

RULES OF THE CIVIL SERVICE

CITY OF ROCKWOOD, TENNESSEE

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Rockwood, TN 37854

Civil Service Board

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**RULES OF THE CIVIL SERVICE
CITY OF ROCKWOOD, TENNESSEE**

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RULES OF THE CIVIL SERVICE FOR THE CITY OF ROCKWOOD, TENNESSEE

CHAPTER 1 DEFINITIONS

1-.01 DEFINITIONS. The following definitions shall apply to terms as they appear in these rules, unless the context clearly requires otherwise.

- (1) *Affirmative Action.* The demonstrated commitment to recognize, develop, and utilize the abilities of groups of protected persons.
- (2) *Affirmative Action Plan.* A statistical document which describes an authorities efforts to bring about affirmative action.
- (3) *Appointing Authority.* An officer having power to make appointments to and separations from positions in the city services, usually the Mayor.
- (4) *Appointment.* The official designation of a person to fill a position in classified City Services as an employee.
- (5) *Armed Forces.* The Army, Navy, Air Force, Marine Corps, Coast Guard, their reserve units and the National Guard.
- (6) *Authorized Training.* A structured activity with specific learning objectives requiring expenditure of City resources and the approval of the governing body and Civil Service Board.
- (7) *Classified Service Employee.* An employee who holds a position in the classified city service.
- (8) *Classification Qualifications.* A description of a class of positions including title, duties authority, responsibilities, minimum qualifications and the relative weights of examination parts.
- (9) *Compensation Plan.* A series of salary ranges to which class of positions are assigned so that classifications evaluated are approximately equal and can be assigned to the same salary range.
- (10) *Complaint or Protest.* A matter which an employee alleges adversely affects his employment, may have the potential of becoming a grievance, and is within the jurisdiction of the Civil Service Board (usually in verbal form).
- (11) *Demotion.* The reclassification of an employee to a position of lower salary rank as a result of poor performance or unsatisfactory conduct.

- (12) *Disabled Person.* Any person who has a physical or mental impairment which substantially limits one or more major life activities; has a record of such an impairment, or is generally regarded as having such an impairment.
- (13) *Disabled Veteran.* An honorably discharged armed forces veteran who served on active duty during a war era, and is currently recognized by the United States Government as having a service-connected disability of at least 10 percent resulting in the receipt of compensation or disability retirement benefits.
- (14) *Discrimination.* Any administrative decision based in whole or in part on a person's race, sex, age, religion, national origin or physical or mental disability, except where such decision is supported by bona fide occupational qualifications.
- (15) *Eligible.* A person who has qualified for appointment to a position in Classified Civil Service.
- (16) *Emergency Appointment.* The appointment of a person to a classified service position, for a period not to exceed one hundred twenty (120) days, when an emergency makes it impractical or impossible to fill the position through standard appointment procedures.
- (17) *Entrance Rate.* The lowest rate of pay in the salary range for a class of positions.
- (18) *Examination.* A test or series of tests designed to assess the relative fitness of individuals to perform the duties associated with a particular class of positions.
- (19) *Fair Labor Standards Act (FLSA).* Federal Government regulations part of which sets minimum wage and overtime pay requirements.
- (20) *Full-Time.* A position or an employee budgeted for or scheduled to work a full-time schedule.
- (21) *Grievance.* An unresolved oral or written complaint concerning a condition, action or omission that adversely affects an employees' condition of employment within the discretion, jurisdiction, or control of the department head, appointing authority or Civil Service Board.
- (22) *Gross Misconduct.* Any job related conduct which may subject an employee to criminal prosecution.
- (23) *Him/His.* The use of the masculine pronoun throughout these rule chapters is for convenience only and should be construed to apply to employees of both genders.
- (24) *Honorable Discharge.* The separation of a veteran from active duty in the armed

forces of the United States under honorable or satisfactory conditions, including transfer to inactive status, transfer to retired status, or return to civilian status through resignation or discharge.

- (25) *Initial Probation Period.* The first probationary period an employee serves on a continuous period of employment in a department pursuant to becoming a permanent employee in City Service.
- (26) *In-Service Training.* An authorized training activity, excluding normal work assignments addresses specific job skills related to the employee's current assignment and the instructor quality and course content have been approved by the Department and the Civil Service Board.
- (27) *Involuntary Reduction in Rank.* The reclassification of an employee to a position of lower salary rank as a result of a change in the organizational structure of the governmental entity, the abolishment of a position, a reduction-in-force, reasons caused by organizational necessity.
- (28) *Lateral Reclassification.* A change from a position in one classification to a position in another classification having similar duties, authority and responsibilities, qualification requirements and the same salary grade.
- (29) *Layoff.* A separation from City Service because of lack of funds, curtailment of work, changes in organizational structure, or abolishment or reclassification of positions.
- (30) *Manager.* An employee who supervises, plans and coordinates the work of other supervisors or an employee who serves in a staff policy making or recommending capacity in a department.
- (31) *Organizational Unit.* Any board, or department recognized as a unit for purposes of administration.
- (32) *Part-Time.* A position or an employee budgeted or scheduled to work a part-time schedule as defined by the Appointing Authority, usually less than sixteen hundred (1600) hours per year.
- (33) *Permanent Employee.* An employee who holds a regular appointment in a permanent position in the Classified City Services.
- (34) *Permanent Position.* A position which is funded on an annual basis and is expected to continue to receive funding.
- (35) *Position.* A job consisting of assigned duties, authority, and responsibilities

typically performed by one person.

- (36) *Probationary Period.* A working test period of at least three (3) months or 90 days duration.
- (37) *Promotion.* A change in status of an employee from a position in one classification having different duties, authority, responsibilities and a higher salary rank.
- (38) *Promotion Register.* A list of permanent employees eligible for appointment to a class of positions.
- (39) *Reallocation.* A change from one classification to another classification based on a change in duties, authority, and responsibilities.
- (40) *Reclassification.* A change from one classification to another classification based on a change in duties, authority, and responsibilities.
- (41) *Reduction in Force.* Any job action affecting an employee due to lack of funds, curtailment or work, changes in organizational structure, abolishment or reclassification of positions.
- (42) *Register.* A list of names or persons attaining an examination score of seventy (70) or greater for a class of positions.
- (43) *Regular Appointment.* The appointment of a person to a permanent position in the classified service for an indeterminate period of time.
- (44) *Resignation.* A separation from City Services at the request of the employee.
- (45) *Salary Range.* The rates of pay from the minimum to the maximum established for a class of positions.
- (46) *Salary Step.* A rate of pay established within a salary range.
- (47) *City Employee.* A person employed in a position in City Services.
- (48) *Classified City Services.* All positions of trust or employment in the City government except those specifically excluded by City Ordinance # 1008.
- (49) *Subsequent Probation.* Any probationary period served by an employee in a department after the successful completion of an initial probationary period in that department or after the employee becomes a permanent employee in that department.

- (50) *Supervisor.* An employee who directly plans and evaluates the work of one or more employees.
- (51) *Suspension.* An enforced leave of absence for disciplinary purposes or pending an investigation or adjudication of charges made against an employee.
- (52) *Un-classified Service.* All positions in City Services not subject to the Civil Services provisions.
- (53) *Test of Fitness.* Any job related methods or measures used to determine the merit and competencies of persons for appointment or promotion to positions in the classified service.
- (54) *Trainee.* An employee receiving special study and/or training for a particular position to which he will be qualified upon satisfactory completion of the training period.
- (55) *Training Plan.* A document which describes the intended use of resources for both in-service and out-service training activities for a fiscal year.
- (56) *Transfer.* A change from one position in a classification to another position in the same classification.
- (57) *Veteran.* A person eligible for military preference in appointment.
- (58) *Voluntary Reduction in Rank.* The reclassification of an employee to a position of lower salary rank based on an employee's request and the concurrence of the department head and appointing authority.
- (59) *War Era (Armed Conflict).* War era eligibility dates include World War II, December 7, 1941 to December 31, 1946; Korean Campaign, June 27, 1950 to January 31, 1955; Vietnam Conflict, August 5, 1964 to May 7, 1975; The Lebanon Expedition, the Grenada Expedition, and the Panama Expedition - only veterans who received the "Armed Forces Expeditionary Medal;" and Operation Desert Shield/Storm, August 2, 1990 to end date yet unestablished.
- (60) *Workday.* A scheduled day of work exclusive of sick leave, holidays or other authorized leave days.

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CITY OF ROCKWOOD, TENNESSEE**

**Chapter 2
EMPLOYMENT PRACTICES**

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2-.01 PURPOSE. To give effect to the provisions of City Ordinance # 1008 to establish methods for handling personnel activities and transactions based on accepted principles of public personnel administration.

2-.02 RESPONSIBILITY. The Civil Service Board is responsible for administering Ordinance # 1008, these rules, and establishing policies and procedures.

2-.03 DIVISIONS OF CITY SERVICE. The City Service is divided into the classified service and the un-classified service.

2-.04 APPLICATION FOR EMPLOYMENT.

