduct to continue unabated or who fail to take appropriate action upon learning of such conduct may also be subject to corrective and/or disciplinary action.

An employee who receives discipline as a result of a finding against them pursuant to this policy, may appeal pursuant to the provisions of Chapter 6, Sec. 8.

POLICY: 3.1-IV DOMESTIC VIOLENCE IN THE WORKPLACE

The Metropolitan Government ("Metro") issues this policy as part of its commitment to a healthy and safe workplace climate, and to the prevention and reduction of the incidents and effects of domestic violence. The Metropolitan Government recognizes that domestic violence presents unique issues for the workforce. Incidents of domestic violence are workplace issues even if the incidents occur elsewhere. These incidents cross economic, educational, cultural, age, gender, sexual orientation, racial, and religious lines and occur in a wide variety of contexts. Therefore, the Metropolitan Government will endeavor to take appropriate measures to prevent and/or address such violence in the context of the workforce.

DEFINITIONS

Domestic violence:
Domestic violence is a pattern of coercive behavior, including acts or threatened acts, that is used by a perpetrator to gain power and control over a victim. Domestic violence includes, but is not limited to, physical violence, intimidation, sexual violence or abuse, emotional and/or psychological intimidation, verbal abuse, threats, or harassment, stalking, or economic control. This can include elder abuse involving a caretaker or any of the either past or present relationships listed in Part II, section 2.

Survivor or victim:
An individual in a qualifying relationship defined by Tenn. Code Ann. §39-13-111(a), who is currently subject to, or has in the past been subjected to domestic violence or stalking.

Qualifying relationships:

1. Adults or minors who are current or former spouses;
2. Adults or minors who live together or who have lived together;
3. Adults or minors who are dating or who have dated or who have or had a sexual relationship, but does not include fraternization between two (2) individuals in a business or social context;
4. Adults or minors related by blood or adoption;
5. Adults or minors who are related or were formerly related by marriage; or
6. Adult or minor children of a person in a relationship that is described in subdivisions (a)-(e).

Employee:
An individual employed by Metropolitan Government.

Perpetrator or offender:
An individual who is accused of committing, or who commits or threatens to commit an act of domestic violence, regardless of whether the behavior results in a criminal conviction and/or a civil order of protection.

Workplace Safety Plan:
A strategy developed to implement workplace safety options, which may include, but not limited to: setting up procedures for alerting security or police; temporary relocation of the victim to a secure

area; voluntary temporary transferor permanent relocation to a new work site; reassignment of parking space; escort for entry to and exit from the work site; responding to harassment; and, keeping a photograph of the abuser or a copy of an existing court order in an inconspicuous on-site location and providing copies to designated personnel. Supervisors and/or appointing authorities will take into consideration the victim's individual circumstances and her/his job duties and, in the discretion of the supervisor and/or appointing authority, make reasonable allowances or workplace modifications that will allow the employee to fulfill her/his duties.

Workplace:
Regardless of where violence occurs, it has detrimental effects on the workplace environment and employees. An employee is considered to be in the workplace when the employee is conducting Metropolitan Government business, is in Metropolitan Government-owned or leased workspace, is using the facilities or services of the Metropolitan Government, is using Metropolitan Government resources or equipment, is wearing a uniform, is using a vehicle that is owned or leased by Metropolitan Government or its agencies, is attending a work-related conference, or is traveling on behalf of the Metropolitan Government.

GUIDELINES

A. Responses to Victims of Domestic Violence

1. Nondiscrimination/Non-retaliation

If the Metropolitan Government becomes aware that a person covered by this policy is or was a victim of domestic violence, the Metropolitan Government will not discharge or in any manner discriminate, retaliate against, or disadvantage the covered person because of his or her status as a victim of domestic violence.

The Metropolitan Government will not reprimand or retaliate against a victim of domestic violence for requesting leave or a reasonable workplace modification, regardless of whether the request was granted.

2. Leave and Other Reasonable Workplace Modifications

The Metropolitan Government recognizes that victims of domestic violence may need time off to obtain or attempt to obtain a protection or restraining order or any other legal assistance, including, but not limited to, counseling and advocacy services, to help ensure his or her health, safety, or welfare, or that of his or her child. The Metropolitan Government will work in collaboration with the employee in an effort to provide reasonable and flexible leave options when an employee or his or her child is a victim of domestic violence. The Metropolitan Government will work with an employee to provide paid leave first before requiring an employee to utilize unpaid leave.

An employee must provide reasonable advance notice to the employer of the need to take time off unless advance notice is not feasible. The Metropolitan Government may require the employee to provide documentation, if applicable, or other certification verifying that the employee or her/his child was a victim of domestic violence. To request leave, an employee should contact her/his supervisor or appointing authority.

The Metropolitan Government will also make an effort to provide reasonable workplace modifications for a victim of domestic violence who requests a modification for the safety of the victim or to maintain his or her work performance while at work. Reasonable workplace

modifications may include, but are not limited to: the implementation of safety measures; assistance with creation of a workplace safety plan; a transfer, reassignment, or modified schedule; changed work telephone; modified or changed work station; lock installation; assistance in documenting the violence that occurs in the workplace; an implemented safety procedure; another adjustment to a job structure, workplace facility, or work requirement in response to the violence; or referral to a victim assistance organization.

B. Reporting by Employees

Employees who have information about or witness an act of violence perpetrated by an employee, or who have information about or witness violence against an employee, are strongly encouraged to report all information to her/his supervisor or appointing authority.

The Metropolitan Government will not retaliate against, terminate, or discipline any employee for reporting information about alleged incidents of violence, as defined in this policy that may have been committed by any other employee, including a member of management. Prohibited acts of retaliation include, but are not limited to, demotion or withholding of earned pay, as well as acts of personal retaliation, such as those related to an employee's immigration status or sexual orientation, for example.

Any employee who believes he or she has been subjected to adverse action as a result of making a report pursuant to this policy should contact her/his supervisor or appointing authority.

C. Responses to Employees who commit Domestic Violence

If the Metropolitan Government receives information that provides a factual basis indicating that an employee has committed an act of domestic violence, as defined in this Policy, or if any supervisor receives information that any employee has engaged in any incident of domestic violence, then the matter shall be referred to the Metropolitan Nashville Police Department or the District Attorney's Office for the purpose of investigating the information or allegation. Knowledge regarding an employee's alleged involvement in an act of domestic violence shall not be imputed to the Metropolitan Government merely on account of the employee's arrest.

If, as a result of the investigation, the employee is found guilty of a domestic violence crime, or enters a guilty plea or nolo contedere for such crime, then that employee shall be subject to disciplinary action up to and including termination. The employee might also be required to participate in counseling or other remedial measures. Employees are prohibited from utilizing any workplace resources to threaten, harass, intimidate, embarrass or otherwise harm another person.

An employee who is subject to a protection or restraining order or a named defendant in a criminal action as a result of a threat or act of domestic violence must immediately notify their appointing authority regarding the existence of such criminal or civil action. Failure to disclose the existence of such criminal or civil actions in these circumstances may result in disciplinary action, up to and including termination from employment.

D. Reporting by Employees Who are Victims

Employees who are victims of domestic violence and employees who are concerned about coworkers who might be victims are encouraged to provide a report to the Metropolitan Government. Reports should be made to the employee's designated supervisor or appointing authority. The Metropolitan Government's designated supervisor or appointing authority shall refer employees to the Family Safety Center and its Jean Crowe Advocacy Center, in order to assist employees with their concerns or experiences regarding violence. If a victim chooses to follow up with services to the referred resources, such services are confidential, to the extent permitted by Tennessee law. The Metropolitan

Government's designated supervisor or appointing authority shall also refer the victim/reporter to the designated 24-hour YWCA's 24-hour crisis and support helpline at 1-800-334-4628.

E. Reporting Violation of Policy

A person who wishes to report a violation of this policy should contact the Department of Human Resources. The Metropolitan Government will not subject employees who, in good faith, report violence or report a violation of this policy to work related or personal retaliation, as described in Section V. Any allegations of violations of this policy will be investigated by the Department of Human Resources.

F. Training

The Metropolitan Government recognizes the need for pro-active education and training for employees to help prevent incidents of workplace violence. Toward that end, the Metropolitan Government is committed to providing access to resources and information, and will incorporate mandatory, periodic domestic violence training as part of its on-going training program for employees. This training will include information on how to recognize domestic violence and respond to domestic violence. Additionally, supervisors and appointing authorities will receive specialized training on how to respond to reports of domestic violence and refer employees to resources. This training will be conducted on a rolling basis for existing employees and then every four years following the initial training. Training will be provided to new hires in conjunction with their initial training/orientation period.

G. Persons Covered by this Policy

Persons covered by this policy include full and part-time employees.

H. Statement of Confidentiality

The Metropolitan Government recognizes and respects an employee's right to privacy and the need for confidentiality and autonomy. The Metropolitan Government shall maintain the confidentiality of an employee's disclosure regarding violence to the extent allowed by the Tennessee Public Records Act and state and federal statutes that mandate reporting of behavior indicating risk to self or others and/or unless nondisclosure would jeopardize the safety of others within the workplace. When otherwise confidential information must be disclosed to protect the safety of individuals within the workplace, the Metropolitan Government shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others and to comply with the law.

The Metropolitan Government shall provide advance notice to the employee who disclosed information if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere, or when otherwise required by Tennessee law. The Metropolitan Government shall also provide the employee with the name and title of the person to whom the Metropolitan Government intends to share the employee's statements, and shall explain the necessity and purpose regarding said disclosure.

DATE APPROVED: 11/13/2018

POLICY: 3.3-I PERFORMANCE EVALUATION

I. POLICY

In accordance with the Metro Charter and the Civil Service Rules, each employee's job performance shall be evaluated on at least an annual basis. Types and frequency of evaluations are established in the Civil Service Rules and additional evaluations may be done when necessary. The requirements of the position constitute the standards of performance or the basis upon which supervisors will rate the efficiency of employees. The standard of performance shall be the performance, which may be expected after a reasonable period of training of a fully qualified, competent and acceptable employee.

II. ROLES AND RESPONSIBILITIES

Each employee involved in the performance evaluation process should keep in mind job performance and evaluations on a continuous basis, not only when an evaluation is due. Roles in completing an evaluation are stated for each person.

A. Rater – Performance evaluation ratings are the responsibility of the immediate supervisor who directs, observes and has first-line responsibility for the day-to-day performance of an employee. The rater should communicate his work expectations clearly to the employee and discuss work performance with the employee on an on-going basis. Any time the overall performance of an employee, or performance in critical job areas, has reached a level which is below the acceptable rating for the performance evaluation system used, the supervisor will counsel the employee on how he can improve to an acceptable level. The rater is to complete and document the evaluation form, discuss the ratings with the reviewer and employee and ensure that completed forms are properly routed. If an employee is reassigned the rater will complete an evaluation form for the period of time he has supervised that employee, as long as it was for a period of at least sixty (60) days. In such a case, the immediate supervisor at the time the evaluation is due is responsible for ensuring that the final evaluation is a composite result of evaluations done during the year.

B. Reviewer – The rater's rater serves as the reviewer. The reviewer should carefully review the rater's evaluation for compliance with the standards set out in the appropriate guidelines and for consistency in the application of those guidelines. The reviewer should discuss job expectations and employee performance with the rater on an on-going basis. In the event that the reviewer determines a rating to be inappropriate he will discuss it with the rater who will make any changes he finds necessary. The reviewer will not make any changes in the rater's evaluation unless there is objective documentation to support the change. In no event will a reviewer change a rater's

evaluation without discussing it with the rater. Evaluations must be reviewed prior to the counseling interview with the employee.

C. Appointing Authority – The Appointing Authority is responsible for ensuring that the performance evaluation process is carried out within his department in accordance with established procedures. It is his responsibility to see that expectations and procedures are explained to employees and that ratings comply with those procedures.

D. Employee – Each employee should know the expectations of his supervisor and strive to meet them. Prior to an evaluation interview it is the responsibility of the employee to consider his job performance for the period covered so that he is prepared to discuss the ratings with his supervisor. An employee is required to sign the evaluation after it is discussed with him. The employee's signature documents that the evaluation has been discussed and does not signify that the employee is satisfied or dissatisfied with the evaluation.

III. COMPLETING THE EVALUATION

A. Comments and Documentation Required

Performance evaluation is a basic tool of supervision and employee development. It should be used to tell the employee how well he or she is progressing on the job and doing the work assigned and how to improve his or her job performance. By an objective review of employees' work, a supervisor can more effectively develop and train employees to make the most of their respective abilities and recognize meritorious service as well as assist less than satisfactory employees. This requires more than just a numerical rating. Any rating other than acceptable in a particular job area must include a written explanation of the deficiency and suggestions for improvement, or explanation of above acceptable proficiency, whichever is applicable. All such comments should be documented as incidents, both good and bad, as they occur during the rating period. That documentation should be available during the evaluation period so that it can be reviewed if necessary. An overall rating below acceptable in any scored section shall result in a failure of the overall performance evaluation.

B. Schedule for Completion

1. The rater completes the evaluation form, attaching any additional comments necessary and gives it to the reviewer.

2. The reviewer checks the form for correctness and compliance with procedures signs it and returns it to the rater. If he has questions, he will discuss them with the rater prior to making any changes. Such discussion must take place prior to the interview with the employee. If desired, the Appointing Authority may review evaluations at this time.

3. The rater discusses the evaluation with the employee and they jointly complete all remarks and signatures required on the form. This interview must be scheduled in advance so that both parties have the opportunity to think about the employee's performance and be prepared to discuss it.

4. After the interview, and if desired, the Appointing Authority may review and sign the completed evaluation, prior to submission to Human Resources. Otherwise, the rater is responsible for ensuring that evaluations are submitted for review and recordkeeping by the Human Resources Department.

5. The Human Resources Department reviews the form for compliance with procedures and places a copy of the forms in the employee's file.

*Wherever signatures are referenced in this policy, electronic signatures may be substituted in lieu of physical signatures.

DATE APPROVED: 09/08/1992
EFFECTIVE: 09/01/1994
LAST REVISION: 06/14/1994

POLICY: 3.8 PART-TIME EMPLOYMENT WITH SCHOOLS

General

Metropolitan Government employees may work in a paid, part-time capacity for Metro Nashville Public Schools ("MNPS") as a coach or substitute teacher. Such work must comply with Civil Service Rule § 3.8 "Outside Employment." Such work must also comply with the "sporadic or occasional" rule set forth in the Fair Labor Standards Act § 7(p)(2) and Department of Labor implementing regulations in 29 CFR § 553.30 (collectively "FLSA").

GUIDELINES

MNPS will coordinate with Metro Human Resources to insure:

1. the coaching or substitute teaching duties are in a different capacity from the employee's regular duties for Metro Government and;

2. the appointing authority has provided permission for this secondary employment as a coach or substitute teacher.

To keep within the "sporadic or occasional" requirement of the FLSA, Metropolitan Government employees will be permitted to coach only one activity (e.g., one season of baseball) each school year. Those electing to substitute teach will be permitted to do so a total of 20 days each school year. Metro Government employees will not be permitted to both coach and substitute teach in the same school year.

PROCEDURES

1. Metro Government employee applies for a coaching / substitute teaching position with MNPS

2. As part of the application process, MNPS inquires of all applicants whether they work for any Metro Government department/agency.

3. If indicated, MNPS confirms Metro Government employment using the current payroll database.

4. MNPS contacts Metro Human Resources about the applicant to confirm that:
    a. The teaching or coaching job represents a “different occupational category” than the employee’s regular duties with Metro Government; and
    b. The appointing authority has provided permission for the employee to perform secondary employment as a coach or substitute teacher.

5. Metro Human Resources acquires written or e-mail documentation from the employee’s department confirming the employee’s job duties and that permission has been granted to the employee to coach or substitute teach. Metro Human Resources determines if the job duties constitute a different occupational category from coaching or substitute teaching, following up with the appointing authority where more clarity is needed. Upon making that determination and confirming the appointing authority’s permission, Metro Human Resources informs MNPS of the applicant’s eligibility to coach or substitute teach.

6. MNPS tracks coaching / substitute teaching time during school year to insure the Metro employee does not either coach more than one activity per school year or work as a substitute teacher more than 20 days per school year to prevent overtime liability under the FLSA “occasional or sporadic” rule.

APPROVED: 06/14/2011
EFFECTIVE: 06/14/2011

POLICY: 3.9 D-I TRANSFERS FROM OTHER METRO SYSTEMS

GENERAL

By approval of the Civil Service Commission employees who have Civil Service status under the Board of Health, Board of Hospitals, or Board of Education may transfer directly into Civil Service positions and retain service credit for the computation of Civil Service benefits.

GUIDELINES

The following guidelines will be used in considering transfers.

A. Classification and Salary

To provide for consistency, the following requirements must be met before the Director of Human Resources will present transfers to the Civil Service Commission for approval:

1. The transferring employees must be in a common classification that is in both the transferring departments pay plan and is covered by Civil Service.

2. The transferring employee must meet the minimum qualifications for the classification as defined in the classification plan for Metropolitan Government.

3. The salary, if different from the general pay plan, will be set at the closest salary in the range.

If the above requirements are met, the transferring employees will be transferred into the Civil Service system as a permanent Civil Service employee upon the Commission's approval.

In the event, the transferring employee is not classified in a common Civil Service Classification; the following criteria must be met:

1. The employee must meet the minimum qualifications as set out in the specific classification description.

2. The employee must have performed at least 50% or more of the duties and responsibilities set out in the classification description.

3. The salary, if less than a step on the range for the proposed classification, will be adjusted to the closest monthly rate in the range.

B. Transferring Vacation – Sick Leave Days

An employee transferring into the Metropolitan Government Civil Service will be allowed to transfer accumulated vacation and sick leave days. In no event will an employee be allowed to transfer more vacation/sick leave days than allowable under the Metropolitan Government Civil Service Commission Rules and Regulations.

Injury-In-Line-Of-Duty

An employee who has been on injury-in-line of duty status with the Board of Education, Health or Hospitals will not be allowed to be placed in this status for more than the time allowed under the rules if he or she should be hurt-in-line of duty causing further injury to the original injury.

Example: An employee carried on injury-in-line of duty with the Board of Education for a strained back for two months will be allowed to be carried injury-in-line of duty for no more than four months if he should re-injure his back while employed with Public Works.

The Employee Profile Document transferring an employee from the Board of Education, Health or Hospitals must be signed by the employee.

APPROVED: 06/26/1984
EFFECTIVE: 09/01/1994
LAST REVISION: 06/14/1994

POLICY: 3.11 LAYOFF POLICY

General

An Appointing Authority, with the approval of the Human Resources Director, may effect layoff actions when necessary. A layoff action is defined as a termination of employment resulting from the lack of funds or work, abolishment of position(s), reorganization, or a rollback in classification, increment or salary. A rollback in classification occurs when an employee is moved to a lower classification in the class series based on seniority, or to previously held classification. (See Layoff Process Section B.) Layoff actions will be determined on a departmental basis and do not create any employee rollback rights between departments.

Layoff Process

A. The Appointing Authority determines the total dollar figure necessary for the department to operate within its budget allocation and determines the number of affected positions within each classification or class series. For a departmental reorganization, the Appointing Authority determines the number of positions to be reduced within each classification and class series.

B. A class series will be determined by agreement with the Appointing Authority and the Human Resources Director. In most cases, employees are in a class series that is comprised of positions that utilize similar knowledge, skills and abilities where the difference between the entry-level classification and the top-level classification is based on the amount of experience in the position. Employees in other class series may be in positions that share a generic job title, however, the class series is defined by the specific job function and requires different levels of knowledge, skills and abilities.

C. In determining layoffs or rollbacks, the continuous service date (seniority) will be the initial basis used to determine who will be affected within a particular classification and/or class series. If seniority between two employees is the same, then the deciding factors, in order of priority, will be as follows: (1) time in classification; (2) disciplinary actions; (3) performance evaluation; and (4) training. Civil Service employees have the right to bump into non-Civil Service positions prior to being laid off. This may result in the layoff or rollback of an employee in a non-Civil Service status.

D. Beginning with the highest classification to be affected, the person or persons with the least amount of seniority shall be rolled back or laid off. An employee may roll to the classification immediately below in the class series (or lower if necessary according to seniority), or to a previously held classification. In order for an employee to be rolled back, the following criteria must be met:

1. The new position reflects duties to be performed; AND
2. The employee has seniority equal to or greater than the employee he will bump out; AND
3. The employee must meet the minimum qualifications of the position and otherwise be able to perform the duties.

This action continues through all classifications affected.

