



**BOARD OF MAYOR AND ALDERMEN
AGENDA for March 3, 2025**

1. Call to Order

2. Prayer and Pledge

3. Roll Call

4. Approval of Agenda

5. Presentation

A. Commendations

B. Flock Safety Inc. Camera System

6. Public Hearing

A. Ordinance No. 25-02 – An Ordinance to amend the City of Portland, Tennessee zoning map by rezoning 243 and 245 TGT Road, from County RA (Rural Residential) and RS-40 (Low Density Residential) to GCS (General Commercial Services).

7. Public Comments

In accordance with Tennessee Public Chapter No. 300 and City Resolution #24-21, public comments are allowed when those comments are Germane to agenda items, except where otherwise prohibited; and the number of individuals speaking may be limited to ensure opposing viewpoints are fairly represented. Comments are limited to 5 minutes per individual.

8. Communications from Council Members

9. Mayor's Report

10. Consent Calendar

A. Department Reports

B. Minutes from February 3, 2025 Special Presentation

C. Minutes from the February 3, 2025, Work Study Meeting.

D. Minutes from February 3, 2025, City Council Meeting.

E. Resolution No. 25-14 – A Resolution to appoint one member to the Portland Municipal Board of Appeals.

11. Community Development – Vice-Mayor Megann Thompson

12. Finance – Alderman Vince Ellis

A. Resolution No. 25-15- A Resolution authorizing the acceptance of the best RFP (Request For Proposal) for the audit services for the City of Portland.

13. Fire Department – Alderman Jody McDowell

14. Human Resources – Alderman Vince Ellis

- A.** Ordinance No. 25-08 – First Reading – An Ordinance to repeal and replace Ordinance No. 20-07 Personnel Policy for the City of Portland, Tennessee.

15. Legislative – Mayor Mike Callis

- A.** Resolution No. 25-17 – A Resolution to adopt updated guidelines for public comments by repealing and replacing Resolution 24-21.
- B.** Discussion - Firework Ordinance

16. Municipal Airport – Alderman Mike Hall

17. Parks & Recreation – Alderman Brian Woodall

18. Planning & Codes – Vice-Mayor Megann Thompson

- A.** Ordinance No. 25-02 – Second Reading - An Ordinance to amend the City of Portland, Tennessee zoning map by rezoning 243 and 245 TGT Road, from County RA (Rural Residential) and RS-40 (Low Density Residential) to GCS (General Commercial Services).
- B.** Ordinance No. 25-06 – First Reading - An Ordinance to amend the City of Portland, Tennessee zoning map by rezoning 700 and 706 North Broadway, from county RR (Rural Residential), RS-20(Low Density Residential) and RS-40 (Low Density Residential) to PUD (Planned Unit Development).

19. Police Department – Alderman Drew Jennings

- A.** Discussion - Upgraded Security for Strawberry Festival
- B.** Discussion - Police Building Remodel Change Orders

20. Public Works – Alderman Brian Woodall

- A.** Ordinance No. 25-05 – Second Reading – An Ordinance authorizing the acceptance of the best bid for demolition, asbestos removal, disposal of building and parking lot prep located at 205 South Broadway Portland, Tennessee (aka-Jenkins Building).
- B.** Discussion - Lindsey Kyla Court flooding.

21. Utility Infrastructure – Alderman Charles Cole

- A.** Ordinance No. 25-03 –Second Reading – An Ordinance to amend Ordinance 22-14 (Portland Sewer Use Ordinance) to add a new fats, oils, and grease (FOG) Management Policy and Enforcement Response Guide (ERG) for food service establishments and grease waste haulers and rescind and replace the existing fog management program.
- B.** Ordinance No. 25-04 – Second Reading - An Ordinance to amend Section 205 of Title 18 of the City of Portland’s Municipal Code with the following language referencing the Grease Interceptor Requirements.

- C.** Resolution No. 25-15 – A Resolution authorizing change order #1 in the increased amount of \$40,000.00 and extending the contract times thirty (30) additional days with Perdue Trucking and Excavating for the 2024 Sewer Point Repairs Project.
- D.** Resolution No. 25-16 – A Resolution to apply for a FEMA Grant for the repair of the spillway at the City Lake.
- E.** Discussion - Water System - Projects, Funding, etc. (90-day review)

Adjournment

ORDINANCE

City of Portland, Tennessee

No. 25 – 02

Second Reading

AN ORDINANCE TO AMEND THE CITY OF PORTLAND, TENNESSEE ZONING MAP BY REZONING 243 AND 245 TGT RD, (MAP 16 PARCEL 34.02 AND 34.01) FROM COUNTY RR (RURAL RESIDENTIAL) AND RS-40 (LOW DENSITY RESIDENTIAL) TO GCS (GENERAL COMMERCIAL SERVICES)

WHEREAS, the City of Portland desires to amend the official zoning atlas of the City; and

WHEREAS, the City of Portland believes that such amendment will promote, protect, and facilitate the public health, safety, and welfare of the community through coordinated and practical land use and land development for the betterment of Portland's population; and

WHEREAS, the Portland Municipal Planning Commission recommended approval of the rezoning to GCS (General Commercial Services) by a vote of 9-0 at their January 14, 2025 meeting.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Portland, Tennessee, as follows:

Section 1. That the property described herein be, and the same is hereby, rezoned from County RR (County Rural Residential) and RS-40 (Low Density Residential) to GCS (General Commercial Services)

Approximately 2.00 acres more or less, located at 243 and 245 TGT Road as shown on the attached map.

For reference, see Record Book 2169, Page 580-581, in the Register's Office of Sumner County, Tennessee, and being shown as Map 16, Parcels 34.02 and 34.01, for Sumner County, Tennessee.

BE IT FURTHER ORDAINED hat all Ordinances in conflict herewith are repealed to the extent of said conflict, and that this Ordinance shall become effect upon the annexation of the property and after its passage on final reading, the public welfare requiring it.

Mike Callis, Mayor

Attest: Tracy Kizer, City Recorder

Passed First Reading: February 2, 2025

Notice Published: Portland Sun- 2/11/25; Portland Leader: 2/12/25

Public Hearing: March 3, 2025

Passed Second Reading:

REVISED IMAGE 2/3/25:



BUSINESS OFFICE MONTHLY REPORT

JANUARY 2025

Total Payments Received	9,207	\$3,264,918
Utility Bills Processed	10,230	\$2,001,643
Total Service Orders Processed	484	

Total Customers by Service	
Water	8362
Sewer	4695
Gas	5342
Sanitation	4865
Stormwater	5106

New Service Connect/Disconnect	
Water Disconnected	64
Water Connected	52
Gas Disconnected	28
Gas Connected	18

Taps Sold Jan 2025		Taps Sold YTD 2025	
Gas	7	Gas	7
Water	28	Water	28
Sewer	19	Sewer	19

Leak Adjustments Processed	20
Pool Adjustments Processed	1

Municipal Court Findings	
Citations Suspended	6
Citations Dismissed	5
Defendants Found Guilty	53
Defendants Given Traffic Class	21

Business Licenses	
Active Licenses	622
New Licenses	11
Renewed Licenses	33
Active Food Vendors	6

Property Taxes Processed	
Bills Processed	557
Amount Received	\$617,130
Property Taxes Collected YTD	
2022	99.5%
2023	97.8%
2024	52.8%
Tax Relief	
New & Existing Applicants YTD	225
Submitted to State Dec 2024	150
Payment Approved Dec 2024	74

Building Codes - January 2025 Report

Permit Type	No. of Permits	Amount
Residential Building	9	\$10,531.31
Commercial / Industrial	3	\$100,020.91
Plan Review	19	\$53,328.16
Stand Alone Building	1	\$87.50
Fire Alarm/Fire Sprinkler	1	\$2,088.00
Plumbing	5	\$788.65
Mechanical	34	\$5,369.90
Use & Occupancy	0	\$0.00
Swimming Pool	0	\$0.00
Demolition	0	\$0.00
Fire Works	0	\$0.00
Total	72	\$172,214.43

Impact Fees Collected - January 2025

Parks	\$5,373.00
Police	\$32,246.88
Fire	\$107,264.12
Total	\$144,884.00

General Fund - YTD Totals

\$172,214.43

General Fund - Fiscal YTD

\$376,329.03

Impact Fees - YTD

Parks - \$5,373.00

Police - \$32,246.88

Fire - \$107,264.12

Impact Fees - Fiscal YTD

\$9,910.00

\$47,139.49

\$149,710.65

Inspections/Re-Inspections Provided

Commercial	32
Residential	42
Totals	74

Inspections - Totals YTD

32
42
74

Economic Development 2025 January Report

COMMERCIAL	• Developer Meetings 8 • Retail Recruitment Calls 3 • Lunch ECHO Development
INDUSTRIAL IDB	• Reviewed PILOT from Robertson County • Nashville Chamber lunch and tour in Portland • Toured Industrial Park with State and TVA • Robco IDB Workstudy • Prospect Project Mercury – High water user
GRANTS	CMAQ – 109 to 52 to College St College Street Sidewalks Water Resource Protection Kirby Rd Paving AFG – Assistance to Firefighters Grant SIA Project Commodore THSO – Police TLETA – Police VCIF – Police LPRF – Local Parks and Recreation Interstate Lighting I-65 TDOT – 109 Bypass North TDOT – 109 Bypass South VALUE OF GRANTS/PROJECTS (WITHOUT 109 BYPASS) \$19,500,000.00 ARPA Water Resource Protection Diesel Grant – Medium Truck SIA Project Commodore Railroad Crossing Scatterville Rd Project Airport DGA Airport Land Acquisition Grant Airport Annual Maintenance Grant
MISC	• Monthly meeting with State ECD & TVA • Council Meeting 1 • Planning Meeting 1 • Meeting with GNRC regarding BRC Grant 2
COMMUNITY	• Chamber Luncheon • Lunch Ray Render – Congressman John Rose Office • Spoke to Leadership Portland • Radio Morning Show • Attended The Farmers Bank state presentation 100 years in TN



Office of the Finance Director
S. Russell Street Portland, TN 37148
615-325-6776

*As of January 31, 2025
Fiscal Year has elapsed - 59%*

	Amount	Unspent Committed Funds
GO Bond 2020	\$3,921,537	\$2,622,837
W/S Bond 2020	\$18,238,174	\$0

		Board Passed	
		1/31/2025	% of Budget
GENERAL FUND			
Revenue			
Taxes & Licenses	5,699,411	10,213,000	55.8%
Planning & Codes	409,945	713,500	57.5%
Intergovernmental	1,169,134	2,422,000	48.3%
Miscellaneous	178,549	362,000	49.3%
Court	64,656	152,500	42.4%
Other Revenues	916,070	244,000	375.4%
Loan Proceeds - Other Fin Source	1,399,685	1,596,800	87.7%
Grants & Special Projects	17,883	1,772,800	1.0%
TOTAL	9,855,334	17,476,600	56.4%
Expense			
General Government	1,881,605	2,624,091	71.7%
Administrative & Mayor	246,438	382,095	64.5%
Human Resources	95,285	123,307	77.3%
Planning & Zoning	159,851	295,716	54.1%
Codes	116,047	158,353	73.3%
Court	48,963	88,810	55.1%
Police	2,585,350	4,439,278	58.2%
Fire	1,781,109	2,776,977	64.1%
Streets & Highways	741,500	1,446,088	51.3%
City Garage	120,484	171,915	70.1%
State Street Aid	334,884	480,000	69.8%
Animal Control	54,078	121,076	44.7%
Grants & Special Projects	489,049	6,795,100	7.2%
Golf Course	315,862	589,665	53.6%
Parks & Recreation	560,113	985,338	56.8%
Community Development	67,272	132,298	50.8%
TOTAL	9,597,891	21,610,107	44.4%

		Board Passed		
		1/31/2025	Budget	% of Budget
WATER & SEWER				
Revenue				
	Revenue	7,954,936	13,727,000	58.0%
	TOTAL	7,954,936	13,727,000	58.0%
Expense				
	Water Plant	831,306	1,756,294	47.3%
	Water Distribution System	1,296,295	3,693,189	35.1%
	Grants & Projects	5,255,204	8,617,000	61.0%
	Sewer Collection	851,469	2,199,363	38.7%
	Sewer Plant	871,444	2,785,546	31.3%
	Business Office	271,040	548,960	49.4%
	Utility Administration	504,621	749,420	67.3%
	TOTAL w/ Bond	9,881,379	20,349,772	48.6%
NATURAL GAS FUND				
Revenue		2,748,870	6,478,000	42.4%
Expense		2,502,059	6,445,004	38.8%
AIRPORT FUND				
Revenue		\$729,230	\$708,465	102.9%
Expense		\$730,245	\$708,302	103.1%
DRUG FUND				
Revenue		\$9,595	\$4,000	239.9%
Expense		\$0	\$13,000	0.0%
STORMWATER				
Revenue		\$726,807	\$880,000	82.6%
Expense		\$654,499	\$1,262,415	51.8%
SOLID WASTE				
Revenue		\$995,443	\$1,385,603	71.8%
Expense		\$667,236	\$1,225,494	54.4%

		Board Passed		
		1/31/2025	Budget	% of Budget
IMPACT FEES				
Revenue				
	Parks	9,910	20,000	49.6%
	Police	47,748	15,000	318.3%
	Fire	149,473	7,500	1993.0%
	Interest	15,438	0	
	TOTAL	\$222,569	\$42,500	523.7%
Expense				
	Parks	0	8,500	0.0%
	Police	7,981	15,900	50.2%
	Fire	33,620	33,639	99.9%
	TOTAL	\$41,601	\$58,039	71.7%
DEBT SERVICE - GENERAL FUND				
Revenue	Transfer from General Fund	\$990,767	\$990,767	100.0%
Expense		\$169,865	\$990,767	17.1%

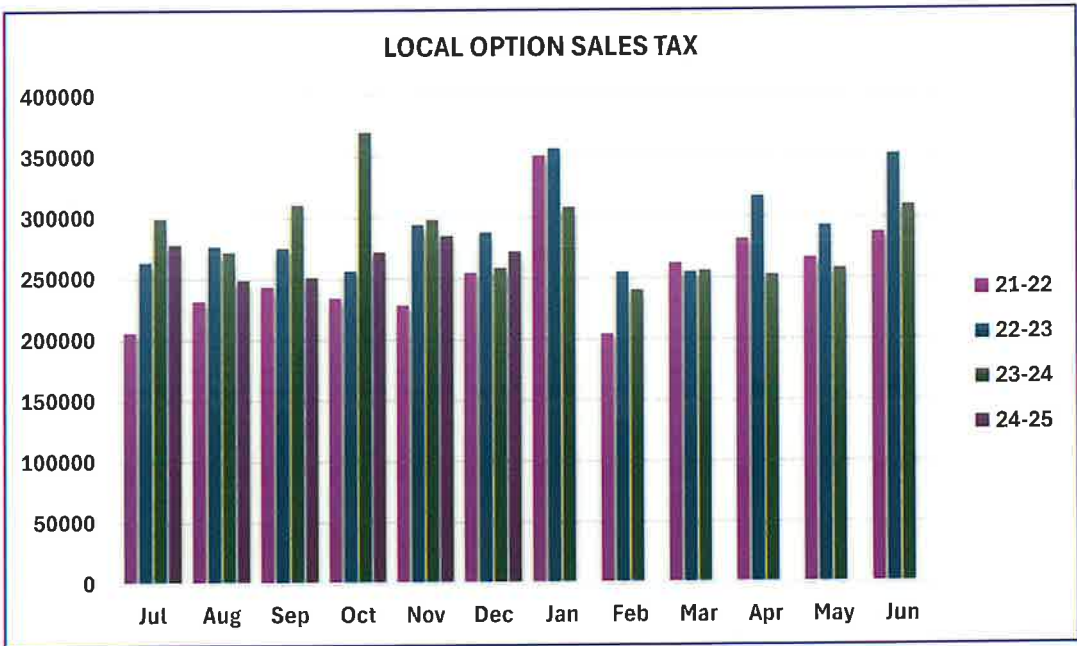
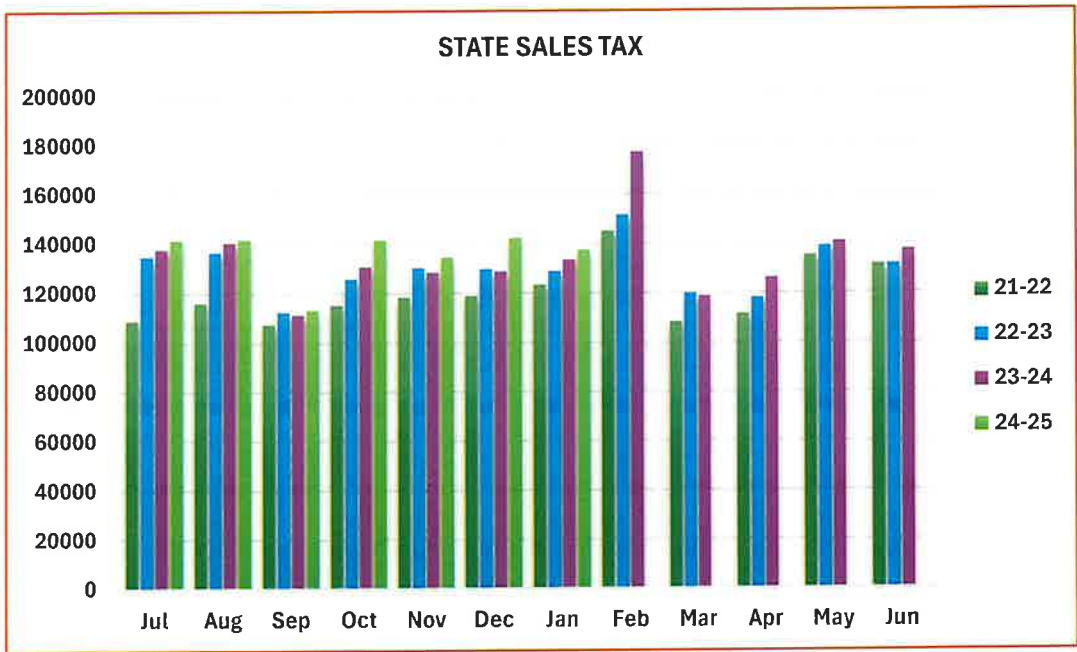
Rachel Slusser, CMFO

CAPITAL OUTLAY

Police	Police Cars X 4	3 - ✓
Public Works	Pickup Truck	✓
	Lawn Mower X 2	1 - ✓
	Mini Ex	
Animal Control	Pickup Truck	On order
	Outside Upgrades	In progress
Parks	Golf Sign	
	Golf Mower	On order
	Heating unit at gym	
	Tables & Chairs	Completed
	Camera System	
Stormwater	Pickup truck	✓
Water Dist	Truck X 2	1-✓
Sewer Collection	1 ton truck	Ordered
	Pickup truck	✓
Gas	Pickup truck X 2	1-✓, 1-ordered

PROJECTS

Comprehensive Plan	In progress
Parks Maintenance Bldg	In progress
Stormwater Bldg	Complete
Police Bldg Remodel	In progress
Irrigation - Golf Course	February Start
Splash Pad	Re-design
Gym Floor	In progress
Waterline - Hwy 52 to Searcy	Complete
System meter change out	On going
Wastewater Treatment Plant upgrade	In progress
Mason's Transmission Line	In progress
Oakhill Waterline	In progress
Oakhill Tank	In progress
Paving	On going
Wheeler Sidewalks	Complete
Dan Jenkins Bldg	Bid awarded



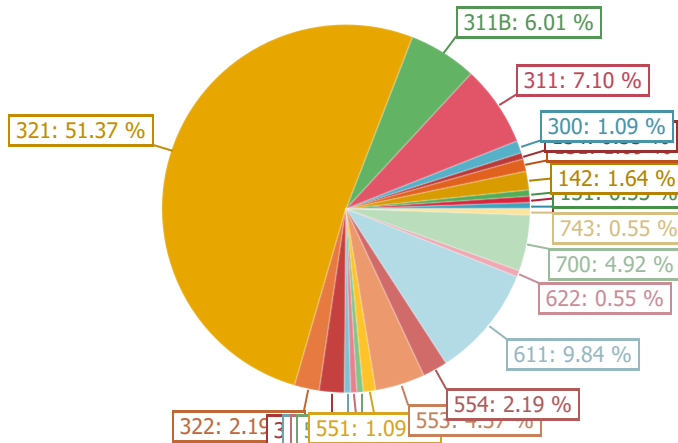


Portland Fire Department

111 Woods Road
Portland, Tennessee 37148
(615) 325-5649



Incident Reports By Incident Type, Summary



111: 0.55 %	324: 2.19 %
121: 0.55 %	440: 0.55 %
131: 0.55 %	522: 0.55 %
142: 1.64 %	550: 0.55 %
151: 1.09 %	551: 1.09 %
154: 0.55 %	553: 4.37 %
300: 1.09 %	554: 2.19 %
311: 7.10 %	611: 9.84 %
311B: 6.01 %	622: 0.55 %
321: 51.37 %	700: 4.92 %
322: 2.19 %	743: 0.55 %

Incident Type

Incident Type	Total Incidents	Percent
111 - Building fire	1	0.55%
121 - Fire in mobile home used as fixed residence	1	0.55%
131 - Passenger vehicle fire	1	0.55%
142 - Brush or brush-and-grass mixture fire	3	1.64%
151 - Outside rubbish, trash or waste fire	2	1.09%
154 - Dumpster or other outside trash receptacle fire	1	0.55%
300 - Rescue, EMS incident, other	2	1.09%
311 - Medical assist, assist EMS crew	13	7.10%
311B - Public Assist	11	6.01%
321 - EMS call, excluding vehicle accident with injury	94	51.37%
322 - Motor vehicle accident with injuries	4	2.19%
324 - Motor vehicle accident with no injuries.	4	2.19%
440 - Electrical wiring/equipment problem, other	1	0.55%
522 - Water or steam leak	1	0.55%
550 - Public service assistance, other	1	0.55%
551 - Assist police or other governmental agency	2	1.09%
553 - Public service	8	4.37%

Incident Type	Total Incidents	Percent
554 - Assist invalid	4	2.19%
611 - Dispatched & canceled en route	18	9.84%
622 - No incident found on arrival at dispatch address	1	0.55%
700 - False alarm or false call, other	9	4.92%
743 - Smoke detector activation, no fire - unintentional	1	0.55%

Total Number of Incidents: 183

Total Number of Incident Types: 22

Incident Type

Total Incidents

Percent

Report Filter Settings

Report File Name: Incident Reports by Incident Type, Summary

Filter Name: Last Calendar Month

Filter Expression: [AlarmDateTime] is between '1/1/2025 12:00:00 AM' and '1/31/2025 11:59:59 PM'

Human Resources Monthly Report January 2025

New Hire Orientations	Dec	YTD
Full-Time	4	4
Re-Hires	0	1
Part-Time	1	1
Retirements	0	0
Severances		
• Voluntary	2	2
• Involuntary	1	1
Workers Comp Claims	1	1
Current open positions	11	

I.T. Monthly Report

January 2025

Support Tickets: 51

Total Number of City Phone Calls: 9,193

Incoming: 6,451

Outgoing: 2,742

Total Number of City Email Messages:

Sent: 8,973

Received: 60,641

Social Media:

Animal Control: 9.1k views

City of Portland Gov: 173.2k views

Dogwood Hills: 1k views

Fire Department: 49.9k views

Parks Department: 967

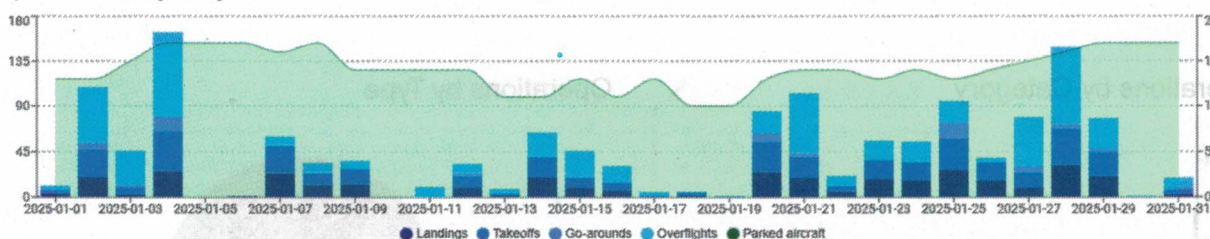
Police Department: 648.3k views

1M5 - Douglas Hunter Field

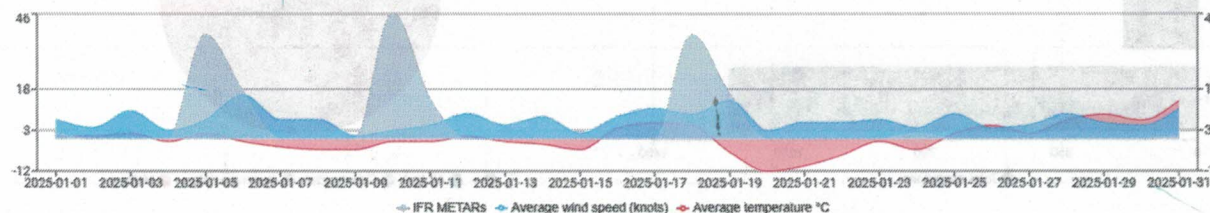
Operations Report for Jan 1, 2025 - Jan 31, 2025

Operations 1,444	Landings 347	Takeoffs 406	Go-arounds 77	Overflights 614
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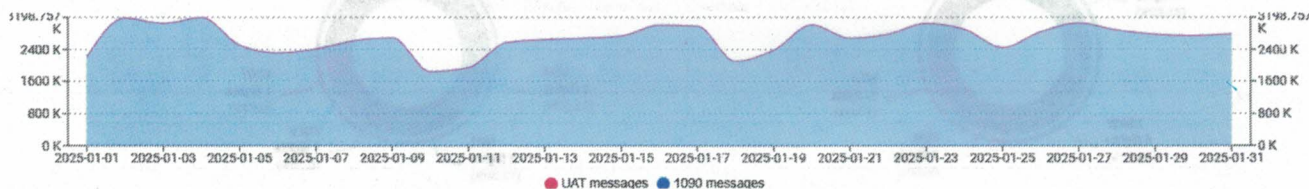
Operations by Day



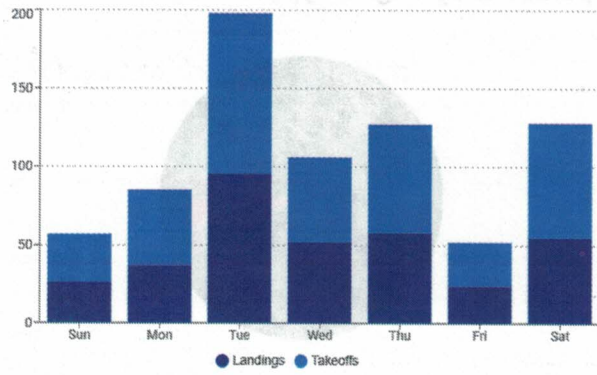
Weather Conditions



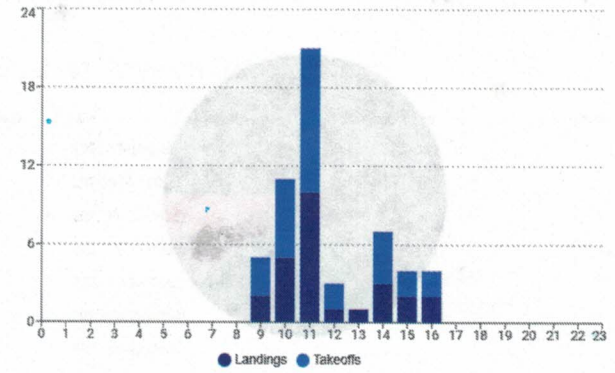
Receiver health



Operations by Day of Week

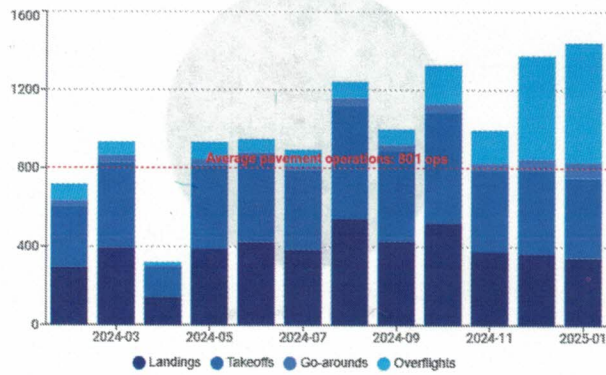


Operations by Hour



Historical Data

Landings and Takeoffs by Month



Busiest Days on Record

Rank	Date	Pavement ops	Aircraft
1	2024-11-16 (Sat)	123	18
2	2023-04-11 (Tue)	105	13
3	2023-09-13 (Wed)	103	15
4	2024-09-11 (Wed)	101	18
5	2024-10-10 (Thu)	98	16
6	2024-08-28 (Wed)	92	16
7	2024-10-19 (Sat)	89	14
7	2024-07-16 (Tue)	89	8
7	2023-03-29 (Wed)	89	15
7	2023-10-22 (Sun)	89	9

Fuel Sales for JANUARY

100 LL - \$8,659.26

Jet-A - \$4,222.80



Monthly Report / January 2025
Jamie White, Parks Director
Tammy Groves, Assistant Parks Director
Trent Stephens, Park Maintenance Crew Leader
Marty Bullington, Golf Course Manager

Civic Clubs

Portland Youth Football League	Off Season
Portland Soccer Club	Sign-ups
Portland Baseball and Softball	Sign-ups

Parks and Recreation Programs and Events

Irrigation: Parts have been delivered. Waiting on the weather to cooperate.

Richland Gym Floor: The gym floor has been installed, painted and striped. The last step is to build transitions from the entrances up to the new floor.

Splashpad: Working with OHM to redesign and rebid this project.

Maintenance Building: Work has begun, and we are looking at mid-April at completion.

War Memorial: This project has been completed. I would like to give a special thanks to Jim Donoho and his staff. Jim donated and planted the shrubs.

Daddy Daughter Dance will be held on Saturday February 8th. Please contact the Park's Office to purchase tickets.



January 2025 Sales Report

<u>Category</u>	<u>Items Sold</u>	<u>Total Sales</u>
Daily Rounds	134	\$3,700.00
Cart Rentals	14	\$90.00
Concessions	70	\$128.00
Pro Shop	9	\$187.00
Total:		\$4,135.00

January 2024 Sales Report

<u>Category</u>	<u>Items Sold</u>	<u>Total Sales</u>
Daily Rounds	88	\$1,980.00
Cart Rental	6	\$30.00
Concessions	44	\$72.00
Pro Shop	9	\$784.00
Total:		\$2,866.00



2025 EVENT SCHEDULE

Daddy/Daughter Dance – February 8th

Easter Egg Hunt – April 13th

4th Annual Strawberry Quilt Show – May 2nd and 3rd

Strawberry Festival Art Show – May 8th

Strawberry Festival – May 9th and 10th

Touch a Truck – July 26th

Back to School Bash – July 26th

Safety Day – July 26th

Trick or Treat – October 31st

52nd Annual Harvest Craft Show – November 8th

Christmas Parade – December 6th

Visit with Santa – December 13th

For More Details, Contact the Parks Department at
615-325-6464 or visit the website

www.cityofportlandtn.gov



Planning Department January 2025 Monthly Report Year to Date

Calls To/From Planning Department	213
Number of Developer Meetings	14
Number of Complaints / Violations	0
Number of Walk-ins	11
Number of IDT Submissions	18
Number of Sign Permits and Invoicing	2
Number of Other Meeting Attended	1
Number of Rezones	2
Number of Annexations	2
Number of Site Plans and Invoicing	1
Number of Preliminary Plats and Invoicing	0
Number of Final Plats and Invoicing	1
Number of Concepts	2
BZA Board Members Present	0
BZA Agenda Cancellation	1
BZA Minutes	0
Number of Items on Agenda BZA	0
Planning Commission Agenda	1
Planning Commission Minutes	1
Planning Commission Board Members Present	9
Number of Items on Agenda Planning Commission	11
Number of Discussion Items on P.C Agenda	0
Open Records for Planning Department	1
Active Letters of Credit	31
Emails	500
File Archiving/Scanning	3
Plat Certifications Intake & Pickup	1
Planning Commission Packets	9
Delivery of Packets	8

PORTLAND POLICE DEPARTMENT MONTHLY REPORT

1/1/2025 TO 1/31/2025

CID ACTIVITY

Cases Assigned	21	Interviews Conducted	53	Asset Forfeitures	0
Cases Inactive	3	Monitored Interviews	3	DCS/AOA	8
Cases Cleared	15	Search Warrants	9	Knock and Talk	9
Call outs	1	Judicial Subpoenas	12	Assist Patrol Units	11
Grand Jury Cases	1	General Sessions Cases	3	Forensic Interviews	0
Grand Jury Hours	2	General Sessions Hours	7	Fire Investigations	0
Juv Court Cases	0	Criminal Court Cases	0	CVSA Performed	0
Juv Court Hours	0	Criminal Court Hours	0	Sex offenders reg	0

Records Activity

Copies Distributed		Background Checks	
Walk-ins	12	Government	6
E-mails	39	Public Housing	0
Grand Jury & DA Copies	3	Local	0
Arrest Reports	53	Incident Reports	83
Written Warnings	245	City Citations	59

ANIMAL CONTROL ACTIVITY

CALLS ANSWERED	50	WILDLIFE	0	DECLARED VICIOUS	0
ANIMALS PICKED UP	0	RETURNED TO OWNER OR RESCUE	25	BARKING COMPLAINT	0
SENT TO S.C.S.C.	7	TRAPPED ANIMALS	0	CRUELTY & WELFARE COMPLAINTS	4
DOGS	34	ANIMAL BITE ON ANIMAL	0	WILDLIFE/LIVESTOCK COMPLAINTS	2
CATS	1	ANIMAL BITE ON HUMANS	2	TICKETS/WARRANTS/ARRESTS	2
LIVESTOCK	0	EUTHANASIA	1	WARNINGS	0
		ADOPTIONS	1	REPORTS	3
SPECIAL ASSIGNMENTS	0	INTAKE	18		

PROPERTY MAINTENANCE / CODES

CASE NUMBERS	0	RESOLVED BY CONTACT/PHONE	7
NON-COMPLIANCE LETTERS	0	CITY COURTS DATES	2
NEW GRASS/RUBISH COMP	0	CITY HALL BANK ESCORTS	18
RE-INSPECTIONS	0	MAIL DELIVERY	18
PARKING COMPLAINTS	0	ASSIST ANIMAL CONTROL	33
FOLLOW-UP PARKING COMP	0	ARRESTS	CIVIL WARRANT
VEHICLES (NON-COMP)	FINAL NOTICE SENT	REPORTS	0
WORK ORDERS	0	CITATIONS	3
PROPERTY LIENS	1	WRITTEN WARNINGS	0
RELEASE OF LIENS	14	Traffic Stop	0

CALLS FOR SERVICE					
TOTAL MONTHLY CALLS= 1,880					
911 HANG UP	10	DRUG INVESTIGATION	2	RIOT	0
911 MISDIAL	27	ESCORT	10	ROBBERY	0
911 MISDIRECT	2	EVADING	2	RUNAWAY	1
911 OPEN LINE	13	EXPORTE SERVICE	0	SCAM	4
ABANDONED VEHICLE	1	EXTRA PATROL	111	SCHOOL CHECK	15
ABUSE INVESTIGATION	1	FIELD INTERVIEW	1	SCHOOL ZONE	94
ACCIDENT INJURY	5	FIGHT	0	SEX OFFENDER REGISTRATION/VIOLATION	0
ACCIDENT INJURY HIT/RUN	0	FIREARM DENIAL	0	SEXUAL ASSAULT	0
ACCIDENT PROPERTY	28	FIREWORKS	0	SHOOTING	0
ACCIDENT PROPERTY HIT/RUN	3	FOLLOW-UP	29	SHOPLIFTING	0
ACCIDENT SERIOUS INCIDENT	0	FORGERY	0	SHOTS FIRED OR HEARD	2
ACTIVE SHOOTER	0	FRAUD	2	SOLICITOR	1
ADMIN INVESTIGATION	0	HANGING	0	SPECIAL ASSIGNMENT	1
AIRCRAFT EMERGENCY	0	HARASSEMENT	3	SPECIAL ASSIGNMENT COMMUNITY	0
ALARM	36	HOSTAGE SITUATION	0	STABBING	0
ALARM HOLD UP/PANIC	7	HOTEL CHECK	0	STALKING	0
ALARM SCHOOL LOCKDOWN	0	ILLEGAL DUMPING	0	STOLEN VEHICILE	1
ALARM TEST	0	INDENCENT EXPOSURE	0	SUBDIVISION CHECK	7
ANIMAL CALL	42	INVESTIGATION	2	SUBJECT CHECK	17
APARTMENT CHECK	5	JUVENILE	8	SUICIDAL SUBJECT	11
ARMED SUBJECT	0	JUVENILE TRANSPORT	0	SUSPICIOUS INCIDENT	34
ARSON	0	KIDNAPPING	0	SUSPICIOUS PERSON	5
ASSAULT	1	KNOCK AND TALK	0	SUSPICIOUS VEHICLE	5
ASSIST CITIZEN	44	LAKE CHECK	1	TALK TO OFFICER	141
ASSIST EMS	29	LOCKOUT	2	TEST CALL	0
ASSIST FIRE	8	LOCKOUT URGENT	1	TEST CALL ALL AGENCIES	0
ASSIST OTHER AGENCY	26	LOST/FOUND PROPERTY	5	THEFT	5
ATTEMPT TO LOCATE	4	LPR HIT	2	THREATS	1
BARRICADED SUBJECT	0	MENTAL TRANSPORT	0	TRAFFIC COMPLAINT	4
BLUE TEAM REPORT	0	MISC. MATTER OF RECORD	3	TRAFFIC ENFORCEMENT	4
BOLO	7	MISSING ADULT	1	TRAFFIC HAZARD	12
BOMB THREAT	0	MISSING JUVENILE	1	TRAFFIC STOP	656
BURGLARY	2	NOISE COMPLAINT	5	TRAIN DERAILMENT	0
BUSINESS CHECK	161	OPEN DOOR	0	TRESPASS	8
CAR SEAT CHECK	0	OVERDOSE	1	TROUBLE @ PD	0
CHECKPOINT	0	PARK CHECK	46	UNAUTHORIZED USE OF VEHICLE	2
CITY CALL OUT	1	PARKING COMPLAINT	9	UNKNOWN SITUATION	0
CIVIL MATTER	5	PHONE MESSAGE	0	VANDALISM	3
CODE 99-OFFICER IN TROUBLE	0	PRISONER ESCAPE	0	VEHICLE BURGLARY	0
CODES	2	PRISONER TRANSPORT	0	VEHICLE CHECK	31
DAMAGE TO PROPERTY	7	PRIVATE PROPERTY TOW	0	VIOLATION CORRECTION VERIFY	4
DEATH INVESTIGATION	0	PROSTITUTION	0	VIO OF ORDER OF PROTECTION	3
DELIVER MESSAGE	1	PROWLER	0	WARRANT CIVIL	1
DISORDERLY CONDUCT	0	P.I.	0	WARRANT CRIMINAL	1
DISTURBANCE	9	RADIO COMMUNICATION	0	WEATHER RELATED ISSUE	0
DOMESTIC	17	RECKLESS DRIVER	22	WELFARE CHECK	20
DRILL	0	REFERRAL	3	GANG ACTIVITY	0
DUI	2	REPO	8	GAS DRIVE OFF	0

YTD Total Calls for Service	1,880
YTD Total Written Warnings	245
YTD Total Speeding Citations	126
YTD Total all other city citations	59
YTD Commercial vehicle enforcements	39
YTD Total Arrest	56
YTD Total Fuel per Gallons	3,373.504



Portland Police Department

PPD PATROL DIVISION ACTIVITY FORM

Month: January 2025

Supervisor: Asst. Chief Sabie



Officer	Crashes Worked	Speed Cite	DUI	Child Seat	Seat Belt	Distracted Driving	Other Cites	Other Warnings	Verbal Warning	School Zone	CMV	Reports	Assist	Arrests	Total Stops	Calls for service	Financial Responsibility
ADAMS	0	10	0	0	0	0	1	10	16	0	0	1	25	0	21	17	0
BISE	1	8	0	0	0	0	0	13	7	0	0	2	40	1	28	27	0
BRADLEY	3	2	0	0	0	0	2	9	8	0	0	6	29	3	20	44	4
BRAY	0	14	0	0	0	0	3	19	10	11	0	5	13	2	46	59	3
CLEMMONS	1	20	0	0	0	0	2	21	20	4	0	7	26	2	61	44	1
CLINE	0	0	0	0	0	0	5	14	31	5	0	11	23	7	50	48	0
CONVER	0	0	0	0	0	0	2	5	16	6	0	4	27	1	25	12	2
CORLEY	0	0	0	0	0	0	0	1	2	0	0	2	7	0	4	18	0
CRADDOCK	1	0	0	0	0	0	2	1	5	0	0	6	18	3	8	37	1
FRANKS	0	0	0	0	0	0	2	9	6	0	0	7	18	2	27	63	2
GAZZO	0	7	0	0	0	0	6	8	2	6	0	2	20	2	20	6	0
KAYLOR	0	37	0	0	0	0	16	35	47	6	0	11	16	9	119	8	0
LADD	1	3	1	0	0	0	3	17	15	0	2	11	36	3	35	52	0
LESTER	3	0	0	0	0	0	0	19	5	9	0	3	35	0	24	50	0
MANNY	2	0	0	0	0	0	0	7	2	0	0	6	35	1	9	24	0
MILLER	3	0	1	0	0	0	0	11	1	2	4	6	23	3	11	61	0
PSZENITZKI	0	0	0	0	0	0	0	4	4	0	0	3	42	1	6	23	0
RILEY	0	2	0	0	0	0	0	10	9	0	0	5	38	4	23	11	2
ROMAN	3	21	0	0	0	1	7	8	6	3	1	6	44	5	45	37	1
RUSH	1	0	0	0	0	0	0	10	4	14	1	1	28	0	14	68	0
STEPHENS	3	1	0	0	0	0	0	4	21	0	0	7	30	2	31	43	0
TAYLOR	0	0	0	0	0	0	2	3	6	0	30	4	41	3	9	35	0
TONY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WERNER	3	1	0	0	0	0	3	7	15	0	1	6	13	2	20	14	0
Total:	25	126	2	0	0	1	56	245	258	66	39	122	627	56	656	801	16



CITY OF PORTLAND
STORMWATER MANAGEMENT PROGRAM
100 SOUTH RUSSELL STREET
PORTLAND, TENNESSEE 37148
Telephone 615/325-6776

Date: 2/20/2025

Stormwater Management Monthly Report- January 2025

Public Education and Outreach

The Stormwater Department continued to work with UT Extension on the Urban Forestry grant. The first planning meeting was held in Gallatin to get a better idea of kick-off activities for the grant and how they will be implemented in Gallatin and Portland. The first Tree Board meeting in Portland was scheduled for February 18th in the Council Chambers.

Construction Site Runoff Control

Pre-Con/Pre-App Meetings: 8

LDPs issued: 8

CGP Inspections: 25

CGP inspections are required once monthly per TDEC. Most sites are inspected more than once a month through pre-con inspections, re-inspections, and illicit discharge complaints. Residential sites that are not under TDEC coverage are inspected on a weekly basis.

Permanent Stormwater Management

New LTMAAs received: 0

LTMA Inspections Received: 0

Good Housekeeping/Employee Training

Meetings were held this month with numerous property owners who experienced flooding. Background work was done by CEC on the Airport Road detention basin and an in-depth H&H analysis was performed on a drainage basin within the scope of this study to alleviate flooding concerns. Corbin Keen began the Certified Public Manager course and attended the first class in Nashville on January 24th.



CITY OF PORTLAND

Public Works

Stormwater Field Crew

**Council Report Submitted by
David Harris**

Submitted for the March 2025 meeting
For January and February 2025

Maintenance (Citywide Various Locations)

- ☒ Maintenance: Storm grate, driveway tiles, canals, ditches and cut swells in yards to prevent flooding etc.
- ☐ Installation or replacement of driveway and road tiles.
- ☒ Place signage such as detour, work ahead - as needed
- ☒ Check and clean storm drains prior to storm event
- ☒ Yard repair: clean up, seed and straw job site
- ☒ Meet with homeowners about drainage issues or upcoming jobs.
- ☒ Tree removal
- ☐ Setup and Checked beaver traps.
- ☒ Purchase supplies: Drainage pipe, gravel, fittings, tools etc...

Other Tasks

- ☒ Attend meetings:
- ☒ Called in Tn One Call tickets
- ☒ Office: Timesheets, work orders, project sheets, reports etc...
- ☐ Inventory counts

Vehicle and Equipment

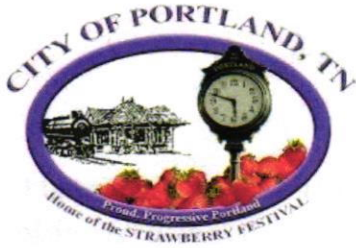
- ☒ Took truck and equipment to get repairs - Local mechanic shop and outside source.
- ☒ Perform daily maintenance check on vehicle and equipment
- ☒ Pick up various parts and supplies for vehicles and equipment.
- ☒ Clean up equipment and trucks

Assistance Work (Convenience Center, Other Dept. & Other City)

- ☒ Convenience Center: clear site of debris and maintain the burn box
- ☒ Range: Maintain road, and drainage
- ☒ Assist other depts as needed.
- ☐ Strawberry Festival
- ☐ Help: Chamber of Commerce, Little League park

Projects:

- ☒ E McGlothlin St. Road Cut- Installed a Catch Basin across the road to move water from parking lots to keep from eating the road way.
- ☒ Strawberry Station Remove old drainage, Installed new Catch Basin Installed new drainage pipe
- ☒ Feb. Flood Shut down flooded roads, clean out blocked tiles to get water down as fast as possible
- ☒ Feb Snow Storm Snow Removal, Plow, shovel, salt



CITY OF PORTLAND

Public Works

Street Dept.

Council Report Submitted by
Martin Weekley

Submitted for March 2025 Meeting.
January February 2025 Report.

Maintenance and Management

- ☒ Downtown area - Pick up trash, empty cans, water flowers and water systems, etc....
- ☒ Cross train employee's on the mowing tractors and other equipment
- ☒ Trim and remove low hanging branches
- ☒ Clean up at shop (put away tools, organize signage and other materials)
- ☒ Straighten up shop lot: all tractors, trailers, backhoe, and other equipment
- ☒ Office paperwork - Time sheets, po request, work orders, route sheets, daily task and monthly report
- ☒ Organize inventory and tools as needed.
- ☒ Maintain traffic signals, school zone lighting and decorative street lighting.
- ☒ Report street light issues to CEMC.
- ☐ Assist paving crew - (prep and plan) riser and roadplates
- ☐ Inventory counts -
- ☐ Collect bagged leaves - brush route

Maintenance of Roadway and Signage

- ☒ Potholes: Check, fill with gravel, repair with cold or hot mix.
- ☒ Roadcut: Prep equipment, compact gravel, then asphalt area.
- ☒ Edge of road: Repair with gravel or asphalt
- ☒ Graveled around mailboxes (USPS request)
- ☒ Remove debris from roadway: branches, dead animals, car parts, glass etc....
- ☒ Signage: Repair, replace or install
- ☒ Remove, haul, dispose of scrap material
- ☐ Mowing: Right of ways, canals, shooting range, intersections, city property lots and shops.
- ☐ Mow lots for our Codes Enforcement Dept
- ☐ Weed eat and spray: downtown area, overpass, guard rails, various intersections ,around signage etc.....
- ☐ Mow with tractors, bushhog, zero turns, batwing mowers etc...
- ☒ Banners and signage - Installation or change out.

Assist in other Departments

- ☒ Sanitation: Assist by helping drive claw truck or sanitation truck Bulk and Brush pick up
- ☒ Stormwater: Check storm drains
- ☒ Convenience Center - Attendant on site, smash down dumpsters, schedule hauls, and maintain the burn box.
- ☐ Golf Course: Remove trees, maint repairs etc....
- ☐ Richland and Meadow Brook Park
- ☒ City Property: Various task such as: trees, gravel, drainage
- ☐



CITY OF PORTLAND

Public Works

Street Dept.

Council Report Submitted by
Martin Weekley

Vehicle & Equipment Maintenance

- ☒ Perform daily maintenance check on vehicle and equipment
- ☒ Took truck and equipment to get repairs - Local mechanic shop and outside source.
- ☒ Pick up various parts and supplies for vehicles and equipment.
- ☒ Repair equipment and tools (Tires, batteries, hoses, decks, fluids, fittings, blades, etc.)
- ☒ Repairs made on tractors, chipper, trailers, hot box, backhoe etc.....
- ☒ Switch out and replacing attachments on equipment (Mowers and tractors)
- ☐ Clean up spills in the roadway

Special Events:

Traffic Control , setup barricades, cones/ Removed after event
Setup and remove signage and message boards (road closure etc.)
Set up tables, chairs, stage for the band and other displays.
Pick up and drop off supplies.
Clean up and remove all trash before and after any event.
Set up signage and digital message boards

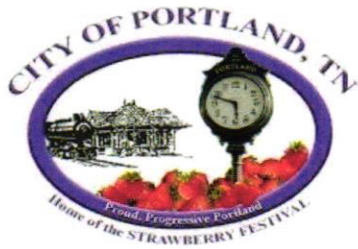
- ☒ Decorate for Holiday: Such as Christmas, spring and fall events.
- ☒ Christmas Parade
- ☐ Strawberry Festival
- ☒ Fall Festival
- ☐ Homecoming Parade
- ☐ Music on Main
- ☐ Car Shows

Assist other businesses

- ☒ Chamber of Commerce
- ☐ Hands of Hope
- ☒ Portland Cares
- ☒ Portland Schools
- ☐ Little League Park

Misc. other task

- ☒ Paint stop bars, crosswalks and install flashing lights at the newest stop signs
- ☒ Tree's: cut and haul away debris (Various locations)
- ☐ Flower and landscape: Removed dead flowers, fertilize, water and clean up
- ☐ Gazebo: Painted, fixed flag and repaired water lines
- ☒ Prep all winter equipment (Snow plow, trucks, salt spreaders etc...)



CITY OF PORTLAND

Public Works

Street Dept.

Council Report Submitted by
Martin Weekley

- ☐ Assisted the paving crew: Removed gravel and cleared area so they could pave at RR tracks.
- ☐ Street Shop - Salt Shed: Cleaned up, installed new lights, helped electrician, prep site to get paved.

Christmas tree, lights and decorations were installed: City Hall, Gazebo, Mini Park, Moye-Green house,

- ☐ downtown, North and S Fire Hall, Police Dept, intersection of Hwy 109/52 and on poles along Hwy 109.
- ☐ William Mack Ln - Spread gravel on access road
- ☒ Inspect New side walk Construction at Gas plant and Kirby Drive.
- ☐ Tree's: Removed several trees from city property. Used stump grinder to level the areas.
- ☒ Salt and brine Roadways/Parking lots Police and Fire stations in preparation for storms.
- ☒ Plow/Salt, Brine Roadways/Parking lots Police & Fire stations.
- ☒ Clear sidewalks of snow and ice
- ☒ Shut roadways down for high water/ water over the road during flood event.
- ☒ Remove portland panther Signs from old farmers bank store at airport house.
- ☒ Clear out the remaining items from the Dan Jenkins Bldg take to airport storage
- ☒ Hot Mixed road cut on E McGlothlin St. 8 tons used.
- ☒ Remove dead animals from the roadways.
- ☒ Repair Frost free valve at street shop.
- ☒ Work to remove all Block kennel walls at Animal control and haul to Ranch road.
- ☒ take down and pallet all outside kennels and kennel doors at animal control.
- ☒ Cleaned tree line on North street removed all trash around Drain hole filled in small sink holes.



CITY OF PORTLAND

Public Works

Sanitation Dept

Council Report Submitted by
Martin Weekley

Submitted for the March 2025 meeting
Jan. 2025 Totals

Sanitation Dept is responsible for picking up, disposing of household trash and bulk items.

Pick up bulk items - Furniture, appliances, etc.....

Pick up brush (Claw truck, and chipper)

Pick up trash carts at curb repair or replace damaged carts

Keep trucks and equipment in working condition.

Travel to Sumner Co. Resource Authority to empty

Two claw trucks picking up bulk items and brush at curbside

January-2025				
	Sumner Co. Resource Authority (Dump)		Volunteer Recycling Center (Haul)	
	City of Portland	Volunteer Recycling	City of Portland	Other(Cares)
# of Loads	54	19	15	0
Tonnage	475.23	45.62		
Per cost	\$55.00	\$55.00	\$275.00	\$0.00
Amount	\$26,137.65	\$2,509.10	\$4,125.00	\$0.00
Total	\$28,646.75		\$4,125.00	
Grand Total	\$32,771.75			

Monthly Fuel Report

The City of Portland purchases fuel from Wex fuel and Rapid Fueling Co.

This includes Fire, Police, Airport, Parks, Codes, Planning, City Hall, Public Works shops and Department of Utilities shops and treatment plants.

January 2025 fuel cost cant be posted this month. Rapid Fueling had an update that messed up their system. I have spoken with them, they will send out a invoice when the problem is resolved. No late fee will be added due to a system failure on their end.
See breakdown below

Rapid Fueling Company	Rapid Fueling Company			
	Regular	Diesel Off Road	Diesel On Road	
Airport	21.00			43.24
City Hall	108.98			136.70
Mechanic Shop	17.55			43.86
Gas	17.45	70.16	770.11	566.64
Meter Readers	136.43			133.78
Parks	407.02	43.50		612.69
Planning	56.86			81.44
Sanitation	17.09		1,555.44	1,224.13
Sewer Colleciton	429.93		27.61	372.12
Stormwater	458.19	136.10	102.27	1,076.05
Street	462.03	67.74	80.00	749.25
Water Dist	748.35		0.00	729.24
WTP	105.13	40.00		189.96
WWTP	94.84			39.04
Total Gallons	3,080.86	357.50	2,535.44	5,973.79
Total cost				\$0.00

WEX fuel System				Cost
Police Dept	3,373.50			\$7,789.00
Fire Dept	119.36		494.26	\$1,619.75
				\$9,408.75

WEX Fuel System			\$9,408.75
Rapid Fueling Co.			Software clitch
	Total cost		\$9,408.75

Software issue - Will invoice when corrected

City of Portland
Office of Recorder
100 South Russell Street
Portland, Tennessee 37148

Phone 615/325-6776 Ext. 245

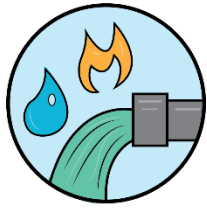
January 2025 Monthly Report

1 Council Meetings	January 6 th	6 - Council Members present 1 - Council Members absent 1 – Alcohol Beverage Board 0 - Public Hearings 3 - Resolutions 3 - Ordinances
Work Study Meetings	0	
Ad-Hoc Meetings	0	
Liability Claims	0	
Property Claims	0	
Records Requested	8 (see attached)	

**Open Records Request for
January 2025**

Powered by  **monday.com**

Name	Information Requested	Status	Date Closed	Time spent	Value	Billed
25-0001 / Jared Litzhfield	Speeding Violations for Academy Rd.	email sent	2025-01-08	> 1 hour	10	0
25-0002 / Jared Litzhfield	Crash History Violations for Academy Rd.	email sent	No Records	> 1 hour	10	0
25-010601 / James Jackson	Police Call	Denied	Referred to SCECC	0	0	0
25-011301 - Ralph Perrazzo	Ralph Perrazzo Violations for Academy Rd.	email sent	2025-01-23	1 hour	10	0
25-011501/ Kirk Templin	Flooding issues at Watt Hardison Ave/Gibson St.	email sent	2025-01-23	> 1 hour	10	0
25-011701/ Beth Dyke	Employee File	email sent	2025-01-28	> 1 hour	10	0
25-012101/ Open The Books TN	Complete employee listing and salaries	email sent	2025-01-23	> 1 hour	10	0
25-012201/ Mark Edwards	Active Mechanical Permits, commercial HVAC	email sent	2025-01-29	> 1 hour	10	0



PORTLAND

Department of Utilities

Call 811 Before You Dig!
Portland, Tennessee

CITY OF PORTLAND

DEPARTMENT OF UTILITIES
100 SOUTH RUSSELL STREET
PORTLAND, TENNESSEE 37148
Telephone (615) 323-1437

PDU Admin. Work Report January 2025

Service Taps Issued

The WTP has a capacity of approximately 3.0 MGD. Existing peak demand plus all proposed development results in a projected peak demand of 3.731 MGD.

Single Taps

- Water: 20 taps
- Sewer: 17 taps
- Gas: 11 taps

Development Taps

Utility	Original Letter	First Renewal	Second Renewal
Water	24	0	0
Sewer	33	0	0
Gas	0	0	0

City Projects

- Non-Competitive ARPA Grant Projects:
 - a. Masons 12" Connector Line – Water is 94% complete. Waiting on Oak Hill Tank to be completed.
 - b. Oak Hill Water Line – Water is 97% complete. Waiting on Oak Hill Tank to be completed.
 - c. Oak Hill Tank – Tank is 56% complete. Phoenix Contractors started working on erecting the tank at the end of January.
- Competitive ARPA Grant Projects
 - a. Regionalization Project – Partnership with Gallatin, Westmoreland, & CSBWUD – All entities have had Bid Openings: GPU was December 12th (\$11,831,800), Westmoreland was December 19th (\$572,790), CSBWUD was January 14th (\$4,110,942.50), and PDU was January 15th (\$8,337,300.00). Portland City Council voted for the intent to pursue 3 MGD capacity with the project, Award Scenario A.
 - b. Water Resource Protection Grant – WTP and City Lake Improvements – Design is 25%
- WWTP Phase II Improvements – Construction is 94% complete.
- 2" Service Line Replacement – 8 out of 17 service lines have been replaced.
- Sandye Avenue Sewer – Sewer installation has begun - 90% complete.
- 2024 Sewer Point Repairs – 6 out of 53 items have been repaired.

Private Development

- Twin Lakes – Sewer installation has begun – 20% complete
- Bracken Estates - Sewer installation has begun – 20% complete
- Sumner Pointe Apartments Magnolia Springs Blvd – Sewer is reinstalled, clock has started on the 30-day waiting period. The contractor damaged a storm pipe and is currently working on fixing it.
- Parkside Pointe Phase 1:
 - Onsite Sewer – Lift Station is being installed and is 60% complete. Phase 2, 3, and 4 sewer has been installed.
 - Onsite Water – Phase 2 water main has started being installed.
- Hwy 52E #1 Lift Station – 100% Complete.
- Red River and Highland – 6" Waterline – 65% complete.
- Fire Meters Installed – Peytons Midsouth (120 Kirby Dr), Unipres (201 and 209 Kirby Dr), Tsubaki (250 Kirby Dr), Shoals Industries (1400 Shoals Way), International Hanger (1108 Vaughn Pkwy), Hatch Stamping (1109 Vaughn Pkwy), Gas Tite/Titeflex Corp (1116 Vaughn Pkwy), Olhausen (1124 Vaughn Pkwy),



PORTLAND

Department of Utilities

Call 811 Before You Dig!

Portland, Tennessee

CITY OF PORTLAND

TIM SUDDARTH – WTP CHIEF OPERATOR

298 PORTLAND LAKE RD.

PORTLAND, TENNESSEE 37148

Telephone 615-325-6776 ext.192

Telephone 615-566-7074

Email TSuddarth@cityofportlandtn.gov

Portland WTP Report for Month of January 2025

- Submitted December 2024 DMR via the EPA CDX online portal.
- Submitted December 2024 MOR's via certified mail.
- Cleared a blockage on the pressure transmitter at Veterans Drive tank site.
- Drained pumps at Mason booster station to prevent freezing.
- Replaced gear box heater on entrance gate # 2.
- Replaced braided chemical feed hoses in pipe gallery.
- 25 tons of salt was delivered for sodium hypochlorite production.
- Rebuilt raw water sample pump.
- Changed brine pump on Microchlor OSHG.
- WHUD officials onsite for WTP tour.
- Processed bac-t samples for CSBUD and the City of Westmoreland water system.
- Verified genset weekly exercises WTP and both booster sites.
- Checked monitoring wells at City Lake.
- Collected and processed 25 bac-t compliance samples.
- Routine maintenance was performed on schedule.
- Produced 67,331,000 gallons of potable water for distribution to customers.



PORTLAND

Department of Utilities

Call 811 Before You Dig!
Portland, Tennessee

CITY OF PORTLAND

THOMAS O'LOUGHLIN – HEAD UTILITIES INSPECTOR

100 SOUTH RUSSELL STREET

PORTLAND, TENNESSEE 37148

Telephone 615-670-3977

Email Address: toloughlin@cityofportlandtn.gov

January 2025 MONTHLY REPORT

WATER DISTRIBUTION DEPARTMENT

(5) Service Leaks

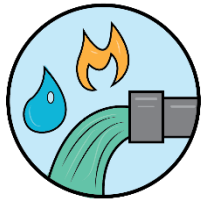
(11) New services installed

Meter Replacements (20+)

(2) Main Leaks

Traffic

Locates



PORTLAND

Department of Utilities

Call 811 Before You Dig!
Portland, Tennessee

CITY OF PORTLAND

PORTLAND NATURAL GAS

LUCAS BAKER – GAS SUPERVISOR

100 S RUSSELL ST

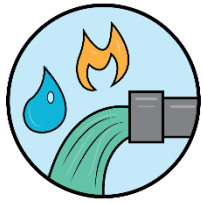
PORTLAND, TENNESSEE 37148

Office: (615) 325-6776, ext. 187

Email Address: lbaker@cityofportlandtn.gov

Gas Dept Monthly Report – January 2025

- January Gas Usage at each Gate Station:
 - Leath: 45,604.75 MCF
 - TGT: 153,796 MCF
 - Robertson Co Station: 17,603.03 MCF
- 8 Gas Services installed consisting of 3,081ft of ¾" service line pipe
- 1 -4" Gas Main Leak Repair
- 2- 2" Gas Main/Service Line Excavation Damage Repairs
- 1- ¾" Service Line Leak Repair
- 2 Gas Meters Upsized to accommodate additional load
- 2 Meter sets replaced due to gas leaks (regulators)
- Meetings to discuss growth of Natural Gas System
- System Valve Maintenance -TPUC Requirement
- Gathered GIS data on services installed in 2023 and 2024 to assist in updating the Natural Gas System
- Gas Leak Investigations/Odor Complaints (indoor and outdoor)
- Various gas pressure checks -increased number this month due to colder temperatures/increased usage
- Air Test Inspections
- Daily monitoring of Gate Stations and odorant injection
- Daily work orders and Tennessee One Calls
- Monthly Odorant Sniff Test – TPUC requirement



PORTLAND

Department of Utilities

Call 811 Before You Dig!
Portland, Tennessee

CITY OF PORTLAND

PORTLAND SEWER COLLECTION

JONATHAN HARRISON – SEWER COLLECTION SUPERVISOR

100 SOUTH RUSSELL STREET

PORTLAND, TENNESSEE 37148

OFFICE: (615) 323-1437

Sewer Collections Monthly Report – (January. 2025)

- 2001 – CS Check Stations consisting of 87 pump stations daily.
- 220 - 811 Locates
- 19 – SC Service Calls repair repaired
- 0 - Telemetry alarms repair required
- 68hrs - LSM Lift Station Maintenance
- 25 – LSR Lift Station Repairs
- 0 – FMR Force Main Repair
- 31 – YR Yard Repairs
- 0– CP Cap off Service line
- 2 HRS- HOD Helping other Departments w/ CCTV & Vac Truck.
- 3 - Monthly CCTV searching for I&I Locations and inspections.
- 1 – SLR Service Line Repairs
- 2- Jetted sewer mains.
- 3- SLIN Service line inspection
- 88 Hrs. - Monthly OSHA Safety Training & OTJ
- 38 HRS- Shop Work
- 21 HRS- Equipment Maintenance.
- 170 HRS Office Work.
- 33 Overflows for the month of January 2025.