- (1) *Applying for Positions in the Classified City Services.* All applications for employment in classified service positions must be made on forms prescribed by the Civil Service Board.
- (2) *Disqualification of Applicants.* The Civil Service Board may refuse to examine or, after examination, may disqualify an applicant or remove an applicant's name from a register for a period or two (2) years, if the applicant:
 - (a) is found to lack any of the minimum or special qualification requirements established for the class of positions;
 - (b) is unable to perform an essential function of the position, with or without reasonable accommodation, because of a mental or physical impairment which substantially limits a major life activity or which results in a direct threat to the health or safety of the

- person or others.
 - ©) is addicted to the use of narcotics or the habitual use of intoxicating liquors to excess;
 - (d) has been convicted of a crime or has been guilty of any notoriously disgraceful conduct,
 - (e) has made a false application statement.
 - (f) has previously been dismissed from any public service for delinquency, misconduct, or other similar cause.
 - (g) has used or attempted to use political pressure or bribery to secure an advantage in examination or appointment.
 - (h) has directly or indirectly obtained information regarding an examination to which the applicant was not entitled;
 - (I) has otherwise violated provisions of this rule.
- (3) *Discrimination.* No question on any form, application, or examination shall be phrased to elicit information concerning the political or religious opinions or affiliations of the applicant. No inquiry concerning such opinions or affiliations shall be made, and all disclosures will be disregarded. No question on any form, application, or examination should make preemployment inquiries of an applicant as to whether the applicant is a person with a disability, or as to the nature or severity of a disability, except for purposes of affirmative action under Section 503 of the Rehabilitation Act of 1973. Any such inquiry must comply with the requirements of the Americans with Disabilities Act. Preemployment medical examinations of applicants cannot be conducted subsequent to an offer of employment to an applicant and prior to the applicant's subjected to such examination. The handling of the results of all medical examinations must be in accordance with 29 CFR 42.513. No discrimination shall be exercised, threatened, or promised by any City employee against or in favor of any persons in recruitment, examination, appointment, training, promotion, retention or other personnel actions, because of political affiliation, religious opinion, race, national origin, or any other non-merit factor. Discrimination on the basis of age, sex, or disability is prohibited except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary for proper and efficient administration.

2-.05 EXAMINATIONS.

- (1) *Notice of Examinations.* The Civil Service Board will give public notice of all examinations, at least two (2) weeks in advance of the closing date for receipt of applications, by posting notices throughout the county. Public notice of examinations will specify the title and qualifications required, the final date on which applications will be received, and other conditions of competition, including the relative weights assigned to the various parts in the examination.
- (2) *Promotional Examinations.* Promotional examinations may be limited to

employees of a department unit or may be open to employees of all departments in the classified service. The Board shall determine and specify in the notice of examinations the classifications in a department unit or clients eligible to compete. Any classified service employee in such classifications shall be eligible to compete on the promotional examination, provided the employee possesses the minimum qualifications required for the class of positions for which the examination is held.

- (3) *Admission to Examinations.* Examinations will be open to all persons who meet the requirements specified in the public notices for such examinations. Each applicant admitted to an examination will be notified of the time, date and place of the examination.
- (4) *Conduct of Examinations.* All examinations will be approved by the Civil Service Board with every precaution taken to prevent unauthorized persons from gaining knowledge of the nature or content of the tests that is not available to every applicant. Any applicant found to be using unauthorized materials during testing, or any applicant who in the opinion of the test monitor demonstrates inappropriate behavior shall be expelled from the examination.
- (5) *Investigations.* The Civil Service Board may investigate an applicant's education, training and experience to verify the statements contained in the application form or to verify statements regarding the applicant's character and fitness. If this investigation shows any falsification, the applicant may be removed from consideration for employment or, if employed may be dismissed and disqualified from future examinations. Lesser discrepancies in applicant information may result in a reevaluation of examination scores as necessary.
- (6) *Notice of Examination Results.* The Department Head will notify applicants by mail of their examination results as soon as scoring has been completed. Scores based on the rating of an employment application including education, experience and other merit factors as deemed appropriate, shall be reported to the applicant within ninety (90) days of the date of receipt of the application. Applicants will be permitted to inspect their papers and other records of the examination in person at City Hall office during business hours. An error in the scoring of any phase of an examination will be corrected, if called to the attention of the Civil Service Board, but such correction will not invalidate any appointment previously made to a class of positions.
- (7) *Examination Records.* The Department Head will maintain all records pertinent to an examination program. Applications and other necessary examination records will be kept for two (2) years.

2-.06 REGISTERS

(1) *Removal of Names from a Register.*

- (a) The name of an eligible will be removed or made inactive on a register for a class of positions under the following conditions:
1. The eligible receives a regular appointment to a vacancy in that class of positions.
 2. A statement is filed with the Civil Service Board stating that the eligible is unwilling to accept appointment;
 3. An eligible declines an appointment offered under conditions the eligible has previously indicated would be acceptable.
 4. The eligible fails to respond within seven (7) days of the date of an invitation to interview;
 5. A new register is established.
 6. An eligible cannot be located by mail;
 7. An eligible falsifies his legal residence;
 8. Any cause occurs as specified in the Civil Service Rules and Regulations regarding the rejection or disqualification of applicants.

2-.07 VETERANS INFORMATION

- (1) *Veterans Preference Points.* The Civil Service Board will grant additional points to veterans attaining an examination score of seventy or greater in compliance with T.C. A. 8-30-306. Veteran preference points are granted only to eligibles on original employment certificates.

2-.08 CERTIFICATION OF ELIGIBLES.

- (1) *Method of Certification.* The Civil Service Board will certify to the appointing authority the names of eligibles from the appropriate register or list for the classification. When requesting a certificate of eligibles for a flexibly staffed position the appointing authority may request a certificate for either the working level classification or for the trainee level classification.
- (2) *Employment Certificate.* An employment certificate contains the names of available eligibles listed in rank order of examination scores. Appointments from employment certificates must be made from the two (2) highest ranking eligibles plus any other eligible with a score equal to the score of the second ranked eligible. An appoint authority is not required to consider a promotional certificate that contains the names of less than two (2) eligibles.
- (3) *Promotional Certificate.* A promotional certificate contains the names of available eligibles who are classified employees, and who have a current performance rating of marginal or higher, listed in rank order of examination

scores. Appointments from promotional certificates must be made from the two (2) highest ranking eligibles plus any other eligible with a score equal to the score of the second ranked eligible. An appointing authority is not required to consider a promotional certificate that contains the names of less than two (2) eligibles.

- (4) *Layoff List.* All classified employees affected by a reduction in force shall be placed on a layoff list. Employees so listed shall have a seniority right to transfer, promotion, or reappointment to the location or job classification held prior to any reduction in force.
- (5) *Reemployment/Reappointment List.* A list of persons who may be appointed to a class of positions without further certification or examination due to their prior career status in the classification or related classified service.
- (6) *Noncompetitive Classifications.* Unskilled or semi-skilled classifications may be designated by the Civil Service Board as non-competitive. Appointments to noncompetitive classifications do not require a certificate of eligibles, but applicants for noncompetitive classifications must meet the minimum qualifications for the class of positions and names must appear on the employment register.

2-.09 FILLING POSITIONS. Positions may be filled by the promotion, transfer, demotion, or reduction in rank of current employees, reemployment of former employees or appointment of new employees.

- (1) *Classified Service Positions.* All classified service positions are permanent full-time positions. These positions may be filled on a permanent full-time basis (regular appointment) by persons who have been successful in a competitive process by being among the top available eligibles on a certificate of eligibles or who have achieved permanent status in a classification and have the right to be reemployed or reappointed to that classification or to a related classification to which they could be reclassified without further examination or certification as determined by the Civil Service Board.

Certain unskilled and semi-skilled classifications are designated “non-competitive” by the Civil Service Board. Qualified persons may be employed in these classifications on a probationary full-time basis without examination.

Classified service positions may be filled on a full-time temporary basis outside the competitive process by qualified persons as determined by the Civil Service Board by temporary appointment, emergency appointment.

2-.10 APPOINTMENTS

- (1) *Regular Appointment.* A regular appointment is an appointment for an indeterminate period of time in the classified service. A regular appointment is

expected to continue contingent upon satisfactory performance and behavior by the employee and upon continued funding, classification and utilization of the position by the City.

- (2) *Temporary Appointment.* A temporary appointment is an appointment to a full-time classified service position for a period of service not to exceed four (4) months and may be made when there is an insufficient certificate of eligibles or no established register. Temporary appointees must meet the minimum qualifications for the class of positions to which appointed. A temporary appointment may not be renewed and no person can receive more than one (1) temporary appointment in a twelve (12) month period. Temporary appointments do not require the use of certificates or lists, but must be approved by the Civil Service Board.
- (3) *Emergency Appointment.* An emergency appointment is an appointment to a full-time classified service position for a period of service not to exceed one hundred twenty (120) days and may be made when conditions exist that necessitate an immediate short term appointment. Emergency appointees must meet the minimum qualifications for the class of positions to which appointed. An emergency appointment may not be renewed and no person may receive more than one (1) emergency appointment in a twelve (12) month period.
- (4) *Seasonal Appointment.* Seasonal appointments may be made to seasonal positions in the classified service.
- (5) *Reappointment of Current City Employees.* Any City employee who is a current or former classified service employee is eligible for appointment to any classification in which the employee formerly held permanent status or to any related classification to which the employee could have been demoted, reduced in rank or transferred without further examination, provided the employee has not had a break in City government employment.