E. A waiver of the seniority provision may be requested by the Appointing Authority, to retain an employee who is vital to the operation of the department. The request will be submitted to the Civil Service Commission for approval. The Appointing Authority must present facts which show that the employee has specialized training or skills in an area which is vital to the department, and that

no other Civil Service employee in the department can adequately perform the work required by the position within a 3 month time period.

F. The Appointing Authority will submit a layoff plan to the Human Resources Director at least one month prior to the proposed effective date, unless the Human Resources Director waives the time period. Additional time may be required if Civil Service Commission action is needed. The Appointing Authority, or designee, must be available to review the plan with the Human Resources Director, or designee, to answer any questions and resolve any problems. Employees should not be notified of any layoff action until approval has been granted by the Human Resources Director. Layoff plans must contain the following information:
   - A list of all employees in the department by classification and by class series starting with the most senior employee and ending with the least senior employee.
   - A list of all employees to be laid off or rolled back, including the proposed effective date.
   - Waiver of seniority justifications to be submitted to the Civil Service Commission
   - Additional criteria as determined by the Human Resources Department.

G. The Human Resources Director will provide written notification to the Appointing Authority and the appropriate employee representative group(s) that the layoff plan has been approved. Approval of each layoff plan will be reported to the Civil Service Commission at their next meeting.

H. Upon receiving written approval of the layoff plan from the Human Resources Director, the Appointing Authority shall immediately notify each affected employee, in writing, of the action to be taken and the effective date. Such notification must be given at least two weeks prior to the effective date, and also advise employees that they may file an appeal of the layoff action with the Civil Service Commission within fourteen (14) calendar days from the date of the letter. Appeals to the Civil Service Commission will not delay implementation of the layoff action. Deliberation by the Civil Service Commission shall only be to consider facts which would show that the rules and procedures were not properly followed. The burden will be on the employee to show any irregularity in the application of the policy.

I. Any employee laid off under these procedures shall be entitled to be paid for any accrued vacation time and compensatory time earned as provided under the Civil Service Rules. (See Section 5.13)

Recalls

A. Employees rolled back or laid off will be placed on a layoff list for their classification and shall be eligible for recall for a period of two years without going through the competitive testing procedures. Appointing Authorities may request to extend the period employees remain on a layoff list. Extension of the two-year period must be recommended by the Human Resources Director and approved by the Civil Service Commission. Employees will be recalled in order of seniority. A probationary or work test period is not required if an employee is recalled to his original classification and department.

B When an appointment is to be made, the names of employees eligible for recall for that classification shall be sent to the Appointing Authority by the Human Resources Department. Eligible employees will be ranked by seniority and any employees from the Appointing Authority's department will be indicated. The Appointing Authority must offer the appointment to the most senior person from their department on the list prior to considering employees from other departments.

C. In cases where a recall affects a class series that is defined by job function, the Appointing

Authority may request a waiver of the job classification seniority provision to the Human Resources Director. The Appointing Authority must present facts which show that the position requires specific experience or requires specialized training or skills which the senior person on the list does not possess. For example, a Program Specialist in Social Services may not possess the same skill-sets as a Program Specialist in Public Works.

D Employees who are skipped over based on the functional requirements of the position must be notified of the action and advised that they may file an appeal of the recall action to the Civil Service Commission within fourteen (14) calendar days from the date they are notified of the action. Appeals to the Civil Service Commission will delay the implementation of the recall action until the action is approved by the Civil Service Commission. The burden of proof will be on the Appointing Authority.

E. Prior to making any other appointments to the same classification, the Appointing Authority must appoint from the list any laid off employees from other departments if it is a non-exempt class. If it is an exempt class, the Appointing Authority must consider employees on the list who are laid off. Exempt employees shall be considered by other departments based on experience and skills required for the position.

F. If an employee is recalled to a job in a different class series, job function, or to a different department, a three-month work test will be required. Employees who fail this work test may be subjected to disciplinary actions and may be placed back on the layoff list.

G. Employees may be considered on a layoff list for a similar position equal to or lower than their original position as long as they meet the minimum qualifications of the job and there are no employees laid off or rolled back from the same position.

H. An employee may be recalled at his original salary, or at a lower salary if necessary, due to budget restrictions in the department. Waivers and special qualifications may also be applied in a recall.

I. Upon approval of the Office of Management and Budgets and the Human Resources Department, an Appointing Authority may be allowed to upgrade existing filled positions without considering the layoff list. The layoff list must be used to fill vacant positions.

Removal from Layoff List

An employee's name is removed from the layoff list when one of the following occurs:

1. Acceptance of a full-time Civil Service position of a comparable level (same pay grade and salary) to the position held prior to the layoff action.
2. Refusal of a bona fide offer of a position in the same classification or a comparable level (pay grade and salary).
3. Two years from the date of the layoff or rollback (unless extended).
4. Dismissal for cause from another Metro position.
5. The employee signs a waiver acknowledging he does not want to be placed on a layoff list or be considered for re-employment.

Alternatives to Layoffs

A. Reduction in Increment or Salary

1. In lieu of a rollback to a lower classification, the Appointing Authority may offer the employee(s) a reduction in increment or salary. Employees who receive step increases may be reduced one step or any step in the salary range, as long as there is consistency for all employees. Employees will be eligible to receive a one step increase on their next increment date, if the performance evaluation is acceptable.

2. The salary of employees on Open Range may be reduced within the salary range, as long as there is consistency in the percentage of reduction for all employees in the classification. The percentage of salary reduction does not have to be the same between grade levels; a higher percentage of reduction is acceptable for higher salary grades. An employee's salary reduced in this manner may receive an increase on the next increment date, if the performance evaluation is acceptable.

3. As an alternative to reduction in increment or salary, increases in pay may be frozen for a set period of time for all employees.

B. Reduction of Work Hours

1. In lieu of a layoff or rollback, an Appointing Authority may reduce the work hours for employees, but not to less than 32 hours a week. If such reductions are intended for an indefinite period of time they must be done by seniority.

2. If the reductions will result in no more than 64 hours of time lost for an employee during the period of a fiscal year, they may be done for employees in a particular section, division or program rather than by seniority.

3. When hours are restored for a program, employees will be returned to their regular schedule according to seniority.

4. All reductions must be submitted for approval with the layoff plan.

Special Provisions

A. Voluntary Reduction In Grade

1. To prevent a layoff action, an employee could request a voluntary reduction to a lower classification, subject to approval by the Appointing Authority and the Human Resources Director. Employees must meet the minimum qualifications if they are going to a different class series. The Appointing Authority may offer the employee a reduction in salary, or allow the employee to retain their current salary, that may exceed the maximum salary of the lower classification. In this case, an employee's salary shall be red-lined.

2. An employee whose salary is red-lined will not receive further general pay adjustments as long as his salary is higher than the maximum for the range shown in the pay plan.

3. A work test is not required, but the employee must have a performance evaluation by the end of six months in the new position.

4. An employee who voluntarily rolls back or is laid off will be placed on a layoff list for their classification and shall be eligible for recall for a period of two years (unless extended) without going through the competitive testing procedures.

5. If an employee who is red-lined in his current classification is promoted to a higher classification, the new rate of pay will be based on the actual top step of the class pay range as long as it provides an increase of at least three percent (3%). If this should not result in such an increase, the employee will retain his red-lined pay plus three percent (3%) until he is eligible for an increment.

B. <u>Voluntary Layoff</u>

An employee who is not targeted for a layoff may elect to be laid-off in lieu of the least senior employee in the department or class series. Employees who elect this option may request to be placed on a layoff list for their classification, and shall be eligible for recall for a period of two years (unless extended) without going through the competitive testing procedures.

APPROVED: 09/08/1992
EFFECTIVE: 04/13/2010
LAST REVISIONS: 07/11/2006, 04/13/2010

POLICY: 3.13 B DISABILITY RE-EMPLOYMENT– Calculation of Pay Rate

GENERAL

In reference to CS rule 3.13 B - Disability Reemployment. It shall be the policy of the Metropolitan Government to compensate an employee who is returning from disability in an amount based upon what the employee was earning at the time that the disability occurred. The returning employee's rate of pay will be determined by identifying the step and grade of the classification held in the pay plan at the time the employee was placed on disability, and then calculate into that amount any pay plan adjustments that have occurred to the position. The compensation does not include other pay increases the employee might have received from promotions or annual increments.

APPROVED: 04/12/2005
REVISED: 06/14/2016
EFFECTIVE: 07/01/2016

POLICY: 4.4-I INCLEMENT WEATHER/HAZARDOUS ROAD CONDITIONS

GENERAL

All employees are expected to be at work at their regularly scheduled time. Realizing this is not always possible; the following may be applied when inclement weather causes hazardous road conditions or an OEM designated emergency condition that impacts employee safety and security:

1. Reporting times for personnel will be at the discretion of the Appointing Authority.

2. Employees may be allowed to utilize vacation time when unable to get to work or reporting in late. Employees not having accumulated vacation time may be charged with Leave Without Pay.

3. Employees calling in to utilize vacation will be charged vacation for their full shift even when employees are released early due to road conditions.

4. Employees calling in sick, who are not on sick leave the day before, may be requested by their supervisor to furnish a doctor's statement verifying the illness.

APPROVED: 01/24/1978
LAST REVISION: 11/11/2014
EFFECTIVE: 09/01/1994

POLICY: 4.6 ELIGIBILITY TO EARN SICK AND VACATION LEAVE

GENERAL

Generally, employees do not earn vacation and sick leave in a given month unless they are in a paid status for the entire month. The following are exceptions under which employees may be credited with sick and/or vacation leave.

EXCEPTIONS

Employees may accrue leave when working a reduced work schedule or otherwise absent due to ADA (Americans with Disabilities Act), FMLA (Family Medical Leave Act), military leave, or related circumstances subject to the following:

a. If leave is due to ADA or FMLA:

- The reduced work schedule must be supported by a physician's statement certifying the need;
- The reduced work schedule is approved by the department to comply with the A.D.A. or F.M.L.A;
- The need for such leave extends for a minimum of three continuous months, indicating a serious or chronic health condition;
- The leave without pay shall be for no more than 8 hours a week, so that the employee is still a full-time employee.

b. If leave is military service or training related:

- The reduced work schedule must be supported with proper documentation and reasonable advance notification (verbal or written) of known dates of training or service;
- The leave without pay shall be no more than 4 days in any 30-day time period.

c. When Leave Without Pay is taken for the benefit of the Metropolitan Government and/or to perform official duties pertaining to Metro business

SEPARATION OF EMPLOYMENT

Personnel who are terminating their employment, either voluntarily or involuntarily, will cease to accrue leave effective their last day physically at work. Employees running out their accrued leave will not continue to accrue leave.

Former employees who are rehired within one year of their termination date will be credited with their unused accrued sick leave balance from their separation of employment; those recalled from a layoff list or rehired from an IOD disability pension will be credited for their unused accrued sick leave regardless of the duration of their separation of employment.

APPOINTING AUTHORITY DISCRETION

In addition to the above exceptions, other situations may arise from time to time in which it may be unwise, or unfair to the employee, to deny vacation and sick leave earnings due to an employee being in an unpaid status. Each Appointing Authority shall have the discretion to waive the denial of vacation/sick leave in such special situations, subject to review and approval by the Director of Human Resources.

APPROVED: 10/12/1999

REVISED: 10/11/2011

POLICY: 4.7 A – I PERFECT ATTENDANCE BONUS

General

Employees having perfect attendance during a six month calendar period (January to June and July to December) will be awarded a cash bonus of $25.00 for each period of perfect attendance.

Bonus checks will be issued in accordance with Human Resources Department Procedures.

Guidelines

1. Perfect Attendance bonuses are dependant on funding availability.

2. The Finance Director and the Human Resources Director may recommend the suspension of Perfect Attendance bonuses based on funding issues.

3. The Civil Service Commission may suspend part or all Perfect Attendances bonuses for any period prior to payment.

APPROVED: 06/14/1994

EFFECTIVE: 09/01/1994
REVISED: 05/21/2009

POLICY: 4.7 C-I ATTENDANCE POLICY

In order to provide adequate services to the taxpayers, it is necessary that employees present themselves for duty on time and as scheduled. Both employees and supervisors have responsibilities in controlling attendance.

Employee's Role

1. Report for work on time and as scheduled
2. Ensure that his supervisor is properly notified if he needs to request time off
3. Provide medical statements when required for the use of sick leave or leave without pay
4. Take steps to correct problems which frequently cause tardiness

Supervisor's Role

1. Clearly explain attendance policy and leave request procedure to employees; make sure they know who to call to request time off and who is a back-up to that person
2. Approve or disapprove leave requests made by employee
3. Obtain medical statements from the employee when necessary
4. Monitor attendance and counsel employee when a problem with attendance begins

Monitoring Attendance

1. Each employee is required to report to work on time in accordance with departmental procedure. He must check his time records on a regular basis for accuracy. Any approved leave must be noted on this attendance record.

2. Each employee should be informed periodically of his leave time accrued and use. He should check with his supervisor or the record keeper for his section if there are any questions.

Requesting Leave Time

1. Time should be requested as far in advance as possible with specific guidelines provided in departmental rules and procedures.

2. For any leave not approved in advance, the employee must call within the first hour of his schedule work shift. He should personally speak with his supervisor, or other designated person, if it is physically possible.

3. The supervisor may approve or disapprove the leave request and may instruct the employee to provide documentation of the problem upon return to work. Documentation may be a physician statement for sick leave or leave without pay or something such as repair receipts for emergency vacation. If a supervisor denies the request for leave, he may charge the employee with AWOL if he does not report for duty within an acceptable period of time.

Review of Leave Usage and Attendance Problems

If an employee develops a pattern of attendance, which indicates excessive use of possible abuse, the supervisor should counsel the employee to discuss expected improvement. Factors to consider in reviewing the employee's attendance record include but are not limited to the following:

a. prior attendance record
b. patterns of absence which are taken in conjunction with a day off, vacation, holiday or weekend

c. pattern of consistently using sick leave as soon as it is earned
d. pattern of tardiness in reporting for work or returning from a meal break or leaving early
e. incidents of AWOL

The counseling interview the employee must be documented, including steps to be taken by the employee to improve his attendance. Following such counseling, an employee may be required to provide a doctor's statement or other appropriate documentation for each day of absence. If there is not improvement after counseling, disciplinary action may be taken; however, counseling is not a pre-requisite for disciplinary action.

APPROVED: 06/13/1989
REVISED: 12/10/1991

LAST REVISION: 06/14/1994
EFFECTIVE: 09/01/1994

POLICY: 4.7 E.1 SHORT-TERM DISABILITY LEAVE

GENERAL

The Metro Employee Benefit Board has included voluntary short-term disability income insurance as an optional benefit. A private insurance carrier has been contracted to provide this insurance. Employees pay 100% of the cost of this coverage. The intent of this policy is to accommodate employees with unpaid leave during the period they are drawing benefits from the insurance carrier.

PROVISIONS

Employees who have the contracted Short-term Disability income Insurance coverage may elect to take unpaid short-term disability leave for the period approved by the insurance carrier for compensation, up to the coverage limit of 180 days. This leave may be taken in lieu of using accrued sick leave. Short-term Disability Leave in excess of twenty (20) cumulative workdays in a calendar year will be deducted from the employee's continuous service date for the purposes of determining longevity and Civil Service benefits.

While on short-term disability leave, employees do not accrue sick leave or vacation, nor do they receive holiday pay.

When an employee’s condition qualifies for time off under the Family Medical Leave Act, such time off shall run concurrently with Short-term Disability leave. Employees shall not be required to use their paid leave first as is normally the case when using FMLA.

APPROVED: 05/13/2003

POLICY 4.8 D-I REASSIGNMENT TO LIGHT DUTY

GENERAL

When an injury or illness results in temporary physical or mental restrictions which make it impossible for an employee to perform the duties of his classification, he may be assigned to alternate duties which exist in his department. Light duty assignments are not mandatory; the department should consider the needs of the department and the employee's restrictions in determining if a light duty assignment is appropriate. If the restrictions are permanent, reassignment of duties must be done in accordance with the policy on reasonable accommodation although some form of light duty work may constitute such accommodation.

LIGHT DUTY GUIDELINES

Assignments to alternate duties will be made according to the following guidelines:

1. The employees must be released by the physician to perform light duty work

2. The Appointing Authority shall have the discretion to assign the employee to any duties within the restrictions regardless of the employee's classification at the time of the injury or illness. If requested by the Appointing Authority, designated staff members of the Human Resources Department will work with the department to assist in determining light duty assignments.

3. Light duty assignment shall continue until the employee is released by the physician to return to full duty or until it is determined that the employee's restrictions are permanent, or the department determines the light duty work can no longer be provided. The employee shall be entitled to the regular salary of his original classification while he is temporarily assigned.

4. If the employee is released by the physician to perform light duty work and the employee refuses an offer of light duty by his department, the department shall cease paid IOD leave. If no light duty work is offered by the department, the employee will continue to receive paid IOD leave in accordance to Civil Service Rule 4.8.

5. If questions arise regarding the appropriateness of the light duty assignment, the Appointing Authority will refer the employee to the Civil Service Medical Examiner.

APPROVED: 06/11/2013
REVISED: 01/13/2015
EFFECTIVE: 01/13/2015

(NOTE: Civil Service Commission approved changes made on January 13, 2015 to take effect on February 1, 2015).

POLICY: 4.8 D-II FIRE DEPARTMENT ALTERNATE DUTY

OBJECTIVE

To provide a limited number of alternate duty assignments to assist employees in returning to regular duty following a temporary on-the-job injury or occupational illness.

GENERAL

The following guidelines apply to all cases:

1. The Fire Department will identify sixteen (16) assignment areas for alternate duty placements. Priority in assignments will be given to employees in the following manner:

    a. Response injury
    b. Non-Response injury
    c. Skills
    d. Seniority

2. If there are not alternate duty assignments available, or if the employee does not have the necessary skills to perform the duties of available assignments, the employee would be eligible to apply for the appropriate paid leave or pension.

3. IOD leave for counting purposes, will begin on the first day of work missed and will cease during the period an employee is assigned to alternate duty. Alternate duty assignments may not extend past 180 work days. After this period, the employee may use up the remainder of IOD leave up to 130 days, and then will either apply for disability pension, or apply for a position compatible with restrictions.

    NOTE: *The employee must apply for disability by the 180-day period and the 180-day limitation may be extended during the waiting period before disability begins.*

4. At the discretion of the Fire Chief, Alternate Duty assignments may be extended one time for a period of no longer than 30 working days.

5. An alternate duty assignment will not convert to a permanent position.

6. Employees on alternate duty assignments must perform the tasks satisfactorily. If the employee does not, he will be subject to appropriate provisions of departmental and Civil Service rules.

7. While on alternate duty assignment, employees will receive their regular rate of pay regardless of assignment area.

8. Alternate duty assignments are used for employees with temporary injuries or illnesses. Injuries or illnesses that require less than 48 hours of restricted duty may be accommodated by the division with approval of the division head.

9. Consideration for alternate duty assignments will be given to employees with injuries or illnesses that have occurred in a non-occupational setting. Any such placed employee may be bumped from their assignment if an employee with a higher priority applies.

PROCEDURAL GUIDELINES

1. An employee must submit a written request on the designated form to the Chief once the determination has been made by the treating physician and the Civil Service Medical Examiner that the employee is temporarily restricted from performing the regular duties of his position.

2. Assessment will be made to determine if a reasonable accommodation can be made in the employee's current position that would not place an extraordinary burden on the department or other employees. If it is determined that the department cannot accommodate physical limitations, review will begin to attempt alternate duty placement.

3. The Alternate Duty Coordinator will maintain:

    a. Roster of employees on alternate duty, including but not limited to employee name, division of origin, immediate supervisor, date assignment began, nature of assignment, and work restrictions.

    b. Roster of available limited duty assignments and/or possible assignment areas.

    c. Register of limited duty employees and candidates, their individual physical restrictions and their individual skills and capabilities.

    d. The coordinator shall notify the President of IAFF Local 763, in writing, of the names of the employees on alternate duty and their assignment location. Notification shall be provided to the President at regular six-month intervals and also at the written request of the President.

4. Once assigned to alternate duty, the employee must notify the alternate duty coordinator and his immediate supervisor within five working days of the treating physician releasing the employee back to full duty.

APPROVED: 04/23/1996

POLICY: 4.12 SPECIAL MILITARY LEAVE

(1) This policy provides partial pay and benefits to employees who are members of the National Guard and Reserve for emergency duty as ordered by the President, the Secretary of Defense, or the State Governor. Partial pay and benefits are provided to such employees who perform military duties in support of civil authorities in the protection of life and property or who perform full-time military service as a result of a call or order to active duty in support of a contingency operation* as defined in section 101 (a) (13) of title 10, United States Code.