Jonathan Harrison

Collections System Supervisor.



PORTLAND

Department of Utilities

Call 811 Before You Dig!
Portland, Tennessee

CITY OF PORTLAND

JENNIFER YOUNG – WRF CHIEF OPERATOR

100 SOUTH RUSSELL STREET

PORTLAND, TENNESSEE 37148

Telephone (615) 323-1437

January 2025 Monthly Report

- Construction continues at the Water Reclamation Facility things are moving right along. We are almost done with all construction. We have a few things left to install and then our punch list.
- We have all tie in's done and we have all 3 SBR's in service. It's a very exciting time to have almost everything done.
- I will be getting with Aqua to help us go over a few things that are new with the 3 SBR phase system.
- We are also waiting on Quotes from Hightide and Revere on what will be the most cost efficient and reliable alarms that will get sent to Chief Operators phone and On Call phone after hours.



Special Presentation
Monday, February 3, 2025 at 3:00 PM

1. Call to Order

Mayor Mike Callis called the meeting to order at 03:03 PM.

2. Roll Call

Present: Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

Also Present: Mayor Mike Callis, Assistant City Recorder Tracy Kizer

Absent: Alderman Cole, Alderman Hall

3. Approval of Agenda

Motion to: Approve Agenda

By: Vice-Mayor Thompson

Second: Alderman Jennings

Yes: Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

Absent: Alderman Cole, Alderman Hall

Motion Passed (voice vote)

4. Public Comments

- No one spoke

5. Discussion

A. TDEC ARPA Grant - Gallatin Mayor Paige Brown started the presentation.

Gallatin Public Utilities Superintendent David Kellogg updated the current status and welcomed any questions:

- Superintendent Kellogg expressed there is a tight time frame.
- The short and long term questions need to be answered soon.
- The first decision is how much water Portland wants, so the pipe size can be determined.
- Castalian Springs has not confirmed if they are in the grant process.

During the discussion, the following points were made:

- The Grant Coordinator, Laralee Page, CDP
- explained, once all the bid documents were completed, there would be 90 days for grant documents to be signed.
- Mayor Brown advised all participants in the grant would have to agree to follow the 3rd party pay study and that could not be completed until all bids were complete and documents signed.
- Mayor Callis advised that if Gallatin or White House takes over or Portland keeps the water, there will have to be infrastructure updated which would require a rate increase.
- Mayor Brown explained, the city would lose control of several aspects if you give up your water utility.
- Laralee Page explained the State Grant deadline for all money to be spent is September 30, 2026.
- Mayor Brown advised she would give Castalian Springs until this Friday, 2/7/25, to commit to be part of the grant.
- Laralee Page advised the right away process has been completed, so changing the route is not an option.
- Director Price advised there is a plan if we need a direct route.

The Board expressed their thanks for how much help Gallatin's staff had been during this project.

Adjournment

Motion to Adjourn by Vice-Mayor Thompson

Motion passed by voice vote to **adjourn at 3:49.**

Mike Callis, Mayor

Tracy Kizer, City Recorder



Work Study Minutes Monday, February 3, 2025 at 4:00 PM

1. Call to Order

Mayor Mike Callis called the meeting to order at 4:02 PM.

2. Roll Call

Present: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

Also Present: Mayor Mike Callis, City Recorder Rachel Slusser, Asst. City Recorder Tracy Kizer

Absent: Alderman Hall

3. Approval of Agenda

Motion to: Approve

By: Alderman McDowell

Second: Alderman Jennings

Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

Absent: Alderman Hall

Motion Passed (voice vote)

4. Public Comments

- No one spoke

5. Discussion

A. Land Use Plan

Planning Director Nate Heisler introduced GNRC representative Jessica Hill.

Jessica Hill presented the plan and guiding vision and the four goal areas.

Ms. Hill advised she has been working with Director Nate Heisler, Director Carlton Cobb, Director Bryan Price, the steering committee, and the intergovernmental task force.

Jessica Hill reviewed the following:

- Coverage areas of the plan, including the urban growth boundary.
- What and how information was collected.
- What the goals are with the plan.
- The "Guiding Vision - "Portland will thrive as a vibrant rural community that honors its small-town charm and heritage, fosters economic opportunity, and ensures a safe, livable, and enjoyable city for all."
- Review of the Plan Goals.
- Review of type and place maps and classifications.
- Google map link for input and feedback.
- GNRC is available to meet with anyone and encourages feedback.

Mayor Callis requested that the Planning Commission have the opportunity for input.

Jessica Hill advised if anyone had any questions to please reach out to her or Planning Director Nate Heisler.

B. Utility Capacity

Mayor Callis advised the Council to determine what amount of capacity Portland will pursue for the ARPA grant project.

Director Price presented the amount of capacity letters, bids, and what is included in the bids and what is not included.

The following was discussed.

- The requirement for a pump.
- Requirements Castalian Springs had presented in a prior meeting.
- Items included in the grant.
- Based on current estimates, Portland could get the 3 MGD for 10 million dollars.
- Director Bryan Price recommended the city go with 3 MGD based on the cost difference.
- Mayor Callis advised a maximum of 2 MGD could come through a 12-inch pipe.
- Finance Director Rachel Slusser reviewed the loan rates.
- Some items could be added later like the water tower and pumps.
- If Castalian backs out, Portland could still get 3 MGD at the same cost.
- Minimum gallons purchased a day.

After discussion, the Board agreed to request 3 MGD to Gallatin for the grant, which would require a 16-inch pipe.

Adjournment

Motion to Adjourn by None; Second by None;
Motion passed by voice vote to **adjourn at 5:26**.

Mike Callis, Mayor

Tracy Kizer, City Recorder



**BOARD OF MAYOR AND ALDERMEN
Minutes for February 3, 2025 at 5:00 PM**

1. Call to Order

Mayor Mike Callis called the meeting to order at 05:34 PM.

2. Prayer and Pledge

Pastor Dennis Page led the prayer and pledge.

3. Presentation

Mayor Callis presented banners that will be placed on light poles in the City Hall area celebrating Black History month.

The banners represented the following people and locations: Parkers Chapel Baptist Church, Corey Brewer, Luther Bratton, Scattersville Community Center, Renee Shaw, and Pastor Dennis Page.

Mayor Callis thanked Secrick Gregory for his work in completing the project.

4. Roll Call

Present: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

Also Present: Mayor Mike Callis, City Attorney John Bradley, City Recorder Rachel Slusser, Asst. City Recorder Tracy Kizer

Absent: Alderman Hall

5. Approval of Agenda

Motion to: Approve

By: Vice-Mayor Thompson

Second: Alderman Jennings

Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

Absent: Alderman Hall

Motion Passed(voice vote)

6. Public Hearing

A. Ordinance No. 24-63 – An Ordinance to amend the City of Portland, Tennessee zoning map by rezoning 817 South Broadway, (tax map 039b, Group A, Parcel 16.00) from RS-20 (Residential) to OPS (Office Professional Services).

- No one spoke

B. Resolution No. 25-08 – A Resolution to annex property at 243 and 245 TGT Road, also identified as (Sumner County map 16 parcel 34.02 and 34.01) containing 2.15 +/- acres upon written consent of the owner and to adopt a plan of services.

- No one spoke

7. Public Comment Period

James Chaney spoke for public comment period.

8. Communications from Council Members

- No one spoke

9. Mayor's Report

- Waffle House has started work on their location on Highway 52.
- Congratulations to Tracy Kizer for receiving State Certification for City Recorder.
- There will be legislation brought to the Council for specialty smoke shop restrictions.
- Additional snow removal equipment will need to be added, especially when Portland inherits Highway 109.
- Stormwater completed the drain project at the McGlothlin intersection and is looking at changing other intersections.
- A FEMA grant for the spillway repairs at the City lake will be opening and Board approval will be requested.
- Event safety will be discussed in the future and look at increasing safety measures.

10. Consent Calendar

Motion to: Approve

By: Alderman McDowell

Second: Alderman Ellis

Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

Absent: Alderman Hall

Motion Passed (voice vote)

A. Department Reports

B. Approval of City Council Minutes from January 6, 2025

C. Resolution No. 25-04 – A Resolution to re-appoint three members to the City of Portland’s Audit Committee.

11. Community Development – Vice-Mayor Megann Thompson

A. Resolution No. 25-13 - A Resolution authorizing a contract between the City of Portland, Tennessee and Retail Coach as the City of Portland Retail Recruiter.

Motion to: Approve

By: Vice-Mayor Thompson

Second: Alderman Woodall

Discussion: Director Sherry Ferguson distributed a list of proposals received for Retail Recruiter. Her recommendation would be The Retail Coach. Finance Director Rachel Shusser said the funding would come from additional revenue from building permits and will bring a budget amendment to the Board. After discussion, it was agreed to use The Retail Coach for one year.

Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

Absent: Alderman Hall

Motion Passed (voice vote)

12. Finance – Alderman Vince Ellis

- No Items

13. Fire Department – Alderman Jody McDowell

A. Discussion - Possible major fire scenarios

Fire Chief Sam Thornton presented possible scenarios.

Chief Thornton presented 10 locations of concern and reasons for concern.

B. Discussion - Fire flow Clayton Homes Project

- Chief Thornton reviewed the 2018 IFC Appendix B that Portland adopted and explained what other cities adopted. If Portland did not adopt a Fire Code, the City would be required to follow the state mandate.

- Chief Thornton also explained the Fire Code requirements and possible solutions.

- Discussion was held about the Clayton Homes project, water flow rates and possible solutions. Discussion was also held about following the Fire Code and the City's liability.

- Director Price explained possible improvements that would help the situation.

- Mayor Callis wanted the Council to have an explanation of the situation.

- Attorney Bradley explained that we need to either enforce our codes or amend them.

14. Human Resources – Alderman Vince Ellis

- No Items

15. Legislative – Mayor Mike Callis

A. Resolution No. 25-05 – A Resolution to confirm Tracy Kizer as City Recorder for the City of Portland.

Motion to: Approve

By: Alderman McDowell

Second: Alderman Cole

Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson,
Alderman Woodall
Absent: Alderman Hall
Motion Passed (voice vote)

B. Resolution No. 25-06 – A Resolution requesting the General Assembly to amend the Private Act Charter of the City of Portland, Tennessee.

Motion to: Approve
By: Vice-Mayor Thompson
Second: Alderman Woodall
Discussion: City Attorney John Bradley explained that the change is needed if Portland determines to move forward with the Water Department changes. Attorney Bradley also noted that Portland's Charter is a Private Act Charter that only applies to us. This Resolution will be sent to the General Assembly for their approval, then back to us for a 2/3 vote to pass and change our Charter.
Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson,
Alderman Woodall
Absent: Alderman Hall
Motion Passed (voice vote)

C. Discussion - Resolution No. 24-21 - Public Recognition

Discussion was held about the Public Comment Period.
Attorney Bradley expressed his concern about changing the legislation every time an Alderman wants to add something. Attorney Bradley suggested just adding to the agenda to see if people use it.
After discussion, Alderman Cole requested to vote tonight. Attorney Bradley suggested that a resolution be brought to the next meeting, so everyone understood what they were voting for.
Attorney Bradley advised he could draft a resolution for the next meeting.

16. Municipal Airport – Alderman Mike Hall

- No Items

17. Parks & Recreation – Alderman Brian Woodall

A. Resolution No. 25-07 - A Resolution authorizing change order #1 with OHM Advisors in the amount of \$69,750 for the Splashpad at Richland Park construction and bid documents revision and bidding phase services.

Motion to: Approve
By: Alderman Woodall
Second: Alderman Ellis
Discussion: Alderman Jennings made a motion to suspend the rules to allow OHM representatives to speak, seconded by Alderman Cole. Passed by unanimous vote.
Paula Hepp of OHM was present to discuss the changes.
Discussion was held about the cost of the redesign of the project, time frame of the grant, the redesign should bring the cost down and be able to add items as funding was available.
Questions about the high cost of the redesign were explained by Paula of OHM.
Finance Director Rachel Slusser explained the grant responsibilities and what the city is liable for. The second part of the grant for the golf course has moved forward.
Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson,
Alderman Woodall
Absent: Alderman Hall
Motion Passed (voice vote)
Director White reported that 98% of the Richland Gym project and the memorial is completed. The gym floor will be completed in time for the Daddy/Daughter dance on Saturday, February 8, 2025.

18. Planning & Codes – Vice-Mayor Megann Thompson

A. Ordinance No. 24-63 – Second Reading - An Ordinance to amend the City of Portland, Tennessee zoning map by rezoning 817 South Broadway, from RS-20 (Residential) to OPS (Office Professional Services).

Motion to: Approve
By: Vice-Mayor Thompson
Second: Alderman McDowell

Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

Absent: Alderman Hall

Motion Passed (voice vote)

- B.** Resolution No. 25-08 – A Resolution to annex property at 243 and 245 TGT Road, Sumner County Tennessee, containing 2.15 +/- acres upon written consent of the owner and to adopt a plan of services.

Motion to: Approve

By: Vice-Mayor Thompson

Second: Alderman Woodall

Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

Absent: Alderman Hall

Motion Passed (voice vote)

- C.** Ordinance No. 25-02 – First Reading - An Ordinance to amend the City of Portland, Tennessee zoning map by rezoning 243 and 245 TGT Road, from County RA (Rural Residential) and RS-40 (Low Density Residential) to GCS (General Commercial Services).

Motion to: Approve

By: Vice-Mayor Thompson

Second: Alderman Cole

Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

Absent: Alderman Hall

Motion Passed (voice vote)

- D.** Discussion - Use and Occupancy Inspections
Distribution of information from Codes Director Johnny Morris.

Director Morris explained when Use and Occupancy inspections are required and when exceptions are allowed.

19. Police Department – Alderman Drew Jennings

- No Items

20. Public Works – Alderman Brian Woodall

- A.** Ordinance No. 25-05 – First Reading – An Ordinance authorizing the acceptance of the best bid for demolition, asbestos removal, disposal of building and parking lot prep located at 205 South Broadway Portland, TN 37148 (aka-Jenkins Building).

Motion to: Approve

By: Alderman Woodall

Second: Alderman Jennings

Discussion: Director Carlton Cobb reviewed the bid openings and the plans for the demolition.

Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

Absent: Alderman Hall

Motion Passed (voice vote)

- B.** Discussion - Stormwater Control Measure (SCM) maintenance

Corbin Keen wanted the Council to be aware of Stormwater measures, post-construction plans and property maintenance upkeep. Mr. Keen reported that long-term maintenance of the Stormwater measures has not been kept up. There will be letters sent out to Stormwater measure property owners to bring their property up to compliance and have their inspections up to date. Mr. Keen reported that there would be approximately 14 to 15 letters going out and explained the timeframe for compliance and issuing of penalties.

Director Cobb updated that the traffic engineering would take four to six weeks.

Mr. Keen reminded everyone of the Urban Forestry grant meeting on February 4th at 6 pm in Gallatin and Portland's first meeting on February 18th at 5 pm.

21. Utility Infrastructure – Alderman Charles Cole

- A.** Ordinance No. 25-03 – First Reading – An Ordinance to amend Ordinance 22-14 (Portland sewer use Ordinance) to add a new fats, oils, and grease (FOG) Management Policy and Enforcement Response Guide (ERG) for food service establishments and grease waste haulers and rescind and replace the existing fog management program.
- Motion to:** Approve
- By: Alderman Cole
- Second: Alderman Woodall
- Discussion:** Director Price reviewed the current policy.
- Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall
- Absent: Alderman Hall
- Motion Passed (voice vote)**
- B.** Ordinance No. 25-04 – First Reading - An Ordinance to amend Section 205 of Title 18 of the City of Portland’s Municipal Code with the following language referencing the Grease Interceptor Requirements.
- Motion to:** Approve
- By: Alderman Cole
- Second: Alderman McDowell
- Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall
- Absent: Alderman Hall
- Motion Passed (voice vote)**
- C.** Resolution No. 25-09 – A Resolution authorizing waiving of the plans review fee for the Oak Grove Volunteer Fire Department located at 168 Blackey Bandy Road.
- Motion to:** Approve
- By: Alderman Cole
- Second: Alderman Woodall
- Discussion:** Director Price advised County Mayor Isbell had request that the fees be waived. Also, the existing meter will be replaced.
- Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall
- Absent: Alderman Hall
- Motion Passed (voice vote)**
- D.** Resolution No. 25-10 – A Resolution authorizing change order #5 extending the contract time one hundred and twenty (120) additional days with Cumberland Pipeline, LLC for the Masons Tank 12-inch connector American Rescue Plan (ARP) Project.
- Motion to:** Approve
- By: Alderman Cole
- Second: Alderman Ellis
- Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall
- Absent: Alderman Hall
- Motion Passed (voice vote)**
- E.** Resolution No. 25-11 – A Resolution authorizing change order #5 extending the contract time ninety (90) additional days with Cumberland Pipeline, LLC for the Oak Hill Water System Improvements American Rescue Plan (ARP) Project.
- Motion to:** Approve
- By: Alderman Cole
- Second: Alderman Ellis
- Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall
- Absent: Alderman Hall
- Motion Passed (voice vote)**
- F.** Resolution No. 25-12 - A Resolution to approve change order #1 in the increased amount of \$9,000 and an addition of forty-four (44) days for contract times with Perdue Trucking & Excavating for the 2” service line replacement project.
- Motion to:** Approve

By: Alderman Cole
Second: Alderman Ellis
Discussion: Megan Heisler reported that when Perdue Trucking started digging in the area, there were things there that were not as expected or bid, so additional components had to be added.
Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall
Absent: Alderman Hall
Motion Passed (voice vote)

G. Discussion - Sewer Consent Order Extension Request - Director Price reported the following:

- He has requested a 7-year extension on the sewer consent order and TDEC is reviewing
- If they only give a 5-year extension, the cost will be spread over 5 years and not 7 years.
- He would be asking for \$250,000 to cover the point repairs and the Demase Street project.
- He presented the schedule for actions remaining.

H. Discussion - Natural Gas System - Possible incentives for expanding our natural gas customer base and which areas could we effectively do developer agreements for natural gas service.
Director Price reviewed the current natural gas system area coverage and advised there is a large area for potential growth. Director Price reviewed the current procedures and suggested looking at working with developers to encourage the use of natural gas.
Discussion was held about the benefit for the City of an increased coverage area.
Director Price explained the difference between natural gas and water/sewer. Most of the infrastructure is completed in-house.

I. Discussion - Resolution No. 23-83
Mayor Callis reviewed: the decision was made today to request 3 MGD on the grant, capacity letters and their role and the Planning Commissions' role in approving projects.
Vice-Mayor Thompson reviewed the Planning Commission's last meeting.
Discussion was held about continuing to give out water taps and finding a balance between developers and the City.
Motion made to suspend the rules for others to speak by Alderman Ellis, seconded by Alderman Woodall. Motion passed by voice vote.
Developer Caleb Fuqua spoke about the developers' concerns about the water availability letter.
Planning Commission Chair Ann Blackburn spoke about their concerns and requested the water issue be taken care of prior to the Planning Commission review.

Motion to: Moving forward with the request for 3 MGD on the ARPA Grant with Gallatin
By: Alderman Jennings
Second: Alderman McDowell
Discussion: The cost is estimated at 10 million for Portland's share. Director Price explained where the estimates come from.
Alderman Jennings called the previous question.
Mayor Callis and Director Price reiterated that the White House Utility cannot get 3 MGD to Portland without adding infrastructure.
Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall
Absent: Alderman Hall
Motion Passed (voice vote)

Adjournment

Motion to Adjourn by Alderman Jennings; Second by Alderman Ellis;
Motion passed by voice vote to **adjourn at 8:39 pm.**

Mike Callis, Mayor

Tracy Kizer, City Recorder

RESOLUTION

City of Portland, Tennessee

No. 25 - 14

A RESOLUTION TO APPOINT ONE MEMBER TO THE PORTLAND MUNICIPAL BOARD OF APPEALS

WHEREAS, The Portland Municipal Board of Appeals is governed by the TCA and provides that the Mayor may appoint members and the City Council confirm the appointment; and

WHEREAS, a vacancy on the board for an unexpired term will become available beginning April 1, 2025; and

WHEREAS, Jim DiPiazza has expressed an interest in serving on the Portland Board of Zoning Appeals and as a resident of the City of Portland is qualified to serve and fill an unexpired term; and

NOW, THEREFORE BE IT RESOLVED, By the Mayor and Board of Aldermen that Jim DiPiazza is hereby appointed to fill an unexpired term beginning April 1, 2025 and said term expires February 7, 2027; and

BE IT FURTHER RESOLVED, that this resolution shall become effective upon its passage, the public welfare requiring it.

Mike Callis, Mayor

Attest: Tracy Kizer, City Recorder

Approved this

Resolution
City of Portland, Tennessee
No. 25-15

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE BEST RFP (Request for Proposal) FOR THE AUDIT SERVICES FOR THE CITY OF PORTLAND

WHEREAS, the following RFP's have been properly solicited and received for the annual Audit Services;

Company	2025	2026	2027	2028
ATA	\$49,500	\$51,800	\$54,800	\$57,300
Matlock Clements	\$47,500	\$47,500	\$47,500	\$47,500
Wickberg Accounting	\$48,500	\$48,500	\$50,500	\$50,500

WHEREAS, the annual price does not include Federal single audit if required; and

WHEREAS, the City of Portland Audit Committee has reviewed all proposals for Audit Services and recommends that ATA be awarded the annual audit contract, and

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Portland to authorize the acceptance of the RFP from ATA for the annual Audit Services; and

BE IT FURTHER RESOLVED that the Resolution shall become effective upon its passage, the public welfare requiring it.

Mike Callis, Mayor

Attest: Tracy Kizer, City Recorder

Approved this day of

ORDINANCE

City of Portland, Tennessee

No. 25 - 08

First Reading

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE NO. 20-07 PERSONNEL POLICY FOR THE CITY OF PORTLAND, TN.

WHEREAS, the City of Portland approved Ordinance 20-07 adopting a Comprehensive Personnel Policy;

WHEREAS, the following updates have been recommended to the existing Personnel Policy:

- Section 2, Job Classification and Pay Plan - 2.3 Classification and Compensation Policy
- Section 3 Compensation – 3.2 Removed language for Volunteer Firefighter, EMT pay per Ord. No. 23-58
- Section 3 Compensation – 3.6 Training Bonuses added per Res. No. 19-124
- Section 3 Compensation – 3.7 Changed ‘Longevity Bonus’ to ‘Christmas Bonus’.
- Section 3. 3.8 KY State Tax added for KY residents
- Section 3 Inclement Weather moved from Section 8 to Section 3 -3.10. Language added to clarify.
- Section 5 Employee Benefits - 5.3 Retirement/TCRS - Retiree Health Insurance portion stricken and replaced per Ord. No. 21-53
- Section 5 Employee Benefits – 5.9 Funeral/Bereavement – Added ‘Nieces and ‘Nephews’ to eight (8) Hours of Funeral Leave.
- Section 5, 5.20 & 5.21 Pregnant Workers Fairness Act – Pumping for Nursing Mothers (P.U.M.P. Act.
- Section 5, 5.7 Vacation Employees may roll over 2 weeks to the following year in December annually.
- Section 5, 5.7 Vacation Schedule changed per Resolution 24-80
- Section 5, 5.15. Military Reservist Leave. Language added to clarify what a day is. 20 working days x regularly scheduled hours.

WHEREAS, the attachments will alter only the construct of the above-referenced Sections; and

WHEREAS, for clarity purposes with the constructs being changed, it is appropriate to adopt a new City of Portland, TN Personnel Policy in its entirety; and

WHEREAS, prior sections of the Personnel Manual that are in conflict with this ordinance shall be and are hereby repealed and replaced, with updated policies promulgated upon adoption;

NOW, THEREFORE BE IT ORDAINED, the Mayor and Board of Alderman of the City of Portland, Tennessee that The City of Portland Personnel Manual adopted by Ordinance 20-07 is hereby repealed in its entirety, and that the amendments attached as documents related to the City of Portland, TN Personnel Manual – 2020, be adopted to create the City of Portland, TN Personnel Manual - 2024 and entered into permanent record with passage of this Ordinance; and

BE IT FURTHER ORDAINED, that this Ordinance shall become effective upon its passage, the public welfare requiring it.

Mike Callis, Mayor

Attest: Tracy Kizer, City Recorder

Passed First Reading:

Passed Second Reading:



PERSONNEL MANUAL 2025

Adopted by Ordinance # _____
Date: _____

Developed with the assistance of:  |  Municipal Technical Advisory Service
INSTITUTE for PUBLIC SERVICE

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SECTION 1 - INTRODUCTION TO HUMAN RESOURCES REGULATIONS

1.1. PURPOSE AND OBJECTIVES

The purpose of the following policies is to establish a high degree of understanding and cooperation among the City of Portland employees, which comes from the application of good procedures in personnel administration, and to provide uniform policies for all employees. **Each individual employee's primary purpose, regardless of occupational specialty, is to provide efficient and effective service for the citizens of Portland. The primary objective in providing efficient and effective service is good stewardship of the citizen investment whether through taxes or through fees paid to the City to provide those services.**

It is the policy of City of Portland to provide equal employment opportunity to all employees and applicants for employment. No person will be discriminated against in employment because of race, color, religion, gender or gender identity, age, national origin, disability, military status, genetic information, communication with an elected public official, exercise of free speech made as a citizen as a matter of public concern*, refusal to participate in or remain silent about illegal activities, exercise of a statutory constitutional right or any right under clear public policy, political affiliation, or any other basis protected by law. The City will provide reasonable accommodation to qualified individuals with a disability unless the accommodation would pose an undue hardship on the City.

Per Article V, Sections 4, 2(A), 2(B) of the City of Portland Charter, the Mayor shall:

(A) Employ, promote, discipline, suspend and discharge all employees and department heads, in accordance with personnel policies and procedures adopted by the City Council; and

(B) Nothing in [the] charter shall be construed as granting a property interest to employees or department heads in their continued employment.

The Mayor may perform the actions listed in Article V, Section 4, 2(A) or may authorize the execution of the action(s) by a department head under his/her direction.

It is the intent of the City for this personnel policy to comport itself with the City Charter and offer reasonable processes for making non-discriminatory, job-related employment decisions. It is not the intent of the personnel policy to grant property interest to employees. Tennessee is an Employment-At-Will state unless property interest is otherwise granted.

The City will not discriminate on the basis of a person's national origin or citizenship status with regard to employment actions. However, the City will not knowingly employ any person who is or becomes an unauthorized immigrant. In compliance with the Immigration Reform and Control Act, all employees hired after November 6, 1986, regardless of national origin, ancestry, or citizenship, must provide suitable documentation to verify identity and employability. The documentation must be provided within three days of employment or the individual will be subject to separation.

This policy applies to all terms, conditions, and privileges of employment and all policies of the City, including hiring, placement, training, employee development, promotion, transfer, compensation, benefits, grievances, educational assistance, layoffs, termination and retirement.

The City complies with Title VI of the Civil Rights Act of 1964. Title VI requires that no person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial

assistance. The City further complies with all federal and state laws protecting employees from discrimination.

The fundamental objectives to be achieved by these policies are to:

1. promote and increase effectiveness, efficiency and cooperation among employees of the City of Portland; and
2. provide fair and equal employment opportunity to all qualified individuals on the basis of demonstrated merit and fitness, as ascertained through fair and practical employment practices.

** Whether an employee's speech addresses a matter of public concern is determined by the assessment of the content, form, and context of a given statement. If the employee speaks pursuant to his/her official duties (performing a task he/she was paid to perform); and/or the speech was not a matter of public concern; and/or his/her free speech interests are not sufficient to outweigh the City's interest(s) in promoting efficiency in delivery of public services an employee may not expect free speech protection(s).*

1.2. PERSONNEL POLICY STATEMENT

This manual and all other City manuals do not bestow any property rights or interests to employees regarding employment or employment benefits. This manual is not part of a contract and no employee has any contractual right to the matters set forth herein. The City reserves the right to change any and all such policies, practices, and procedures in whole or in part at any time, with or without prior notice to employees.

It is the policy of the City of Portland to apply and foster a sound program of personnel management. The policies of the City are established to assist in fulfillment of the objectives below:

A. People

1. Deliver talent acquisition processes that maintain a workforce that meets the needs of the City by filling positions in accordance with job qualifications and requirements without discrimination as to membership in any protected class;
2. Establish sourcing, recruitment, selection assessment, onboarding and job offer contingency (drug screens, background checks, etc.) guidelines for the appointment, promotion, transfer, demotion, dismissal, and reassignment of personnel;
3. Establish, periodically review, and maintain job descriptions for every position; periodically conduct appropriate wage and salary surveys; and as applicable, propose wage and salary classification groups for board approval as the budget allows; and
4. Design, recommend, and implement compensation systems and benefit packages including pay practices; medical and ancillary insurance options; leave plans; and retirement strategies designed to attract and retain qualified employees.

B. Organization

1. Structure the Human Resources function to encompass the people, processes, systems and activities involved in the delivery of services that meet the personnel needs of the City;
2. Oversee any dealings between the City and its employees regarding the terms and conditions of employment including grievance and complaint resolution; disciplinary

- processes; employment rights; compliance programs and approaches to retaliation prevention; and
3. Management of technologies including social media and the policies and procedures governing their use in the workplace.

B. Workplace

1. Follow appropriate best practices for development of a diverse workforce;
2. Minimize the probability and impact of risks to the City through best practices ensuring employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to City employees; and
3. Ensure the knowledgeable application of relevant Federal, state and local laws and regulations relating to employment as well as the City Charter and Municipal Code, as applicable.

D. Records

1. Establish and maintain uniform personnel records;
2. Maintain confidentiality and privacy of employees to the extent allowed by the law subject to the Tennessee Public Records Act (T.C.A. 10-7-501 – 515).

1.3. COVERAGE

Unless otherwise stated, the content of this Personnel Manual applies to all employees of the City. All employees will receive a copy of, or electronic access to, the manual upon employment and a copy will be held by each department head for convenience.

The following personnel are not covered by this personnel policy manual, unless otherwise provided and as statutorily required, and are classified in the exempted class:

1. All elected officials;
2. Members of appointed boards and commissions;
3. Consultants, advisors, and legal counsel rendering temporary professional service;
4. The City Attorney;
5. Independent contractors;
6. Volunteer personnel;
7. Seasonal and temporary employees;
8. The City Judge;
9. The City Recorder*.

Some policies apply to all employees and officers of the City including those placed in the exempted class above, such as policies related to discrimination and/or harassment, and policies required by state or federal law.

**The City Recorder is subject to all terms and conditions of the Personnel Policy, except as provided in the City of Portland Charter (The City Recorder is appointed by election of the City Council by majority vote.)*

1.4. ADMINISTRATION OF POLICY

The Mayor is responsible for the proper operations of all City functions, enforcement and application of all laws, provisions of the City Charter, Municipal Code, and acts of the governing body including but not limited to personnel policies and procedures and pay classification plan.

The Mayor is also responsible for implementation of additional rules, policies and procedures, which may be necessary for the proper operation of the City or its various departments, provided that such rules and procedures are consistent with the personnel policies adopted by the City Council.

Department heads, managers and supervisors are responsible for the administration and enforcement of the personnel policies and procedures for employees in their respective departments.

1.5. CONTACTING ELECTED OFFICIALS

No employee shall be disciplined or discriminated against for communicating with an elected official. However, an employee may be disciplined for making untrue allegations concerning any job-related matter (T.C.A. 8-50-601--604).

1.6. POLITICAL ACTIVITY

City employees, whether on or off duty, whether in or out of uniform, and whether on or off City property, shall not, at any time or any place, act as a candidate for an elected City office. The City will not compensate employees for time when the employee is not performing work for the City. Any time off from work used by the employee for participation in political activities will be limited to earned days off, vacation days, or by any other arrangements worked out between the employee and the City.

In all other elections for public office, employees may enjoy the rights of any other citizen of the state of Tennessee to be a candidate for any local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. Any time off from work used by the employee for participation in political activities will be limited to earned days off, vacation days, or by other time off duty arrangements worked out between the employee and the City. Nothing in this section is intended to prohibit any City employee from privately expressing his/her political views or from casting his/her vote in all elections.

1.7. AMENDMENTS TO PERSONNEL MANUAL

Amendments or revisions to the personnel manual may be recommended by the Mayor or designee for adoption of the City Council by ordinance. Such amendments or revisions of the personnel manual shall become effective upon adoption by the City Council. Departments may adopt their own internal operating policies (*i.e.* SOP/SOG) specific to their operations; however, none of these policies shall be in conflict with these personnel regulations. Copies of departmental policies shall be provided to the Mayor's office as well as to the HR office and are subject to review prior to adoption.

1.8. SEVERABILITY

If any chapter, article or section of this personnel manual is found to be in conflict with Federal, State or City laws and regulations, or court decision, that section will continue in effect only to the extent permitted by such law or regulation or court decision. If any chapter, article or section of this personnel manual is or becomes invalid or unenforceable, such invalidity or unenforceable nature will not affect or impair any other chapter, article or section of this personnel manual.

Draft 08.07.2024

SECTION 2 – JOB CLASSIFICATION AND PAY PLAN

2.1. PURPOSE AND USE OF JOB CLASSIFICATION

Job classification provides an inventory of positions in the City's service. The plan standardizes titles, each of which is indicative of a range of duties and responsibilities and has the same meaning throughout the City.

Job classification may consist of:

- a. groupings of classes of positions that are approximately equal in difficulty and responsibility, that call for the same general level of qualifications and that can be equitably compensated within the same range of pay under similar working conditions according to the market and budget availability;
- b. class (job) titles reasonably descriptive of the work of the class;
- c. written job descriptions for each position; and
- d. physical and mental standards for performance of the duties of the position.

Job classification may be used:

- a. as a guide in recruiting and examining candidates for employment;
- b. in determining potential lines of promotion and developing employee training programs;
- c. in determining salaries and wages to be paid for various types of work;
- d. in determining placement within pay ranges/step plans;
- e. in providing uniform job terminology understandable by all City officers and employees and by the general public.

2.2. ALLOCATION OF POSITIONS

Before a new position is established by a department, the department head shall submit in writing 1) a job description describing in detail the duties of such a position, and 2) justification of the need for an additional position.

The Mayor may then approve or deny such recommendation. If the Mayor agrees that the new position is necessary, then the recommendation is put before the City Council for approval or denial.

The Mayor may recommend to the City Council the establishment of a new position independently of a department. Any new position shall be subject to budgetary review and evaluation as to the appropriate salary range prior to submission to the City Council. This review and evaluation shall take into account the relative qualifications and responsibilities of the

position such that there is no wage disparity on the basis of sex for comparable skill, effort and responsibility and which are performed under similar working conditions. (TCA 50-2-202).

Positions may be reclassified by the Mayor within the classification and compensation plan based on City business needs.

2.3. CLASSIFICATION AND COMPENSATION POLICY

1. Purpose

This policy provides guidelines for the administration of employee wages and salaries, including starting pay rates, pay increases, promotional increases and other salary adjustments.

2. Policy Objectives

This policy is intended to promote the following:

- Ensure competitive pay practices to allow the City of Portland to effectively compete in the labor market for the talent needed to serve the needs of citizens.
- Ensure fair, consistent and unbiased treatment of employees relative to pay administration.
- Ensure City pay practices support career paths and employee development.
- Ensure City payroll expense complies with City budgetary constraints.

3. Compensation Strategy

To ensure the City of Portland is able to attract and retain employees with the desired knowledge, skills and abilities needed to serve the citizens and customers of the City of Portland, the City pay plan is designed to over time position employee compensation at the average of the labor market.

4. Responsibility for Policy Administration

The Human Resources Director, the Finance Director and all other Department Heads are responsible for consistent application of the policy.

5. Job Descriptions

A written job description will be maintained for each position recognized by the City. Job descriptions will follow the prescribed format. Job descriptions will be updated annually (or as needed) when performance evaluations are conducted. Supervisors are responsible for accurate job documentation and are to be certain that up-to-date job descriptions are submitted to the Human Resources Department.

6. Pay Structure: Pay Grades and Pay Ranges

- A. Job Market Rates:** The City's pay plan reflects a market driven approach to establishing pay rates for City employees. Accordingly, a Market Rate is defined for each job. The Market Rate is a guideline for the administration of compensation for each job.

The Market Rate is determined from labor market data from local government and general business and industry. For most jobs, the Market Rate is the average of two numbers:

- The pay rate representing the median of the local government labor market data for the job, and

- The pay rate representing the median of the labor market data from general business and industry for the job.

For jobs found only in other municipalities (such as Police and Fire), the “Market Rate” that the City uses in the Pay Plan is the median of the local government data.

- B. Pay Structure:** The City of Portland Pay Structure is comprised of 30 Pay Grades, each with a corresponding set of 19 pay steps. (See Grade and Step Plan attached). The pay steps are designed to be annual pay adjustments based on satisfactory performance of job duties.

7. Assignment of Jobs to Pay Grades

Each job is to be assigned to the Pay Grade for which the pay range midpoint best matches the Market Rate for the job. Exceptions may be made if strategic business considerations dictate that certain jobs (not employees) should be valued differently than their market value. Such exceptions must be approved by the Human Resources Director, Finance Director and other Department Heads.

8. Adjustment of Pay Structure

The Pay Structure is subject to review on a periodic basis by the Human Resources Director, Finance Director and the Mayor. The pay structure may be adjusted periodically as necessary to ensure that the City’s pay practices remain competitive with changes in labor market conditions. If a review is proposed and deemed to be appropriate by the Board of Mayor and Aldermen, it will consist of:

- 1) Gathering comparative salary data for approximately 20 to 30 selected benchmark jobs from, when possible, the same sources representing the same benchmark employers used for the pay study conducted to develop the pay plan.
- 2) Comparing market salary data obtained for each benchmark job with the corresponding City of Portland Pay Grade and Pay Steps.
- 3) Determining the required adjustment to the City Pay Steps to ensure that each Pay Grade will more accurately approximate the Market Rates of jobs in each Pay Grade. Normally, if an adjustment is needed, this is accomplished by increasing all Pay Steps by some common percentage.
- 4) Evaluating the City’s ability to pay and, if necessary, adjusting the percentage determined in step 3 above as appropriate.
- 5) Alternatively, or in combination with 3 and 4 above, if the Pay Structure needs to be adjusted it can be adjusted by eliminating step 1 and adding a new step above the old top step.

In lieu of steps 1 and 2, the Human Resources Director and Finance Director may review available published data related to employers’ actual and projected pay structure adjustments and make a recommendation that maintains competitiveness of the City’s pay structure. Based on the above analysis, the Human Resources Director will recommend the type and magnitude of the adjustment of the Pay Structure, if needed, for approval by the City Finance Director and City Council.

Note: Normally changes in the cost-of-living are not the basis for the structure adjustment. To be competitive in the labor market, the City must track the cost of labor (i.e., prevailing wage and salary levels). To the extent other employers' actual pay rates reflect their response, if any, to changing cost-of-living, then the structure adjustment process described in Section 8 above will include consideration of changes in the cost-of-living.

9. New Hire Rates of Pay

Pay Step 1 for a job classification is the normal hiring rate, except when the new hire has significantly more training or experience than specified in the position job description, or when unusual circumstances (such as inability to fill the position at the hiring rate or regulatory requirements) warrant employment of an individual at a higher Step for that classification. Such an exception must be approved by the Human Resource Director, Finance Director and the Mayor.

A department head desiring to employ an applicant to start at a pay rate above the currently budgeted payroll amount for that position must submit a written justification to the Human Resources Director for consideration. The Human Resources Director will then submit a recommendation to the Finance Director for approval.

The current pay rates, qualifications, and skill levels of existing job incumbents should be carefully considered before a new employee is hired above Step 1.

10. Pay Adjustments

- A. Annual Increases:** Annual increases reward employees for continued service and reflect employees' increasing job knowledge and skills.
- B. Eligibility:** All regular full-time and regular part-time non introductory period employees employed before May 1st of the current calendar year, provided their performance evaluation is in the "acceptable" range or higher, are eligible for a possible pay increase effective with the first payroll period beginning after July 1st each year if approved by the City Council for the fiscal year budget. Employees in their 90 day introductory period will not be eligible for an increase until the end of their introductory period.
- C. Annual Increase Budget:** Each year, the City of Portland's City Council will consider authorizing the funding of step increases for all eligible employees. The cost of funding step increases will be included in the various fund budget proposals. Approval of the funding of step increases will depend on availability of funds to do so.
- D. Exempt Salaried Employees:** Exempt salaried employees will be assigned a new pay range based on the classification and compensation study but will not follow the step plan as hourly employees. Salaried employees will initially be placed on the nearest step in their respective range above their current pay; and will be eligible for at least a 2% increase each July 1st depending on the results of their review and available funding. Since salaried employees may have negotiated hiring conditions, their pay and future increases may reflect those conditions.

11. Structure Adjustment

If deemed appropriate by the City Council as described in Section 8.0 above, the annual budget may also include an amount needed to fund a structure adjustment.

12. Performance Evaluations

All employees eligible for an increase at the beginning of each fiscal year (around July 1) must have received a written performance evaluation. Performance evaluations are to be completed by May 1st and are to be submitted to the Human Resources Department. This annual evaluation is to be completed by the supervisor using prescribed forms and is to be discussed with the employee after approval of the Department Head. (Note: New hires are to receive a performance evaluation after completion of their introductory period. For recent new hires, if less than three months have elapsed since a introductory period review was completed; completion of a new annual performance evaluation at the end of the calendar year is optional.)

Employees receiving an overall "Does Not Meet Standards" rating are not eligible to receive an increase July 1st. Such employees will be re-evaluated after 60 days but will not be eligible for an increase until the fiscal year (the next July 1st) provided their performance has improved to "Meets Standards".

13. Pay Increases

- A. Recommendation:** All eligible employees who receive a "Meets Standards" rating or better will be eligible to receive the Pay Increase effective around July 1 each year, subject to available funds.
- B. Pay Increases - Employees on Leave of Absence:** Employees on approved medical, FMLA, or disability leave of absence on July 1 will be eligible to receive the approved pay increase, provided their recent performance evaluation was in the "Meets Standards" range or higher. For employees on approved medical, FMLA, or disability leave of absence for whom a performance evaluation was not completed, completion of the performance evaluation and eligibility for an approved pay increase will be postponed until their return to active employment (pay increases, if any, will be made retroactive to the effective date of the increase). For approved non-FMLA personal leave, appraisals and eligibility for pay increases will be postponed until return to active employment.
- C. Topped Out Employees:** Each year at July 1st, each employee whose pay rate equals the top pay step for the employee's job will be eligible for a lump sum payment equal to 2% of pay, provided job performance standards are met.

D: Promotional Increases: Placement of an individual in a job which is in a Pay Grade that is higher than the individual's current Pay Grade will be considered a promotion. (Temporary job reassignments of less than six months will not normally be considered a promotion.) All promotions must be approved by the Mayor.

- At the time of the promotion, the individual's salary is to be adjusted to reflect the increased demands and responsibility of the new position per the pay plan.
- Salaries of other incumbents (if any) already in the new position and the promoted individual's credentials will be considered in determining the amount of the promotional adjustment.
- Promotional increases may take into account several factors such as market rates for hiring outside candidates, equitable pay for internal candidates with equivalent experience, or other relevant factors.
- Promotional increases shall not be less than the Pay Step representing at least a 5% pay adjustment; and should follow a consistent pattern to avoid wage compression. Example: An employee currently in Grade 8 on Step 6 being promoting to Grade 9 should be placed on Step 5.

- E. **Temporary Promotions:** An employee assigned to perform work of a position in a higher Pay Grade is eligible for out of class pay. The following conditions must be met for the employee to receive out-of-class pay:
1. The employee must perform substantially all of the essential duties of the higher-level position, and
 2. The employee must have the skills and abilities to perform the job duties of the higher-level position as specified above, whether obtained through training or prior experience or both, and
 3. The higher-level work is required due to an unanticipated significant temporary increase in workload or illness/injury incurred by an incumbent in the higher-level job.
- The pay rate at which the employee will be compensated will be determined as in Section 13(D) "Promotional Increases" above.

14. Reassignments, Reclassifications and Equity Adjustments

An employee assigned to perform work of a position in a higher Pay Grade for a minimum of 30 consecutive working days but less than 180 days is eligible for out of class pay. The following conditions must be met for the employee to receive out-of-class pay:

- 1) The employee must perform substantially all of the essential duties of the higher level position, and
- 2) The employee must have the skills and abilities to perform the job duties of the higher level position as specified in 1) above, whether obtained through training or prior experience or both, and
- 3) The higher level work is required due to an unanticipated significant temporary increase in workload or illness/injury incurred by an incumbent in the higher level job.

The pay rate at which the employee will be compensated will be determined as in section 8(c) "Promotional Increases" above.

In situations in which an employee is serving in an "acting as..." capacity due to an anticipated long term absence of an incumbent such as a military deployment, an intentional delay in filling a position following a retirement, or similar circumstances, a pay adjustment may be made at the discretion of management.

A: Lateral Job Reassignments: Reassignment from one job to another in the same Pay Grade will be considered a lateral move. No immediate adjustment to pay will be made. Lateral moves that serve to broaden employees' skills and knowledge and improve City efficiency and results may be encouraged.

B: Reassignment to a Lower Pay Grade: There may be instances in which an employee is reassigned to a position in a lower Pay Grade. Light duty job assignments during periods of recuperation from injury or illness often involve work in lower level jobs. Additionally, employees may voluntarily ask to move to a job in a lower Pay Grade, perhaps through the job posting/bidding process. Whether or not a reduction in pay should occur in these situations depends on consideration of all of the following:

1. How will the employee's pay rate compare with pay rates of other incumbents in the lower graded job or similar jobs?
2. How long has the employee been in the former job?
3. Where will the employee's pay rate fall in the new (lower) Pay Range?
4. Was the reassignment related to the employee's performance or to a reduction in force or organizational change?

Normally, the employee's pay rate will be reduced to be consistent with rates of pay of other incumbents in the new job who possess similar skills and tenure. Pay adjustments must be approved by the Human Resources Director, Finance Director and the Mayor.

C. Re-Classification of Position: A job may be re-classified if warranted by significant changes in job responsibilities. To request a re-classification, department heads must submit a revised job description and completed request for re-classification to the Human Resources Director. The Market Rate of the job will be determined based on comparison of the job to available salary survey data. The job will be reassigned to a different Pay Grade if indicated by the new Market Rate for the job. Reclassification of a job to a higher Pay Grade normally would be treated as a promotion which must be approved by the Human Resources Director, Finance Director and the Mayor. Section "f" above would apply to re-classification of a job to a lower Pay Grade.

D. Equity Adjustments: Adjustments to correct pay inconsistencies or inequitable situations related to pay may occasionally be necessary. Department Heads may recommend equity adjustments of up to 5% of salary and must submit a written justification for the pay adjustment. All such adjustments must be approved by the Human Resources Director, Finance Director and the Mayor. If budgeted funds are not available, the recommended equity adjustment may need to be submitted with the annual budget for approval by the City Council.

15. Budgetary Constraints

Nothing in this policy shall be construed as any guarantee of future pay increases. City management and the City Council will make every effort to ensure administration of wages and salaries in a manner consistent with the intent of this policy, but any employee pay adjustments will be subject to availability of funds as determined in the budgeting process.

Classification and Compensation Policy

1. Purpose

This policy provides guidelines for the administration of employee wages and salaries, including starting pay rates, pay increases, promotional increases and other salary adjustments.

2. Policy Objectives

This policy is intended to promote the following:

- Ensure competitive pay practices to allow the City of Portland to effectively compete in the labor market for the talent needed to serve the needs of citizens.
- Ensure fair, consistent and unbiased treatment of employees relative to pay administration.
- Ensure City pay practices support career paths and employee development.
- Ensure City payroll expense complies with City budgetary constraints.

3. Compensation Strategy

To ensure the City of Portland is able to attract and retain employees with the desired knowledge, skills and abilities needed to serve the citizens and customers of the City of Portland, the City pay plan is designed to over time position employee compensation at the average of the labor market.

4. Responsibility for Policy Administration

The Human Resources Director, the Finance Director and all other Department Heads are responsible for consistent application of the policy.

5. Job Descriptions

A written job description will be maintained for each position recognized by the City. Job descriptions will follow the prescribed format. Job descriptions will be updated annually (or as needed) when performance evaluations are conducted. Supervisors are responsible for accurate job documentation and are to be certain that up-to-date job descriptions are submitted to the Human Resources Department.

6. Pay Structure: Pay Grades and Pay Ranges

- C. Job Market Rates:** The City's pay plan reflects a market driven approach to establishing pay rates for City employees. Accordingly, a Market Rate is defined for each job. The Market Rate is a guideline for the administration of compensation for each job.

The Market Rate is determined from labor market data from local government and general business and industry. For most jobs, the Market Rate is the average of two numbers:

- The pay rate representing the median of the local government labor market data for the job, and
- The pay rate representing the median of the labor market data from general business and industry for the job.

For jobs found only in other municipalities (such as Police and Fire), the “Market Rate” that the City uses in the Pay Plan is the median of the local government data.

- D. Pay Structure:** The City of Portland Pay Structure is comprised of 30 Pay Grades, each with a corresponding set of 19 pay steps. (See Grade and Step Plan attached). The pay steps are designed to be annual pay adjustments based on satisfactory performance of job duties.

7. Assignment of Jobs to Pay Grades

Each job is to be assigned to the Pay Grade for which the pay range midpoint best matches the Market Rate for the job. Exceptions may be made if strategic business considerations dictate that certain jobs (not employees) should be valued differently than their market value. Such exceptions must be approved by the Human Resources Director, Finance Director and other Department Heads.

8. Adjustment of Pay Structure

The Pay Structure is subject to review on a periodic basis by the Human Resources Director, Finance Director and the Mayor. The pay structure may be adjusted periodically as necessary to ensure that the City’s pay practices remain competitive with changes in labor market conditions. If a review is proposed and deemed to be appropriate by the Board of Mayor and Aldermen, it will consist of:

- 1) Gathering comparative salary data for approximately 20 to 30 selected benchmark jobs from, when possible, the same sources representing the same benchmark employers used for the pay study conducted to develop the pay plan.
- 2) Comparing market salary data obtained for each benchmark job with the corresponding City of Portland Pay Grade and Pay Steps.
- 3) Determining the required adjustment to the City Pay Steps to ensure that each Pay Grade will more accurately approximate the Market Rates of jobs in each Pay Grade. Normally, if an adjustment is needed, this is accomplished by increasing all Pay Steps by some common percentage.
- 4) Evaluating the City’s ability to pay and, if necessary, adjusting the percentage determined in step 3 above as appropriate.
- 5) Alternatively, or in combination with 3 and 4 above, if the Pay Structure needs to be adjusted it can be adjusted by eliminating step 1 and adding a new step above the old top step.

In lieu of steps 1 and 2, the Human Resources Director and Finance Director may review available published data related to employers’ actual and projected pay structure adjustments and make a recommendation that maintains competitiveness of the City’s pay structure.

Based on the above analysis, the Human Resources Director will recommend the type and magnitude of the adjustment of the Pay Structure, if needed, for approval by the City Finance Director and City Council.

Note: Normally changes in the cost-of-living are not the basis for the structure adjustment. To be competitive in the labor market, the City must track the cost of labor (i.e., prevailing wage and salary levels). To the extent other employers’ actual pay rates reflect their response, if any, to changing cost-of-living, then the structure adjustment process described in Section 8 above will include consideration of changes in the cost-of-living.

9. New Hire Rates of Pay

Pay Step 1 for a job classification is the normal hiring rate, except when the new hire has significantly more training or experience than specified in the position job description, or when unusual circumstances (such as inability to fill the position at the hiring rate or regulatory requirements) warrant employment of an individual at a higher Step for that classification. Such an exception must be approved by the Human Resource Director, Finance Director and the Mayor.

A department head desiring to employ an applicant to start at a pay rate above the currently budgeted payroll amount for that position must submit a written justification to the Human Resources Director for consideration. The Human Resources Director will then submit a recommendation to the Finance Director for approval.

The current pay rates, qualifications, and skill levels of existing job incumbents should be carefully considered before a new employee is hired above Step 1.

10. Pay Adjustments

- E. **Annual Increases:** Annual increases reward employees for continued service and reflect employees' increasing job knowledge and skills.
- F. **Eligibility:** All regular full-time and regular part-time non introductory period employees employed before May 1st of the current calendar year, provided their performance evaluation is in the "acceptable" range or higher, are eligible for a possible pay increase effective with the first payroll period beginning after July 1st each year if approved by the City Council for the fiscal year budget. Employees in their 90 day introductory period will not be eligible for an increase until the end of their introductory period.
- G. **Annual Increase Budget:** Each year, the City of Portland's City Council will consider authorizing the funding of step increases for all eligible employees. The cost of funding step increases will be included in the various fund budget proposals. Approval of the funding of step increases will depend on availability of funds to do so.
- H. **Exempt Salaried Employees:** Exempt salaried employees will be assigned a new pay range based on the classification and compensation study but will not follow the step plan as hourly employees. Salaried employees will initially be placed on the nearest step in their respective range above their current pay; and will be eligible for at least a 2% increase each July 1st depending on the results of their review and available funding. Since salaried employees may have negotiated hiring conditions, their pay and future increases may reflect those conditions.

11. Structure Adjustment

If deemed appropriate by the City Council as described in Section 8.0 above, the annual budget may also include an amount needed to fund a structure adjustment.

12. Performance Evaluations

All employees eligible for an increase at the beginning of each fiscal year (around July 1) must have received a written performance evaluation. Performance evaluations are to be completed by May 1st and are to be submitted to the Human Resources Department. This annual evaluation is to be completed by the supervisor using prescribed forms and is to be discussed with the employee after approval of the Department Head. (Note: New hires are to receive a performance evaluation after completion of their introductory period. For recent new hires, if less than three months have elapsed since a introductory period review was completed; completion of a new annual performance evaluation at the end of the calendar year is optional.)

Employees receiving an overall "Does Not Meet Standards" rating are not eligible to receive an increase July 1st. Such employees will be re-evaluated after 60 days but will not be eligible for an increase until the fiscal year (the next July 1st) provided their performance has improved to "Meets Standards".

13. Pay Increases

- D. Recommendation:** All eligible employees who receive a "Meets Standards" rating or better will be eligible to receive the Pay Increase effective around July 1 each year, subject to available funds.
- E. Pay Increases - Employees on Leave of Absence:** Employees on approved medical, FMLA, or disability leave of absence on July 1 will be eligible to receive the approved pay increase, provided their recent performance evaluation was in the "Meets Standards" range or higher. For employees on approved medical, FMLA, or disability leave of absence for whom a performance evaluation was not completed, completion of the performance evaluation and eligibility for an approved pay increase will be postponed until their return to active employment (pay increases, if any, will be made retroactive to the effective date of the increase). For approved non-FMLA personal leave, appraisals and eligibility for pay increases will be postponed until return to active employment.
- F. Topped Out Employees:** Each year at July 1st, each employee whose pay rate equals the top pay step for the employee's job will be eligible for a lump sum payment equal to 2% of pay, provided job performance standards are met.
- D: Promotional Increases:** Placement of an individual in a job which is in a Pay Grade that is higher than the individual's current Pay Grade will be considered a promotion. (Temporary job reassignments of less than six months will not normally be considered a promotion.) All promotions must be approved by the Mayor.
- At the time of the promotion, the individual's salary is to be adjusted to reflect the increased demands and responsibility of the new position per the pay plan.
 - Salaries of other incumbents (if any) already in the new position and the promoted individual's credentials will be considered in determining the amount of the promotional adjustment.
 - Promotional increases may take into account several factors such as market rates for hiring outside candidates, equitable pay for internal candidates with equivalent experience, or other relevant factors.
 - Promotional increases shall not be less than the Pay Step representing at least a 5% pay adjustment; and should follow a consistent pattern to avoid wage compression. Example: An employee currently in Grade 8 on Step 6 being promoting to Grade 9 should be placed on Step 5.

- F. **Temporary Promotions:** An employee assigned to perform work of a position in a higher Pay Grade is eligible for out of class pay. The following conditions must be met for the employee to receive out-of-class pay:
2. The employee must perform substantially all of the essential duties of the higher-level position, and
 3. The employee must have the skills and abilities to perform the job duties of the higher-level position as specified above, whether obtained through training or prior experience or both, and
 4. The higher-level work is required due to an unanticipated significant temporary increase in workload or illness/injury incurred by an incumbent in the higher-level job.
- The pay rate at which the employee will be compensated will be determined as in Section 13(D) "Promotional Increases" above.

14. Reassignments, Reclassifications and Equity Adjustments

An employee assigned to perform work of a position in a higher Pay Grade for a minimum of 30 consecutive working days but less than 180 days is eligible for out of class pay. The following conditions must be met for the employee to receive out-of-class pay:

- 1) The employee must perform substantially all of the essential duties of the higher level position, and
- 2) The employee must have the skills and abilities to perform the job duties of the higher level position as specified in 1) above, whether obtained through training or prior experience or both, and
- 3) The higher level work is required due to an unanticipated significant temporary increase in workload or illness/injury incurred by an incumbent in the higher level job.

The pay rate at which the employee will be compensated will be determined as in section 8(c) "Promotional Increases" above.

In situations in which an employee is serving in an "acting as..." capacity due to an anticipated long term absence of an incumbent such as a military deployment, an intentional delay in filling a position following a retirement, or similar circumstances, a pay adjustment may be made at the discretion of management.

A: Lateral Job Reassignments: Reassignment from one job to another in the same Pay Grade will be considered a lateral move. No immediate adjustment to pay will be made. Lateral moves that serve to broaden employees' skills and knowledge and improve City efficiency and results may be encouraged.

B: Reassignment to a Lower Pay Grade: There may be instances in which an employee is reassigned to a position in a lower Pay Grade. Light duty job assignments during periods of recuperation from injury or illness often involve work in lower level jobs. Additionally, employees may voluntarily ask to move to a job in a lower Pay Grade, perhaps through the job posting/bidding process. Whether or not a reduction in pay should occur in these situations depends on consideration of all of the following:

1. How will the employee's pay rate compare with pay rates of other incumbents in the lower graded job or similar jobs?
2. How long has the employee been in the former job?
3. Where will the employee's pay rate fall in the new (lower) Pay Range?
4. Was the reassignment related to the employee's performance or to a reduction in force or organizational change?

Normally, the employee's pay rate will be reduced to be consistent with rates of pay of other incumbents in the new job who possess similar skills and tenure. Pay adjustments must be approved by the Human Resources Director, Finance Director and the Mayor.

C. Re-Classification of Position: A job may be re-classified if warranted by significant changes in job responsibilities. To request a re-classification, department heads must submit a revised job description and completed request for re-classification to the Human Resources Director. The Market Rate of the job will be determined based on comparison of the job to available salary survey data. The job will be reassigned to a different Pay Grade if indicated by the new Market Rate for the job. Reclassification of a job to a higher Pay Grade normally would be treated as a promotion which must be approved by the Human Resources Director, Finance Director and the Mayor. Section "f" above would apply to re-classification of a job to a lower Pay Grade.

D. Equity Adjustments: Adjustments to correct pay inconsistencies or inequitable situations related to pay may occasionally be necessary. Department Heads may recommend equity adjustments of up to 5% of salary and must submit a written justification for the pay adjustment. All such adjustments must be approved by the Human Resources Director, Finance Director and the Mayor. If budgeted funds are not available, the recommended equity adjustment may need to be submitted with the annual budget for approval by the City Council.

15. Budgetary Constraints

Nothing in this policy shall be construed as any guarantee of future pay increases. City management and the City Council will make every effort to ensure administration of wages and salaries in a manner consistent with the intent of this policy, but any employee pay adjustments will be subject to availability of funds as determined in the budgeting process.

SECTION 3 – COMPENSATION

3.1. FAIR LABOR STANDARDS ACT (FLSA)

Minimum Wage

In accordance with the Fair Labor Standards Act (FLSA), no employee shall be paid less than the Federal minimum wage unless they are expressly exempt from the minimum wage requirement by FLSA regulations. Employees paid on an hourly rate basis are paid for all time actually worked.

Overtime

The FLSA shall govern the overtime compensation of hourly, non-exempt, City employees. The FLSA defines overtime pay as one-and-one-half times the employee's regular rate of pay for all hours worked over the applicable overtime threshold. Generally, overtime work must be authorized by the department head.

Overtime pay calculations are based on actual hours worked during the workweek / work period. Overtime will be paid when the employee's actual hours worked exceed the hours that

constitute a full workweek / work period for that employee.

Sworn Fire Service non-exempt personnel working a 24-hour shift may be allowed to accrue up to a maximum of 480 hours of compensatory time, only for actual hours worked at 1.5 hours of compensatory time for each hour of overtime worked according to the Fair Labor Standards Act (FLSA).