2-.11 PROBATIONARY PERIOD

- (1) *Purpose of the Probationary Period.* The probationary period is an essential part of the employment process, and is used for the adjustment of an employee to a new position and to provide an employee with the opportunity to demonstrate ability to perform the job.
- (2) *Probationary Period for the Classified Service.* For classified service positions a probationary period of at least three months (six months) is required for all employees who receive regular appointments and may be required at the discretion of the appointing authority for employees who receive regular appointments through re-employment, reappointment, demotion, voluntary

reduction in rank or interdepartmental transfers. Employees serving temporary , emergency appointments do not serve a probationary period. Successful completion of a probationary period in a trainee classification satisfies the probationary period requirement necessary for permanent status in the classified service.

- (3) *Duration of the probationary Period.* A period or probation is completed at the end of the pay period during which in incumbent completes the number of months or probationary status required for class of positions.
- (4) *Initial Probationary Period.* The initial probationary period is the first probationary period served in a department in a continuous period of employment pursuant to becoming a permanent employee in the classified city service.

An employee on initial probation may not be dismissed for cause relating to performance of duties before completion of one month's service. Employees dismissed during their initial probationary period have neither right of appeal or right of hearing. The reason for dismissal must be submitted to the Civil Service Board in writing. Initial probationary employees not terminated or otherwise removed from the classification by the end o the probationary period become permanent classified service employees.

2-.12 PROMOTIONS.

- (1) *Methods of Making Promotions.* A vacancy in the classified service may be filled by the promotion of a qualified employee. Promotions between departments must be approved by the department heads concerned. Promotions of employees to regular classified service appointments will be made by a competitive process as determined by the Civil Service Board. Any employee who has been demoted or reduced in rank may, at the discretion of the appointing authority, with the approval of the Civil Service Board, be promoted to a classified service position in a classification without additional examination or certification if the employee was a permanent employee in that classification.
- (2) *Promotion by Competitive Examination.* If it is determined by the Civil Service Board and the appointing authority to fill a vacancy by a promotional examination, such promotion will be made in accordance with the applicable provisions. The promotion resulting from such examination will be established in accordance with the applicable provisions of the Civil Service Board.

2-.13 TRANSFER, DEMOTION AND REDUCTION IN RANK.

- (1) *Transfer.* A Transfer is authorized in accordance with the following:
 - (a) An appointing authority may transfer any employee from a position in one department to a position in the same classification in another with the

approval of the Civil Service Board.

- (b) No transfer can be approved from the un-classified service to the classified service unless the employee is eligible for re-employment in the classified service in the classification. All transfers between departments must be approved by the Civil Service Board.
- (2) *Demotion.* A Classified Service employee may be demoted after written notice has been given the Civil Service Board and the employee at least (10) days prior to the effective date. A demotion may be made when the employee is unwilling or unable to render satisfactory service in the position held but is considered worth of employment in a position of lower rank. A demoted employee *may* be required to serve a probationary period.
- (3) *Involuntary Reduction in Rank.* An involuntary reduction in rank occurs when the position occupied by an employee has been or is about to be discontinued as a result of lack of funds, curtailment of work, abolishment, reclassification or department reorganization. An involuntary reduction in rank is not considered a demotion.

Employees receiving an involuntary reduction in rank do not serve an additional probationary period. Under an involuntary reduction in rank an employee's salary may be reduced only to the top step of the salary range of the new job classification. Employees receiving involuntary reductions in rank may retain a wage rate above the wage range for the new job classification with the approval of the appointing authority and the Civil Service Board.

- (4) *Voluntary Reduction in Rank.* A voluntary reduction in rank occurs when an employee requests assignment to a position of lower rank and the department head concurs. Such request may be based on dissatisfaction with the present position or a desire on the part of the employee for an occupational, or other change. A voluntary reduction in rank may require a wage reduction and a requirement for the completion of an initial or subsequent probationary period. A voluntary reduction in rank is not considered a demotion.

2-.14 TENURE, SUSPENSION AND SEPARATION.

- (1) *Tenure of Office.* The service of classified employees is contingent on both satisfactory conduct and satisfactory performance. Satisfactory performance is evidenced by the employee's current performance evaluation. The provision, however, does not prevent the separation of an employee for lack of funds, lack of work, or abolishment of a position when made in accordance with the reduction in force plan approved by the Civil Service Board.
- (2) *Suspension.* After giving written notice to the employee an appointing authority

may suspend the employee without pay for disciplinary purposes for a period not to exceed thirty (30) calendar days in any twelve (12) month period. The appointing authority must file with the Civil Service Board a written statement of the cause for such action which will be made a part of the employee's personnel file. An appointing authority may suspend an employee with or without pay for a period greater than thirty (30) days pending the investigation or trial of any charges with prior approval of the Civil Service Board.

- (3) *Layoff Reduction-in-force.* An appointing authority may implement a layoff-reduction in force, as a result of lack of funds, curtailment of work, changes in organizational structure or abolishment or reclassification of positions. Performance evaluation ratings of employees affected by reductions in force and whose seniority calculations produce an order of layoff difference of less than one year will be considered as follows: employees whose most recent evaluation is good (3), superior (4), or exceptional (5) will be given preference over those whose most recent rating on record is an unacceptable (1) or marginal (2).
- (4) *Resignations.* An employee who resigns may state the reasons in writing to the appointing authority. A copy of the resignation shall be forwarded by the appointing authority to the Civil Service Board.
- (5) *Job Abandonment.* An employee who is absent from duty for more than three (3) consecutive business days without giving notice to the appointing authority or appropriate manager concerning the reason for such absence and without securing permission to be on leave, or who fails to report for duty or to the immediate supervisor or the appointing authority within two (2) business days after the expiration of any authorized leave of absence, absent unusual circumstances causing the employee's absence or preventing the employee's return, is considered as having resigned not in good standing.
- (6) *Dismissal.* An appointing authority may dismiss a classified employee for either unsatisfactory conduct or unsatisfactory performance. Non-classified service employees serve at the pleasure of the appointing authority.
- (7) The Civil Service Board will not sanction members of the classified city service to engage in work stoppages or to refuse to perform work as assigned, nor sanction their leaving the service, pending settlement of issues and disputes.
- (8) *Re-employment Recommendation.* Whenever an employee leaves City employment the appointing authority may make a recommendation concerning re-employment.

2-.15 CERTIFICATION OF PAYROLLS.

- (1) *Certification of Payrolls.* All payments for personal service to any person holding

a position in the classified service may be examined by the appointing authority or member of the Civil Service Board. The Civil Service Board shall determine that the persons names on the payroll have been appointed or employed in accordance with applicable rules, and that the salary rate is in accordance with the compensation plan.

If the Civil Service Board determines that a person on the payroll has not been paid in conformity with the provisions of the rules, the respective departments will be notified and the reason, investigated.

2.-16 RECORDS AND REPORTS.

- (1) *Roster of City Classified Service Employees.* Department Heads shall maintain a roster of all city classified service employees in such form deemed advisable, showing the name, title of position, organizational unit to which assigned, salary, changes in classification, pay or status, and such other data as may be desirable and pertinent. The roster will be made available upon request to the Civil Service Board.
- (2) *Other Records.* The Department Head will maintain other records necessary to carry out the intent and purpose of City Ordinance #1008 and these rules, and cause to be maintained in each department a personnel file on each active employee. These files are to be maintained in accordance with policy established by the Civil Service Board.
- (3) *Reports from Appointing Authority.* The appointing authorities will report to the Civil Service Board all permanent changes in the status of employees under their jurisdiction. The appointing authorities may also be required to make other reports regarding the employee under their jurisdiction by the Civil Service Board.
- (4) *Investigations.* The Civil Service Board has the right of the records, books, papers and other documents of any department pertinent to any investigation which may be necessary.

2.-17 ADOPTION AND AMENDMENT OF POLICIES AND PROCEDURES. The Civil Service Board shall establish such policy and procedure necessary to carry out the provisions of these rules.

RULES OF THE CIVIL SERVICE FOR THE CITY OF ROCKWOOD, TENNESSEE

Chapter 3 POSITION CLASSIFICATION

TABLE OF CONTENTS

3-.01	Purpose	3-.04	Classification Specifications
3-.02	Position Classification	3-.05	Classification and Evaluation Method

3-.01 PURPOSE. To establish rules concerning position classification and the classification plan.

3-.02 POSITION CLASSIFICATION. Position classification is the grouping of individual positions for the purpose of administrative action. Positions are grouped on the basis of similarity of duties, authority and responsibilities assigned, such that the same rates of pay and tests of fitness may be applied to all positions placed in the classification.

3-.03 CLASSIFICATION PLAN. The classification plan established and maintained by the Civil Service Board is a compilation of the officially authorized classes of positions for the city classified service. The plan contains the classification specification for each classification in the classified service which may be subdivided, grouped, or ranked as deemed proper by the Civil Service Board and a statement of the factors and definitions of those factors used in position classification and job evaluation in the classified service.