(2) These employees shall, while on such active military duty, be entitled to special military leave with partial pay. Partial payments may be made for the duration of an employee's deployment while these Operations shall be in effect. The intent of this rule is that partial pay shall be the difference in the employee's regular salary and the employee's full time military salary. The monthly amount should be sufficient to keep in full force and affect all regular Metro medical and dental benefits that the employee had on the date called to active military duty, plus applicable taxes, provided the employee elects to continue medical and dental coverage while on special military leave.

(3) Said employees shall remain employees while on such active military duty for the purpose of (a) accruing sick leave, (b) accruing annual leave, and (c) accruing longevity/seniority, as allowed by applicable ordinances and resolutions. These benefits shall not be pro-rated or decreased by partial payments authorized under this rule.

(4) Said employees shall be granted all re-employment rights as provided by law, and shall be returned to the same job they held prior to being called to active duty. An employee returning from active military duty may be allowed to late file for open competitive or promotional announcements missed during the most recent tour of active duty. Such requests must be made within thirty calendar days after returning to work. The Department of Human Resources will be responsible for facilitating the evaluation and testing of returning employees. Qualified applicants may be placed on the established eligibility register.

(5) The Director of Human Resources and the Director of Finance shall establish such regulations, policies and procedures that are necessary for the implementation and administration of the intent of this policy as set out above. All departments shall fully cooperate with the Director of Finance and the Director of Human Resources to accomplish the goals of this policy and to that end shall furnish such information, assistance, and reports as may be required to said directors.

The term "contingency operation" means a military operation that -

(a) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or
(b) results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of title 10, United States Code, chapter 15 of title 10, United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress.

APPROVED: 10/22/2001

LAST REVISION: 4/8/2003, 6/8/2004, 08/01/2005, 12/13/2005

MILITARY LEAVE ELECTION FORM

Please complete this form, attach a copy of your orders to active duty and give it to your Department HR Coordinator who will forward it to Metro Human Resources attn: Tara Stewart.

Name: _____ Employee Number: _____

Branch of Service_____ ☐ National Guard ☐ Reserves

Local NG or Reserve Unit_____

Phone Number for your local NG or Reserve Unit: _____-_____-_____

Contact Information for Power of Attorney (if designated):_____

Pay Information:

Military Pay Grade (E-5, O-2 etc.): _____ Years of Military Service for Pay: _____

Military Base Pay per month: $_____ Partial Pay Received? ☐Yes ☐No

Date Active Duty Period Begins: _____/_____/_____ (Attach Orders)

Leave:

Do you choose to use vacation or comp-time prior to the beginning of partial pay? ☐Yes ☐No
If yes, please have your department personnel note on what date you will start the partial pay? _____/_____/_____.

Note: If you are drawing pay for military leave, vacation, comp-time, or other regular paid leave, partial pay (under the provisions of Civil Service Policy 4.12, Special Military Leave) will begin when paid leave stops.

Medical, Dental, and Basic Term Life Insurance:

You may elect to keep your Metro medical and dental coverage for up to 24 months while on active military duty. If you later decide to drop your coverage, you must notify Metro Human Resources in writing. Premiums will be deducted from your regular earnings or any partial pay you receive. Your Basic Term Life insurance will continue to be paid by Metro while you are on active duty.

Do you wish to continue your **Metro <u>Medical</u> Insurance** coverage? ☐Yes ☐No Employee Initials_____
If no, what is the effective date your Military coverage begins? ____/____/___.

Do you wish to continue your **Metro <u>Dental</u> Insurance** coverage? ☐Yes ☐No Employee Initials_____
If no, what is the effective date your Military coverage begins? ____/____/____.

Optional Benefits: Vision – Supplemental Life – Dependent Life

If you are enrolled in vision, supplemental life or dependent life, you may keep these benefits while you are on military leave or you may elect to cancel these benefits and reenroll when you return from leave. These premiums will NOT be deducted from any partial pay you receive so you must make an election below as to how you wish to pay these premiums. If you choose to cancel your Supplemental Life and/or Dependent Life while you are on leave, you will have 31 days from the date you return to work to reenroll without providing Evidence of Insurability.

☐ I will pre-pay my premiums before taking military leave

☐ I will pay the employee share of the monthly premium amount directly to Metro on an after-tax basis while I am on leave. Premium checks should be made payable to Metro Nashville Government and mailed to: Metro Nashville Government, PO Box 196300, Nashville, TN 37219-6300, Attn: Metro Finance – Accounts

☐ I will have my premiums held in arrears by Metro. When I return to work the premiums will be withheld from my paychecks over the same number of pay periods as the missed premiums would have been withheld (arrears running into the next calendar year will be taken on an after-tax basis)

☐ I wish to cancel my participation in the benefits I have circled below while I am on military leave and I understand I will not be required to provide Evidence of Insurability if I reenroll within 31 days of returning from leave:
Vision Supplemental Life Dependent Life

Short-Term Disability and Long-Term Disability:

While on military leave, you are NOT eligible to maintain your short-term or long-term disability coverage. If you return to work within 90 days, your coverage is automatically reinstated. If you return to work after 90 days, you will be treated as a new hire without a late enrollment penalty.

Flexible Spending Accounts:

You may elect to continue your Health Care flexible spending account while on military leave; however, you must pay your premiums direct on a post-tax basis (see payment information on bottom of first page). You must file any Health Care FSA claims by June 15 following the year end. You may not continue to participate in the Dependent Care FSA while on military leave, but be sure to file any claims within 90 days of the plan year end.

If you are a Qualified Reservist called to Active Duty for 180 days or more, you may request a distribution of all or a portion of the balance in your Health Care FSA. For more information about this distribution, contact Metro Human Resources.

Do you wish to continue your Flexible Spending Account? ☐Yes ☐No Employee Initials_____

Child Support Deductions:

If you choose to discontinue child support deductions from your Metro payroll check in order for the amount to be withheld from your Military earnings, please be aware:

1. The court order will need to be routed and processed by the Military.
2 In the event your activation time is brief, a court order would need to be re-submitted to Metro to resume the deduction.

In some cases, there could be delays in these processes, which may result in arrearages, which would be your responsibility. Please take these points into consideration prior to making any changes to your child support deductions.

Do you want your child support deduction, if applicable, transferred to the military? ☐Yes ☐No Employee Initials_____

Where to Call for Assistance:

- For general information or problems concerning this policy call Tara Stewart in Metro Human Resources at 862-6640.
- For information about your medical, dental or basic life benefits, contact Corey Northern in Metro Human Resources at 862-6700.
- For information about paying your premiums direct for Vision, Supplemental or Dependent Life contact Millicent Watkins in Metro Human Resources at 862-6700.
- Call Central Payroll at 880-2826 for information about voluntary payroll deductions such as child support, credit union, union dues, MECCC, etc.

I understand that Civil Service Policy 4.12, Special Military Leave, may allow me to receive partial pay while I am on active duty for operations as stated in the policy. Partial Pay will be equal to the difference between my regular Metro pay (pay plan rate) and my military base pay. The minimum partial pay, if applicable, is enough to cover my employee contributions for medical and dental benefits, if I choose to keep these benefits in force while I am on active duty. The pay will begin when I am deployed, or when other paid leave runs out, if I choose to use other leave, it will end when I am relieved of active duty or at the conclusion of operations. As part of my eligibility for partial payment, I agree to provide Metro with information that may be required to determine my eligibility and pay. If my military base pay changes while on active duty, I agree to notify my department, or have them notified, as soon as possible so that my benefits may be re-calculated. I also agree to notify my department within ten (10) days after I am released from active duty so that my partial pay can be stopped.

_____ _____/_____/_____

Employee's Signature Date

_____ _____/_____/_____

HR Coordinator Signature Date

POLICY: 4.13 LACTATION SITES AND BREAK TIMES

POLICY

The Metropolitan Government recognizes the health advantages of breastfeeding for infants and mothers. To ensure encouragement and support for lactating mothers who are employed by Metro, we are implementing a lactation policy in accordance with the 2010 Patient Protection and Affordable Care Act ("PPACA").

GENERAL

Employers are required to provide reasonable break times for an employee to express breast milk as needed for her nursing child up to one (1) year after the child's birth. A space that is shielded from view and free from intrusion from coworkers and the public must be provided for the exclusive purpose of expressing breast milk. Under the PPACA, a bathroom, even if private, is **not** a permissible designated space.

GUIDELINES

TIME AND LOCATION OF BREAKS:

Breastfeeding employees shall be permitted flexible scheduling for expressing breast milk. As the frequency of breaks as well as the duration and location of each break may vary, the supervisor and employee will agree upon a plan.

A private lactation room shall be made available to breastfeeding employees. All rooms should be secure, have an electrical outlet and telephone, as well as be easily accessible to a refrigerator and sink. The Appointing Authority should consult with Metro Human Resources and/or the Health Department for further guidelines on what constitutes a reasonable lactation space.

APPROVED: 7/12/2011
EFFECTIVE: 7/12/2011

POLICY: 4.16 FAMILY AND MEDICAL LEAVE (FMLA)

POLICY

Employees who are eligible may be granted leave pursuant to the Metro FMLA Policy Handbook, provided to employees when hired, available to employees by contacting their supervisor and/or HR Coordinator, or available to employees on the Metro website at www.nashville.gov, Human Resources sub-site. NOTE: Also see the Metro FMLA Policy Handbook.

GUIDELINES

The following guidelines shall apply for leave approved under this policy:

1. The 12-month period of entitlement is measured beginning on the first date FMLA leave is taken. An employee's next period of FMLA leave entitlement would begin the first time FMLA leave is taken after the end of any previous 12-month FMLA period. For example, if an employee needed a 12-workweek period of leave that began on April 1st of Year One, his 12-month period would run from April 1st through March 31 of Year Two. If the employee did not need leave again until September of Year 2, at that point, he would be entitled to 12 workweeks through August 31 of Year 3.

2. Paid leave, including sick, vacation, personal, injury or administrative leave (but not compensatory time) will be substituted for unpaid leave, so long as accrued time is available according to the rules. Pursuant to Civil Service Rules, Chapter 4, Section 4.7, for approved FMLA leave, there shall be a limit of twenty (20) days of paid sick leave an employee may use to care for an employee's spouse, parent, or child, who lives in the employee's household or for whom the employee is the primary caregiver. In addition, it shall be the employee's option to 'hold back' up to fifteen (15) vacation days from substitution and concurrent counting against their FMLA leave. An employee wishing to hold back vacation days from FMLA leave pursuant to this policy, must enter the number of days they wish to hold back on the Request for Family or Medical Leave form, at the time they make application for FMLA leave.

3. If an employee suffers an injury on duty (IOD) and is placed on In-Line-Of-Duty Injury Leave (See Civil Service Rule Chapter 4, Section 4.8), and the injury qualifies as a serious health condition under the FMLA:
   a. The employee will receive the paid benefits of IOD leave which will run concurrently with unpaid FMLA leave.
   b. Other forms of paid leave (sick, vacation, personal or administrative) will not be substituted, paid, or used concurrently with IOD leave.
   c. If available IOD leave is exhausted during a portion of unpaid FMLA leave, other forms of accrued paid leave, with the exception of sick leave, will then be substituted and will run concurrently with unpaid FMLA leave.
   d. The counting of FMLA leave will begin at the time IOD leave is approved, and will be counted concurrently with FMLA leave from that date forward.

4. FMLA and maternity leave allowed by State law will run concurrently.

5. Eligibility for a husband and wife both employed by Metro, even in different departments, is aggregate (i.e., not 12 weeks each), for time taken for childbirth, placement, or to care for an employee's parent.

APPROVED: 11/12/1996
EFFECTIVE: 01/01/1997
LAST REVISION: 04/08/2008, 5/12/2009

POLICY: 4.17 FAMILY AND MEDICAL LEAVE (FMLA) – Injured on Duty

POLICY

If an employee exhausts all twelve (12) weeks of FMLA leave while on approved IOD leave, and subsequent to that event the employee or a family member suffers a serious health condition distinct from the original IOD, the employee may request Administrative Leave without pay. If the condition is covered by the FMLA, the leave shall be granted. The duration of the Administrative Leave without pay will be up to the amount of FMLA leave used during the IOD absence. Medical Certifications required to obtain FMLA leave shall be required should an employee seek Administrative Leave without pay pursuant to this section.

DATE APPROVED: 06/10/2008
EFFECTIVE: 6/10/2008
LAST REVISION:

POLICY: 4.20 PAID FAMILY LEAVE

Full-time employees who are eligible (based upon six months of continuous service) may be granted up to thirty (30) work days of leave, designated as Paid Family Leave, for the following purposes:

i. the birth of your child and in order to care for the child;
ii. the placement of a child with you for adoption:
iii. to care for your spouse, son, daughter, or parent who has a serious health condition

Paid Family Leave will be administered pursuant to the Metro FMLA Policy Handbook with the following specific direction:

a. The leave may not be taken for the employee's own serious health condition.
b. For the purposes of this policy, "spouse" means a husband or wife as defined or recognized in the state or place where the individual was married and includes individuals in a lawfully recognized same-sex marriage.
c. In the case of birth or adoption, Metro Paid Family Leave will be available starting with the date of birth, date of adoption, or date that legal custody is granted.
d. The leave shall run concurrently with, and be counted as, regular FMLA leave (if the employee is eligible for FMLA leave).
e. Employee eligibility is dependent upon six months of continuous, full-time employment (32 hours per week or more). Part-time, seasonal, and probationary employees are not eligible for Paid Family Leave.
f. If an employee has Short Term Disability insurance, Paid Family Leave will be treated as paid sick leave so that employees may not receive paid Short Term Disability benefits and Paid Family Leave for the same time period.
g. A total of 30 Paid Family Leave days may be taken. Paid Family Leave commences on the first date leave is taken and must be concluded no later than twelve (12) months from that date. Any Paid Family Leave not taken during the twelve month period just described shall not carry over to any subsequent FMLA year or need for leave.
h. For spouses who are both employed by Metro, as discussed at Sec. I(6) of the Metro FMLA Handbook, each spouse shall be entitled to thirty (30) days of Paid Family Leave.
i. The Tennessee Maternity Leave Act, TN Code Sec. 4-21-408, shall apply to Paid Family Leave. An employee may begin childbirth or bonding leave by using Paid Family Leave for thirty (30) days and may follow such leave by using regular FMLA leave (paid or unpaid depending on their individual accrued leave balances). The combined leave just described may not exceed 12 workweeks of leave pursuant to the FMLA. The employee may then use

an additional 4 weeks of paid or unpaid leave, provided they are determined eligible to take leave under the Tennessee Maternity Leave Act.

APPROVED: 07/11/2017
EFFECTIVE: 07/11/2017
REVISION:

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POLICY: 5.6 A-I DIRECTOR PAY SCHEDULE

GENERAL

This policy establishes the guidelines for setting pay rates *and employee benefits* for employees in classifications on the Director Pay Schedule (DP). Classifications on the schedule include directors of departments and agencies of the Metropolitan Government who are included in the pay plan. Each DP pay grade has a minimum and maximum salary range. Employees may be compensated anywhere within the range commensurate with experience, performance level, skills, and abilities.

GUIDELINES

The Mayor will review new appointments, appointments in an acting capacity, and periodically review salary increases for employees on the DP schedule.
The Mayor's Office will notify the Human Resources Department of any proposed rates and effective dates. The Human Resources Department will take the following action:

1. For those classes appointed by the Mayor, the employees' department will be notified of the rate and effective date and instructed to process the rate.
2. For those classes appointed by a board or commission, the employee's department will be notified by letter addressed to the respective board or commission setting out the Mayor's recommended rate and effective date. The employee's department will process the rate following approval by the board or commission.

As part of the recruitment package for new Directors, Civil Service Benefits such as sick and vacation days may be negotiated during the hiring process subject to the approval of the Human Resources Director, Finance Director and Civil Service Commission.

APPROVED: 06/12/2001
EFFECTIVE: 07/01/2001, 07/01/2022
REVISION: 06/11/2002, 07/01/2022

POLICY: 5.6 B-I UPGRADES FOR TARGETED CLASSIFICATIONS

GENERAL

Designated classifications shall be targeted for upgrade. This provides for an employee to be hired at a level and progressed according to specified periods of time and/or criteria. This is intended for classifications in which employees enter the workforce with the required education and basic skills and acquire the skills to function at a higher level with job experience and/or exposure to specific learning opportunities. Within these classification series, an employee shall be upgraded from one level to the next without competing in a promotional exam if all targeting criteria are met. These criteria are set by the department in which the classification series is based.

GUIDELINES

1. An upgrade shall occur when all of the following criteria are met

   a. The employee meets all applicable education, experience, licensing and other minimum requirements as set out in the job description for the higher level and an evaluation (as referenced in Part C) of the criteria including applicable knowledge, skills and abilities is completed and is found to meet all requirements of the specific targeting program.

   b. The employee has maintained at least a 2.0 overall performance evaluation score in the lower classification.

   c. The supervisor must complete an evaluation prior to the upgrade. This special evaluation is in addition to any regular evaluation and includes criteria specific to the targeting program of the department under which the classification series is managed. Note: Specific targeting criteria is set by and pertains to a department's assessed needs.

2. An employee advanced through upgrading to a targeted classification will be compensated at the same rate as if promoted and will serve a six-month work test.

3. If an employee fails to obtain a 2.0 overall performance evaluation score, the appointing authority shall conduct a 90 day follow up evaluation. An employee whose overall performance is at least 2.0 on the follow-up evaluation and who has otherwise met all targeting requirements will remain in the higher classification. An employee whose follow up evaluation score is less than 2.0 will be reverted back to their former classification and will not be eligible for an upgrade until the next merit increase is due.

4. Departments or Labor Representatives may request that additional classes be placed on a list on an ongoing basis. The request will be reviewed by a committee appointed by the Director of Human Resources.

A list of eligible classes for targeting will be maintained by the Department of Human Resources.

APPROVED: 06/08/1993
REVISION: 12/14/1993, 06/14/1994, 06/12/2001, 07/01/2017, 03/10/2020
EFFECTIVE: 09/01/1994, 07/01/2001, 7/11/2006

POLICY: 5.6 B-II UPGRADES FOR TARGETED CLASSIFICATIONS – POLICE CIVILIANS

GENERAL

Certain classifications shall be designated for upgrade instead of promotion. This process is intended to provide, via on the job training, the specific and required skills needed to function at the targeted level while the employee is in the lower classification. Employees that meet the specified requirements shall be upgraded to the targeted classification as if being promoted.

GUIDELINES

1. An upgrade shall occur when all of the following criteria are met.

    a. The employee meets all applicable education, experience, licensing and other minimum requirements as set out in the job description for the higher level.

    b. The employee has an overall average evaluation score of at least 2.0 for the most recent evaluation.

    c. The ratings pertaining to attendance, observance of working hours, and compliance with regulations shall not be counted in arriving at the overall rating. **NOTE***: These ratings will be included when evaluating an employee for completion of work test following targeting.*

2. An employee advanced through upgrading to a targeted classification will be compensated at the same rate as if promoted.

3. If an employee fails to obtain an average evaluation score of at least 2.0, they will not be eligible for an upgrade for one year from the target date.

4. A list of eligible classes for targeting will be maintained by the Department of Human Resources. Department or Labor Representative may request that additional classes be placed on the list on an ongoing basis. The request will be reviewed by a committee appointed by the Director of Human Resources.

5. An employee may decline advancement through targeting with the approval of the Appointing Authority. In these cases, the employee may be eligible for advancement on his next increment date.

APPROVED: 12/14/1993
LAST REVISION: 4/23/1996, 11/12/1996, 01/14/1997, 07/01/2017

POLICY: 5.6 B-III TRANSITIONING TO PROFESSIONAL LICENSE OR CERTIFICATION CLASSIFICATION

GENERAL

Employees appointed to certain classifications requiring a professional license or other certification to advance to the next higher classification, are eligible for transitioning into the next higher classification in that series without undergoing competitive examination when the following guidelines and/or criteria have been fulfilled. The list of classifications will be maintained and updated by the Human Resources Department.

GUIDELINES

1. The employee serves in the entry classification while pending the certification examination.

2. The employee successfully completes the professional examination and other requirements and receives the professional license or certifications needed for the higher classification.

3. The employee's most recent performance evaluation in the lower classification, if applicable, has been evaluated standard or above.

4. The employee otherwise meets the requirements of the higher classification.

   Compensation will generally be handled as if the employee is being promoted.
6. Employees will not be required to serve a work test in the higher class.
7. The employee must maintain the professional license or certifications required of the higher classification.

PROCEDURE AND DOCUMENTS NEEDED

The Appointing Authority will submit the employee's most recent Performance Evaluation and a copy of the required license or certification to the Human Resources Department. The Human Resources Department will verify that all requirements have been met and will transition the employee to the next higher classification effective the first day of the pay period following submission of the required documents.