Workweek

A workweek is a regular recurring period of 168 hours consisting of seven, consecutive 24-hour periods. The number of days that shall constitute a workweek for regular employment is typically five in total. Schedules may vary in departments as necessary for the operation of the City.

A standard workweek is scheduled between 12:00 AM on Monday through 11:59 PM on the following Sunday.

Minimum Age

The FLSA requires that employees of state and cities be at least 16 years of age for most jobs and at least 18 years of age to work jobs declared hazardous by the Secretary of Labor. All Firefighters and Police Officers must be a minimum of 18 years of age.

3.2. PREMIUM PAY FOR FESTIVALS

Employees assigned to work either the Middle Tennessee Strawberry Festival or the Fall Festival shall receive an additional \$2.00 per hour for any hours not normally scheduled. All applicable overtime and incentives shall be calculated as allowed.

A pay premium of \$2.00 per hour will be added to the employee's regular hourly rate of pay when working either of these two designated festivals unless already receiving other premium or on-call pay.

3.3. PAY FOR PART TIME WORK

Employees who are employed in part-time positions are not eligible for benefits and will only be paid for their actual hours worked. In the event that hours worked by a part-time employee exceed the FLSA defined workweek/work period threshold, overtime rates will apply. Part-time employees performing the same function as full-time employees will begin employment at the minimum rate of pay for the position as described in the classification and pay ranges established by the City but will be eligible for across-the-board increases. Ongoing part-time workers are limited to an average of **29** hours or fewer per workweek.

A shift differential pay for those employees who work certain overnight hours has been added. This premium shift differential pay would only apply to those who are assigned to work their entire shift between the designated hours of 3pm and 8am and would not apply to any 24 hour shift schedule, on-call work, or any shift that partially overlaps during those identified times; and WHEREAS, a fifty cent (\$0.50) per hour premium will be added to the normal hourly rate of those employees who are assigned to work their entire shift between the hours of 3pm and 8am.

3.4. ON CALL PAY

The designated on-call employee will be compensated at an hourly differential rate for every hour they are assigned to "on-call" status as adopted by Resolution of the City Council. This differential will be included in their regular rate of pay for overtime rate calculation.

3.5. CALL OUT PAY

Employees assigned to on call services during nights, holidays and weekends are required to restrict themselves from any activity that would impair their ability to drive or work safely while being subject to on-call and/or responding to after-hour service calls. When on call, employees are required to comply with the City's drug and alcohol policy. The employee is required to respond within thirty (30) minutes after being called. An employee who is on-call and fails to respond to verbal or electronic communication during or in addition to an emergency call within 30 minutes will be subject to disciplinary action up to and including discharge.

Non-exempt employees who are or called out after scheduled work hours will receive call out pay for a minimum of two (2.0) hours of regular pay for the first call-out. This pay will be paid at the straight time rate of pay when allowed by FLSA, and will be considered hours worked for the purpose of calculating overtime. All subsequent call-outs that occur prior to the beginning of the next scheduled work shift will be paid at actual hours worked.

Salaried/exempt employees and salaried/exempt supervisors are exempt from the overtime pay and from on-call services. Salaried/exempt employees and salaried/exempt supervisors may not be listed on the rotation for on call but are considered “on call as necessary”, as assumed with acceptance of the departmental supervisory responsibilities.

EMERGENCY CALL IN TO WORK FROM VACATION/HOLIDAY - If an employee is called in to work due to a City emergency on their pre-scheduled, pre-approved vacation day or holiday, then, the City will pay the employee at time and one-half their regular hourly rate for the hours actually worked on that day in addition to straight time pay for the regularly scheduled vacation day. All hours actually worked on the scheduled vacation day shall be used in the total hours calculated before overtime is paid.

3.6. TRAINING BONUSES

The Board of Mayor and Aldermen may, by resolution, from time-to-time implement certain bonuses for completion of appropriate and approved types of qualification and/or certification for needed skills within critical functions and/or departments. Such resolutions will be retained in the City Recorder’s office and reflected within appropriate operational guidelines (SOP/SOG) for the affected department(s).

3.7. CHRISTMAS BONUS

Employees classified as full-time with less than one (1) year of employment will receive a \$100.00 Christmas bonus.

Employees classified as ongoing part-time employees will receive a \$75.00 Christmas bonus.

Full-time employees with at least one (1) year of service (December hires from previous year are considered in this category) will receive the bonus according to the table below.

Any full-time City employee that has at least 10 consecutive years of employment with the City, will be eligible for their last Christmas Bonus when they retire. The bonus will be pro-rated based on the month the employee retires in.

Years of Service	Bonus Amount		Years of Service	Bonus Amount
1	\$150.00		13	\$650.00
2	\$225.00		14	\$700.00
3	\$250.00		15	\$775.00
4	\$275.00		16	\$850.00
5	\$300.00		17	\$925.00
6	\$325.00		18	\$1000.00
7	\$350.00		19	\$1100.00
8	\$400.00		20	\$1200.00
9	\$450.00		21-25	\$1,400.00
10	\$500.00		26-30	\$1,600.00
11	\$550.00		31-35	\$1,800.00
12	\$600.00		36+	\$2000.00

The City's continuation of Christmas Bonuses is subject to budgetary considerations within each fiscal year and will be paid in compliance with the Fair Labor Standards Act.

3.8. DEDUCTIONS FROM PAY

By law, the City is required to deduct, where applicable, federal withholding taxes, Social Security taxes, and garnishments from an employee's pay. The following deductions will be made:

1. **Federal Income Tax** – Federal taxes are withheld from employees' paychecks based on the number of dependents claimed by each individual. Employees are required to file with the City a copy of the W-4 form. In the event of changes in the employee's exemption status, a revised W-4 form must be filed before payroll deduction adjustments will be made.
2. **Social Security** – Social Security payments and deductions will be made according to the Social Security Act. The payroll department shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.

3. Kentucky State Tax – Kentucky State taxes are withheld from those employees who reside in the state of Kentucky. Kentucky residents are required to complete a Kentucky Withholding Certificate.
4. Others – Other City authorized deductions will be made from an employee's pay with either the employee's signed consent or pursuant to a valid court order.
 - a. health/hospitalization insurance (medical service premiums),
 - b. life insurance,
 - c. dental insurance,
 - d. vision insurance,
 - e. deferred compensation payments,
 - f. credit union payments,
 - g. pension plan,
 - h. supplemental insurance approved by the city,
 - i. child support or other garnishments*
 - j. charity contributions approved by the city, and
 - k. cost of uniforms, safety footwear, and other applicable equipment during employment or upon failure to return such upon separation as allowed by state law and the FLSA**

*An employee who is garnished for more than one indebtedness within a 12- month period may be subject to disciplinary action in accordance with the Consumer Credit Protection Act (15 USC, Ch. 41); except for assignment(s) of wages for spousal or child support (T.C.A. 36-5-501 (c)(2)(i)).

** The City may deduct from an employee's final paycheck any amount due (on a depreciated/prorated basis) for failure to return City property as long as the deduction(s) do not reduce final pay to below minimum wage.

3.9. PAYCHECKS AND DIRECT DEPOSIT

All employees of the City of Portland will be paid on a basis determined to best suit the needs of the City. Examples are: weekly, bi-weekly, etc. as allowed by law.

If an employee is absent on payday and wishes to have someone, such as a relative, obtain his/her live check, the employee may send his/her identification and a signed note authorizing the City to give the check to the note bearer.

Final Paycheck The final paycheck will be made available no later than the employee's next regularly scheduled pay date, or within twenty-one (21) days, whichever is later.

Lost Paychecks- Employees are responsible for their paychecks after they have been issued. Checks lost or otherwise missing should be reported immediately to the payroll department so that a stop-payment order will be initiated. The employee will be responsible for reimbursement to the City for any stop payment fees incurred due to employee loss of paycheck.

Unclaimed Paychecks- Paychecks not claimed by employees must be returned by the supervisor to the payroll office.

Direct Deposit - All ongoing employees hired after 7/1/17 are required to have their payroll checks deposited via direct deposit into the financial institution of their choice. Seasonal and temporary employees are not required to have direct deposit. Employee pay stubs/checks will be distributed no later than Friday each week.

3.10. INCLEMENT WEATHER

It is the City's intent to remain open through various weather situations unless it is determined that the essential functions of the City cannot be safely administered. This decision will be made by the Mayor and will be communicated via appropriate communication methods.

However, when the weather conditions appear to be so severe that an employee fears for his/her safety in traveling to or from the work site, he/she may be absent with leave if the following conditions are met:

1. The employee informs his/her immediate supervisor of his/her absence and the reason for it as soon as possible; and
2. The employee reports to work immediately if a change in weather conditions allows safe transportation to the work site.

If the above conditions are not met, the employer will deduct the missed workday (or portion thereof) from accumulated vacation leave, and if no leave is available, the missed portion of the work day will be unpaid. Reporting this leave shall follow the same requirements as other leave.

In situations where advanced notice of closure is known, the Mayor will communicate such closure via appropriate means. If City government operations are closed due to inclement weather, all non-essential personnel will be provided administrative leave with pay according to the number of hours that City Hall offices are closed. Those employees deemed essential personnel will be provided with the choice between time off to be used at a later date (to be used within 90 days) equivalent to time awarded off with pay to non-essential employees, or payment incurred for the time served during closure of government operations.

The policy is meant for those who are in danger due to weather conditions only. Should any employee abuse this policy, he/she will be subject to disciplinary action.

SECTION 4 – EMPLOYMENT

4.1. RECRUITMENT AND SELECTION

The City carefully selects employees through written applications, personal interviews, and applicable background and reference checks. After all available information is considered and evaluated, a decision may be made by the hiring manager. This selection process helps the City find and employ people who are concerned with their own personal success and the success of the City; people who want to do a job well; people who can carry on their work with skill and ability; and people who can work well with others to create an efficient team.

Applications

The City of Portland will make a reasonable effort to attract qualified applicants for all positions. Applications are only accepted for current position vacancies.

In the instance where positions within the same pay range and comparable skills requirements (for example maintenance or clerical), an eligibility list may be created in which future hires may be made from this list instead of requiring a separate recruitment.

All applications for employment are received at City Hall in the Human Resources Department and reviewed by the Human Resources Department or designee to ensure that minimum employment qualifications are met.

Vacancies for positions may be simultaneously posted internally and externally. The City exercises a policy of fairness for every individual who applies for work, and strives for the proper placement of individuals in various departments based on their experience, qualifications, and the needs of the City.

Potential applicants may request an application from the Human Resources Department or the receptionist at City Hall either in person, via email, or via the telephone, whereby an application will be sent to the applicant. Applicants may file their application with the receptionist, with the Human Resources Department, or electronically through application portals provided by the City.

Applications will remain active for a period of six (6) months from the date of original submission, and only for the position(s) applied for. Applications are only accepted when vacancies exist. The City does not consider applications and resumes after a position closes except in limited circumstances, or as announced on a case-by-case basis.

Internal applicants for open positions are required to submit a transfer application for each open position applied for.

Applicants may be removed from consideration if:

1. Applicant declines an appointment when offered;
2. Applicant cannot be located by the postal authorities – it will be deemed impossible to so locate an applicant when a communication mailed to the last known address is returned unclaimed;
3. Applicant cannot be located via appropriate alternative means of communication;

4. Applicant moves out of a required geographic area if residency within is required for the position;
5. Applicant is currently using illegal drugs or narcotics as determined by a post-offer, pre-employment drug test;
6. Applicant is found to have been convicted of a felony or misdemeanor dependent upon the nature and gravity of the offense, the time passed since the offense, and the nature of the job sought;
7. Applicant has made a false statement on the application;
8. Applicant does not file the application within the period specified in the application/examination announcement or does not use the prescribed form or uses a different format than allowed as a reasonable accommodation;
9. Applicant fails to satisfactorily pass background check/investigation that is job-related and necessary; and/or
10. Applicant does not possess the minimum qualifications for the position.

Job Announcements - Department Heads who need to fill a job opening should contact the Human Resources Department in order to begin the recruitment process. The Human Resources Department shall work with the hiring department to establish a plan of action for the recruitment and testing process before the position is advertised. Once the selection process is established and approved by the Mayor and Human Resource Department, there shall be no deviations unless the position is advertised again with notification to all affected applicants. The Human Resource Department will cause the announcement to be prepared and publicized in order to bring notice of vacancies to as many qualified persons as possible.

In-House Posting - Notice of vacant, regular ongoing positions will be distributed to all departments for posting on designated bulletin boards or for circulation among employees within each department. The vacancy will be posted until a specified closing date or until the position is filled.

Public Advertisement - Applicants shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that qualified applicants are obtained for City employment. The Human Resource Department in collaboration with the hiring department, will determine what forms of media to use for advertisement.

Advertisements may also include the City's website along with the City cable channel. The notice shall contain brief descriptions of the qualifications for the particular position and will specify the locations where applications can be obtained and the deadline for accepting applications. The vacancy will be posted until a specified closing date or until the position is filled.

Recruitment by Examination - All appointments in the City shall be made according to merit and fitness and may be subject to competitive valid examination. All such examinations shall fairly and impartially test those matters relevant to the capacity and fitness of the applicant's ability to be able to perform the essential functions, as well as the requisite knowledge, skills and abilities for the position.

4.2. SELECTION EXAMINATIONS

The examinations held to establish eligibility and fitness for any position may consist of one or more of the following elements as determined by the Mayor and/or department head in conjunction with Human Resources.

1. **Written Test** – This validated test, when necessary, will include a written demonstration designed to show the applicant's familiarity with the knowledge involved in the class of positions to which he/she is seeking employment.
2. **Oral Test** – This test, when necessary, will include a personal interview where the ability to deal with others, to interact with the public, and/or other personal qualifications are to be evaluated. An oral interview may also be used in examinations where a written test is unnecessary or impractical or as a reasonable accommodation to someone unable to take a written test due to a disability.
3. **Performance Test** – This test, when necessary, will involve performance tests as would aid in determining the ability and manual skills of applicants to perform the work involved. The performance test may be given weight in the examination process or may be used to exclude from further consideration applicants who:
 - a. cannot perform the essential functions of a specific position due to a disability that cannot reasonably be accommodated;
 - b. pose a direct threat to themselves or others.
4. **Physical Agility Test** – When necessary, this consists of job-related tests of bodily conditioning, muscular strength, agility, and physical fitness of job applicants for a specific position. This test may be given weight in the examination process or may be used to exclude from further consideration applicants who do not meet the minimum required physical job-related standards.
5. **Psychological Test** – When required and related to ongoing business necessity, this will include any test to determine mental alertness, psychological state/stability, general capacity of the applicant to adjust his/her thinking to new problems, or to ascertain special character traits and attitudes that are job-related and consistent with business necessity.
6. **Pre-employment, Post-offer Drug Test** – Pre-employment drug testing will be conducted for all safety-sensitive positions after the offer of employment is made. Positive results on the drug test will result in an applicant being denied employment.

The City will make reasonable accommodations in the examination process to disabled applicants requesting such accommodations.

Notification and Inspection of Examination Results: Each person who takes an examination shall be notified in writing of his/her standing on the eligibility list (if one is maintained) or of his/her passing or failing and may see any applicable testing results during regular City business hours.

4.3. APPOINTMENT TO POSITIONS

The Mayor shall appoint for budgeted, vacant positions existing within the Schedule of Authorized positions adopted by ordinance and may promote or transfer all officers and employees of the City or may authorize appropriate designees and/or department heads to do so, subject to the provisions of the City Charter, state law, and this personnel policy adopted by ordinance in order to meet City operational needs. New employees are appointed to existing salary schedules as established and approved by City Council.

Contingent Job Offers are made to the candidate approved for hiring. The City will not discriminate on the basis of a person's national origin or citizenship status with regard to recruitment, hiring, or discharge. However, the City will not knowingly employ any person who is or becomes an unauthorized alien. In compliance with the Immigration Reform and Control Act, all employees hired after Nov. 6, 1986, regardless of national origin, ancestry, or citizenship, must provide suitable documentation to verify identity and employability. The documentation must be provided within three days of employment or the individual will not be hired. All offers of employment are contingent on verification of the individual's right to work in the United States. The City uses E-Verify to confirm employment eligibility.

The job offer is also contingent on the results of a job-related background check as applicable and job-related to the position. The check may consist of prior employment verification, professional reference checks, and education confirmation. As appropriate, a criminal conviction history, health examination, driving record history and credit check may also be obtained if related to the position and consistent with business necessity.

Following the requirements imposed by the Federal Truth-In-Lending and the Fair Credit Reporting Acts the City may conduct a post-offer, pre-employment credit check for positions who are responsible for payments, cash, payroll and other financial related duties, including some law enforcement positions. Employment may be conditional upon the information in the credit check.

Post-offer, Pre-employment physical examinations may be required of prospective employees for certain positions based on the essential functions of the position as contained in the job description after a conditional offer of employment is made. The physical examination shall be given by a licensed medical practitioner, occupational or physical therapist, or appropriate licensed examiner designated by the City to determine if the employee meets required standards in order to perform the essential functions of the job with or without reasonable accommodation.

A copy of the specific job description will be provided to the examiner. The cost of this physical examination shall be borne by the City. Prospective employees who are unable to successfully perform the essential functions tested for in the examination shall have their offer of employment by the City withdrawn only if they:

1. cannot perform the essential functions due to a disability that cannot reasonably be accommodated; or
2. pose a direct threat to themselves and/or others.

Post-hire Medical Examinations / Physical Agility Tests -- All employees of the City may, during the period of their employment, be required by their department head, with the approval

of the Mayor and coordination with the Human Resources Department, to undergo periodic medical (which may also include mental fitness) examinations, as allowed by law, to determine their fitness to perform the essential functions of the position they currently hold.

Any such medical examination shall be at no expense to the employee. Determination of fitness for duty will be by a licensed medical practitioner, occupational or physical therapist, or appropriate licensed examiner designated by the City or its insuring agency.

Annual job-related physical agility testing for incumbent positions may be required based on business necessity. These will be limited to physical agility tests, which measure an employee's ability to perform actual or simulated job tasks, and physical fitness tests, which measure an employee's performance of physical tasks, as long as these tests do not include examinations that could be considered medical.

Employees determined to be physically or mentally unfit to continue in their positions may be demoted, or they may be separated from the City service only after it has been determined that they:

1. cannot perform the essential functions due to a disability that cannot reasonably be accommodated; or
2. pose a direct threat to themselves and/or others.

Barry Brady Law Fire Service Health Screenings -- To be eligible for presumption benefits, firefighters must be diagnosed after July 1, 2019, have served five or more consecutive years with an eligible fire department, and may only utilize the presumption for up to five years after their most recent date of exposure. A firefighter must have been exposed to heat, smoke, and fumes, or carcinogenic, poisonous, toxic, or chemical substances while performing the duties of a firefighter in the firefighter's capacity as an employee.

Eligible firefighters must also pass a pre-employment physical medical exam, with a cancer screening, and complete an annual physical medical examination that includes a cancer screening for the types of cancer covered under this law. Any firefighter employed by an eligible department before July 2019 who would like to be eligible for benefits must obtain a physical medical examination with the appropriate cancer screenings by July 1, 2020.

Elimination Periods - Newly appointed regular, ongoing, full-time employees are eligible for health, dental, and vision benefits the first of the month following appointment. The elimination period for all other benefits (voluntary life, AD&D, etc.) is completion of ninety (90) days of employment. Leave benefit elimination periods for leave benefits are described within leave policies.

4.4. PROMOTIONS

The Mayor may promote officers and employees of the City, or may authorize appropriate designees and/or department heads to do so, subject to the provisions of the City Charter, state law, and this personnel policy adopted by ordinance in order to meet City operational needs.

A promotion is the assignment of a qualified employee from one job class to another that has a higher pay rate. A qualified employee possesses the knowledge, skills and abilities, has the required experience level and is able to physically perform the duties and essential functions as outlined in the job description.

Temporary Promotion - The Mayor may authorize department heads to make promotions of employees, including temporary promotions to fill vacancies on an interim basis. The duration of absence in the position must create a business necessity for proper operation of the City. Employees will begin to earn the pay differential for a temporary promotion immediately upon assuming the related duties and will cease to do so upon completion of the interim assignment.

In every case, promotions must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of affecting an increase in compensation.

When a promotion occurs and the employee's current pay rate is less than the minimum rate for the new position, the employee's salary/wage shall be raised to at least the minimum rate. When the employee's current pay rate falls above the new position's minimum rate, an appropriate increase in alignment with the compensation plan will be awarded as determined by the department head, Human Resources and the Mayor.

When a position is advertised for certified personnel (positions that require agency or subject matter certification) and no applications are received that meet the qualifications, then present employees may be given the opportunity to move into the position and receive training, unless it is necessary to fill the vacancy quickly, or on an emergency basis.

4.5. TRANSFERS

The Mayor may transfer officers and employees of the City, or may authorize appropriate designees and/or department heads to do so, subject to the provisions of the City Charter, state law, and this personnel policy adopted by ordinance in order to meet City operational needs.

A transfer is a lateral move assigning an employee from one position to another position of equal responsibility and class. Transfers can take place within a department, between departments, between positions of the same pay range, between positions of the same class, or between positions of different classes of equal responsibility levels and pay. A transfer may also be implemented as a reasonable accommodation when an employee is unable, due to a disability, to continue to perform the essential functions of the job.

Should a City employee wish to transfer to another position, in the same department or in another department, when there is a vacancy, the transfer may be allowed if the level of pay is the same and the position is considered as the same level position, and the employee wishing to transfer is qualified, can perform the essential functions and duties as outlined in the job description and it is in the best interest of the City.

An employee who transfers from one department to another will retain and carry forward all benefits earned, accrued, or both as of the date of transfer. In the event an employee of the fire department working 24-hour shifts transfers to another department, Sick Leave will be reduced at a ratio of fire department accrual divided by standard accrual. As a general rule, lateral transfers require no increase in compensation. If an employee has less than one (1) year of full-time employment with the City or less than six (6) months service in his/her current position, the transfer must be approved by the Mayor.

Under no circumstances will a department head (as defined in the City Charter), an employee of supervisory status, a certified operator, or any employee with a higher-level position be allowed to transfer to a position of lesser responsibility without accepting a lower rate of pay. Should

this type of transfer be allowed, the employee's existing length of overall service to the City will be acknowledged, but the employee's pay will be adjusted to the appropriate amount from the wage range for the position.

4.6. DEMOTIONS

The Mayor may demote officers and employees of the City, or may authorize appropriate designees and/or department heads to do so, subject to the provisions of the City Charter, state law, and this personnel policy adopted by ordinance in order to meet City operational needs.

A demotion is the assignment of an employee from one position to another that has a lower maximum pay rate and responsibility. An employee may be demoted for any of the following reasons:

1. because his/her position is being abolished and s/he would otherwise be laid off;
2. because his/her position is being reclassified to a higher grade, and the employee lacks the necessary skills to successfully perform the job;
3. because there is a lack of work;
4. because there is a lack of funds;
5. because another employee, returning from authorized leave granted in accordance with the rules of the leave, will occupy the position to which the employee is currently assigned;
6. because the employee does not possess the necessary qualifications to render satisfactory service to the position s/he holds;
7. because the employee voluntarily requests such a demotion, and an open position is available;
8. as a reasonable accommodation when an employee, due to a disability, becomes unable to perform the essential functions of the job, and job transfer, reassignment, or job redesign are not reasonable; and/or
9. as a form of disciplinary action.

4.7. NEPOTISM / PERSONAL RELATIONSHIPS

Members of the immediate family of a City employee or elected official who meet the hiring standards may be employed to fill City positions as detailed below. For purposes of this policy, members of the immediate family include spouse, child, brother, sister, son- or daughter-in-law, sister- or brother-in-law, parents, parents-in-law, nephews, nieces, stepsisters, stepbrothers, stepchildren, and stepparents.

- No member of an immediate may family supervise members of his/her immediate family. This does not preclude employment of immediate family members under other lines of supervision. If the city cannot reasonably transfer one of the family members to another line of supervision, and the family members can't decide which one will leave voluntarily, the employee in the more junior position will be subject to discharge.
- No special preference will be given to family members in the selection of work location, days off, vacation schedules, etc.
- The work and conduct of the family members will be governed by the same requirements and procedures as all other employees.
- Seasonal and part-time employees are exempt from this provision/policy.

If a personal, romantic, or intimate relationship is established between two or more employees post-hire, it is the responsibility and obligation of the employees involved to disclose the existence of the relationship to the City. When a conflict or potential conflict arises due to the relationship affecting employment, the City reserves the right to make any and all employment decisions in the best interest of the City.

4.8. TYPES OF EMPLOYEES

- **Full-Time, Ongoing Employees.** A full-time, ongoing employee is an employee who is typically scheduled a minimum of 40 hours per week, is paid an hourly or salaried rate, is subject to all conditions of employment, and receives all benefits offered unless specifically excluded by the City Charter, code, or ordinance.
- **Part-Time Ongoing Employees.** A part-time ongoing employee is an employee who works fewer hours per workweek than a full-time employee on a regular basis and whose hours cannot exceed an average of **29 hours per week** during the standard measurement period. Week-to-week increases of hours beyond the 29-hour limit must be approved by the Mayor or department head. Human Resources will assist department heads with ongoing analysis of hours worked regarding the budgetary impact of benefits costs and compliance with the Affordable Care Act (ACA). Ongoing part-time employees are not eligible for benefits other than those statutorily mandated. Standard measurement periods can be defined separately for hourly and salaried employees.
- **Temporary Employees.** Temporary employees are individuals who perform work for the City for no more than six months during a 12-month period and whose ongoing employment with the City is not expected at time of hire. Temporary employees are not eligible for benefits except those coverage under workers' compensation. Hours of work shall be determined by the department head.
- **Seasonal Employees.** Seasonal employees are hired for a pre-established period, usually during peak workloads, either directly or through an employment service. They may work a full-time or part-time schedule. They are ineligible for City benefits except coverage under workers' compensation.
- **Non-Exempt Employees,** according to the Overtime Requirements of the FLSA are eligible for overtime pay and may be required to work more than the threshold hours for overtime in their workweek / work period. They are not exempt from overtime pay and are entitled to receive overtime pay for hours actually worked in excess of the employee's defined work period. Holiday pay and leave time will not be considered as "hours worked" for purposes of calculating overtime pay.
- **Exempt Employees.** Employees whose positions meet specific tests established by applicable state and federal laws and whose duties and responsibilities allow them to be "exempt" from overtime pay provisions as provided by the FLSA. They are not paid overtime regardless of the number of hours they work in a particular week. All exempt employees are expected to observe a normal forty-hour workweek and to work any additional hours necessary to accomplish the responsibilities of the position. *Exempt employees are required to complete time records which are maintained by the Finance Department and must be submitted during the payroll process. Exempt employees must*

utilize available paid leave if they work fewer than forty (40) hours in a work week. If no paid leave is available during the week in which fewer than forty (40) hours are worked, the employee will have his/her pay reduced by the number of hours not worked.

- **Salaried Employees.** Employees who are paid a specified weekly rate. All personnel defined as “department heads” in the City Charter, and any employee determined to be, and designated as exempt from the Fair Labor Standards Act, shall be paid on a salary basis and are not eligible for overtime pay.
- **Hourly Employees.** Employees who are paid an hourly rate and are paid overtime for worked hours over their overtime threshold for that work period. *Holiday pay and leave time for hours not worked will **not** be considered as “hours worked” for purposes of calculating overtime pay.*

4.9. PERFORMANCE EVALUATION

The annual rating period (period of performance measurement) evaluates performance occurring during the prior fiscal year, i.e. from June 30th of the completed fiscal year back through July 1st of the previous calendar year.

Employees will receive a performance evaluation at least annually at a time based on City needs. Additional evaluations shall be conducted prior to moving to another job in the organization, when performance outcomes fall below minimum expectations or whenever a department head/supervisor/manager determines a need.

The performance evaluation is intended to help the employee achieve a professional level of conduct and performance;

Employees must clearly understand what is expected and be committed to achieving quality results;

At a minimum, evaluations will be conducted annually, but may occur more frequently if the department head/supervisor/manager determines a need.

1. The Human Resources Department will maintain evaluation schedules and will notify department heads/supervisors/managers thirty (30) days in advance of evaluation due dates; and
2. Department heads/supervisors/managers will use the appropriate evaluation form to candidly and accurately document feedback on the critical success factors and previously agreed upon performance objectives established for the measurement period.

Reviews should be structured as follows:

1. Be sure that there is an accurate and complete job description for the position.
2. Incorporate input from the employee’s self-evaluation as appropriate.
3. Discuss the written performance ratings/summaries in the evaluation areas.
4. Goals, objectives, development plans, performance improvement plans, etc. should be established during this time for the upcoming rating period. Discuss what is expected and by when (develop a timeline for completion).

5. Determine how the expectations will be measured (i.e. complete a seminar or course of study, work quality or quantity improvements, cross training, etc.).
6. Secure all required authorization signatures and dates BEFORE DISCUSSING WITH THE EMPLOYEE.
7. Review the results of the overall evaluation with the employee.
8. Provide opportunity for the employee to ask questions and to document their remarks regarding the review.
9. Employee and reviewer should sign and date the evaluation form.
10. The appraisal is not final until it has been reviewed and acted upon by Human Resources and the Mayor.
11. The completed and signed evaluation form should be returned to Human Resources for filing in the employee's personnel file.
12. The City reserves the right to alter the terms and the manner in which performance is or is not appraised.

As important as written performance appraisals are, they are not meant as substitutes for ongoing discussions between employees and their supervisors about their performance.

4.10. OUTSIDE EMPLOYMENT

With the approval of the department head and Mayor (on an annual basis if ongoing), outside employment is permissible, provided that there is no conflict of interest or impairment of work performance for the City of Portland. Before outside employment begins, employees must present a written request to their department head describing the work to be performed.

Required overtime of any employee of the City takes priority over an employee's outside employment. Anyone who knowingly misses work or refuses mandatory overtime at his/her primary job to work a second job may be subject to disciplinary action up to, and including, termination of employment. Employees missing work because of sickness or injury that can be attributed to outside employment will not receive pay or other benefits for time lost from their City job. Approval of outside employment may be withdrawn for any business-related reason.

4.11. GRIEVANCES

A grievance is defined only as an expression of dissatisfaction, disagreement or dispute arising between a current employee and his/her supervisor and/or the City regarding an aspect of the application or interpretation of regulations and policies; reasonable accommodation under the ADA*; or an operational management decision affecting him/her. Disciplinary actions, promotions, demotions, and transfers are not grievable.

**If the grievance is for reasonable accommodation under the ADA, Human Resources must be involved in each grievance process step.*

It is the City's desire to address grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be occasional situations that will be resolved only after a formal meeting and review.

Employee(s) who have a grievance should first discuss it with their immediate supervisor, within five business days following the incident or immediately upon returning to work from a

suspension. Every employee may present a grievance under the provisions of the grievance procedure free from fear of retaliation of any kind concerning employment.

STEPS OF THE GRIEVANCE PROCEDURE ARE AS FOLLOWS:

Step 1. The employee files a written grievance with the immediate supervisor within five (5) business days of the incident. An employee should give the supervisor copies of any witness statements or other supporting documents. The immediate supervisor will promptly investigate the circumstances surrounding the grievance, discuss the matter with the appropriate department head, and take action if within the scope of the immediate supervisor's authority. The supervisor shall inform the employee of his/her decision in writing within three (3) business days. The supervisor shall provide a copy of his/her decision to the department head. No supervisor may hold a grievance longer than three (3) business days without forwarding it to the next supervisory level.

Step 2. If the issue cannot be resolved between the employee and his/her supervisor, the employee may proceed to the second step by reducing the request to writing and requesting that the department head review the written grievance and supervisor's response. If an employee wishes a meeting with the department head, one will be arranged. Upon hearing the grievance, the department head must provide a written response to the employee and the immediate supervisor within three (3) business days of the meeting.

Step 3. If the issue still cannot be resolved by the department head, the employee may request in writing a meeting with the Mayor. The Mayor shall have ten (10) business days to schedule the meeting after which, the Mayor shall provide a written response to the employee with copies to the department head and immediate supervisor. Every attempt will be made to resolve the employee's grievance. The Mayor's decision shall be final and binding on all parties involved.

SECTION 5 – EMPLOYEE BENEFITS

The City provides a competitive benefits program for all eligible employees. In addition to receiving an equitable salary and having an equal opportunity for professional development and advancement, employees may be eligible to enjoy other benefits which will enhance job and employment satisfaction. The benefit programs described in this personnel manual represent a significant investment in each employee by the City.

This section contains only a summary of insurance benefits, and the terms and conditions of any Plan Document and Summary Plan Description control any benefit if the summary contained in the Personnel Manual conflicts or may be interpreted to conflict. Employees should review their Summary Plan Description(s) in addition to the information provided in the Personnel Manual.

Other benefits previously approved by the Portland City Council, and not in conflict with this policy, shall remain in effect. The Portland City Council may, from time to time, approve additional benefits.

5.1. HEALTH, DENTAL AND VISION BENEFITS

Eligibility for benefits

Ongoing, full time employees will be eligible for the benefits described in this personnel manual as soon as the eligibility requirements for each particular benefit are met. Coverage is available defined in the benefits' Summary Plan Descriptions.

- Part-time, temporary and seasonal employees are not eligible for benefits.
- No benefits are available to employees prior to the plan's stated eligibility date, except as otherwise provided by law.

Health benefits: Employees and those City officials specified in the Municipal Code are covered under plan providers selected by the City. For details regarding current benefit plans and availability, refer to the annually approved Schedule of Benefits available in Human Resources.

Medical, dental and vision insurance: Eligibility for the medical, dental and vision insurance is per each plan document.

COBRA: COBRA provides certain former employees, retirees, spouses, former spouses, and dependent children the right to temporary continuation of health insurance coverage at group rates. This coverage, however, is only available when coverage is lost due to certain specific events. Group health coverage for COBRA participants is usually more expensive than health coverage for active employees, since usually the employer pays a part of the premium for active employees while COBRA participants generally pay the entire premium themselves. For details regarding your COBRA coverage options following a covered event, please contact the Human Resource Department.

5.2. SECTION 125 PLAN

A Section 125 plan is a benefit plan that allows employees to make contributions toward medical and dental insurance on a pre-tax rather than an after-tax basis. This means qualified expenses are deducted from gross pay before income taxes and social security are calculated.

By doing so, employees elect to have their gross pay reduced by an amount equal to contributions for medical and dental insurance. Once this election is made, no changes may be made to the pre-tax contributions until the next open enrollment period, unless the change being requested is the result of a change in family status (such as marriage, divorce, death of a spouse or child, birth or adoption of a child or termination of employment of a spouse). A change in election due to a change in family status will be effective in the pay period following receipt of the election.

5.3. RETIREMENT / TCRS

The retired employee's insurance premium, single coverage only, will be paid by the City with the retired employee's dependent's coverage offered at the retiree's expense. If the employee is enrolled in the State of TN/Portland's health insurance (the Plan) and meets the service requirements, they may continue coverage at retirement until they become eligible for Medicare. Covered dependents can also continue coverage until they become eligible for Medicare or no longer qualify as eligible dependents. To qualify for continued health insurance coverage, one of the following conditions must be met:

- Ten years of creditable service: must be age 55 or older and at least three years of continuous insurance coverage in the plan immediately prior to final termination of employment. The date retirement pension benefits start (effective date of retirement with TCRS) must be on or before the date your active coverage ends.
- Twenty years of creditable service: must be age 55 or older and at least one year of continuous insurance coverage in the plan immediately prior to final termination of employment. The date retirement pension benefits start (effective date of retirement with TCRS) must be on or before the date your active coverage ends.
- Thirty years of creditable service and at least one year of continuous insurance coverage in the plan immediately prior to final termination of employment. The date retirement pension benefits start (effective date of retirement with TCRS) must be on or before the date your active coverage ends.

All retirees must elect to continue coverage in the Plan within 30 days of termination of coverage. If the employee who has met the qualification for retirement is terminated, the employee can continue insurance through COBRA coverage at the employee's expense. If the employee voluntarily leaves the City, the employee can continue insurance through COBRA coverage at the employee's expense.

Should the City of Portland withdraw from the State of Tennessee's Health Insurance Plan, the retiree is no longer eligible for this coverage.

The Local Government Plan Document shall be maintained on file in the Human Resources Office.

Re-employment after Retirement

Any retired member may return to service in a position covered by the TCRS and continue to draw such person's retirement allowance in a temporary capacity limited to the equivalent of 120 days per 12-month period, and may earn no more than 60% of their final compensation at time of retirement.

Retiree Health Insurance

Should the City of Portland withdraw from the state's health insurance plan, the retiree would no longer be eligible to continue the coverage [through the state's plan].

All retirees must elect to continue coverage in the Plan within 30 days of termination of coverage.

The retired employee's insurance premium, single coverage only, will be paid by the City with the retired employee's dependent's coverage offered at the retiree's expense.

Retirees or covered dependents who are not members of TCRS will be eligible for a BC/BS Medicare Supplement when they reach the age of 65 or become Medicare eligible.

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5.4. 401(k) / 457(b) PLAN

The City participates in the State of Tennessee voluntary defined contribution 401(k) and 457(b) tax-deferred retirement savings programs. For details on enrollment in the program, please refer to the plan documents available in the Human Resource Department.

5.5. CITY OBSERVED HOLIDAYS

All offices of the City of Portland, except emergency and necessary operations, will be closed and employees excused from work on the holidays listed below. There is no elimination period for this benefit, with the exception of Employee Personal Holiday*.

- | | |
|-------------------------------|-------------------------------|
| 1 New Year's Day | 8 Thanksgiving Day |
| 2 Martin Luther King Jr. Day | 9 Day after Thanksgiving Day |
| 3 Presidents' Day | 10 Veterans' Day |
| 4 Good Friday | 11 Christmas Eve |
| 5 Memorial Day | 12 Christmas Day |
| 6 Independence Day - July 4th | 13 Employee Personal Holiday* |
| 7 Labor Day | 14 Juneteenth |

**One day granted per calendar year beginning January 1, 2020 to a regular employee to be taken in a minimum of four-hour increments and with 24-hour advance notice to the supervisor. Any unused portion of a personal day will be forfeited at the end of the year and will not be eligible for cashing out nor paid upon separation from employment.*

5.6. HOLIDAY PAY

The City's observance of the holidays listed above (with the exception of the Employee Personal Holiday) will be scheduled on either Monday, Tuesday, Wednesday, Thursday or Friday. A holiday calendar designating the weekday to be observed may be issued annually. Eight (8) hours of holiday pay will be paid at the eligible employee's straight-time rate of pay for the City's observed holidays. Holiday Pay is not considered hours worked for the purpose of calculation of overtime pay.

To receive compensation for a holiday, employees eligible for holiday benefits must be in an active pay status (not away on leave without pay or on workers' compensation) on their last regular shift scheduled before a holiday and their first regularly scheduled shift after a holiday. Employees must seek appropriate approval for paid leave in conjunction with a Holiday with the exception of statutorily mandated leaves (i.e. FMLA).

Pay for hours worked for full-time, non-exempt employees who are required to work (excluding emergency call-in) on a holiday shall be calculated at their regular, hourly pay rate for the actual hours worked on the holiday and shall be paid in addition to the regular straight-time holiday pay for the day. All hours actually worked will be counted as straight- time hours for overtime calculation purposes.

5.7. VACATION

Vacation is an employee benefit that depends on how long the employee has worked for the employer for all regular full-time, exempt and non-exempt employees.

The City will try to honor all vacation requests; however, vacations cannot interfere with the City's operation. Therefore, your vacation must be approved by your department head/supervisor/manager in advance on a first come, first-served basis. If any conflicts arise in vacation requests, preference will be given to the employee with the longest length of continuous service.

All regular, ongoing full-time employees of the City will be granted vacation leave annually January 1 based on continuous years of service to the City. As the number of years of service increases, the amount of vacation leave granted increases and may accumulate to the maximum amount as shown in the table below:

New Hires Up To 1 Year			
- Vacation hours will be pre-credited to the employee at hire using a pro-rated amount based on the month that the employee is hired in. - Non-Public Safety and Exempt employees are calculated at 5 hours per month, Police are calculated at 5.375 hours per month, and Fire are calculated at 7 hours per month. These calculations are based on the standard work week hours for each category. - Regardless of the hiring date in the employee's first calendar year, a new employee is considered to have completed a year on December 31st for the purposes of calculating vacation. Vacation Hours Credit Examples: - January Hire – non-public safety & exempt 60hrs / police 64.5hrs / fire 84hrs - May Hire – non-public safety & exempt 40hrs / police 43hrs / fire 56hrs - October Hire – non-public safety & exempt 15hrs / police 16.125hrs / fire 21hrs - A "Non-Public Safety and Exempt" employee hired in January would be credited 60 hours of vacation and would be credited another 60 hours on January 1 of the following year. - A Police & Fire Non-Exempt hired in November would be credited 10.75 hours (Police) and 14 hours (Fire), then on January 1 of the following year they would be credited another 64.5 Hours (Police) and another 84 hours (Fire). - On completion of over a year of employment, employees will be credited with either 80hrs/86hrs/112hrs of vacation on the following January 1 using the schedule below based on their category as they begin their third calendar year (<i>2 year service credit time</i>).			
Credited Service Time	Non-Public Safety and Exempt	Police Non-Exempt	Fire Non-Exempt

1 Year	60 Hours	64.5 Hours	84 Hours
2 Years	2 Weeks = 80 Hours	2 Weeks = 86 Hours	2 Weeks = 112 Hours
4 Years	3 Weeks = 120 Hours	3 Weeks = 129 Hours	3 Weeks = 168 Hours
8 Years	4 Weeks = 160 Hours	4 Weeks = 172 Hours	4 Weeks = 224 Hours
16 Years	5 Weeks = 200 Hours	5 Weeks = 215 Hours	5 Weeks = 280 Hours
28 Years	6 Weeks = 240 Hours	6 Weeks = 258 Hours	6 Weeks = 336 Hours

The City's vacation year is based on the calendar year. This means that the vacation year begins on January 1 and ends on December 31 of each year. Since employees are hired throughout the calendar year, vacation time will be prorated for any partial year of service upon hire and be taken upon accrual. **There is no elimination period for this benefit.**

Scheduling. Vacations should be scheduled in advance for the mutual convenience of the employee and the City so that proper adjustments can be made in work schedules. Department heads preparing vacation schedules may give a choice of dates based on seniority of the personnel in their departments, and no employee may begin his/her vacation leave until his/her request has been approved by the department head.

Employees may at any time cash out up to two (2) weeks of accrued vacation once annually.

Employees may roll over up to two (2) weeks to the following year in December annually. Employees may convert unused vacation leave to sick leave without limit at any time.

At no time may an employee have more than his/her vacation accrual amount plus two week in his/her vacation bank.

An employee may not schedule more than two (2) weeks of vacation in any six (6) week period without approval from the Department Head.

Vacation Pay-out at Termination of Employment. If there is unused vacation time upon voluntary separation from employment with the City it will be paid out at the employee's regular, base rate. A break in service of 6 months or more will reset the vacation accrual calculation.

Legal Holidays. Legal holidays falling within a vacation period will not to be counted as vacation days.

Benefits for elected officials are addressed separately by City of Portland Ordinances.

5.8. SICK LEAVE

All full-time employees shall accumulate (9.33) hours of sick leave with pay for each month of work completed for the City (total of 14 days per calendar year), except sworn Police department employees working 12-hour shifts who shall accrue 12 hours of sick leave per month, and fire department employees working 24-hour shifts who shall accumulate 24 hours of sick leave per month. Sick leave may be used as it accrues. **There is no elimination period for this benefit.**

Sick leave may be granted for any of the following reasons, and must run concurrently with FMLA when applicable:

1. Personal illness or physical incapacity resulting from causes beyond the employee's control;
2. Medical, dental, optical or other professional treatments or examinations for the employee;
3. Medical, dental, optical or other professional treatments or examinations for family members;
4. Acute illness of a member of the employee's immediate family. Immediate family includes children, spouse or parent(s);
5. To attend to personal illness or physical incapacity of family members, resulting from causes beyond the employee's control;
6. Exposure to contagious disease so that employee's presence at work might jeopardize the health of other employees;
7. To attend to a family member with exposure to contagious disease so that the family member might jeopardize the health of other people;

There is no maximum accumulation of sick leave. Any unused sick leave upon retirement is to be a service credit toward the employee's retirement (T.C.A. 8-34-604). Accumulated sick leave is not otherwise payable to the employee upon termination, resignation or retirement; nor can it be used as a form of 'early retirement' in practice.

A doctor's statement shall be delivered to the supervisor after three (3) consecutive days of absence for sickness. To prevent abuse of the sick leave privilege, the City supervisory staff may satisfy themselves that the employee is genuinely ill before approving sick leave, and may require a doctor's certificate for any absence for which the employee requests sick leave.

Sick leave hours deducted from an employee's sick leave accumulation shall be for the number of regular work hours absent and shall not include holidays and scheduled days off. Employees claiming sick leave while on vacation leave must support their claim by a doctor's statement if requested by a department head or the Mayor. When an employee is on "leave without pay" for greater than half of their assigned shifts during any calendar month no sick leave accumulates.

Sick Leave Notice. The employee is required to notify his/her supervisor as soon as practical, but no later than the start of the workday. The employee should make every effort to reach the supervisor directly to explain the reason for absence.

Health Care Statement. To prevent abuse of the sick leave privilege, any absence may require a doctor's certificate. Absences in excess of three (3) days shall require a doctor's return to work certification in order to return to work.

Fire Personnel Sick Leave. Members of the fire department working a 24-hour shift will be charged 24 hours of sick leave for each missed shift due to illness. Fire department employees who work a regular eight or ten-hour shift shall be charged sick leave for the number of hours absent each day up to a maximum of eight or ten hours.

Workers' Compensation. Employees on Workers' Compensation will continue to accrue sick leave during the period of absence. Workers' Compensation leave runs concurrently with FMLA leave for employees who are eligible for FMLA job-protected leave.

Exhaustion of Leave. Once an employee exhausts sick leave, vacation leave will be substituted for the remaining absences or until the vacation leave is exhausted. If the illness is FMLA qualifying, once all accrued leave is exhausted, further absences shall be designated as leave without pay.

Department Head or Supervisor Requirements. Department heads and/or supervisors are required to report to Human Resources any employee sick leave absences of more than three (3) calendar days to ensure that the City complies with federal regulations regarding the Family and Medical Leave Act. Notification to Human Resources must occur on the fourth day after three consecutive days of absence.

5.9. FUNERAL / BEREAVEMENT

Full-time, ongoing employees may take one (1) day of funeral leave per relative for the following family members: grandparents-in-law, aunts, uncles, nieces and nephews. Full-time employees may take three (3) days of funeral leave per relative for the following family members:

Children	Spouse	Parents	Mother-in-law
Father-in-law	Step parent	Step children	Grandfather
Grandmother	Brother	Brother-in-law	Sister
Sister-in-law	Grandchildren	Daughter-in-law	Son-in-law
Legal Guardian/Foster Child or Parent			

Should more than 3 days of bereavement leave be necessary; employees may seek approval from their supervisor to use available compensatory, vacation, or sick time in addition to the funeral leave. Notice must be given to the supervisor and the amount of vacation or sick time to be used must be approved by the supervisor prior to the additional time being taken. The twenty-four (24) hours of funeral leave is available per relative for each of these listed relatives. Bereavement Leave may be used non-consecutively as approved. **There is no elimination period for this benefit.**

5.10. FAMILY AND MEDICAL LEAVE

Overview: The Family and Medical Leave Act (FMLA) provides certain employees with up to 12 weeks (in some situations up to 26 weeks) of unpaid, job-protected leave per year. It also requires that their group health benefits be maintained during the leave.

FMLA is designed to help employees balance their work and family responsibilities by allowing them to take reasonable unpaid leave for certain family and medical reasons. It also seeks to accommodate the legitimate interests of employers and promote equal employment opportunity for men and women.

Eligibility: The Family & Medical Leave policy is applicable employees who have worked at least 12 months for the City and who have worked at least 1,250 hours during the preceding 12-month period. Such employees are eligible for a maximum of 12 to 26* weeks of leave under the act. Special rules apply for husbands and wives employed by the same employer and for exempted key employees (top 10 percent of all wage earners, and who are paid on a salary basis). People who are not covered include elected officials, volunteers, independent contractors, and legal advisors.

Leave entitlement: Eligible employees may take up to 12 workweeks (480 work hours for 40-hour work week employees; 516 hours for 86-hour work period employee and 636 hours for 53-hour work period employees) of leave in a 12-month period for one or more of the following reasons:

- The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care;
- To care for a spouse, son, daughter, or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

*Eligible family members of military personnel defined as the spouse, son, daughter, parent or next of kin of a covered service member may take a maximum of 26 workweeks leave under FMLA to care for a wounded member of the armed forces. This includes family members of the National Guard or Reserves who are undergoing medical treatment, recuperation, therapy or other medical treatment for a “serious injury or illness”.

Paid / Unpaid Leave. FMLA runs concurrently with paid time off (compensatory, sick, vacation leave) and concurrently with workers’ compensation leave. Sick time will be paid out first and vacation time will be paid afterwards. In the event that an hourly paid, non-exempt employee has accrued compensatory time, that use will precede the use of sick or vacation leave. Approved leave will be unpaid if the employee does not have paid leave available at the time FMLA starts or when all available paid leave is exhausted while out on leave.

Effects on Sick Leave Accrual. When an employee’s unpaid leave time is greater than half of their assigned shifts or more during any calendar month while on FMLA, no sick leave accrues. The combination of compensatory time, sick leave, vacation leave, and unpaid leave may not exceed the total allowable leave under the FMLA, except as required by statute.

Guidelines. An eligible employee may take up to 12 weeks of family and medical leave in a 12-month period for the birth of a child or the placement of an adopted or foster care child. Leave may also be taken to care for one’s self, a child, spouse, or parent who has a serious health condition. Eligible employees may take up to 12 weeks of unpaid leave to deal with family issues resulting from a spouse, son, daughter or parent being called to active duty (including being notified of an impending call to active duty).

Serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves one of the following:

- Inpatient care in a hospital, hospice or residential medical care facility, including any period of incapacity or subsequent treatment;
- A period of incapacity of more than three consecutive calendar days that also involves treatment two or more times by a health care provider or treatment which results in a regimen of continuing treatment under the supervision of the health care provider;
- Any period of incapacity due to pregnancy or for prenatal care;
- A chronic condition that requires periodic treatments, continues over an extended period of time, and may cause episodic rather than a continuous period of incapacity;
- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, requiring continuing supervision of a health care provider;
- Multiple treatments either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three calendar days in the absence of medical intervention or treatments, such as cancer, severe arthritis or kidney disease.

Serious Injury or Illness for an Injured Service Member is defined as a covered service member’s injury or illness incurred in the line of duty on active duty in the Armed Forces that

may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating. This could include medical treatment, recuperation, therapy, outpatient care and other treatments for a serious injury or illness.

Spouse / Same Employer. If spouses are employed by the same employer and eligible to take leave for the birth or adoption of a child, their aggregate leave under FMLA is limited to 12 weeks. For example, if the father takes four weeks leave to care for a child, the mother would be entitled to eight weeks leave, for a total of 12 weeks. If, however, the spouse experiences her own serious health condition as a result of the pregnancy, both employees are entitled to the full 12 weeks.

Right to Return to Work. On return from family and medical leave, an employee is entitled to be returned to the same position that s/he held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his/her position has been restructured to accommodate the employee's absence.

If the employee is unable to perform the essential functions of the position because of a physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position under the FMLA. The City, however, may be required by the Americans with Disabilities Act (ADA) to offer the employee an accommodation.

Notification and Scheduling. An eligible employee must provide the City at least 30 days advance notice of the need for leave for birth, adoption, or planned medical treatment when it is foreseeable. This 30-day advance notice is not required in cases of medical emergency or other unforeseen events, such as premature birth or sudden changes in a patient's condition that require altering scheduled medical treatment.

Parents who are awaiting the adoption of a child and are given little notice of the availability of the child may also be exempt from this 30-day notice.

It is the City's responsibility to designate leave in writing as FMLA leave and to notify the employee. Employees may not retroactively claim that leave was for FMLA. Failure to provide notification will result in the leave not being designated as FMLA. The City will, if necessary, provide the FMLA leave notice in alternate formats.

Certification. The City reserves the right to verify an employee's request for family and medical leave. Failure to provide certification from a health care provider in a timely manner may result in delay or denial of FMLA. Medical certifications will be treated as confidential and privileged information under HIPAA and the State's Open Records laws as appropriate.

If the City has a reason to question the original certification, the City may, at the City's expense, require a second opinion from a different health care provider chosen by the employer. The health care provider may not be employed by the City on a regular basis. If a resolution of the conflict cannot be obtained by a second opinion, a third opinion may be obtained from another provider and that opinion will be final and binding. The City will pay for second and third opinion visits.

An employee may be required to report periodically to the City the status and the intention of the employee to return to work. Before return is granted, employees are required to furnish the City with a medical certification from the employee's health care provider stating that the employee is able to resume work.

Reduced and Intermittent Leave. Family and medical leave may be taken intermittently or on a reduced schedule when medically necessary as certified by the health care provider. Intermittent or reduced leave schedules for routine care of a new child can be taken only with the City's approval. The schedule must be mutually agreed upon by the employee and the employer. Employees on intermittent or reduced leave schedules may be temporarily transferred by the City to an equivalent alternate position that may better accommodate the intermittent or reduced leave schedule. Intermittent or reduced leave may be spread over a period of time longer than 12 weeks, but it will not exceed the equivalent of 12 workweeks total leave in a 12-month period.

Restoration. Employees who are granted leave under the FMLA policy will be reinstated to an equivalent or the same position held prior to the commencement of their leave.

Certain highly compensated key employees, who are salaried and among the 10% highest paid workers, may be denied restoration if:

- the employer shows that such denial is necessary to prevent substantial and grievous economic injury to the employer's operations;
- the employer notifies the employee that it intends to deny restoration on such basis at the time the employer determines that such injury would occur; and
- if leave has commenced, the notice must provide the employee a reasonable time in which to return to work, taking into account the circumstances, such as the length of the leave and the urgency of the need for the employee to return.

Employees voluntarily accepting a light duty assignment in lieu of continuing FMLA leave maintain their right to restoration to the original or an equivalent job until the twelve (12) weeks of FMLA leave has passed.

If an employee fails to provide a requested fitness-for-duty certification to return to work, the City may delay restoration until the employee submits the certification.

The 12-Month FMLA Period. The City follows a **12-months measured forward method**. This means that the leave is measured from the first date an employee's FMLA leave begins.

Denial of FMLA Leave. If an employee fails to give timely, advance notice when the need for FMLA leave is foreseeable, the City may delay the taking of FMLA leave until 30 days after the date the employee provides notice to the employer of the need for FMLA leave.

If an employee fails to provide, in a timely manner, a requested medical certification to substantiate the need for FMLA leave, the City may delay continuation of FMLA leave until an employee submits the certificate. If the employee never produces the certification, the leave

may not be designated as FMLA. In instances of workers' compensation leave, pregnancy, or events where the City has sufficient knowledge of an event certification may not be required.

Employee Benefits While on FMLA. During periods of FMLA, the City will continue to provide health insurance benefits at the employee rate. If premiums are current, the City will maintain health insurance benefits during periods of unpaid leave without interruption. Any payment for premiums or other payroll deductible insurance policies must be paid by the employee or the benefits may be terminated. Arrangements may be made between the employee and the City for a payment plan for the employee's portion of insurance premiums. If interrupted, the City is obligated to reinstate benefits upon an employee's return to work.

The City has the right to recover from the employee all health insurance premiums paid by the City on behalf of the employee during the FMLA leave period if the employee fails to return to work after leave. Employees who fail to return to work because they are unable to perform the functions of their job because of their own serious health condition or because of the continued necessity of caring for a seriously ill family member may be exempt from this recapture provision.

FMLA leave under this policy does not constitute a qualifying event that entitles an employee to Consolidated Omnibus Budget Reconstruction Act (COBRA) benefit; however, the qualifying event triggering COBRA coverage may occur when it becomes clearly known that an employee will not be returning to work. At that point, the employee ceases to be entitled to leave under this policy and may be offered COBRA.

Workers' Compensation While on FMLA. Workers' Compensation injury/illness meets the criteria for a serious health condition, therefore, the workers' compensation absence and the FMLA leave entitlement will run concurrently.

5.11. TN MATERNITY/PATERNITY LEAVE

Under the Tennessee Maternity Leave Act, any employee who has been employed full-time for at least one year with the City of Portland and who gives at least three months advance notice of their anticipated date of departure, length of maternity/paternity leave, and intentions to return to full-time employment, may be granted maternity/paternity leave for a period not to exceed four (4) calendar months for pregnancy, childbirth, adoption, and nursing an infant. Use of paid leave (compensatory, sick, and vacation – in that order) shall be used until exhausted for maternity/paternity purposes; if no paid leave exists, leave will be without pay.

An employee desiring maternity/paternity leave shall notify her/his department head so a temporary replacement may be secured. Maternity/paternity leave will run concurrently with FMLA leave if FMLA has not exhausted otherwise and shall be approved depending upon the medical needs and doctor's instructions. Return to duty must be accompanied by a release statement from the employee's attending physician under maternity leave.

5.12. WORKERS' COMPENSATION LEAVE

An employee of the City of Portland who suffers injury or illness as a result of a work-related accident or condition shall receive compensation during the period of illness or injury in accordance with the Tennessee Worker's Compensation Act.

Work Related Injuries Notification: *If you experience any injury on the job as a City employee- regardless of whether it seems minor; regardless of whether it needs medical attention -- you must take the following steps:*

1. *Report the injury immediately to your department head or Human Resources, and the city safety officer;*
2. *If the department head, Human Resources representative, or safety officer is not available, report it to your immediate supervisor;*
3. *Should the injury occur after hours (weekdays) or on the weekends, report of the injury must be made as soon as you return to work and must be reported within 24 hours;*
4. *Failure to comply with this procedure may result in disciplinary action up to, and including, termination of employment.*

Please note that your health insurance will not cover the cost of a work-related injury. *Timely reporting is important for you, and is required by law.*

No compensation shall be paid by the City for the first seven (7) days of disability resulting from injury, excluding the day of injury. If sick leave is accumulated, the employee may use it for this seven (7) day period. If disability extends beyond the seven (7) day period, workers' compensation payment from the workers' compensation insurer will commence with the eighth (8) day after the injury. Beginning on the eighth day, and for as long as worker's compensation benefits continue, no accumulated sick leave shall be used by the employee. In the event the disability from injury exists for a period as long as fourteen (14) days, then the workers' compensation insurer will be retroactively paid beginning with the first day after injury through.

Employees injured in an on-the-job accident may be compensated according to the state worker's compensation board's schedule of compensation.

Employees on occupational disability leave due to an on-the-job injury will not be charged sick or vacation leave during the period of convalescence. Employees shall continue to accrue sick leave and vacation leave at their regular rate while on occupational disability or injury leave.

Leave coordination: *Workers' Compensation Leave and Family and Medical Leave (FMLA) will run concurrently for employees who are eligible for FMLA leave.*

The employee shall continue paying their portion of their insurance while on worker's compensation. After returning to work, any workers' compensation related doctor's visits will be covered by worker's compensation. If worker's compensation does not cover these visits then the employee may use their sick days.

Time Off for Medical Appointments. Any City employee with a workers'-compensation-related illness or injury who is on the job but seeing a medical provider for said illness/injury will not be required to use his/her accumulated sick leave for medical appointments that are scheduled during the employee's regularly scheduled work hours.

Medical providers and medical appointments shall include, but not necessarily be limited to: specializing physicians, medical practitioners, chiropractors, occupational therapists, and providers from other medical fields, as prescribed by provisions of the TN Code, Title 50, Chapter 6.

Workers' compensation related medical appointments shall be noted as such on the employee's time sheet/time card but shall not be deducted from the employee's accumulated sick leave. The employee shall be compensated at his/her regular rate of pay.

The employee shall, as soon as s/he has knowledge of scheduled appointments, advise the supervisor of the date and times that s/he will be away from the job. The Mayor (or designee), at his/her discretion, may question the employee's number of appointments and length of appointments through the employee's workers' compensation case worker should there appear to be a pattern of irregularities.

Mileage Paid to Employees For Medical Appointment. When a City employee, who has suffered a workers'-compensation-related illness/injury, drives more than 15 miles for a medical appointment calculated from either the employee's residence or worksite that employee is eligible for mileage reimbursement. The per mile reimbursement rate for the injured employee shall be not less than the mileage allowance authorized for state employees who have been authorized to use personally owned vehicles in the performance of their duties. Said employee is personally responsible for keeping accurate records of all mileage.

Employee May Use City-Owned Vehicles for Doctors Appointment for Workers' Compensation Related Illnesses/Injuries. City employees, who have suffered a workers' compensation related illness/injury that have a City-assigned vehicle for his /her job, shall be permitted to use that vehicle to travel to medical appointments for said illness/injury. The employee, however, may not use the City-assigned vehicle for appointments that are scheduled during off-duty time. During off-duty, the employee shall use his/her personal vehicle for appointments and shall keep mileage records to turn in to workers' compensation for reimbursement.

Those City employees who do not have access to City-owned vehicles shall drive their personal vehicles to medical appointments and will be paid mileage by the City for the first 15 miles, and then paid mileage by workers' compensation for 15 miles and above. Said employee is personally responsible for keeping accurate records of all mileage.

5.13. AMERICANS WITH DISABILITIES ACT (ADA)

The City of Portland is committed to the fair and equal employment of individuals with disabilities under the Americans with Disabilities Act (ADA). It is The City of Portland's policy to provide reasonable accommodation to individuals with disabilities who are qualified for the job in question unless the accommodation would impose an undue hardship on the City. The City prohibits any harassment of, or discriminatory treatment of, employees on the basis of a disability or because an employee has requested a reasonable accommodation.

In accordance with the ADA as amended, reasonable accommodations will be provided to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. This policy applies to all applicants for employment and all employees.

Disability

“Disability” refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. A “qualified person with a disability” means an individual with a disability who **has the requisite skills, experience, and education for the job in question and who can perform the essential functions of the job with or without reasonable accommodation.**

Reasonable Accommodation

The City will seek to provide reasonable accommodation for a known disability or at the request of an individual with a disability. Many individuals with disabilities can apply for jobs and perform the essential functions of their jobs without any reasonable accommodations. However, there are situations in which a workplace barrier may interfere. A “reasonable accommodation” is any change or adjustment to the job application process, work environment, or work processes that would make it possible for the individual with a disability to perform the essential functions of the job without placing an undue hardship on the City.