3-.04 CLASSIFICATION SPECIFICATIONS. Classification specifications for the classified service include the following:

- (1) *Classification Title.* The classification title should be brief, descriptive and consistent with other titles in the plan.
- (2) *Summary or Definition.* A brief description of the classification.
- (3) *Distinguishing Features.* A brief description of the primary features that distinguish the classification from other classifications.
- (4) *Examples of Duties and Responsibilities.* A synopsis of the major duties, authority, and responsibilities typically assigned to positions of the classification. Such examples should not be construed as declaring the extent of the duties, authority, and responsibilities of any position, or be interpreted as limiting or restricting the power of the department head to assign, direct, or control employees under his supervision.

- (5) *Minimum Qualifications.* A statement of the minimum requirements of training, education and experience, and any special requirements necessary to qualify for examination or consideration for appointment. The minimum qualifications should include the amount and kind of training, education, and experience required and the type and grade of work within each occupation including the basis and limits of substitutions of additional experience for education and of education for experience when applicable. For appointments in the classified service, minimum qualifications represent a standard which must be met when the position is filled.
- (6) *Examination Method.* A description of the examination method or methods used in filling positions which may include written tests, evaluations of education and/or experience, performance tests, interviews, and other methods deemed appropriate by the Civil Service Board.

3-.05 CLASSIFICATION AND EVALUATION METHOD. Positions in the classified service will be classified according to their assigned duties, authority, and responsibilities using methods of position classification and job evaluation prescribed by the Civil Service Board.

3-.06 POSITION CLASSIFICATION ACTIONS.

- (1) All positions in the classified service must be placed in a classification in the classification plan. Any new position established in the classified service must be placed into an approved classification, and if no classification exists in which the new position may be properly placed, a new classification will be established in the classification plan.
- (2) If an appointing authority makes a permanent change in any significant duties, authority, or responsibilities assigned to a position, such appointing authority must notify the Civil Service Board and the change in a manner prescribed by the Civil Service Board to determine if reclassification of the position to a different classification in the classification plan is necessary.
- (3) If a position is abolished which results in a classified service employee being laid off and a new position is then reestablished with the same or essentially similar duties within one hundred twenty (120) days of the date of the layoff, the classified service employee must be appointed to the newly created position.

**RULES OF THE CIVIL SERVICE FOR THE
CITY OF ROCKWOOD, TENNESSEE**

**Chapter 4
COMPENSATION**

TABLE OF CONTENTS

4-.01 Purpose	4-.05 Involuntary Reduction in Rank
4-.02 Preparation of the Compensation Plan	4-.06 Voluntary Reduction in Rank
4-.03 Appointments	4-.07 Assigning Duties of a Higher Level Classification
4-.04 Promotions	

4-.01 PURPOSE. To establish rules concerning wages paid for classes of positions in the classified service.

4-.02 PREPARATION OF THE COMPENSATION PLAN. The Civil Service Board will prepare a comprehensive compensation plan for all classes of positions in the classified service. The plan will be developed after consultation with appointing authorities and will take into consideration the City's financial condition and fiscal policies, experience in recruiting and retaining employees for positions in the classified service, the prevailing rates of pay for service of similar kind and quality in public and private employment within the State, living costs, maintenance, and other benefits received by employees.

4-.03 APPOINTMENTS. The minimum rate of pay in the applicable salary range should be the entrance rate payable to a person on first appointment to a position in the classification.

4-.04 PROMOTIONS. An employee who is promoted, as defined elsewhere in these rules, may receive a promotional salary increase equivalent to one half of the difference between the salary grades of the current and the new classification, provided however, that no employee may be paid at a rate less than the first step in the salary range for the new classification and that no classified employee shall receive a promotional salary increase which exceeds the top step in the salary range for the new classification. Employees may receive promotional increases of greater or lesser amounts upon recommendation of the appointing authority, subject to the approval of the Civil Service Board, and budgetary limitations. Employees moving from the trainee level to the working level classification position may receive salary increases in accordance with the rule.

4-.05 INVOLUNTARY REDUCTION IN RANK. An employee who receives an involuntary reduction in rank may be paid at a rate above the maximum rate for the new classification, upon recommendation of the appointing authority with the approval of the Civil Service Board, or the employee's salary may be reduced to the top step of the salary range for the new classification. The salary of an employee who received an involuntary reduction in rank may not be reduced if it falls within the salary range of the lower classification.

4-.06 VOLUNTARY REDUCTION IN RANK. An employee who receives a voluntary reduction in rank may be paid at a rate above the maximum rate for the new classification upon recommendation of the appointing authority with the approval of the Civil Service Board. The salary of an employee who receives a voluntary reduction in rank may also be reduced upon recommendation of the appointing authority with the approval of the Civil Service Board.

4-.07 ASSIGNING DUTIES OF A HIGHER LEVEL CLASSIFICATION. No Classified service employee shall be assigned to perform the majority of the duties and responsibilities of a position in a higher level classification without the approval of the appointing authority. When an employee is assigned, the duration cannot exceed ninety (90) days without the approval of the Civil Service Board. The total length of the assignment will be limited to a period of twelve (12) months from the time the appointing authority initially approves the assignment and it is put into effect.

An affected employee must be compensated for all time spent performing these higher level duties after the initial ninety (90) days. Compensation for performing these duties shall be in accordance with the standard promotional pay policy. Compensation awarded under this section shall be subject to budgetary limitations.

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**Chapter 5
JOB PERFORMANCE PLANNING AND EVALUATION**

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5-.01	Purpose	5-.05	Evaluation Process
5-.02	Evaluation Periods	5-.06	Use in Making Personnel Decisions
5-.03	Employees to be Evaluated	5-.07	Records
5-.04	Evaluation Forms	5-.08	Appeal

5-.01 PURPOSES. To promote employee development, enhance employee productivity, serve as a basis for sound personnel decisions, and provide a permanent record of the performance of major job duties and responsibilities for employees in the City service.

5-.02 EVALUATION PERIODS. Formal written evaluations of the performance of major job duties and responsibilities for all employees, except as notes below, will be provided to the Department on forms prescribed by the Civil Service Board.

5-.03 EMPLOYEES TO BE EVALUATED. The performance of all employees in the City classified service will be evaluated in a manner subject to this rule, except for:

- (1) Seasonal employees
- (2) Part-time employees
- (3) Limited term employees
- (4) Temporary employees
- (5) Emergency employees

5-.04 EVALUATION FORMS. Evaluations shall be recorded on forms prescribed by the Civil Service Board.

5-.05 EVALUATION PROCESS. A yearly performance evaluation process will be carried out in a manner prescribed by the Civil Service Board including:

- (1) An initial discussion between the supervisor and the employee for the purpose of explaining and clarifying the performance evaluation process, major job duties and responsibilities for which performance will be assessed, and the performance necessary to achieve a higher rating.
- (2) A formal written assessment of the employee's performance which provides the employee with the opportunity to agree or disagree and comment upon the assessment.

- (3) A review of the evaluation of each employee by a department head, designed by the appointing authority, confirming that the evaluation process has been properly completed, including the initial discussion in (1) above, periodic reviews described in (2) above, and formal written assessment of the employee's performance in which the assessments and conclusions drawn from the assessments are appropriately and logically described and reflected in the overall evaluation of the employee's job performance.
- (4) A review of the formal written evaluation of each employee by the appointing authority, which when signed, becomes the official record of the performance of the major job duties and responsibilities of the employee. The evaluation will be recorded and used in making personnel decisions as described below.

5-.06 USE IN MAKING PERSONNEL DECISIONS. In a manner prescribed by the Civil Service Board, when employee performance of major job duties, authority and responsibilities is deemed to be relevant factor in determining eligibility to compete in promotional examinations, satisfactory or unsatisfactory completion of a probationary period, or as a factor in layoffs, demotions, suspensions or dismissals, the performance evaluation described in this rules will be the evaluation serving as the basis for such decisions. Nothing in the rule chapter should be construed to imply that performance of major job duties and responsibilities as evaluated in the job performance planning and evaluation system is the only relevant factor that may be used in making the decisions described in this rule.

5-.07 RECORDS. The written evaluations of each employee will be retained as the original written evaluation in the permanent personnel file of each employee. The Department Head will retain records of employee current performance evaluation.

5.08 APPEAL. Any classified serviced employee shall have the opportunity to grieve any final performance evaluation when procedures have been violated to the extent that the evaluation is unfair or inaccurate. Such grievance shall be filed in accordance with the Rules. Upon request an additional review may be conducted by the Civil Service Board, whose decision shall be final.

**RULES OF THE CIVIL SERVICE FOR THE
CITY OF ROCKWOOD, TENNESSEE**

**Chapter 6
TRAINING**

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- 6-.01 General Statement
- 6-.02 Policy
- 6-.03 Out-Service Training

6-.01 GENERAL STATEMENT. Training is the planned development process which provides learning opportunities beneficial to and consistent with the goals of City government. Training activities must have specific learning objectives and use a course outline or agenda. Participation in training programs will be considered a work assignment.

6-.02 POLICY.

- (1) Every effort will be made to improve the quality of the performance of City employees. Training programs are to be provided to retain qualified and competent employees through activities of in-service training initiated by the individual departments.
- (2) Out-service training provides opportunities for employees in city service to attend educational, vocational, and professional institutions and facilities to receive training which meets specific departmental needs for scientific, technical, professional and administrative skills.