APPROVED: 06/23/1987
REVISION: 06/14/1994, 12/14/1994, 07/11/2000, 07/12/2005, 06/14/2016, 06/14//2022
EFFECTIVE: 07/01/2016, 07/01/2022

POLICY: 5.6 D-I RECLASSIFICATION POLICY

I. GENERAL

Reclassification is defined as the assignment of a position to a more appropriate classification in order to properly reflect the function of the position. Employees are reclassified as a result of a general reclassification study or an individual position audit independent of a reclassification study.

II. RECLASSIFICATION AS A RESULT OF A RECLASS STUDY:

In a reclassification study the Human Resources Department may determine that a position is not assigned to the most appropriate class and may authorize reclassification to a more appropriate classification. This may be done for a group of classifications that are being deleted and collapsed and replaced by other classifications, or it may be done for individual positions. Such reclassification will become effective as outlined in the implementation plan.

The following guidelines apply to these reclassifications:

1. An employee's increment date will be according to the classification study implementation plan.

2. Reclassification does not require that the employee undergo testing or be placed on an eligibility list or register.

3. The new classification may be equivalent to, lower than, or higher than the employee's class in the current salary structure. The employee will be placed at a step in the salary range of the new class according to the implementation plan for the classification study.

4. The Civil Service Commission must approve all reclassifications.

III. POSITION AUDIT PROCEDURES:

The Appointing Authority should request a position audit if it is believed that a position is not properly classified, that the position is not assigned to the most appropriate classification, or if he wishes to change the classification to which a position is assigned on the department's organization chart. The Human Resources Department may also initiate a position audit in the interest of properly maintaining the classification plan. The position may be reclassified laterally, to a higher classification, or to a lower classification, which may result in the position being red-lined. Reclassification by position audit will not be used by management to by-pass the promotional or layoff process.

The following guidelines apply to position audits and resulting reclassification:

A.

1. An Appointing Authority may request a position audit(s) on any position(s) in question, providing written documentation of the justification of the request. The appropriate staff of the Human Resources Department will discuss the request with the Appointing Authority, approve or disapprove the request, and schedule necessary steps.

   OR

2. The staff of the Human Resources Department may initiate the audit of a position or a group of positions in the interest of maintaining the classification plan. They may initiate an audit at the request of an employee or their recognized representative. An audit request by an employee or his representative must provide written documentation of the justification for the request. They will schedule necessary steps with the operating department.

B. The staff of the Human Resources Department will conduct the audit and produce a written position audit report, which will include appropriate recommendations. This report will be sent to the Appointing Authority, the employee and their recognized representative.

C. After a recommendation is made, it is the responsibility of the Appointing Authority to initiate appropriate action as soon as possible. Final action should be completed within one year. The Human Resources Department will periodically follow up with the Appointing Authority to ensure that appropriate actions are underway or planned. If the Appointing Authority disagrees with the recommended of the position audit report, they may request review by the Director of Human Resources. It shall be the responsibility of the Appointing Authority to document the reasons for review and to show why the recommendations were inappropriate.

IV. RECLASSIFICATION RESULTING FROM A POSITION AUDIT

As a result of a position audit, which determines that a position is misclassified or that another classification is more appropriate, the position may be reclassified laterally, to a higher classification, or to a lower classification, which may result in the position being red-lined. Reclassification will not be used by management to by-pass the promotional or layoff process.

A. General guidelines for position audit reclassification:

1. Transition of an employee must be to the most appropriate classification based on the duties performed.

2. The employee is required to meet the minimum qualifications of the new classification and must pass any applicable qualifying exams.

3. If 1. and 2. are not met, the employee must be reassigned to an appropriate position.

4. Reclassification does not require that the employee be placed on an eligibility list or register.

5. An employee's increment date will not be affected by reclassification unless the reclassification results in an increase in pay equal to or greater than one increment step.

6. All reclassifications must be approved by the Civil Service Commission.

B. Guidelines for lateral reclassification resulting from a position audit:

When a position transitions to a classification with the same or equivalent salary grade the following guidelines apply:

1. If the employee changes to another classification with the same salary grade in the same pay system, there is no change in pay step or amount.

2. If the employee is changed to a classification in a different pay system with an equivalent salary range, the employee will be placed at a step in the new class closest to their current salary as long as there is no reduction in pay.

C. Guidelines for reclassification to a higher classification resulting from a position audit:

A position may be reclassified to a higher classification according to the guidelines below.

1. If the positions involved have been identified for targeting, the policy on upgrading for targeted positions shall apply.

2. If the change results from appointment to a vacancy, the employee shall be required to complete the promotional procedure.

3. If neither 1. nor 2. apply, an employee may be reclassified to a higher class if the following criteria are met; if they cannot be met, the class change will be handed through the promotional procedure.

    a. The employee must have performed the duties for at least a one-year period with the changes being gradual.

    b. The maximum increase for reclassification will be two salary grades.

4. The employee will be placed at a step in the higher class closest to their current salary as long as there is no reduction in pay (for open range employees see Policy 5.10-II E-3).

D. Guidelines for reclassification to a lower classification resulting from a position audit (see red-lining)

V. APPEAL OF POSITION AUDIT RECLASSIFICATION

GENERAL

Employees who are to be reclassified to a position with a different salary grade as a result of a position audit will be notified of the proposed action upon completion of the audit. If an employee feels that the reclassification is not appropriate they may file an appeal.

GUIDELINES

1. The appeal must be filed within fourteen (14) calendar days of notification of the proposed reclassification.

2. The appeal must be in writing and should clearly state the reasons the employee feels that their position was not assigned to the proper classification.

3. An employee may appeal the classification assigned to their position, but not the minimum qualifications established for the job, nor the rate of pay or the propriety of a salary schedule.

4. The appeal will be filed with the Director of Human Resources, who may assign appropriate staff to investigate.

5. After consideration of the appeal, the Director of Human Resources will notify the employee and the operating department of their decision. This will include recommendations for any corrective action deemed appropriate.

6. If the employee is not satisfied with the Director of Human Resources decision, they may request a review by the Civil Service Commission. The request must be made in writing to the Director of Human Resources within ten (10) calendar days following notification of their decision. Such request must state specific reasons for disagreeing with the proposed reclassification.

7. An employee has the right to the representative of their choosing for presenting their appeal.

VI. RED-LINING EMPLOYEE SALARY

GENERAL

Red-lining may be done in two ways. As a result of a position audit, a position may be assigned to a classification with a lower salary grade. In this case, the incumbent retains their current classification but when a vacancy occurs in the position it will be filled with the lower classification. Upon implementation of a reclassification study and pay plan, salary ranges may be adjusted, and employees may be reclassified, resulting in some employees being compensated at a rate higher than the maximum or the range of the appropriate salary grade. In this case, an employee's salary shall be red-lined/frozen at the current rate of pay at the time of the implementation.

GUIDELINES

A. When an employee's salary is red-lined in the implementation of a reclassification study, the following guidelines apply:
   1. An employee whose salary is red-lined will retain the rate of pay they had at the time of the red-line, even though it is above the top of the range. The employee will not receive further general pay adjustments as long as their salary is higher than the maximum for the range shown in the pay plan.

   2. If an employee who is red-lined in their current classification is promoted to a higher classification, the new rate of pay will be based on the actual maximum of the class pay range as long as it provides an increase of at least three percent (3%). If this should not result in such an increase, the employee will retain their red-lined pay plus three percent (3%) until the employee is eligible for an increase.

B. If the employee's position is red-lined as a result of a position audit (outside of a reclassification study) the Appointing Authority shall move the incumbent to duties which are typical for the employee's current classification and red-line the position. When a position is red-lined, the employee shall retain their current classification but when a vacancy occurs for the position, it shall be filled with the lower classification.
C. At the discretion of the Appointing Authority, an employee's pay may be red-lined if the employee is re-assigned to a lower classification in lieu of a layoff.

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REVISED: 06/14/1994, effective 09/01/1994, 06/14/2022
LAST REVISION: 06/12/2001 effective 07/01/2001, 06/14/2022
EFFECTIVE: 07/01/2022

POLICY: 5.7 B-II ELECTION OF COMPENSATORY TIME IN LIEU OF OVERTIME PAY BY NON-EXEMPT EMPLOYEES

A. The Appointing Authority shall establish within the department's rules and regulations:

1. A designated schedule whereby the employees of that department may elect to earn compensatory time in lieu of overtime pay.
   Non-exempt employees may elect to take compensatory time or overtime pay on a minimum quarterly basis.

2. Procedures for:

   a. notifying such employees of their right to elect
   b. how such election is to be made by the employee
   c. the type of written record to be maintained
   d. the guidelines to be followed by an employee requesting to use any accrued compensatory time and the supervisor's granting the employee's request

B. A non-exempt employee electing to earn compensatory time may accrue such up to the applicable limit (240 or 480 hours). Overtime worked in excess of the limit shall receive overtime pay.

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REVISED: 06/14/2016, 06/14/2022
EFFECTIVE: 07/01/2016, 07/01/2022

POLICY: 5.7 C-I EXEMPT OVERTIME PAY (in Emergency Situations)

Generally, exempt employees are not eligible for overtime pay. However, there are two circumstances where exempt employees may be paid for working overtime: employees working during Major Emergencies to restore services and those performing Essential Services to benefit the safety and welfare of the city.

GENERAL

A. Major Emergencies
Exempt employees are generally not eligible for overtime pay. However, during major emergencies employees may have to work significant overtime to ensure that services vital to the community's health, safety, and welfare are operating. In emergencies, the Appointing Authority may request, and the Human Resources Department may authorize payment of straight-time overtime to those exempt employees necessarily working to restore or maintain vital services to the city of Nashville, or when providing Mutual Aid to other locations at the request of FEMA or other government agencies.

B. Essential Services
Exempt employees who work in "Essential Services" operations and are frequently required to work overtime to benefit the safety and welfare of the city may be eligible to earn overtime pay computed at one and one-half times the employee's hourly rate, if designated as "Exempt-OT Eligible" on the job description.

GUIDELINES

1. These provisions apply to employees designated as Exempt. In accordance with Civil Service Rule 5.7 C, Top Management employees are not eligible for overtime pay in any event.

2. In accordance with Civil Service Rule 5.7 C, Top Management employees are not eligible for overtime pay in any event.

3. The “major emergency” provision may be applied only to employees who are essential to supervising the restoration or maintenance of vital services. Examples include those employees who are needed to ensure that water is safe and available, that these services are appropriately dispatched and that operating roads are clear and passable, etc. Because emergencies may cover a wide range of affected departments, Administrative Officials in cooperation with the Human Resources Department, may identify eligible exempt workers at the time of the emergency. An emergency may include but is not limited to, storms, floods, riots, etc.

4. The “major emergency” provision is intended to apply during the actual emergency situation. Once basic services are operating, this provision will cease. If overtime will be needed for a longer period, the Appointing Authority may request that the Commission extend the time frame. Since emergencies vary, it will be up to the appointing authorities of the affected departments, in cooperation with the Human Resources Department, to specify the emergency periods. The time frame may vary between departments and perhaps within a given department.

5. The “Essential Services” provision is intended for the use of those classifications or positions which are frequently required to work overtime for the safety and well-being of the city. To designate a classification as “Exempt-OT Eligible,” the Appointing Authority of the affected departments, in cooperation with the Human Resources Department, may request and the Commission may authorize the use of the “Exempt-OT Eligible” designation on the job description.

6. Affected employees may choose comp-time in lieu of the overtime payment as outlined in Civil Service Rules for non-exempt employees.

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REVISED:	06/14/1994, (EFFECTIVE: 09/01/1994), 8/12/1997, 01/10/2006, 06/14/2016, 07/01/2016, 09/14/2021
EFFECTIVE:	11/14/2017

POLICY: 5.9 ASSIGNMENT CLASSIFICATIONS

GENERAL

Assignment classifications shall be designated as Non-Civil Service positions. Employees are assigned to these classifications by the Appointing Authority and serve in a non-permanent status. Employees must meet the minimum requirements as listed in the job description for the assigned classification.

Classifications that are designated as Assignment Classifications are indicated as such on the job descriptions approved by the Civil Service Commission. A list of Assignment Classifications will be maintained by the Human Resources Department.

COMPENSATION

Employees shall be compensated the same as if they had been promoted.

At the end of the assignment, the employee's classification and pay grade reverts to their permanently assigned position and the pay shall be adjusted to the rate they would have attained in their permanent classification.

For employees who are promoted to a higher class, the promotional rate will be calculated based on the rate they would have attained in their permanent class. The assignment pay will not be considered in calculating the pay for the promotion. [**Exception**: *if this results in an actual reduction in pay, the Appointing Authority may, at their discretion, grant additional increases in calculating the promotion*.

APPROVED: 07/01/2017
EFFECTIVE: 11/14/2017, 07/01/2022
REVISION: 11/14/2017, 06/14/2022

POLICY: 5.10- I HIRE ABOVE BASE, BONUSES, INCREMENT ADVANCES, AND EQUITY ADJUSTMENTS

This applies mainly to classifications on pay grades with Step increments. See Policy 5.10-II Compensation on Open Ranges for additional guidance on Open Range classifications.

GENERAL

Generally employees are hired at the base rate and receive increments according to the appropriate pay plan. In some cases however there may be justification for hiring employees at higher steps in the range, rewarding employees with a lump-sum monetary incentive or advancing step increases. The following guidelines apply for both situations:

1. Written justification must be submitted to the Human Resources Department for their review.

2. Such actions require approval by the Civil Service Commission, based upon recommendation from the Human Resources Department.

HIRE ABOVE BASE

An Appointing Authority may request approval to hire above base if at least one of the following criteria is met:

1. The applicant possesses special qualifications necessary for the job, which exceed those of other applicants, such as highly specialized training or skills.

2. Appointment is being made to a specific position, which is hard to fill. In this case, the Appointing Authority should be able to show that:

    a. Metro's hiring rate is below the prevailing entry salary in the area.
    b. The department cannot recruit qualified applicants at the base rate.

The Appointing Authority must document the problem cited, providing items such as salary surveys. Such requests will be requested prior to announcing the exam, and approval will be for the Appointing Authority to hire within a specific range. If such a request is approved by the Civil Service Commission, the Human Resources Department shall conduct a classification/salary review to determine if adjustments should be proposed.

3. Non-Civil Service employees appointed from an entrance register who transition to Civil Service in the same classification may be hired at the same step to which they have progressed provided they were originally employed at the base rate and have progressed to their current step according to the pay plan (i.e., have not received any early increments).

LIVING WAGE ADJUSTMENT

A living wage adjustment is a method to ensure that all full-time employees receive at least a Living Wage. Effective July 1, 2010, current full-time employees below the living wage rate (as approved by the Commission) will be slotted to a step in their current pay grade that is closest to the living wage rate without it being less. An employee's increment date will be set in accordance with Civil Service Rule Section 5.4.

New full-time employees will be hired at a step in the pay grade that is closest to the living wage rate without it being less if the base rate for the classification is below the Living Wage rate. The Human Resources Director will periodically conduct a review of the Living Wage rate and recommend adjustments to the Civil Service Commission.

INCREMENT ADVANCE

An employee, other than Sworn Police and all Fire Department employees, may receive an early increment advance of one or more steps. Sworn Police and all Fire Department employees may receive one early increment advance in a three- year period. The specific actions which warrant the advance must be documented. Justification for granting such increase must show that an employee's work performance results in factors such as:

a. improvement in efficiency, productivity and quality of work or service
b. cost efficiency
c. timeliness of performance
d. improvements in the work unit, especially when the employee involved is a supervisor

EMPLOYEE BONUSES

Bonuses are a way to grant employees a pay increase without permanently increasing base pay. The Civil Service Commission may authorize bonuses for employees up to the maximum allowed in the pay plan. From time to time, the Human Resources Department may propose bonus programs consistent with the needs and goals of the Metropolitan Government. Other departments may propose bonus programs through the Director of Human Resources. Such bonus programs shall require approval by the Civil Service Commission, with confirmation of funding availability by the Finance Department.

EQUITY ADJUSTMENTS

Equity adjustments may be requested by the appointing authority or Department of Human Resources and approved by the Civil Service Commission to correct obvious errors or aberrations in pay administration. Requests for equity adjustments should therefore be rare.
Requests for equity adjustments will be evaluated on a case-by-case basis. An equity adjustment may include a change in an employee's classification, pay step, increment due date, or other changes deemed necessary by the Civil Service Commission based on the details of the case. The Human Resources Department shall review each request for an equity adjustment, and the Human Resources Director shall recommend an appropriate course of action to the Commission.

Examples of situations where an equity adjustment may be appropriate include:

1. An unintended consequence of implementing a new pay plan is that less senior employees make more than long-term employees in the same classification. The adjustment could bring the long-term employee equal to or above the less senior.

2. An employee should have been granted an increment, but due to administrative error was not. The adjustment would give back the missing increment.

3. An employee should have been moved up through targeting but due to administrative error was not. The adjustment would place the employee in the proper class and pay rate.

Equity adjustment may not be used as an alternative to the increment advance policy, to circumvent the pay plan design, or to adjust situations that were not clearly errors. Examples of situations where an equity adjustment would not be appropriate include:

1. A new pay plan provides smaller or less frequent increases than an employee expected when hired.

2. An employee would have been financially better off is he/she had been promoted earlier or later (unless this creates an equity situation in relation to others in that classification).

3. The appointing authority thinks an employee deserves more money, but there is not an equity issue involved.

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REVISIONS: 11/23/1993, 06/14/1994, 06/14/2022
EFFECTIVE: 09/01/1994, 06/14/1997, 06/12/2001, 07/01/2001, 07/01/2022

POLICY: 5.10-II COMPENSATION ON OPEN RANGES

GENERAL

1. The salary range for certain positions, designated by the Civil Service Commission, will consist of the minimum and maximum salary only. Employees may be compensated anywhere in the range, commensurate with experience, performance level, skills, and abilities. Evaluations will be conducted on all eligible employees on an annual basis, in June of each year. Open Range increases may be granted effective July 1 of each year based on performance reviews and other criteria relevant to the position. "Upon approval of the Human Resources Department, departments may elect alternative Open Range evaluation and increase dates for budget or other practical reasons. Request for alternative Open Range evaluation and increase dates should be submitted with proper justification and explanation to the Human Resources Department with their overall open range plan each year." Departments that see a need to have traditional step increases for certain positions assigned to an open range pay grade may request to do so in their Open Range Plan submitted to the Human Resources Department. The Human Resources Department upon approval of such a request will provide step schedules for the pay grade requested. For any such position the requesting department will follow the Civil Service Rules and Policies applicable to regular step increase classifications. Including performance evaluation rules and policies, above base requests, appeals, delay of increments, etc.

A. Funding

1. Departments will receive a lump sum Open Range fund in accordance with budget procedures based on a percentage of the salaries of current Open Range positions.
2. Any adjustments to the pay ranges will be included with the Open Range budget.
3. If employees are to be given an across the board pay increase this same increase shall be given to employees on Open Range plans.
4. Departments will submit a plan to the Human Resources Department outlining how they will allocate merit increases. For instance, departments may divide this open range budget proportionally between divisions and further by sections within divisions. If the money is not being allocated in a way that enables employees to have an equal opportunity for raises, the department shall provide a reasonable business-based explanation for their allocation.
5. Open Range merit increases are intended to be available to employee in lieu of the step increments available in the Step plans, and funding should be provided for any fiscal year in which step increments are also funded.

B. Open Range Increases

1. Increases per employee may range from 0% to 15%.

2. In allocating merit raises, departments should consider the following factors:

   - The employee's performance evaluation, as given by the immediate supervisor
   - The employee's duties and level of responsibility
   - Newly acquired skills, licenses, certifications, or similar credentials

- The employee's position in the range (e.g., employees base pay may not be less than the minimum or more than the maximum for their salary grade).

3. The total dollar amount of increases granted should not exceed the total dollar amount of the department's open range budget without approval of Human Resources and Finance.

4 Employees who are at the range maximum may not receive an open range raise. They may be granted a performance bonus, consistent with this policy and the policy addressing bonuses.

5 Departments should be able to justify increases based on the factors outlined above. Employees may appeal their evaluation using the process for performance evaluation appeals under the Civil Service Rules. Employees carry the burden of proof in such appeals.

C. <u>Hire Above Base, Promotions, and Class Changes</u>

1. For "replacement positions" departments may hire new employees or promote current employees up to the salary of the employee who left, or to the 75th percentile, whichever is less. For employees in the Open Range who are promoted, a "normal increase" is between 5 and 10% and requires no additional explanation. A letter of explanation should accompany increases outside the "normal range" from the Appointing Authority.