There are three types of reasonable accommodation that may be considered:

- Changes to the job application process so that a qualified applicant with a disability will receive equal consideration for the job opportunity;
- Modifications to the work environment so that the qualified individual with a disability can perform the essential functions of the job; *or*
- Adjustments that will allow a qualified individual with a disability to enjoy the same benefits and privileges of employment as other similarly situated employees without disabilities.

Essential Job Functions

For each position, the job description typically will identify essential job functions. Human Resources generally will review job descriptions on a periodic basis to evaluate job functions designated as essential. An employee's questions about a job's requirements should be directed to the employee's supervisor or Human Resources.

Requesting a Reasonable Accommodation

An employee with a disability is responsible for requesting an accommodation from the Human Resources Department, or his/her supervisor, and engaging in an informal process to clarify what the employee needs and to identify possible accommodations. The City will provide notice of the employee's rights under the ADA and document the interactive process discussions. If requested, the employee is responsible for providing medical documentation regarding the disability.

The employee should describe the problem created by a workplace barrier so that an appropriate accommodation may be considered. The Human Resources Department will work with the employee to identify possible reasonable accommodations and to assess the effectiveness of each in allowing the employee to perform the essential functions of the job.

Based on this interactive process, a reasonable accommodation will be selected that is appropriate for both the City and the individual employee. While an individual's preference will be considered, The City is free to choose between equally effective accommodations with consideration toward expense and impact on the rest of the organization.

A request for reasonable accommodation may be denied if it would create an undue hardship for the City. The City will provide notification in writing of denial based on undue hardship.

Factors to be considered when determining whether an undue hardship exists include the cost of the accommodation, the organization's overall financial resources, the financial resources of the particular facility at which the accommodation is to be made, the number of employees at the facility, the total number of employees of the organization, and the type of operation.

Grievances

In the event that an employee would like to grieve the outcome of the reasonable accommodation and interactive process, he/she should follow the City of Portland Grievance Procedure.

Safety

All employees are expected to comply with all safety procedures. The City will not place qualified individuals with disabilities in positions in which they will pose a direct threat to the health or safety of others or themselves. A "direct threat" means a significant risk to the health or safety of one's self or others that cannot be eliminated by reasonable accommodation. The determination that an individual with a disability poses a direct threat typically will be made by the Human Resources Department and will be based on factual, objective evidence. A written copy of the determination will be given to the employee so that s/he may submit additional information and/or challenge the determination that s/he poses a direct threat.

Confidentiality

All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.

It is the policy of the City to prohibit any harassment of, or discriminatory treatment of, employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels s/he has been subject to such treatment or has witnessed such treatment, the situation should be reported using the harassment complaint procedure. The City of Portland's policy prohibits retaliation against an employee for exercising his or her rights under the ADA or applicable state fair employment laws. Any employee found to have engaged in retaliation against an employee for exercising his or her rights or for making a request for reasonable accommodation under this policy will be subject to disciplinary action up to and including discharge. If an employee feels he or she has been retaliated against, the situation should be reported using the harassment complaint procedure.

5.14. MILITARY LEAVE

Any employee who is or becomes a member of the armed forces of the United States (including the Army, Army Reserves, Army National Guard, Navy, Naval Reserve, Marine Corps, Marine Corps Reserve, Air Force, Air Force Reserve, Air National Guard, Coast Guard, Coast Guard Reserve, Commissioned Corps of the Public Health) and leaves work for initial training for the Guard or Reserves, leaves work to join active duty military, or is called to active duty, will be placed on military leave. Such employee must present his/her supervisor or department head with advance notice of the active duty orders. The employee's seniority, status and pay rate will remain unchanged during his/her time of military leave. Continued health insurance coverage will be offered up to 24 months, with the employee paying premiums due for such policy. For the first 31 days of military leave, the City will maintain contribution at the same level as was done prior to leave. An employee wishing to continue health insurance coverage during his/her military leave shall provide a mailing address where notices of premium payments due may be

sent. When an employee's unpaid leave time is greater than half of their assigned shifts or more during any calendar month, no sick leave accrues for that month.

The process for reinstatement of employees returning from military leave begins when the employee submits an "application for re-employment." Said application must be submitted within ninety (90) days of the end of service, or from the end of hospitalization continuing after discharge for a period of not more than one (1) year for an injury/illness related to deployment.

The returning employee will be re-employed in the position they would have attained had they not been absent for military service, with the same seniority, status and pay.

5.15. MILITARY RESERVIST LEAVE

Any employee who is member or may become a member of any reserve component of the armed forces of the United States or of the Tennessee Army and Air National Guard will be entitled to a leave of absence from their respective duties for periods of military service during which they are engaged in the performance of duty or training in the service of this state, or of the United States, under competent orders. While on such leave, the employee will be granted paid leave up to twenty (20) scheduled work days in any one (1) calendar year.

Qualified employees who seek paid leave under this policy must provide the official order calling for their service or training to their supervisor. Employees serving in the National Guard or Military Reserve will receive full compensation for a period of twenty (20) days (or 160 hours) of military leave each calendar year, excluding holidays and scheduled off days. Such leave will not be charged to any form of accrued paid leave. An employee requesting military leave shall provide the City the dates for training and travel time in advance. After the twenty (20) working days (hours based on employees regular scheduled hours) of full compensation, members of any reserve component of the armed forces of the United States, including members of the Tennessee army and air national guard, may use up to five (5) days of sick leave in lieu of vacation leave for the purposes of not having to take leave without pay.

Active State Duty: Army/Air National Guard and TN State Guard, Civil Air Patrol

In addition to the leave of absence provided above, employees who are members of the Tennessee army and air national guard on active state duty or the Tennessee state guard and civil air patrol shall be entitled to an unpaid leave of absence from their respective duties, without loss of time, pay not specifically related to leave of absence time, regular leave or vacation, or impairment of efficiency rating for all periods of service during which under competent orders he/she is engaged in the performance of duty or training in the service of this state, including the performance of duties in an emergency.

Pursuant to T.C.A. § 42-7-102, members of the United States air force auxiliary civil air patrol who participate in a training program for the civil air patrol, or in emergency and disaster services, as defined in T.C.A. § 58-2-101, are entitled to a leave of absence with pay for a period of not more than fifteen (15) days during a calendar year for such purposes if the leave of absence is at the request of the employee's wing commander or the wing commander's designated representative. Employees granted leave are entitled to their regular salary during the time that they are away from their regular duties. All the rights and benefits of the employee continue as if a leave of absence had not been granted.

It is the responsibility of the employee to make arrangements with their department head for leave to attend monthly meetings on regular off-time, with the expectation that the paid leave granted herein will be applied to the annual training periods required for reservists.

5.16. LEAVE WITHOUT PAY

Leave without pay is defined as time off from regular work which may be granted without pay at the recommendation of the employee's department head. Leave without pay may only be authorized by the Mayor unless provided for statutorily (i.e. FMLA, Mat/Pat, ADA).

Leave without pay may only be granted after an employee exhausts all applicable paid leave, and for a period not to exceed three (3) months for good and sufficient reasons which are considered uncontrollable. When an employee is on Leave Without Pay for greater than half of their assigned shifts during any calendar month no sick or vacation leave accumulates until the employee returns to work for greater than half of their assigned shifts for the calendar month in which they return.

There is no job protection entitlement associated with a leave without pay except where statutorily mandated. Such leaves of absence may be granted to regular, ongoing full-time employees in instances where unusual or unavoidable circumstances require a prolonged absence and all applicable unpaid and paid-time-off options have been exhausted, e.g. sick leave, vacation time, etc.

Additionally:

- Health insurance premiums must be paid on a monthly basis; if leave is not covered under FMLA, the entire amount of COBRA premium will be paid by the employee to the appropriate COBRA administrator.
- The City reserves the right to limit the number of leaves granted an employee unless statutorily mandated.
- The employee on leave without pay will not receive holiday pay.

An employee who utilizes leave time to actively pursue other employment or who accepts any employment or goes into business while on leave of absence shall be considered to have resigned from their employment and will be terminated as of the day the other employment began.

5.17. EMPLOYEE TRAINING

The Mayor or his/her designee may require employees to attend conferences, seminars, workshops or other functions that are intended to improve or upgrade the employee's job skills.

Employees are also encouraged to take advantage of education and training benefits to improve their job skills and ability to qualify for advancement opportunity. These benefits are limited to training and education relevant to the employee's current position or "reasonable" transfer and/or advancement opportunities. "Reasonable" is defined as attaining the minimum qualifications for advancement or transfer with no more than two years of additional training or education.

Education and training benefits will be available to employees on a first-come, first-served basis, subject to the availability of budgeted funds and departmental operational needs. Requests for training may be initiated by either the employee or the City. Certificates of completion should be forwarded to Human Resources for inclusion in the employee's personnel file. Final decisions on requests for education and training will be made by the Mayor and the department head. Requests to attend training sessions should be made at least 15 days prior to the deadline for registration (if available). The department head, based on the supervisor's recommendation, will determine who will attend conferences and/or training opportunities based on the availability of budgeted funds.

When a request for training is approved, the employee's cost for registration, tuition, training materials transportation, lodging, and other reasonable expenses will be covered by the City. All professional training should be documented in Human Resources training files.

5.18. EMPLOYEE ASSISTANCE PROGRAM

As a benefit to employees, the City of Portland provides an employee assistance program which allows for up for three sessions per issue per year with a mental health counselor for employees and their family members. In addition, there is access to limited legal and financial advice as well as online information on general issues.

Unless as part of a disciplinary referral, utilization of this program is confidential and encouraged as undue stress, either job or family related can interfere with your health or success at work or in your daily activities.

There are instances in which supervisors may feel it necessary to make a mandatory referral to the EAP when either your behavior or attitude at work is having a detrimental effect on the organization.

Prior to making a mandatory referral, supervisors should consult with HR. Should this referral be approved, the employee will be required to sign a release of information regarding attendance and level of cooperation during the sessions. No other information will be requested. Failure to attend the mandatory counseling or an uncooperative attitude (in the opinion of the counselor) will result in immediate disciplinary action, up to and/or termination.

5.19. EDUCATIONAL / TUITION ASSISTANCE

PROGRAM SUMMARY: The City of Portland offers educational assistance to eligible employees. Any approval of educational assistance must be applicable to the employee's current job or professional development deemed beneficial to the operation of the City. Assistance must be approved and employees must agree to the stipulations of the programs outlined below for participation.

The City reserves the right to limit Educational/Tuition Assistance opportunities on a first-come, first-served basis; to limit opportunities to comply with fiscal constraints and budgetary responsibility; and to limit opportunities to those circumstances deemed to be work or job-related in the best interest of the City.

EDUCATIONAL ASSISTANCE (Scope of the benefit):

- A. The *Educational Assistance Reimbursement Program*** includes tuition expenses, books and registration fees charged by colleges, universities and vocational/technical institutions for course work applied to the completion of a two- or four-year degree or technical diploma. Master's and doctorate level course work will be evaluated for the reimbursement program on a case-by-case basis. The City reimburses eligible employees after successful completion of the course and submission of the required paperwork. Participants will be required to sign a *City of Portland Tuition Reimbursement and Repayment Agreement* form.
- B. *Academy Training for Police Officer Certification*** Includes tuition, books and registration fees for course work applied to the completion of training through the state's police academy for police officer certification. Costs for police officer certification training will be paid in advance of the training to the state's academy. Participants will be required to sign a Police Department *Tuition Reimbursement and Repayment Agreement* prior to enrollment to recapture costs on a prorated basis if the employee leaves employment within two years of attending the academy.
- C. *Professional Development*** includes enrollment fees for training costs at approved seminars, workshops, conferences etc. related to an employee's job performance and skill development in their position. Approved Professional Development training costs paid on behalf of the employee do not require a reimbursement agreement.

EMPLOYEE ELIGIBILITY REQUIREMENTS for participation:

Eligible employees must:

- be a full-time employee at the time for application for participation in the program;
- have been employed full-time for at least one (1) year or required to obtain police officer certification;
- be performing at their job's "Acceptable" performance level;
- have completed, signed, secured the required approvals and returned all documentation on time.

Any failure to meet the eligibility and documentation requirements of the program(s) may jeopardize any reimbursement or pre-payment from the City of Portland, exclude an employee from future participation in the program(s) or, be cause for the repayment of funds to the City.

Participating employees are required to complete, sign and provide the following documentation:

- the Application for Educational Assistance (Reimbursement Program) form;
- the Tuition Reimbursement Agreement form;
- the applicable Repayment Agreement form;
- and provide the City of Portland with official evidence of satisfactory completion of any and all courses (with grades received) and documentation of any additional financial assistance from another agency or source within sixty (60) calendar days of completion of any pre-approved course.

PROCEDURE:

Educational Assistance Reimbursement Program -- Employees must submit a completed application with a proposed study curriculum from the learning institution to their department head at least 30 days prior to the registration deadline for such classes. Requests will be considered for attendance at accredited colleges, universities, business, technical/vocational schools and state run academies for single courses or programs leading to a degree, certificate, or a HiSET (High school equivalency test formerly a General Equivalency Diploma (GED)). The City reserves the right to review the adequacy of any programs, and/ or course work as to relevance to the position and the integrity of the educational process.

- A. . The City reserves the right to limit its assistance to the published average of the state's cost for post-secondary education tuition costs. Participants will be required to sign a *City of Portland Tuition Reimbursement and Repayment Agreement form* with the understanding that any monies owed will be deducted from their final paycheck as long as the final pay is not reduced to below minimum wage.
- B. **Academy Training for Police Officer Certification** -- Employees must submit a completed application form to their department head at the time of registration. Costs for Police Officer Certification training will be paid at registration (in advance) of the training to the state's academy by the City. Participants will be required to sign *Police Department Tuition Reimbursement and Repayment Agreements* prior to enrollment.
- C. **Professional Development** -- Employees must submit an approved (by the department head) purchase order for registration in the seminar, workshop, conference, etc. and provide a certificate or notification of completion to Human Resources for their training files, if provided. Repayment agreement is not applicable to this circumstance.
- D. **Grade Requirements for the tuition reimbursement program** -- If a written request is approved, the employee shall receive reimbursement for the cost of tuition (maintenance) fees upon proof of successfully completing the course(s) based upon the following schedule:
- 100% reimbursement for a grade of A, B or C
 - 0% reimbursement for a grade of D or F.
 - Pass/Fail class: Pass 100%, Fail 0%
 - Minuses and pluses (A-, B+, etc.) will not change the percentages

The city will reimburse up to a maximum of \$375/per credit hour (up to 12 hours per semester/quarter) to a maximum of \$5250 per fiscal year according to the above reimbursement schedule.

- E. **Additional financial assistance programs** -- The City's financial assistance for continuing education will be reduced by the funding amounts received from other agencies/sources such as scholarships, the Department of Veterans Affairs, etc. Employees will be required to provide documentation of the funding received from any other agency or source.

F. Required documentation at completion of course/training (for the employee file) --

1. at the end of all **educational assistance** course work (semester or quarter) -- the employee will provide an official transcript or grade report and an itemized statement of reimbursable expenses (with receipts) and documentation of all additional tuition assistance they receive from other sources to Human Resources for processing of the reimbursement.
2. At the end of the program for **Police Officer Certification Training** -- the employee will provide a copy of their certificate of completion to Human Resources for inclusion in his/her employee file.
3. **Professional Development Training** -- the employee will provide a copy of the certificate of completion (if applicable) from the training provider to Human Resources for inclusion in his/her employee file.

REPAYMENT REQUIREMENTS: Employees participating in the Educational Assistance Reimbursement Program, certain job-specific Certifications, and the Police Officer Certification Training program will be required to sign documentation agreeing that they are required to repay the City of Portland all or a portion of the funds paid on their behalf under the program for any affected course(s) or certification if they leave employment voluntarily, or involuntarily within two years from the cost being incurred by the City.

- A. ***Educational Assistance Reimbursement Program:*** If an employee is voluntarily, or involuntarily, separated from the City within two years (24 months) of receiving educational assistance through this program, the employee will be required to repay a portion of the funding paid on their behalf. The repayment plan will be calculated as an amount prorated over a 24-month period. Specifically, for each month of employment, after completion of the final course, the repayment amount owed to the City will be reduced by 1/24 of the total amount incurred and paid on behalf of the employee. The ***TUITION REIMBURSEMENT AGREEMENT & REPAYMENT AGREEMENT FOR TUITION REIMBURSEMENT FUNDS*** forms must be completed and signed.

Educational Assistance funds must be repaid if a participant:

1. does not successfully complete any course with a grade of "C" or better, as evidenced by an official grade report, transcript, or equivalent form;
2. drops, withdraws, or takes an incomplete grade in the course(s);
3. does not continue full time employment with the City of Portland at the start and completion of any course;
4. voluntarily resigns from the City of Portland's employment within two years after completion of the final course.

- B. ***Police Officer Certification Training:*** If a police officer is voluntarily, or involuntarily, separated from the City during the two years (24 months) after completion of the basic recruit training required to become a certified police officer, the employee will be required to repay the costs and expenses incurred by the City on a prorated basis. Specifically, for each month of employment, for two years after completion of the training program, the repayment amount owed to the City will be reduced by 1/24 of the total amount incurred and paid on behalf of the employee.

- C. ***Professional Development Training:*** An employee is not required to repay the costs of professional development training at separation.

WORK SCHEDULE ACCOMMODATIONS: In cases where employees have special scheduling problems while attending approved education or training programs, especially courses in preparation for a GED, reasonable effort will be made to allow the employee release time from his/her work schedule to attend classes, subject to departmental scheduling and workloads. In situations of this type, the employee may be required to make up the release time on a weekly basis. Written approval from the employee's department head must be obtained prior to using release time. Employees who obtain their GED or HiSet shall receive a one-time bonus of \$250.

NON-WORK-RELATED TYPES OF EDUCATION/TRAINING: Employees are encouraged to improve themselves through education or training, even if it is not related to their City work; however, the City will be unable to provide financial assistance for non-work-related types of education/training. Employees may be granted, upon written request, permission to take time away from their jobs for training when such time is taken without pay, as paid leave that is available and approved (excluding sick leave). This applies only so long as their absences are pre-approved and will not cause hardships for their departments.

TAX IMPLICATIONS: There may be tax implications for employees receiving Educational Assistance and/or Professional Development Training. Please contact your accountant or tax professional for complete details.

5.20. PREGNANT WORKERS' FAIRNESS ACT(S)

The City will not fail or refuse to provide reasonable accommodations for an applicant or employee for medical needs arising from pregnancy, childbirth, or related medical conditions. Additionally, the City will not require an employee to take leave under a leave law or policy if another reasonable accommodation can be provided to the employee for medical needs related to pregnancy or childbirth. The City will not take an adverse action against an employee for requesting an accommodation related to pregnancy.

The City requires an employee requesting accommodations for medical needs arising from pregnancy or childbirth to provide medical certification from a healthcare professional. Medical certification is appropriate if the employee requests an accommodation related to the temporary transfer to a vacant position, job restructuring, light-duty, or an accommodation that requires time away from work. If the employee is making a good faith effort to obtain medical documentation, the City will begin engaging in a good faith interactive process with the employee to determine if an accommodation can be provided that will not result in an undue hardship to the employer.

The City will:

1. In good faith attempt to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee, unless the City can demonstrate that the accommodation would impose an undue hardship on its operation

Accommodations may include:

- Making existing facilities used by employees readily accessible and usable.
- Providing more frequent, longer, or flexible breaks.
- Providing a private place, other than a bathroom stall, for expressing milk.

- Modifying food or drink policies.
- Providing modified seating or allowing the employee to sit more frequently if the job requires standing.
- Providing assistance with manual labor and lifting limits.
- Providing job restructuring for light-duty if available.
- Authorizing a temporary transfer to a vacant position.
- Providing or modifying equipment, devices, or an employee's workstation.
- Adjusting work schedules,
- Providing time away from work for medical situations related to pregnancy, and
- Providing time for parental visits.

Accommodations not required:

- Hiring new employees that the employer would not have otherwise hired.
 - Discharge an employee, transfer another employee with more seniority, or promote another employee who is not qualified to perform the new job.
 - Create a new position, including a light-duty position for the employee, unless a light- duty position would be provided for another equivalent employee.
 - Compensate an employee for more frequent or longer break periods, unless the employee uses a break period that would otherwise be compensated.
2. **NOT** require a qualified employee affected by pregnancy, childbirth, or related medical conditions to accept an accommodation other than any reasonable accommodation arrived at through the interactive process referred to in the PWFA or TN PWFA;
 3. **NOT** deny employment opportunities to a qualified employee because of the need of the City to make reasonable accommodations related to the pregnancy, childbirth, or related medical conditions of the qualified employee;
 4. **NOT** require a qualified employee to take leave, whether paid or unpaid, if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of the qualified employee; or
 5. **NOT** take adverse action in terms, conditions, or privileges of employment against a qualified employee on account of the employee requesting or using a reasonable accommodation to the known limitations related to the pregnancy, childbirth, or related medical conditions of the employee.

5.21. PUMPING FOR NURSING MOTHERS (P.U.M.P.) ACT

Break Time to Pump Breast Milk

Covered city employees have the right to take reasonable break time to express breast milk for their nursing child. For one year after the child's birth, city employees may take reasonable break time "each time such employee has need to express the milk." The city will not deny a covered employee a needed break to pump. The frequency and duration of breaks needed to express milk may vary depending on factors related to the nursing employee and the child. Factors such as the location of the space and the steps reasonably necessary to express breast milk, such as pump setup, may also affect the duration of time an employee will need to express milk and will be

considered by the city. Employees who telework are eligible to take pump breaks under the FLSA on the same basis as other employees.

Private Space to Pump Breast Milk

The city will provide covered employees with “a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.” Under the FLSA, a bathroom, even if private, is not a permissible location for the employer to provide for pumping breast milk.

The location provided will be functional as a space for expressing breast milk. If the space is not dedicated to the nursing employee’s use, it will be made available when needed by the employee. A space temporarily created or converted into a space for expressing breast milk or made available when needed by the nursing employee is sufficient provided that the space is shielded from view and free from any intrusion from co-workers and the public.

Draft 08.07.2024

SECTION 6 – EMPLOYEE CONDUCT

It is the policy of the City of Portland that employees use appropriate conduct during the course of their official duties. These rules of conduct are established to give general guidelines to employees as to what is acceptable behavior and what is prohibited behavior. Violation of any of these or other appropriate rules shall be sufficient reasons for counseling, reprimand, suspensions, and/or dismissal of any City employee. Rules of Conduct are not intended to grant property interest in employment.

Employees may hold their positions during good behavior and acceptable performance, but may be removed for, but not limited to, the following reasons: acts of, or behaviors of, incompetence, inefficiency, ineffectiveness, dishonesty, insubordination, discourteous treatment of the public or other employees, unbecoming conduct, neglect of duty, undermining the efficiency and/or effectiveness of the City mission to deliver service to its citizens, unwarranted work slowdown or stoppage, and undermining employee morale.

6.1. GENERAL RULES OF CONDUCT

MISCONDUCT - The following list of unacceptable activities is a sample of the types of infractions to the Code of Conduct that may result in disciplinary action. It does not include all types of conduct that can result in disciplinary action, up to and including termination.

Rule 1 – VIOLATION OF RULES

Employees of the City of Portland shall not commit any act or omit any acts which constitute a violation of any of the rules, regulations, directives, or orders of this policy whether stated in this rule or elsewhere (i.e. departmental SOP/SOG). Examples: punching the timecard of another employee; leaving during workhours without the approval of the supervisor, etc.

Rule 2 – UNBECOMING CONDUCT

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the City. Unbecoming conduct shall include that which brings the City disrepute or reflects discredit upon the individual as an employee of the City, or that which impairs the operation or efficiency of the City or individual. Examples: Using threatening, intimidating, abusive or vulgar language; fighting, horseplay, or other disorderly conduct; sabotage, etc.

Rule 3 – IMMORAL CONDUCT

Employees shall not participate in any incident involving moral turpitude, which impairs their ability to perform or causes the City to be brought into disrepute. Definition of Moral Turpitude: conduct that is believed to be contrary to community standards of honesty, justice or good morals, thought by a reasonable person to be shameful, corrupt or vile acts.

Rule 4 – CONFORMANCE TO LAWS

Employees shall in the course of their duties obey all laws of the United States and of any state and local jurisdictions in which the employees are present. A conviction of a violation of any law may be evidence of violation of this section.

Rule 5 – REPORTING FOR DUTY

Employees shall report for duty at the time and place required by assignment or orders and

shall be properly equipped and be cognizant of all information required for the proper performance of duty.

Rule 6 – NEGLECT OF DUTY

Employees shall not commit any acts expressly forbidden or omit any acts that are specifically required by the laws of this state, the ordinances of this City, the Personnel Policy, policies, procedures or directives of the City. Employees shall not engage in any activity or personal business, which could cause them to neglect or be inattentive to duty.

Rule 7 – FICTITIOUS ILLNESS OR INJURY REPORTS

Employees shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the City as to the condition of their health.

Rule 8 – EMPLOYMENT: SICK – INJURED – LIMITED DUTY

No employee shall engage in off-duty employment of any kind while on sick leave, workers compensation leave, or leave of absence status, except by specific written permission from the Mayor.

Rule 9 – SLEEPING ON DUTY

Employees shall remain awake while on duty. If unable to do so, they shall so report to their supervisor, who shall determine the proper course of action.

Rule 10 – UNSATISFACTORY PERFORMANCE

Employees shall maintain sufficient competency to properly perform their duties and assume the responsibility of their positions. Employees shall perform their duties in a manner, which will maintain the highest standards of efficiency in carrying out the functions and objectives of the department.

Unsatisfactory performance may be demonstrated by a lack of knowledge of the job duties; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the position; the failure to take appropriate action; or absence without approval.

Rule 11 – INSUBORDINATION

Employees shall promptly obey any lawful directives of a supervisor, manager, department head, or the Mayor.

Rule 12 – GRATUITIES

Employees shall not accept, directly or indirectly, any money gift, gratuity, or other consideration or favor of any kind from anyone other than the City except as defined in the City of Portland Ethics Policy.

Rule 13 – ABUSE OF POSITION

Employees shall not use their official position, official identification card, or badges:

1. To secure any privilege or exemption for themselves or others that is not authorized by the charter, general law, or ordinance or policy of the City.
2. To avoid consequences of unlawful acts.

Employees shall not lend their identification cards or badges to another person or permit them to be photographed or reproduced without the approval of the Mayor.

Rule 14 – ENDORSEMENTS AND REFERRALS

Employees shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service.

Rule 15 – CITIZEN COMPLAINTS

Employees shall courteously and promptly direct complaints against employees to a supervisor for handling. Supervisors taking a complaint may attempt to resolve the complaint but shall never attempt to dissuade anyone from lodging a complaint against any employee.

Rule 16 – COURTESY

Employees shall be courteous to the public and co-workers. Employees shall be tactful in the performance of their duties; shall control their tempers and exercise the utmost patience and discretion; and shall not engage in argumentative discussions. In the performance of their duties, employees shall not use coarse, violent, profane, or insolent language or gestures, and shall not express any discriminatory intent toward members of protected classes.

Rule 17 – REPORTS

Employees shall submit all required reports on time and in accordance with established procedures. Reports submitted by employees shall be truthful and complete and no employee shall knowingly enter or cause to be entered any inaccurate, false, or improper information, or alter, remove, or destroy any report once filed for the purpose of altering the natural order of information.

Rule 18– ISSUANCE / RETURN OF CITY OWNED EQUIPMENT

Each employee may be issued or provided with authorized equipment required for duty. Any employee separated from employment shall return all equipment issued.

Employees shall utilize City-owned property only for its intended purpose in accordance with established procedures and shall not abuse, damage, alter, tamper with, repair unless authorized, or allow unauthorized persons to use City-owned property. All City-owned property issued to employees shall be maintained in a proper order and returned upon separation from employment. Intentionally defacing or damaging City property is not permitted.

Rule 19 – TRUTHFULNESS

Upon the directive of the Mayor, department head, Human Resources, or a supervisor, employees shall fully and truthfully answer all questions specifically directed and narrowly relating to the performance of official duties or fitness for duty which may be asked of them.

Rule 20 – PRIVACY

Employees provided lockers in the work place are expected to provide their own lock and to keep the locker locked when away. Liability for loss or damage to content of lockers cannot be assumed by the City. Employees may be requested to open their assigned locker for periodic housekeeping, inspections or other occasions when it is appropriate and/or necessary. Those who use the locker rooms are expected to assist in keeping them clean and orderly. Any suspicious activity around lockers, as well as break-ins and theft, should be reported to a supervisor. All property belonging to the City is subject to inspection at any time without notice, as there is no expectation of privacy.

Rule 21 – ETHICAL and LEGAL BEHAVIORS

Employees shall not conspire or knowingly engage in any activity which deprives any person of their civil rights, due process, equal opportunity for employment, advancement, job opportunities, or any constitutional or statutory guaranteed right. No employee shall disseminate confidential or protected information to any unauthorized person for any purpose.

Employees are responsible to follow the ethics code as defined in Portland Municipal Code, Title 4, Chapter 8, Code of Ethics

6.2. DRESS CODE

Employees' personal appearance and hygiene are important both to employees and the City. Employees are expected to maintain a good personal appearance and to give consideration to neatness and cleanliness. Employees should always dress in a manner befitting the job, with due consideration to the needs of the City, other employees, and safety. Employees are responsible for dressing appropriately for work and following the dress code.

Supervisors/managers and, when notified, the Human Resources Department will interpret the application of the dress code and the appropriateness of an employee's dress at work.

Dress and appearance should not be offensive, revealing, sloppy or distracting. Clothing that works well for the beach, yard work, dance clubs, exercise sessions, and sports contests is not appropriate for a professional, casual appearance at work.

The following dress code includes appropriate appearance and dress guidelines for employees in both office and field positions. Employees in the Police, Fire, Parks and Public Works Departments are furnished uniforms, which must be worn on the job at all times.

Office personnel are expected to dress appropriately for their work environment (i.e., dress slacks, dresses, skirts and appropriate blouses, shirts, sweaters, jackets, sandals, boots, loafers, pumps).

Clothing that is not allowed to be worn by employees while working includes, but is not limited to, the following:

- tattered/torn jeans or shorts
- shirts with language or graphics that are vulgar, sexually explicit, or may otherwise be offensive;
- attire that is too tight, revealing or provocative;
- clothing that exposes bare midriffs;
- mini-skirts, sun dresses, beach dresses, spaghetti-strap dresses;
- see-through blouses or shirts;
- sports bras, halter tops, or similar attire;
- tank tops, muscle shirts or mesh shirts;
- flip-flops;
- hats (in the office);
- sweat suits, sweat pants, ski or jogging pants/shorts.

Also, remember that some employees are allergic to the chemicals in perfumes and makeup, so wear these substances with restraint.

Employees arriving at work dressed inappropriately will be sent home to change, with no pay for the time so spent. Repeated violations of the dress code may result in disciplinary action up to and including termination.

On “Casual Fridays” office personnel may wear neat, clean blue jeans (must not have holes or tears) and t-shirts, sweat shirts, sneakers, and sandals. However, items of casual clothing bearing offensive slogans and/or prints and/or with designs that are inappropriate, vulgar, offensive, or advertise drug, alcohol or tobacco-related products are not permitted.

6.3. DRUG FREE WORKPLACE

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the City has adopted by resolution a drug and alcohol testing policy. The policy complies with the Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL); Division of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass transit industries. The types of tests that may be required under the DFW policy are: pre-employment (for safety-sensitive positions), transfer, reasonable suspicion, post-accident (post-incident), random (for safety-sensitive positions), return-to-duty, and follow-up.

It is the policy of the City that the use of drugs by its employees and impairment in the workplace due to drugs and/or alcohol is prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to disciplinary action. Prohibited and/or illegal conduct includes but is not limited to:

1. being on duty or performing work for the City while under the influence of drugs and/or alcohol;
2. engaging in the manufacture, sale, distribution, use or unauthorized possession of drugs at any time and of alcohol while on duty or while in or on City property, or City vehicles;
3. refusing or failing a drug and/or alcohol test administered under this policy;
4. providing an adulterated, altered, or substituted specimen for testing;
5. use of alcohol within four hours prior to reporting for duty on schedule or use of alcohol while on-call for duty; and
6. use of alcohol or drugs within eight hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures

Employees who are required to take prescribed or over-the-counter medication shall notify the immediate supervisor should the medication produce any effects which might limit the employee's ability to safely perform his/her job. *Per Public Chapter 373 – 2019 a valid prescription is defined only as a prescription issued within six (6) months prior to a positive drug test.*

Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or disciplinary actions up to and including termination of employment. The submission by an applicant or employee of a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or disciplinary actions up to and including termination of employment.

All property belonging to the City is subject to inspection at any time without notice, as there is no expectation of privacy.

- a. Property includes, but is not limited to, vehicles, desks, containers, files and storage lockers.
- b. Employees assigned lockers (that are locked by the employee) are also subject to inspection.

Employees who have reason to believe another employee is using alcohol or illegal drugs while on duty must report the facts and circumstances immediately to their supervisor or Human Resources. Failure to do so may result in disciplinary action. Supervisors are required to detail in writing the specific facts, symptoms, or observations that formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the appropriate department head who shall immediately forward the information to Human Resources.

The City performs post-offer, pre-employment (for safety-sensitive positions); random selection (for safety-sensitive positions); post-accident; reasonable suspicion; fitness-for-duty; and follow-up drug testing.

All employees in safety-sensitive positions (such as gas department employees, equipment / vehicle operators that require a Commercial Driver's License, Police and Fire department employees, etc.) are subject to alcohol and drug testing in accordance with the Department of Transportation (DOT) Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143, Title V) and the Natural Gas Pipeline Safety Act (49 CFR Part 199).

DOT regulated positions (i.e. CDL drivers) upon being engaged in a vehicle accident or have been removed from duty due to reasonable suspicion of being under the influence by a trained supervisor, cannot resume driving activities until results of drug/alcohol screen have been confirmed as negative.

As a condition of continued employment with the City, all employees must abide by the City's policy and notify the immediate supervisor of any criminal drug statute convictions within five (5) days after such conviction. The City, in turn, informs any granting or contracting agency within ten (10) days of such notification.

Failure to comply with the provision or intent of this rule may be used as grounds for disciplinary action up to and including termination, or for requiring the employee to participate satisfactorily in an approved drug abuse assistance or rehabilitation program.

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random urine drug testing and the actual presentation for specimen collection.

Random donor selection dates will be unannounced with unpredictable frequency. Some employees may be tested more than once each year while others may not be tested at all, depending on the random selection. Random selection applies only where required by law, and/or for safety-sensitive positions.

If an employee is unavailable (i.e., vacation, sick day, out of City, work-related causes, etc.) to produce a specimen on the date random testing occurs, the City may omit that employee from that random testing or await the employee's return to work.

An employee or job applicant whose drug test yields a positive result, indicating the presence of drugs or alcohol, shall be given the opportunity to speak with the Medical Review Officer prior for a final determination. Test results are then forwarded to Human Resources for appropriate action.

A job applicant will be denied employment with the City if his/her post-offer, pre-employment test result has been confirmed positive.

Current employees will be subject to disciplinary action up to and including termination of employment if their test result has been confirmed positive, if they refuse to test, or for any other violations outlined in the Drug Free Workplace policy.

To the extent allowed under the Tennessee Open Records Law, all information from an employee's or applicant's drug and alcohol test is confidential and only those individuals with a need to know are to be informed of test results.

6.4. TRAVEL POLICY

All employees and elected and appointed officials are required to comply with the City's travel policy, adopted separately by ordinance, and any applicable laws and charter provisions. All trips that involve reimbursement and/or City expense shall not be undertaken without prior approval of the City. Mileage, meals, incidentals and expenses will be reimbursed according to the provisions of the City of Portland Travel Policy. For details regarding travel, obtain a copy of the City's travel policy from the City Recorder.

6.5. WORKPLACE VIOLENCE AND HARASSMENT POLICY

The City is committed to preventing workplace violence and to maintaining a safe work environment. It is the policy of the City to promote a productive, safe and healthy work environment for all employees, customers, vendors, contractors and members of the general public and to provide for the efficient and effective operation of the City's activities. Employees and customers are to be treated with courtesy and respect at all times.

Employees are expected to maintain a productive work environment free from harassing or disruptive activity including threats of physical violence. No form of bullying or harassment will be tolerated, including sexual harassment and harassment based on race, color, religion, gender or gender identity, age, national origin, disability, military status, genetic information, communication with an elected public official, exercise of free speech made as a citizen as a matter of public concern, refusal to participate in or remain silent about illegal activities, exercise

of a statutory constitutional right or any right under clear public policy, political affiliation, or any other basis protected by law.

This policy applies to all City employees, elected officials, appointed officials, regular part time/temporary employees, members of the public, and contractors. The governing body may discipline an elected official in whatever manner it deems appropriate, consistent with its authority under state law, the municipal charter, ordinances, resolutions or other rules governing discipline of elected officials.

Per Public Chapter 331 – 2019 the City can seek an injunction against a person who commits harassment against a City employee. Harassment under this statute is defined as two (2) or more instances of contact serving no legitimate purpose directed at an employee, in connection with that persons status as an employee, that a reasonable person would consider alarming, threatening, intimidating, abusive, or emotionally distressing and that does or reasonably could interfere with the performance of the employee's duties.

The City will not tolerate bullying, or verbal or physical conduct by an employee which harasses, disrupts or interferes with another's work performance or which creates an intimidating, abusive, offensive or hostile environment.

1. No employee or non-employee shall be allowed to harass any other employee or non-employee by exhibiting behavior including, but not limited to, the following:
 - a. Verbal harassment – Verbal threats toward persons or property; the use of vulgar or profane language directed towards others; disparaging or derogatory comments or slurs; offensive flirtations or propositions; verbal intimidation; exaggerated criticism or name-calling; spreading untrue or malicious gossip about others.
 - b. Physical Harassment – Any physical assault, such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person.
 - c. Visual Harassment – Displaying derogatory or offensive posters, cartoons, publications or drawings.
 - d. Bullying – Workplace bullying refers to unwanted aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. The imbalance of power involves the use of physical strength, access to embarrassing information, or popularity to control or harm others. This behavior may be performed by individuals (or a group) directed towards an individual (or a group of individuals).
 - e. Abusive Conduct - acts or omissions that would cause a reasonable person, based on the severity, nature, and frequency of the conduct, to believe that an employee was subject to an abusive work environment, which can include but is not limited to:
 - i. repeated verbal abuse in the workplace, including derogatory remarks, insults, and epithets;
 - ii. verbal, nonverbal, or physical conduct of a threatening, intimidating, or humiliating nature in the workplace; or

- iii. the sabotage or undermining of an employee's work performance in the workplace.

A single act generally will not constitute abusive conduct, unless such conduct is determined to be severe; multiple acts may arise to the level of pervasive. To aid employees in identifying abusive conduct, the following examples are provided.

These examples are not exhaustive; they illustrate, however, the types of conduct that may violate this policy:

- Intimidating an employee by excessive yelling, repeated emotional outbursts, berating others, using an unreasonably harsh tone of voice;
- Undermining another's work by withholding pertinent work-related information or purposefully giving incorrect information, or by not giving enough information to do what is required, as compared to others;
- Persistent or constant criticism in front of others for the purpose of humiliating another employee;
- Isolating an employee from co-workers, or launching a campaign not based on facts to provoke an employee to leave or be removed;
- Making humiliating or degrading remarks about a person through or on social media; or
- Any malicious behavior a reasonable person would find unprofessional, disturbing, and/or harmful to his or her psychological health.

Under no circumstances are the following items permitted on City property, including City-owned parking areas, except when issued or sanctioned by the City for use in the performance of the employee's job:

- a. dangerous chemicals;
- b. explosives or blasting caps;
- c. other objects carried for the purposes of injury or intimidation.

Copies of the investigative report with recommendations for appropriate action will be turned over to the Mayor to determine the appropriate further action.

Anyone determined to be responsible for threats of, or actual violence, or other conduct that is in violation of this policy will be subject to prompt disciplinary action up to and including termination.

Employees are encouraged to bring their disputes or differences with other employees to the attention of their supervisors, Human Resources, or the Mayor before the situation escalates into potential violence.

The City is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns. Employees have the right to file a police report at their own discretion if they believe a criminal act has occurred.

Employees are prohibited from interfering or attempting to interfere with any departmental investigation.

False allegations will be dealt with on a case by case basis, and depending on the outcome, may include disciplinary action, up to and including termination.

The City will not tolerate harassment of its employees. The City will take necessary steps to stop such harassment when it occurs from employees, or third parties.

This policy applies to all officers and employees of the City including, but not limited to: full and regular part time employees, elected officials, seasonal and temporary employees, employees covered or exempt from the Human Resources rules or regulations, citizens, third parties, and employees working under contract for the City.

Sexual Harassment

The following actions constitute an unlawful employment practice and are absolutely prohibited by the City when they affect employment decisions, create a hostile work environment, cause distractions, or unreasonably interfere with work performance. They are:

1. Sexual harassment or unwelcome sexual advances;
2. Requests for sexual favors;
3. Verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, or propositioning;
4. Explicit or implied job threats or promises in return for submission to sexual favors;
5. Inappropriate sexually-oriented comments on appearance;
6. Sexually-oriented stories;
7. Displaying sexually explicit or pornographic material, no matter how the material is displayed or communicated; and/or
8. Sexual assault on the job by supervisors, fellow employees, or non-employees
9. Demeaning insulting, intimidating or sexually suggestive written, recorded or electronically transmitted materials (such as email, instant message, video and audio, and internet materials).

Sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women.

Making harassment complaints

An employee who feels he/she is subjected to harassment should immediately contact a person (listed below) with whom the employee feels the most comfortable. Any number of individuals may be chosen. The object is to give several options to a harassment victim. Complaints may be made orally or in writing to:

1. The employee's immediate supervisor,
2. The department head,
3. Human Resources,
4. The Mayor, or
5. the City Attorney.

Employees have the right to circumvent the employee chain-of-command when selecting the person to complain to about harassment. The employee should be prepared to provide the following information:

1. his/her name, department, and position title;
2. the name of the person or people allegedly committing the harassment, including their title(s), if known;
3. the specific nature of the harassment, how long it has gone on, any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment;
4. witnesses to the harassment; and
5. whether the employee has previously reported the harassment and, if so, when and to whom.

Employee Obligation

Employees are obligated to report instances of harassment. Employees are also obligated to cooperate in every investigation of harassment. The obligation includes, but is not limited to, coming forward with evidence, both favorable and unfavorable, for a person accused of such conduct; fully and truthfully making written reports or verbally answering questions when required to do so by an investigator. Employees are to refrain from making bad faith accusations of harassment.

Disciplinary action may be taken against an employee who fails to report instances of harassment, or who fails or refuses to cooperate in the investigation of a complaint of harassment, or who files a complaint of harassment in bad faith. Employees are prohibited from interfering or attempting to interfere with any departmental investigation. False allegations will be dealt with on a case by case basis, and depending on the outcome, may include disciplinary action up to and including termination of employment.

Reporting and investigating harassment complaints

The Human Resource representative, or designee as appropriate, is the office the City designates as the investigator of harassment complaints against employees. In the event the harassment complaint is against the Human Resource representative, the investigator may be independent outside counsel appointed by the Mayor, or provided through the City employment practices liability insurer.

When an allegation of harassment is made by any employee, the following shall occur:

1. the City may separate the complainant and accused party for the duration of the investigation upon the approval of the department head and Mayor;
2. the investigator will meet with the employees, any witnesses, the supervisor(s), any other members of management considered appropriate and other individuals that may have relevant information. The investigator may elect to conduct a hearing as part of the investigation process;
3. the investigator will prepare a report of the complaint and submit it to the Mayor;

4. the investigator will make and keep a written record of the investigation, including notes on:
 - a. verbal responses made to the investigator by the person complaining of harassment,
 - b. witnesses interviewed during the investigation,
 - c. the person against whom the complaint of harassment was made, and
 - d. any other person contacted by the investigator in connection with the investigation.
5. the investigator will prepare and present the findings to the Mayor in a report, which will include:
 - a. the statement of the person complaining of harassment;
 - b. the statements of witnesses;
 - c. the statement of the person against whom the complaint of harassment was made; and
 - d. all the investigator's notes connected to the investigation.
6. If the City suspects a criminal act has occurred, the investigation process may be turned over to the Portland Police department or an outside agency for review.

Actions on complaints of harassment

If the Human Resources representative or Mayor, or designated investigator, determines that the report is not complete in some respect, they may question the person complaining of harassment, the person against whom the complaint has been made, witnesses to the conduct in question, or any other person(s) who may have knowledge about the harassment.

Based upon the report and his/her own investigation, the Human Resources representative and/or Mayor, within a reasonable time, will determine whether the conduct in question constitutes harassment.

In making that determination, the Human Resources representative and/or Mayor may look at the record as a whole and at the totality of circumstances, including the nature of the conduct, the context in which the alleged actions occurred, and the behavior of the person complaining. The decision of whether harassment actually took place will be determined on a case-by-case basis.

If the Human Resources representative and/or the Mayor determines that the harassment complaint is founded, the City shall take immediate and appropriate disciplinary action against the offending employee, consistent with its authority under the City charter, ordinances, resolutions, or rules governing its authority to discipline employees.

The disciplinary action may include oral counseling, written reprimand, suspension, demotion, mandatory referral to the EAP program, or termination depending upon the severity of the matter and circumstances surrounding the incident(s).

A written record of disciplinary actions, including oral reprimands, shall be maintained in the employee's human resources file.

Determining the level of disciplinary action shall also be made on a case-by-case basis. The disciplinary action may be consistent with the nature and severity of the offense and any other

factors sincerely believed to relate to fair and efficient administration of the City. This includes, but is not limited to, the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the City. The City will notify the employee who filed a harassment complaint of the outcome of the investigation once determined.

In all events, an employee found guilty of violation of this policy shall be warned not to retaliate in any way against the person making the complaint, witnesses, or any other person connected with the investigation. All other City employees are also hereby warned not to retaliate in any way to the complaining or participating parties.

Any such retaliation or harassment may include disciplinary action, up to and including termination of employment.

If the employee complaining of harassment is not satisfied with the manner in which the City addressed the complaint, the employee shall be given an opportunity to present a request for review of the outcomes to the Mayor through the City Grievance Process.

The Office of the Mayor will render a determination in the matter within prescribed timelines, and in the manner outlined in applicable grievance or complaint processes.

The decision of the Mayor will be final in all such matters, unless otherwise provided for in these personnel policies.

The Mayor has the authority to appoint a neutral third party (arbitrator) to be the final decision-maker in lieu of the Mayor when he/she determines that a neutral third party is in the best interest of the City.

6.6. COMPUTER AND ELECTRONIC DEVICE USE

It is every employee's duty to use the City's computer resources and communication devices responsibly, professionally, ethically and lawfully. These policies are not intended to, and do not grant users any contractual rights. The term "computer resources" refers to the City's computers, electronic equipment, and its entire computer network.

The computer resources are the property of the City and should be used for legitimate business purposes. While personal use of City computer resources including Internet and electronic mail is not forbidden, it is limited to breaks and meal times. Personal use shall be minimal and shall not interfere with the performance of job duties and responsibilities. Users are permitted access to the computer resources to assist them in performing their jobs. Use of the computer resources is a privilege that may be restricted or revoked at any time. All information contained in the computer resources and all documents generated there from are for the exclusive use of the City in connection with the conduct of its business and are the sole property of the City. Periodically, the City may make a random check of any device in order to ascertain any abuse.

A. General Computer Policies

- Computer information, programs, software and hardware are owned by and licensed to the City.

- All systems and information are considered proprietary.
- Utilization of computing resources, the Internet or electronic mail may not be used in any way that may be disruptive to the City's operations or in violation of Federal or State laws or City policy.
- Only those persons currently employed (or given special permission) are permitted to use any computer resources owned, leased or in control of the City of Portland.
- **Employees have no right or expectation of privacy regarding computing resources, the Internet or electronic mail and voice mail systems.** The City has the right to monitor Internet and e-mail use for security, as well as detection of an employee's use of these services for personal use on company time.
- Use of the City of Portland's computer resources or Internet connections for gambling, obtaining or distributing pornographic materials and all other illegal activity is strictly forbidden. The City actively monitors incoming and outgoing internet traffic for this type of usage.
- Programs and/or downloads related to specialized icons, wallpaper, screensavers, instant messaging, chat rooms, and online gaming is strictly prohibited.
- Only information system personnel or agents contracted by them may install software or hardware on any City computer system. Information systems personnel may, at their discretion, authorize staff to perform specific software or hardware installations. All other software or hardware installations are strictly prohibited.
- The changing of, or introduction of, any original software or hardware on users' systems or other company computer or communications systems from the original issued form is forbidden, without prior IT Department approval.
- No software programs are to be installed on any computer equipment without IT management's approval.
- Unless departmental arrangements have been made, always obtain permission from a co-worker before using his/her computer. Please be considerate, if you must use someone else's computer, do not change their colors or other settings.
- Do not log into your colleague's account(s). However, staff may authorize other staff members to use shared files and/or directories in cooperative projects.
- Where copyright laws apply, the City forbids unlawful copying of any software or manuals.
- Anyone misusing or tampering with computer information or equipment will face disciplinary action up to and including termination, as well as, possible prosecution. Also, violations of the policy guidelines can lead to revocation of system privileges.
- The City of Portland is under no obligation to store or forward the contents of an individual's computer files, e-mail inbox/outbox or voice mails after the termination of the individual's employment.

B. Internet Usage

- Access to the Internet is for the exchange of information and research consistent with the vision, mission, goals and activities of the City of Portland.
- Employees are expected to use the Internet solely for job related or approved educational research and City business communications during work hours.
- Employees shall not use the Internet for inappropriate or unlawful purposes, including but not limited to, placing unauthorized information, computer viruses or harmful programs on or through the computer system in either public or private files or messages, using obscene or otherwise inappropriate language in communications and obtaining, viewing or downloading information that is unlawful, obscene, indecent, vulgar, pornographic or otherwise objectionable.

- Employees are prohibited from posting anything on the Internet that could be construed as an act of unlawful harassment, a threat, or other evidence of discrimination.
- An employee may not characterize him or herself as representing the City, directly or indirectly, in any online posting unless done pursuant to a written policy of the City.
- Internet access records and records of downloaded files are not private and may be occasionally monitored as the Mayor or department head deems necessary.
- Department heads shall be responsible to ensure proper employee use of the Internet.
- Inappropriate or unlawful use of the Internet may result in the loss of access for the user and, depending on the seriousness of the infraction, can result in disciplinary action as deemed necessary.

C. E-Mail Usage

- In general, electronic mail is treated no differently than any other business record or correspondence.
- Employees should be aware that all types of business records are subject to inspection, review, or disclosure without prior notice for any business purpose or as required by law.
- Electronic mail may constitute a public record under certain circumstances and may be accessible or obtainable by individuals, agencies and others outside the City and subject to state archivist rules for retention / destruction.
- All electronic mail originating from or received by City computer systems is City property, and is not considered private information.
- Electronic mail may be monitored by the department head and/or the Mayor as they deem necessary.

D. Cell Phone Usage

- Employees required to carry a city issued cell phone will ensure it is utilized professionally.

6.7. SOCIAL MEDIA

This policy applies to every employee employed by the City in any capacity who post any material whether written, audio, video, or otherwise on any website, blog or any other medium accessible via the Internet.

City of Portland departments may utilize social media and social network sites in support of City goals and objectives. To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, City departments may consider participating in social media formats to reach a broader audience. The City of Portland encourages the use of social media to further the goals of the City and the missions of its departments where appropriate.

The Mayor and department heads will approve which social media outlets may be suitable for use by the City and its departments.

The City of Portland's website will remain the City's primary and predominant Internet presence.

All official City presences on social media sites or services are considered an extension of the City's information networks and are governed by the City of Portland's policy.

The Mayor and department heads will review department requests to use social media sites. In

addition, the Mayor and department heads may assist in the selecting of appropriate social media outlets, as well as defining a strategy for engagement using social media.

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Departments that use social media are responsible for complying with applicable federal, state, and local laws, regulations, and policies, as well as all applicable City policies. This includes adherence to established laws and policies regarding copyright, records retention, the open records statutes, the First Amendment, and privacy laws.

Authorized employees representing the City government via social media outlets must conduct themselves at all times as representatives of the City. Employees that fail to conduct themselves in an appropriate manner shall be subject to the disciplinary action outlined in the *City of Portland Personnel Manual* and the City of Portland Information Systems Policy and Procedures. Violation may also result in the removal of department pages from social media outlets.

Departmental staff members are responsible for the content and upkeep of any social media pages or sites that a department might create. One contact will be designated by the department and approved by the Mayor.

The simultaneous use of a City email address, job title, official City name, or logo in conjunction with a posting may be evidence of an attempt to represent the City in an official capacity. Other communications leading a reasonable viewer to conclude that a posting was made in an official capacity may also be deemed evidence to represent the City in an official capacity.

Any postings on non-City social media sites and platforms made in an official capacity may be subject to the Tennessee Public Records Act. A City employee posting on a non-City social media site or platform shall take reasonable care not to disclose any confidential information in any posting. When posting in a personal capacity an employee should take reasonable care to distinguish that his content is a personal expression and not that of the City.

6.8. ATTENDANCE

Punctual and regular attendance is necessary for the City to operate efficiently. The City provides a variety of forms of leave to cover absences from work. Employees are expected to report for duty, and be ready to begin work by the start of the regular work day or their regular shift, unless on approved leave.

Employees unavoidably late or absent from work due to illness or other causes must notify their supervisor within the time frame established by each department, unless unusual circumstances prevent the employee from making proper notification. Employees must explain the reason for the absence and, if possible, the anticipated time and date they will return to work. When this is not possible due to sudden illness or emergency, the employee is to notify his/her supervisor as soon as possible, and in all cases, prior to the start of the work day in which the employee will be absent. Failure to notify one's supervisor of absences, or abuse of leave policies may result in disciplinary action.

ATTENDANCE: Punctual and regular attendance is necessary for the efficient operation of the City. Attendance expectations for all employees are that they are to be at work every day, on time and work their complete workday. Uncontrollable circumstances may cause an employee's inability to meet attendance expectations. In those instances:

- Employees who are unavoidably late or absent from work due to illness or other cause must notify their supervisor (or the supervisor's designee if unable to reach the

supervisor) within the time frame established by his/her department before their regularly scheduled starting time (with the exception of an emergency situation).

- Employees should provide the reason for their absence and, if possible, an anticipated return to work date. A note should be provided to the supervisor if the employee is treated by a medical professional.
- Supervisors should notify Human Resources when an employee is absent more than three (3) consecutive days for guidance on possible FMLA leave eligibility.
- Failure to timely notify one's supervisor of absences may result in disciplinary action or dismissal.
- Excessive absences, unless protected under existing law, may be subject to disciplinary action regardless of an existing bank of available paid leave time.

Every City employee has been assigned working hours. These scheduled hours are not the same for every employee or every department.

Note: An unauthorized absence from work for a period of one (1) consecutive working day as a **no show/no call** will be considered a voluntary resignation.

RECORDING TIME: Some City employees record their hours on time sheets rather than "punching" time clocks. Employees who completes electronic time sheets are subject to the same rules as those using a time clock.

- The 7-Minute Rule: Employees assigned a time clock must not clock in more than seven (7) minutes prior to the beginning of their work schedule, nor clock out more than seven (7) minutes after the end of their work schedule.
- Early or late clock-ins/outs in excess of seven (7) minutes deviation from the assigned work schedule must be justified and approved by the supervisor.
- Time accumulated on the time clock before or following the employee's scheduled work hours will not be allowed whether regular time or overtime – without written justification provided to the payroll office by the supervisor. The accumulation of extra time or overtime by virtue of early clock-in or late clock-out is prohibited as long as practices remain compliant with the FLSA regulations for time rounding 29 CFR § 785.48.
- An employee who does not have prior written permission and is found to have clocked in more than seven (7) minutes before his/her schedule, or clocked out more than seven (7) minutes after his/her schedule, will be in violation of the provisions of this policy and subject to discipline.

TIME CALCULATIONS: Tardiness exceeding the seven (7) minute grace period will be counted in 15-minute increments **for purposes of payroll calculation**. Fractions of time on the clock beyond the seven (7) minute grace period resulting in overtime will be paid in 15-minute increments but only when overtime has been authorized. **All issues of tardiness up to and including the 7-minute period are subject to disciplinary action.**

- Continual and/or repeated deviations from the assigned working hours will be grounds for disciplinary action. Such deviations include, but are not limited to: changes of schedule without prior approval, excessive tardiness, and clocking in/out too early or too late.
- Any time a City employee leaves the workplace during the workday, except for work-related business, the employee must clock out. Upon returning to work, the employee must clock-in.

PAID TIME OFF and TIME OFF DOCUMENTATION: If the time card /sheet calculations result in less than the assigned work hours for the pay period, the employee must claim paid-time-off leave e.g. vacation leave*, funeral leave*, sick time*, jury duty*, or other paid-time-off reason for the lost time. (*NOTE: All of these must be approved, and some in advance.)

Prior arrangements, approved by the supervisor, for lost time for anything other than the approved, paid-time-off reasons noted above may supersede the prior approval requirement. In other words, the employee shall be docked for lost time during the workweek if no provision is made for the absence by using any of the paid-time-off reasons listed above.

For any time off including the *leave times mentioned above, a *Time Off Request Form* must be completed and approved by the supervisor in advance, except in the event of an emergency.

FALSIFICATION OF RECORDS: Time cards/sheets must be signed by the employee and forwarded to the supervisor for review and approval. The employee's signature attests to the accuracy and completeness of the time card/sheet.

No City employee is to punch the time clock in/out for another employee. This and any deliberate documentation errors to time cards/sheets will be considered falsification of records and documents and shall be a violation of City policy that will result in both employees receiving disciplinary action. **Per Public Chapter 495 – 2019 the penalty for knowingly making a false entry in, or a false alteration of a government record, may be punishable as a Class E Felony under Tennessee Law.**

SECTION 7 – SEPARATIONS AND DISCIPLINARY ACTION

7.1. SEPARATIONS

All separations of employees from positions with the City shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, reduction in force, disability, retirement, death, or dismissal. At the time of separation and prior to final payment, all records, assets, and other City property in the employee's custody must be transferred to the City. Any amount due for failure to return City property may be withheld from the employee's final compensation on a depreciated/prorated basis. Deductions from pay cannot result in the employee being paid less than the federal minimum wage. These rules are not intended to grant property interest in employment.

7.2. RESIGNATION

In the event an employee decides to leave the City's employ, an appropriate (customarily, two weeks') notice shall be given so that arrangements for a replacement can be made. In such a case, employees will be expected to return any/or all City equipment assigned and/or in their possession. An unauthorized absence from work for a period of three (3) consecutive working days may be considered resignation from employment by means of job abandonment.

In the event an employee tenders a resignation with appropriate notice while in good employment standing, and not under investigation for an offense in violation of City policy, the City may, if in the best interest of City operation, remove the employee from service and compensate them for remaining scheduled work hours, and any unpaid vacation. In this event the employee will be placed on Administrative Leave with Pay until the last day of official employment not to exceed two (2) weeks.

If a former employee returns to City employment after resigning, his/her status of seniority, pay, leave, etc., will be the same as a new employee.

7.2. REDUCTION IN FORCE (LAYOFF)

To establish an effective and equitable process in the event that a reduction-in-force (RIF) is necessary, a RIF may be determined as necessary by the Mayor. The Mayor may promulgate additional policy, rules and procedures necessary for the implementation of a RIF.

This regulation applies to all regular full time, regular part time and temporary employees. Provisional employees, hired for a specific period covering the duration of an assigned project, are not subject to the provisions of this policy. State-funded positions, which the City supplements, may be subject to a reduction or elimination of the City supplement. A loss of the City supplement may not ultimately result in a position reduction.

In the event that a RIF becomes necessary, consideration shall be given to organizational needs, the quality of each employee's service, and length of service in determining retention. For the purpose of this regulation, it is understood that upon determination that a RIF becomes necessary, a RIF plan may be implemented based on the circumstances.

Discharge, demotion, or layoff because of lack of work, RIF, or job elimination is non-grievable under the City's Grievance Policy and Procedure. The City retains the right, at any time, to abolish positions for business necessity.

7.3. DISABILITY

An employee may be separated from employment with the City for a disability when he/she cannot perform the essential functions of the job because of a physical or mental impairment that cannot be accommodated without undue hardship, or when the disability poses a direct threat to the health and safety of the employee and/or others.

7.4. RETIREMENT

Retirement is defined as voluntary withdrawal from City employment by an employee eligible to receive retirement benefits under Social Security, the Tennessee Consolidated Retirement System (TCRS), or other adopted retirement system. Retirement benefits are based upon the regulations of the retirement system in which the employee is enrolled and any other applicable provisions that may be in effect at the time of that employee's retirement. Whenever an employee meets the conditions set forth in the retirement system's regulations, he/she may elect to retire and receive all benefits earned under the appropriate schedule.

7.5. DEATH

All compensation due in accordance with T.C.A., Section 30-2-103, designation of beneficiary, wages and debts owed deceased employee, shall be paid except for such sums as by law must be paid to the surviving spouse.

7.6. DISMISSAL

The Mayor may remove all officers and employees of the City subject to the City Charter, state law, and provisions of this personnel ordinance.

7.7. DISCIPLINARY ACTION

Whenever an employee's performance, attitude, work habits, or personal conduct fall below desirable level, supervisors should inform employees promptly and specifically of such lapses and should give them counsel and assistance. All records associated with disciplinary action shall become a permanent part of the employee's file. The employee may attach a rebuttal statement.

The types of disciplinary action are:

1. oral reprimand,
2. written reprimand,
3. suspension,

4. reduction in pay,
5. demotion, and
6. dismissal

Disciplinary action may be remedial and progressive, if possible, with the objective of directing and motivating employees to fully carry forth their work obligations to the City.

Employees should be informed of standards of conduct, performance, and applicable rules and regulations. Rules and regulations should be consistently applied considering the gravity of the infraction, mitigating circumstances, previous work record, and other relevant criteria.

As a public employee, the City may require you to provide information as part of an internal and/or administrative investigation to determine whether disciplinary or administrative action is necessary. You may be ordered to truthfully respond to questions or be subject to disciplinary action. You may be asked questions specifically, directly and narrowly related to performance of your official duties or fitness for your job. You are entitled to all the rights and privileges guaranteed by the law and the Constitution of the United States, including the right not to be compelled to incriminate yourself. If you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you could be subject to discharge. If you do answer, neither your statement, nor any information or evidence which is gained by reason of such statement, can be used against you in any subsequent criminal proceedings. However, these statements may be used against you in relation to subsequent internal discipline.