6-.03 OUT-SERVICE TRAINING. Out-service training is a supplement to the in-service training programs. Employees are considered for out-service training only when the training requested cannot be acquired through available in-service training.

- (1) *Types of Training.*
 - (a) Full-time training consists of a training program for an employee that lasts for a period or more than eighty (80) work days, which may require residency at a training institution and that the employee be relieved of his regular job responsibilities. Full-time training should be for the purpose of fulfilling a specialized need which affects the on-going operation of a department rather than enhancing an individual's generalized educational desires.
 - (b) Short-term training consists of training through seminars, short courses, educational workshops and institutes for a period of less than eight (8)

work days.

- (c) Part-time training consists of training through courses during part of the employee's regular work hours while the employee maintains his regular job responsibilities.
 - (d) Training after work hours is formal training outside of the employee's scheduled work hours requiring the expenditure of City funds.
- (2) *Eligibility.* All classified service employees are eligible for participation in out-service training activities, subject to the recommendation of the appointing authority.
- (3) *Approval of Training Requests.* Requests for out-service training must be approved by the appointing authority in accordance with the following criteria;
- (a) availability of in-service programs to address the described need;
 - (b) cost-effectiveness;
 - (c) job-relatedness;
 - (d) employee's length of service as prescribed by the Civil Service Board
- (4) *Employee's Responsibility.* Assignment to training activities carries the same obligations for attendance and performance as other work assignments.
- (a) The appointing authority will maintain appropriate contact with the employee in training and the institution concerned to ensure attendance and performance by the employee.
 - (b) Documentation of the successful completion of the activity will be the responsibility of each department head and will be made available to the Civil Service Board.

**RULES OF THE CIVIL SERVICE FOR THE
CITY OF ROCKWOOD, TENNESSEE**

**Chapter 7
DISCIPLINARY ACTION**

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7-.01 Purpose	7-.05 Causes for Disciplinary Action
7-.02 Policy	7-.06 Examples of Disciplinary Offenses
7-.03 Minimum Due Process	7-.07 Progressive Disciplinary Action
7-.04 Exception to Minimum Due Process	

7-.01 Purpose. To establish standards for the application of disciplinary procedures which will assure fairness and uniformity among departments and employees subject to the provisions of these rules.

7-.02 POLICY. A classified employee may be warned, suspended, demoted or dismissed by his appointing authority whenever just of legal cause exists. The degree and kind of action is at the descretion of the appointing authority, but must be in compliance with the intent of the provisions of this rule and Ordinance #1008. A unclassified employee serves at the pleasure of the appointing authority.

7-.03 MINIMUM DUE PROCESS.

- (1) Permanent classified employees have a "property right" to a position in the classification in which they currently hold classified status. Therefore, no suspension, demotion, dismissal or any other action which deprives a regular (classified) employee of his "property right" will become effective until minimum due process is provided as outlined below.
- (2) Minimum due process consists of the following:
 - (a) The employee shall be notified of the charges against him. Such notification shall detail times, places, and other pertinent facts concerning the charges and should be in writing.
 - (b) The notification will provide for the employee to have a predecision discussion with an appropriate manager and will state the mechanism through which such a discussion may be arranged. The employee should be given a reasonable period of time to prepare to answer charges and present information which might influence the manager's decision.
 - ©) The manager conducting such discussions must be a department head who has direct access to an appointing authority for this purpose.

- (d) The meeting outlined above shall be for the purpose of allowing the employee to present information to the department head regarding the disciplinary action under consideration.
 - (e) The discussion shall be informal. The employee shall have the right to present written statements of witnesses or any other information with regard to the charges. Attendance and participation by persons other than the department head the employee shall be at the discretion of the department head.
 - (f) If the employee declines the opportunity to have the discussion or present information, the provisions of this section are deemed to have been met.
- (3) The Civil Service Board shall determine as a preliminary matter to the merits of a grievance, a grievant's allegation that he or she was denied minimum due process.

7-.04 EXCEPTION TO MINIMUM DUE PROCESS. When an employee is acting in a dangerous or otherwise threatful manner and must be removed from the workplace immediately, it is not necessary to provide "minimum due process" prior to removal. Minimum due process must be provided after removal as soon as practicable. The employee, in this case, may be placed on leave or on immediate suspension without pay.

7-.05 CAUSES FOR DISCIPLINARY ACTION. Causes for disciplinary action fall into two categories.

- (1) Causes relating to performance of duties.
- (2) Causes relating to conduct which may affect an employee's ability to successfully fulfill the requirements of the job.

7-.06 EXAMPLES OF DISCIPLINARY OFFENSES. The following causes are examples of those considered for disciplinary action and should not be considered the only causes of action.

- (1) Inefficiency or incompetence in the performance of duties.
- (2) Negligence in the performance of duties.
- (3) Careless, negligent or improper use of City property or equipment.
- (4) Failure to maintain satisfactory and harmonious working relationships with the public and fellow employees.
- (5) Habitual improper use of sick leave privileges.
- (6) Habitual pattern of failure to report for duty at the assigned time and place.

- (7) Failure to obtain or maintain a current license or certificate or other qualification required by law or rule as a condition of continued employment.
- (8) Gross misconduct or conduct unbecoming an employee in the City service.
- (9) Conviction of a felony.
- (10) Willful abuse or misappropriation of City funds, property or equipment.
- (11) Falsification of an official document relating to or affecting employment.
- (12) Participation in any action that would in any way seriously disrupt or disturb the normal operation of the agency, institution, department or any other segment of the City service or that would interfere with the ability of management to manage.
- (13) Trespassing on the property of any City officer or employee for the purpose of harassment.
- (14) Damage or destruction of City property.
- (15) Acts that would endanger the lives and property of others.
- (16) Possession of unauthorized firearms, lethal weapons, alcohol or illegal drugs on the job.
- (17) Brutality in the performance of duties.
- (18) Refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination).
- (19) Reporting to work under the influence of alcohol or illegal drugs, or partaking of such on the job.
- (20) Sleeping or failure to remain alert during duty hours.
- (21) Betrayal of confidential information.

7-.07 PROGRESSIVE DISCIPLINARY ACTION.

- (1) The supervisor is responsible for maintaining the proper performance level, conduct and discipline of the employees under his supervision. When corrective action is necessary, the supervisor must administer disciplinary action beginning at the appropriate step as described.
- (2) *Oral Warning.* The supervisor will meet privately with the employee to:

- (a) Review with the employee exactly what is expected on the job and why.
 - (b) Explain to the employee how he has not met requirements and why present conduct or performance is unacceptable.
 - (c) Allow the employee to give reasons for his actions or failure.
 - (d) Make suggestions for correction.
 - (e) Record the date of the discussion and other necessary information for future reference.
 - (f) Written follow-up to the discussion may be forwarded to the employee but is not required. Written follow-up to an oral warning should not be construed as a written warning as described below and will not become part of the employee's official personnel file.
- (3) *Written Warning.* The supervisor will meet with the employee and;
- (a) Review the points covered in the oral warning, if an oral warning(s) was administered. The employee will be told that a significant change in his present conduct or performance must be made.
 - (b) Tell the employee he will receive a letter covering the significant points of the discussion to include:
 - 1. What has been expected and how these expectations have not been met.
 - 2. Suggestions for improvement.
 - 3. Indication that failure to improve will lead to further disciplinary action.
- (4) *Suspension Without Pay.*
- (a) After minimum due process is provided, a suspension without pay may be issued by the appointing authority for one (1) to thirty (30) days. No employee may be suspended without pay for disciplinary purposes for more than thirty (30) days in any consecutive twelve (12) month period. Suspensions with or without pay of more than thirty (30) days may be issued pending the outcome of an investigation or legal action with approval of the Civil Service Board.
 - (b) Before issuance, a written notice of the suspension without pay will be

prepared. The notice will contain an account of the circumstances which led to the decision to issue the suspension, the beginning and ending dates of the suspension and information to the employee concerning his rights of appeal as outlined in these rules. A copy of the notice will be placed in the employee's official personnel file and a copy will be sent to the Civil Service Board.

(5) *Dismissal.*

- (a) After minimum due process is provided, an employee may be dismissed by the appointing authority from his position for unacceptable conduct or performance of duties.
- (b) Before an employee is dismissed, a written notification detailing the circumstances leading to the decision to dismiss will be prepared. The notice will indicate the effective date and inform the employee of his rights to appeal as outlined in these rules. A copy of the notice will be placed in the employee's official personnel file and a copy will be sent to the Civil Service Board.

- (6) *Transfer or Demotion.* If it is determined by the appointing authority that an employee's ability to satisfactorily perform his duties is beyond the capabilities of the employee or the employee has been compromised by notorious conduct to the extent that he is ineffective in his position, the employee may be demoted or transferred to a position that is more appropriate after minimum due process has been provided.

**RULES OF THE CIVIL SERVICE FOR THE
CITY OF ROCKWOOD, TENNESSEE**

**Chapter 8
GRIEVANCE**

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8-.01 Purpose	8-.06 Scope of Procedure
8-.02 Policy	8-.07 Grievable Matters
8-.03 Responsibility	8-.08 Exceptions and Non-Grievable Matters
8-.04 Basic Standards	8-.09 Intent
8-.05 Procedures	

8-.01 PURPOSE. To provide clear, orderly and expedient procedures through which all classified or permanent employees of the City classified service may process bona fide complaints or grievances.