2. If the position is not a replacement, the department may hire up to the 50th percentile (midpoint) without Civil Service approval. Departments will include justification and criteria documentation with their new hire request.

3. The department may hire beyond these control points with justification presented to and approved by the Civil Service Commission.

4. Reclassifications as a result of a position audit or lateral transfer should involve a minimal increase, usually 0%, unless the nature of the reclassification and any recent change in duties warrant an increase in pay.

5. The Mayor or any Administrative Board of Metropolitan Government having authority to appoint a Director or Agency Head may, without further approval, designate the pay rate to which such appointment is made so long as it is within the range of the classification. See Policy 5.6 A-I Director Pay Schedule for information on Director Pay.

D. <u>Out-Of-Class</u>

1. Out-Of-Class compensation, if needed, will be handled in accordance with the Civil Service Rule regarding Out-Of-Class pay. (Employees will be paid at the rate they would receive if promoted.)

<u>Covered Classifications</u>

Classifications included as Open Range are identified as such in the General Pay Plan and the Police and Fire Pay Plan with accompanying pay charts, indicating a minimum and maximum salary range without step increments.

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REVISED: 05/11/1999, 06/8/1999, 03/14/2000, 06/12/2001, 06/14/2016, 07/01/2017, 06/14/2022
EFFECTIVE: 07/1/1997, 07/1/2001, 02/11/2003, 06/10/2003, 08/12/2003, 05/10/2005, 07/01/2016, 07/01/2022

POLICY: 5.10 III EMPLOYEE RECOGNITION ACTIVITIES

GENERAL

This policy establishes guidelines for recognizing employee work efforts which demonstrate examples of excellence to all Metro employees and taxpayers. The following guidelines provide consistent methods for developing and administering employee recognition programs.

GUIDELINES

A. Departments that choose to implement employee recognition events may develop their own criteria for eligibility. However, for all programs the following process applies:
   1. The type and frequency of recognition events will be documented in writing. Plans may specify opportunities for individual and/or group recognition.
   2. Plans will be submitted to Human Resources for review and approval and will be based on eligibility criteria and type of event or program. Human Resources will have the discretion to discuss or propose changes to the plan prior to approval.
   3. Human Resources will forward the proposed plan, along with their recommendation, to the Finance Department Office of Management and Budget.
   4. OMB will determine availability of funds and submit the plan to the Director of Finance for approval.
   5. Once all approvals are complete, the plan may be implemented.

B. Recognition activities or events exclude such celebrations as birthdays or service awards. They are designed to highlight work-related excellence, such as volunteering for an extraordinarily time consuming, one-time project, accepting additional workload during the absence of a co-worker, learning and applying new skills, providing extraordinary customer service, or other events determined by the department.

C. Non-monetary recognition activities provide a personal, non-routine acknowledgement of excellence and are preferred to cash. Examples include, but are not limited to, framed certificates, simple breakfasts/luncheons, or others of similar value.

D. Human Resources will review department plans annually.

APPROVED: 12/14/2004
REVISED: 07/01/2022
EFFECTIVE: 12/14/2004, 07/01/2022

POLICY: 5.14 SALARY GRADE EQUIVALENTS

The following chart is to be used when an employee changes to a position in a different pay schedule to determine if the change is to a lateral, higher, or lower grade. Each grade in the ST schedule is shown in the first column. The nearest corresponding grades in each of the other pay scales are shown in the columns to the right.
Equivalencies were determined by comparing midpoints between salary ranges and matching up closest comparable midpoints in the different salary scales.

ST	OR	ET	CO	TG	TL	TS	FD	PS	PK
2									
3									
4									
5									
6				7					
7				8		2			
8	1	1,2	0	9,10	7,8	3	1	1	1
9	2	3	1	11,12	9,10	4,5,6	2	2	2
10	3	4	2	13,14,15	11,12	7,8	3		
11	4	5	3	16,17	13,14,15	9,10,11	4	3	
	5	6	4		16,17	12,13	5	4	3
	6					14,15	6,7	5	4
	7	7				16,17	8		
	8						9	6	
	9	8					10		
	10							7	
	11						11	8	
	12								
	13						12	9	
	14						13	10	

ST – Standard Range
OR – Open Range
ET – Emergency Telecommunications

CO – Correctional Officer
TG – Trades and Labor (General)
TL – Trades and Labor (Lead)
TS – Trades and Labor (Supervisory)
FD – Fire Department
PS – Police Department
PK – Park Police

APPROVED:	08/10/2021
REVISED:	06/14/2022
EFFECTIVE:	07/01/2022

POLICY: 6.I DRUG-FREE WORKPLACE POLICY

I. GENERAL

It is the policy of Metropolitan Government to maintain a workplace that is free from the effects of drug and alcohol abuse. To ensure that employees comply with this policy, Metropolitan Government will pursue all reasonable and lawful means to enforce this policy. All employees are included under this policy. Police Department employees are subject to the department's General Duty Order. Specifically, it is the policy of the Civil Service Commission that:

A. It is prohibited for any employee to sell, distribute, use, or possess illegal controlled substances on or off duty.

B. It is prohibited for any employee to use alcohol or legal drugs in a manner that might interfere with the employee's performance of duties.

C. This policy authorizes testing of an employee:

- for Pre-employment and/or Pre-appointment to a position designated as Public Health and Safety (PHS) and those required to hold a Commercial Driver's License;
- when selected randomly as defined by this policy;
- who has been involved in a critical incident as defined by this policy;
- when there exists a reasonable suspicion that the employee has engaged or is engaging in prohibited conduct under this policy; or
- who is returning to duty and requires follow-up testing as defined by this policy.

D. In accordance with the Drug-Free Workplace Act of 1988, employees must notify the Appointing Authority of any criminal drug statute conviction occurring in the workplace within five workdays after the conviction.

E. An employee must notify the Appointing Authority of any drug and/or alcohol related arrest or citation that occurred on or off duty immediately upon returning to work. After evaluating the specific facts of the employee's arrest, charge, or citation, the Appointing Authority may restrict an employee from performing safety sensitive duties, including driving.

Any employee found in violation of these provisions may be subject to disciplinary action in accordance with the Civil Service Rules.

II. PERSONS TO BE TESTED

All employees covered under this policy are subject to Reasonable Suspicion and/or Critical Incident testing for controlled substances and alcohol.

A. CDL Positions

Employees in safety-sensitive positions that require a Commercial Driver's License (CDL) are also subject to random testing for controlled substances and alcohol. This testing is in accordance with the Omnibus Transportation Employee Act of 1991 and meets the requirements established by the U.S. Department of Transportation (DOT).

B. Public Health & Safety Positions

Employees in Public Health and Safety (PHS) sensitive positions that are responsible for the health, safety and welfare of the general public and their fellow employees are also subject to random testing for controlled substances and alcohol. They have an obligation to work free of impaired judgment or physical ability so as to avoid injury to themselves, other employees or the public, and to maintain credibility and the trust of the public.

Public Health and Safety sensitive category employees are broadly defined as:

- Non-CDL Drivers;
- Water Treatment Personnel;
- Hazardous Duty Workers;
- Security, Police & Related Law Enforcement;
- Fire, EMS & Related Support Personnel; and
- Care Givers.

III. TESTS REQUIRED

Test for alcohol and controlled substances are required for the circumstances listed below.

A. Pre-employment / Pre-appointment

Employees and applicants required to hold a CDL or in a PHS position will be tested after a provisional offer of employment has been made but prior to performing job duties. Tests must also be completed before an employee is promoted, transferred or assigned to a CDL or PHS position, and upon return to work when an employee has been on leave or otherwise not performing the required duties of these positions for a period of six months or longer.

B. Critical Incident

Alcohol and controlled substances tests will be conducted after an accident involving an employee, which results in: (1) a fatality; (2) bodily injury which requires immediate medical treatment away from the scene of the accident, or (3) where one or more vehicles incur disabling damage requiring the vehicle to be towed away from the scene and the employee receives a citation under state or local law for a violation arising from the accident.

Tests should be done as soon as practical after the accident. Alcohol tests should be administered within two hours following the accident. Controlled substance tests should be administered within 32 hours following the accident.

If tests required by this section are not administered within these time limits, the department shall cease attempts to administer the tests, and shall prepare and maintain a record stating the reasons the test was not promptly administered. A copy of this record shall be sent to the Drug Free Workplace Administrator.

Recognizing the limitations inherent in the preceding paragraph, a driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the department to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain emergency assistance.

Any employee commissioned to carry a firearm shall be required to submit to drug testing after any discharge of the firearm involving death or personal injury, and shall be required to report to the collection site as soon as possible following the incident or as directed by the Appointing Authority or his/her designee.

An employee may be ordered to test at any time force is used that is reasonably calculated to produce death or serious bodily injury.

C. Reasonable Suspicion

An employee is subject to reasonable suspicion testing when after review of the specific facts and circumstances in a particular employee's case, a trained supervisor concludes that there exists a reasonable suspicion that an employee has engaged or is engaging in conduct prohibited under this policy.

Trained supervisors must document these conclusions on the approved reasonable suspicion form. The Appointing Authority or his/her designee will review this documentation and any other pertinent information. If the designated authority agrees with the documented findings of the trained supervisor, the employee shall submit to a controlled substances and alcohol test.

No employee shall be allowed to drive or perform any health or safety function when suspected of being impaired until a test reports that the employee is qualified to work.

D. Random

Employees in CDL and PHS positions are subject to drug and alcohol tests which are ordered on a random, unannounced basis.

Random selection is done with a statistically valid method. An employee's name remains in the pool after being tested each time selections are made in order to ensure that every employee shall have an equal chance of being tested each time. When randomly selected, the employee will be notified by his/her supervisor to report immediately for a controlled substances and/or alcohol test.

E. Return to Duty and Follow-up Testing

Return to Duty – An employee who has tested positive under this policy, and who is allowed to return to work, is subject to further testing under the terms of the employee's Return-to-Work Agreement. Specifically, the employee shall present negative test result(s) before returning to work, and shall be subject to follow- up testing.

Follow-up – Following a determination that an employee is in need of assistance in resolving problems associated with the use of alcohol or controlled substances, the employee is subject to unannounced testing under the terms set by the employee's Return-to-Work Agreement.

There must be at least six (6) unannounced tests within the first twelve (12) months after an employee returns to work. The length of time an employee is subject to follow-up testing, and the number of tests required beyond the minimum six tests required is determined by a Certified Substance Abuse Professional (SAP) and shall not exceed sixty months.

IV. MEDICATION

Employees are required to immediately report to their supervisor the use of prescription or over-the-counter medications that could impair the employee's ability to perform his/her duties safely. Supervisors are responsible for documenting such reports and immediately notifying the department Safety Coordinator and/or the department Human Resources coordinator. Supervisors shall ensure appropriate safety precautions are taken.

The Civil Service Medical Examiner may be consulted when medical expertise is required, including a fitness for duty evaluation.

V. HOW TESTS WILL BE DONE

A. Alcohol

Alcohol is defined as any food, beverage, mixture or preparation, including any medication, containing ethyl alcohol. Testing for the use of alcohol will be done using approved screening or evidential breath testing (EBT) devices approved by the federal government. Testing requirements for alcohol is in compliance with U.S. Department of Transportation regulations. A screening test will be conducted first and a result of 0.040 g/dL or greater is considered positive. Although not considered a positive test, a CDL holder or an employee in a PHS position shall be removed from driving and/or performing a PHS function with an alcohol concentration of 0.020 to 0.039 g/dL, and is subject to retesting and possible referral to a substance Abuse Professional (SAP) for assessment. Metro Government reserves the right to order a blood test by gas chromatography as additional confirmation in extraordinary circumstances.

B. Controlled Substances

Testing for the illegal use of controlled substances will be done by urinalysis. Pre-appointment and Random testing for controlled substances will be performed in compliance with U.S. Department of Transportation regulations to the maximum extent that they can apply. A Reasonable Suspicion test will check for the presence of controlled substances and/ or drugs and their metabolites deemed illegal as pursuant to State statutes. Testing may be requested for other substances if there is reason to believe they are used.

Samples will be given at a collection site designated or approved by Metro Government or may be done on-site according to established procedures. If an initial screening test is positive for a controlled substance or metabolite, a second confirmatory test is performed using gas chromatography/mass spectrometry (GS/MS) analysis. If the resulting confirmatory test reveals the presence of a controlled substance and/or illegal drug metabolite at or above the defined thresholds, it will be considered a positive test. A donor who provides a specimen that tests positive is administratively defined as being under the influence of drugs for the purposes of this policy.

C. Testing Procedures

An employee or applicant will be given a written order to report to a collection site for testing. The employee will then report to the collection site immediately with proof of identification.

A breath alcohol test (BAT) will be conducted at the site and/or when ordered, the employee will give a urine sample for controlled substances. The urine sample will be split in case of the possibility of retest. All test and laboratory procedures, including the chain of custody procedures, are available for review in the Department of Human Resources.

VI. NOTIFICATION OF RESULTS AND ROLE OF THE MRO

All controlled substances tests are reviewed and interpreted by a physician designated as the Medical Review Officer (MRO) before they are reported to the employer. If the laboratory reports a confirmed positive result to the MRO, the MRO contacts the employee or applicant to determine if there is an alternative medical explanation for the substances found in the urine specimen. If the employee provides appropriate justification and the MRO determines that it is a legitimate medical use of the prohibited substances, the result is reported as negative to the employer, although the employee may not be medically qualified to perform normal functions. In this instance, the MRO will advise the

employee that pursuant to this policy, employees are required to report to their supervisor when taking medication that could impair ability to perform.

In an effort to protect the safety of an employee and the public, the MRO will notify the Program Administrator and/or the Appointing Authority of a particular employee in circumstances where there is a delay in the completion of the MRO review of a PHS drug test that may cause a safety risk.

For CDL positions, controlled substance test results shall be reported to the Program Administrator and/or the Appointing Authority of a particular employee as permitted by DOT regulations.

Upon notification of confirmed positive results, or those results identified with Safety Concerns, the department shall 1) remove the employee from all duties with potential safety risks and 2) coordinate with the Civil Service Medical Examiner's office in obtaining a Fit-for-Duty medical review.

VII. CONSEQUENCES OF A POSITIVE TEST

A. Refusal to Test

Willful refusal to submit to a test, or any attempts to tamper with a test, is in violation of this policy and will be treated as a positive test. Refusal to submit may include failure to provide an adequate breath or urine sample for testing, unless medical reasons are confirmed.

B. Removal from Normal Duties

An employee who tests positive for controlled substances or alcohol is in violation of this policy and shall be removed from performing normal duties pending further action. An employee who is ordered to test based on reasonable suspicion shall be removed from any duties in which the employee might pose a possible safety risk until such time that negative test results are confirmed.

C. Removal from Register or List

Employees and applicants who have a confirmed positive pre-employment or pre-appointment test result for controlled substances or alcohol or refuse to test will be denied appointment and removed from the register or list.

D. Rehabilitation and/or Disciplinary Action

Employees who test positive on any test for controlled substances or alcohol, including pre-appointment tests, shall be subject to an evaluation by a Certified Substance Abuse Professional (SAP), which may include referral for additional rehabilitation.

Disciplinary action, up to and including termination, is at the discretion of the Appointing Authority. The Appointing Authority may take into account factors such as the circumstances, which led to testing, the employee's work history, job performance, and past corrective or disciplinary action.

Those employees who have not gained Civil Service status who have shown a positive test result for drugs or alcohol shall be entitled to an informal hearing before the Appointing Authority or his designee but shall not be entitled to any appeal rights to the Civil Service Commission.

Disciplinary action based on a violation of the Metropolitan Government's Drug Free Workplace policy is not automatically suspended by an employee's participation in an Employee Assistance Program and disciplinary action may be imposed upon the employee if the Appointing Authority find such action warranted.

VIII. RE-TEST PROVISION

Breath alcohol tests are conducted and confirmed while the employee or applicant is present, eliminating the need for a re-test. For controlled substances, the MRO will offer to an employee or applicant who has a confirmed positive test result that the split sample be tested at a separate laboratory with federal certification. The employee must respond to the MRO within seventy-two (72) hours of the MRO's offer. Any action required by this policy, as the result of a positive test is not stayed pending the result of a test on the split sample.

The employee's department will pay all costs associated with the re-testing of the split sample. Should the split sample also test positive, the employee's department may recuperate, from the employee, the cost of the re-test, including shipping and handling, transportation, testing, and MRO assessment.

IX. RETURN TO WORK AND FOLLOW-UP

If allowed to return to work, the employee must complete the following requirements:

1. Sign a return-to-work agreement,
2. Provide a written statement from the certified substance abuse professional that they may return to work,
3. Submit to a return-to-work test with confirmed negative results prior to returning to work, and
4. Comply with the terms of the Return-to-Work Agreement

Failure to comply with the Return-to-Work Agreement will subject an employee to disciplinary action.

X. OPERATING METRO VEHICLE

An employee shall not be allowed to operate a Metro vehicle following a positive test for a minimum period of ninety (90) calendar days after presenting a negative Return-To-Work test.

Any employee whose driver's license is suspended due to a DUI conviction, even if the employee is granted a restricted license, shall not be allowed to operate a Metro vehicle. A Return-To-Work Agreement is also required in such cases. If the employee is required to hold a CDL, or if driving is an essential function of the position, or if the employee is in a PHS position, nothing in this policy shall prevent appropriate disciplinary action from taking place.

XI. CONFIDENTIALITY

Controlled substances and alcohol testing results and records shall be maintained under strict confidentiality, to the extent allowed by law, by Metropolitan Government, the company contracted to administer the testing program, the testing laboratory, and the Medical Review Officer. Statistical records are maintained for required reports.

Employees involved in testing and the administration of this policy shall observe strict confidentiality of an employee's test results and treatment. Any employee who violates this requirement for confidentiality will be subject to disciplinary action.

XII. TRAINING

Information Program – A program will be presented for all employees covered by this policy to help them understand the policy and Metro's program on substance abuse. Employees shall attend this training every four years. This will include training on the provisions of the policy, information about controlled substances and alcohol use, and treatment resources, which are available. The policy will

be made known to all new employees and the information will be incorporated in new employee orientation.

Supervisors – Supervisors shall attend a program of training every four years. This program will be designed to teach supervisors how to identify and document substance abuse among employees, and to familiarize them with the controlled substances testing program, provisions of this policy, and related laws.

Program Administrator – The administrator for this program serves as the liaison with the contracted company who manages testing and reporting, and with the departments and agencies that are covered under this policy. There is also an administrator designated for each department.

XIII. CONFLICT WITH OTHER LAWS OR COURT ACTION

If any provision of this policy, or the application thereof, to any person or circumstance is held to be invalid, the invalidation shall not affect any other provisions or the application of this policy and the provisions of this policy are declared to be severable.

XIV. REVISIONS

This policy may be revised to reflect changes in state and federal laws without further approval and re-issuance of the full policy. No substantive changes under local authority shall be made without further approval.

APPROVED: 08/22/1995, (Effective 9/01/1995)
REVISED: 01/09/1996, 07/08/1997, (Effective 08/01/1997), 12/09/1997, (Effective: 01/01/1998), 05/14/2002, (Effective: 05/14/2002), 11/14/2017

POLICY: 6.7-I CARRYING OF FIREARMS

GENERAL

Metro employees are prohibited from bringing any firearms to the workplace unless the employee's job description specifically requires the carrying or possession of a firearm. Any employee carrying or in possession of a firearm as part of their job description shall carry only the firearm specifically authorized by the appointing authority. This prohibition applies to all employees and no exception shall be made for employees who have, in their status as a private citizen, obtained a handgun permit. This prohibition extends to all areas of the workplace or work site, including any parking area owned or otherwise controlled by the Metropolitan Government or any Metropolitan Government owned vehicle, except as authorized by state law. Employees who violate these rules will be subject to disciplinary action.

EXCEPTIONS WHERE FIREARMS ARE REQUIRED FOR A JOB

Where it is specified in the job description that the employee have a firearm, the employee shall also obtain a proper authorization to carry a firearm. The following conditions must be met:

Training

- Before the appointing authority may authorize an employee to carry a firearm, the employee must complete Police Department, Sheriff or Juvenile Court approved training. Generally, this should be done before the completion of probationary/work test period. If the Police Department changes the training standards, the appointing authority shall be responsible for ensuring that the employee re-trains to the higher standards. The employee may not carry a firearm until such time as the employee has completed training and the proper authorization has been issued.

- The employee must meet any and all requirements set out by the Metropolitan Police Department for the continuance of the authorization.

- Upon approval of this policy, departments shall be notified to arrange training for current employees as soon as practical. Departments shall contact the Police Department to make the necessary training arrangements.