ORAL REPRIMAND

Whenever an employee's performance, attitude, work habits, or personal conduct fall below a desirable level, the supervisor should inform the employee of such lapses and should give him/her counsel. If justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. The supervisor will place a memorandum in the employee's file stating the date of the oral reprimand, what was said to the employee, and the employee's response. The memorandum will be reviewed with the employee prior to placement in the employee's file.

WRITTEN REPRIMAND

When an employee receives a written reprimand, a copy will be placed in the employee's file. The supervisor administering the reprimand will advise the employee that the action is a written reprimand and emphasize the seriousness of the problem; cite applicable previous corrective actions and/or informal discussions relating to the offense; identify the problem and/or explain the offense; inform the employee of the consequences of continued undesirable behavior; detail performance improvement plans and identify dates by which the correction actions shall be taken.

At the conclusion of a meeting with the employee, a signed copy of the written reprimand will be given to the employee and a copy placed in the employee's file. It is recommended that the affected employee sign the written reprimand to indicate that he/she has seen the document and to acknowledge receipt of the employee's copy. Should the employee refuse to sign the written reprimand, the supervisor will obtain a witness to sign and date the form and so indicate the employee's refusal to sign.

SUSPENSION

An employee may be suspended with or without pay by the Mayor or by his/her department head with the approval of the Mayor.

REDUCTION IN PAY

An employee may have their pay reduced as a disciplinary action by the Mayor or by his/her department head with the approval of the Mayor.

DISCIPLINARY DEMOTION

An employee may be demoted by the Mayor or by his/her department head with the approval of the Mayor.

DISCHARGE

An employee may be discharged by the Mayor or by his/her department head with the approval of the Mayor. Employees who are involuntarily discharged are not eligible for payout of accrued but unused paid leave, but will be paid out any unused compensatory time. The action of the Mayor, or designee as authorized by the Mayor, shall be final and binding on all parties involved, unless overturned or remanded by the chancery court on appeal.

The City will assess discharge actions using the following standard:

- The employee was informed either verbally, or by promulgation of work rules, that an act or behavior could reasonably result in discipline.
- The employee should have known that the act or behavior could reasonably result in discipline due to the nature of the act or behavior.
- The City took reasonable steps to make a fair determination of the circumstance(s) involved.
- The City has reason to believe the employee committed the alleged infraction, act, or behavior based on observation of reasonable facts.
- The City took reasonable measures to ensure the consistent application of rules and regulations using available resources.

INVESTIGATIVE LEAVES

ADMINISTRATIVE LEAVE WITH PAY/REASSIGNMENT

An employee may be placed on administrative leave with pay from his/her specific job duties and temporarily reassigned pending the outcome of an investigation, and upon approval of the Mayor, or approved designee. A copy of the temporary removal/reassignment notification and related documentation shall be forwarded to Human Resources for inclusion in the employee's file.

ADMINISTRATIVE LEAVE WITHOUT PAY

When an employee is unable to effectively perform the duties of his/her position due to an ongoing investigation, the employee may be placed on administrative leave without pay by the Mayor, or authorized designee, pending the outcome of the investigation when it is in the best interest of the City. In the event the employee is determined eligible to return to his/her duty at the conclusion of the investigation, the employee will be restored with backpay for hours missed.

SECTION 8 – MISCELLANEOUS POLICIES

8.1. NONSMOKER PROTECTION ACT

The City complies with the Non-Smoker Protection Act of 2007 which prohibits smoking in all public places such as buildings, equipment, and City-owned vehicles. All employees who operate City-owned vehicles are prohibited from smoking, the use of vapor devices, or use of smokeless tobacco in the vehicle or piece of equipment. This includes other occupants that may be being transported in the vehicles. Violators of this policy will be subject to disciplinary action.

The city policy requires that all smoking shall be kept at a minimum of 25 feet from all city buildings or enclosed structures entrances or doorways.

8.2. VOTING POLICY

When elections are held in the state, leave for the purpose of voting, if requested, shall be in accordance with T.C.A. 2-1-106. Any person entitled to vote in an election held in this state may be absent from any service or employment on the day of the election for a reasonable period of time, not to exceed three (3) hours, necessary to vote during the time the polls are open in the county where the person is a resident. A voter who is absent from work to vote in compliance with this section may not be subjected to any penalty or reduction in pay for such absence.

If the tour of duty [workday] of an employee begins three (3) or more hours after the opening of the polls or ends three (3) or more hours before the closing of the polls of the county where the employee is a resident, the employee may not take time off under this section.

The employer may specify the hours during which the employee may be absent. Application for such absence shall be made to the employer before twelve o'clock (12:00) noon of the day before the election.

8.3. IDENTITY THEFT POLICY

The risk to the City, its employees and customers for data loss and identity theft is of significant concern to the City and can be reduced only through the combined efforts of every employee and contractor. The City adopts this sensitive information policy to help protect employees, customers, contractors and the City from damages related to the loss or misuse of sensitive information.

Sensitive information includes the following items whether stored in electronic or printed format:

1. Credit card information (including credit card number (in part or whole), credit card expiration date, cardholder name, and cardholder address);
2. Tax identification numbers (including social security number, business identification number, and employer identification number);
3. Payroll information (including paychecks and pay stubs);
4. Cafeteria plan check requests and associated paperwork;
5. Medical information for any employee or customer (including doctor names and claims, insurance claims, or any related personal medical information); and

6. Other personal information belonging to any customer, employee or contractor (including date of birth, address, phone number, maiden name, names, or customer number).

Municipal personnel are required to use good judgment in securing confidential information to the proper extent. If an employee is uncertain of the sensitivity of a particular piece of information, s/he should contact the supervisor. In the event that the City cannot resolve a conflict between this policy and the Tennessee Public Records Act, the City will contact the Tennessee Office of Open Records.

Each employee and contractor performing work for the City will comply with the following Hard Copy Distribution policies:

1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.
2. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.
3. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
4. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed or shredded when not in use.
5. When documents containing sensitive information are discarded, they will be placed inside a locked shred bin or immediately shredded using a mechanical cross cut or Department of Defense (DOD) approved shredding device.

Each employee and contractor performing work for the City will comply with the following Electronic Distribution policies;

1. Internally, sensitive information may be transmitted using approved municipal e-mail. All sensitive information must be encrypted when stored in an electronic format.
2. Any sensitive information sent externally must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the e-mail:

"This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited."

Staff training shall be conducted for all employees, officials and contractors for whom it is reasonably foreseeable that they may come in contact with accounts or personally identifiable information that may constitute a risk to the City or its customers.

The Mayor, or designee, is responsible for ensuring that identity theft training for all requisite employees and contractors is provided. Employees must receive annual training in all elements of this policy. To ensure maximum effectiveness, employees may continue to receive additional training as changes to the program are made.

8.4. JURY AND CIVIL DUTY LEAVE

Civil leave with pay shall be granted to employees for the following reasons:

1. Jury duty (T.C.A. 22-4-108);

2. To answer a subpoena to testify for the City.

Employees providing proper documentation when selected for jury duty shall be excused from their assigned duties for the actual duration of the jury duty. In the event of release from jury duty during the employee's normal working hours, s/he shall be expected to return to his/her department. An employee shall receive full pay from the City during jury duty. Any monies received from jury duty may be kept by the employee.

8.5. DRIVERS LICENSES

Any employee who is required as an employment condition to operate a City vehicle must possess and maintain an appropriate valid driver's license. Any employee who drives a City vehicle must **immediately** inform his/her supervisor if his/her license becomes denied, expired, restricted, suspended, or revoked. Periodic review of employees' driving records may be conducted by the City.

All employees required to drive:

- a vehicle with a gross weight of more than 26,000 pounds;
- a trailer with a gross weight of more than 10,000 pounds;
- a vehicle designed to transport more than 15 passengers, including the driver; and
- any size vehicle hauling hazardous waste requiring placards

Employees operating vehicles of greater than 26,000 GVW and/or carrying 15 or more passengers are required to have a Tennessee Commercial Driver's License in accordance with T.C.A. 55-50-101 et seq. Fire truck, police vehicle, and emergency medical vehicle operators are exempt from the CDL requirements.

8.6. USE OF CITY VEHICLES

Use of City Vehicles: No employee may use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to oneself or any other person, group, or organization other than the City. Decisions about aid to charitable, civic or other organizations will be made exclusively by the Mayor and the City Council.

Authorized Positions for Vehicle Take Home: Due to the need for various departments to have on-call employees available to deploy in emergency situations, a take-home vehicle policy may be adopted by Resolution of the City Council.

Rules for Drivers of City Vehicles:

- No one may ride in City vehicles except City employees or people who are directly involved in ongoing City projects such as engineers, contractors, and vendors.
- Absolutely no family members are allowed to ride in a City vehicle except for City related matters or functions. All employees who are not the on-call person may only use the City vehicle for City business.
- The paid on-call employee will be required to have the vehicle with them at all times.
- The on-call employee may not leave the City's geographical utility service area in the City vehicle without proper approval.

- City employees may use City vehicles to attend job related schools if assigned by the department head. No other City employee will be allowed to take a City vehicle home overnight unless specifically approved by the department head.
- All employees are required to keep their assigned vehicle clean with maintenance up to date and documented.
- No smoking (including vapor devices), or smokeless tobacco use shall be allowed in City vehicles at any time.

Any employee who is required as an employment condition to operate a City vehicle must possess and maintain an appropriate valid driver's license. Any employee who drives a City vehicle must immediately inform his/her supervisor if his/her license becomes denied, expired, restricted, suspended, or revoked. Periodic review of employees' driving records may be conducted.

8.7. BREAKS AND MEALS

Employees working an eight (8)-hour daily work schedule may be allowed to take a fifteen (15) minute paid break in the morning and another one in the afternoon. The supervisor/manager will coordinate break schedules based on the needs of the department.

With the exception of the Police Department, Fire Department and Water Treatment Plant, whose schedules must cover 24-hour operations, full-time employees will observe a 40-hour workweek with a one-hour unpaid meal break and two 15-minute paid break times scheduled at the discretion of the department head.

B. Coffee breaks and snack breaks (15-minute breaks) are compensable rest periods and cannot be excluded from hours worked as meal periods as long as they are under 20 minutes in length.

C. Meal Periods - "A bona fide meal time, when employees are completely relieved from duty, is not work time." 29 C.F.R. § 785.19(a). "Short periods, such as coffee breaks or snack breaks, are not considered meal time. If an employee works during the meal, the time is compensable. Whether or not an employee's meal period can be excluded from compensable working time depends on the employee 'freedom meal test'." 29 C.F.R. § 785.19(a). Unless all of the following three conditions are met, meal periods must be counted as hours worked:

1. The meal period generally must be at least 30 minutes, although a shorter period may qualify under special conditions.
2. The employee must be completely relieved of all duties. (If an employee must sit at a desk and incidentally answer the telephone this would be compensable time)
3. The employee must be free to leave his/her duty station. There are no requirements, however, that an employee be allowed to leave the premises or work site.

D. Smoking Breaks: The 15-minute breaks in the morning and afternoon are also the designated times for smoking breaks and are to be compliant with the Non-Smoker Protection Act of 2007 which prohibits smoking in all public places such as buildings, equipment, and City-owned vehicles.

Note: Employees working in the field, away from their department office locations, must begin and end their 15-minute break(s) at the worksite. Travel time to and from the work location is included in the 15-minute break time.

Overtime, lunch breaks, break times and any other modification of the hours/time mentioned above shall be subject to approval of the department head.

8.9. PERSONNEL RECORDS

Per Public Chapter 495 – 2019 the penalty for knowingly making a false entry in, or a false alteration of a government record is punishable as a Class E Felony under Tennessee Law.

The City respects the dignity and worth of each individual employee, while asking each employee to offer in return his/her loyalty, respect, and best effort. The City will collect, retain, use, disclose, and maintain the confidentiality of employee information as required by law.

Human Resources records for each employee are kept on file and maintained in a secure manner by the Human Resource Department.

The Human Resources File for each employee may contain, but not be limited to the following information: 1) Human Resources action forms noting position and wage information; 2) performance evaluation forms and other documentation related to an employee's job

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performance; 3) employment documentation including application and resume, employee data sheet, and income tax deduction forms; 4) outside employment forms; 5) official commendations, training and education records including certificates and diplomas; 6) complete documentation pertaining to all disciplinary matters and corrective actions; 7) information relative to grievance proceedings, and complaints of discrimination and harassment filed by the employee; and, 8) all applicable benefits records. All medical records shall be kept in a separate confidential file for each employee.

It is the responsibility of each employee to update personal information including change of address, telephone number, marital status, draft status, beneficiaries, number of dependents, or completed education/training maintained in the Human Resources file by notifying the Human Resource Department. The City shall not be held liable when incorrect withholding, wrong beneficiaries, or loss of employee benefits result from the failure of any employee to keep Human Resources records current.

Collection, Retention, and Use of Personal Information

The City will strictly follow the requirements of applicable laws regarding information collection concerning membership in protected class. With these restrictions in mind, the City will gather such information about job applicants or employees as determined by the City to meet compliance initiatives.

The following basic principles will be applied in collecting and retaining personal information:

1. The Human Resource Department shall maintain a complete (master) file of each employee's records, which will contain necessary information, as determined by applicable provisions within a City charter, ordinance or resolution. The master file shall be the central file containing all employee information.
2. Each department head may maintain a file on each employee in his/her charge. The file shall be limited to performance evaluations, attendance records, official memos, letters, and information related to an employee's salary history. All information contained in this file must also be present in the master file.
3. Payroll data may be kept separately from the human resources file and the departmental file, although both may include information about an employee's salary history.
4. Supervisors may maintain separate files on their subordinates. The file shall be limited to performance evaluations, attendance records, official memos, and letters. All information contained in this file must also be present in the master file.
5. Employee information may be collected from employees whenever possible, but the City may use outside sources for other information where allowed by law.
6. Worker's Compensation documents will be maintained in a separate file in the custody of the Human Resource Department.
7. Medical information obtained from city provided medical examinations are the property of the City, and will be maintained in a secured file system separate from an employee's official Human Resources record. Medical information may include, but not be limited to the following: benefit documentation such as health insurance forms, fitness for duty examinations, drug testing results, medical information related to leaves of absence, inoculation records, etc. These documents will be maintained in a secured file system

that is not open for public inspection. These procedures are in accordance with applicable laws.

Employees' Access to Human Resources Records and Management Files

Employees may have access to and review their own Human Resources files during normal business hours. If the employee disagrees with any information found therein, the employee may submit a written disagreement to the Human Resource Department, which will be attached to the specific document in the file(s). Contents of employee files may not be removed. An employee desiring to access the Human Resources file of another employee must follow the procedures for public records requests.

Employees' Access Procedures

Employees may contact the Human Resource Department for an appointment to view their own file. Employees must review the file in the presence of an appropriate representative. Employees may take notes and may request to be provided with a copy of any of the file's contents subject to the City's policy on copy charges. Any question about the information's accuracy must be referred to the Human Resource Department. Employees may submit a note of disagreement to the Human Resource Department.

Disclosure of Applicant and Employee Records and Information

The content of applicant and employee Human Resources files is open to public inspection under the Tennessee Public Records law; however, some personal information has been deemed confidential under state and federal law. Only the Human Resource Department is authorized to disclose information about applicants and employees to outside inquirers.

Confidential information shall only be disclosed under the following circumstances:

1. properly identified and duly authorized law enforcement officials without a warrant when investigating allegations of illegal conduct by applicants and employees;
2. legally issued summonses or judicial orders, including subpoenas and search warrants; and
3. others as legally allowed by state and federal law.

Requests for copies of detailed applicant and employment information shall be made in writing and should be directed to the City Recorder who will then forward to the appropriate departments. Requests for public inspection of applicant and employee records shall be directed to the City Recorder who will then inform the appropriate departments.

Police Department applicants and employment records may be exempt from public access pursuant to state law. All requests for applicants and employment records shall be reviewed by the Chief of Police on a case-by-case basis. When a request is for a professional, business, or official purpose, and includes a request for personal information as defined by T.C.A. § 10-7-504(g), the Chief of Police (or designated custodian of files) must notify the officer prior to disclosure. The officer must be given a reasonable opportunity to be heard to oppose the release of the information. If the Chief of Police decides not to disclose personal information, the requestor must be notified within two (2) business days of the request and the files shall be released with personal information redacted.

All public records requested shall be subject to the City's public records request process.

Confidential information will be redacted out of any Human Resources files that are requested for inspection, as per Tennessee Law. Adequate time will be allotted to allow for redaction of such information as allowed by law. All requests will be completed promptly, and in a responsive and timely manner.

In all such matters, the employee shall be notified within seventy-two (72) hours of the records inspection and/or provision of copies. Police officers shall be informed that an inspection has taken place or copies have been provided; the name, address, and phone number of the person(s) making the request; person(s) for whom the request was made; and the date of inspection and/or the provision of copies. Exceptions for non-police employees may be made to release limited general information, such as the following: (a) employment dates; (b) position held; and (c) location of job site.

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ACKNOWLEDGEMENT OF RECEIPT

Sign, date and keep this copy with your manual

Sign, date and return the duplicate acknowledgement to Human Resources

Employee Printed Name: _____ Employee #: _____

I acknowledge that I have received a copy (written or electronic access) of the City of Portland, TN Personnel Manual adopted by **Ordinance 25-08**. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the Manual. If I have any questions, I understand that it is my responsibility to ask my supervisor or Human Resources.

I understand that any and all policies and practices can be changed at any time by the City by ordinance, or if appropriate by resolution. I understand and agree that other than by ordinance or resolution of the City Council a manager or representative of the City has no authority to enter into any agreement, expressed or implied, for employment for any specific period of time, or to make any agreement.

I understand and agree that the Personnel Manual may be changed at any time upon issuance of ordinance by the City Council. My continued employment indicates my agreement to work under those changes.

I understand that nothing in the Personnel Manual or any summary brochure or employee handbook should be deemed to be a promise by the City to provide any benefit. The City reserves the right to alter or eliminate any benefit, without notice, at any time by City Council action.

I understand that the Personnel Manual replaces (supersedes) any and all prior policies and any and all prior Personnel Manuals or employee handbooks and affected ordinances and/or resolutions, and any information contained in any such prior policy, handbook, or manual is no longer in effect.

As an employee, I am aware that I may be required to undergo drug and/or alcohol tests, that I may not be informed prior to the drug and/or alcohol test if classified as a safety sensitive position, and that I may be subject to immediate dismissal if I refuse to take the test.

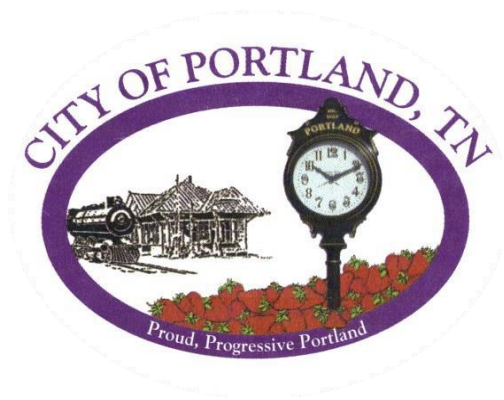
I am aware that the Personnel Policies grant me no property interest in my employment.

I understand and agree that the City may deduct from my final paycheck any amount due (on a depreciated/prorated basis) for failure to return City property, or for reimbursement of appropriate fees paid for educational assistance, as long as the deduction(s) do not reduce final pay to below minimum wage.

Delivered By

Signature

Date



PERSONNEL MANUAL 2020

Ordinance Number 20-07
Adopted March 2, 2020

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SECTION 1 - INTRODUCTION TO HUMAN RESOURCES REGULATIONS

1.1. PURPOSE AND OBJECTIVES

The purpose of the following policies is to establish a high degree of understanding and cooperation among the City of Portland employees, which comes from the application of good procedures in personnel administration, and to provide uniform policies for all employees. **Each individual employee's primary purpose, regardless of occupational specialty, is to provide efficient and effective service for the citizens of Portland. The primary objective in providing efficient and effective service is good stewardship of the citizen investment whether through taxes or through fees paid to the City to provide those services.**

It is the policy of City of Portland to provide equal employment opportunity to all employees and applicants for employment. No person will be discriminated against in employment because of race, color, religion, gender or gender identity, age, national origin, disability, military status, genetic information, communication with an elected public official, exercise of free speech made as a citizen as a matter of public concern*, refusal to participate in or remain silent about illegal activities, exercise of a statutory constitutional right or any right under clear public policy, political affiliation, or any other basis protected by law. The City will provide reasonable accommodation to qualified individuals with a disability unless the accommodation would pose an undue hardship on the City.

Per Article V, Sections 4, 2(A), 2(B) of the City of Portland Charter, the Mayor shall:

(A) Employ, promote, discipline, suspend and discharge all employees and department heads, in accordance with personnel policies and procedures adopted by the City Council; and

(B) Nothing in [the] charter shall be construed as granting a property interest to employees or department heads in their continued employment.

The Mayor may perform the actions listed in Article V, Section 4, 2(A) or may authorize the execution of the action(s) by a department head under his/her direction.

It is the intent of the City for this personnel policy to comport itself with the City Charter and offer reasonable processes for making non-discriminatory, job-related employment decisions. It is not the intent of the personnel policy to grant property interest to employees. Tennessee is an Employment-At-Will state unless property interest is otherwise granted.

The City will not discriminate on the basis of a person's national origin or citizenship status with regard to employment actions. However, the City will not knowingly employ any person who is or becomes an unauthorized immigrant. In compliance with the Immigration Reform and Control Act, all employees hired after November 6, 1986, regardless of national origin, ancestry, or citizenship, must provide suitable documentation to verify identity and employability. The documentation must be provided within three days of employment or the individual will be subject to separation.

This policy applies to all terms, conditions, and privileges of employment and all policies of the City, including hiring, placement, training, employee development, promotion, transfer, compensation, benefits, grievances, educational assistance, layoffs, termination and retirement.

The City complies with Title VI of the Civil Rights Act of 1964. Title VI requires that no person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial

assistance. The City further complies with all federal and state laws protecting employees from discrimination.

The fundamental objectives to be achieved by these policies are to:

1. promote and increase effectiveness, efficiency and cooperation among employees of the City of Portland; and
2. provide fair and equal employment opportunity to all qualified individuals on the basis of demonstrated merit and fitness, as ascertained through fair and practical employment practices.

** Whether an employee's speech addresses a matter of public concern is determined by the assessment of the content, form, and context of a given statement. If the employee speaks pursuant to his/her official duties (performing a task he/she was paid to perform); and/or the speech was not a matter of public concern; and/or his/her free speech interests are not sufficient to outweigh the City's interest(s) in promoting efficiency in delivery of public services an employee may not expect free speech protection(s).*

1.2. PERSONNEL POLICY STATEMENT

This manual and all other City manuals do not bestow any property rights or interests to employees regarding employment or employment benefits. This manual is not part of a contract and no employee has any contractual right to the matters set forth herein. The City reserves the right to change any and all such policies, practices, and procedures in whole or in part at any time, with or without prior notice to employees.

It is the policy of the City of Portland to apply and foster a sound program of personnel management. The policies of the City are established to assist in fulfillment of the objectives below:

A. People

1. Deliver talent acquisition processes that maintain a workforce that meets the needs of the City by filling positions in accordance with job qualifications and requirements without discrimination as to membership in any protected class;
2. Establish sourcing, recruitment, selection assessment, onboarding and job offer contingency (drug screens, background checks, etc.) guidelines for the appointment, promotion, transfer, demotion, dismissal, and reassignment of personnel;
3. Establish, periodically review, and maintain job descriptions for every position; periodically conduct appropriate wage and salary surveys; and as applicable, propose wage and salary classification groups for board approval as the budget allows; and
4. Design, recommend, and implement compensation systems and benefit packages including pay practices; medical and ancillary insurance options; leave plans; and retirement strategies designed to attract and retain qualified employees.

B. Organization

1. Structure the Human Resources function to encompass the people, processes, systems and activities involved in the delivery of services that meet the personnel needs of the City;
2. Oversee any dealings between the City and its employees regarding the terms and conditions of employment including grievance and complaint resolution; disciplinary

- processes; employment rights; compliance programs and approaches to retaliation prevention; and
3. Management of technologies including social media and the policies and procedures governing their use in the workplace.

B. Workplace

1. Follow appropriate best practices for development of a diverse workforce;
2. Minimize the probability and impact of risks to the City through best practices ensuring employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to City employees; and
3. Ensure the knowledgeable application of relevant Federal, state and local laws and regulations relating to employment as well as the City Charter and Municipal Code, as applicable.

D. Records

1. Establish and maintain uniform personnel records;
2. Maintain confidentiality and privacy of employees to the extent allowed by the law subject to the Tennessee Public Records Act (T.C.A. 10-7-501 – 515).

1.3. COVERAGE

Unless otherwise stated, the content of this Personnel Manual applies to all employees of the City. All employees will receive a copy of, or electronic access to, the manual upon employment and a copy will be held by each department head for convenience.

The following personnel are not covered by this personnel policy manual, unless otherwise provided and as statutorily required, and are classified in the exempted class:

1. All elected officials;
2. Members of appointed boards and commissions;
3. Consultants, advisors, and legal counsel rendering temporary professional service;
4. The City Attorney;
5. Independent contractors;
6. Volunteer personnel;
7. Seasonal and temporary employees;
8. The City Judge;
9. The City Recorder*.

Some policies apply to all employees and officers of the City including those placed in the exempted class above, such as policies related to discrimination and/or harassment, and policies required by state or federal law.

**The City Recorder is subject to all terms and conditions of the Personnel Policy, except as provided in the City of Portland Charter (The City Recorder is appointed by election of the City Council by majority vote.)*

1.4. ADMINISTRATION OF POLICY

The Mayor is responsible for the proper operations of all City functions, enforcement and application of all laws, provisions of the City Charter, Municipal Code, and acts of the governing body including but not limited to personnel policies and procedures and pay classification plan.

The Mayor is also responsible for implementation of additional rules, policies and procedures, which may be necessary for the proper operation of the City or its various departments, provided that such rules and procedures are consistent with the personnel policies adopted by the City Council.

Department heads, managers and supervisors are responsible for the administration and enforcement of the personnel policies and procedures for employees in their respective departments.

1.5. CONTACTING ELECTED OFFICIALS

No employee shall be disciplined or discriminated against for communicating with an elected official. However, an employee may be disciplined for making untrue allegations concerning any job-related matter (T.C.A. 8-50-601--604).

1.6. POLITICAL ACTIVITY

City employees, whether on or off duty, whether in or out of uniform, and whether on or off City property, shall not, at any time or any place, act as a candidate for an elected City office. The City will not compensate employees for time when the employee is not performing work for the City. Any time off from work used by the employee for participation in political activities will be limited to earned days off, vacation days, or by any other arrangements worked out between the employee and the City.

In all other elections for public office, employees may enjoy the rights of any other citizen of the state of Tennessee to be a candidate for any local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. Any time off from work used by the employee for participation in political activities will be limited to earned days off, vacation days, or by other time off duty arrangements worked out between the employee and the City. Nothing in this section is intended to prohibit any City employee from privately expressing his/her political views or from casting his/her vote in all elections.

1.7. AMENDMENTS TO PERSONNEL MANUAL

Amendments or revisions to the personnel manual may be recommended by the Mayor or designee for adoption of the City Council by ordinance. Such amendments or revisions of the personnel manual shall become effective upon adoption by the City Council. Departments may adopt their own internal operating policies (*i.e.* SOP/SOG) specific to their operations; however, none of these policies shall be in conflict with these personnel regulations. Copies of departmental policies shall be provided to the Mayor's office as well as to the HR office and are subject to review prior to adoption.

1.8. SEVERABILITY

If any chapter, article or section of this personnel manual is found to be in conflict with Federal, State or City laws and regulations, or court decision, that section will continue in effect only to the extent permitted by such law or regulation or court decision. If any chapter, article or section of this personnel manual is or becomes invalid or unenforceable, such invalidity or unenforceable nature will not affect or impair any other chapter, article or section of this personnel manual.

SECTION 2 – JOB CLASSIFICATION AND PAY PLAN

2.1. PURPOSE AND USE OF JOB CLASSIFICATION

Job classification provides an inventory of positions in the City's service. The plan standardizes titles, each of which is indicative of a range of duties and responsibilities and has the same meaning throughout the City.

Job classification may consist of:

- a. groupings of classes of positions that are approximately equal in difficulty and responsibility, that call for the same general level of qualifications and that can be equitably compensated within the same range of pay under similar working conditions according to the market and budget availability;
- b. class (job) titles reasonably descriptive of the work of the class;
- c. written job descriptions for each position; and
- d. physical and mental standards for performance of the duties of the position.

Job classification may be used:

- a. as a guide in recruiting and examining candidates for employment;
- b. in determining potential lines of promotion and developing employee training programs;
- c. in determining salaries and wages to be paid for various types of work;
- d. in determining placement within pay ranges/step plans;
- e. in providing uniform job terminology understandable by all City officers and employees and by the general public.

2.2. ALLOCATION OF POSITIONS

Before a new position is established by a department, the department head shall submit in writing 1) a job description describing in detail the duties of such a position, and 2) justification of the need for an additional position.

The Mayor may then approve or deny such recommendation. If the Mayor agrees that the new position is necessary, then the recommendation is put before the City Council for approval or denial.

The Mayor may recommend to the City Council the establishment of a new position independently of a department. Any new position shall be subject to budgetary review and evaluation as to the appropriate salary range prior to submission to the City Council. This review and evaluation shall take into account the relative qualifications and responsibilities of the

position such that there is no wage disparity on the basis of sex for comparable skill, effort and responsibility and which are performed under similar working conditions. (TCA 50-2-202).

Positions may be reclassified by the Mayor within the classification and compensation plan based on City business needs.

2.3. PURPOSE AND USE OF THE PAY PLAN

The pay plan is intended to provide equitable compensation for classes of positions in consideration of ranges or steps of pay for other positions, general rates of pay for similar employment in similarly situated private establishments and other public agencies in the labor market area, cost of living data as determined using the Consumer Price Index or other valid and accepted data, the financial condition of the City, and other factors as appropriate as the budget allows.

The pay plan for the City of Portland shall consist of minimum, midpoint and maximum rates of pay for each existing pay grade/step, and/or compensation step levels within ranges, as applicable.

The Mayor, or designee, may from time to time make comparative studies of all factors affecting the level of wage/salary ranges and may make changes in the wage/salary ranges/steps as the adopted and appropriated budget allows.

Salary/wage ranges/steps and flexible initial paid leave bank amounts are intended to furnish degrees of administrative flexibility in recognizing individual differences among positions and to provide objectivity and consistency in compensation, including consideration for placement within ranges based on job-related experience, qualifications, education, and certification, among other valid job-related criteria.

The minimum rate established for a position and minimum paid leave bank amounts and accrual rates are the normal starting point except in cases where circumstances related to operational needs appear to warrant employment of an individual at a higher rate in the pay range, or in consideration for applicable and appropriate education and/or experience levels, or other valid job-related criteria.

SECTION 3 – COMPENSATION

3.1. FAIR LABOR STANDARDS ACT (FLSA)

Minimum Wage

In accordance with the Fair Labor Standards Act (FLSA), no employee shall be paid less than the Federal minimum wage unless they are expressly exempt from the minimum wage requirement by FLSA regulations. Employees paid on an hourly rate basis are paid for all time actually worked.

Overtime

The FLSA shall govern the overtime compensation of hourly, non-exempt, City employees. The FLSA defines overtime pay as one-and-one-half times the employee's regular rate of pay for all hours worked over the applicable overtime threshold. Generally, overtime work must be authorized by the department head.

Overtime pay calculations are based on actual hours worked during the workweek / work period. Overtime will be paid when the employee's actual hours worked exceed the hours that constitute a full workweek / work period for that employee.

Sworn Fire Service non-exempt employees working a 24-hour shift may be allowed to accrue up to a maximum of 480 hours of compensatory time, only for actual hours worked at 1.5 hours of compensatory time for each hour of overtime worked according to the Fair Labor Standards Act (FLSA).

Workweek

A workweek is a regular recurring period of 168 hours consisting of seven, consecutive 24-hour periods. The number of days that shall constitute a workweek for regular employment is typically five in total. Schedules may vary in departments as necessary for the operation of the City.

A standard workweek is scheduled between 12:00 AM on Monday through 11:59 PM on the following Sunday.

Section 7(k) of the FLSA provides that employees engaged in fire protection or law enforcement may be paid overtime on a "work period" basis. A "work period" may be from 7 consecutive days to 28 consecutive days in length. Work periods for the Police Department consist of 14 days, and the Fire Department consists of 7 days. Most City employees observe a 40-hour workweek; however, the overtime threshold for nonexempt police personnel is eighty-six (86) hours in a fourteen (14) day work period, and fifty-three (53) hours for nonexempt fire department personnel in a seven (7) day work period.

Minimum Age

The FLSA requires that employees of state and cities be at least 16 years of age for most jobs and at least 18 years of age to work jobs declared hazardous by the Secretary of Labor. All Firefighters and Police Officers must be a minimum of 18 years of age.

3.2. PAY FOR PART TIME WORK

Employees who are employed in part-time positions are not eligible for benefits and will only be paid for their actual hours worked. In the event that hours worked by a part-time employee exceed the FLSA defined workweek/work period threshold, overtime rates will apply. Part-time employees performing the same function as full-time employees will begin employment at the minimum rate of pay for the position as described in the classification and pay ranges established by the City, but will be eligible for across the board increases. Ongoing part-time workers are limited to an average of **29** hours or fewer per workweek.

Volunteer Firefighter and Volunteer EMT compensation is on a per-call basis. Each call will be paid a de minimis payment intended to cover expenses as a nominal fee. The fee paid is subject to establishment and adjustment by Resolution of the City Council.

3.3. ON CALL PAY

The designated on-call employee will be compensated at an hourly differential rate for every hour they are assigned to “on-call” status as adopted by Resolution of the City Council. This differential will be included in their regular rate of pay for overtime rate calculation.

3.4. CALL OUT PAY

Employees assigned to on call services during nights, holidays and weekends are required to restrict themselves from any activity that would impair their ability to drive or work safely while being subject to on-call and/or responding to after-hour service calls. When on call, employees are required to comply with the City’s drug and alcohol policy. The employee is required to respond within thirty (30) minutes after being called. An employee who is on-call and fails to respond to an emergency call within 30 minutes will be subject to disciplinary action up to and including discharge.

Non-exempt employees who are or called out after scheduled work hours will receive call out pay for a minimum of two (2.0) hours of regular pay for the first call-out. This pay will be paid at the straight time rate of pay when allowed by FLSA, and will be considered hours worked for the purpose of calculating overtime. All subsequent call-outs that occur prior to the beginning of the next scheduled work shift will be paid at actual hours worked.

Salaried/exempt employees and salaried/exempt supervisors are exempt from the overtime pay and from on-call services. Salaried/exempt employees and salaried/exempt supervisors may not be listed on the rotation for on call but are considered “on call as necessary”, as assumed with acceptance of the departmental supervisory responsibilities.

EMERGENCY CALL IN TO WORK FROM VACATION/HOLIDAY - If an employee is called in to work due to a City emergency on their pre-scheduled, pre-approved vacation day or holiday, then, the City will pay the employee at time and one-half their regular hourly rate for the hours actually worked on that day in addition to straight time pay for the regularly scheduled vacation day. All hours actually worked on the scheduled vacation day shall be used in the total hours calculated before overtime is paid.

3.5. CHRISTMAS BONUS

Employees classified as full-time with less than one (1) year of service, unless hired in December of the previous year, and those employees classified as ongoing part-time employees (regardless of time with the City) will receive a \$40.00 Christmas bonus.

Full-time employees with at least one (1) year of service (December hires from previous year are considered in this category) will receive the bonus according to the following schedule*:

Years of Service	Bonus Amount		Years of Service	Bonus Amount
1	\$150.00		13	\$600.00
2	\$175.00		14	\$650.00
3	\$200.00		15	\$700.00
4	\$225.00		16	\$750.00
5	\$250.00		17	\$800.00
6	\$275.00		18	\$850.00
7	\$300.00		19	\$900.00
8	\$350.00		20	\$950.00
9	\$400.00		21-25	\$1,200.00
10	\$450.00		26-30	\$1,350.00
11	\$500.00		31+	\$1,500.00
12	\$550.00	(Ongoing Part-Time employees receive \$50.00 each)		

Any retiring employee with at least 10 years of fulltime service with the City, will have their bonus prorated for that year. Retirees who are eligible for a pro-ration of the Christmas bonus upon retirement will have the bonus calculated based on the number of months worked in the retirement year, minus the actual month of retirement.

The City's continuation of Christmas Bonuses is subject to budgetary considerations within each fiscal year and will be paid in compliance with the Fair Labor Standards Act.

3.5. DEDUCTIONS FROM PAY

By law, the City is required to deduct, where applicable, federal withholding taxes, Social Security taxes, and garnishments from an employee's pay. The following deductions will be made:

1. **Federal Income Tax** – Federal taxes are withheld from employees' paychecks based on the number of dependents claimed by each individual. Employees are required to file with the City a copy of the W-4 form. In the event of changes in the employee's exemption status, a revised W-4 form must be filed before payroll deduction adjustments will be made.
2. **Social Security** – Social Security payments and deductions will be made according to the Social Security Act. The payroll department shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.

3. **Others** – Other City authorized deductions will be made from an employee's pay with either the employee's signed consent or pursuant to a valid court order.

- a. health/hospitalization insurance (medical service premiums),
- b. life insurance,
- c. dental insurance,
- d. vision insurance,
- e. deferred compensation payments,
- f. credit union payments,
- g. pension plan,
- h. supplemental insurance approved by the city,
- i. child support or other garnishments*
- j. charity contributions approved by the city, and
- k. cost of uniforms, safety footwear, and other applicable equipment during employment or upon failure to return such upon separation as allowed by state law and the FLSA**

*An employee who is garnished for more than one indebtedness within a 12-month period may be subject to disciplinary action in accordance with the Consumer Credit Protection Act (15 USC, Ch. 41); except for assignment(s) of wages for spousal or child support (T.C.A. 36-5-501 (c)(2)(i)).

** The City may deduct from an employee's final paycheck any amount due (on a depreciated/prorated basis) for failure to return City property as long as the deduction(s) do not reduce final pay to below minimum wage.

3.6. PAYCHECKS AND DIRECT DEPOSIT

All employees of the City of Portland will be paid on a basis determined to best suit the needs of the City. Examples are: weekly, bi-weekly, etc. as allowed by law.

If an employee is absent on payday and wishes to have someone, such as a relative, obtain his/her live check, the employee may send his/her identification and a signed note authorizing the City to give the check to the note bearer.

Final Paycheck The final paycheck will be made available no later than the employee's next regularly scheduled pay date, or within twenty-one (21) days, whichever is later.

Lost Paychecks- Employees are responsible for their paychecks after they have been issued. Checks lost or otherwise missing should be reported immediately to the payroll department so that a stop-payment order will be initiated. The employee will be responsible for reimbursement to the City for any stop payment fees incurred due to employee loss of paycheck.

Unclaimed Paychecks- Paychecks not claimed by employees must be returned by the supervisor to the payroll office.

Direct Deposit - All ongoing employees hired after 7/1/17 are required to have their payroll checks deposited via direct deposit into the financial institution of their choice. Seasonal and temporary and employees are not required to have direct deposit. Employee pay stubs/checks will be distributed no later than Friday each week.

SECTION 4 – EMPLOYMENT

4.1. RECRUITMENT AND SELECTION

The City carefully selects employees through written applications, personal interviews, and applicable background and reference checks. After all available information is considered and evaluated, a decision may be made by the hiring manager. This selection process helps the City find and employ people who are concerned with their own personal success and the success of the City; people who want to do a job well; people who can carry on their work with skill and ability; and people who can work well with others to create an efficient team.

Applications

The City of Portland will make a reasonable effort to attract qualified applicants for all positions. Applications are only accepted for current position vacancies.

In the instance where positions within the same pay range and comparable skills requirements (for example maintenance or clerical), an eligibility list may be created in which future hires may be made from this list instead of requiring a separate recruitment.

All applications for employment are received at City Hall in the Human Resources Department and reviewed by the Human Resources Department or designee to ensure that minimum employment qualifications are met.

Vacancies for positions may be simultaneously posted internally and externally. The City exercises a policy of fairness for every individual who applies for work, and strives for the proper placement of individuals in various departments based on their experience, qualifications, and the needs of the City.

Potential applicants may request an application from the Human Resources Department or the receptionist at City Hall either in person, via email, or via the telephone, whereby an application will be sent to the applicant. Applicants will file their application with the receptionist or the Human Resources Department.

Applications will remain active for a period of six (6) months from the date of original submission, and only for the position(s) applied for. Applications are only accepted when vacancies exist. The City does not consider applications and resumes after a position closes except in limited circumstances, or as announced on a case by case basis.

Internal applicants for open positions are required to submit a transfer application for each open position applied for.

Applicants may be removed from consideration if:

1. Applicant declines an appointment when offered;
2. Applicant cannot be located by the postal authorities – it will be deemed impossible to so locate an applicant when a communication mailed to the last known address is returned unclaimed;
3. Applicant cannot be located via appropriate alternative means of communication;

4. Applicant moves out of a required geographic area if residency within is required for the position;
5. Applicant is currently using illegal drugs or narcotics as determined by a post-offer, pre-employment drug test;
6. Applicant is found to have been convicted of a felony or misdemeanor dependent upon the nature and gravity of the offense, the time passed since the offense, and the nature of the job sought;
7. Applicant has made a false statement on the application;
8. Applicant does not file the application within the period specified in the application/examination announcement or does not use the prescribed form or uses a different format than allowed as a reasonable accommodation;
9. Applicant fails to satisfactorily pass background check/investigation that is job-related and necessary; and/or
10. Applicant does not possess the minimum qualifications for the position.

Job Announcements - Department Heads who need to fill a job opening should contact the Human Resources Department in order to begin the recruitment process. The Human Resources Department shall work with the hiring department to establish a plan of action for the recruitment and testing process before the position is advertised. Once the selection process is established and approved by the Mayor and Human Resource Department, there shall be no deviations unless the position is advertised again with notification to all affected applicants. The Human Resource Department will cause the announcement to be prepared and publicized in order to bring notice of vacancies to as many qualified persons as possible.

In-House Posting - Notice of vacant, regular ongoing positions will be distributed to all departments for posting on designated bulletin boards or for circulation among employees within each department. The vacancy will be posted until a specified closing date or until the position is filled.

Public Advertisement - Applicants shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that qualified applicants are obtained for City employment. The Human Resource Department in collaboration with the hiring department, will determine what forms of media to use for advertisement.

Advertisements may also include the City's website along with the City cable channel. The notice shall contain brief descriptions of the qualifications for the particular position and will specify the locations where applications can be obtained and the deadline for accepting applications. The vacancy will be posted until a specified closing date or until the position is filled.

Recruitment by Examination - All appointments in the City shall be made according to merit and fitness and may be subject to competitive valid examination. All such examinations shall fairly and impartially test those matters relevant to the capacity and fitness of the applicant's ability to be able to perform the essential functions, as well as the requisite knowledge, skills and abilities for the position.

4.2. SELECTION EXAMINATIONS

The examinations held to establish eligibility and fitness for any position may consist of one or more of the following elements as determined by the Mayor and/or department head in conjunction with Human Resources.

1. **Written Test** – This validated test, when necessary, will include a written demonstration designed to show the applicant's familiarity with the knowledge involved in the class of positions to which he/she is seeking employment.
2. **Oral Test** – This test, when necessary, will include a personal interview where the ability to deal with others, to interact with the public, and/or other personal qualifications are to be evaluated. An oral interview may also be used in examinations where a written test is unnecessary or impractical or as a reasonable accommodation to someone unable to take a written test due to a disability.
3. **Performance Test** – This test, when necessary, will involve performance tests as would aid in determining the ability and manual skills of applicants to perform the work involved. The performance test may be given weight in the examination process or may be used to exclude from further consideration applicants who:
 - a. cannot perform the essential functions of a specific position due to a disability that cannot reasonably be accommodated;
 - b. pose a direct threat to themselves or others.
4. **Physical Agility Test** – When necessary, this consists of job-related tests of bodily conditioning, muscular strength, agility, and physical fitness of job applicants for a specific position. This test may be given weight in the examination process or may be used to exclude from further consideration applicants who do not meet the minimum required physical job-related standards.
5. **Psychological Test** – When required and related to ongoing business necessity, this will include any test to determine mental alertness, psychological state/stability, general capacity of the applicant to adjust his/her thinking to new problems, or to ascertain special character traits and attitudes that are job-related and consistent with business necessity.
6. **Pre-employment, Post-offer Drug Test** – Pre-employment drug testing will be conducted for all positions after the offer of employment is made. Positive results on the drug test will result in an applicant being denied employment.

The City will make reasonable accommodations in the examination process to disabled applicants requesting such accommodations.

Notification and Inspection of Examination Results: Each person who takes an examination shall be notified in writing of his/her standing on the eligibility list (if one is maintained) or of his/her passing or failing and may see any applicable testing results during regular City business hours.

4.3. APPOINTMENT TO POSITIONS

The Mayor shall appoint for budgeted, vacant positions existing within the Schedule of Authorized positions adopted by ordinance and may promote or transfer all officers and employees of the City, or may authorize appropriate designees and/or department heads to do so, subject to the provisions of the City Charter, state law, and this personnel policy adopted by ordinance in order to meet City operational needs. New employees are appointed to existing salary schedules as established and approved by City Council.

Contingent Job Offers are made to the candidate approved for hiring. The City will not discriminate on the basis of a person's national origin or citizenship status with regard to recruitment, hiring, or discharge. However, the City will not knowingly employ any person who is or becomes an unauthorized alien. In compliance with the Immigration Reform and Control Act, all employees hired after Nov. 6, 1986, regardless of national origin, ancestry, or citizenship, must provide suitable documentation to verify identity and employability. The documentation must be provided within three days of employment or the individual will not be hired. All offers of employment are contingent on verification of the individual's right to work in the United States. The City uses E-Verify to confirm employment eligibility.

The job offer is also contingent on the results of a job-related background check as applicable and job-related to the position. The check may consist of prior employment verification, professional reference checks, and education confirmation. As appropriate, a criminal conviction history, health examination, driving record history and credit check may also be obtained if related to the position and consistent with business necessity.

Following the requirements imposed by the Federal Truth-In-Lending and the Fair Credit Reporting Acts the City may conduct a post-offer, pre-employment credit check for positions who are responsible for payments, cash, payroll and other financial related duties, including some law enforcement positions. Employment may be conditional upon the information in the credit check.

Post-offer, Pre-employment physical examinations may be required of prospective employees for certain positions based on the essential functions of the position as contained in the job description after a conditional offer of employment is made. The physical examination shall be given by a licensed medical practitioner, occupational or physical therapist, or appropriate licensed examiner designated by the City to determine if the employee meets required standards in order to perform the essential functions of the job with or without reasonable accommodation.

A copy of the specific job description will be provided to the examiner. The cost of this physical examination shall be borne by the City. Prospective employees who are unable to successfully perform the essential functions tested for in the examination shall have their offer of employment by the City withdrawn only if they:

1. cannot perform the essential functions due to a disability that cannot reasonably be accommodated; or
2. pose a direct threat to themselves and/or others.

Post-hire Medical Examinations / Physical Agility Tests -- All employees of the City may, during the period of their employment, be required by their department head, with the approval

of the Mayor and coordination with the Human Resources Department, to undergo periodic medical (which may also include mental fitness) examinations, as allowed by law, to determine their fitness to perform the essential functions of the position they currently hold.

Any such medical examination shall be at no expense to the employee. Determination of fitness for duty will be by a licensed medical practitioner, occupational or physical therapist, or appropriate licensed examiner designated by the City or its insuring agency.

Annual job-related physical agility testing for incumbent positions may be required based on business necessity. These will be limited to physical agility tests, which measure an employee's ability to perform actual or simulated job tasks, and physical fitness tests, which measure an employee's performance of physical tasks, as long as these tests do not include examinations that could be considered medical.

Employees determined to be physically or mentally unfit to continue in their positions may be demoted, or they may be separated from the City service only after it has been determined that they:

1. cannot perform the essential functions due to a disability that cannot reasonably be accommodated; or
2. pose a direct threat to themselves and/or others.

Barry Brady Law Fire Service Health Screenings -- To be eligible for presumption benefits, firefighters must be diagnosed after July 1, 2019, have served five or more consecutive years with an eligible fire department, and may only utilize the presumption for up to five years after their most recent date of exposure. A firefighter must have been exposed to heat, smoke, and fumes, or carcinogenic, poisonous, toxic, or chemical substances while performing the duties of a firefighter in the firefighter's capacity as an employee.

Eligible firefighters must also pass a pre-employment physical medical exam, with a cancer screening, and complete an annual physical medical examination that includes a cancer screening for the types of cancer covered under this law. Any firefighter employed by an eligible department before July 2019 who would like to be eligible for benefits must obtain a physical medical examination with the appropriate cancer screenings by July 1, 2020.

Elimination Periods - Newly appointed regular, ongoing, full-time employees are eligible for health, dental, and vision benefits the first of the month following appointment. The elimination period for all other benefits (voluntary life, AD&D, etc.) is completion of ninety (90) days of employment. Leave benefit elimination periods for leave benefits are described within leave policies.

4.4. PROMOTIONS

The Mayor may promote officers and employees of the City, or may authorize appropriate designees and/or department heads to do so, subject to the provisions of the City Charter, state law, and this personnel policy adopted by ordinance in order to meet City operational needs.

A promotion is the assignment of a qualified employee from one job class to another that has a higher pay rate. A qualified employee possesses the knowledge, skills and abilities, has the required experience level and is able to physically perform the duties and essential functions as outlined in the job description.

Temporary Promotion - The Mayor may authorize department heads to make promotions of employees, including temporary promotions to fill vacancies on an interim basis. The duration of absence in the position must create a business necessity for proper operation of the City. Employees will begin to earn the pay differential for a temporary promotion immediately upon assuming the related duties and will cease to do so upon completion of the interim assignment.

In every case, promotions must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of affecting an increase in compensation.

When a promotion occurs and the employee's current pay rate is less than the minimum rate for the new position, the employee's salary/wage shall be raised to at least the minimum rate. When the employee's current pay rate falls above the new position's minimum rate, an appropriate increase in alignment with the compensation plan will be awarded as determined by the department head, Human Resources and the Mayor.

When a position is advertised for certified personnel (positions that require agency or subject matter certification) and no applications are received that meet the qualifications, then present employees may be given the opportunity to move into the position and receive training, unless it is necessary to fill the vacancy quickly, or on an emergency basis.

4.5. TRANSFERS

The Mayor may transfer officers and employees of the City, or may authorize appropriate designees and/or department heads to do so, subject to the provisions of the City Charter, state law, and this personnel policy adopted by ordinance in order to meet City operational needs.

A transfer is a lateral move assigning an employee from one position to another position of equal responsibility and class. Transfers can take place within a department, between departments, between positions of the same pay range, between positions of the same class, or between positions of different classes of equal responsibility levels and pay. A transfer may also be implemented as a reasonable accommodation when an employee is unable, due to a disability, to continue to perform the essential functions of the job.

Should a City employee wish to transfer to another position, in the same department or in another department, when there is a vacancy, the transfer may be allowed if the level of pay is the same and the position is considered as the same level position, and the employee wishing to transfer is qualified, can perform the essential functions and duties as outlined in the job description and it is in the best interest of the City.

An employee who transfers from one department to another will retain and carry forward all benefits earned, accrued, or both as of the date of transfer. In the event an employee of the fire department working 24-hour shifts transfers to another department, Sick Leave will be reduced at a ratio of fire department accrual divided by standard accrual. As a general rule, lateral transfers require no increase in compensation. If an employee has less than one (1) year of full-time employment with the City or less than six (6) months service in his/her current position, the transfer must be approved by the Mayor.

Under no circumstances will a department head (as defined in the City Charter), an employee of supervisory status, a certified operator, or any employee with a higher-level position be allowed to transfer to a position of lesser responsibility without accepting a lower rate of pay. Should

this type of transfer be allowed, the employee's existing length of overall service to the City will be acknowledged, but the employee's pay will be adjusted to the appropriate amount from the wage range for the position.

4.6. DEMOTIONS

The Mayor may demote officers and employees of the City, or may authorize appropriate designees and/or department heads to do so, subject to the provisions of the City Charter, state law, and this personnel policy adopted by ordinance in order to meet City operational needs.

A demotion is the assignment of an employee from one position to another that has a lower maximum pay rate and responsibility. An employee may be demoted for any of the following reasons:

1. because his/her position is being abolished and s/he would otherwise be laid off;
2. because his/her position is being reclassified to a higher grade, and the employee lacks the necessary skills to successfully perform the job;
3. because there is a lack of work;
4. because there is a lack of funds;
5. because another employee, returning from authorized leave granted in accordance with the rules of the leave, will occupy the position to which the employee is currently assigned;
6. because the employee does not possess the necessary qualifications to render satisfactory service to the position s/he holds;
7. because the employee voluntarily requests such a demotion, and an open position is available;
8. as a reasonable accommodation when an employee, due to a disability, becomes unable to perform the essential functions of the job, and job transfer, reassignment, or job redesign are not reasonable; and/or
9. as a form of disciplinary action.

4.7. NEPOTISM / PERSONAL RELATIONSHIPS

Members of the immediate family of a City employee or elected official who meet the hiring standards may be employed to fill City positions as detailed below. For purposes of this policy, members of the immediate family include spouse, child, brother, sister, son- or daughter-in-law, sister- or brother-in-law, parents, parents-in-law, nephews, nieces, stepsisters, stepbrothers, stepchildren, and stepparents.

- No member of an immediate may family supervise members of his/her immediate family. This does not preclude employment of immediate family members under other lines of supervision. If the city cannot reasonably transfer one of the family members to another line of supervision, and the family members can't decide which one will leave voluntarily, the employee in the more junior position will be subject to discharge.
- No special preference will be given to family members in the selection of work location, days off, vacation schedules, etc.
- The work and conduct of the family members will be governed by the same requirements and procedures as all other employees.
- Seasonal and part-time employees are exempt from this provision/policy.

If a personal, romantic, or intimate relationship is established between two or more employees post-hire, it is the responsibility and obligation of the employees involved to disclose the existence of the relationship to the City. When a conflict or potential conflict arises due to the relationship affecting employment, the City reserves the right to make any and all employment decisions in the best interest of the City.

4.8. TYPES OF EMPLOYEES

- **Full-Time, Ongoing Employees.** A full-time, ongoing employee is an employee who is typically scheduled a minimum of 40 hours per week, is paid an hourly or salaried rate, is subject to all conditions of employment, and receives all benefits offered unless specifically excluded by the City Charter, code, or ordinance.
- **Part-Time Ongoing Employees.** A part-time ongoing employee is an employee who works fewer hours per workweek than a full-time employee on a regular basis and whose hours cannot exceed an average of **29 hours per week** during the standard measurement period. Week-to-week increases of hours beyond the 29-hour limit must be approved by the Mayor or department head. Human Resources will assist department heads with ongoing analysis of hours worked regarding the budgetary impact of benefits costs and compliance with the Affordable Care Act (ACA). Ongoing part-time employees are not eligible for benefits other than those statutorily mandated. Standard measurement periods can be defined separately for hourly and salaried employees.
- **Temporary Employees.** Temporary employees are individuals who perform work for the City for no more than six months during a 12-month period and whose ongoing employment with the City is not expected at time of hire. Temporary employees are not eligible for benefits except those coverage under workers' compensation. Hours of work shall be determined by the department head.
- **Seasonal Employees.** Seasonal employees are hired for a pre-established period, usually during peak workloads, either directly or through an employment service. They may work a full-time or part-time schedule. They are ineligible for City benefits except coverage under workers' compensation.
- **Non-Exempt Employees,** according to the Overtime Requirements of the FLSA are eligible for overtime pay and may be required to work more than the threshold hours for overtime in their workweek / work period. They are not exempt from overtime pay and are entitled to receive overtime pay for hours actually worked in excess of the employee's defined work period. Holiday pay and leave time will not be considered as "hours worked" for purposes of calculating overtime pay.
- **Exempt Employees.** Employees whose positions meet specific tests established by applicable state and federal laws and whose duties and responsibilities allow them to be "exempt" from overtime pay provisions as provided by the FLSA. They are not paid overtime regardless of the number of hours they work in a particular week. All exempt employees are expected to observe a normal forty-hour workweek and to work any additional hours necessary to accomplish the responsibilities of the position. *Exempt employees are required to complete time records which are maintained by the Finance Department and must be submitted during the payroll process. Exempt employees must*

utilize available paid leave if they work fewer than forty (40) hours in a work week. If no paid leave is available during the week in which fewer than forty (40) hours are worked, the employee will have his/her pay reduced by the number of hours not worked.

- **Salaried Employees.** Employees who are paid a specified weekly rate. All personnel defined as “department heads” in the City Charter, and any employee determined to be, and designated as exempt from the Fair Labor Standards Act, shall be paid on a salary basis and are not eligible for overtime pay.
- **Hourly Employees.** Employees who are paid an hourly rate and are paid overtime for worked hours over their overtime threshold for that work period. *Holiday pay and leave time for hours not worked will **not** be considered as “hours worked” for purposes of calculating overtime pay.*

4.9. PERFORMANCE EVALUATION

The annual rating period (period of performance measurement) evaluates performance occurring during the prior fiscal year, i.e. from June 30th of the completed fiscal year back through July 1st of the previous calendar year.

Employees will receive a performance evaluation at least annually at a time based on City needs. Additional evaluations shall be conducted prior to moving to another job in the organization, when performance outcomes fall below minimum expectations or whenever a department head/supervisor/manager determines a need.

The performance evaluation is intended to help the employee achieve a professional level of conduct and performance;

Employees must clearly understand what is expected and be committed to achieving quality results;

At a minimum, evaluations will be conducted annually, but may occur more frequently if the department head/supervisor/manager determines a need.

1. The Human Resources Department will maintain evaluation schedules and will notify department heads/supervisors/managers thirty (30) days in advance of evaluation due dates; and
2. Department heads/supervisors/managers will use the appropriate evaluation form to candidly and accurately document feedback on the critical success factors and previously agreed upon performance objectives established for the measurement period.

Reviews should be structured as follows:

1. Be sure that there is an accurate and complete job description for the position.
2. Incorporate input from the employee’s self-evaluation as appropriate.
3. Discuss the written performance ratings/summaries in the evaluation areas.
4. Goals, objectives, development plans, performance improvement plans, etc. should be established during this time for the upcoming rating period. Discuss what is expected and by when (develop a timeline for completion).

5. Determine how the expectations will be measured (i.e. complete a seminar or course of study, work quality or quantity improvements, cross training, etc.).
6. Secure all required authorization signatures and dates BEFORE DISCUSSING WITH THE EMPLOYEE.
7. Review the results of the overall evaluation with the employee.
8. Provide opportunity for the employee to ask questions and to document their remarks regarding the review.
9. Employee and reviewer should sign and date the evaluation form.
10. The appraisal is not final until it has been reviewed and acted upon by Human Resources and the Mayor.
11. The completed and signed evaluation form should be returned to Human Resources for filing in the employee's personnel file.
12. The City reserves the right to alter the terms and the manner in which performance is or is not appraised.

As important as written performance appraisals are, they are not meant as substitutes for ongoing discussions between employees and their supervisors about their performance.

4.10. OUTSIDE EMPLOYMENT

With the approval of the department head and Mayor (on an annual basis if ongoing), outside employment is permissible, provided that there is no conflict of interest or impairment of work performance for the City of Portland. Before outside employment begins, employees must present a written request to their department head describing the work to be performed.

Required overtime of any employee of the City takes priority over an employee's outside employment. Anyone who knowingly misses work or refuses mandatory overtime at his/her primary job to work a second job may be subject to disciplinary action up to, and including, termination of employment. Employees missing work because of sickness or injury that can be attributed to outside employment will not receive pay or other benefits for time lost from their City job. Approval of outside employment may be withdrawn for any business-related reason.

4.11. GRIEVANCES

A grievance is defined only as an expression of dissatisfaction, disagreement or dispute arising between a current employee and his/her supervisor and/or the City regarding an aspect of the application or interpretation of regulations and policies; reasonable accommodation under the ADA*; or an operational management decision affecting him/her. Disciplinary actions, promotions, demotions, and transfers are not grievable.

**If the grievance is for reasonable accommodation under the ADA, Human Resources must be involved in each grievance process step.*

It is the City's desire to address grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be occasional situations that will be resolved only after a formal meeting and review.

Employee(s) who have a grievance should first discuss it with their immediate supervisor, within five business days following the incident or immediately upon returning to work from a

suspension. Every employee may present a grievance under the provisions of the grievance procedure free from fear of retaliation of any kind concerning employment.

STEPS OF THE GRIEVANCE PROCEDURE ARE AS FOLLOWS:

Step 1. The employee files a written grievance with the immediate supervisor within five (5) business days of the incident. An employee should give the supervisor copies of any witness statements or other supporting documents. The immediate supervisor will promptly investigate the circumstances surrounding the grievance, discuss the matter with the appropriate department head, and take action if within the scope of the immediate supervisor's authority. The supervisor shall inform the employee of his/her decision in writing within three (3) business days. The supervisor shall provide a copy of his/her decision to the department head. No supervisor may hold a grievance longer than three (3) business days without forwarding it to the next supervisory level.

Step 2. If the issue cannot be resolved between the employee and his/her supervisor, the employee may proceed to the second step by reducing the request to writing and requesting that the department head review the written grievance and supervisor's response. If an employee wishes a meeting with the department head, one will be arranged. Upon hearing the grievance, the department head must provide a written response to the employee and the immediate supervisor within three (3) business days of the meeting.

Step 3. If the issue still cannot be resolved by the department head, the employee may request in writing a meeting with the Mayor. The Mayor shall have ten (10) business days to schedule the meeting after which, the Mayor shall provide a written response to the employee with copies to the department head and immediate supervisor. Every attempt will be made to resolve the employee's grievance. The Mayor's decision shall be final and binding on all parties involved.