8-.02 POLICY.

- (1) City classified employees will be given every opportunity to resolve bona fide complaints or grievances through established procedures. Every reasonable effort will be made to resolve complaints at the lowest possible step in the procedure.
- (2) Employees using this procedure will be entitled to process their complaints or grievances without fear, interference, discrimination, or reprisal.

8-.03 RESPONSIBILITY.

- (1) The Civil Service Board will be responsible for providing and maintaining the basic standards and guidelines for implementing this rule chapter.
- (2) Appointing authorities will be responsible for the proper execution of this rule chapter throughout the respective departments. Modification of these procedures may be made in order to satisfy unusual circumstances within a department if such modification is approved by the Civil Service Board.
- (3) Department Head and Chief Administration Officer will be responsible for ensuring that all employees are aware of the provisions of this rule chapter.

8-.04 BASIC STANDARDS.

- (1) A complaint or grievance must be filed at the appropriate step in the grievance procedure within (4) workdays of the action which is the basis for the grievance,

- otherwise it will be considered untimely and invalid.
- (2) Although no standard grievance forms are provided, Civil Service Board may develop and make available such forms to employees. No grievance may be denied because a standard from adopted by the Civil Service Board has not been used.
 - (3) A grievant may represent himself at any step in the procedure.
 - (4) Legal counsel may represent a grievant before the Civil Service Board, which is the final step of this procedure. The grievant and the Civil Service Board may have counsel present at discussions prior to the final step. The presence of the observers at discussions prior to the final step of this procedure is at the discretion of the manager or chairperson in charge of that discussion.
 - (5) Grievances concerning dismissal should be appealed directly to the appointing authority.
 - (6) Grievance decisions should be communicated in writing directly to the grievant in a timely manner as outlined. Certified or registered mail is mandatory if a decision must be mailed. Hand delivered grievance decisions should include a written heading indicating "Hand Delivered" with a place for a signature.
 - (7) Grievances must be expressed in reasonable terms. Each grievance submitted should contain:
 - (a) the basis for the grievance;
 - (b) the settlement or corrective action desired by grievant; and
 - (c) sufficient facts or other information to begin an investigation.

8-.05 PROCEDURES. Procedures shall not be more than three (3) steps to finality as follows:

- (1) Step I - Grievant's immediate Supervisor (verbal with department head)
 - (a) Verbal discussion with department head within four (4) workdays of cause.
 - (b) Supervisor investigation and fact finding.
 - (c) Decision clearly communicated to grievant within five (5) workdays of discussion.
- (2) Step II - Next Appropriate Higher Level of Management (written)

- (a) Written grievance and prior step submitted to the mayor and designee with ten (10) workdays or receipt of decision from Step I.
 - (b) Informal discussion or hearing of fact, allegations, and testimony by appropriate witnesses as determined by the Mayor or Vice Mayor as soon as practical.
 - ©) Investigation, fact finding, and written final decision communicated to grievant with two (10) workdays of discussion.
 - (d) The mayor shall have full authority to overturn, reduce, or alter any disciplinary action based on information gathered at the Step I hearing including reinstatement of leave and awards of backpay, if appropriate.
- (3) Step III - (Formal Classified Service Employee only)
- (a) Written grievance and all relevant documentation shall be submitted within thirty (30) days of receipt of decision from Step II to:

City of Rockwood Tennessee
Civil Service Board
Municipal Building
Rockwood, TN 37854
 - (b) The time limits set herein may be extended not in excess of six (6) months by written agreement between the manager involved and the employee. Failure of management to proceed within established time limits entitles the grievant to proceed to the next step in this procedure.

8-.06 SCOPE OF PROCEDURE.

- (1) The Civil Service Board will serve as the final step for all grievances by city classified employees.

8-.07 GRIEVABLE MATTERS.

- (1) Disciplinary suspension or demotion.
- (2) Disciplinary dismissal.
- (3) Non-compliance with an approved reduction in force plan by an appointing authority.
- (4) Coercion of an employee to "waive" his right to consideration on a certificate of eligible.

- (5) Performance evaluations under certain circumstances.
- (6) Other matters within the discretion or control of the appointing authority or the Civil Service Board.

8-.08 EXCEPTIONS AND NON-GRIEVABLE MATTERS.

- (1) Actions that affect employees who are not permanent employees.
- (2) Actions that affect an employee serving an initial probationary period.
- (3) Normal supervisory counseling.
- (4) Non-selection for promotion when the appointment was in compliance with these rules and Ordinance #1008.
- (5) Verbal and written reprimands.
- (6) Actions resulting from reductions in force when an approved reduction in force plan was followed.
- (7) Reasonable work assignments outside those normally associated with the employee's assigned job classification.
- (8) Salary range assigned to classification.
- (9) Classification of position.
- (10) Demotions during subsequent probation, if such demotion is to the job classification from which the employee was promoted and at a salary rate no lower than the salary rate has the promotion not occurred.
- (11) Department rules or policies which do not conflict with statues or rules of the Civil service Board.
- (12) Any other matter over which an appointing authority or the Civil Service Board has no control or jurisdiction or is without the authority to grant requested relief.

8-.09 INTENT. The intent of the grievance rules is to legally, efficiently and fairly resolve bona fide complaints and grievances. The initiation of a grievance should not be considered a negative reflection against an employee department head, or appointing authority, but should be considered as an effort to communicate and seek resolution of work related problems.

**RULES OF THE CIVIL SERVICE FOR THE
CITY OF ROCKWOOD, TENNESSEE**

**Chapter 9
OVERTIME**

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- 9-.02 Use of Overtime
- 9-.03 Responsibility

9-.01 PURPOSE. To establish fair methods to distribute overtime work.

9-.02 USE OF OVERTIME. Every possible effort will be made to avoid overtime and to conform to regular hours of work. In order to avoid excessive overtime over long periods of time, additional personnel will be secured.

9-.03 RESPONSIBILITY. When overtime work is necessary, department heads, or their designated representative, shall distribute such overtime among the qualified employees in the department in which the overtime is worked. Unexpected overtime may be assigned to qualified employees present and therefore immediately available.

ORDINANCE # 1008

CIVIL SERVICE BOARD FOR
CITY OF ROCKWOOD, TENNESSEE

AN ORDINANCE creating a Civil Service Board and to provide for appointment and removal of members thereof; to prescribe the powers and duties of such board; to authorize the adoption of rules by such board; to provide for classified and unclassified service; to provide means of promotion, suspension, demotion and removal of city employees in the classified service; to authorize the establishment of a pay and hours plan; to provide for penalties for violation hereof; and for other purposes.

CIVIL SERVICE BOARD CREATED; MEMBERSHIP; APPOINTMENT,
TERM OF OFFICE. SALARY, QUALIFICATIONS AND
REMOVAL OF MEMBERS; NOTICE OF MEETINGS; QUORUM

1. Section 1. An Ordinance of the City of Rockwood, Tennessee. There is hereby created a system of civil service for the City of Rockwood. A civil service board, hereafter referred to as "the board" to consist of five members is hereby created to administer the said system of civil service. Two members of the board shall be elected by the governing body of the City of Rockwood; two members shall be elected by the employees of the classified service, in a joint election, and the persons receiving a majority of the votes of the employees of the classified service shall become the two members of the board. The persons selected by the governing body of the City of Rockwood and the persons selected by a majority vote of the classified service shall then select one person within ten days after their appointment and selection and the person agreed upon by these four so appointed and selected shall constitute the fifth member of the board. Provided, that if the four members appointed and selected shall fail to agree within ten days after their appointment, then and in that event the governing body of the City of Rockwood shall appoint four citizens to meet and confer with four of the citizens appointed by the employees of the classified service. This joint committee of eight shall meet, within ten days, and appoint one person who shall constitute the fifth member of the board.

The five members thus appointed to the board shall serve as board members for a term as appointed, or until their successors are appointed and qualified. One four year term shall be selected by the governing body of the City of Rockwood. One four year term shall be elected by the employees of the classified service. One three year term shall be selected by the governing body of the City of Rockwood. One three year term shall be elected by the employees of the classified service. These four members shall then select one member for a two year term. However, if the four members fail to agree, then the same procedure for selecting the fifth member as set out in Section 1. paragraph 1, shall be used for selection of the fifth member. On or before the expiration of the term of each board member, his successor shall be selected in the same manner as the prior selection of the said board member whose term thus expires, to the end that the successor to the member appointed by the town governing body shall likewise be appointed to said body, the successors to the member elected by the classified service shall likewise be elected by said classified service,

and the successors to the member appointed by the two other board members shall likewise be appointed by the two other board members.

The members of this board shall receive for their services the sum of fifty dollars per month, to be paid out of the general fund of the City of Rockwood. No person shall be appointed a member of such board who is not a citizen of the United States, a resident of the City of Rockwood, Tennessee, for at least one year immediately preceding such appointment, and elector of Roane County. No city employee, elected officials of the City of Rockwood, or convicted felon, may be a member of the board.