Continuing Eligibility and Control of the Commission

- The appointing authority is responsible for determining the initial or continued necessity of the firearm and for monitoring the employee's continued compliance with requirements. The Appointing Authority has the responsibility and jurisdiction to revoke, cancel or suspend the authorization or permit at any time, if deemed necessary.

Specific Regulations to Apply

- The employee may carry the firearm only while on duty, or while traveling to or from work. The employee may not use the authorization or department issued firearm for other employment. In addition, the employee may not carry the gun out of the county unless the position requires travel out of the county to perform official duties.

- Each department that requires employees to carry firearms shall adopt additional policies as may be needed to regulate firearms used by their employees. Employees shall be required to sign a written statement acknowledging that they know and understand the department's firearms

- policies. Some considerations the appointing authority should consider when formulating their firearms policies are as follows:

    1. A statement requiring that any employee carrying a firearm must adhere to any restrictions set out in the Police Department training as it relates to the use of firearms.

    2. Detail how the firearm should be carried (i.e. concealed; open; type of holster; etc.).

    3. Detail restrictions as to removal of the weapon from the holster (excepting official use).

    4. Detail the type (caliber, model, type) of weapon to be carried.

    5. Determine ownership of the weapon (either the department or employee).

    6. Outline procedures to be followed when a weapon is discharged, including accidental discharges.

- The employee may only carry firearms and ammunition authorized by the department in their firearms policy.

- The Metropolitan Government shall pay for the surety bond and other fees, if required, for the commission/permit.

NOTE: *This policy does not apply to Sworn members of the Metropolitan Police Department*.

APPROVED: 06/14/1994
LAST REVISION: 01/23/1996, 08/12/1997, 07/11/2017

POLICY: 6.8A-I DISCIPLINARY AND GRIEVANCE APPEAL PROCEEDINGS

This policy is to be followed in all disciplinary and grievance appeals before the Civil Service Commission.

A. DEFINITIONS

a. Pleadings. "Pleadings" are written statements of the facts and law which constitute a party's position or point of view in a contested case which, when taken together with the other party's pleadings, will define the issues to be decided in the case.

b. Filing. Unless otherwise provided by law or the Civil Service Rules or Procedures, "filing," means actual *receipt* of the document by the Secretary to the Commission, Administrative Law Judge or Hearing Officer.

c. Appellant. The "Appellant" in a contested case proceeding is the "appealing employee."

d. Administrative Law Judge and Hearing Officer. The member of the Commission that is actively engaged in the practice of law or an Administrative Law Judge from the Office of the Secretary of State. A Commissioner may conduct proceedings in the capacity of a Hearing Officer.

e. Whenever the term "Administrative Law Judge" is used in these rules, it is intended to include reference to the term "Hearing Officer" in cases in which Hearing Officers conduct proceedings.

f. Review of Initial Order. This is a simple review by the Commission of the initial order of an Administrative Law Judge or Hearing Officer. The Commission may affirm the initial order, modify the initial order, or remand the matter for further proceedings.

B. SELECTION OF ADMINISTRATIVE LAW JUDGE OR HEARING OFFICER

Appeal of Dismissals, Full Demotions, Suspensions, Temporary Demotions, or Grievance Decisions

These shall be conducted by an Administrative Law Judge from the Office of the Secretary of State, subject to available funds and review by the Commission. If funds are not available, the proceeding will be conducted by a majority of the Commissioners, with the law member of the Commission sitting as the Administrative Law Judge. If the law member is not present at the appeal hearing, the Chairman or Vice-Chairman shall conduct the appeal by serving in the capacity of a Hearing Officer. When neither the Chairman nor the Vice-Chairman is available, one of the remaining Commissioners may serve in the capacity of a Hearing Officer provided there is still a quorum.

(Optional)
In the event of budgetary constraints or limited funding, Hearing Officers will be assigned as follows:

Appeal of Suspensions, Temporary Demotions, or Grievance Decisions

Suspension of three (3) days or less and Grievance Decision

The Chairman shall authorize the Personnel Department to assign and schedule Commissioners to serve as Hearing Officers for this purpose. This person shall conduct these proceedings sitting alone.

Suspension of more than three (3) days and Temporary Demotions

The Chairman shall appoint three Commissioners for this purpose who will rotate the duties of Hearing Officer sitting alone. Hearings will be assigned on a rotational basis.

Combined Hearings

With the agreement of all parties, an Administrative Law Judge may conduct an appeal of a suspension or temporary demotion jointly with an appeal of dismissal in a case where the employee has been dismissed prior to the appeal of the suspension or temporary demotion having been heard. Upon agreement of all parties, the appeal of the suspension or temporary demotion may be re-assigned from the Hearing Officer/Commissioner to the Administrative Law Judge.

C. SCHEDULING HEARING DATES

The Secretary shall notify the Commission when a request for Review of Disciplinary Action has been received. The Secretary will indicate who is to conduct the proceedings and will set a tentative date except for those hearings to be conducted by the Administrative Law Judge (ALJ) from the Office of the Secretary of State. If the proceedings are to be heard by an ALJ from the Office of the Secretary of State, a request will be made to the Administrative Procedures Division to have an ALJ assigned. The ALJ will set the time for the hearing in cooperation with the Metro Department of Law, the Secretary to the Commission, and the employee's attorney or representative.

D. SEPARATION OF FUNCTIONS

A person who has served as an investigator, prosecutor, or advocate in a contested case may not serve as an Administrative Judge or Hearing Officer or assist or advise an Administrative Judge or Hearing Officer in the same proceedings.

A person who is subject to the authority, direction, or discretion of one who has served as investigator, prosecutor or advocate in a contested case may not serve as an Administrative Law Judge or Hearing Officer in the same proceeding.

A person who has participated in a determination of probable cause or, other equivalent preliminary determination in a contested case may not serve as an Administrative Judge or Hearing Officer or assist or advise an Administrative Judge or Hearing Officer in the same procedure. Any party may petition for the disqualification of an Administrative Law Judge or Hearing Officer as provided in T.C.A. 4-5-302.

E. FILING AND SERVICE OF PLEADINGS AND OTHER MATERIALS

All Requests for Appeal of Disciplinary Action, Petitions for Reconsideration, and any other materials required to be filed with the Civil Service Commission, shall be filed by delivering such materials in

person or in any other manner, including by mail, so long as they are actually received by the Secretary to the Commission within the required time period.

Discovery materials that are not actually introduced as evidence need not be filed, except as required in sub-section H., Discovery, of this policy. Copies of any and all materials filed with the Civil Service

Commission or Administrative Law Judge in a contested case shall also be served upon all parties, or upon their counsel, once counsel has made an appearance. Any such material shall contain a statement indicating that copies have been served upon all parties. Service may be by mail or by hand delivery.

F. PRE-HEARING CONFERENCES

In any action set for hearing, the Administrative Judge upon his own motion, or the motion of one of the other parties or their qualified representation, may direct the parties and/or the attorneys for the parties to appear before him for a conference to consider:

1. The simplification of the issue
2. The necessity or desirability of amendments to the pleadings
3. The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof
4. The limitation of the number of expert witnesses
5. Such other matters as may aid the disposition of the action

The Administrative Judge shall make an order which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties as to any other matters considered, and which limits the issues for hearing to those not disposed of by admissions or agreements of the parties, and such order when entered controls the subsequent course of action, unless modified at the hearing to prevent manifest injustice.

G. CONTINUANCES

Continuances may be granted upon good cause shown, if requested in writing seven (7) calendar days prior to the hearing. The need for continuance shall be brought to the attention of the Secretary as soon as is practical. Any written request brought within seven calendar days must be an emergency and will be considered by the Administrative Judge.

H. DISCOVERY

Parties are encouraged, where practicable, to attempt to achieve any necessary discovery informally, in order to avoid undue expense and delay in the resolution of the matter at hand. When such attempts have failed, or where the complexity of the case is such that the informal discovery is not practicable, discovery shall be sought and effectuated in accordance with the Tennessee Rules of Civil Procedure. Upon motion of party or upon the Administrative Judge's own notion, the Administrative Judge may order that discovery be completed by a certain date.

Any motion to compel discovery, motion to quash, motion for protective order, or other discovery related motion shall:

- quote verbatim the interrogatory, request, question, or subpoena at issue, or be accompanied by a copy of the interrogatory, request, subpoena, or excerpt from the disposition which show the question and objection or response if applicable;
- state the reason or reasons supporting the motion; and

- be accompanied by a statement certifying that the moving party of his or her counsel made a good faith effort to resolve by agreement the issues raised and that agreement has not been achieved. Such effort shall be set forth with particularity in statement.

The Administrative Judge shall decide on any motion relating to discovery under the Administrative Procedures Act, T.C.A. A-5-101 et seq., or the Tennessee Rules of Civil Procedures.

I. SUBPOENA

The Secretary to the Commission, at the request of any party shall issue subpoenas in accordance with the Tennessee Rules of Civil Procedures, except that service in contested cases may be by certified return receipt mail in addition to means of service provided by the Tennessee Rules of Civil Procedures. Requests for subpoenas shall be made at least forty-eight (48) hours prior to the hearing.

J. ORDER OF PROCEEDINGS

1. The Administrative Judge may confer with parties prior to a hearing to explain the order of proceedings, admissibility of evidence, number of witnesses and other matters.

2. Hearing is called to order.

3. The Administrative Judge swears in the witnesses.

4. Parties are asked whether they wish to have all witnesses excluded from the hearing except during their testimony. If so, all witnesses are instructed not to discuss the case during the tendency of the proceeding. Notwithstanding the exclusion of witnesses, parties will be permitted to stay in the hearing room and the responding department may have one appropriate person, who may also be a witness, act as its party representative.

5. Any preliminary motions, situations, or agreed orders may be entertained.

6. The parties, prior to the beginning of testimony, shall submit to the Administrative Judge all exhibits they plan to introduce. Such exhibits, except those to which there is an objection shall be considered introduced.

7. The Appellant and the Appointing Authority are allowed to call appropriate rebuttal and rejoinder witnesses.

8. Closing arguments are allowed to be presented by the Appellant and by the Appointing Authority. Within fifteen (15) days after the appeal has been heard, either party may be permitted to submit Findings of Fact and Conclusions of Law based exclusively on the evidence and other matters officially noticed.

9. For appeals heard by a majority of the Commission, the Administrative Judge prepares to turn proceedings over to the Commission by charging the Commission as to the applicable law requisites of the final order, voting procedure, and other pertinent matters. The Commission deliberates in public and reaches a decision, which is communicated to the parties or takes the case under advisement and schedules public deliberation for a later time. A final order will be issued within forty-five (45) days following completion of the appeal hearing or submission of proposed findings of fact.

10. If an Administrative Judge or Hearing Officer conducted the proceedings sitting alone, the Administrative Judge or Hearing Officer shall render an initial order within forty-five (45) days of completion of the appeal hearing or submission of proposed findings of fact. The initial order shall be reviewed by the Commission in accordance with Section O., Review of Initial Order.

11. Parties will be notified in writing personally or by mail of any decision or order and such written notice shall include a statement of a party's right to judicial review. A copy of the decision or order shall be delivered or mailed forthwith to each party or to his representative or record.

12. A record (which by consent of the parties, consists of a tape or similar electronic recording) shall be made of all oral proceedings. Such record or any part thereof shall be transcribed on request of any party at his expense or may be transcribed by the agency at its expense. If the Civil Service Commission elects to transcribe proceedings, any party shall be provided copies of the transcript upon payment of a reasonable fee.

K. DEFAULT AND UNCONTESTED PROCEEDINGS

Default

If a party fails to attend or participate in a pre-hearing conference, hearing or other stage of contested case proceedings after notice thereof, the Administrative Judge may hold the party in default. Failure to comply with any lawful order of the Administrative Judge, necessary to maintain the orderly conduct of the hearing, may be deemed a failure to participate in a stage of a contested case and thereby be cause for a holding of default.

After entering into the record evidence of service of notice to an absent party, motion may be made to hold the absent party in default and to adjourn the proceedings or continue on an uncontested basis. If the notice is held to be adequate, the motion for default shall be granted or denied, taking into consideration the criteria listed in Civil Service Rules 6.8, sub-section D., (1) through (4), where appropriate. Grounds for the granting of default shall be stated and shall thereafter be set forth in a written order. If a default is granted, the proceedings may then be adjourned or conducted without the participation of the absent party.

If the proceedings are conducted without the participation of the party in default the Administrative Judge shall include in the initial order a written notice of default, otherwise, the Administrative Judge shall include such written notice in the final order.

The defaulting party, no later than ten (10) days after service of such notice of default, may file a motion for reconsideration requesting that the default be set aside for good cause shown, and stating the grounds relied upon. The Commission may make any order in regard to such motion as deemed appropriate.

Uncontested Proceedings

When the matter is tried as uncontested, the Appointing Authority has the burden of establishing its allegations by a preponderance of the evidence presented.

L. EVIDENCE IN HEARINGS

Evidence Generally

At all contested case hearings, the testimony of witnesses shall be taken in open hearings. At the discretion of the Commission, or at the motion of any party, witnesses may be excluded prior to their testimony. The standard for admissibility is set forth at T.C.A. 4-5-313.

M. BURDEN OF PROOF

At all hearings before the Commission on disciplinary appeals, the Appointing Authority will carry the burden of proof.

N. CLERICAL MISTAKES

Prior to any appeal being perfected by either party to Chancery Court, clerical mistakes in orders or other parts of the record, and errors therein arising from oversight or omissions may be corrected by the Commission at any time on the initiative of the Commission or on motion from any party. The entering of a corrected order will not affect the dates of the original appeal time period.

O. REVIEW OF INITIAL ORDER

The Commission shall review the initial order of an Administrative Judge or Hearing Officer sitting alone. Written notice of the review will be included in the initial order. The initial order will also include notice that either party may file a brief. If the brief is going to be filed, it must be filed within fifteen (15) days after entry of the initial order. Upon receipt of a brief, the other party shall have fifteen (15) days in which to file a response**. The time limits for filing a brief and response may be extended by the Commission for good cause shown. The failure of either party to file a brief does not prevent the party from providing oral argument when the Commission is considering the matter.**

Before rendering a final order the Commission may cause a transcript to be prepared of such portions of the proceeding under review as the Commission considers necessary. A final order or an order remanding the matter for further proceedings shall be rendered and entered in writing either forty-five (45) days after entry of the initial order or, if briefs are filed, forty-five (45) days after briefs are filed, unless the period is waived or extended with the written consent of all parties or for good cause shown. Copies of the order will be delivered to each party and to the Administrative Judge or Hearing Officer who conducted the case.

P. RECONSIDERATION

Any party, within fifteen (15) days after entry of final order, may file a petition for reconsideration, stating the specific grounds upon which relief is requested. However, the filing of the petition shall not be a prerequisite for seeking administrative or judicial review.

The petition shall be disposed of by the Commission within twenty (20) days of receiving the petition. The Commission will enter a written order either denying the petition, granting the petition and setting the matter for further proceedings, or granting the petition and issuing a new order. If no action has been taken within twenty (20) days, the petition shall be deemed to have been denied.

An order granting the petition and setting the matter for further proceedings shall state the extent and scope of the proceedings, which shall be limited to argument upon existing record, and no new evidence shall be introduced unless the party proposing such evidence shows good cause for his

failure to introduce the evidence in the original proceedings. The sixty day period for a party to file a petition for review of a final order shall be tolled by granting the petition and setting the matter for further proceedings, and a new sixty day period shall start to run upon the disposition of the petition for reconsideration by issuance of a final order by the Commission.

APPROVED: 09/01/1994
REVISION: 01/10/1995; 07/11/1995, 09/16/1996, 7/13/1999, 2/10/1904, 3/14/2006

POLICY: 7.1/8.1-I POLICE AND FIRE EDUCATIONAL INCENTIVE

All sworn Police and Fire Department employees assigned to any of the classifications which do not require a college degree at the time of appointment will receive additional pay if they have a Bachelors' or Associates' degree in accordance with the following guidelines.

A. Rate of Pay

Eligible employees shall receive additional pay at the following rates:

3% for an Associates' Degree in any field
6% for a Bachelors' Degree in any field

Educational incentive pay is based on the employee's regular rate of pay as shown in the pay plan. It is not affected by assignment pay, overtime, holiday pay, court appearance time or any other pay adjustments.

For classifications in the open range grades, the salary rate set by the Chief of Police shall be inclusive of the educational incentive pay. Educational incentive pay will not be in addition to the salary rate set.

B. Eligible Employees

A list of classifications which are eligible for educational incentive pay will be maintained by the Department of Human Resources. Since educational requirements may be changed from time to time the current job description should be referenced before determining eligibility. Employees receiving educational incentive pay will continue to be qualified if promoted or assigned to a classification which requires the degree.

C. Degree Documentation

Employees must have been awarded a degree by an accredited college or university to be eligible for educational incentive pay. A copy or an original transcript showing the date the degree was awarded must be on file with the Human Resources Department as proof of eligibility. Employees must submit their official transcript to the Appointing Authority. The Appointing Authority will complete the Educational Incentive Form and forward this along with the transcript and employee Profile Form to the Human Resources Department. The Human Resources Department staff will evaluate the transcript to determine whether the college is accredited and whether the residence requirement has been met. Educational incentive pay will begin on the first day of the pay period after the transcript has been submitted to the Human Resources Department. Employees who complete all degree requirements prior to the spring semester but must wait until the end of the spring semester to have the degree conferred may be qualified based on a letter from the degree granting institution certifying the employee has completed all requirements for the degree.

APPROVED: 10/1/1986, 06/14/1994
REVISED: 06/14/2016, 06/14/2022
EFFECTIVE: 09/01/1994, 09/14/2004, 07/01/2016, 07/01/2022

POLICY: 7.2A-I SELECTION PROCEDURE FOR POLICE OFFICER TRAINEE

Applicants for Police Officer Trainee are required to successfully complete a series of examinations before they can be appointed. These examinations are briefly described below. The order in which they are administered shall be determined jointly by appropriate staff members of the Police and Human Resources Departments.

I. Selection Procedures

The procedures listed below are completed prior to establishment of the eligibility list.

A. Application and Screening Interview – The initial interview will consist primarily of a review of the application to ensure that all information has been provided to determine if the applicant meets the minimum requirements.

B. Written Examination – each applicant is required to pass a written exam which is designed to predict an applicant's ability to complete Academy training and work as Police Officer.

C. Physical Agility – This exercise consists of criteria which have been selected to determine if an applicant has the potential to adequately complete the physical training program in recruit training and to progress in that period of time to a sufficient level to meet the physical rigors in the performance of the job. This test is scored on a pass-fail basis

II. Post-Eligibility Register Procedures

The procedures listed below are completed after the establishment of the eligibility list.

A. Fingerprinting – Each applicant is fingerprinted to check for any convictions which would result in disqualification under T.C.A. 38-8-106, or as amended.

B. Background Investigation – The Police Department conducts a background investigation on all eligible candidates for Police Officer Trainee.

C. Oral Examination – The oral examination assesses the applicant's knowledge, skills and abilities which are not assessed in the written, such as verbal communication skills and decision- making ability.

III. Post-Offer Procedures

The procedures listed below are completed after candidates have been tentatively offered employment and prior to beginning Academy training.

A. Physical Examination – Eligible candidates must be certified by the Civil Service Medical Examiner as having the physical ability to perform the job. Physical requirements are approved by the Civil Service Commission as stated in the Metropolitan Charter and shall be maintained by the Human Resources Department.

A.

B. Psychological Examination – Eligible Candidates must be determined to be psychologically fit for appointment. This examination is administered by a licensed psychologist designated by the Police Department and the cost is borne by the Metropolitan Government.

APPROVED: 12/10/1991
LAST REVISION: 11/11/1997, 07/12/2005, 08/10/2021, 06/14/2022, 10/11/2022

EFFECTIVE: 07/01/2022

POLICY: 7.2B-I PROMOTIONAL PROCEDURE FOR CLASSIFICATIONS OF POLICE SERGEANT, LIEUTENANT AND CAPTAIN

GENERAL

The purpose of this promotional policy is to assure that the Metropolitan Nashville Police Department (MNPD) has a standardized process in place to select the best persons from within the qualified pool of candidates as determined by a competitive promotional process to become supervisors and leaders of the department.

I. MINIMUM QUALIFICATIONS

Candidates must meet the minimum qualifications established in the Job Description as approved by the Civil Service Commission. The job description includes minimum standards of education/experience, training, and employee conduct as well as any other job relevant minimum qualifications.

II. APPLICATION & QUALIFICATION PROCESS

A promotional announcement will be prepared and distributed by the Metropolitan Government Department of Human Resources. The MNPD will post/distribute the announcement during the period for filing applications. The posting shall include information related to the application process and relevant timelines.