SECTION 5 – EMPLOYEE BENEFITS

The City provides a competitive benefits program for all eligible employees. In addition to receiving an equitable salary and having an equal opportunity for professional development and advancement, employees may be eligible to enjoy other benefits which will enhance job and employment satisfaction. The benefit programs described in this personnel manual represent a significant investment in each employee by the City.

This section contains only a summary of insurance benefits, and the terms and conditions of any Plan Document and Summary Plan Description control any benefit if the summary contained in the Personnel Manual conflicts or may be interpreted to conflict. Employees should review their Summary Plan Description(s) in addition to the information provided in the Personnel Manual.

Other benefits previously approved by the Portland City Council, and not in conflict with this policy, shall remain in effect. The Portland City Council may, from time to time, approve additional benefits.

5.1. HEALTH, DENTAL AND VISION BENEFITS

Eligibility for benefits

Ongoing, full time employees will be eligible for the benefits described in this personnel manual as soon as the eligibility requirements for each particular benefit are met. Coverage is available defined in the benefits' Summary Plan Descriptions.

- Part-time, temporary and seasonal employees are not eligible for benefits.
- No benefits are available to employees prior to the plan's stated eligibility date, except as otherwise provided by law.

Health benefits: Employees and those City officials specified in the Municipal Code are covered under plan providers selected by the City. For details regarding current benefit plans and availability, refer to the annually approved Schedule of Benefits available in Human Resources.

Medical, dental and vision insurance: Eligibility for the medical, dental and vision insurance is per each plan document.

COBRA: COBRA provides certain former employees, retirees, spouses, former spouses, and dependent children the right to temporary continuation of health insurance coverage at group rates. This coverage, however, is only available when coverage is lost due to certain specific events. Group health coverage for COBRA participants is usually more expensive than health coverage for active employees, since usually the employer pays a part of the premium for active employees while COBRA participants generally pay the entire premium themselves. For details regarding your COBRA coverage options following a covered event, please contact the Human Resource Department.

5.2. SECTION 125 PLAN

A Section 125 plan is a benefit plan that allows employees to make contributions toward medical and dental insurance on a pre-tax rather than an after-tax basis. This means qualified expenses are deducted from gross pay before income taxes and social security are calculated.

By doing so, employees elect to have their gross pay reduced by an amount equal to contributions for medical and dental insurance. Once this election is made, no changes may be made to the pre-tax contributions until the next open enrollment period, unless the change being requested is the result of a change in family status (such as marriage, divorce, death of a spouse or child, birth or adoption of a child or termination of employment of a spouse). A change in election due to a change in family status will be effective in the pay period following receipt of the election.

5.3. RETIREMENT / TCRS

Retirement is defined as voluntary withdrawal from City employment by an employee eligible to receive retirement benefits under Social Security or the Tennessee Consolidated Retirement System. Retirement benefits are based upon the regulations of the retirement system in which the employee is enrolled and any other applicable provisions that may be in effect at the time of that employee's retirement.

All regular employees (Mayor's participation is optional) completing six (6) months of continuous employment with the City are eligible to receive employer contributions in the City's retirement plan. Membership in this plan is mandatory for eligible employees and is non-contributory by the employee. In addition, the City participates in the Social Security System.

Retirement benefits are based upon the regulations of the retirement system in which the employee is enrolled and any other applicable provisions that may be in effect at the time of that employee's retirement. Whenever an employee meets the conditions set forth in the retirement system's regulations, he/she may elect to retire and receive all benefits earned under the appropriate schedule.

Details regarding TCRS retirement eligibility and procedures may be obtained from the Human Resources Department.

Re-employment after Retirement

Any retired member may return to service in a position covered by the TCRS and continue to draw such person's retirement allowance in a temporary capacity limited to the equivalent of 120 days per 12-month period, and may earn no more than 60% of their final compensation at time of retirement.

Retiree Health Insurance

Should the City of Portland withdraw from the state's health insurance plan, the retiree would no longer be eligible to continue the coverage [through the state's plan].

All retirees must elect to continue coverage in the Plan within 30 days of termination of coverage.

The retired employee's insurance premium, single coverage only, will be paid by the City with the retired employee's dependent's coverage offered at the retiree's expense.

Retirees or covered dependents who are not members of TCRS will be eligible for a BC/BS Medicare Supplement when they reach the age of 65 or become Medicare eligible.

5.4. 401(k) / 457(b) PLAN

The City participates in the State of Tennessee voluntary defined contribution 401(k) and 457(b) tax-deferred retirement savings programs. For details on enrollment in the program, please refer to the plan documents available in the Human Resource Department.

5.5. CITY OBSERVED HOLIDAYS

All offices of the City of Portland, except emergency and necessary operations, will be closed and employees excused from work on the holidays listed below. There is no elimination period for this benefit, with the exception of Employee Personal Holiday*.

- | | | | |
|----|---|-----|----------------------------|
| 1. | New Year's Day | 7. | Labor Day |
| 2. | Martin Luther King Jr. Day | 8. | Thanksgiving Day |
| 3. | Presidents' Day | 9. | Day after Thanksgiving Day |
| 4. | Good Friday | 10. | Veterans' Day |
| 5. | Memorial Day | 11. | Christmas Eve |
| 6. | Independence Day - July 4 th | 12. | Christmas Day |
| | | 13. | Employee Personal Holiday* |

**One day granted per calendar year beginning January 1, 2020 to a regular employee to be taken in a minimum of four-hour increments and with 24-hour advance notice to the supervisor. Any unused portion of a personal day will be forfeited at the end of the year and will not be eligible for cashing out nor paid upon separation from employment. This benefit becomes available upon completion of the 90-day elimination period.*

5.6. HOLIDAY PAY

The City's observance of the holidays listed above (with the exception of the Employee Personal Holiday) will be scheduled on either Monday, Tuesday, Wednesday, Thursday or Friday. A holiday calendar designating the weekday to be observed may be issued annually. Eight (8) hours of holiday pay will be paid at the eligible employee's straight-time rate of pay for the City's observed holidays. Holiday Pay is not considered hours worked for the purpose of calculation of overtime pay.

To receive compensation for a holiday, employees eligible for holiday benefits must be in an active pay status (not away on leave without pay or on workers' compensation) on their last regular shift scheduled before a holiday and their first regularly scheduled shift after a holiday. Employees must seek appropriate approval for paid leave in conjunction with a Holiday with the exception of statutorily mandated leaves (i.e. FMLA).

Pay for hours worked for full-time, non-exempt employees who are required to work (excluding emergency call-in) on a holiday shall be calculated at their regular, hourly pay rate for the actual hours worked on the holiday and shall be paid in addition to the regular straight-time holiday pay for the day. All hours actually worked will be counted as straight- time hours for overtime calculation purposes.

5.7. VACATION

Vacation is an employee benefit that depends on how long the employee has worked for the employer for all regular full-time, exempt and non-exempt employees.

The City will try to honor all vacation requests; however, vacations cannot interfere with the City's operation. Therefore, your vacation must be approved by your department head/supervisor/manager in advance on a first come, first-served basis. If any conflicts arise in vacation requests, preference will be given to the employee with the longest length of continuous service.

All regular, ongoing full-time employees of the City will be granted vacation leave annually January 1 based on continuous years of service to the City. As the number of years of service increases, the amount of vacation leave granted increases and may accumulate to the maximum amount as shown in the table below:

Service Completed	Non-Public Safety and Exempt	Police Non-Exempt	Fire Non-Exempt
1 Year	1 week = 40 hours	1 week = 43 hours	1 week = 56 hours
2 Years	2 weeks = 80 hours	2 weeks = 86 hours	2 weeks = 112 hours
5 Years	3 weeks = 120 hours	3 weeks = 129 hours	3 weeks = 168 hours
10 Years	4 weeks = 160 hours	4 weeks = 172 hours	4 weeks = 224 hours
20 Years	5 weeks = 200 hours	5 weeks = 215 hours	5 weeks = 280 hours

The City's vacation year is based on the calendar year. This means that the vacation year begins on January 1 and ends on December 31 of each year. Since employees are hired throughout the calendar year, vacation time will be prorated for any partial year of service upon hire and be taken upon accrual. **There is no elimination period for this benefit.** For each completed month of service during the first year of employment Non-Public Safety and exempt staff will accrue 3.34 hours of vacation, Police Non-Exempt personnel will accrue 3.58 hours of vacation, and Fire Non-Exempt personnel will accrue 4.67 hours of vacation.

Scheduling. Vacations should be scheduled in advance for the mutual convenience of the employee and the City so that proper adjustments can be made in work schedules. Department heads preparing vacation schedules may give a choice of dates based on seniority of the personnel in their departments, and no employee may begin his/her vacation leave until his/her request has been approved by the department head.

Employees may at any time cash out up to two (2) weeks of accrued vacation once annually.

Employees may roll over up to one (1) week to the following year in December annually.

Employees may convert unused vacation leave to sick leave without limit at any time.

At no time may an employee have more than his/her vacation accrual amount plus one week in his/her vacation bank.

An employee may not schedule more than two (2) weeks of vacation in any six (6) week period without approval from the Department Head.

Vacation Pay-out at Termination of Employment. If there is unused vacation time upon voluntary separation from employment with the City it will be paid out at the employee's regular, base rate. A break in service of 6 months or more will reset the vacation accrual calculation.

The Mayor, when newly elected (not for purposes of continuation due to re-election), as an elected official of the City and head of City operations, will be awarded two (2) weeks of vacation per year of his/her term. A vacation year for the Mayor runs from the date of taking office. The Mayor may exercise the Vacation Cash Out or Carry Over options listed above.

Legal Holidays. Legal holidays falling within a vacation period will not to be counted as vacation days.

5.8. SICK LEAVE

All full-time employees shall accumulate (9.33) hours of sick leave with pay for each month of work completed for the City (total of 14 days per calendar year), except sworn Police department employees working 12-hour shifts who shall accrue 12 hours of sick leave per month, and fire department employees working 24-hour shifts who shall accumulate 24 hours of sick leave per month. Sick leave may be used as it accrues. **There is no elimination period for this benefit.**

Sick leave may be granted for any of the following reasons, and must run concurrently with FMLA when applicable:

1. Personal illness or physical incapacity resulting from causes beyond the employee's control;
2. Medical, dental, optical or other professional treatments or examinations for the employee;
3. Medical, dental, optical or other professional treatments or examinations for family members;
4. Acute illness of a member of the employee's immediate family. Immediate family includes children, spouse or parent(s);
5. To attend to personal illness or physical incapacity of family members, resulting from causes beyond the employee's control;
6. Exposure to contagious disease so that employee's presence at work might jeopardize the health of other employees;
7. To attend to a family member with exposure to contagious disease so that the family member might jeopardize the health of other people;

There is no maximum accumulation of sick leave. Any unused sick leave upon retirement is to be a service credit toward the employee's retirement (T.C.A. 8-34-604). Accumulated sick leave is not otherwise payable to the employee upon termination, resignation or retirement; nor can it be used as a form of 'early retirement' in practice.

A doctor's statement shall be delivered to the supervisor after three (3) consecutive days of absence for sickness. To prevent abuse of the sick leave privilege, the City supervisory staff may satisfy themselves that the employee is genuinely ill before approving sick leave, and may require a doctor's certificate for any absence for which the employee requests sick leave.

Sick leave hours deducted from an employee's sick leave accumulation shall be for the number of regular work hours absent and shall not include holidays and scheduled days off. Employees claiming sick leave while on vacation leave must support their claim by a doctor's statement if requested by a department head or the Mayor. When an employee is on "leave without pay" for greater than half of their assigned shifts during any calendar month no sick leave accumulates.

Sick Leave Notice. The employee is required to notify his/her supervisor as soon as practical, but no later than the start of the workday. The employee should make every effort to reach the supervisor directly to explain the reason for absence.

Health Care Statement. To prevent abuse of the sick leave privilege, any absence may require a doctor's certificate. Absences in excess of three (3) days shall require a doctor's return to work certification in order to return to work.

Fire Personnel Sick Leave. Members of the fire department working a 24-hour shift will be charged 24 hours of sick leave for each missed shift due to illness. Fire department employees who work a regular eight or ten-hour shift shall be charged sick leave for the number of hours absent each day up to a maximum of eight or ten hours.

Workers' Compensation. Employees on Workers' Compensation will continue to accrue sick leave during the period of absence. Workers' Compensation leave runs concurrently with FMLA leave for employees who are eligible for FMLA job-protected leave.

Exhaustion of Leave. Once an employee exhausts sick leave, vacation leave will be substituted for the remaining absences or until the vacation leave is exhausted. If the illness is FMLA qualifying, once all accrued leave is exhausted, further absences shall be designated as leave without pay.

Department Head or Supervisor Requirements. Department heads and/or supervisors are required to report to Human Resources any employee sick leave absences of more than three (3) calendar days to ensure that the City complies with federal regulations regarding the Family and Medical Leave Act. Notification to Human Resources must occur on the fourth day after three consecutive days of absence.

5.9. FUNERAL / BEREAVEMENT

Full-time, ongoing employees may take **eight (8) hours** of funeral leave per relative for the following family members: grandparents-in-law, aunts and uncles. Full-time employees may take **twenty-four (24) hours** of funeral leave per relative for the following family members:

Children	Spouse	Parents	Mother-in-law
Father-in-law	Step parent	Step children	Grandfather
Grandmother	Brother	Brother-in-law	Sister
Sister-in-law	Grandchildren	Daughter-in-law	Son-in-law
Legal Guardian/Foster Child or Parent			

Should more than twenty-four (24) hours of bereavement leave be necessary; employees may seek approval from their supervisor to use available compensatory, vacation, or sick time in addition to the funeral leave. Notice must be given to the supervisor and the amount of vacation or sick time to be used must be approved by the supervisor prior to the additional time being taken. The twenty-four (24) hours of funeral leave is available per relative for each of these listed relatives. Bereavement Leave may be used non-consecutively as approved. **There is no elimination period for this benefit.**

5.10. FAMILY AND MEDICAL LEAVE

Overview: The Family and Medical Leave Act (FMLA) provides certain employees with up to 12 weeks (in some situations up to 26 weeks) of unpaid, job-protected leave per year. It also requires that their group health benefits be maintained during the leave.

FMLA is designed to help employees balance their work and family responsibilities by allowing them to take reasonable unpaid leave for certain family and medical reasons. It also seeks to accommodate the legitimate interests of employers and promote equal employment opportunity for men and women.

Eligibility: The Family & Medical Leave policy is applicable employees who have worked at least 12 months for the City and who have worked at least 1,250 hours during the preceding 12-month period. Such employees are eligible for a maximum of 12 to 26* weeks of leave under the act. Special rules apply for husbands and wives employed by the same employer and for exempted key employees (top 10 percent of all wage earners, and who are paid on a salary basis). People who are not covered include elected officials, volunteers, independent contractors, and legal advisors.

Leave entitlement: Eligible employees may take up to 12 workweeks (480 work hours for 40-hour work week employees; 516 hours for 86-hour work period employee and 636 hours for 53-hour work period employees) of leave in a 12-month period for one or more of the following reasons:

- The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care;
- To care for a spouse, son, daughter, or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

*Eligible family members of military personnel defined as the spouse, son, daughter, parent or next of kin of a covered service member may take a maximum of 26 workweeks leave under FMLA to care for a wounded member of the armed forces. This includes family members of the National Guard or Reserves who are undergoing medical treatment, recuperation, therapy or other medical treatment for a “serious injury or illness”.

Paid / Unpaid Leave. FMLA runs concurrently with paid time off (compensatory, sick, vacation leave) and concurrently with workers’ compensation leave. Sick time will be paid out first and vacation time will be paid afterwards. In the event that an hourly paid, non-exempt employee has accrued compensatory time, that use will precede the use of sick or vacation leave. Approved leave will be unpaid if the employee does not have paid leave available at the time FMLA starts or when all available paid leave is exhausted while out on leave.

Effects on Sick Leave Accrual. When an employee’s unpaid leave time is greater than half of their assigned shifts or more during any calendar month while on FMLA, no sick leave accrues. The combination of compensatory time, sick leave, vacation leave, and unpaid leave may not exceed the total allowable leave under the FMLA, except as required by statute.

Guidelines. An eligible employee may take up to 12 weeks of family and medical leave in a 12-month period for the birth of a child or the placement of an adopted or foster care child. Leave may also be taken to care for one’s self, a child, spouse, or parent who has a serious health condition. Eligible employees may take up to 12 weeks of unpaid leave to deal with family issues resulting from a spouse, son, daughter or parent being called to active duty (including being notified of an impending call to active duty).

Serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves one of the following:

- Inpatient care in a hospital, hospice or residential medical care facility, including any period of incapacity or subsequent treatment;
- A period of incapacity of more than three consecutive calendar days that also involves treatment two or more times by a health care provider or treatment which results in a regimen of continuing treatment under the supervision of the health care provider;
- Any period of incapacity due to pregnancy or for prenatal care;
- A chronic condition that requires periodic treatments, continues over an extended period of time, and may cause episodic rather than a continuous period of incapacity;
- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, requiring continuing supervision of a health care provider;
- Multiple treatments either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three calendar days in the absence of medical intervention or treatments, such as cancer, severe arthritis or kidney disease.

Serious Injury or Illness for an Injured Service Member is defined as a covered service member’s injury or illness incurred in the line of duty on active duty in the Armed Forces that

may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating. This could include medical treatment, recuperation, therapy, outpatient care and other treatments for a serious injury or illness.

Spouse / Same Employer. If spouses are employed by the same employer and eligible to take leave for the birth or adoption of a child, their aggregate leave under FMLA is limited to 12 weeks. For example, if the father takes four weeks leave to care for a child, the mother would be entitled to eight weeks leave, for a total of 12 weeks. If, however, the spouse experiences her own serious health condition as a result of the pregnancy, both employees are entitled to the full 12 weeks.

Right to Return to Work. On return from family and medical leave, an employee is entitled to be returned to the same position that s/he held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his/her position has been restructured to accommodate the employee's absence.

If the employee is unable to perform the essential functions of the position because of a physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position under the FMLA. The City, however, may be required by the Americans with Disabilities Act (ADA) to offer the employee an accommodation.

Notification and Scheduling. An eligible employee must provide the City at least 30 days advance notice of the need for leave for birth, adoption, or planned medical treatment when it is foreseeable. This 30-day advance notice is not required in cases of medical emergency or other unforeseen events, such as premature birth or sudden changes in a patient's condition that require altering scheduled medical treatment.

Parents who are awaiting the adoption of a child and are given little notice of the availability of the child may also be exempt from this 30-day notice.

It is the City's responsibility to designate leave in writing as FMLA leave and to notify the employee. Employees may not retroactively claim that leave was for FMLA. Failure to provide notification will result in the leave not being designated as FMLA. The City will, if necessary, provide the FMLA leave notice in alternate formats.

Certification. The City reserves the right to verify an employee's request for family and medical leave. Failure to provide certification from a health care provider in a timely manner may result in delay or denial of FMLA. Medical certifications will be treated as confidential and privileged information under HIPAA and the State's Open Records laws as appropriate.

If the City has a reason to question the original certification, the City may, at the City's expense, require a second opinion from a different health care provider chosen by the employer. The health care provider may not be employed by the City on a regular basis. If a resolution of the conflict cannot be obtained by a second opinion, a third opinion may be obtained from another provider and that opinion will be final and binding. The City will pay for second and third opinion visits.

An employee may be required to report periodically to the City the status and the intention of the employee to return to work. Before return is granted, employees are required to furnish the City with a medical certification from the employee's health care provider stating that the employee is able to resume work.

Reduced and Intermittent Leave. Family and medical leave may be taken intermittently or on a reduced schedule when medically necessary as certified by the health care provider. Intermittent or reduced leave schedules for routine care of a new child can be taken only with the City's approval. The schedule must be mutually agreed upon by the employee and the employer. Employees on intermittent or reduced leave schedules may be temporarily transferred by the City to an equivalent alternate position that may better accommodate the intermittent or reduced leave schedule. Intermittent or reduced leave may be spread over a period of time longer than 12 weeks, but it will not exceed the equivalent of 12 workweeks total leave in a 12-month period.

Restoration. Employees who are granted leave under the FMLA policy will be reinstated to an equivalent or the same position held prior to the commencement of their leave.

Certain highly compensated key employees, who are salaried and among the 10% highest paid workers, may be denied restoration if:

- the employer shows that such denial is necessary to prevent substantial and grievous economic injury to the employer's operations;
- the employer notifies the employee that it intends to deny restoration on such basis at the time the employer determines that such injury would occur; and
- if leave has commenced, the notice must provide the employee a reasonable time in which to return to work, taking into account the circumstances, such as the length of the leave and the urgency of the need for the employee to return.

Employees voluntarily accepting a light duty assignment in lieu of continuing FMLA leave maintain their right to restoration to the original or an equivalent job until the twelve (12) weeks of FMLA leave has passed.

If an employee fails to provide a requested fitness-for-duty certification to return to work, the City may delay restoration until the employee submits the certification.

The 12-Month FMLA Period. The City follows a **12-months measured forward method**. This means that the leave is measured from the first date an employee's FMLA leave begins.

Denial of FMLA Leave. If an employee fails to give timely, advance notice when the need for FMLA leave is foreseeable, the City may delay the taking of FMLA leave until 30 days after the date the employee provides notice to the employer of the need for FMLA leave.

If an employee fails to provide, in a timely manner, a requested medical certification to substantiate the need for FMLA leave, the City may delay continuation of FMLA leave until an employee submits the certificate. If the employee never produces the certification, the leave

may not be designated as FMLA. In instances of workers' compensation leave, pregnancy, or events where the City has sufficient knowledge of an event certification may not be required.

Employee Benefits While on FMLA. During periods of FMLA, the City will continue to provide health insurance benefits at the employee rate. If premiums are current, the City will maintain health insurance benefits during periods of unpaid leave without interruption. Any payment for premiums or other payroll deductible insurance policies must be paid by the employee or the benefits may be terminated. Arrangements may be made between the employee and the City for a payment plan for the employee's portion of insurance premiums. If interrupted, the City is obligated to reinstate benefits upon an employee's return to work.

The City has the right to recover from the employee all health insurance premiums paid by the City on behalf of the employee during the FMLA leave period if the employee fails to return to work after leave. Employees who fail to return to work because they are unable to perform the functions of their job because of their own serious health condition or because of the continued necessity of caring for a seriously ill family member may be exempt from this recapture provision.

FMLA leave under this policy does not constitute a qualifying event that entitles an employee to Consolidated Omnibus Budget Reconstruction Act (COBRA) benefit; however, the qualifying event triggering COBRA coverage may occur when it becomes clearly known that an employee will not be returning to work. At that point, the employee ceases to be entitled to leave under this policy and may be offered COBRA.

Workers' Compensation While on FMLA. Workers' Compensation injury/illness meets the criteria for a serious health condition, therefore, the workers' compensation absence and the FMLA leave entitlement will run concurrently.

5.11. TN MATERNITY/PATERNITY LEAVE

Under the Tennessee Maternity Leave Act, any employee who has been employed full-time for at least one year with the City of Portland and who gives at least three months advance notice of their anticipated date of departure, length of maternity/paternity leave, and intentions to return to full-time employment, may be granted maternity/paternity leave for a period not to exceed four (4) calendar months for pregnancy, childbirth, adoption, and nursing an infant. Use of paid leave (compensatory, sick, and vacation – in that order) shall be used until exhausted for maternity/paternity purposes; if no paid leave exists, leave will be without pay.

An employee desiring maternity/paternity leave shall notify her/his department head so a temporary replacement may be secured. Maternity/paternity leave will run concurrently with FMLA leave if FMLA has not exhausted otherwise, and shall be approved depending upon the medical needs and doctor's instructions. Return to duty must be accompanied by a release statement from the employee's attending physician under maternity leave.

5.12. WORKERS' COMPENSATION LEAVE

An employee of the City of Portland who suffers injury or illness as a result of a work-related accident or condition shall receive compensation during the period of illness or injury in accordance with the Tennessee Worker's Compensation Act.

Work Related Injuries Notification: *If you experience any injury on the job as a City employee- regardless of whether it seems minor; regardless of whether it needs medical attention -- you must take the following steps:*

1. *Report the injury immediately to your department head or Human Resources, and the city safety officer;*
2. *If the department head, Human Resources representative, or safety officer is not available, report it to your immediate supervisor;*
3. *Should the injury occur after hours (weekdays) or on the weekends, report of the injury must be made as soon as you return to work and must be reported within 24 hours;*
4. *Failure to comply with this procedure may result in disciplinary action up to, and including, termination of employment.*

Please note that your health insurance will not cover the cost of a work-related injury. *Timely reporting is important for you, and is required by law.*

No compensation shall be paid by the City for the first seven (7) days of disability resulting from injury, excluding the day of injury. If sick leave is accumulated, the employee may use it for this seven (7) day period. If disability extends beyond the seven (7) day period, workers' compensation payment from the workers' compensation insurer will commence with the eighth (8) day after the injury. Beginning on the eighth day, and for as long as worker's compensation benefits continue, no accumulated sick leave shall be used by the employee. In the event the disability from injury exists for a period as long as fourteen (14) days, then the workers' compensation insurer will be retroactively paid beginning with the first day after injury through.

Employees injured in an on-the-job accident may be compensated according to the state worker's compensation board's schedule of compensation.

Employees on occupational disability leave due to an on-the-job injury will not be charged sick or vacation leave during the period of convalescence. Employees shall continue to accrue sick leave and vacation leave at their regular rate while on occupational disability or injury leave.

Leave coordination: *Workers' Compensation Leave and Family and Medical Leave (FMLA) will run concurrently for employees who are eligible for FMLA leave.*

The employee shall continue paying their portion of their insurance while on worker's compensation. After returning to work, any workers' compensation related doctor's visits will be covered by worker's compensation. If worker's compensation does not cover these visits then the employee may use their sick days.

Time Off for Medical Appointments. Any City employee with a workers'-compensation-related illness or injury who is on the job but seeing a medical provider for said illness/injury will not be required to use his/her accumulated sick leave for medical appointments that are scheduled during the employee's regularly scheduled work hours.

Medical providers and medical appointments shall include, but not necessarily be limited to: specializing physicians, medical practitioners, chiropractors, occupational therapists, and providers from other medical fields, as prescribed by provisions of the TN Code, Title 50, Chapter 6.

Workers' compensation related medical appointments shall be noted as such on the employee's time sheet/time card but shall not be deducted from the employee's accumulated sick leave. The employee shall be compensated at his/her regular rate of pay.

The employee shall, as soon as s/he has knowledge of scheduled appointments, advise the supervisor of the date and times that s/he will be away from the job. The Mayor (or designee), at his/her discretion, may question the employee's number of appointments and length of appointments through the employee's workers' compensation case worker should there appear to be a pattern of irregularities.

Mileage Paid to Employees For Medical Appointment. When a City employee, who has suffered a workers'-compensation-related illness/injury, drives more than 15 miles for a medical appointment calculated from either the employee's residence or worksite that employee is eligible for mileage reimbursement. The per mile reimbursement rate for the injured employee shall be not less than the mileage allowance authorized for state employees who have been authorized to use personally owned vehicles in the performance of their duties. Said employee is personally responsible for keeping accurate records of all mileage.

Employee May Use City-Owned Vehicles for Doctors Appointment for Workers' Compensation Related Illnesses/Injuries. City employees, who have suffered a workers' compensation related illness/injury that have a City-assigned vehicle for his /her job, shall be permitted to use that vehicle to travel to medical appointments for said illness/injury. The employee, however, may not use the City-assigned vehicle for appointments that are scheduled during off-duty time. During off-duty, the employee shall use his/her personal vehicle for appointments and shall keep mileage records to turn in to workers' compensation for reimbursement.

Those City employees who do not have access to City-owned vehicles shall drive their personal vehicles to medical appointments and will be paid mileage by the City for the first 15 miles, and then paid mileage by workers' compensation for 15 miles and above. Said employee is personally responsible for keeping accurate records of all mileage.

5.13. AMERICANS WITH DISABILITIES ACT (ADA)

The City of Portland is committed to the fair and equal employment of individuals with disabilities under the Americans with Disabilities Act (ADA). It is The City of Portland's policy to provide reasonable accommodation to individuals with disabilities who are qualified for the job in question unless the accommodation would impose an undue hardship on the City. The City prohibits any harassment of, or discriminatory treatment of, employees on the basis of a disability or because an employee has requested a reasonable accommodation.

In accordance with the ADA as amended, reasonable accommodations will be provided to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. This policy applies to all applicants for employment and all employees.

Disability

“Disability” refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. A “qualified person with a disability” means an individual with a disability who **has the requisite skills, experience, and education for the job in question and who can perform the essential functions of the job with or without reasonable accommodation.**

Reasonable Accommodation

The City will seek to provide reasonable accommodation for a known disability or at the request of an individual with a disability. Many individuals with disabilities can apply for jobs and perform the essential functions of their jobs without any reasonable accommodations. However, there are situations in which a workplace barrier may interfere. A “reasonable accommodation” is any change or adjustment to the job application process, work environment, or work processes that would make it possible for the individual with a disability to perform the essential functions of the job without placing an undue hardship on the City.

There are three types of reasonable accommodation that may be considered:

- Changes to the job application process so that a qualified applicant with a disability will receive equal consideration for the job opportunity;
- Modifications to the work environment so that the qualified individual with a disability can perform the essential functions of the job; *or*
- Adjustments that will allow a qualified individual with a disability to enjoy the same benefits and privileges of employment as other similarly situated employees without disabilities.

Essential Job Functions

For each position, the job description typically will identify essential job functions. Human Resources generally will review job descriptions on a periodic basis to evaluate job functions designated as essential. An employee’s questions about a job’s requirements should be directed to the employee’s supervisor or Human Resources.

Requesting a Reasonable Accommodation

An employee with a disability is responsible for requesting an accommodation from the Human Resources Department, or his/her supervisor, and engaging in an informal process to clarify what the employee needs and to identify possible accommodations. The City will provide notice of the employee’s rights under the ADA and document the interactive process discussions. If requested, the employee is responsible for providing medical documentation regarding the disability.

The employee should describe the problem created by a workplace barrier so that an appropriate accommodation may be considered. The Human Resources Department will work with the employee to identify possible reasonable accommodations and to assess the effectiveness of each in allowing the employee to perform the essential functions of the job.

Based on this interactive process, a reasonable accommodation will be selected that is appropriate for both the City and the individual employee. While an individual’s preference will be considered, The City is free to choose between equally effective accommodations with consideration toward expense and impact on the rest of the organization.

A request for reasonable accommodation may be denied if it would create an undue hardship for the City. The City will provide notification in writing of denial based on undue hardship.

Factors to be considered when determining whether an undue hardship exists include the cost of the accommodation, the organization's overall financial resources, the financial resources of the particular facility at which the accommodation is to be made, the number of employees at the facility, the total number of employees of the organization, and the type of operation.

Grievances

In the event that an employee would like to grieve the outcome of the reasonable accommodation and interactive process, he/she should follow the City of Portland Grievance Procedure.

Safety

All employees are expected to comply with all safety procedures. The City will not place qualified individuals with disabilities in positions in which they will pose a direct threat to the health or safety of others or themselves. A "direct threat" means a significant risk to the health or safety of one's self or others that cannot be eliminated by reasonable accommodation. The determination that an individual with a disability poses a direct threat typically will be made by the Human Resources Department and will be based on factual, objective evidence. A written copy of the determination will be given to the employee so that s/he may submit additional information and/or challenge the determination that s/he poses a direct threat.

Confidentiality

All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.

It is the policy of the City to prohibit any harassment of, or discriminatory treatment of, employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels s/he has been subject to such treatment or has witnessed such treatment, the situation should be reported using the harassment complaint procedure. The City of Portland's policy prohibits retaliation against an employee for exercising his or her rights under the ADA or applicable state fair employment laws. Any employee found to have engaged in retaliation against an employee for exercising his or her rights or for making a request for reasonable accommodation under this policy will be subject to disciplinary action up to and including discharge. If an employee feels he or she has been retaliated against, the situation should be reported using the harassment complaint procedure.

5.14. MILITARY LEAVE

Any employee who is or becomes a member of the armed forces of the United States (including the Army, Army Reserves, Army National Guard, Navy, Naval Reserve, Marine Corps, Marine Corps Reserve, Air Force, Air Force Reserve, Air National Guard, Coast Guard, Coast Guard Reserve, Commissioned Corps of the Public Health) and leaves work for initial training for the Guard or Reserves, leaves work to join active duty military, or is called to active duty, will be placed on military leave. Such employee must present his/her supervisor or department head with advance notice of the active duty orders. The employee's seniority, status and pay rate will remain unchanged during his/her time of military leave. Continued health insurance coverage will be offered up to 24 months, with the employee paying premiums due for such policy. For the first 31 days of military leave, the City will maintain contribution at the same level as was done prior to leave. An employee wishing to continue health insurance coverage during his/her military leave shall provide a mailing address where notices of premium payments due may be

sent. When an employee's unpaid leave time is greater than half of their assigned shifts or more during any calendar month, no sick leave accrues for that month.

The process for reinstatement of employees returning from military leave begins when the employee submits an "application for re-employment." Said application must be submitted within ninety (90) days of the end of service, or from the end of hospitalization continuing after discharge for a period of not more than one (1) year for an injury/illness related to deployment.

The returning employee will be re-employed in the position they would have attained had they not been absent for military service, with the same seniority, status and pay.

5.15. MILITARY RESERVIST LEAVE

Any employee who is member, or may become a member of any reserve component of the armed forces of the United States or of the Tennessee Army and Air National Guard will be entitled to a leave of absence from their respective duties for periods of military service during which they are engaged in the performance of duty or training in the service of this state, or of the United States, under competent orders. While on such leave, the employee will be granted paid leave up to twenty (20) days (160 hours) in any one (1) calendar year.

Qualified employees who seek paid leave under this policy must provide the official order calling for their service or training to their supervisor. Employees serving in the National Guard or Military Reserve will receive full compensation for a period of twenty (20) days (or 160 hours) of military leave each calendar year, excluding holidays and scheduled off days. Such leave will not be charged to any form of accrued paid leave. An employee requesting military leave shall provide the City the dates for training and travel time in advance. After the twenty (20) working days (or 160 hours) of full compensation, members of any reserve component of the armed forces of the United States, including members of the Tennessee army and air national guard, may use up to five (5) days of sick leave in lieu of vacation leave for the purposes of not having to take leave without pay.

Active State Duty: Army/Air National Guard and TN State Guard, Civil Air Patrol

In addition to the leave of absence provided above, employees who are members of the Tennessee army and air national guard on active state duty or the Tennessee state guard and civil air patrol shall be entitled to an unpaid leave of absence from their respective duties, without loss of time, pay not specifically related to leave of absence time, regular leave or vacation, or impairment of efficiency rating for all periods of service during which under competent orders he/she is engaged in the performance of duty or training in the service of this state, including the performance of duties in an emergency.

Pursuant to T.C.A. § 42-7-102, members of the United States air force auxiliary civil air patrol who participate in a training program for the civil air patrol, or in emergency and disaster services, as defined in T.C.A. § 58-2-101, are entitled to a leave of absence with pay for a period of not more than fifteen (15) days during a calendar year for such purposes if the leave of absence is at the request of the employee's wing commander or the wing commander's designated representative. Employees granted leave are entitled to their regular salary during the time that they are away from their regular duties. All the rights and benefits of the employee continue as if a leave of absence had not been granted.

It is the responsibility of the employee to make arrangements with their department head for leave to attend monthly meetings on regular off-time, with the expectation that the paid leave granted herein will be applied to the annual training periods required for reservists.

5.16. LEAVE WITHOUT PAY

Leave without pay is defined as time off from regular work which may be granted without pay at the recommendation of the employee's department head. Leave without pay may only be authorized by the Mayor unless provided for statutorily (i.e. FMLA, Mat/Pat, ADA).

Leave without pay may only be granted after an employee exhausts all applicable paid leave, and for a period not to exceed three (3) months for good and sufficient reasons which are considered uncontrollable. When an employee is on Leave Without Pay for greater than half of their assigned shifts during any calendar month no sick or vacation leave accumulates until the employee returns to work for greater than half of their assigned shifts for the calendar month in which they return.

There is no job protection entitlement associated with a leave without pay except where statutorily mandated. Such leaves of absence may be granted to regular, ongoing full-time employees in instances where unusual or unavoidable circumstances require a prolonged absence and all applicable unpaid and paid-time-off options have been exhausted, e.g. sick leave, vacation time, etc.

Additionally:

- Health insurance premiums must be paid on a monthly basis; if leave is not covered under FMLA, the entire amount of COBRA premium will be paid by the employee to the appropriate COBRA administrator.
- The City reserves the right to limit the number of leaves granted an employee unless statutorily mandated.
- The employee on leave without pay will not receive holiday pay.

An employee who utilizes leave time to actively pursue other employment or who accepts any employment or goes into business while on leave of absence shall be considered to have resigned from their employment and will be terminated as of the day the other employment began.

5.17. EMPLOYEE TRAINING

The Mayor or his/her designee may require employees to attend conferences, seminars, workshops or other functions that are intended to improve or upgrade the employee's job skills.

Employees are also encouraged to take advantage of education and training benefits to improve their job skills and ability to qualify for advancement opportunity. These benefits are limited to training and education relevant to the employee's current position or "reasonable" transfer and/or advancement opportunities. "Reasonable" is defined as attaining the minimum qualifications for advancement or transfer with no more than two years of additional training or education.

Education and training benefits will be available to employees on a first-come, first-served basis, subject to the availability of budgeted funds and departmental operational needs. Requests for training may be initiated by either the employee or the City. Certificates of completion should be forwarded to Human Resources for inclusion in the employee's personnel file. Final decisions on requests for education and training will be made by the Mayor and the department head. Requests to attend training sessions should be made at least 15 days prior to the deadline for registration (if available). The department head, based on the supervisor's recommendation, will determine who will attend conferences and/or training opportunities based on the availability of budgeted funds.

When a request for training is approved, the employee's cost for registration, tuition, training materials transportation, lodging, and other reasonable expenses will be covered by the City. All professional training should be documented in Human Resources training files.

5.18. EMPLOYEE ASSISTANCE PROGRAM

As a benefit to employees, the City of Portland provides an employee assistance program which allows for up to three sessions per issue per year with a mental health counselor for employees and their family members. In addition, there is access to limited legal and financial advice as well as online information on general issues.

Unless as part of a disciplinary referral, utilization of this program is confidential and encouraged as undue stress, either job or family related can interfere with your health or success at work or in your daily activities.

There are instances in which supervisors may feel it necessary to make a mandatory referral to the EAP when either your behavior or attitude at work is having a detrimental effect on the organization.

Prior to making a mandatory referral, supervisors should consult with HR. Should this referral be approved, the employee will be required to sign a release of information regarding attendance and level of cooperation during the sessions. No other information will be requested. Failure to attend the mandatory counseling or an uncooperative attitude (in the opinion of the counselor) will result in immediate disciplinary action, up to and/or termination.

5.19. EDUCATIONAL / TUITION ASSISTANCE

PROGRAM SUMMARY: The City of Portland offers educational assistance to eligible employees. Any approval of educational assistance must be applicable to the employee's current job or professional development deemed beneficial to the operation of the City. Assistance must be approved and employees must agree to the stipulations of the programs outlined below for participation.

The City reserves the right to limit Educational/Tuition Assistance opportunities on a first-come, first-served basis; to limit opportunities to comply with fiscal constraints and budgetary responsibility; and to limit opportunities to those circumstances deemed to be work or job-related in the best interest of the City.

EDUCATIONAL ASSISTANCE (Scope of the benefit):

- A. The *Educational Assistance Reimbursement Program*** includes tuition expenses, books and registration fees charged by colleges, universities and vocational/technical institutions for course work applied to the completion of a two- or four-year degree or technical diploma. Master's and doctorate level course work will be evaluated for the reimbursement program on a case-by-case basis. The City reimburses eligible employees after successful completion of the course and submission of the required paperwork. Participants will be required to sign a *City of Portland Tuition Reimbursement and Repayment Agreement* form.
- B. *Academy Training for Police Officer Certification*** Includes tuition, books and registration fees for course work applied to the completion of training through the state's police academy for police officer certification. Costs for police officer certification training will be paid in advance of the training to the state's academy. Participants will be required to sign a Police Department *Tuition Reimbursement and Repayment Agreement* prior to enrollment to recapture costs on a prorated basis if the employee leaves employment within two years of attending the academy.
- C. *Professional Development*** includes enrollment fees for training costs at approved seminars, workshops, conferences etc. related to an employee's job performance and skill development in their position. Approved Professional Development training costs paid on behalf of the employee do not require a reimbursement agreement.

EMPLOYEE ELIGIBILITY REQUIREMENTS for participation:

Eligible employees must:

- be a full-time employee at the time for application for participation in the program;
- have been employed full-time for at least one (1) year or required to obtain police officer certification;
- be performing at their job's "Acceptable" performance level;
- have completed, signed, secured the required approvals and returned all documentation on time.

Any failure to meet the eligibility and documentation requirements of the program(s) may jeopardize any reimbursement or pre-payment from the City of Portland, exclude an employee from future participation in the program(s) or, be cause for the repayment of funds to the City.

Participating employees are required to complete, sign and provide the following documentation:

- the Application for Educational Assistance (Reimbursement Program) form;
- the Tuition Reimbursement Agreement form;
- the applicable Repayment Agreement form;
- and provide the City of Portland with official evidence of satisfactory completion of any and all courses (with grades received) and documentation of any additional financial assistance from another agency or source within sixty (60) calendar days of completion of any pre-approved course.

PROCEDURE:

Educational Assistance Reimbursement Program -- Employees must submit a completed application with a proposed study curriculum from the learning institution to their department head at least 30 days prior to the registration deadline for such classes. Requests will be considered for attendance at accredited colleges, universities, business, technical/vocational schools and state run academies for single courses or programs leading to a degree, certificate, or a HiSET (High school equivalency test formerly a General Equivalency Diploma (GED)). The City reserves the right to review the adequacy of any programs, and/ or course work as to relevance to the position and the integrity of the educational process.

- A. . The City reserves the right to limit its assistance to the published average of the state's cost for post-secondary education tuition costs. Participants will be required to sign a *City of Portland Tuition Reimbursement and Repayment Agreement form* with the understanding that any monies owed will be deducted from their final paycheck as long as the final pay is not reduced to below minimum wage.
- B. **Academy Training for Police Officer Certification** -- Employees must submit a completed application form to their department head at the time of registration. Costs for Police Officer Certification training will be paid at registration (in advance) of the training to the state's academy by the City. Participants will be required to sign *Police Department Tuition Reimbursement and Repayment Agreements* prior to enrollment.
- C. **Professional Development** -- Employees must submit an approved (by the department head) purchase order for registration in the seminar, workshop, conference, etc. and provide a certificate or notification of completion to Human Resources for their training files, if provided. Repayment agreement is not applicable to this circumstance.
- D. **Grade Requirements for the tuition reimbursement program** -- If a written request is approved, the employee shall receive reimbursement for the cost of tuition (maintenance) fees upon proof of successfully completing the course(s) based upon the following schedule:
- 100% reimbursement for a grade of A, B or C
 - 0% reimbursement for a grade of D or F.
 - Pass/Fail class: Pass 100%, Fail 0%
 - Minuses and pluses (A-, B+, etc.) will not change the percentages

The city will reimburse up to a maximum of \$375/per credit hour (up to 12 hours per semester/quarter) to a maximum of \$5250 per fiscal year according to the above reimbursement schedule.

- E. **Additional financial assistance programs** -- The City's financial assistance for continuing education will be reduced by the funding amounts received from other agencies/sources such as scholarships, the Department of Veterans Affairs, etc. Employees will be required to provide documentation of the funding received from any other agency or source.

F. Required documentation at completion of course/training (for the employee file) --

1. at the end of all **educational assistance** course work (semester or quarter) -- the employee will provide an official transcript or grade report and an itemized statement of reimbursable expenses (with receipts) and documentation of all additional tuition assistance they receive from other sources to Human Resources for processing of the reimbursement.
2. At the end of the program for **Police Officer Certification Training** -- the employee will provide a copy of their certificate of completion to Human Resources for inclusion in his/her employee file.
3. **Professional Development Training** -- the employee will provide a copy of the certificate of completion (if applicable) from the training provider to Human Resources for inclusion in his/her employee file.

REPAYMENT REQUIREMENTS: Employees participating in the Educational Assistance Reimbursement Program, certain job-specific Certifications, and the Police Officer Certification Training program will be required to sign documentation agreeing that they are required to repay the City of Portland all or a portion of the funds paid on their behalf under the program for any affected course(s) or certification if they leave employment voluntarily, or involuntarily within two years from the cost being incurred by the City.

- A. ***Educational Assistance Reimbursement Program:*** If an employee is voluntarily, or involuntarily, separated from the City within two years (24 months) of receiving educational assistance through this program, the employee will be required to repay a portion of the funding paid on their behalf. The repayment plan will be calculated as an amount prorated over a 24-month period. Specifically, for each month of employment, after completion of the final course, the repayment amount owed to the City will be reduced by 1/24 of the total amount incurred and paid on behalf of the employee. The ***TUITION REIMBURSEMENT AGREEMENT & REPAYMENT AGREEMENT FOR TUITION REIMBURSEMENT FUNDS*** forms must be completed and signed.

Educational Assistance funds must be repaid if a participant:

1. does not successfully complete any course with a grade of "C" or better, as evidenced by an official grade report, transcript, or equivalent form;
2. drops, withdraws, or takes an incomplete grade in the course(s);
3. does not continue full time employment with the City of Portland at the start and completion of any course;
4. voluntarily resigns from the City of Portland's employment within two years after completion of the final course.

- B. ***Police Officer Certification Training:*** If a police officer is voluntarily, or involuntarily, separated from the City during the two years (24 months) after completion of the basic recruit training required to become a certified police officer, the employee will be required to repay the costs and expenses incurred by the City on a prorated basis. Specifically, for each month of employment, for two years after completion of the training program, the repayment amount owed to the City will be reduced by 1/24 of the total amount incurred and paid on behalf of the employee.

- C. ***Professional Development Training:*** An employee is not required to repay the costs of professional development training at separation.

WORK SCHEDULE ACCOMMODATIONS: In cases where employees have special scheduling problems while attending approved education or training programs, especially courses in preparation for a GED, reasonable effort will be made to allow the employee release time from his/her work schedule to attend classes, subject to departmental scheduling and workloads. In situations of this type, the employee may be required to make up the release time on a weekly basis. Written approval from the employee's department head must be obtained prior to using release time. Employees who obtain their GED or HiSet shall receive a one-time bonus of \$250.

NON-WORK-RELATED TYPES OF EDUCATION/TRAINING: Employees are encouraged to improve themselves through education or training, even if it is not related to their City work; however, the City will be unable to provide financial assistance for non-work-related types of education/training. Employees may be granted, upon written request, permission to take time away from their jobs for training when such time is taken without pay, as paid leave that is available and approved (excluding sick leave). This applies only so long as their absences are pre-approved and will not cause hardships for their departments.

TAX IMPLICATIONS: There may be tax implications for employees receiving Educational Assistance and/or Professional Development Training. Please contact your accountant or tax professional for complete details.

SECTION 6 – EMPLOYEE CONDUCT

It is the policy of the City of Portland that employees use appropriate conduct during the course of their official duties. These rules of conduct are established to give general guidelines to employees as to what is acceptable behavior and what is prohibited behavior. Violation of any of these or other appropriate rules shall be sufficient reasons for counseling, reprimand, suspensions, and/or dismissal of any City employee. Rules of Conduct are not intended to grant property interest in employment.

Employees may hold their positions during good behavior and acceptable performance, but may be removed for, but not limited to, the following reasons: acts of, or behaviors of, incompetence, inefficiency, ineffectiveness, dishonesty, insubordination, discourteous treatment of the public or other employees, unbecoming conduct, neglect of duty, undermining the efficiency and/or effectiveness of the City mission to deliver service to its citizens, unwarranted work slowdown or stoppage, and undermining employee morale.

6.1. GENERAL RULES OF CONDUCT

MISCONDUCT - The following list of unacceptable activities is a sample of the types of infractions to the Code of Conduct that may result in disciplinary action. It does not include all types of conduct that can result in disciplinary action, up to and including termination.

Rule 1 – VIOLATION OF RULES

Employees of the City of Portland shall not commit any act or omit any acts which constitute a violation of any of the rules, regulations, directives, or orders of this policy whether stated in this rule or elsewhere (i.e. departmental SOP/SOG). Examples: punching the timecard of another employee; leaving during workhours without the approval of the supervisor, etc.

Rule 2 – UNBECOMING CONDUCT

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the City. Unbecoming conduct shall include that which brings the City disrepute or reflects discredit upon the individual as an employee of the City, or that which impairs the operation or efficiency of the City or individual. Examples: Using threatening, intimidating, abusive or vulgar language; fighting, horseplay, or other disorderly conduct; sabotage, etc.

Rule 3 – IMMORAL CONDUCT

Employees shall not participate in any incident involving moral turpitude, which impairs their ability to perform or causes the City to be brought into disrepute. Definition of Moral Turpitude: conduct that is believed to be contrary to community standards of honesty, justice or good morals, thought by a reasonable person to be shameful, corrupt or vile acts.

Rule 4 – CONFORMANCE TO LAWS

Employees shall in the course of their duties obey all laws of the United States and of any state and local jurisdictions in which the employees are present. A conviction of a violation of any law may be evidence of violation of this section.

Rule 5 – REPORTING FOR DUTY

Employees shall report for duty at the time and place required by assignment or orders and

shall be properly equipped and be cognizant of all information required for the proper performance of duty.

Rule 6 – NEGLECT OF DUTY

Employees shall not commit any acts expressly forbidden or omit any acts that are specifically required by the laws of this state, the ordinances of this City, the Personnel Policy, policies, procedures or directives of the City. Employees shall not engage in any activity or personal business, which could cause them to neglect or be inattentive to duty.

Rule 7 – FICTITIOUS ILLNESS OR INJURY REPORTS

Employees shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the City as to the condition of their health.

Rule 8 – EMPLOYMENT: SICK – INJURED – LIMITED DUTY

No employee shall engage in off-duty employment of any kind while on sick leave, workers compensation leave, or leave of absence status, except by specific written permission from the Mayor.

Rule 9 – SLEEPING ON DUTY

Employees shall remain awake while on duty. If unable to do so, they shall so report to their supervisor, who shall determine the proper course of action.

Rule 10 – UNSATISFACTORY PERFORMANCE

Employees shall maintain sufficient competency to properly perform their duties and assume the responsibility of their positions. Employees shall perform their duties in a manner, which will maintain the highest standards of efficiency in carrying out the functions and objectives of the department.

Unsatisfactory performance may be demonstrated by a lack of knowledge of the job duties; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the position; the failure to take appropriate action; or absence without approval.

Rule 11 – INSUBORDINATION

Employees shall promptly obey any lawful directives of a supervisor, manager, department head, or the Mayor.

Rule 12 – GRATUITIES.

Employees shall not accept, directly or indirectly, any money gift, gratuity, or other consideration or favor of any kind from anyone other than the City except as defined in the City of Portland Ethics Policy.

Rule 13 – ABUSE OF POSITION

Employees shall not use their official position, official identification card, or badges:

1. To secure any privilege or exemption for themselves or others that is not authorized by the charter, general law, or ordinance or policy of the City.
2. To avoid consequences of unlawful acts.

Employees shall not lend their identification cards or badges to another person or permit them to be photographed or reproduced without the approval of the Mayor.

Rule 14 – ENDORSEMENTS AND REFERRALS

Employees shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service.

Rule 15 – CITIZEN COMPLAINTS

Employees shall courteously and promptly direct complaints against employees to a supervisor for handling. Supervisors taking a complaint may attempt to resolve the complaint but shall never attempt to dissuade anyone from lodging a complaint against any employee.

Rule 16 – COURTESY

Employees shall be courteous to the public and co-workers. Employees shall be tactful in the performance of their duties; shall control their tempers and exercise the utmost patience and discretion; and shall not engage in argumentative discussions. In the performance of their duties, employees shall not use coarse, violent, profane, or insolent language or gestures, and shall not express any discriminatory intent toward members of protected classes.

Rule 17 – REPORTS

Employees shall submit all required reports on time and in accordance with established procedures. Reports submitted by employees shall be truthful and complete and no employee shall knowingly enter or cause to be entered any inaccurate, false, or improper information, or alter, remove, or destroy any report once filed for the purpose of altering the natural order of information.

Rule 18– ISSUANCE / RETURN OF CITY OWNED EQUIPMENT

Each employee may be issued or provided with authorized equipment required for duty. Any employee separated from employment shall return all equipment issued.

Employees shall utilize City-owned property only for its intended purpose in accordance with established procedures and shall not abuse, damage, alter, tamper with, repair unless authorized, or allow unauthorized persons to use City-owned property. All City-owned property issued to employees shall be maintained in a proper order and returned upon separation from employment. Intentionally defacing or damaging City property is not permitted.

Rule 19 – TRUTHFULNESS

Upon the directive of the Mayor, department head, Human Resources, or a supervisor, employees shall fully and truthfully answer all questions specifically directed and narrowly relating to the performance of official duties or fitness for duty which may be asked of them.

Rule 20 – PRIVACY

Employees provided lockers in the work place are expected to provide their own lock and to keep the locker locked when away. Liability for loss or damage to content of lockers cannot be assumed by the City. Employees may be requested to open their assigned locker for periodic housekeeping, inspections or other occasions when it is appropriate and/or necessary. Those who use the locker rooms are expected to assist in keeping them clean and orderly. Any suspicious activity around lockers, as well as break-ins and theft, should be reported to a supervisor. All property belonging to the City is subject to inspection at any time without notice, as there is no expectation of privacy.

Rule 21 – ETHICAL and LEGAL BEHAVIORS

Employees shall not conspire or knowingly engage in any activity which deprives any person of their civil rights, due process, equal opportunity for employment, advancement, job opportunities, or any constitutional or statutory guaranteed right. No employee shall disseminate confidential or protected information to any unauthorized person for any purpose.

Employees are responsible to follow the ethics code as defined in Portland Municipal Code, Title 4, Chapter 8, Code of Ethics

6.2. DRESS CODE

Employees' personal appearance and hygiene are important both to employees and the City. Employees are expected to maintain a good personal appearance and to give consideration to neatness and cleanliness. Employees should always dress in a manner befitting the job, with due consideration to the needs of the City, other employees, and safety. Employees are responsible for dressing appropriately for work and following the dress code.

Supervisors/managers and, when notified, the Human Resources Department will interpret the application of the dress code and the appropriateness of an employee's dress at work.

Dress and appearance should not be offensive, revealing, sloppy or distracting. Clothing that works well for the beach, yard work, dance clubs, exercise sessions, and sports contests is not appropriate for a professional, casual appearance at work.

The following dress code includes appropriate appearance and dress guidelines for employees in both office and field positions. Employees in the Police, Fire, Parks and Public Works Departments are furnished uniforms, which must be worn on the job at all times.

Office personnel are expected to dress appropriately for their work environment (i.e., dress slacks, dresses, skirts and appropriate blouses, shirts, sweaters, jackets, sandals, boots, loafers, pumps).

Clothing that is not allowed to be worn by employees while working includes, but is not limited to, the following:

- tattered/torn jeans or shorts
- shirts with language or graphics that are vulgar, sexually explicit, or may otherwise be offensive;
- attire that is too tight, revealing or provocative;
- clothing that exposes bare midriffs;
- mini-skirts, sun dresses, beach dresses, spaghetti-strap dresses;
- see-through blouses or shirts;
- sports bras, halter tops, or similar attire;
- tank tops, muscle shirts or mesh shirts;
- flip-flops;
- hats (in the office);
- sweat suits, sweat pants, ski or jogging pants/shorts.

Also, remember that some employees are allergic to the chemicals in perfumes and makeup, so wear these substances with restraint.

Employees arriving at work dressed inappropriately will be sent home to change, with no pay for the time so spent. Repeated violations of the dress code may result in disciplinary action up to and including termination.

On “Casual Fridays” office personnel may wear neat, clean blue jeans (must not have holes or tears) and t-shirts, sweat shirts, sneakers, and sandals. However, items of casual clothing bearing offensive slogans and/or prints and/or with designs that are inappropriate, vulgar, offensive, or advertise drug, alcohol or tobacco-related products are not permitted.

6.3. DRUG FREE WORKPLACE

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the City has adopted by resolution a drug and alcohol testing policy. The policy complies with the Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL); Division of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass transit industries. The types of tests that may be required under the DFW policy are: pre-employment, transfer, reasonable suspicion, post-accident (post-incident), random, return-to-duty, and follow-up.

It is the policy of the City that the use of drugs by its employees and impairment in the workplace due to drugs and/or alcohol is prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to disciplinary action. Prohibited and/or illegal conduct includes but is not limited to:

1. being on duty or performing work for the City while under the influence of drugs and/or alcohol;
2. engaging in the manufacture, sale, distribution, use or unauthorized possession of drugs at any time and of alcohol while on duty or while in or on City property, or City vehicles;
3. refusing or failing a drug and/or alcohol test administered under this policy;
4. providing an adulterated, altered, or substituted specimen for testing;
5. use of alcohol within four hours prior to reporting for duty on schedule or use of alcohol while on-call for duty; and
6. use of alcohol or drugs within eight hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures

Employees who are required to take prescribed or over-the-counter medication shall notify the immediate supervisor should the medication produce any effects which might limit the employee's ability to safely perform his/her job. Per Public Chapter 373 – 2019 a valid prescription is defined only as a prescription issued within six (6) months prior to a positive drug test.

Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or disciplinary actions up to and including termination of employment. The submission by an applicant or employee of a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or disciplinary actions up to and including termination of employment.

All property belonging to the City is subject to inspection at any time without notice, as there is no expectation of privacy.

- a. Property includes, but is not limited to, vehicles, desks, containers, files and storage lockers.
- b. Employees assigned lockers (that are locked by the employee) are also subject to inspection.

Employees who have reason to believe another employee is using alcohol or illegal drugs while on duty must report the facts and circumstances immediately to their supervisor or Human Resources. Failure to do so may result in disciplinary action. Supervisors are required to detail in writing the specific facts, symptoms, or observations that formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the appropriate department head who shall immediately forward the information to Human Resources.

The City performs post-offer, pre-employment; random selection (for safety sensitive positions); post-accident; reasonable suspicion; fitness-for-duty; and follow-up drug testing.

All employees in safety-sensitive positions (such as gas department employees, equipment / vehicle operators that require a Commercial Driver's License, Police and Fire department employees, etc.) are subject to alcohol and drug testing in accordance with the Department of Transportation (DOT) Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143, Title V) and the Natural Gas Pipeline Safety Act (49 CFR Part 199).

DOT regulated positions (i.e. CDL drivers) upon being engaged in a vehicle accident, or have been removed from duty due to reasonable suspicion of being under the influence by a trained supervisor, cannot resume driving activities until results of drug/alcohol screen have been confirmed as negative.

As a condition of continued employment with the City, all employees must abide by the City's policy and notify the immediate supervisor of any criminal drug statute convictions within five (5) days after such conviction. The City, in turn, informs any granting or contracting agency within ten (10) days of such notification.

Failure to comply with the provision or intent of this rule may be used as grounds for disciplinary action up to and including termination, or for requiring the employee to participate satisfactorily in an approved drug abuse assistance or rehabilitation program.

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random urine drug testing and the actual presentation for specimen collection.

Random donor selection dates will be unannounced with unpredictable frequency. Some employees may be tested more than once each year while others may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, out of City, work-related causes, etc.) to produce a specimen on the date random testing occurs, the City may omit that employee from that random testing or await the employee's return to work.

An employee or job applicant whose drug test yields a positive result, indicating the presence of drugs or alcohol, shall be given the opportunity to speak with the Medical Review Officer prior for a final determination. Test results are then forwarded to Human Resources for appropriate action.

A job applicant will be denied employment with the City if his/her post-offer, pre-employment test result has been confirmed positive.

Current employees will be subject to disciplinary action up to and including termination of employment if their test result has been confirmed positive, if they refuse to test, or for any other violations outlined in the Drug Free Workplace policy.

To the extent allowed under the Tennessee Open Records Law, all information from an employee's or applicant's drug and alcohol test is confidential and only those individuals with a need to know are to be informed of test results.

6.4. TRAVEL POLICY

All employees and elected and appointed officials are required to comply with the City's travel policy, adopted separately by ordinance, and any applicable laws and charter provisions. All trips that involve reimbursement and/or City expense shall not be undertaken without prior approval of the City. Mileage, meals, incidentals and expenses will be reimbursed according to the provisions of the City of Portland Travel Policy. For details regarding travel, obtain a copy of the City's travel policy from the City Recorder or Finance Department.

6.5. WORKPLACE VIOLENCE AND HARASSMENT POLICY

The City is committed to preventing workplace violence and to maintaining a safe work environment. It is the policy of the City to promote a productive, safe and healthy work environment for all employees, customers, vendors, contractors and members of the general public and to provide for the efficient and effective operation of the City's activities. Employees and customers are to be treated with courtesy and respect at all times.

Employees are expected to maintain a productive work environment free from harassing or disruptive activity including threats of physical violence. No form of bullying or harassment will be tolerated, including sexual harassment and harassment based on race, color, religion, gender or gender identity, age, national origin, disability, military status, genetic information, communication with an elected public official, exercise of free speech made as a citizen as a matter of public concern, refusal to participate in or remain silent about illegal activities, exercise

of a statutory constitutional right or any right under clear public policy, political affiliation, or any other basis protected by law.

This policy applies to all City employees, elected officials, appointed officials, regular part time/temporary employees, members of the public, and contractors. The governing body may discipline an elected official in whatever manner it deems appropriate, consistent with its authority under state law, the municipal charter, ordinances, resolutions or other rules governing discipline of elected officials.

Per Public Chapter 331 – 2019 the City can seek an injunction against a person who commits harassment against a City employee. Harassment under this statute is defined as two (2) or more instances of contact serving no legitimate purpose directed at an employee, in connection with that persons status as an employee, that a reasonable person would consider alarming, threatening, intimidating, abusive, or emotionally distressing and that does or reasonably could interfere with the performance of the employee's duties.

The City will not tolerate bullying, or verbal or physical conduct by an employee which harasses, disrupts or interferes with another's work performance or which creates an intimidating, abusive, offensive or hostile environment.