Any member of the board may be removed from office by the governing body of the City of Rockwood for incompetency, dereliction of duty, malfeasance in office or upon conviction of any crime involving moral turpitude. Provided, however, that no member of the board shall be removed until charges shall have been preferred in writing, due notice and full public hearing had before governing body of the City of Rockwood; provided, further, that such removal shall be for a period of ten days, during which time any member so removed shall have the right of appeal to the chancery court of Roane County, Tennessee, which court shall thereupon proceed to hear and determine such appeal; provided, however, that such hearing shall be confined to the determination of whether the order of removal made by the governing body of the City of Rockwood was or was not made in good faith for proper cause, and no appeal to such court shall be taken except upon such grounds, and the decision of such court shall be final.

The members of the board shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by the ordinance. Three members of this board shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the board under and by virtue of the provisions of the ordinance. Provided, however, that due notice of all meetings shall be given so that all five board members may have an opportunity to be present. Provided, further, that the board shall transact no business and make no decisions until and except while all five board members shall have taken office and remain qualified to act.

PERSONS SUBJECT TO CIVIL SERVICE

Section 2. Be it further enacted. The provisions of this ordinance shall apply to all employee personnel working on a paid full time basis. Specifically exempt employees shall be:

- a. department heads,
- b. city recorder,
- c. all elected officials and persons appointed to fill vacancies in elective offices,
- d. the chief administrative officer; the mayor,
- e. all members of appointive board, commissions, or committees,
- f. city attorney and assistant city attorneys,
- g. consultants, advisors and counsors rendering temporary professional service,
- h. independent contractors,
- i. emergency employees who are hired to meet the immediate requirements of an

emergency condition such as extraordinary fire, flood, or earthquake which threatens life or property,

j. seasonal employees who are employed by the city,

k. persons rendering part-time service paid by the hour or day,

l. volunteer personnel, such as volunteer firemen, and all other personnel appointed to serve without compensation, and

All persons as shown as covered shall be known as the classified service. All other city employees shall be known as the unclassified service.

APPOINTMENTS AND PROMOTIONS

3. **Section 3. Be it further enacted.** All future appointments to and promotions in said departments, except as otherwise provided in this ordinance shall be made on the basis of seniority, fitness and efficiency, which shall be determined by the following method:

Subject to the other standards set forth in this ordinance, the department heads shall meet with the board as soon after the enactment of this ordinance as may be possible and shall give assistance to the board in drawing up minimum standards of mental ability, physical conditions, experience, education, personality, and specified training for each job classification in their respective departments. Such standards, when set, shall remain in effect until altered by action of the board. After the enunciation of said standards, a roster shall be kept by the board of all full time personnel in the classified service indicating what job classifications within their respective departments such personnel are eligible to fill. A roster shall also be kept on all applicants to become members of the classified service with appropriate indication of what job classifications such applicants are eligible to fill.

After the enunciation of said standards, no vacancy shall be filled except by a person on the roster of persons having the requisite qualifications to fill such vacancy.

If any vacancy shall occur within any branch of the classified service, the vacancy shall be offered first to that member of the said branch qualified on the roster who shall have the greatest seniority and so on in descending order. No person shall be reinstated in, or transferred, suspended or discharged from any place, position or employment in the classified service contrary to the provisions of this ordinance.

FUNCTIONS AND DUTIES OF CIVIL SERVICE BOARD:
OFFICERS OF BOARD: MEETINGS OF BOARD

4. **Section 4. Be it further enacted.** The board shall organize by forthwith electing one of its members as chairman and shall hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of its duties.

The board shall appoint a secretary who shall keep its records, preserve all reports made to it, superintend and keep a record of all examinations and perform such other duties as the board may prescribe.

It shall be the duty of the board:

a. To make suitable rules and regulations not inconsistent with the provisions of this ordinance. Such rules and regulations shall provide in detail the manner in which examinations may be held and appointments, promotions; transfers, demotions, reinstatements, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration; such rules and regulations shall include the methods used in determining the standard for each job classification in the classified service. These rules and regulations may be changed from time to time by the board and shall be printed or reproduced for free public distribution.

b. The rules and regulations shall include provisions so that seniority may not be lost by any person holding a position in the classified service if such person leaves the classified service to enter the military service of the United States, provided that such person returns to the classified service within six months following his honorable discharge from such service. In such cases the period of military service shall be included in the period of seniority of such person.

c. The board shall make investigations and report upon all matters touching the enforcement and effect of the provisions of this ordinance, and the rules and regulations prescribed hereunder, inspect all institutions and employment affected by this ordinance, and ascertain whether the ordinance and all such rules and regulations are being obeyed. Such investigations shall be made by the board on its own motion and must also be made on petition of any citizen duly verified stating that irregularities or abuses exist, or setting forth in writing the necessity for such investigation. In the course of such investigation, the board shall have the power to administer oaths, subpoena and require the attendance of witnesses, and require the production of books, papers, documents and accounts appertaining to the investigation. The failure upon the part of any person to comply with such subpoena or demand shall be a violation of this ordinance and punishable as such. The board shall have the authority to refer any complaint, before or after investigation, to the department head for solution.

d. All hearings and investigations before the board shall be governed by this ordinance and by the rules of practice and procedure to be adopted by the board. The board, or its designated hearing officer, shall not be bound by technical rules of evidence. No formality in any procedure or hearing shall invalidate any order, decision, rule or regulation made or approved by the board; provided, however, that no decision shall be binding unless concurred in by at least three of the board members.

e. To hear and determine appeals or complaints relative to the allocation of positions, the determination of job changes, the furnishings of rosters and the position of members of the classified service, and of applicants on such rosters, and such other matters relating to the administration of this ordinance as may be referred to the board.

f. To prepare a standard schedule of pay and of hours based generally upon presently applicable salary rates and hours worked for each class of positions in the classified service. Such pay plan shall include a minimum and maximum and such intermediate rates as may be deemed desirable for each class of position. In increasing or decreasing items in budgets, the governing body of the City of Rockwood shall not increase or decrease any

individual salary item, but shall act solely with respect to classes of positions as established in the classification and pay plan. In no event shall the said governing body reduce the salary of a class below the minimum or raise it above the maximum salary established by the pay plan except by amendment of the same. Provided, that nothing in this ordinance shall limit the hours to be worked in event of riot, dangerous fire or other bona fide emergency.

g. To see that the job classification, the standard for filling said classifications and the roster of eligible appointees for each classification are kept continuously up to date, and posted in the respective departments of the classified service. Said rosters shall show name, rank and number in their proper order by reason of seniority established by continuous service in the respective departments. Terms of leaves of absence granted by the board hereby created upon recommendation of the head of each department shall not forfeit the rights of the member granted leave under this ordinance nor be charged against such member in his order of seniority.

h. To make provisions that men laid off because of curtailment of expenditures, reduction in force, and for like causes, shall be the last person, or persons, including probationers, that have been appointed to the respective department of the classified service. Rules and regulations shall provide that persons so laid off shall be reinstated before any new appointments to said department shall be made.

i. To keep the appointing authority notified of the person highest on each eligible list for appointment to each vacancy that may occur.

j. To keep such records as may be necessary for the proper administration of this ordinance.

INDUCTION OF INCUMBENTS INTO CIVIL SERVICE

5. Section 5. Be it further enacted. All persons holding positions in the classified service, upon the effective date of this ordinance, who shall have served in such position for a period of at least ninety days previous thereto, are hereby inducted into civil service in the office, position or employment which such persons respectively held at the time of the enactment of this ordinance, subject, however, to removal, demotion, or suspension upon the same terms as any other person inducted permanently into civil service following the effective date of this ordinance.

QUALIFICATION OF APPLICANTS

6. Section 6. Be it further enacted.

a. Citizenship. An applicant for a civil service position of any kind under the classified service must be a citizen of the United States, who can read and write the English language.

b. Character and fitness. Every applicant for a position in the classified service must, in addition to such minimum standards as are stated by the board, also be of ordinary

good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the board may deem advisable.

**TENURE OF OFFICE; GROUNDS FOR DEMOTION,
SUSPENSION OR DISCHARGE**

7. **Section 7. Be it further enacted.** The tenure of everyone holding office, place, position, or employment under the provisions of this ordinance shall be for and only during good behavior. Any such person may be removed or discharged, suspended without pay, demoted or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons, but for no other reasons:

a. Dishonesty, intemperance, immoral conduct, insubordination, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to conduct himself properly; or any willful violation of the provisions of this ordinance or the rules and regulations to be adopted hereunder.

b. Conviction of a felony, or a misdemeanor involving moral turpitude, or a misdemeanor reflecting upon ability to perform public service or one for which a jail sentence is or may be imposed.

c. Any other act or failure to act which, in the judgment of the board, is sufficient to show the offender to be an unsuitable and unfit person to be employed in the classified service.