The Department of Human Resources shall be responsible for evaluating each applicant to ensure that only applicants who meet the established minimum requirements participate in the examination and/or assessment process.

III. EXAMINATION AND ASSESSMENT PROCESS

A. Approved Consultant

The examination and/or assessment process will be developed and administered by an approved consultant. The approved consultant shall have expertise consistent with administering and conducting law enforcement promotional processes. The approved consultant shall be identified in accordance with the procedures established by the City for the hiring of outside consultants.

B. Job Description and Job Analysis

The examination and/or assessment development process will include a review of the approved job description and a review of the most recent job analysis. The review process will include a meeting with subject matter experts (SMEs) to verify the accuracy and currency of the job description and job analysis. Such review shall be conducted by the approved consultant in collaboration with the Department of Human Resources and the Metropolitan Nashville Police Department. The examination and/or assessment process shall be designed to measure those knowledge, skills, and abilities and other attributes (KSAOs) that are identified as important in the job description and job task analysis.

C. Testing Components

The promotion examination process will consist of one or more test components such as a written test, job simulation exercises, interviews, and/or other tests designed to assess a candidate's knowledge, skills, and abilities necessary to effectively perform the functions of the applicable classification.

The number and types of testing components shall be determined by the approved consultant in collaboration with the Department of Human Resources and the Metropolitan Nashville Police Department. Such test components shall be based on a current job task analysis for the position and shall be consistent with professional practices for selection procedures. All components of the promotion examination process will be designed to gather relevant information, under standardized conditions, about an individual's capabilities to perform at the applicable classification.

D. Weighting of Test Components
Relative weights will be assigned to test components in the promotion examination process for determination of the final ranking of candidates. These relative weights will be based upon industry standards which may include factors such as current professional practices, a professionally developed job task analysis, and adverse impact. The approved consultant shall recommend the appropriate weights for each test component used in the selection process in conjunction with Metropolitan Nashville Police Department and the Department of Human Resources. The relative weights for the test components of the promotion examination process shall be stated in the examination announcement.

E. Allegations Involving Dishonesty
If there is credible information, as determined by the Department of Human Resources, that a candidate has cheated or gained unfair advantage during any phase of the promotion examination process, the Department of Human Resources will cause an investigation to be conducted by a designated representative. Such representative will investigate the alleged conduct, and the candidate's promotion examination scores will be held in abeyance until such investigation has been completed. If the result of the investigation clears the candidate of the allegation, the candidate's scores shall be processed as per the procedures contained herein. If the result of the investigation supports the allegation, the Department of Human Resources shall declare the candidate's scores to be null and void and the investigative findings shall be reported to the appointing authority for action consistent with established policy on corrective and/or disciplinary action.

F. Study Guides, Preparation Materials, and Candidate Orientations
If a written job knowledge test is used, a study guide or bibliography shall be provided at least 90 days in advance of the administration of the written job knowledge test. If an assessment center or other performance-based test component is used, a candidate orientation session shall be conducted by the approved consultant at least 30 days prior to the administration of that test component. The orientation session shall include at a minimum a general description of the process and test components, sample exercises, an explanation of the scoring system, and advice on how to prepare for the testing process.

G. Number of Test Component Participants
In the event the number of candidates for a position makes it impractical to administer all test components to all candidates, one or more test components will be used to identify which candidates will be eligible to continue in the promotional process and the method for determining participation in subsequent test components will be described in the promotion examination process announcement.

This determination will be based upon numerous factors such as available resources, projected vacancies, departmental needs, and other professional considerations. All efforts will be made to include the greatest number of candidates in all components of the promotional process. The minimum number of candidates who will continue in the process will be stated in the promotional announcement.

H. Interviewers and/or Assessors
Interviewers and/or assessors used to rate and/or score candidate performance in the promotional process shall be chosen according to criteria established by the Metropolitan Nashville Police Department, Department of Human Resources, and the approved consultant. Such interviewers and/or assessors shall be at a functional classification equal to or higher than the classification being examined and shall be drawn from law enforcement departments outside of the Metropolitan Nashville area.

The approved consultant shall oversee and conduct the development, validation, administration, and review of the assessment methods. When interviewers and/or assessors are used, the approved consultant shall provide rater training consistent with appropriate guidelines and standards for assessment center processes that are designed to ensure that ratings and scores are reliable,

consistent, and fair. Such training shall include all relevant aspects of the process including test content, the rating scales, rater errors, practice in conducting ratings, and the rating system.

Where practical, all candidates for a given exercise shall be rated by the same group of interviewers and/or assessors. In the event this is not practical, the approved consultant shall determine the appropriate methods to ensure the fairness and accuracy of the ratings across interviewers, assessors, and panels.

IV. PROMOTION ELIGIBILITY ROSTER

Results from each phase of the promotion examination process will be provided to the Department of Human Resources within 30 days of completion of assessment of all candidates. Final promotion examination scores shall be carried out to two decimal places. After completion of the examination process, the Department of Human Resources shall compile a Promotion Eligibility Roster according to Section V.

V. FILLING VACANCIES FROM THE PROMOTION ELIGIBILITY ROSTER

To the greatest extent possible, promotions should be made as vacancies occur. To fill a vacancy, the Department of Human Resources will create a Roster of Candidates to be used by the appointing authority. Starting with the highest ranked candidate, names will be taken in rank order of the scores from the Promotion Eligibility Roster to create a Roster of Candidates. The number of names certified will be determined and shall not exceed the maximum number set out in the table below unless dictated by ties. The top ranked candidates (plus ties, if there is more than one candidate sharing the lowest rank to be included on the Roster) will be banded together. All candidates with the tie score shall share the same rank.

Classification	Number of Candidates
Captain	6 (plus tie scores for the 6th position)
Lieutenant	7 (plus tie scores for the 7th position)
Sergeant	9 (plus tie scores for the 9th position)

The Roster of Candidates shall be provided to the appointing authority in alphabetical order without reference to score or rank order. All candidates on the Roster of Candidates are to be considered equally qualified for promotion. The appointing authority may select any candidate from the Roster of Candidates to fill a vacancy. As candidates are selected, additional candidates will be added to the Roster of Candidates utilizing the next rank ordered candidate (plus tie scores) and any candidate on such updated Roster may be appointed.

VI. <u>REMOVING CANDIDATES FROM THE PROMOTION ELIGIBILITY ROSTER</u>

A. Removal for Failure to Remain in Compliance

All candidates on the Promotion Eligibility Roster must remain in compliance with the specified job description prerequisites that qualified them to apply for the promotional classification. If a candidate fails to remain in compliance, the candidate will be notified in writing by the Chief of Police and/or the Department of Human Resources of the non-compliance and the candidate's name shall be removed from the Promotion Eligibility Roster until such time as the candidate again qualifies under the specified job description prerequisites. At that time the candidate's rank on the eligibility roster will be reinstated.

B. Removal for Just Cause

The Chief of Police may request a candidate be removed for just cause. Any such candidate will be notified in writing regarding the reasons for their removal by the Chief of Police and/or the Department of Human Resources. The candidate's name shall be removed from the Promotion Eligibility Roster. The candidate may appeal the Chief's ruling as described in the procedure established for grievances

in Sec. 6.9 of the Civil Service Rules. If the candidate's appeal is upheld, then the candidate's eligibility will be reinstated.

C. Retirement of Candidates

In order to allow the largest number of candidates the opportunity to receive consideration for promotion, the Chief of Police may request, for articulable reasons, that a candidate be retired from the Promotion Eligibility Roster when they have been individually considered on three separate occasions and not selected. The number of candidates retired from the Promotion Eligibility Roster may not exceed the number of candidates selected for promotion to that classification. For good cause, the Chief of Police may also request that a candidate previously retired from the Eligibility Roster be reinstated.

D. Removal for Candidate Waiver

A candidate who is offered a promotional position under this promotional policy may elect to waive promotion at that time and for that position. Such a waiver will be made in writing to the Chief of Police and the Department of Human Resources. After exercising such a waiver, the candidate will maintain their relative position on the Promotion Eligibility Roster and will be eligible for the next promotional vacancy as provided herein. If a candidate elects to exercise such a waiver more than one time (i.e., the candidate fails to accept the second promotional position offered), they may be permanently removed from the Promotion Eligibility Roster at the discretion of the Chief of Police. In this event, the Chief of Police shall request in writing that the Department of Human Resources remove the candidate from the list. Any such candidate will then be notified in writing by the Chief of Police and/or the Department of Human Resources, and the candidate's name shall be removed from the Promotion Eligibility Roster. As candidates decline promotions, additional candidates will be added to the Roster of Candidates utilizing the next rank ordered candidate (plus tie scores), and any candidate on such updated Roster may be appointed.

E. Suspension of Eligibility Pending Investigation

A candidate who is the subject of an active criminal investigation or the subject of a formal departmental investigation may be temporarily suspended from the Promotion Eligibility List pending the results of such investigations. The candidate shall be notified in writing that they are the subject of such an investigation and of the suspension from eligibility for promotion. The candidate's eligibility shall only be suspended until disposition of the case under investigation. Depending on the disposition, the candidate's eligibility will be reinstated or permanently removed from the Promotion Eligibility List as described in Section VI.B.

VII. <u>CHALLENGES AND APPEAL PROCESS</u>

A. Issues Not Subject to Appeal

Applicants can not appeal the minimum requirements for the job classification. Nor shall the prerequisites for entering the promotional process be subject to waiver or appeal. Final test scores from any aspects of the testing process, and the final promotion examination score are not appealable except as described in Section VII.B.

B. Test Component Content Challenges

Candidates can challenge the content of the test components (for example, written test items, interview questions, or assessment center exercises) on the basis of job relevance, or clarity. A participant desiring to make a challenge under this specific section must do so immediately following the completion of their testing component and before leaving the testing site using written procedures developed by the approved consultant in collaboration with the Department of Human Resources. Test component scores will not be computed and released to any candidate until all challenges and any appropriate adjustments to the scoring procedures have been resolved. Any such adjustments to the scoring

process shall appropriately be applied equally to all affected candidates participating in the examination. If the scoring of a test item is modified based on the challenge of a candidate, the modified scoring key shall be appropriately applied to all affected candidates participating in the process. A summary of any adjustments arising out of any challenges of the test content shall be documented by the approved consultant in a written report. The summary shall be provided to the Department of Human Resources and all candidates. The required timeline for providing scores might be affected by challenges received; therefore, if necessary, the timeline will automatically be adjusted to allow for additional computations. All determinations to the challenges listed above made by the approved consultant will be final.

C. Appeal of Math Errors

Candidates can appeal any alleged math errors in the scoring process of any test component, or the computation of the final promotion examination score. Appeals alleging math errors shall be provided in writing to the Department of Human Resources within 14 calendar days of notification of the candidate's score. The Department of Human Resources and the approved consultant shall investigate the alleged math error identified in the appeal. In the event that a math error is determined to have occurred, the approved consultant shall correct the error and provide the Department of Human Resources with the resulting corrected score. Any such correction will be applied equally to all candidates impacted by the math error. If any such corrected score would result in a change to the rank order of the Promotion Eligibility Roster, the Department of Human Resources will create a new roster based on the corrected scores.

D. Appeals Concerning Violations of the Promotional Policy

A candidate may appeal any violations of the procedures contained within this promotional policy if said violation adversely affected them. A written request for appeal must be filed with the Civil Service Commission within 14 calendar days of notification of the candidate's score or status. If the appeal concerns violations of the assessment or appointment process, the candidate must file the appeal within 14 calendar days of the event giving rise to the complaint. The appeal will be handled pursuant to the procedure established for grievances in Sec. 6.9 of the Civil Service Rules. A pending grievance appeal will not stop the certification and use of a promotional list.

VIII. DEVELOPMENTAL FEEDBACK

In a reasonable amount of time after the conclusion of the entire promotion examination process, each candidate placed on the Promotion Eligibility Roster may receive a developmental feedback report that will indicate their scores for each phase of the promotion examination process. In addition, the developmental feedback may describe the strengths and weaknesses of the candidate's performance during the promotion examination process. Any such developmental feedback report may be provided to the candidates for development purposes only and cannot be used to appeal or otherwise challenge the examination process or results.

The decision to provide candidate developmental feedback and the manner in which such feedback is provided shall be determined by the Metropolitan Nashville Police Department and the Department of Human Resources in conjunction with the approved consultant. The Department of Human Resources will coordinate the developmental feedback process and shall be responsible for the distribution of any developmental feedback reports. The testing consultant will also analyze the overall performance of those participating in the promotion process in order to provide feedback to the Department on the strengths and weaknesses across candidates in the topic areas tested. Procurement of developmental feedback reports is contingent on available resources.

IX. The maximum life of a Promotion Eligibility Roster may not exceed three years from the original certification date by the Civil Service Commission.

X. IX. THESE PROCEDURES SUPERSEDE AND MAKE NULL AND VOID ANY PREVIOUS CIVIL SERVICE COMMISSION PROMOTION GUIDELINES OR PROCEDURES ESTABLISHED FOR THE METROPOLITAN NASHVILLE POLICE DEPARTMENT.

APPROVED: 09/22/1992
REVISION: 05/23/1995, 03/11/1997, 06/10/1997, 09/09/1997, (Part 2 Captain) 8/13/2002, 01/10/2006, 04/11/2006, 06/14/2022
EFFECTIVE: 07/01/2022

POLICY: 7.2 B-II POLICE OFFICER III ADVANCEMENT POLICY

I. GENERAL

The purpose of this policy is to provide growth for topped out Police Officer IIs who have maintained excellence in their field.
This program seeks to measure employees against fixed standards. Advancement within the program, therefore, is the responsibility of the employees themselves and there is no selection procedure other than as defined in this policy.
Employees who meet the criteria for advancement shall be automatically slotted into the PSO salary grade at the equivalent of a promotion in accordance with the implementation schedule and departmental availability as defined in this policy.

Implementation Schedule
Employees will be assessed for eligibility January 1, 1998, and thereafter on each January, as departmental budgets will allow. The department may change this schedule depending upon budgeted vacancies.

Review Committee
A review committee will be established for the purposes of:

- Reviewing submitted requests for advancement to and maintenance of the Police Officer III
- Reviewing eligibility of criteria not addressed in the policy
- Continuous monitoring and evaluation of the policy
- Determining point values of criteria

This committee will convene at least 45 days prior to eligibility date each year and on an as-needed basis as deemed necessary by the Committee. The committee will consist of five members as outlined below:

- Three Police Chief designees – One designee from each of the three applicable bureaus: Administrative Services, Uniform Services, and Investigative Services
- One member of Human Resources Department
- One member from the elected exclusive representative, if any.

II. ELIGIBILITY CONDITIONS

Police Officer IIs with at least 12 years of service, who have been topped out in the current pay schedule at the 10th step in their grade for at least one year, are eligible to request appointment to the PSO4 salary grade if the following criteria are met:

- Performance Evaluation: At least Standard Performance Evaluation within a three-year period of time from request
- Disciplinary Action: No Disciplinary Action that resulted in more than a three- day suspension within a twelve- month period of time from request

III. MANDATORY CRITERIA FOR ADVANCEMENT

- Physical Fitness: Must meet and maintain physical requirements for the position of Police Officer II as established by the Police Department to maintain eligibility

- Written Exam and Firearms Testing: Must meet POST Standards

IV. CRITERIA FOR ADVANCEMENT

If all of the above conditions under II and III are satisfied, employees seeking advancement to the Police Officer III classification will need a total of twenty (20) points.
All elective classes/criteria submitted for advancement:

- Must have been taken/participated in within eight (8) years from the date of submitted request

- Will require submitted documentation of successful completion (i.e., course syllabus, copy of certificate of certification, etc.).

- Committee reserves the right to review previous schools attended on a case-by-case basis. Example of significant schools that may be reviewed: FBI National Academy, North Western, etc. The review committee has the right to request additional documentation if needed.

A list of criteria that may be used for advancement to the Police Officer III Classification will be maintained by the Human Resources Department and the Police Department designee who will be responsible for all administrative activity associated with this program.

V. REQUEST FOR ADVANCEMENT

Eligible employees must complete and submit a request for review of eligibility on a form provided by the Department Human Resources Coordinator, along with all necessary documentation after all 20 points have been earned. All classes and criteria must be completed before submitting request. Requests should be submitted to the Department Human Resource Coordinator.

VI. PRIORITY OF ADVANCEMENT

Advancement to the Police Officer III is in accordance with budgeted vacancies. If all vacancies have been filled, as III level slots become available, vacancies will be filled in order of the following:

- Seniority within Sworn Class within Department

- Performance Evaluation Score

Any newly submitted requests during the calendar year 1998: candidates' approval for advancement will be placed on existing lists according to their seniority.
Effective January 1, 1999 will be listed according to seniority after those previously qualified.

VII. MAINTENANCE OF CERTIFICATIONS ONCE III LEVEL ACHIEVED

1) Once the Police Officer III level has been achieved, employees must complete academic portion of In-Service training with a score of 80 percent or better every year.

2) Employees who score 80 percent on the academic portion of In-Service training will be required to complete three points (24 hours) of training above the required In-Service training classes. The additional twenty-four hours must be completed during the In-Service period for that calendar year.

3) Failure to obtain an 80 percent of above score in the In-Service will result in a roll back to the 10th step of the Police Officer II unless the employee completes 24 hours of additional training during the In-Service training of the calendar year on their own time.

4) Employees who are rolled back to the 10th step of Police Officer II will not be eligible to apply for Police Officer III for a period of one year from the date of roll back.

APPROVED: 10/14/1997
LAST REVISION: 11/11/1997, 11/10/1998, 03/09/1999, (Effective 03/15/1999), 09/14/2021, 06/14//2022
EFFECTIVE: 07/01/2022

POLICY: 7.2 C-I /8.2 C-I ASSIGNMENT CLASSIFICATIONS – Police/Fire

GENERAL

The following are designated as assignment classifications rather than permanent classifications. Assignment to these classifications is made by the Appointing Authority and is contingent on the employee meeting the minimum requirements in the job description for the assignment classification, including holding the appropriate permanent rank if required in the job description for the assignment classification.

Associate Administrator – Police/Fire
Executive Assistant to the Chief (Police or Fire)
Fire Fighter / Paramedic
Fire Commander
Fire Inspector 2- Field Training Officer
Fire Instructor
Fire Operations Manager
Fire Services Deputy Director
Police Commander
Police Deputy Chief
Police Officer 2 – Field Training Officer

COMPENSATION

An employee assigned to one of these classifications shall be compensated the same as if they had been promoted to it. If the assignment ends, the employee shall revert to their permanent class, and the pay shall be adjusted to the rate they would have attained in their permanent class. When an employee who is drawing assignment pay is promoted to a higher class, the promotional rate will be calculated based on the rate they would have attained in their permanent class. The assignment pay will not be considered in calculating the pay for the promotion. [**Exception**: *if this results in an actual reduction in pay, the Chief may, at their discretion, grant an additional step increase in calculating the promotion*.]

APPROVED: 07/11/1995
REVISION: 11/12/1996, 07/08/1997, 07/01/2001, 10/09/2001, 04/13/2004, 02/08/2005, 05/20/2013, 07/01/2017, 11/14/2017, 07/01/2019, 06/14/2022
EFFECTIVE: 07/01/2022

POLICY: 7.6 HIRING POLICE OFFICER 2 POSITIONS FOR APPLICANTS WITH PRIOR LAW ENFORCEMENT EXPERIENCE, OR "LATERAL" HIRING

GENERAL

The purpose of this policy is to outline criteria through which the Metro Nashville Police Department can hire current Police Officers with two or more years of POST-certified law enforcement or equivalent experience at Step 3 in the salary range for that classification, consistent with Civil Service Policy 5.10-I: Hire Above Base.

I. MINIMUM QUALIFICATIONS

- Applicants will be required to meet the pre-employment requirements of the Tennessee Peace Officer Standards and Training (P.O.S.T.) Commission

- Applicants shall have at least two years as a full-time, certified (Tennessee P.O.S.T. Certification or equivalent State certification) law enforcement officer with no more than three years since their last break in service in order to be considered.

II. TRAINING

- Candidates will be required to complete a training program that meets P.O.S.T. requirements in order to be certified as a law enforcement officer in Tennessee.