1. No employee or non-employee shall be allowed to harass any other employee or non-employee by exhibiting behavior including, but not limited to, the following:
 - a. Verbal harassment – Verbal threats toward persons or property; the use of vulgar or profane language directed towards others; disparaging or derogatory comments or slurs; offensive flirtations or propositions; verbal intimidation; exaggerated criticism or name-calling; spreading untrue or malicious gossip about others.
 - b. Physical Harassment – Any physical assault, such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person.
 - c. Visual Harassment – Displaying derogatory or offensive posters, cartoons, publications or drawings.
 - d. Bullying – Workplace bullying refers to unwanted aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. The imbalance of power involves the use of physical strength, access to embarrassing information, or popularity to control or harm others. This behavior may be performed by individuals (or a group) directed towards an individual (or a group of individuals).
 - e. Abusive Conduct - acts or omissions that would cause a reasonable person, based on the severity, nature, and frequency of the conduct, to believe that an employee was subject to an abusive work environment, which can include but is not limited to:
 - i. repeated verbal abuse in the workplace, including derogatory remarks, insults, and epithets;
 - ii. verbal, nonverbal, or physical conduct of a threatening, intimidating, or humiliating nature in the workplace; or

- iii. the sabotage or undermining of an employee's work performance in the workplace.

A single act generally will not constitute abusive conduct, unless such conduct is determined to be severe; multiple acts may arise to the level of pervasive. To aid employees in identifying abusive conduct, the following examples are provided.

These examples are not exhaustive; they illustrate, however, the types of conduct that may violate this policy:

- Intimidating an employee by excessive yelling, repeated emotional outbursts, berating others, using an unreasonably harsh tone of voice;
- Undermining another's work by withholding pertinent work-related information or purposefully giving incorrect information, or by not giving enough information to do what is required, as compared to others;
- Persistent or constant criticism in front of others for the purpose of humiliating another employee;
- Isolating an employee from co-workers, or launching a campaign not based on facts to provoke an employee to leave or be removed;
- Making humiliating or degrading remarks about a person through or on social media; or
- Any malicious behavior a reasonable person would find unprofessional, disturbing, and/or harmful to his or her psychological health.

Under no circumstances are the following items permitted on City property, including City-owned parking areas, except when issued or sanctioned by the City for use in the performance of the employee's job:

- a. dangerous chemicals;
- b. explosives or blasting caps;
- c. other objects carried for the purposes of injury or intimidation.

Copies of the investigative report with recommendations for appropriate action will be turned over to the Mayor to determine the appropriate further action.

Anyone determined to be responsible for threats of, or actual violence, or other conduct that is in violation of this policy will be subject to prompt disciplinary action up to and including termination.

Employees are encouraged to bring their disputes or differences with other employees to the attention of their supervisors, Human Resources, or the Mayor before the situation escalates into potential violence.

The City is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns. Employees have the right to file a police report at their own discretion if they believe a criminal act has occurred.

Employees are prohibited from interfering or attempting to interfere with any departmental investigation.

False allegations will be dealt with on a case by case basis, and depending on the outcome, may include disciplinary action, up to and including termination.

The City will not tolerate harassment of its employees. The City will take necessary steps to stop such harassment when it occurs from employees, or third parties.

This policy applies to all officers and employees of the City including, but not limited to: full and regular part time employees, elected officials, seasonal and temporary employees, employees covered or exempt from the Human Resources rules or regulations, citizens, third parties, and employees working under contract for the City.

Sexual Harassment

The following actions constitute an unlawful employment practice and are absolutely prohibited by the City when they affect employment decisions, create a hostile work environment, cause distractions, or unreasonably interfere with work performance. They are:

1. Sexual harassment or unwelcome sexual advances;
2. Requests for sexual favors;
3. Verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, or propositioning;
4. Explicit or implied job threats or promises in return for submission to sexual favors;
5. Inappropriate sexually-oriented comments on appearance;
6. Sexually-oriented stories;
7. Displaying sexually explicit or pornographic material, no matter how the material is displayed or communicated; and/or
8. Sexual assault on the job by supervisors, fellow employees, or non-employees
9. Demeaning insulting, intimidating or sexually suggestive written, recorded or electronically transmitted materials (such as email, instant message, video and audio, and internet materials).

Sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women.

Making harassment complaints

An employee who feels he/she is subjected to harassment should immediately contact a person (listed below) with whom the employee feels the most comfortable. Any number of individuals may be chosen. The object is to give several options to a harassment victim. Complaints may be made orally or in writing to:

1. The employee's immediate supervisor,
2. The department head,
3. Human Resources,
4. The Mayor, or
5. the City Attorney.

Employees have the right to circumvent the employee chain-of-command when selecting the person to complain to about harassment. The employee should be prepared to provide the following information:

1. his/her name, department, and position title;
2. the name of the person or people allegedly committing the harassment, including their title(s), if known;
3. the specific nature of the harassment, how long it has gone on, any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment;
4. witnesses to the harassment; and
5. whether the employee has previously reported the harassment and, if so, when and to whom.

Employee Obligation

Employees are obligated to report instances of harassment. Employees are also obligated to cooperate in every investigation of harassment. The obligation includes, but is not limited to, coming forward with evidence, both favorable and unfavorable, for a person accused of such conduct; fully and truthfully making written reports or verbally answering questions when required to do so by an investigator. Employees are to refrain from making bad faith accusations of harassment.

Disciplinary action may be taken against an employee who fails to report instances of harassment, or who fails or refuses to cooperate in the investigation of a complaint of harassment, or who files a complaint of harassment in bad faith. Employees are prohibited from interfering or attempting to interfere with any departmental investigation. False allegations will be dealt with on a case by case basis, and depending on the outcome, may include disciplinary action up to and including termination of employment.

Reporting and investigating harassment complaints

The Human Resource representative, or designee as appropriate, is the office the City designates as the investigator of harassment complaints against employees. In the event the harassment complaint is against the Human Resource representative, the investigator may be independent outside counsel appointed by the Mayor, or provided through the City employment practices liability insurer.

When an allegation of harassment is made by any employee, the following shall occur:

1. the City may separate the complainant and accused party for the duration of the investigation upon the approval of the department head and Mayor;
2. the investigator will meet with the employees, any witnesses, the supervisor(s), any other members of management considered appropriate and other individuals that may have relevant information. The investigator may elect to conduct a hearing as part of the investigation process;
3. the investigator will prepare a report of the complaint and submit it to the Mayor;

4. the investigator will make and keep a written record of the investigation, including notes on:
 - a. verbal responses made to the investigator by the person complaining of harassment,
 - b. witnesses interviewed during the investigation,
 - c. the person against whom the complaint of harassment was made, and
 - d. any other person contacted by the investigator in connection with the investigation.
5. the investigator will prepare and present the findings to the Mayor in a report, which will include:
 - a. the statement of the person complaining of harassment;
 - b. the statements of witnesses;
 - c. the statement of the person against whom the complaint of harassment was made; and
 - d. all the investigator's notes connected to the investigation.
6. If the City suspects a criminal act has occurred, the investigation process may be turned over to the Portland Police department or an outside agency for review.

Actions on complaints of harassment

If the Human Resources representative or Mayor, or designated investigator, determines that the report is not complete in some respect, they may question the person complaining of harassment, the person against whom the complaint has been made, witnesses to the conduct in question, or any other person(s) who may have knowledge about the harassment.

Based upon the report and his/her own investigation, the Human Resources representative and/or Mayor, within a reasonable time, will determine whether the conduct in question constitutes harassment.

In making that determination, the Human Resources representative and/or Mayor may look at the record as a whole and at the totality of circumstances, including the nature of the conduct, the context in which the alleged actions occurred, and the behavior of the person complaining. The decision of whether harassment actually took place will be determined on a case-by-case basis.

If the Human Resources representative and/or the Mayor determines that the harassment complaint is founded, the City shall take immediate and appropriate disciplinary action against the offending employee, consistent with its authority under the City charter, ordinances, resolutions, or rules governing its authority to discipline employees.

The disciplinary action may include oral counseling, written reprimand, suspension, demotion, mandatory referral to the EAP program, or termination depending upon the severity of the matter and circumstances surrounding the incident(s).

A written record of disciplinary actions, including oral reprimands, shall be maintained in the employee's human resources file.

Determining the level of disciplinary action shall also be made on a case-by-case basis. The disciplinary action may be consistent with the nature and severity of the offense and any other

factors sincerely believed to relate to fair and efficient administration of the City. This includes, but is not limited to, the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the City. The City will notify the employee who filed a harassment complaint of the outcome of the investigation once determined.

In all events, an employee found guilty of violation of this policy shall be warned not to retaliate in any way against the person making the complaint, witnesses, or any other person connected with the investigation. All other City employees are also hereby warned not to retaliate in any way to the complaining or participating parties.

Any such retaliation or harassment may include disciplinary action, up to and including termination of employment.

If the employee complaining of harassment is not satisfied with the manner in which the City addressed the complaint, the employee shall be given an opportunity to present a request for review of the outcomes to the Mayor through the City Grievance Process.

The Office of the Mayor will render a determination in the matter within prescribed timelines, and in the manner outlined in applicable grievance or complaint processes.

The decision of the Mayor will be final in all such matters, unless otherwise provided for in these personnel policies.

The Mayor has the authority to appoint a neutral third party (arbitrator) to be the final decision-maker in lieu of the Mayor when he/she determines that a neutral third party is in the best interest of the City.

6.6. COMPUTER AND ELECTRONIC DEVICE USE

It is every employee's duty to use the City's computer resources and communication devices responsibly, professionally, ethically and lawfully. These policies are not intended to, and do not grant users any contractual rights. The term "computer resources" refers to the City's computers, electronic equipment, and its entire computer network.

The computer resources are the property of the City and should be used for legitimate business purposes. While personal use of City computer resources including Internet and electronic mail is not forbidden, it is limited to breaks and meal times. Personal use shall be minimal and shall not interfere with the performance of job duties and responsibilities. Users are permitted access to the computer resources to assist them in performing their jobs. Use of the computer resources is a privilege that may be restricted or revoked at any time. All information contained in the computer resources and all documents generated there from are for the exclusive use of the City in connection with the conduct of its business and are the sole property of the City. Periodically, the City may make a random check of any device in order to ascertain any abuse.

A. General Computer Policies

- Computer information, programs, software and hardware are owned by and licensed to the City.

- All systems and information are considered proprietary.
- Utilization of computing resources, the Internet or electronic mail may not be used in any way that may be disruptive to the City's operations or in violation of Federal or State laws or City policy.
- Only those persons currently employed (or given special permission) are permitted to use any computer resources owned, leased or in control of the City of Portland.
- **Employees have no right or expectation of privacy regarding computing resources, the Internet or electronic mail and voice mail systems.** The City has the right to monitor Internet and e-mail use for security, as well as detection of an employee's use of these services for personal use on company time.
- Use of the City of Portland's computer resources or Internet connections for gambling, obtaining or distributing pornographic materials and all other illegal activity is strictly forbidden. The City actively monitors incoming and outgoing internet traffic for this type of usage.
- Programs and/or downloads related to specialized icons, wallpaper, screensavers, instant messaging, chat rooms, and online gaming is strictly prohibited.
- Only information system personnel or agents contracted by them may install software or hardware on any City computer system. Information systems personnel may, at their discretion, authorize staff to perform specific software or hardware installations. All other software or hardware installations are strictly prohibited.
- The changing of, or introduction of, any original software or hardware on users' systems or other company computer or communications systems from the original issued form is forbidden, without prior IT Department approval.
- No software programs are to be installed on any computer equipment without IT management's approval.
- Unless departmental arrangements have been made, always obtain permission from a co-worker before using his/her computer. Please be considerate, if you must use someone else's computer, do not change their colors or other settings.
- Do not log into your colleague's account(s). However, staff may authorize other staff members to use shared files and/or directories in cooperative projects.
- Where copyright laws apply, the City forbids unlawful copying of any software or manuals.
- Anyone misusing or tampering with computer information or equipment will face disciplinary action up to and including termination, as well as, possible prosecution. Also, violations of the policy guidelines can lead to revocation of system privileges.
- The City of Portland is under no obligation to store or forward the contents of an individual's computer files, e-mail inbox/outbox or voice mails after the termination of the individual's employment.

B. Internet Usage

- Access to the Internet is for the exchange of information and research consistent with the vision, mission, goals and activities of the City of Portland.
- Employees are expected to use the Internet solely for job related or approved educational research and City business communications during work hours.
- Employees shall not use the Internet for inappropriate or unlawful purposes, including but not limited to, placing unauthorized information, computer viruses or harmful programs on or through the computer system in either public or private files or messages, using obscene or otherwise inappropriate language in communications and obtaining, viewing or downloading information that is unlawful, obscene, indecent, vulgar, pornographic or otherwise objectionable.

- Employees are prohibited from posting anything on the Internet that could be construed as an act of unlawful harassment, a threat, or other evidence of discrimination.
- An employee may not characterize him or herself as representing the City, directly or indirectly, in any online posting unless done pursuant to a written policy of the City.
- Internet access records and records of downloaded files are not private and may be occasionally monitored as the Mayor or department head deems necessary.
- Department heads shall be responsible to ensure proper employee use of the Internet.
- Inappropriate or unlawful use of the Internet may result in the loss of access for the user and, depending on the seriousness of the infraction, can result in disciplinary action as deemed necessary.

C. E-Mail Usage

- In general, electronic mail is treated no differently than any other business record or correspondence.
- Employees should be aware that all types of business records are subject to inspection, review, or disclosure without prior notice for any business purpose or as required by law.
- Electronic mail may constitute a public record under certain circumstances and may be accessible or obtainable by individuals, agencies and others outside the City and subject to state archivist rules for retention / destruction.
- All electronic mail originating from or received by City computer systems is City property, and is not considered private information.
- Electronic mail may be monitored by the department head and/or the Mayor as they deem necessary.

6.7. SOCIAL MEDIA

This policy applies to every employee employed by the City in any capacity who post any material whether written, audio, video, or otherwise on any website, blog or any other medium accessible via the Internet.

City of Portland departments may utilize social media and social network sites in support of City goals and objectives. To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, City departments may consider participating in social media formats to reach a broader audience. The City of Portland encourages the use of social media to further the goals of the City and the missions of its departments where appropriate.

The Mayor and department heads will approve which social media outlets may be suitable for use by the City and its departments.

The City of Portland's website will remain the City's primary and predominant Internet presence.

All official City presences on social media sites or services are considered an extension of the City's information networks and are governed by the City of Portland's policy.

The Mayor and department heads will review department requests to use social media sites. In addition, the Mayor and department heads may assist in the selecting of appropriate social media outlets, as well as defining a strategy for engagement using social media.

Departments that use social media are responsible for complying with applicable federal, state, and local laws, regulations, and policies, as well as all applicable City policies. This includes adherence to established laws and policies regarding copyright, records retention, the open records statutes, the First Amendment, and privacy laws.

Authorized employees representing the City government via social media outlets must conduct themselves at all times as representatives of the City. Employees that fail to conduct themselves in an appropriate manner shall be subject to the disciplinary action outlined in the *City of Portland Personnel Manual* and the City of Portland Information Systems Policy and Procedures. Violation may also result in the removal of department pages from social media outlets.

Departmental staff members are responsible for the content and upkeep of any social media pages or sites that a department might create. One contact will be designated by the department and approved by the Mayor.

The simultaneous use of a City email address, job title, official City name, or logo in conjunction with a posting may be evidence of an attempt to represent the City in an official capacity. Other communications leading a reasonable viewer to conclude that a posting was made in an official capacity may also be deemed evidence to represent the City in an official capacity.

Any postings on non-City social media sites and platforms made in an official capacity may be subject to the Tennessee Public Records Act. A City employee posting on a non-City social media site or platform shall take reasonable care not to disclose any confidential information in any posting. When posting in a personal capacity an employee should take reasonable care to distinguish that his content is a personal expression and not that of the City.

6.8. ATTENDANCE

Punctual and regular attendance is necessary for the City to operate efficiently. The City provides a variety of forms of leave to cover absences from work. Employees are expected to report for duty, and be ready to begin work by the start of the regular work day or their regular shift, unless on approved leave.

Employees unavoidably late or absent from work due to illness or other causes must notify their supervisor within the time frame established by each department, unless unusual circumstances prevent the employee from making proper notification. Employees must explain the reason for the absence and, if possible, the anticipated time and date they will return to work. When this is not possible due to sudden illness or emergency, the employee is to notify his/her supervisor as soon as possible, and in all cases, prior to the start of the work day in which the employee will be absent. Failure to notify one's supervisor of absences, or abuse of leave policies may result in disciplinary action.

ATTENDANCE: Punctual and regular attendance is necessary for the efficient operation of the City. Attendance expectations for all employees are that they are to be at work every day, on time and work their complete workday. Uncontrollable circumstances may cause an employee's inability to meet attendance expectations. In those instances:

- Employees who are unavoidably late or absent from work due to illness or other cause must notify their supervisor (or the supervisor's designee if unable to reach the

supervisor) within the time frame established by his/her department before their regularly scheduled starting time (with the exception of an emergency situation).

- Employees should provide the reason for their absence and, if possible, an anticipated return to work date. A note should be provided to the supervisor if the employee is treated by a medical professional.
- Supervisors should notify Human Resources when an employee is absent more than three (3) consecutive days for guidance on possible FMLA leave eligibility.
- Failure to timely notify one's supervisor of absences may result in disciplinary action or dismissal.
- Excessive absences, unless protected under existing law, may be subject to disciplinary action regardless of an existing bank of available paid leave time.

Every City employee has been assigned working hours. These scheduled hours are not the same for every employee or every department.

Note: An unauthorized absence from work for a period of three (3) consecutive working days including three (3) days **no show/no call** will be considered a voluntary resignation.

RECORDING TIME: Some City employees record their hours on time sheets rather than “punching” time clocks. Employees who complete time sheets are subject to the same rules as those using a time clock.

- The 7-Minute Rule: Employees assigned a time clock must not clock in more than seven (7) minutes prior to the beginning of their work schedule, nor clock out more than seven (7) minutes after the end of their work schedule.
- Early or late clock-ins/outs in excess of seven (7) minutes deviation from the assigned work schedule must be justified and approved by the supervisor.
- Time accumulated on the time clock before or following the employee's scheduled work hours will not be allowed whether regular time or overtime – without written justification provided to the payroll office by the supervisor. The accumulation of extra time or overtime by virtue of early clock-in or late clock-out is prohibited as long as practices remain compliant with the FLSA regulations for time rounding 29 CFR § 785.48.
- An employee who does not have prior written permission and is found to have clocked in more than seven (7) minutes before his/her schedule, or clocked out more than seven (7) minutes after his/her schedule, will be in violation of the provisions of this policy and subject to discipline.

TIME CALCULATIONS: Tardiness exceeding the seven (7) minute grace period will be counted in 15-minute increments **for purposes of payroll calculation**. Fractions of time on the clock beyond the seven (7) minute grace period resulting in overtime will be paid in 15-minute increments but only when overtime has been authorized. **All issues of tardiness up to and including the 7-minute period are subject to disciplinary action.**

- Continual and/or repeated deviations from the assigned working hours will be grounds for disciplinary action. Such deviations include, but are not limited to: changes of schedule without prior approval, excessive tardiness, and clocking in/out too early or too late.
- Any time a City employee leaves the workplace during the workday, except for work-related business, the employee must clock out. Upon returning to work, the employee must clock-in.

PAID TIME OFF and TIME OFF DOCUMENTATION: If the time card /sheet calculations result in less than the assigned work hours for the pay period, the employee must claim paid-time-off leave e.g. vacation leave*, funeral leave*, sick time*, jury duty*, or other paid-time-off reason for the lost time. (**NOTE: All of these must be approved, and some in advance.*)

Prior arrangements, approved by the supervisor, for lost time for anything other than the approved, paid-time-off reasons noted above may supersede the prior approval requirement. In other words, the employee shall be docked for lost time during the workweek if no provision is made for the absence by using any of the paid-time-off reasons listed above.

For any time off including the *leave times mentioned above, a *Time Off Request Form* must be completed and approved by the supervisor in advance, except in the event of an emergency.

FALSIFICATION OF RECORDS: Time cards/sheets must be signed by the employee and forwarded to the supervisor for review and approval. The employee's signature attests to the accuracy and completeness of the time card/sheet.

No City employee is to punch the time clock in/out for another employee. This and any deliberate documentation errors to time cards/sheets will be considered falsification of records and documents and shall be a violation of City policy that will result in both employees receiving disciplinary action. **Per Public Chapter 495 – 2019 the penalty for knowingly making a false entry in, or a false alteration of a government record, may be punishable as a Class E Felony under Tennessee Law.**

SECTION 7 – SEPARATIONS AND DISCIPLINARY ACTION

7.1. SEPARATIONS

All separations of employees from positions with the City shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, reduction in force, disability, retirement, death, or dismissal. At the time of separation and prior to final payment, all records, assets, and other City property in the employee's custody must be transferred to the City. Any amount due for failure to return City property may be withheld from the employee's final compensation on a depreciated/prorated basis. Deductions from pay cannot result in the employee being paid less than the federal minimum wage. These rules are not intended to grant property interest in employment.

7.2. RESIGNATION

In the event an employee decides to leave the City's employ, an appropriate (customarily, two weeks') notice shall be given so that arrangements for a replacement can be made. In such a case, employees will be expected to return any/or all City equipment assigned and/or in their possession. An unauthorized absence from work for a period of three (3) consecutive working days may be considered resignation from employment by means of job abandonment.

In the event an employee tenders a resignation with appropriate notice while in good employment standing, and not under investigation for an offense in violation of City policy, the City may, if in the best interest of City operation, remove the employee from service and compensate them for remaining scheduled work hours, and any unpaid vacation. In this event the employee will be placed on Administrative Leave with Pay until the last day of official employment not to exceed two (2) weeks.

If a former employee returns to City employment after resigning, his/her status of seniority, pay, leave, etc., will be the same as a new employee.

7.2. REDUCTION IN FORCE (LAYOFF)

To establish an effective and equitable process in the event that a reduction-in-force (RIF) is necessary, a RIF may be determined as necessary by the Mayor. The Mayor may promulgate additional policy, rules and procedures necessary for the implementation of a RIF.

This regulation applies to all regular full time, regular part time and temporary employees. Provisional employees, hired for a specific period covering the duration of an assigned project, are not subject to the provisions of this policy. State-funded positions, which the City supplements, may be subject to a reduction or elimination of the City supplement. A loss of the City supplement may not ultimately result in a position reduction.

In the event that a RIF becomes necessary, consideration shall be given to organizational needs, the quality of each employee's service, and length of service in determining retention. For the purpose of this regulation, it is understood that upon determination that a RIF becomes necessary, a RIF plan may be implemented based on the circumstances.

Discharge, demotion, or layoff because of lack of work, RIF, or job elimination is non-grievable under the City's Grievance Policy and Procedure. The City retains the right, at any time, to abolish positions for business necessity.

7.3. DISABILITY

An employee may be separated from employment with the City for a disability when he/she cannot perform the essential functions of the job because of a physical or mental impairment that cannot be accommodated without undue hardship, or when the disability poses a direct threat to the health and safety of the employee and/or others.

7.4. RETIREMENT

Retirement is defined as voluntary withdrawal from City employment by an employee eligible to receive retirement benefits under Social Security, the Tennessee Consolidated Retirement System (TCRS), or other adopted retirement system. Retirement benefits are based upon the regulations of the retirement system in which the employee is enrolled and any other applicable provisions that may be in effect at the time of that employee's retirement. Whenever an employee meets the conditions set forth in the retirement system's regulations, he/she may elect to retire and receive all benefits earned under the appropriate schedule.

7.5. DEATH

All compensation due in accordance with T.C.A., Section 30-2-103, designation of beneficiary, wages and debts owed deceased employee, shall be paid except for such sums as by law must be paid to the surviving spouse.

7.6. DISMISSAL

The Mayor may remove all officers and employees of the City subject to the City Charter, state law, and provisions of this personnel ordinance.

7.7. DISCIPLINARY ACTION

Whenever an employee's performance, attitude, work habits, or personal conduct fall below desirable level, supervisors should inform employees promptly and specifically of such lapses and should give them counsel and assistance. All records associated with disciplinary action shall become a permanent part of the employee's file. The employee may attach a rebuttal statement.

The types of disciplinary action are:

1. oral reprimand,
2. written reprimand,
3. suspension,

4. reduction in pay,
5. demotion, and
6. dismissal

Disciplinary action may be remedial and progressive, if possible, with the objective of directing and motivating employees to fully carry forth their work obligations to the City.

Employees should be informed of standards of conduct, performance, and applicable rules and regulations. Rules and regulations should be consistently applied considering the gravity of the infraction, mitigating circumstances, previous work record, and other relevant criteria.

As a public employee, the City may require you to provide information as part of an internal and/or administrative investigation to determine whether disciplinary or administrative action is necessary. You may be ordered to truthfully respond to questions or be subject to disciplinary action. You may be asked questions specifically, directly and narrowly related to performance of your official duties or fitness for your job. You are entitled to all the rights and privileges guaranteed by the law and the Constitution of the United States, including the right not to be compelled to incriminate yourself. If you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you could be subject to discharge. If you do answer, neither your statement, nor any information or evidence which is gained by reason of such statement, can be used against you in any subsequent criminal proceedings. However, these statements may be used against you in relation to subsequent internal discipline.

ORAL REPRIMAND

Whenever an employee's performance, attitude, work habits, or personal conduct fall below a desirable level, the supervisor should inform the employee of such lapses and should give him/her counsel. If justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. The supervisor will place a memorandum in the employee's file stating the date of the oral reprimand, what was said to the employee, and the employee's response. The memorandum will be reviewed with the employee prior to placement in the employee's file.

WRITTEN REPRIMAND

When an employee receives a written reprimand, a copy will be placed in the employee's file. The supervisor administering the reprimand will advise the employee that the action is a written reprimand and emphasize the seriousness of the problem; cite applicable previous corrective actions and/or informal discussions relating to the offense; identify the problem and/or explain the offense; inform the employee of the consequences of continued undesirable behavior; detail performance improvement plans and identify dates by which the correction actions shall be taken.

At the conclusion of a meeting with the employee, a signed copy of the written reprimand will be given to the employee and a copy placed in the employee's file. It is recommended that the affected employee sign the written reprimand to indicate that he/she has seen the document and to acknowledge receipt of the employee's copy. Should the employee refuse to sign the written reprimand, the supervisor will obtain a witness to sign and date the form and so indicate the employee's refusal to sign.

SUSPENSION

An employee may be suspended with or without pay by the Mayor or by his/her department head with the approval of the Mayor.

REDUCTION IN PAY

An employee may have their pay reduced as a disciplinary action by the Mayor or by his/her department head with the approval of the Mayor.

DISCIPLINARY DEMOTION

An employee may be demoted by the Mayor or by his/her department head with the approval of the Mayor.

DISCHARGE

An employee may be discharged by the Mayor or by his/her department head with the approval of the Mayor. Employees who are involuntarily discharged are not eligible for payout of accrued but unused paid leave, but will be paid out any unused compensatory time. The action of the Mayor, or designee as authorized by the Mayor, shall be final and binding on all parties involved, unless overturned or remanded by the chancery court on appeal.

The City will assess discharge actions using the following standard:

- The employee was informed either verbally, or by promulgation of work rules, that an act or behavior could reasonably result in discipline.
- The employee should have known that the act or behavior could reasonably result in discipline due to the nature of the act or behavior.
- The City took reasonable steps to make a fair determination of the circumstance(s) involved.
- The City has reason to believe the employee committed the alleged infraction, act, or behavior based on observation of reasonable facts.
- The City took reasonable measures to ensure the consistent application of rules and regulations using available resources.

INVESTIGATIVE LEAVES

ADMINISTRATIVE LEAVE WITH PAY/REASSIGNMENT

An employee may be placed on administrative leave with pay from his/her specific job duties and temporarily reassigned pending the outcome of an investigation, and upon approval of the Mayor, or approved designee. A copy of the temporary removal/reassignment notification and related documentation shall be forwarded to Human Resources for inclusion in the employee's file.

ADMINISTRATIVE LEAVE WITHOUT PAY

When an employee is unable to effectively perform the duties of his/her position due to an ongoing investigation, the employee may be placed on administrative leave without pay by the Mayor, or authorized designee, pending the outcome of the investigation when it is in the best interest of the City. In the event the employee is determined eligible to return to his/her duty at the conclusion of the investigation, the employee will be restored with backpay for hours missed.

SECTION 8 – MISCELLANEOUS POLICIES

8.1. NONSMOKER PROTECTION ACT

The City complies with the Non-Smoker Protection Act of 2007 which prohibits smoking in all public places such as buildings, equipment, and City-owned vehicles. All employees who operate City-owned vehicles are prohibited from smoking, the use of vapor devices, or use of smokeless tobacco in the vehicle or piece of equipment. This includes other occupants that may be being transported in the vehicles. Violators of this policy will be subject to disciplinary action.

8.2. VOTING POLICY

When elections are held in the state, leave for the purpose of voting, if requested, shall be in accordance with T.C.A. 2-1-106. Any person entitled to vote in an election held in this state may be absent from any service or employment on the day of the election for a reasonable period of time, not to exceed three (3) hours, necessary to vote during the time the polls are open in the county where the person is a resident. A voter who is absent from work to vote in compliance with this section may not be subjected to any penalty or reduction in pay for such absence.

If the tour of duty [workday] of an employee begins three (3) or more hours after the opening of the polls or ends three (3) or more hours before the closing of the polls of the county where the employee is a resident, the employee may not take time off under this section.

The employer may specify the hours during which the employee may be absent. Application for such absence shall be made to the employer before twelve o'clock (12:00) noon of the day before the election.

8.3. IDENTITY THEFT POLICY

The risk to the City, its employees and customers for data loss and identity theft is of significant concern to the City and can be reduced only through the combined efforts of every employee and contractor. The City adopts this sensitive information policy to help protect employees, customers, contractors and the City from damages related to the loss or misuse of sensitive information.

Sensitive information includes the following items whether stored in electronic or printed format:

1. Credit card information (including credit card number (in part or whole), credit card expiration date, cardholder name, and cardholder address);
2. Tax identification numbers (including social security number, business identification number, and employer identification number);
3. Payroll information (including paychecks and pay stubs);
4. Cafeteria plan check requests and associated paperwork;
5. Medical information for any employee or customer (including doctor names and claims, insurance claims, or any related personal medical information); and

6. Other personal information belonging to any customer, employee or contractor (including date of birth, address, phone number, maiden name, names, or customer number).

Municipal personnel are required to use good judgment in securing confidential information to the proper extent. If an employee is uncertain of the sensitivity of a particular piece of information, s/he should contact the supervisor. In the event that the City cannot resolve a conflict between this policy and the Tennessee Public Records Act, the City will contact the Tennessee Office of Open Records.

Each employee and contractor performing work for the City will comply with the following Hard Copy Distribution policies:

1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.
2. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.
3. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
4. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed or shredded when not in use.
5. When documents containing sensitive information are discarded, they will be placed inside a locked shred bin or immediately shredded using a mechanical cross cut or Department of Defense (DOD) approved shredding device.

Each employee and contractor performing work for the City will comply with the following Electronic Distribution policies;

1. Internally, sensitive information may be transmitted using approved municipal e-mail. All sensitive information must be encrypted when stored in an electronic format.
2. Any sensitive information sent externally must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the e-mail:

"This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited."

Staff training shall be conducted for all employees, officials and contractors for whom it is reasonably foreseeable that they may come in contact with accounts or personally identifiable information that may constitute a risk to the City or its customers.

The Mayor, or designee, is responsible for ensuring that identity theft training for all requisite employees and contractors is provided. Employees must receive annual training in all elements of this policy. To ensure maximum effectiveness, employees may continue to receive additional training as changes to the program are made.

8.4. JURY AND CIVIL DUTY LEAVE

Civil leave with pay shall be granted to employees for the following reasons:

1. Jury duty (T.C.A. 22-4-108);

2. To answer a subpoena to testify for the City.

Employees providing proper documentation when selected for jury duty shall be excused from their assigned duties for the actual duration of the jury duty. In the event of release from jury duty during the employee's normal working hours, s/he shall be expected to return to his/her department. An employee shall receive full pay from the City during jury duty. Any monies received from jury duty may be kept by the employee.

8.5. DRIVERS LICENSES

Any employee who is required as an employment condition to operate a City vehicle must possess and maintain an appropriate valid driver's license. Any employee who drives a City vehicle must **immediately** inform his/her supervisor if his/her license becomes denied, expired, restricted, suspended, or revoked. Periodic review of employees' driving records may be conducted by the City.

All employees required to drive:

- a vehicle with a gross weight of more than 26,000 pounds;
- a trailer with a gross weight of more than 10,000 pounds;
- a vehicle designed to transport more than 15 passengers, including the driver; and
- any size vehicle hauling hazardous waste requiring placards

Employees operating vehicles of greater than 26,000 GVW and/or carrying 15 or more passengers are required to have a Tennessee Commercial Driver's License in accordance with T.C.A. 55-50-101 et seq. Fire truck, police vehicle, and emergency medical vehicle operators are exempt from the CDL requirements.

8.6. USE OF CITY VEHICLES

Use of City Vehicles: No employee may use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to oneself or any other person, group, or organization other than the City. Decisions about aid to charitable, civic or other organizations will be made exclusively by the Mayor and the City Council.

Authorized Positions for Vehicle Take Home: Due to the need for various departments to have on-call employees available to deploy in emergency situations, a take-home vehicle policy may be adopted by Resolution of the City Council.

Rules for Drivers of City Vehicles:

- No one may ride in City vehicles except City employees or people who are directly involved in ongoing City projects such as engineers, contractors, and vendors.
- Absolutely no family members are allowed to ride in a City vehicle except for City related matters or functions. All employees who are not the on-call person may only use the City vehicle for City business.
- The paid on-call employee will be required to have the vehicle with them at all times.
- The on-call employee may not leave the City's geographical utility service area in the City vehicle without proper approval.

- City employees may use City vehicles to attend job related schools if assigned by the department head. No other City employee will be allowed to take a City vehicle home overnight unless specifically approved by the department head.
- All employees are required to keep their assigned vehicle clean with maintenance up to date and documented.
- No smoking (including vapor devices), or smokeless tobacco use shall be allowed in City vehicles at any time.

Any employee who is required as an employment condition to operate a City vehicle must possess and maintain an appropriate valid driver's license. Any employee who drives a City vehicle must immediately inform his/her supervisor if his/her license becomes denied, expired, restricted, suspended, or revoked. Periodic review of employees' driving records may be conducted.

8.7. BREAKS AND MEALS

Employees working an eight (8)-hour daily work schedule may be allowed to take a fifteen (15) minute paid break in the morning and another one in the afternoon. The supervisor/manager will coordinate break schedules based on the needs of the department.

With the exception of the Police Department, Fire Department and Water Treatment Plant, whose schedules must cover 24-hour operations, full-time employees will observe a 40-hour workweek with a one-hour unpaid meal break and two 15-minute paid break times scheduled at the discretion of the department head.

A. Coffee breaks and snack breaks (15-minute breaks) are compensable rest periods and cannot be excluded from hours worked as meal periods as long as they are under 20 minutes in length.

B. Meal Periods - "A bona fide meal time, when employees are completely relieved from duty, is not work time." 29 C.F.R. § 785.19(a). "Short periods, such as coffee breaks or snack breaks, are not considered meal time. If an employee works during the meal, the time is compensable. Whether or not an employee's meal period can be excluded from compensable working time depends on the employee 'freedom meal test'." 29 C.F.R. § 785.19(a). Unless all of the following three conditions are met, meal periods must be counted as hours worked:

1. The meal period generally must be at least 30 minutes, although a shorter period may qualify under special conditions.
2. The employee must be completely relieved of all duties. (If an employee must sit at a desk and incidentally answer the telephone this would be compensable time)
3. The employee must be free to leave his/her duty station. There are no requirements, however, that an employee be allowed to leave the premises or work site.

C. Smoking Breaks: The 15-minute breaks in the morning and afternoon are also the designated times for smoking breaks and are to be compliant with the Non-Smoker Protection Act of 2007 which prohibits smoking in all public places such as buildings, equipment, and City-owned vehicles.

Note: Employees working in the field, away from their department office locations, must begin and end their 15-minute break(s) at the worksite. Travel time to and from the work location is included in the 15-minute break time.

Overtime, lunch breaks, break times and any other modification of the hours/time mentioned above shall be subject to approval of the department head.

8.8. INCLEMENT WEATHER

It is the City's intent to remain open through various weather situations unless it is determined that the essential functions of the City cannot be safely be administered. This decision will be made by the Mayor and will be communicated via appropriate communication methods.

However, when the weather conditions appear to be so severe that an employee fears for his/her safety in traveling to or from the work site, he/she may be absent with leave if the following conditions are met:

1. The employee informs his/her immediate supervisor of his/her absence and the reason for it as soon as possible; and
2. The employee reports to work immediately if a change in weather conditions allows safe transportation to the work site.

If the above conditions are not met, the employer will deduct the missed workday (or portion thereof) from accumulated vacation leave, and if no leave is available, the missed portion of the work day will be unpaid. Reporting this leave shall follow the same requirements as other leave.

In situations where advanced notice of closure is known, the Mayor will communicate such closure via appropriate means. If City government operations are closed due to inclement weather, all non-essential personnel will be provided administrative leave with pay. Those employees deemed essential personnel will be provided the choice between time off to be used at a later date equivalent to time awarded off with pay to non-essential employees, or payment incurred for the time served during closure of government operations.

The policy is meant for those who are in danger due to weather conditions only. Should any employee abuse this policy, he/she will be subject to disciplinary action.

8.9. PERSONNEL RECORDS

Per Public Chapter 495 – 2019 the penalty for knowingly making a false entry in, or a false alteration of a government record is punishable as a Class E Felony under Tennessee Law.

The City respects the dignity and worth of each individual employee, while asking each employee to offer in return his/her loyalty, respect, and best effort. The City will collect, retain, use, disclose, and maintain the confidentiality of employee information as required by law.

Human Resources records for each employee are kept on file and maintained in a secure manner by the Human Resource Department.

The Human Resources File for each employee may contain, but not be limited to the following information: 1) Human Resources action forms noting position and wage information; 2) performance evaluation forms and other documentation related to an employee's job

performance; 3) employment documentation including application and resume, employee data sheet, and income tax deduction forms; 4) outside employment forms; 5) official commendations, training and education records including certificates and diplomas; 6) complete documentation pertaining to all disciplinary matters and corrective actions; 7) information relative to grievance proceedings, and complaints of discrimination and harassment filed by the employee; and, 8) all applicable benefits records. All medical records shall be kept in a separate confidential file for each employee.

It is the responsibility of each employee to update personal information including change of address, telephone number, marital status, draft status, beneficiaries, number of dependents, or completed education/training maintained in the Human Resources file by notifying the Human Resource Department. The City shall not be held liable when incorrect withholding, wrong beneficiaries, or loss of employee benefits result from the failure of any employee to keep Human Resources records current.

Collection, Retention, and Use of Personal Information

The City will strictly follow the requirements of applicable laws regarding information collection concerning membership in protected class. With these restrictions in mind, the City will gather such information about job applicants or employees as determined by the City to meet compliance initiatives.

The following basic principles will be applied in collecting and retaining personal information:

1. The Human Resource Department shall maintain a complete (master) file of each employee's records, which will contain necessary information, as determined by applicable provisions within a City charter, ordinance or resolution. The master file shall be the central file containing all employee information.
2. Each department head may maintain a file on each employee in his/her charge. The file shall be limited to performance evaluations, attendance records, official memos, letters, and information related to an employee's salary history. All information contained in this file must also be present in the master file.
3. Payroll data may be kept separately from the human resources file and the departmental file, although both may include information about an employee's salary history.
4. Supervisors may maintain separate files on their subordinates. The file shall be limited to performance evaluations, attendance records, official memos, and letters. All information contained in this file must also be present in the master file.
5. Employee information may be collected from employees whenever possible, but the City may use outside sources for other information where allowed by law.
6. Worker's Compensation documents will be maintained in a separate file in the custody of the Human Resource Department.
7. Medical information obtained from city provided medical examinations are the property of the City, and will be maintained in a secured file system separate from an employee's official Human Resources record. Medical information may include, but not be limited to the following: benefit documentation such as health insurance forms, fitness for duty examinations, drug testing results, medical information related to leaves of absence, inoculation records, etc. These documents will be maintained in a secured file system

that is not open for public inspection. These procedures are in accordance with applicable laws.

Employees' Access to Human Resources Records and Management Files

Employees may have access to and review their own Human Resources files during normal business hours. If the employee disagrees with any information found therein, the employee may submit a written disagreement to the Human Resource Department, which will be attached to the specific document in the file(s). Contents of employee files may not be removed. An employee desiring to access the Human Resources file of another employee must follow the procedures for public records requests.

Employees' Access Procedures

Employees may contact the Human Resource Department for an appointment to view their own file. Employees must review the file in the presence of an appropriate representative. Employees may take notes and may request to be provided with a copy of any of the file's contents subject to the City's policy on copy charges. Any question about the information's accuracy must be referred to the Human Resource Department. Employees may submit a note of disagreement to the Human Resource Department.

Disclosure of Applicant and Employee Records and Information

The content of applicant and employee Human Resources files is open to public inspection under the Tennessee Public Records law; however, some personal information has been deemed confidential under state and federal law. Only the Human Resource Department is authorized to disclose information about applicants and employees to outside inquirers.

Confidential information shall only be disclosed under the following circumstances:

1. properly identified and duly authorized law enforcement officials without a warrant when investigating allegations of illegal conduct by applicants and employees;
2. legally issued summonses or judicial orders, including subpoenas and search warrants; and
3. others as legally allowed by state and federal law.

Requests for copies of detailed applicant and employment information shall be made in writing and should be directed to the City Recorder who will then forward to the appropriate departments. Requests for public inspection of applicant and employee records shall be directed to the City Recorder who will then inform the appropriate departments.

Police Department applicant and employment records may be exempt from public access pursuant to state law. All requests for applicant and employment records shall be reviewed by the Chief of Police on a case by case basis. When a request is for a professional, business, or official purpose, and includes a request for personal information as defined by T.C.A. § 10-7-504(g), the Chief of Police (or designated custodian of files) must notify the officer prior to disclosure. The officer must be given a reasonable opportunity to be heard to oppose the release of the information. If the Chief of Police decides not to disclose personal information, the requestor must be notified within two (2) business days from the request and the files shall be released with personal information redacted.

All public records requested shall be subject to the City's public records request process.

Confidential information will be redacted out of any Human Resources files that are requested for inspection, as per Tennessee Law. Adequate time will be allotted to allow for redaction of such information as allowed by law. All requests will be completed promptly, and in a responsive and timely manner.

In all such matters, the employee shall be notified within seventy-two (72) hours of the records inspection and/or provision of copies. Police officers shall be informed that an inspection has taken place or copies have been provided; the name, address, and phone number of the person(s) making the request; person(s) for whom the request was made; and the date of inspection and/or the provision of copies. Exceptions for non-police employees may be made to release limited general information, such as the following: (a) employment dates; (b) position held; and (c) location of job site.



ACKNOWLEDGEMENT OF RECEIPT

Sign, date and keep this copy with your manual

Sign, date and return the duplicate acknowledgement to Human Resources

Employee Printed Name: _____ Employee #: _____

I acknowledge that I have received a copy (written or electronic access) of the City of Portland, TN Personnel Manual adopted by **Ordinance 20-07**. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the Manual. If I have any questions, I understand that it is my responsibility to ask my supervisor or Human Resources.

I understand that any and all policies and practices can be changed at any time by the City by ordinance, or if appropriate by resolution. I understand and agree that other than by ordinance or resolution of the City Council a manager or representative of the City has no authority to enter into any agreement, expressed or implied, for employment for any specific period of time, or to make any agreement.

I understand and agree that the Personnel Manual may be changed at any time upon issuance of ordinance by the City Council. My continued employment indicates my agreement to work under those changes.

I understand that nothing in the Personnel Manual or any summary brochure or employee handbook should be deemed to be a promise by the City to provide any benefit. The City reserves the right to alter or eliminate any benefit, without notice, at any time by City Council action.

I understand that the Personnel Manual replaces (supersedes) any and all prior policies and any and all prior Personnel Manuals or employee handbooks and affected ordinances and/or resolutions, and any information contained in any such prior policy, handbook, or manual is no longer in effect.

As an employee, I am aware that I may be required to undergo drug and/or alcohol tests, that I may not be informed prior to the drug and/or alcohol test if classified as a safety sensitive position, and that I may be subject to immediate dismissal if I refuse to take the test.

I am aware that the Personnel Policies grant me no property interest in my employment.

I understand and agree that the City may deduct from my final paycheck any amount due (on a depreciated/prorated basis) for failure to return City property, or for reimbursement of appropriate fees paid for educational assistance, as long as the deduction(s) do not reduce final pay to below minimum wage.

Delivered By

Signature

Date

RESOLUTION

City of Portland, Tennessee

No. 25 – 17

A RESOLUTION TO ADOPT UPDATED GUIDELINES FOR PUBLIC COMMENTS BY REPEALING AND REPLACING RESOLUTION 24-21.

WHEREAS, the City of Portland welcomes citizen input by committing to transparent government, conducting its business in an orderly manner, and showing respect for different viewpoints; and

WHEREAS, the City deems it appropriate to adopt guidelines for public comments; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Portland that the following guidelines will govern public comment periods:

1. All Public Meetings – Public Comment Period

- a. Speakers must identify themselves by name and address;
- b. Public comments shall be limited to items on the agenda and shall be limited to five (5) minutes per individual, which time is not transferable to other speakers;
- c. The public comment period is a time for the speaker to express their thoughts, and is not intended to be a back-and-forth conversation;
- d. Comments must address issues, not individuals or personalities, and any malicious comments or personal attacks will not be allowed or tolerated;
- e. Comments may support or oppose particular issues or measures, but the motives of those with differing views shall not be questioned or attacked, and speeches for or against particular candidates running for public office shall not be allowed.

2. City Council Meetings Only - Non-Agenda Item

There will be a time prior to adjournment of each City Council meeting for comments on non-agenda items, which comments are subject to all the above guidelines **except** that such comments are limited to three (3) minutes per speaker.

3. Resolution 24-21 is hereby repealed in its entirety.

BE IT FURTHER RESOLVED that the Resolution shall become effective upon its passage, the public welfare requiring it.

Mike Callis, Mayor

Attest: Tracy Kizer, City Recorder

Approved this day of

ORDINANCE

City of Portland, Tennessee

No. 22 - 51

Second Reading

AN ORDINANCE TO AMEND ORDINANCE No. 21-17 OF THE CITY OF PORTLAND MUNICIPAL CODE TITLE 7, FIRE PROTECTION AND FIREWORKS, CHAPTER 6, FIREWORKS BY ADDING SECTION 3 TO 7-604 ON BURN BANS

WHEREAS, The City of Portland is authorized to regulate the sale and use of fireworks within its boundaries and has determined that revisions are necessary; and

WHEREAS, Title 7, Chapter 6 of the Portland Municipal Code shall be amended; and

BE IT ORDAINED, The City of Portland hereby amends Title 7 by adding Section 3 to 7-604 of Chapter 6 to allow for possible burn bans:

CHAPTER 6 **FIREWORKS**

7-601. Permissible fireworks.

7-602. Permit required.

7-603. Period of time for sale.

7-604. Period of time for discharging fireworks.

7-605. Safe storage and sale of permissible fireworks.

7-606. Safe discharge of permissible fireworks.

7-607. Violations and penalties.

7-601. Permissible fireworks.

1. Generally, only those fireworks deemed as 1.4G Consumer Fireworks by the U.S. Department of Transportation, or those items that comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public under its regulations, are eligible for public sale and/or discharge;

2. Any fireworks or pyrotechnic display not designed or designated for the general consumer must be under the control of a licensed pyrotechnics technician.

7-602. Permit required.

1. Permit for a fireworks seasonal retailer is required to be obtained from the State of Tennessee, along with a permit from the City of Portland, Tennessee, to permit the seasonal sale of consumer class Fireworks within the City Limits;

2. A fee of one thousand four hundred dollars (\$1400.00) per fireworks stand shall be paid and this amount covers all associated City fees such as any sign permit, transient vendor, or other; and all necessary insurance and licenses shall be supplied for permit approval. Each seasonal permit is valid for both selling periods within that season as defined in 7-603;

3. Each stand (season retailer) must have at least 1 sign plainly visible to the public of not less than 200 square inches that details the hours and days that fireworks can be legally discharged (shot) in the City as detailed in 7-604, in addition to the no smoking signs as detailed in 7-605(2);

4. Permits are not transferable;

5. No sales may begin prior to issuance of permit;

6. All necessary permissions, affidavits, insurance, and site certifications are required before the issuance of a permit, and are the responsibility of the retailer to ensure they have been obtained;

7. All required signage within this chapter is the responsibility of the retailer.

7-603. Period of time for sale.

The period of time for the sale of permissible fireworks shall be from June 20th through July 5th and from December 10th through January 2nd as allowed in T.C.A. § 68-104-101(8). This time period defines the length of one (1) season covered under the annual permit.

7-604. Period of time for discharging fireworks.

1. Unless otherwise excluded, the permissible discharge dates and times are as follows: From June 25th to July 5th from 11am to 9pm; with the exception of July 4th, where the time shall be 10am to 11pm; and From December 24th to Jan 1st from 11am to 8pm; with the exception of December 31st where the time shall be from 10am on December 31st until 12:30am on January 1st;

2. Permitted festivals, events, and City functions are excluded.

3. In the event a burn ban is instituted that prohibits the discharge of fireworks during the normally prescribed dates and times, the first full weekend immediately following the lifting of the burn ban against discharging fireworks will serve as permissible make-up days due to the burn ban. The hours for discharging fireworks during the Saturday and Sunday make-up weekend shall be 11am to 9pm.

7-605. Safe storage and sale of permissible fireworks.

1. No person may smoke within a structure where fireworks are sold. No person selling fireworks may permit the presence of lighted cigars, cigarettes, or pipes within a structure where fireworks are offered for sale;

2. At all places where fireworks are sold or stored, for the purpose of sale during the time periods set forth in this chapter, signs must be posted with the words "Fireworks- No Smoking" in letters not less than four (4) inches high;

3. Each retail vendor must have at least one (1) properly rated fire extinguisher with a valid inspection tag on site at all times;

4. Fireworks shall not be stored in residential districts, except for personal use;

5. Fireworks shall not be sold from any property zoned residential, from the right-of-way, or from City owned property;

6. All unsold product must be removed within five (5) days of the ending sales period set forth in this chapter;

7. Fireworks shall not be stored or sold within 50 feet of a fuel source;

8. Each retail vendor is required to ensure that adequate parking is available so that customer vehicles do not create hazards for roadway traffic;

9. Fireworks shall not be sold to anyone under sixteen (16) years of age, or to any intoxicated person;

10. Fireworks shall not be sold from any property zoned residential, from the right-of-way, or from City owned property;

11. Mobile retail vendors are not permitted; fireworks are only allowed to be sold from stationary permitted sites;

12. Seasonal retail sites are subject to inspections from the City Fire Inspector and that of the State Fire Inspector to ensure safe operation.

7-606. Safe discharge of permissible fireworks.

1. Fireworks shall not be discharged during any burn ban issued by the Fire Chief.
2. Except for permitted or City functions, no fireworks can be discharged from, or launched onto, City property;
3. Adequate provision for safety must be made to prevent possible fire caused by the discharging of fireworks from spreading to any structure, dry ground cover, mulch, or other property;
4. The discharging of fireworks requires competent supervision at all times;
5. Fire extinguishing equipment should be readily available for use such as a garden hose connected to the water supply, or a properly rated and working fire extinguisher;
6. No accelerants, explosives, flammable gas, nor any hazardous material is allowed to be used during the discharge of fireworks;
7. Fireworks shall not be ignited inside of, or thrown from, a vehicle whether moving or parked;
8. Fireworks shall not be discharged from, or launched onto, property of persons who have not given permission;
9. Fireworks shall not be discharged from any road, right-of-way, or sidewalk;
10. Fireworks shall not be discharged in the direction of any person, animal, motor vehicle, train, airplane, business, building, electrical substation, or other equipment or machinery.

7-607. Violations and penalties.

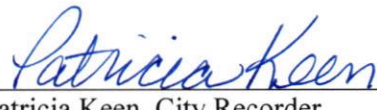
It shall be unlawful for any person to violate any of the provisions of this chapter herein adopted, or fail to comply therewith, or violate or fail to comply with any other applicable order. Doing so may lead to City, County, State, or Federal penalties.

BE IT ORDAINED, That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED, That this Ordinance shall become effective upon its passage, the public welfare requiring it.



Mike Callis, Mayor



Patricia Keen, City Recorder

Passed First Reading: August 1, 2022
Passed Second Reading: August 22, 2022

ORDINANCE

City of Portland, Tennessee

No. 25 – 02

Second Reading

AN ORDINANCE TO AMEND THE CITY OF PORTLAND, TENNESSEE ZONING MAP BY REZONING 243 AND 245 TGT RD, (MAP 16 PARCEL 34.02 AND 34.01) FROM COUNTY RR (RURAL RESIDENTIAL) AND RS-40 (LOW DENSITY RESIDENTIAL) TO GCS (GENERAL COMMERCIAL SERVICES)

WHEREAS, the City of Portland desires to amend the official zoning atlas of the City; and

WHEREAS, the City of Portland believes that such amendment will promote, protect, and facilitate the public health, safety, and welfare of the community through coordinated and practical land use and land development for the betterment of Portland's population; and

WHEREAS, the Portland Municipal Planning Commission recommended approval of the rezoning to GCS (General Commercial Services) by a vote of 9-0 at their January 14, 2025 meeting.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Portland, Tennessee, as follows:

Section 1. That the property described herein be, and the same is hereby, rezoned from County RR (County Rural Residential) and RS-40 (Low Density Residential) to GCS (General Commercial Services)

Approximately 2.00 acres more or less, located at 243 and 245 TGT Road as shown on the attached map.

For reference, see Record Book 2169, Page 580-581, in the Register's Office of Sumner County, Tennessee, and being shown as Map 16, Parcels 34.02 and 34.01, for Sumner County, Tennessee.

BE IT FURTHER ORDAINED that all Ordinances in conflict herewith are repealed to the extent of said conflict, and that this Ordinance shall become effect upon the annexation of the property and after its passage on final reading, the public welfare requiring it.

Mike Callis, Mayor

Attest: Tracy Kizer, City Recorder

Passed First Reading: February 2, 2025

Notice Published: Portland Sun- 2/11/25; Portland Leader: 2/12/25

Public Hearing: March 3, 2025

Passed Second Reading:

REVISED IMAGE 2/3/25:



ORDINANCE

City of Portland, Tennessee

No. 25 – 06

First Reading

AN ORDINANCE TO AMEND THE CITY OF PORTLAND, TENNESSEE ZONING MAP BY REZONING 700 AND 706 NORTH BROADWAY, (MAP 19 PARCELS 39.00, 39.01, 40.00, AND 40.01) FROM COUNTY RR (RURAL RESIDENTIAL), RS-20 (LOW DENSITY RESIDENTIAL) AND RS-40 (LOW DENSITY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT)

WHEREAS, the City of Portland desires to amend the official zoning atlas of the City; and

WHEREAS, the City of Portland believes that such amendment will promote, protect, and facilitate the public health, safety, and welfare of the community through coordinated and practical land use and land development for the betterment of Portland's population; and

WHEREAS, the Portland Municipal Planning Commission recommended approval of the rezoning to GCS (General Commercial Services) by a vote of 8-0 at their February 11, 2025 meeting.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Portland, Tennessee, as follows:

Section 1. That the property described herein be, and the same is hereby, rezoned from County RR (County Rural Residential) and RS-40 (Low Density Residential) and RS 20 (Low Density Residential) to PUD (Planned Unit Development)

Approximately 38.68 acres more or less, located at 700 and 706 North Broadway as shown on the attached map.

For reference, see Record Book 3367, Page 79-81, in the Register's Office of Sumner County, Tennessee, and being shown as Map 19, Parcels 39.00 and 39.01, 40.00 and 40.01 for Sumner County, Tennessee.

BE IT FURTHER ORDAINED hat all Ordinances in conflict herewith are repealed to the extent of said conflict, and that this Ordinance shall become effect upon the annexation of the property and after its passage on final reading, the public welfare requiring it.

Mike Callis, Mayor

Attest: Tracy Kizer, City Recorder

Passed First Reading:

Notice Published:

Public Hearing

Passed Second Reading:





BROAD NORTH

Regulating Pattern Book

DECEMBER 11, 2024

DON
FLEMMING

PROPERTY OWNER

DON FLEMMING
700 & 706 NORTH BROADWAY
PORTLAND, TENNESSEE 37148

SQUARE 1
CONSTRUCTION

DEVELOPER

CALEB FUQUA
4676 HIGHWAY 41 NORTH
SPRINGFIELD, TENNESSEE 37172



RAGAN SMITH ASSOCIATES

LANDSCAPE ARCHITECT

TROY GARDNER
315 WOODLAND STREET
NASHVILLE, TENNESSEE 37206



RaganSmith

a Pape-Dawson company



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PROJECT NARRATIVE



Portland, Tennessee embodies a blend of rural charm and suburban convenience, surrounded by rolling hills and farmland. Portland offers a tranquil setting less than an hour from Downtown Nashville. Known for its strong community spirit, Portland hosts events like the annual Strawberry Festival, celebrating its agricultural roots. Residents enjoy a relaxed lifestyle with parks, schools, and local businesses contributing to its vibrant small-town appeal.

Broad North is located approximately 1.5 miles north of Downtown Portland. The site is composed of four parcels, with two existing homes and several out buildings at its northeast corner. The remaining portion of the site is gently sloped, undeveloped farmland. There are single family neighborhoods located immediately south and east of the site. North of the site, across North Broadway, are multiple large industrial buildings and a few single family homes. Property to the west is currently undeveloped but was recently approved for a single family neighborhood.

Broad North will consist of a mix of alley loaded townhomes and front loaded single family detached homes. This will be a welcome transition between the industrial uses to the north and the quieter single family residential uses to the south.