REMOVAL OF MEMBERS FROM CIVIL SERVICE

8. **Section 8. Be it further enacted.** No person in the classified civil service who shall have been permanently appointed or inducted into civil service under the provisions of this ordinance shall be removed, suspended or discharged except for cause, and only upon the written accusation of the appointing power, or any citizen or taxpayer, a written statement of which accusation shall be served upon the accused, and a duplicate filed with the board. The department head may suspend an employee of the department pending the confirmation of the suspension by the regular appointing power under this ordinance which must be within ten days. Any person so removed, suspended or discharged may within twenty days from the time of his removal, suspension or discharge file with the board a written demand for an investigation, whereupon the board shall conduct such investigation. The investigation shall be confined to the determination of whether such removal, suspension or discharge was or was not made for political reasons and was or was not made in good faith for cause. After such investigation, the board may affirm the removal, or if it shall find that the removal or suspension was made for political reasons, or was not made in good faith for cause, shall order the immediate reinstatement or re-employment of such person in the office, place, position or employment from which such person was removed, suspended or discharged, which reinstatement shall, if the board so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension or discharge. The board, in its discretion, in lieu of affirming or reversing the removal, suspension or discharge, may modify the order by direction a suspension without pay for a given period and subsequent restoration of duty, grade or pay; and the findings of the board

shall be certified in writing to the appointing power and shall be forthwith enforced by such authority.

All investigations made by the board pursuant to the provisions of this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel and presenting his defense. At any such hearing the testimony of all witnesses shall be taken in writing and a record made of all proceedings. From any order adverse to the accused, the latter may appeal to the chancery court of Roane County, Tennessee. Such appeal shall be taken by serving the board, within ten days after the entry of such order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the board affecting or relating to such order be filed by the board in such court. The board shall within twenty days after the filing of such notice, make, certify and file such transcript with such court. The chancery court shall thereupon proceed to hear and determine such appeal; provided, however, that such hearing shall be confined to the determination of whether the order of removal, discharge or suspension made by the board was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground, or grounds, and the decision of the court shall be final.

DUTY OF CITY OFFICERS AND EMPLOYEES TO ASSIST BOARD

9. Section 9. Be it further enacted. It shall be the duty of all officers and employees of the City of Rockwood to aid in all proper ways in carrying out the provisions of this ordinance, and such rules and regulations as may, from time to time be prescribed by the board thereunder and to afford the board, its members and employees, all reasonable facilities and assistance in the inspection of all books, papers, documents, and accounts applying or in any way appertaining to any and all offices, places, positions, papers, documents and accounts relevant to the duties of the board, and to attend and testify whenever required so to do by the board or any member thereof.

CERTIFICATION OF NAMES FOR VACANCIES; ELIGIBLE LISTS; PROBATIONARY EMPLOYMENT

10. Section 10. Be it further enacted. Whenever a position in the classified service becomes vacant, the governing body of the City of Rockwood, or the board in charge of the separate departments, shall make requisition upon the board for the name and address of a person eligible for appointment thereof. The board shall certify the name of the person highest on the eligible list willing to accept employment, except in cases where the person who would be certified is not at the time of certification employed in the classified service, in which cases the board shall certify the two names highest on the appropriate list, and the governing body, or board, shall appoint one of the persons so certified.

Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the governing body, or board, shall forthwith appoint the person, or, in the proper case, from among the persons

so certified, to said position.

The governing body, or board, of the city, as to department heads, and the chiefs of the respective departments with the approval of the governing body, or board, as to all other personnel shall, notwithstanding any other provisions of this ordinance, upon proper certification by the board of the eligibility of an applicant for any position in the classified service, be empowered to appoint such person to said position for a period of six months, during which time such applicant shall be on probation and subject to removal for just cause shown and any time during said six months' period; or if the governing body, or board, of the City of Rockwood shall in its discretion deem such person on probation unfit and unsatisfactory for such position, then and in that event such person on probation may be dismissed or transferred to another classification on probation, without prejudice to such applicant. Whatever action may be taken by such governing body, or board, with respect to such applicant or probationer shall not be reviewable by the board. In the event of dismissal of such applicant or probationer for reasons satisfactory to the governing body, or board, of the City of Rockwood then and in that event the board shall certify the name of the next person, or in the proper case persons, on the eligible list as the same shall appear from the records of the board.

LEAVE OF ABSENCE WITHOUT PAY

11. Section 11. Be it further enacted. Leave of absence, without pay, may be granted by the board upon the recommendation of the department head, and the board shall give notice of such leave of absence to the governing body, or board. All temporary employment caused by leaves of absence shall be made from the eligible list of classified civil service of the department concerned.

**FALSE MARKING, GRADING, ETC., OF EXAMINATIONS,
ETC., PROHIBITED**

12. Section 12. Be it further enacted. No board member or any other person shall, by himself/herself, or in cooperation with one or more persons, defeat or deceive any person in respect of his/her right of examination or registration according to the rules and regulations of this ordinance, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this ordinance or aid in so doing, or make any false representation concerning the same or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or persuade any other person, or permit or aid in any manner any person to personate any other person, in connection with any examination or registration or application or request to be examined or registered.

**POLITICAL ACTIVITIES; PROHIBITED; RELIGIOUS AND
POLITICAL DISCRIMINATION PROHIBITED**

13. Section 13. Be it further enacted.

a. No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to the employment in the classified service because of his political or religious opinions, but all employees must take an oath to support the Constitution of the United States.

b. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.

c. No person shall use or promise to use, directly or indirectly, any political or official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service or an increase in pay or other advantages in employment in any such position either for the purpose of influencing the vote of political action of any person, or for any consideration, or otherwise.

d. It shall be the duty of the board to supervise the execution of the foregoing civil service provisions of this ordinance, and the rules made thereunder, and it shall be the duty of all persons under the provisions of this ordinance to comply with such rules and to aid in their endorsement.

BOARD MAY OBTAIN ASSISTANCE

14. Section 14. Be it further enacted. The board shall be authorized to employ such clerical or administrative help as is necessary in carrying out the duties assigned to it, and shall also be authorized to retain legal counsel and engage actuarial experts to the extent necessary in carrying out the functions assigned to the board.

COMPLIANCE WITH ACT

15. Section 15. Be it further enacted. The failure on the part of the board, or any member thereof or on the part of the governing body, or board, of the City of Rockwood, or any member thereof, to comply with the terms of this ordinance shall be considered a violation of this ordinance and shall be punishable as such.

CITY TO FURNISH BOARD WITH ACCOMMODATIONS AND EQUIPMENT; EMPLOYMENT OR CLERICAL, ADMINISTRATIVE, ETC., ASSISTANCE

16. Section 16. Be it further enacted. The governing body of the City of Rockwood shall provide the board with suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the board and shall either provide directly or provide the funds for the payment of such necessary clerical, administrative, actuarial and legal assistance as may be employed by the board under the provision of section 14 of this ordinance, and the failure on the part of the governing body to do so shall be considered a violation of the ordinance and shall be punishable as such.

APPROPRIATIONS BY CITY COUNCIL; APPOINTMENT OF ORIGINAL BOARD

17. Section 17. Be it further enacted. The governing body of the City of Rockwood shall have authority to appropriate from the general funds of said city a sum sufficient to carry out the purposes of this ordinance, and shall make such appropriation. Within thirty days after the effective date of this ordinance, it shall be the duty of the governing body of the City of Rockwood, subject to the provisions of this ordinance, to appoint and create the board, as provided in section 1 hereof, and the failure upon the part of the governing body, or any member of it to do so, shall be deemed a violation of this ordinance and shall be punishable as such.

ORGANIZATION OF THE ORIGINAL BOARD

18. Section 18. Be it further enacted. It shall be the duty of the board appointed subject to the provisions of this ordinance to organize immediately and to see that the provisions thereof are carried into effect, and to make suitable rules and regulations to effect said purposes; and the failure upon the part of said board, or any individual member thereof so to do, shall be deemed a violation of this ordinance and shall be punishable as such.

PENALTY FOR VIOLATION OF ACT

19. Section 19. Be it further enacted. Any person who shall willfully violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not less than fifty or more than five hundred dollars.

REPEAL OF CONFLICTING LAWS

20. Section 20. Be it further enacted. That all laws or parts of laws in conflict with this ordinance be and the same are hereby repealed.

SEVERABILITY OF ACT

21. Section 21. Be it further enacted. That the provisions of this ordinance are hereby declared to be joint and severable and the invalidating of any section shall not affect the validity of the remaining sections, which shall remain in full force and effect.

VOTE TO BE TAKEN

22. Section 22. Be it further enacted. That all departments of the City of Rockwood whether governed by the governing body, or separate board, shall cause a vote to be taken by the employees of each department after the first reading of this Ordinance, and each department receiving a majority vote in the affirmative shall adopt this Ordinance as its own and be recorded in the minutes of the governing body, or the board. Departments not receiving a majority of affirmative votes shall continue to operate under the rules or Ordinance as previously established by the governing body or board.

The Council shall request that the Mayor notify the boards that a vote be taken by employees to adopt or not adopt this Ordinance. This vote will be taken after the adoption of the first reading. Any governing body, or board, will continue to function organizationally as they are doing at the present time.

EFFECTIVE DATE

23. Section 22. Be it further enacted. That this ordinance shall take effect March 17, _____, 1997, provided, however, that it shall not be valid, or have any effect until it has been passed on two separate readings by the City Council of the City of Rockwood.

Passed March 4, _____, 1997. 1st Reading

Passed March 17, _____, 1997, 2nd Reading

A:\CIVIL.SVC\ORDINANC

Mike Miller

Mayor

Attest:

[Signature]

Recorder