III. COMPENSATION

- MNPD recognizes that applicants with at least two years of prior law enforcement experience (P.O.S.T.-certified or equivalent) possess highly specialized training and/or skills which exceed those of other applicants in accordance with the criteria outlined in Civil Service Policy 5.10-I Hire Above Base
- Candidates will be hired at step three in the salary range for the Police Officer 2 classification
- Candidates with at least two years of experience as a Police Officer 2 in the MNPD who meet the criteria of Civil Service Policy 7.8 B-I would also be eligible to be hired at step 3. The requirement to complete the lateral training program could be waived at the Chief's discretion for candidates who had already successfully graduated from an MNPD Training Academy.
- Any current Police Officer 2 who has been a Police Officer 2 in the MNPD for at least two full years whose base salary is at Step 1 or 2 (absent recent disciplinary action that placed the employee at Step 1 or 2, and not including any applicable education pay incentive) and is therefore paid less than a lateral hire Police Officer is eligible to have their pay adjusted to the same rate at step 3 at the time that the lateral hire Police Officer receives the step 3 rate. To receive this pay adjustment, the current Police Officer must have successfully passed their last annual evaluation.

APPROVED: 06/14/2022
EFFECTIVE: 07/01/2022

POLICY: 7.8 B –I ESTABLISHMENT AND USE OF LISTS FOR RE-HIRE OF POLICE OFFICERS

GENERAL

Those officers who cannot meet the criteria for re-employment may have their names placed on a list for any rank lower than the rank at the time of resignation. Police Officer IIs may be re-hired at that rank.

GUIDELINES

1. The former officer must meet the requirements of state law (T.C.A. #38-8-106, or as amended).
2. The former officer must have voluntarily resigned their position with the Metropolitan Government Police Department.
3. The former officer's last evaluation prior to resignation must have been acceptable under the evaluation system used at the time.
4. The former officer must otherwise meet all rules and qualifications (residency, etc.) or be granted a waiver by Civil Service Commission.
5. The former officer must be re-hired within the time period prescribed by the Tennessee Peace Officer Standards and Training (POST) Commission in order to maintain law enforcement certification.

PROCEDURES

1. The former officer will make their initial request to the Police Department for determination of his eligibility under state law.
2. If necessary, the former officer may request from the Civil Service Commission any required waivers.
3. The former officer's name is placed on a list for the lower classification as determined by the department. Police Officer IIs may be placed on a list for that rank.

USE OF LIST

a. When there is an opening, the department may appoint from the list.
b. Anyone appointed from this list shall be required to successfully complete a probationary period of six months.
c. Anyone appointed from this list shall be required to successfully complete 40 hours of in-service training.
d. Appointments shall be at the base rate unless the Chief receives prior approval from the Civil Service Commission for a higher rate.
e. There shall be no credit given for past service time or for other Civil Service benefits such as any unused sick leave.

APPROVED: 05/28/1985
LAST REVISION: 06/14/1994,10/12/1999, 06/14/2022
EFFECTIVE: 10/12/1999, 07/01/2022

POLICY: 8.2 A-I SELECTION PROCEDURE FOR FIRE RECRUITS

Applicants for Fire Recruit shall be required to successfully complete a series of examinations before they can be appointed. Examinations are briefly described below. The order in which they are administered shall be determined jointly by appropriate staff members of the Fire and Human Resources Department.

I. SELECTION PROCEDURES

Applications will be accepted and candidates tested on a periodic basis. Applicants will be purged from the register two years from the date they were placed on the register. The procedures listed below are completed prior to the establishment of the eligibility register.
Application and Screening Interview – The initial screening consists primarily of a review of the application to ensure that all information has been provided to determine if the applicant meets the minimum requirements.

Written Examination – Each applicant is required to pass a written exam, which is designed to predict an applicant's ability to complete Academy training and work as a Firefighter.
Physical Agility - This exercise consists of criteria, which have been selected to determine if an applicant has the potential to adequately complete the Academy Physical Training Program, and to progress in that period of time to a sufficient level to meet the physical rigors in the performance of the job.

II. POST-OFFER PROCEDURES

Failure of any of the following components will constitute removal from the register
Physical examination – Candidates tentatively selected for appointment must be certified by the Civil Service Medical Examiner as having the physical ability to perform the job.
Background – Each candidate tentatively selected is required to successfully complete a drug screen and pass a background check for any conviction which would prevent someone from working as a Firefighter or in the Emergency Services Division.

APPROVED: 12/10/1991
LAST REVISION: 12/14/1999, 4/13/2004, 06/14/2022
EFFECTIVE: **12/14/1999, 07/01/2022**

POLICY: 8.2 B-I PROMOTIONAL PROCEDURE FOR FIRE DEPARTMENT CLASSIFICATIONS

I. GENERAL
This policy will apply to promotional exams for all classifications used in the Fire Department that are unique to the Police/Fire Pay Plan up to and including Fire District Chief (or equivalent). In the event an exam is announced Open Competitive or Metro-Wide the general rules for testing and selection will apply.

II. APPLICATIONS AND QUALIFYING
The Department of Personnel will announce the exam and accept applications in accordance with Section 2.5 of the Civil Service Rules.

III. TESTING
The testing procedure will consist of components and weights mutually agreed upon by the Fire Department and the Department of Human Resources.

IV. ELIGIBILITY REGISTER AND SELECTION PROCEDURES

A. Eligibility Register
Applicants successfully completing the examination process will be placed on a Department Register in rank order according to their final exam scores and grouped in the following categories:

a. **Outstanding** - All candidates within 10 points of the highest composite score.

b. **Well Qualified** - All candidates within 11 through 20 points of the highest composite score.

c. **Qualified** - All candidates within 21 points or more below the highest composite score but not lower than 70.

***Exception**: When this procedure results in less than 50% of applicants being placed in the Outstanding Category, the following criteria shall be utilized:*

a. **Outstanding** - Highest 50% of applicants based on composite score.

b. **Well Qualified -** Next highest 30% of applicants based on composite score.

c. **Qualified** - Next Highest 20% of Applicants based on composite score.

All applicants whose score ties with that of the lowest scoring applicant within that category shall be included in the designated category. Applicants will not roll up to the higher category when selections are made.

B. Making Promotional Selections
1. Interviewing and Selecting
The Fire Chief or their designee shall be required to consider and personally interview all available eligible in rank order down to and including the eligible selected for promotion. The Fire Chief may promote anyone from the Outstanding category provided that all higher ranked eligible on the promotional register are interviewed and considered.

2. Documentation
Notation of these interviews is to be made on each promotional register and returned to the Department of Human Resources.

3. Notification

The Fire Chief shall notify, in writing each employee interviewed that the selection process has been completed and the name of the individual selected.

V. APPLICANT REVIEW AND APPEALS

Review of examination records and any appeals will be handled in accordance with Section 2.13, Applicant Review and Appeals.

APPROVED: 01/24/1995
LAST REVISION: 06/14/2022
EFFECTIVE: 07/01/2022

POLICY: 8.2 B-II FIREFIGHTER/EMT CERTIFICATION REQUIREMENTS

GENERAL

Anyone hired as a Fire Recruit as of January 1, 1993, must as a condition of employment, maintain EMT certification.

Pay Plan Implementation And Certification Requirements For Current Firefighter II's

Effective July 1, 1993, Firefighter IIs who are topped out and do not have EMT certification as of July 1, 1993, will be slotted into the new pay plan at pay grade 8, step 9.

Demotion-In-Increments

Any current Firefighter IIs who fail to maintain a certification as an EMT will be subject to disciplinary action, which may consist of demoting the employee back two (2) steps within the salary grade of the Firefighter classification.

An employee may elect to accept a Voluntary Demotion of two steps in lieu of disciplinary action while they make an attempt to reinstate their EMT certification. An employee may elect to accept a Voluntary Demotion of two steps in lieu of disciplinary action while they make an attempt to reinstate their EMT certification.

Once disciplinary action is taken or the Voluntary Demotion is effective, the employee will not continue to earn future increments in accordance with Civil Service rules until their EMT certification is reinstated. The employee's increment date upon demotion will become the date of demotion in accordance with Section 5.4 of the Civil Service rules.

In the event an employee is certified within 12 months of the demotion, they will be automatically restored to their former step prior to the demotion. If an employee is unable to recertify after 12 months, they will be subject to further disciplinary action, up to and including termination.

APPROVED: 05/18/1993
LAST REVISION: 01/24/1995, 06/14/2022
EFFECTIVE: 07/01/2022

POLICY: 8.2 B-III FIRE FIGHTER III ADVANCEMENT POLICY

I. GENERAL

The purpose of this policy is to provide growth for topped out Fire Fighter II's who have maintained excellence in their field.

This program seeks to measure employees against fixed standards. Advancement within the program, therefore, is the responsibility of the employees themselves and there is no selection procedure other than as defined in this policy.
Employees who meet the criteria for advancement shall be automatically slotted into the PS-05 salary grade at the equivalent of a promotion in accordance with the implementation schedule and departmental availability as defined in this policy.

IMPLEMENTATION SCHEDULE

Employees will be assessed for eligibility each January as departmental budgets will allow. The department may change this schedule depending upon budgeted vacancies.

REVIEW COMMITTEE

A review committee will be established for the purpose of:

- Reviewing submitted requests for advancement to and maintenance of the Fire Fighter 3
- Reviewing eligibility of criteria not addressed in the policy
- Continuous monitoring and evaluation of the policy
- Determining point values of criteria

This committee will convene at least 45 days prior to eligibility date each year, semi-monthly throughout the year, and on an as-needed basis as deemed necessary by the committee. The committee will consist of three members as outlined below:

- Fire Chief or designee
- One member of Human Resources Department
- One member from the Nashville Fire Fighters Association

II. ELIGIBILITY CONDITIONS

Fire Fighter IIs or Fire Fighter/non-EMTs with at least 12 years of service, are eligible to request appointment to the PS-05 salary grade if the following criteria are met:

- **Performance Evaluation:** the employee may not have had an unsatisfactory performance evaluation within the three-year period immediately preceding the request.

- **Disciplinary Action:** the employee may not have had any disciplinary action that resulted in a three-day suspension or more within the twelve-month period immediately preceding the request.

III. MANDATORY CRITERIA FOR ADVANCEMENT

- **In-Service:** Must have score of 80 on last in-service exam and passed score on all other parts of in-service, including Self-Contained Breathing Apparatus exam.

- **Fire Fighter – EMTs:** Have to maintain current EMT license.

- **Acting in Higher Grades and/or Driving:** Effective the date of approval by The Commission, anyone attaining the Fire Fighter 3 position from this point forward must always act in charge or drive when the need arrives, unless medical conditions dictate otherwise. Any higher grade filled would still be subject to out-of-class pay.

IV. ELECTIVES CRITERIA FOR ADVANCEMENT

In addition to meeting all of the conditions under the previous two sections (I and II), employees seeking advancement to the Fire Fighter 3 classification will need to have accumulated a total of twenty (20) points.

All elective classes/criteria submitted for advancement:

- Must have been taken/participated in within two years from the date of submitted request.
- Will require submitted documentation of successful completion (i.e., course syllabus, copy of certificate of certification, etc.).

The review committee has the right to request additional documentation if needed.
A list of criteria that may be used for advancement to the Fire Fighter 3 classification will be maintained by the Human Resources Department and the Fire Department designee who will be responsible for all administrative activity associated with the program. The list is subject to change by the review committee. Classes listed are often intentionally generic, for example, public speaking, as they may be taken through a Metro offering or through another organization and the title therefore may vary. As all of the possible elective classes and types of community service projects cannot possibly be listed here, candidates need to be aware that any elective they are interested in taking, the flavor of which is not on the list, should have some bearing on the job in a direct or indirect manner, and should be submitted to the review committee prior to its undertaking for acceptance and assignment of point(s) value.

REQUEST FOR ADVANCEMENT

Eligible employees must complete and submit a request for review of eligibility on a form provided by the Department Human Resources Coordinator; along with all necessary documentation, after all 20 points have been earned. All classes and criteria must be completed before submitting. Requests should be submitted to the Departmental Human Resources Coordinator.

PRIORITY OF ADVANCEMENT

Advancement to the Fire Fighter 3 will be on a first come; first serve basis in accordance with budgeted vacancies. If all vacancies have been filled, as 3 level slots become available, vacancies will be filled in order of the following:

1) Seniority within Classification
2) Seniority within Department
3) Performance Evaluation Score

Any candidates who have been approved for advancement but are unable to move up to the 3 level due to lack of budgeted vacancy will be promoted at the next advancement period in order of the list above. Newly submitted requests that have been approved for advancement will be placed after this group on the list in order of the list above.

MAINTENANCE OF CERTIFICATIONS ONCE 3 LEVEL ACHIEVED

Once the Fire Fighter 3 level has been achieved, employees must complete at least three points from the criteria list each year. Documentation of completed points must be turned into the Departmental Human Resources Coordinator. The coordinator will submit by December 15th of each year, a list of employees and the courses/electives/etc., each has completed. Failure of the employee to obtain and submit these points to the coordinator will result in a roll back to Fire Fighter 2.

Any certifications, licenses, or standards used to gain entry to the Fire Fighter 3 must be maintained. Failure of the employee to meet this requirement will also result in a roll back to Fire Fighter 2.

Should an employee be rolled back the employee's pay will be reduced to the step the employee would be at had the employee not left.

APPROVED: 10/14/1997
LAST REVISION: 08/13/2002, 06/14/2022
EFFECTIVE: 07/01/2022

POLICY: 8.2 B-IV FILLING ASSIGNMENT CLASS OF FIRE FIGHTER / PARAMEDIC

I. GENERAL

The purpose of this policy is to establish the process by which employees of the Fire Department in designated positions may achieve assignment as a Fire Fighter/Paramedic. The position of Fire Fighter/Paramedic was established in the Police and Fire Pay Plan as an assignment classification. Employees are cross trained as fire fighters or fire fighters as paramedics. Once trained, they can provide both firefighting and advanced life support care while assigned to a fire suppression apparatus in the Fire Operations Division and meet the requirements of the job description.

II. MINIMUM QUALIFICATIONS

To be eligible to apply for reassignment to the classification of Fire Fighter/Paramedic in the Fire Operations Division, employees must meet the requirement as stated in the job description.

III. SELECTION AND TRANSITION PROCESS: PARAMEDIC to FIRE FIGHTER/PARAMEDIC

A. Selection for Fire Academy Training

Before a non-fire trained paramedic can be considered for reassignment to the classification of Fire Fighter/Paramedic he/she must be selected for fire academy training. The number of personnel selected at any one time for such training shall be at the discretion of the Director-Chief of the Fire Department. The process for selecting paramedics for fire academy training shall be in accordance with a process or procedure prescribed by the Director-Chief of the Fire Department with approval of Metro's Human Resources Department. Before beginning fire academy training the employees from the effective date of this policy forward, must:

a. Pass the physical examination required of a new fire recruit
b. Pass the physical agility/ability test required of a new fire recruit

B. Status of Employee Position Classification and Pay During and After Academy Training

a. An employee classified as a Paramedic shall remain classified in their current job title and pay grade during and after fire academy training, until successful completion of a fire fighter probationary period. They will receive any increment advance in salary which might be normally due, if applicable.

b. Upon successful completion of the prescribed probationary period, if a vacancy exists, the paramedic employee will be assigned to the Fire Fighter/Paramedic classification at the closest step which does not result in a reduction of pay. Increment dates will be established in accordance with Civil Service Rule 5.4.

c. Should the paramedic grade employee not successfully complete fire academy training, they will remain in their current position classification and be returned to the EMS Operations Division for assignment.

d. Once reassigned to the Fire Fighter/Paramedic classification, requests for change of position back to a paramedic only classification will be acted upon as vacancies occur in the prior classification.
e. Once reassigned to the Fire Fighter/Paramedic position from a Paramedic position, the employee must, as a condition of employment, maintain paramedic credentialing as prescribed by the Paramedic/EMS Bureau.
f. If Paramedic fails to maintain the Paramedic License, paramedic credentialing or no longer desires to function as a Firefighter/Paramedic, they will be rolled back to the Firefighter 2 classification at the step closest to, but not less than, their current pay. If the employee's current pay exceeds the maximum for the Fire Fighter 2 classification, they will be placed at the maximum step.

APPROVED: 09/10/2002
LAST REVISION: 06/14/2022
EFFECTIVE: 07/01/2022

POLICY: 8.2B-V SELECTION WITHIN THE FIRE DEPARTMENT TO THE FIRE TRAINING ACADEMY

I. GENERAL

The purpose of this policy is to establish the process by which employees of the Nashville Fire Department may be assigned to the Fire Training Academy for the purpose of firefighting training. This policy provides a means for employees in other areas of the Fire Department to become fire fighters or to cross-train in firefighting and return to their former positions.

II. ELIGIBILITY AND LIMITATIONS

A. All personnel in the Nashville Fire Department must have completed the probationary period for their current position and have achieved a satisfactory rating in each category on their most recent performance evaluation, additionally, before beginning fire academy training such employees must:

a. Pass the physical examination required of a new fire recruit
b. Pass the physical agility/ability and written test required of a new fire recruit

C. Employees who are assigned to the academy and do not successfully complete their training or their work-test period will be reassigned to their former division.

III. SELECTION AND TRANSITION PROCESS

A. Selection for Fire Academy Training: The number of personnel selected at any one time for such training shall be at the discretion of the Director-Chief of the Fire Department.

B. Status of an Assigned Employee's Classification and Pay During and After Academy Training:

a. Transition to Fire Fighter 2: After completion of the Training Academy and upon successful completion of the probationary period in operations the employee will transition to FF 2. Pay will be set as follows:

Current salary within the pay range for a Fire Fighter 2, not currently redlined: The employee will be slotted at the step closest to the money that they are currently making without a reduction in pay.

Current salary above the pay range for a Fire Fighter 2. Employees whose salary exceeds the pay range will be redlined until the scales catch up with them.

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POLICY: 8.2B-VI NFPA MEDICAL GUIDE IMPLEMENTATION

The purpose of this policy is to clarify how the National Fire Protection Association's medical guide (NFPA 1582) is to be implemented by the Civil Service Commission and the Nashville Fire Department, especially as it pertains to candidates and employees who have diabetes.

I. The NFPA 1582 already includes a statement in the notice appearing at the beginning of the guide that independent judgment should be used in implementing this guide. Consistent with that, the Civil Service Medical Examiner shall utilize his or her own independent judgment in the interpretation and implementation of the entire NFPA 1582 guide, as amended or renumbered from time to time.

II. For any provision in the NFPA 1582, where it mentions a requirement for A1C testing for firefighting candidates and employees who have diabetes, that requirement shall not be interpreted as an across the board, rigid standard, and any medically viable alternatives may be considered, to the satisfaction of the Civil Service Medical Examiner. For example, where the NFPA 1582 references a requirement for quarterly A1C tests within a twelve month period for firefighter candidates, the Civil Service Medical Examiner shall allow such candidate to elect instead to provide some other objective evidence, to the satisfaction of the Civil Service Medical Examiner, of blood glucose management over the preceding year that shows sufficient blood sugar control and establishes that the individual is not at significant risk of diabetic ketoacidosis or incapacitating hypoglycemia.

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POLICY: 8.8 B-I ESTABLISHMENT AND USE OF OPEN COMPETITIVE REGISTER FOR RE-EMPLOYMENT OF FIRE SUPPRESSION AND EMERGENCY MEDICAL SERVICE EMPLOYEES

POLICY

A significant amount of time and money is invested in hiring, training and certifying Fire Suppression and Emergency Medical Service employees. Occasionally such employees leave the Fire Department for reasons beyond their control, but then are able to return to the department. Such employees who cannot meet the criteria for re-employment under Section 3.13 may have their names placed on an Open Competitive Register for the classification held at the time of the employee's resignation or to a lower classification within said classification series and previously held by the employee as long as they meet the criteria set out below.

GUIDELINES

The former employee must:

1) Successfully complete the examination process as established in Policy 8.2 A-I, Selection Procedure for Fire Recruit, with the exception of the written examination, before they can be recommended for re-employment.

2) Have voluntarily resigned their position in good standing with the metropolitan Government Fire Department.

3) Have received standard or above on their last performance evaluation prior to his resignation.

4) Otherwise meet all rules and qualifications (age, residency, etc.), or be granted a waiver by the Civil Service Commission.

PROCEDURES

1) The former employee will make their initial request to the Chief of the Fire Department for determination of their eligibility.

2) If necessary, the former employee may request from the Civil Service Commission any required waivers.

3) Upon approval by the Civil Service Commission the former employee's name is placed on such Open Competitive Register.

USE OF LIST

1) When there is an opening, the department may appoint from the Open Competitive Register as set out in Section 2.10 of the rules.

2) Anyone appointed from this list shall be required to successfully complete a probationary period of six months.

3) Anyone appointed must be certified by the Chief Training Officer prior to returning to duty in their specified classification.

4) Appointments shall be at the base rate unless the Chief of the Fire Department receives prior approval from the Civil Service Commission for a higher rate.

5) There shall be no credit given for past service time for Civil Service benefits e.g. unused sick leave.

APPROVED: 11/25/1986
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