EXCEPTIONS REQUEST

An exception is requested to allow single family detached lot sizes of 5,000 s.f. per PUD Regulation 12.302(A). Per PUD Regulation 12.206 the following design characteristics and amenities are proposed to support this exception request:

- **Traffic Calming:**
 - Alleys | Onstreet Parking | Roundabout
- **Recreational Amenities:**
 - Wet Pond & Fishing Pier
 - Playground
 - Passive Recreational Space
- **Public Infrastructure Improvements:**
 - Waterline Upgrade Along Oak Hill Drive

PERMITTED USES

- Dwelling, One-Family Attached
 - Community Assembly (Private Amenity Center & Clubhouse)
- Food & Beverage Service - General
 - Food Service Limited
 - General Retail Trade
 - Professional Services - Medical
- Professional Services - Other
 - Animal Care & Veterinarian Services
 - Convenience Retail Sales & Services

PROPOSED DENSITY

Site Area: ±38.7 Acres

Proposed Yield: 199 d.u. (74 Townhomes + 125 Single Family Detached)

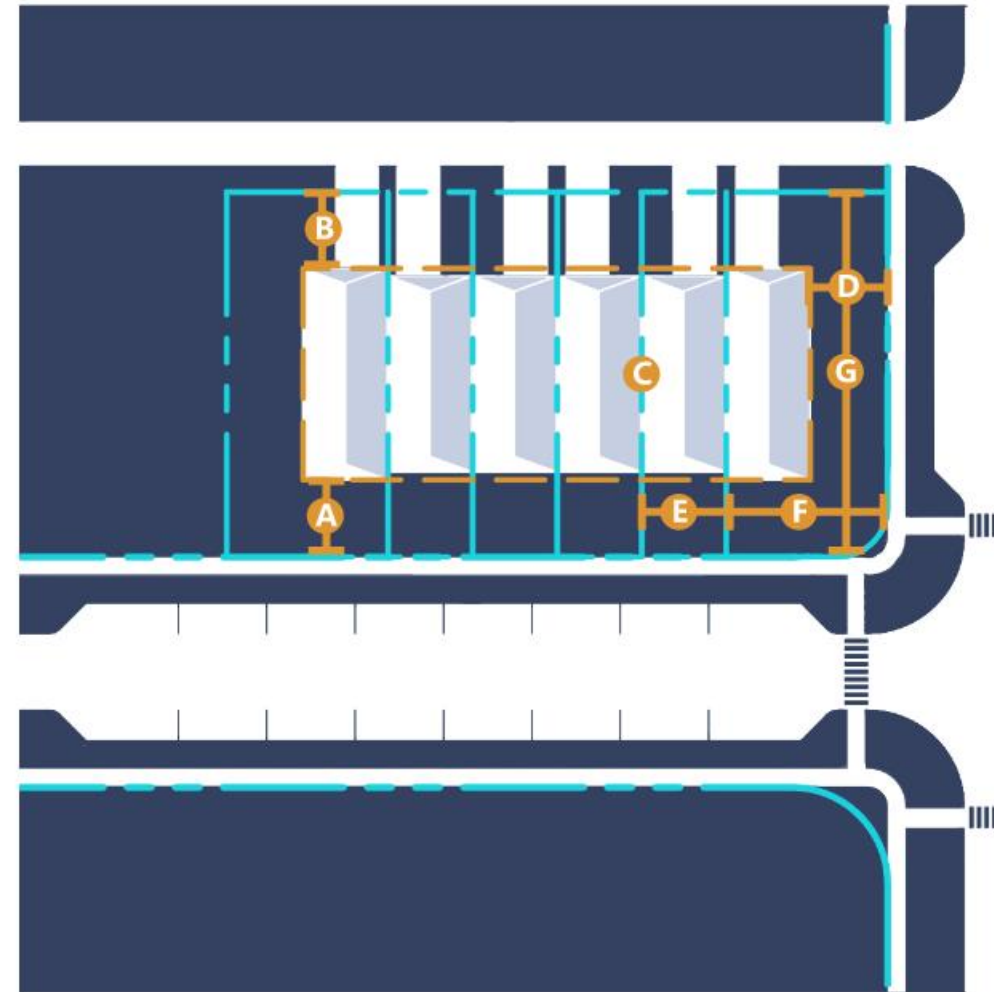
Density: 5.1 Dwelling Units per Acre

EXISTING DENSITY ALLOWED

<u>CURRENT ZONING</u>	<u>MAP</u>	<u>PARCEL</u>	<u>ACRES</u>	<u>UNITS ALLOWED</u>
RS-20	19	39.00	7.04	15 LOTS (Based on 20,000 s.f. min. lot size)
RR (COUNTY)	19	39.01	11.67	12 LOTS (Based on 40,000 s.f. min. lot size)
RS-40	19	40.00	4.56	4 LOTS (Based on 40,000 s.f. min. lot size)
RR (COUNTY)	19	40.01	15.41	16 LOTS (Based on 40,000 s.f. min. lot size)
TOTAL:				47 LOTS (1.2 d.u./ac)

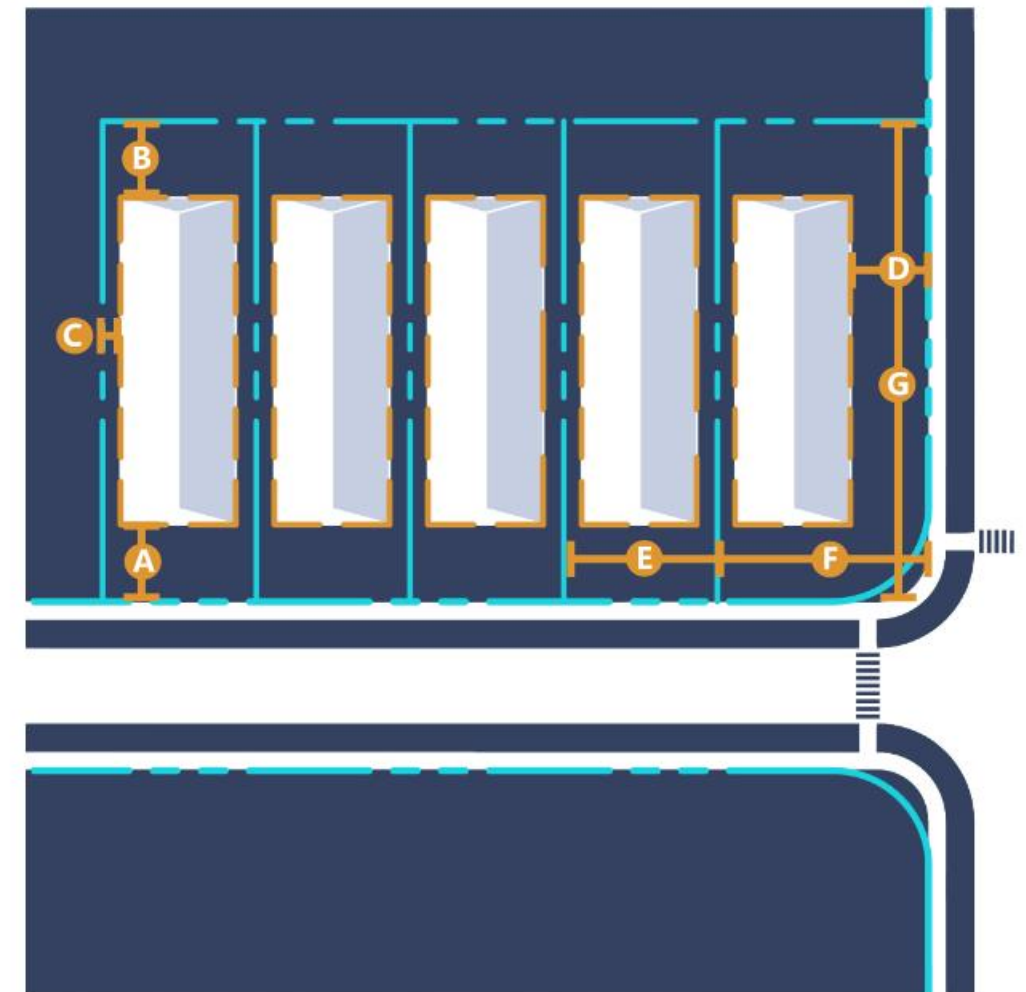
TYPICAL LOTS

TOWNHOMES



A	Front Setback	20'
B	Rear Setback	20'
C	Side Setback	0'
D	Side Street Setback	20'
E	Typical Lot Width	22'
F	Corner Lot Width	42'
G	Lot Depth	95' min

SINGLE FAMILY



A	Front Setback	20'
B	Rear Setback	20'
C	Side Setback	5'
D	Side Street Setback	20'
E	Typical Lot Width	40'
F	Corner Lot Width	55'
G	Lot Depth	125' min

OVERALL LAYOUT



ARCHITECTURAL



DORADO



MALIN



TOWNHOUSES

ARCHITECTURAL & MATERIALS



BOARD AND BATTEN



HARDIE PLANK



SHAKE SIDING



BRICK

MATERIALS



MAGELLAN



DISCOVERY



VOYAGER

SINGLE FAMILY

AMENITIES PLAN



1. WET POND



2. FISHING PIER



3. PLAYGROUND



4. COVERED CBU



5. RECREATION LAWN



SIGNAGE PLAN



 ENTRANCE MONUMENT LOCATION



PHOTOMETRIC PLAN

Mark Crafton

North Broadway
(State Route #109)
Public Access

TGT Road
(Public Access)

North Broadway
(State Route #109)
Public Access

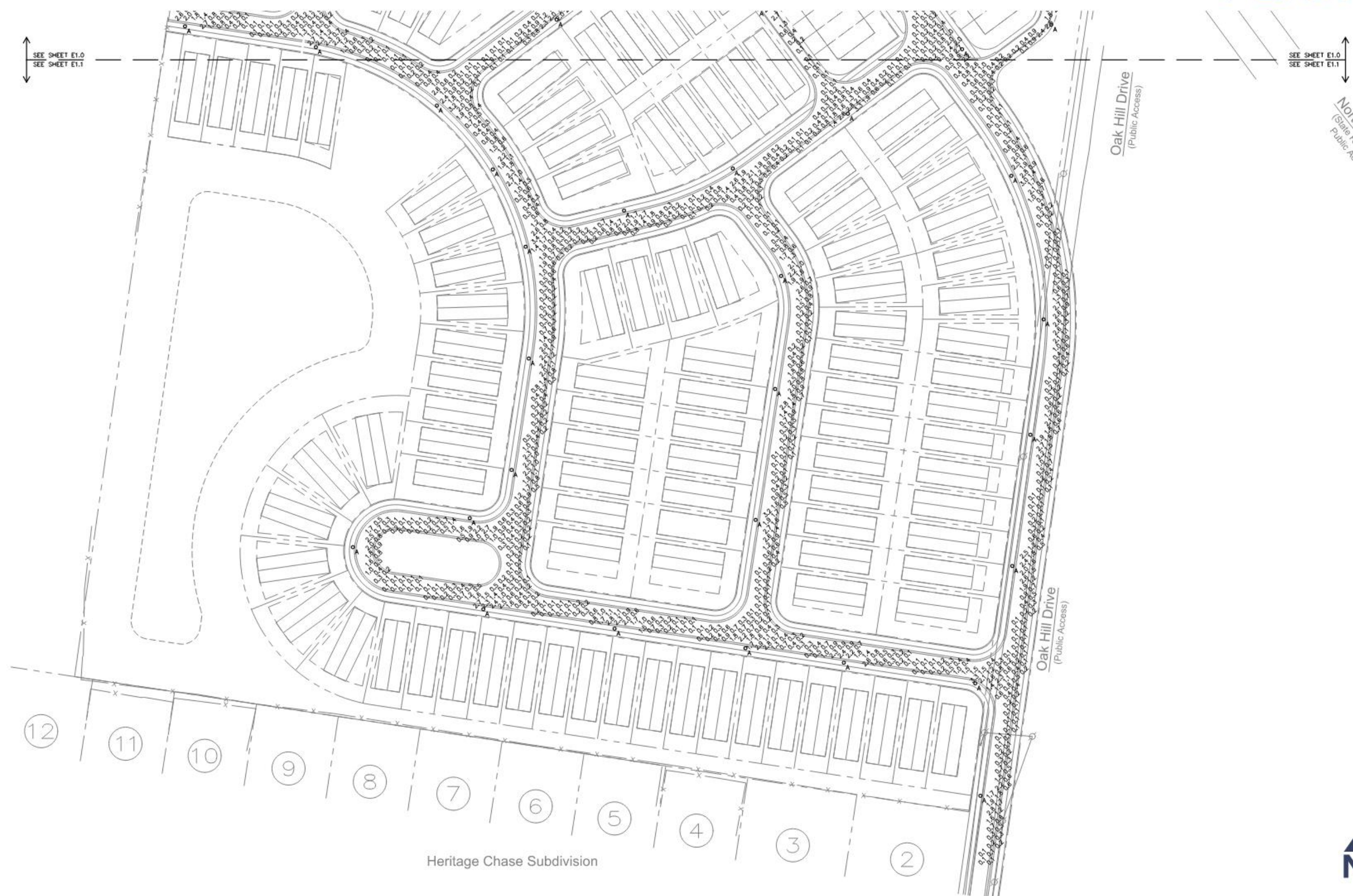
Reyes Construction Inc.



SEE SHEET E1.0
SEE SHEET E1.1

SEE SHEET
SEE SHEET

PHOTOMETRIC PLAN

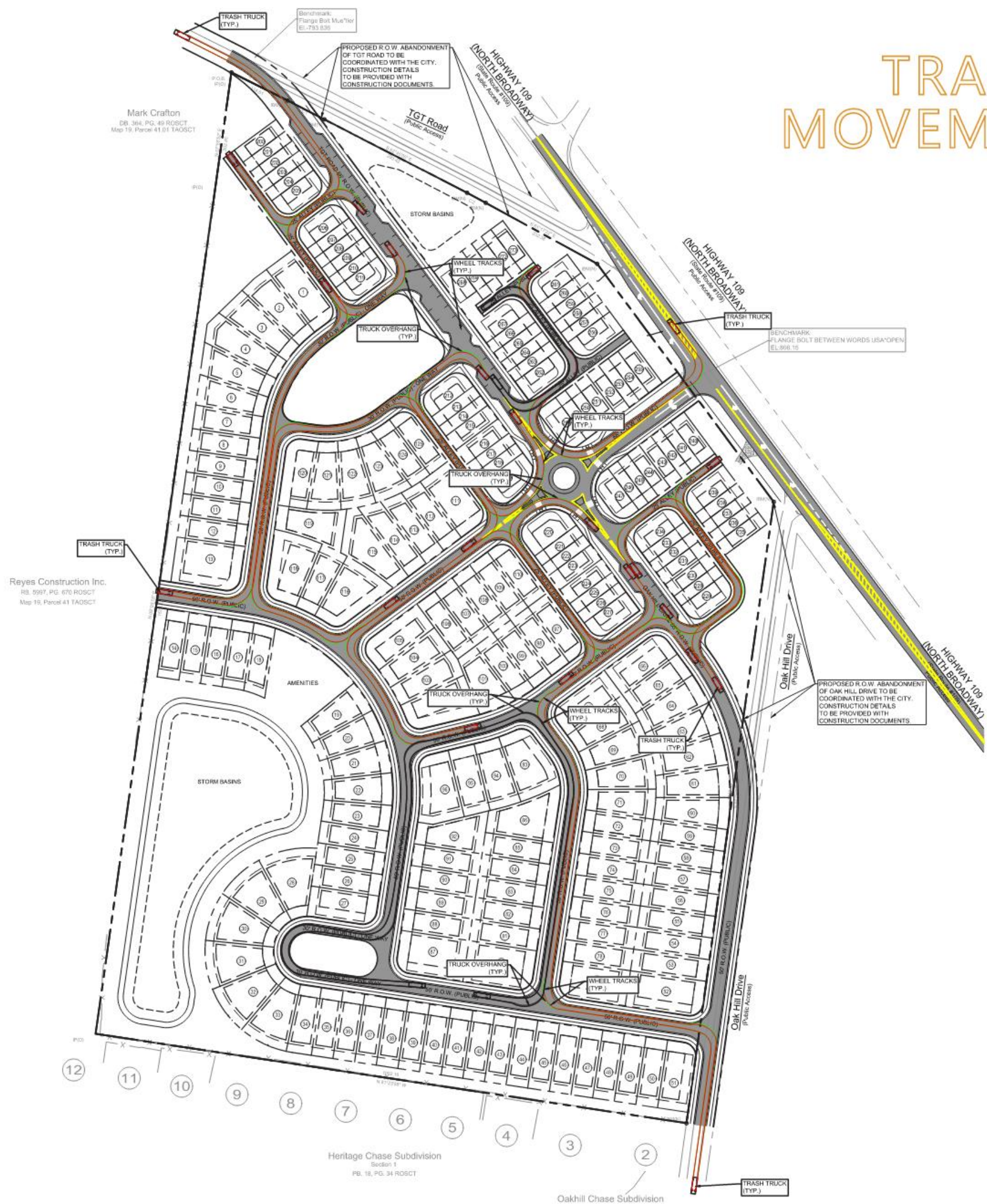


PHASING
PLAN

PHASING DATA:	
PHASE ONE:	
TOWNHOMES:	32 UNITS
SINGLE FAMILY LOTS:	29 UNITS
PHASE TWO:	
TOWNHOMES:	30 UNITS
SINGLE FAMILY LOTS:	51 UNITS
PHASE THREE:	
TOWNHOMES:	12 UNITS
SINGLE FAMILY LOTS:	45 UNITS



TRASH TRUCK MOVEMENT PLAN



CURRENT CITY & COUNTY LIMITS



PROPOSED ANNEXATION



- 1 Map 19 Parcel 40.01
- 2 Map 19 Parcel 39.01

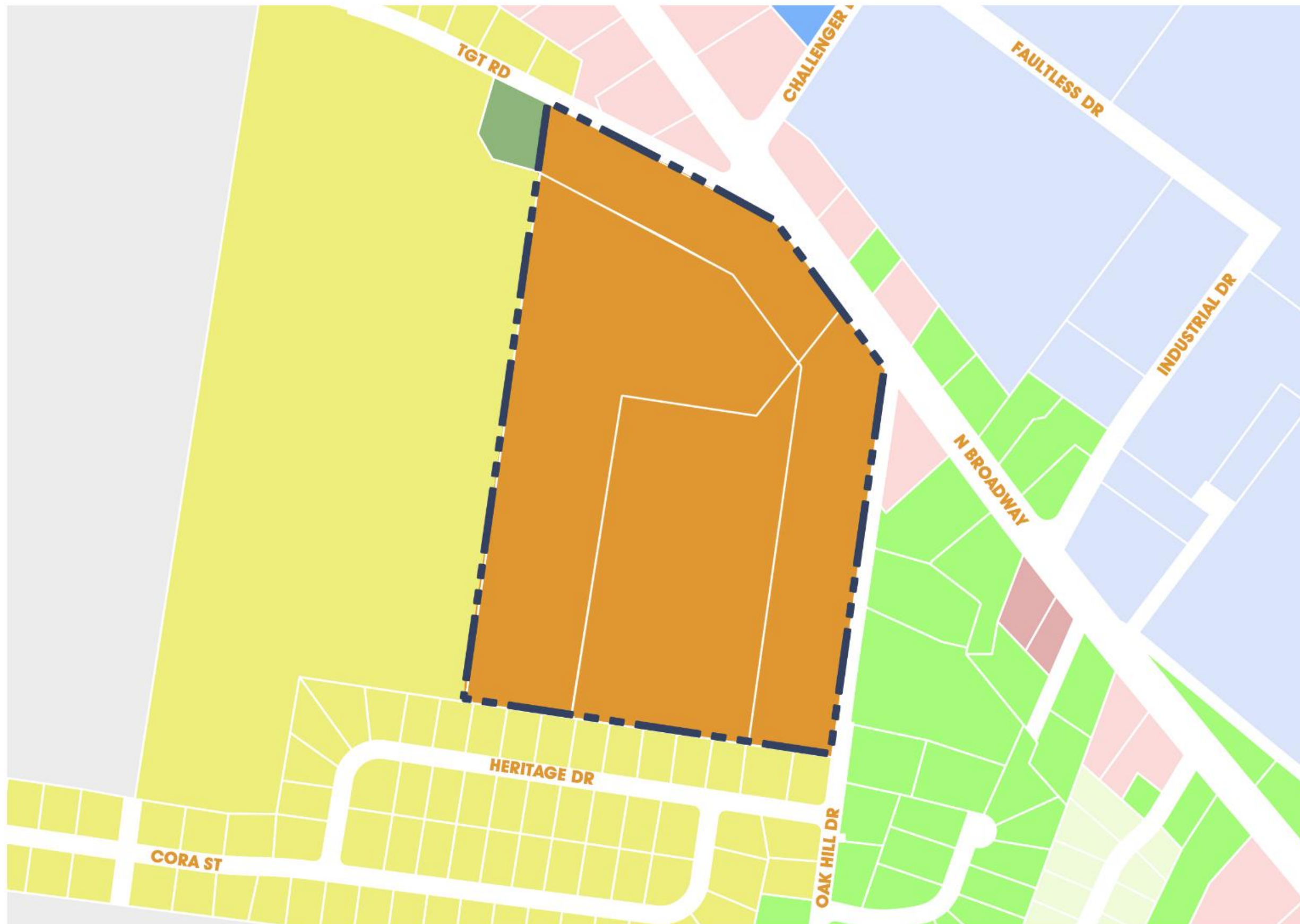
- CITY LIMITS
- SITE BORDER
- SUMNER COUNTY
- CITY OF PORTLAND
- PARCELS PROPOSED FOR ANNEXAATION

CURRENT ZONING

- COUNTY
- IG
- IR
- RM1
- R15
- RS20
- RS40
- GCS
- OPS
- PUD

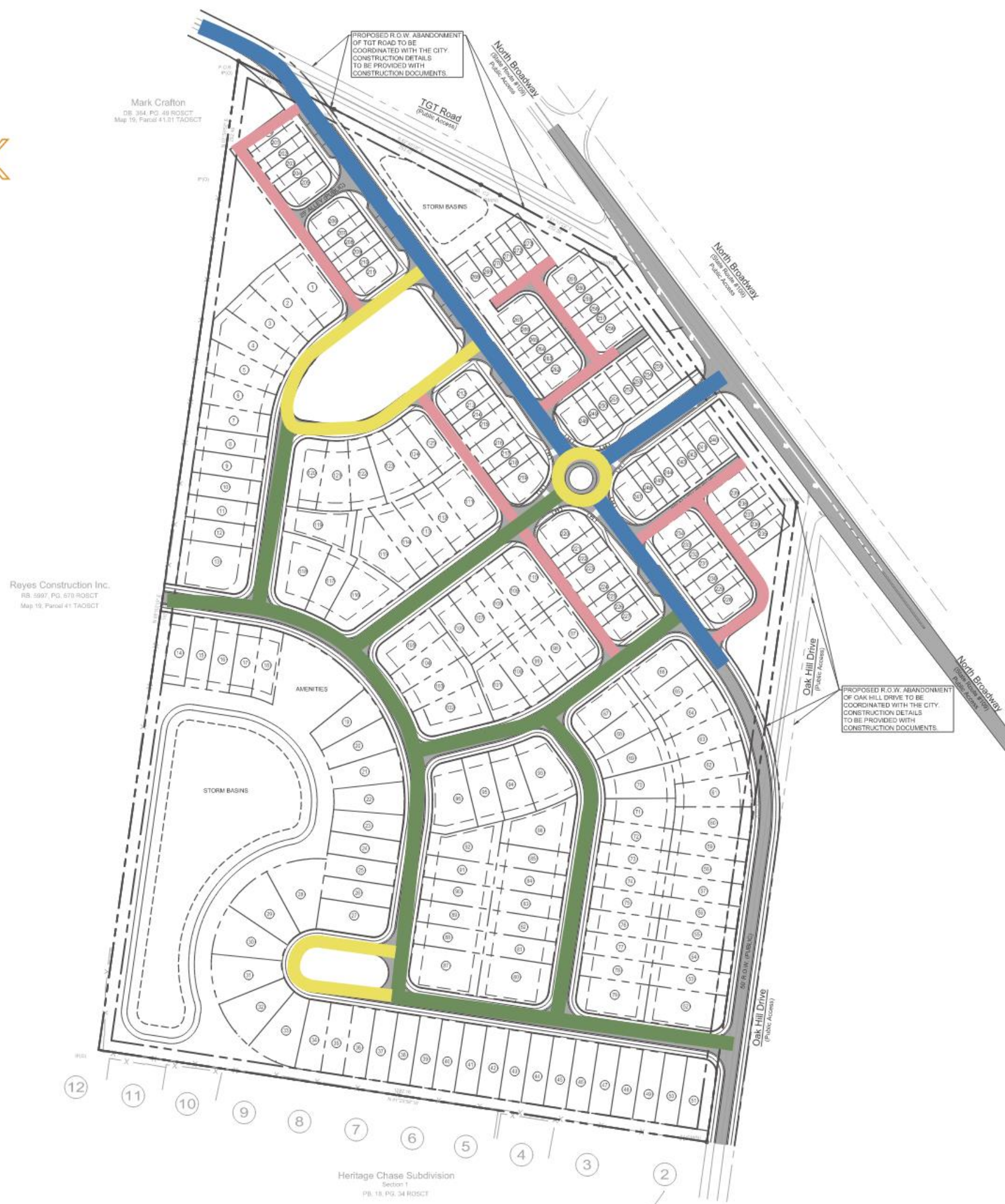


PROPOSED ZONING

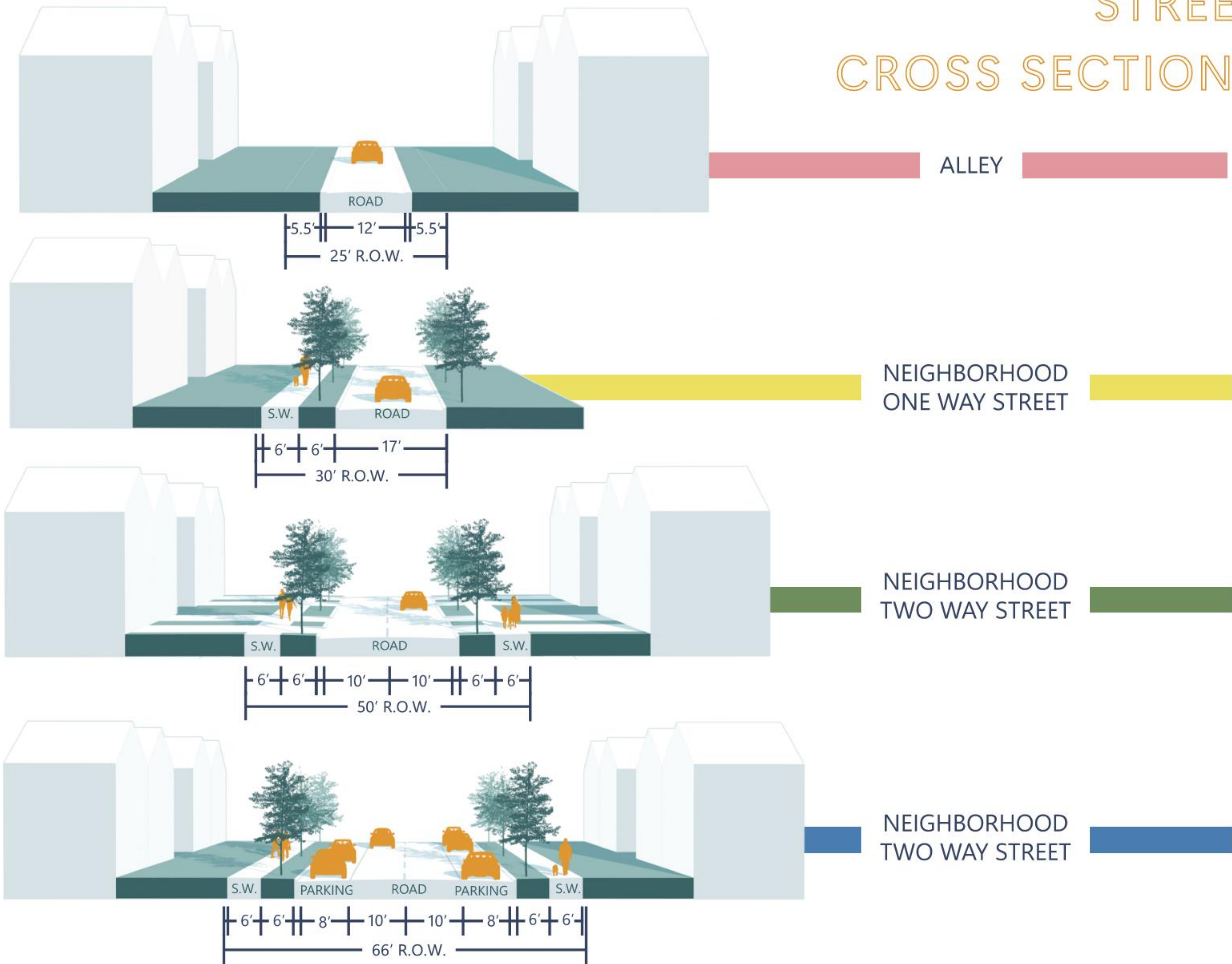


- COUNTY
- IG
- IR
- RM1
- R15
- RS20
- RS40
- GCS
- OPS
- PUD

STREET NETWORK PLAN



STREET CROSS SECTIONS



GRADING & DRAINAGE PLAN

 STORM



UTILITIES PLAN

- WATER LINE
- SEWER



LANDSCAPE PLAN

Mark Crafton
DB 364, PG. 48 ROSCT
Map 15, Parcel 41.01 TAO5CT

WEST BUFFER LENGTH: 1724'
CANOPY TREES REQUIRED: 52 TREES (1724/100 x 3)
ACCENT TREES REQUIRED: 104 TREES (1724/100 x 6)
SHRUBS REQUIRED: 587 SHRUBS (1724/100 x 34)

NORTH BUFFER LENGTH: 1047'
CANOPY TREES REQUIRED: 32 TREES (1047/100 x 3)
ACCENT TREES REQUIRED: 63 TREES (1047/100 x 6)
SHRUBS REQUIRED: 356 SHRUBS (1047/100 x 34)

BUFFER DATA:	
NORTH BUFFER LENGTH:	1047'
CANOPY TREES REQUIRED:	32 TREES (1047/100 x 3)
CANOPY TREES PROPOSED:	32 TREES
ACCENT TREES REQUIRED:	63 TREES (1047/100 x 6)
ACCENT TREES PROPOSED:	63 TREES
SHRUBS REQUIRED:	356 SHRUBS (1047/100 x 34)
SHRUBS PROPOSED:	356 SHRUBS
EAST BUFFER LENGTH:	398'
CANOPY TREES REQUIRED:	12 TREES (398/100 x 3)
CANOPY TREES PROPOSED:	12 TREES
ACCENT TREES REQUIRED:	24 TREES (398/100 x 6)
ACCENT TREES PROPOSED:	24 TREES
SHRUBS REQUIRED:	136 SHRUBS (398/100 x 34)
SHRUBS PROPOSED:	136 SHRUBS
SOUTH BUFFER LENGTH:	1093'
CANOPY TREES REQUIRED:	33 TREES (1093/100 x 3)
CANOPY TREES PROPOSED:	33 TREES
ACCENT TREES REQUIRED:	66 TREES (1093/100 x 6)
ACCENT TREES PROPOSED:	66 TREES
SHRUBS REQUIRED:	372 SHRUBS (1093/100 x 34)
SHRUBS PROPOSED:	372 SHRUBS
WEST BUFFER LENGTH:	1724'
CANOPY TREES REQUIRED:	52 TREES (1724/100 x 3)
CANOPY TREES PROPOSED:	52 TREES
ACCENT TREES REQUIRED:	104 TREES (1724/100 x 6)
ACCENT TREES PROPOSED:	104 TREES
SHRUBS REQUIRED:	587 SHRUBS (1724/100 x 34)
SHRUBS PROPOSED:	587 SHRUBS

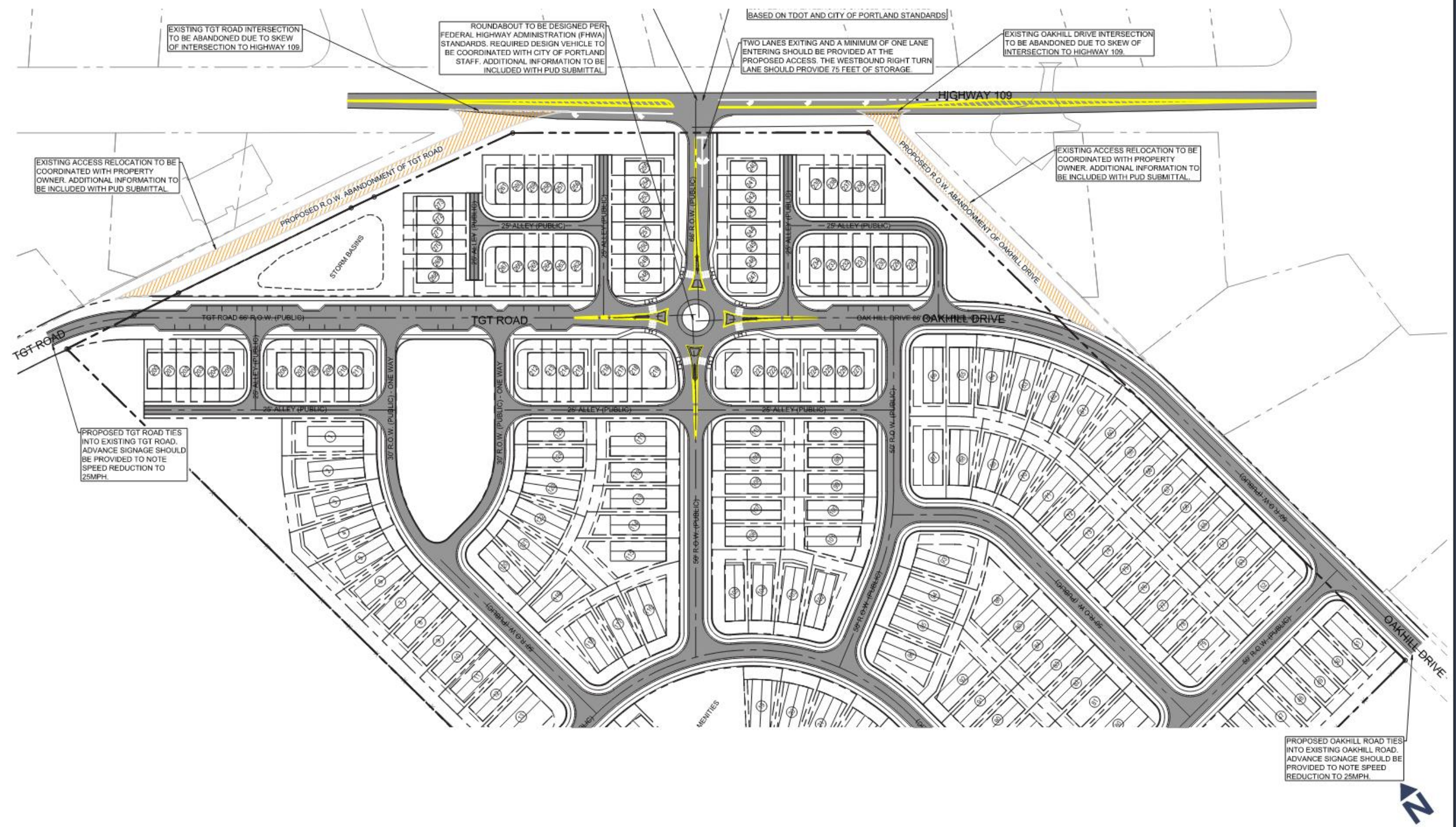
Reyes Construction Inc.
RR 5887, PG. 678 ROSCT
Map 15, Parcel 41 TAO5CT

EAST BUFFER LENGTH: 398'
CANOPY TREES REQUIRED: 12 TREES (398/100 x 3)
ACCENT TREES REQUIRED: 24 TREES (398/100 x 6)
SHRUBS REQUIRED: 136 SHRUBS (398/100 x 34)

SOUTH BUFFER LENGTH: 1093'
CANOPY TREES REQUIRED: 33 TREES (1093/100 x 3)
ACCENT TREES REQUIRED: 66 TREES (1093/100 x 6)
SHRUBS REQUIRED: 372 SHRUBS (1093/100 x 34)



ROADWAY IMPROVEMENTS PLAN



OPEN SPACE PLAN

OPEN SPACE SITE DATA:

TOTAL SITE AREA:	38.67 AC
REQUIRED USEABLE OPEN SPACE AREA:	3.87 AC (10% MIN.)
PROPOSED USEABLE OPEN SPACE AREA:	4.85 AC (12.5%)
PROPOSED PASSIVE OPEN SPACE AREA:	3.61 AC (9.4%)
REQUIRED TOTAL OPEN SPACE AREA:	7.73 AC (20% MIN.)
PROPOSED TOTAL OPEN SPACE AREA:	8.46 AC (21.9%)

LEGEND:

-  PASSIVE OPEN SPACE
-  USEABLE OPEN SPACE







PORTLAND POLICE DEPARTMENT

433 N. BROADWAY

PORTLAND, TENNESSEE 37148

Telephone 615/325-3434 ext. 701

Fax 615/325-5342

Jason Arnold, Chief of Police

EQUIPMENT REQUESTED FOR ENHANCED SECURITY MEASURES

<u>ITEM</u>	<u>AMOUNT</u>	<u>PRICE PER ITEM</u>	<u>TOTAL</u>
1. 9' STOP STICKS	30	\$519.00	\$15,570.00
2. FLOCK SECURITY TRAILER	1	\$25,000.00	\$25,000.00 YEARLY
3. PATROL RIFLES	30	\$1,749.00	\$52,470.00
4. EoTECH OPTICS	30	\$408.00	\$12,240.00
5. MMR TRAINING	SEE BELOW	SEE BELOW	<u>\$17,855.20</u>
			\$123,135.20

JUSTIFICATION FOR ENHANCED SECURITY MEASURES AND EQUIPMENT REQUEST

THE REQUESTED RESOURCES ARE ESSENTIAL FOR ENSURING OFFICER SAFETY, ENHANCING PUBLIC PROTECTION, AND MODERNIZING OUTDATED EQUIPMENT. EACH ITEM PLAYS A CRITICAL ROLE IN PREPARING THE PORTLAND POLICE DEPARTMENT TO EFFECTIVELY RESPOND TO EMERGENCIES, MITIGATE THREATS, AND MAINTAIN OPERATIONAL READINESS.

1. ITEM # 1 – 9' STOCK STICK KIT w/TRAY (30 UNITS - \$15,570.00):
 - a. ENHANCING PURSUIT AND PERIMETER SECURITY: THE DEPARTMENT'S CURRENT PURSUIT CONTROL DEVICES ARE OUTDATED AND NO LONGER WIDELY USED BY MODERN LAW ENFORCEMENT AGENCIES. UPGRADING TO THESE ADVANCED STOP STICKS WILL PROVIDE OFFICERS WITH A SAFER, MORE EFFECTIVE METHOD TO STOP FLEEING VEHICLES IN HIGH-RISK SITUATIONS.
 - b. CRITICAL FOR TERRORIST OR VEHICULAR THREATS: IN THE EVENT OF AN ACTIVE THREAT—SUCH AS A VEHICLE ATTEMPTING TO BREACH A BARRICADE OR EVADE CAPTURE—THESE DEVICES WILL ALLOW OFFICERS TO QUICKLY DISABLE THE VEHICLE, REDUCING THE RISK OF HARM TO OFFICERS AND CIVILIANS.
2. ITEM # 2 – FLOCK SECURITY TRAILER 360 DEGREE CAMERA SYSTEM (1 UNIT - \$25,000.00 PER YEAR):
 - a. REAL-TIME SITUATIONAL AWARENESS: THIS MOBILE SURVEILLANCE SYSTEM WILL PROVIDE 360-DEGREE VIDEO COVERAGE, ENHANCING SECURITY DURING SPECIAL EVENTS, HIGH-RISK OPERATIONS, AND PUBLIC GATHERINGS. THE ABILITY TO MONITOR LARGE AREAS IN REAL TIME IMPROVES THREAT DETECTION AND RESPONSE CAPABILITIES.
 - b. INTEGRATION WITH EXISTING SYSTEMS: SINCE THE DEPARTMENT ALREADY UTILIZES FLOCK CAMERAS, ADDING A MOBILE UNIT ENSURES SEAMLESS INTEGRATION, EXTENDING SURVEILLANCE REACH BEYOND FIXED LOCATIONS. THIS ALLOWS FOR BETTER CRIME PREVENTION AND INVESTIGATION CAPABILITIES.



- c. **COST-EFFECTIVE SECURITY SOLUTION:** THE YEARLY FEE COVERS ALL HARDWARE, MAINTENANCE, AND SOFTWARE TRAINING, ENSURING CONTINUOUS FUNCTIONALITY WITHOUT ADDITIONAL HIDDEN COSTS.

3. **ITEM # 3 – PATROL RIFLES (30 UNITS - \$52,470.00)**

- a. **REPLACING AGING AND OUTDATED FIREARMS:** THE DEPARTMENT’S CURRENT RIFLES—M16 A1 AND A2 MODELS—ARE 30 TO 50 YEARS OLD. THESE FIREARMS LACK MODERN CAPABILITIES, CANNOT SUPPORT ATTACHMENTS LIKE OPTICS OR LIGHTS, AND MAY BECOME UNRELIABLE DUE TO AGE.
- b. **ENSURING EVERY OFFICER HAS A STANDARDIZED, ISSUED RIFLE:** CURRENTLY, ONLY 10 OFFICERS HAVE BEEN ASSIGNED THE OUTDATED DEPARTMENT-ISSUED RIFLES, WHILE OTHERS ARE FORCED TO PURCHASE THEIR OWN OR GO WITHOUT. STANDARDIZING ISSUED WEAPONS ENSURES UNIFORMITY IN TRAINING, MAINTENANCE, AND OPERATIONAL EFFECTIVENESS.
- c. **ADDRESSING THE RISK OF BEING OUTGUNNED:** IN ACTIVE SHOOTER OR HIGH-THREAT SITUATIONS, OFFICERS MUST HAVE ACCESS TO MODERN PATROL RIFLES TO EFFECTIVELY NEUTRALIZE THREATS, PROTECT THE PUBLIC, AND ENSURE OFFICER SAFETY.

4. **ITEM # 4 – EoTECH OPTICS (30 UNITS - \$12,240.00)**

- a. **INCREASED ACCURACY AND FASTER TARGET ACQUISITION:** RED DOT OPTICS SIGNIFICANTLY IMPROVE OFFICER PERFORMANCE IN HIGH-STRESS SITUATIONS. STUDIES AND PRACTICAL EXPERIENCE SHOW THAT OFFICERS USING OPTICS ARE MORE ACCURATE AND QUICKER IN ENGAGING THREATS, REDUCING THE RISK OF STRAY ROUNDS AND COLLATERAL DAMAGE.
- b. **CONSISTENCY WITH ISSUED SIDEARMS:** THE DEPARTMENT HAS ALREADY EQUIPPED ITS GLOCK 9MM HANDGUNS WITH OPTICS, DEMONSTRATING IMPROVED MARKSMANSHIP AND TARGET ACQUISITION. EXTENDING THIS ADVANTAGE TO PATROL RIFLES ENSURES OFFICERS ARE EQUIPPED WITH THE BEST TOOLS FOR PRECISION ENGAGEMENT.

5. **ITEM # 5 – UTM MMR TRAINING (\$17,855.20)**

- a. **REALISTIC FORCE-ON-FORCE TRAINING:** TRADITIONAL TRAINING METHODS, SUCH AS STATIC RANGE SHOOTING, DO NOT FULLY PREPARE OFFICERS FOR REAL-WORLD ENCOUNTERS. SIMUNITIONS PROVIDE A SAFE, YET HIGHLY REALISTIC WAY TO TRAIN FOR ACTIVE SHOOTER SITUATIONS, MASS CASUALTY EVENTS, AND HIGH-RISK ENGAGEMENTS.
- b. **ESSENTIAL FOR TACTICAL READINESS:** TRAINING WITH MMR ROUNDS ALLOWS OFFICERS TO EXPERIENCE REALISTIC ENGAGEMENT SCENARIOS, REFINING THEIR DECISION-MAKING, COMMUNICATION, AND TEAMWORK UNDER PRESSURE.
- c. **COST-EFFECTIVE OVER TIME:** WHILE THIS IS AN UPFRONT INVESTMENT, IT REDUCES LONG-TERM COSTS ASSOCIATED WITH INEFFECTIVE TRAINING METHODS AND HELPS PREVENT COSTLY MISTAKES IN REAL-WORLD ENGAGEMENTS.



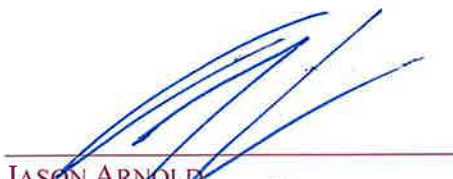
- i. 3000 (EA) 5.56 MMR RED
- ii. 3000 (EA) 5.56 MMR BLUE
- iii. 3000 (EA) 9MM MMR RED
- iv. 3000 (EA) 9MM MMR BLUE
- v. GLOCK 47T MMR KIT (QTY 10)
- vi. AR-15 MMR KIT AND MAGAZINE (QTY 10)

CONCLUSION

THIS EQUIPMENT REQUEST IS A NECESSARY INVESTMENT IN OFFICER SAFETY, OPERATIONAL EFFECTIVENESS, AND PUBLIC SECURITY. BY APPROVING THESE RESOURCES, THE PORTLAND POLICE DEPARTMENT WILL:

1. MODERNIZE OUTDATED EQUIPMENT TO ENSURE RELIABILITY AND EFFECTIVENESS IN CRITICAL SITUATIONS.
2. PROVIDE OFFICERS WITH STANDARDIZED, HIGH-QUALITY TOOLS FOR INCREASED ACCURACY AND EFFICIENCY.
3. IMPROVE TRAINING THROUGH REALISTIC FORCE-ON-FORCE EXERCISES, ENHANCING OFFICER PREPAREDNESS.
4. ENHANCE SURVEILLANCE AND INTELLIGENCE CAPABILITIES WITH A MOBILE SECURITY TRAILER FOR LARGE-SCALE EVENTS.

THIS REQUEST REPRESENTS A PROACTIVE APPROACH TO LAW ENFORCEMENT READINESS, ENSURING THE DEPARTMENT IS FULLY EQUIPPED TO HANDLE BOTH ROUTINE POLICING AND HIGH-THREAT SITUATIONS.



JASON ARNOLD
CHIEF OF POLICE
PORTLAND POLICE DEPARTMENT

ORDINANCE

City of Portland, Tennessee

No. 25 - 05

Second Reading

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE BEST BID FOR DEMOLITION, ASBESTOS REMOVAL, DISPOSAL OF BUILDING AND PARKING LOT PREP LOCATED AT 205 S BROADWAY PORTLAND, TN 37148 (aka-Jenkins Bldg).

WHEREAS, the following seal bids were properly solicited and received by January 31, 2025, for the demolition, asbestos, removal and disposal of building and parking lot prep located at 205 S Broadway Portland, TN 37148; and

Company Name	Contract A	Contract B	Contract C	Total Cost Amount
Arnett Built LLC	\$59,750.00	\$178,000.00	\$84,900.00	\$322,650.00
Thomas Environmental Service	\$30,000.00			\$30,000.00
MDI Const.	\$68,000.00	\$94,606.25	\$118,981.25	\$281,587.50
Stratton-Taylor Builders LLC		\$123,500.00		\$123,500.00
Perdue Trucking & Excavating			\$65,400.00	\$65,400.00
Z & S Demo		\$44,560.00	\$78,840.00	\$123,400.00
BJB Const.	\$112,020.00	\$100,292.00	\$12,800.00	\$225,112.00
Design Construction & Door Services Inc.	\$55,000.00	\$126,500.00	\$90,000.00	\$271,500.00
TPM Inc.		\$77,790.00	\$81,250.00	\$159,040.00

WHEREAS, the City of Portland hereby recommends the acceptance of the best bid from Thomas Environmental Services for Contract A and Z & S Demolition LLC for Contract B and Perdue Construction and Excavating for Contract C.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Portland that the bids for each contract be accepted and contracts be entered into for the demolition, asbestos removal, disposal of building and parking lot prep; and

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon its passage, the public welfare requiring it.

Mike Callis, Mayor

Attest: Tracy Kizer, City Recorder

Passed First Reading: February 3, 2025
Passed Second Reading:

ORDINANCE

City of Portland, Tennessee

No. 25 - 03

Second Reading

AN ORDINANCE TO AMEND ORDINANCE 22-14 (PORTLAND SEWER USE ORDINANCE) TO ADD A NEW FATS, OILS, AND GREASE (FOG) MANAGEMENT POLICY AND ENFORCEMENT RESPONSE GUIDE (ERG) FOR FOOD SERVICE ESTABLISHMENTS AND GREASE WASTE HAULERS AND RESCIND AND REPLACE THE EXISTING FOG MANAGEMENT PROGRAM

WHEREAS, the Fats, Oils, and Grease Management Policy is to protect the City of Portland's wastewater collection systems, pumping stations, and treatment works from the discharge of excess fats, oils, and grease (FOG) by ensuring that Food service Establishments (FSE) are in compliance with the requirements of the City of Portland Sewer Use Ordinance 22-14 Sections 18-202 through 18-205 and;

WHEREAS, the Enforcement Response Guide (ERG) for Food Service Establishments (FSEs) and Grease Waste Haulers (GWHs) was developed to ensure consistent enforcement response to all FSEs and GWH companies that operate in the City of Portland (City) jurisdiction. This ERG includes responses to fats, oils, and grease (FOG) related violations of the City of Portland Sewer Use Ordinance and;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Portland to adopt the Fats, Oils, and Grease Management Policy and the Enforcement Response Guide for Food Service Establishments and Grease Waste Haulers to improve the Wastewater Treatment Plant's Pretreatment Program and;

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon its passage, the public welfare requiring it.

Mike Callis, Mayor

Attest: Tracy Kizer, City Recorder

Passed First Reading: February 3, 2025

Passed Second Reading:

FATS, OILS, & GREASE (FOG) MANAGEMENT POLICY



PORTLAND WASTEWATER DEPARTMENT
124-D MORNINGSIDE DRIVE
PORTLAND, TN 37148

January 2025

Scope & Purpose:

The purpose of this policy is to protect the City of Portland’s wastewater collection systems, pumping stations, and treatment works from the discharge of excess fats, oils, and grease (FOG) by ensuring that Food service Establishments (FSE) are in compliance with the requirements of the City of Portland Sewer Use Ordinance 22-14 Sections 18-202 – 18-205.

The accumulation of FOG in the collection system causes blockages which may lead to Sanitary Sewer Overflows (SSO). SSOs can lead to the degradation of water quality in the receiving waterbody, adversely impact City operations, and cause violations of the Clean Water Act (CWA). FOG blockages may also cause sewer back-ups into homes and businesses thereby causing property damage and disruption of business activities.

Authority:

The authority for this policy and its enforcement is contained in the City of Portland Sewer Use Ordinance 22-14.

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I. Definitions:

1. Authorized Representative of the Food Service Establishment: a person who may be
 - a. The Owner, or
 - b. General Manager, or
 - c. Manager, or
 - d. Duly authorized representative of the individual designated in this definition if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
2. Additives: Include, but are not limited to, products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes and bacteria.
3. City or Department: City of Portland. For the purposes of this policy, the City shall be used interchangeably to reference the City of Portland and Portland Water and Sewer Systems, or any representative thereof.
4. Fats, Oils, & Grease (FOG): Organic compounds derived from animal and/or plant sources. FOG may be referred to as “grease” or “greases” in this section.
5. Food Service Establishment (FSE): Any establishment, business, facility or user engaged in preparing, serving, or making food available for consumption. Single family residences are not a FSE. FSEs will be classified as follows:

Class 1: Deli – engaged in the sale of cold-cut and microwaved sandwiches/subs with no frying or grilling on site, ice cream shops and beverage bars as defined by North American Industry Classification System (NAICS) 722515 with the exception of doughnut shops with on premise baking (Class 2), day care facilities (minimum classification depending on menu, food preparation, and number of meals served) as defined by NAICS 624410, and Mobile Food Vendors as defined by NAICS 722330

Class 2: Limited-Service Restaurants (i.e. fast food facilities, drive-in, carry-out) as defined by NAICS 722513, day care facilities (maximum classification depending on menu, food preparation, and number of meals served), as defined by NAICS 624410, caterers as defined by NAICS 722320.

Class 3: Full Service Restaurants as defined by NAICS 722511

Class 4: Buffet and Cafeteria Facilities as defined by NAICS 722514

Class 5: Institutions (i.e. Schools, Hospitals, Prisons, etc) as defined by NAICS Classifications 611110, 611310, 623110, 623311, 623312, 722310, 813110, and 922140.
6. Grease (Brown): Fats, oils and grease that is discharged to the grease control equipment or is from kitchen or food prep wastewater.
7. Grease (Yellow): Fats, oils and grease that has not been in contact or contaminated from other sources (water, wastewater, solid waste, etc.) and can be recycled.
8. Grease Control Equipment (GCE): Devices for separating and retaining FSE wastewater FOG prior to entering the Portland sewer system. The GCE is constructed to separate and trap or hold fats, oils and grease substances from entering the Portland sewer system. GCE should only receive kitchen wastewater. Devices include grease interceptors, grease traps, or other devices approved by the Director.
9. Grease Interceptor (GI): GCE identified as a large multi-compartment tank, usually 1,000 gallon to 2,000-gallon capacity with proper inlet and outlet T’s, and other necessary components, that provides FOG control for a FSE. No sanitary wastewater (black water) line should be connected to the grease interceptor. Grease interceptors shall be located outside the FSE, unless special circumstances allow basement installation.
10. Grease Trap: GCE identified as an “under the sink” trap, a small container with baffles, or a floor trap. For a FSE approved to install a grease trap, the minimum size requirement is the equivalent of a 20-

gallon per minute/40 pound capacity trap. Grease traps shall have flow restrictor and a vent pipe installed. No dishwasher, or sanitary wastewater (black water), line shall be allowed to be connected to a “under the sink” or a floor grease trap.

11. Grease Recycle Container: A container used for the storage of yellow grease.
12. NAICS: North American Industry Classification System, using 2012 (or latest) classifications. The website is found at: <http://www.census.gov/epcd/www/naics.html>.
13. Series: (Grease Interceptors Installed in Series): Grease interceptor tanks installed one after another in a row and connected by plumbing pipe.
14. Sewer Use Ordinance: City of Portland, TN Ordinance No. 22-14, Sections 18-201 – 18-205
15. T or Tee (Influent & Effluent): A T-shaped pipe extending from the ground surface below grade into the grease interceptor to a depth allowing recovery (discharge) of the water layer located under the layer of FOG. Influent & effluent T’s are to be made of PVC – schedule 40 or equivalent material. Influent T’s should extend 2/3 of the grease interceptor water depth, and effluent T’s should extend to within 12” of the bottom of the interceptor tank to prevent short-circuiting.
16. Water (Black): Wastewater containing human waste, from sanitary fixtures such as toilets and urinals.
17. Water (Gray): Wastewater other than black water as defined in this section.

II. Schedule for Compliance with the FOG Management Policy:

FSEs discharging to the Portland collection system are subject to this FOG Management Policy. GCE shall be installed, operated, and repaired solely at the owner/operator’s expense.

New construction of FSEs shall be in full compliance with the policy before commencing operations. FSEs undergoing extensive remodeling shall be in full compliance with the policy before recommencing operations after the remodeling work is completed.

III. General Requirements:

1. All existing Food Service Establishments (FSEs) are required to have grease control equipment (GCE) installed, maintained, and operating properly, in accordance with this FOG Management Policy unless a variance from this requirement has been granted by the Director.
2. All FSEs will be required to maintain records of cleaning and maintenance of GCE. GCE maintenance records include, at a minimum, the time and date of cleaning/maintenance, company or person conducting the cleaning/maintenance, the estimated or actual volume (in gallons) of grease wastewater removed, and the final disposal location. A grease waste hauler completed manifest will meet this requirement. GCE maintenance records will be maintained by the FSE for a period of three (3) years and be available at the FSE premises for Department personnel, or their representative, to review.
3. GCE design and construction plans for new FSEs, or upgrades to existing FSEs, shall be approved by the City prior to connection to the public sewer.
4. The return of gray water back into the Grease Interceptor from which the waste was removed is prohibited.
5. Waste removed from GCE shall be disposed of at a facility permitted and authorized to receive such waste in accordance with applicable federal, state and local laws and regulations. Pumped

waste shall not be discharged to a private or public sewer unless as permitted above.

6. It shall be a violation of the Portland Sewer Use Ordinance to push or flush the non-water portion of GCE into the public sewer.
7. No FSE shall discharge oil and grease in concentrations that cause a violation of the Portland Sewer Use Ordinance.
8. FSEs shall dispose of yellow grease in an approved container, or recycle container, and the contents shall not be discharged to any storm water grate, drain or conveyance. Yellow grease, oils or grease poured or discharged into the FSE sewer lines or Portland sewer system is a violation of the Portland Sewer Use Ordinance.
9. All existing and/or permitted FSEs must notify the Department, in writing, prior to any change in ownership, location, or significant change in operation.
10. The Department may require that the FSE install monitoring or additional pretreatment equipment deemed as necessary for compliance with this policy and/or the City of Portland Code of Ordinances.

IV. Grease Control Equipment Plans Review

Any new food service establishment, upgrading of an existing food service establishment, or change of ownership of existing food service establishment will be required to install and maintain City of Portland approved grease control equipment. Food service establishments in all FSE Class (Class 1 through 5, see *Section VI. Grease Control Equipment Sizing*) categories must submit a grease control equipment plans review application to the City.

The City will review GCE sizing information received from the submitted Grease Control Inquiry Form. The City will decide to approve, or require additional grease interceptor volume, based on the type of FSE, the number of fixture units, and additional calculations.

1. The discharge from the following fixtures shall be plumbed to the Grease Interceptor: all sinks (Pre-rinse sink for the dishwasher, 3-compartment, 2-compartment, vegetable prep sink, mop sinks, floor sinks, etc), floor drains in food preparation and storage areas, food waste grinders, dishwashers, and other kitchen fixtures through which grease may be discharged.
2. Only one kitchen fixture unit may be connected to an “under the sink”, or “floor” Grease Trap, unless the Department approves multiple kitchen fixtures can be attached to the trap. If additional fixture units require GCE, and there is no available area to install an outdoor grease interceptor, then a separate grease trap shall be installed for each fixture unit. Fixture units that can be attached to grease traps include: 3 compartment sinks, 2 compartment sinks, and pre-rinse sinks. Automatic dishwashers shall not be connected to an under-the-sink grease trap.
3. New construction of FSEs shall have separate sanitary (restroom) and kitchen process lines. The kitchen process lines shall be plumbed to appropriately sized GCE. No sanitary wastewater or stormwater shall be plumbed to the GCE.
4. When an existing building and/or building’s plumbing is being renovated and the facility is a FSE, internal plumbing shall be reconstructed to separate sanitary (restroom) flow from kitchen process flow. Sanitary flow and kitchen process discharges shall be approved separately by the City and shall discharge from the building separately. The kitchen process line(s) shall be plumbed

to appropriately sized GCE. Kitchen process lines and sanitary lines may combine prior to entering the public sewer; however, the lines cannot be combined until after the GCE.

5. New Multi-Unit Facilities:

New multi-unit facility, or new “strip mall” facility, owners shall contact the City prior to conducting private plumbing work at the multi-unit facility site. Multi-unit facility owners, or their designated contractor, shall have plans for separate private wastewater lines for kitchen and sanitary wastewater for each “individual” unit. In addition, the plans shall identify “stub-out” locations to accommodate a minimum 1,000 gallon grease interceptor for each unit of the multi-unit facility. New multi-unit facility, or new “strip mall” facility owners shall consider suitable physical property space and sewer gradient that will be conducive to the installation of an exterior, in-ground GI when determining the building location.

FSEs located in a new multi-unit facility shall have a minimum of a 1,000 gallon grease interceptor installed, unless that FSE is identified as a Class 1 facility. Class 1 FSE facilities are exempt from the requirements to install grease interceptors/traps. Sanitary wastewater, or black water, cannot be connected to GCE.

6. Approval of Grease Control Equipment: All new FSEs and FSEs that have upgraded their facilities must contact the Department for final approval of the grease control equipment. This will include onsite inspection of the grease control equipment by the Department, or their authorized representative. In addition to the final inspection, rough-in inspections may be required in some cases. Failure of the FSE to contact the Department to conduct the inspection of the new GCE can result in enforcement action.
7. Exemptions from the Requirement to Install GCE: Single service kitchens with no onsite food preparation (heat and serve only), and which use only disposable service ware (utensils) will not be required to install grease control equipment. The establishment must complete and submit a Grease Control Inquiry Form to the City in order to be considered for an exemption.
8. No automated grease trap devices are allowed to be installed.
9. Variance to Grease Interceptor Installation: At the discretion of the Director, some FSEs may receive a variance from the required installation of a grease interceptor.

V. Grease Control Equipment Sizing

1. Minimum acceptable size of grease control equipment for each FSE Classification will be as follows:

Class 1: Delis, Ice Cream shops, Beverage Bars, Day Care Facilities (minimum classification) - **20gpm/40 pound Grease Trap** (NAICS 722515, 722330). Exception to Class 1 are doughnut shops with on premise baking and large coffee shops, which are classified as Class 2 facilities.

Class 2: Limited-Service Restaurants/ Carry-out / Caterers / Day Care Facilities (maximum classification)/Full-Service Restaurants (minimum classification)/Buffet Cafeteria Facilities (minimum classification) - **1,000 gallon Grease Interceptor** (NAICS 722513, 722320, 624410).

Class 3: Full-Service Restaurants (maximum classification) - **1,500 gallon Grease Interceptor** (NAICS 722511).

Class 4: Buffet and Cafeteria Facilities (maximum classification) - **2,000 gallon Grease Interceptor** (NAICS 722514)

Class 5: Institutions (Schools, Hospitals, Nursing Homes, Prisons, etc.) - **2,000 gallon Grease Interceptor** (NAICS 611110, 611310, 623110, 623311, 623312, 722310, 813110, 922140)

A variance to the above minimum sizes may be granted by the Department if proper justification is provided.

2. Grease Interceptor minimum size will be 1,000 gallon capacity, and maximum size will be 2,000 gallon capacity. If additional capacity is required, the FSE shall install multiple interceptors in series.
3. Grease interceptors installed in series shall be installed in such a manner to always ensure positive flow between the tanks. Therefore, tanks shall be installed so that the inlet invert of each successive tank shall be a minimum of 2 inches below the outlet invert of the preceding tank.
4. Tanks installed in series shall have adaptors or gaskets or flexible transition couplings used as piping connections between grease interceptors installed in series constructed of a minimum of schedule 40 PVC.
5. **NOTE FOR FOOD GRINDERS and DISHWASHERS:** Where food waste grinders and/or automatic dishwashers are installed, the GI size shall be increased by 30% of the sizing requirement. Automatic dishwashers' discharge is allowed to not be connected to the grease interceptor. No other kitchen fixture unit may bypass the grease interceptor, only the automatic dishwasher.

VI. Grease Interceptor (GI) Design and Installation

Piping Design

1. The inlet and outlet piping shall have 2-way cleanout tees installed.
2. The inlet piping shall enter the receiving chamber 2 1/2" above the invert of the outlet piping.
3. On the inlet pipe, inside the receiving chamber, a sanitary tee of the same size pipe in the vertical position with the top unplugged shall be provided as a turndown. To provide air circulation and to prevent "air lock", a pipe (nipple) installed in the top tee shall extend to a minimum of 6" clearance from the interceptor ceiling, but not less than the inlet pipe diameter. A pipe installed in the bottom of the tee shall extend to a point of 2/3 the depth of the tank. See Figure V.
4. The outlet piping shall be no smaller than the inlet piping, but in no case smaller than 4" ID.
5. The outlet piping shall extend to 12" above the floor of the interceptor and shall be made of a non-collapsible material. The top of the outlet T pipe should be no less than 4" above the static water line.
6. The outlet piping shall contain a tee installed vertically with a pipe (nipple) installed in the top of the tee to extend to a minimum of 6" clearance from the interceptor ceiling, but not less than the pipe diameter, with the top open. **See Figure V.**

Baffles

1. The inlet compartment shall be 2/3 of the total liquid capacity with the outlet compartment at 1/3 liquid capacity of the interceptor.
2. The grease interceptor shall have a non-flexing (i.e. Concrete, steel, etc.) baffle the full width of the interceptor, sealed to the walls and the floor, and extend from the floor to within 6" of the ceiling. The baffle shall have an inverted 90-degree sweep fitting at least equal in diameter size to the inlet piping, but in no case less than 6" ID. The bottom of the sweep shall be placed in the vertical position in the inlet compartment 12" above the floor. The sweep shall rise to the horizontal portion, which shall extend through the baffle into the outlet compartment. The baffle wall shall be sealed to the sweep.
See Figure V.

Access Openings (Manholes)

1. Access to grease interceptors shall be provided by a minimum of one manhole per interceptor division (baffle chamber) and of 24-inch minimum dimensions terminating 1 inch above finished grade with cast iron frame and cover. At minimum a Concrete/Hot Mix Asphalt Pad (as per City Specification) that extends at least 3 feet beyond the edge of the excavated area will be required for all grease interceptor installations. One manhole shall be located above the inlet tee hatch and the other manhole shall be located above the outlet tee hatch, so as to provide a clear view of both the inlet and outlet T for inspection. A minimum of 24" of clear opening above each manhole access shall be maintained to facilitate maintenance, cleaning, pumping, and inspections.
2. Access openings shall be mechanically sealed and gas tight to contain odors and bacteria and to exclude vermin and ground water, in a manner that permits regular reuses.
3. The manholes are to be accessible for inspection. Manhole covers shall be secure, sturdy and able to withstand vehicle traffic and loading.

Leak Testing

GIs shall comply with the following:

Water test - Seal the interceptor, fill with water raised to the flow-line of the outlet fitting, and let stand for a minimum of 1 hour. There shall be no visible leakage. Prefabricated concrete gravity grease Interceptors shall not be rejected for damp spots due to condensation on the exterior surface.

If the tank(s) fails to meet the testing described above, it shall be repeated with new samples. Test reports shall show total number of tanks tested, number passing, number failing, and reason for failure.

Location

1. GIs shall be located so as to be readily accessible for cleaning, maintenance, and inspections. GIs shall be located close to the fixture(s) discharging the greasy wastestream. GIs shall not be installed in "drive-thru" lanes or a parking area.
2. GIs shall be installed at a minimum distance of 10 feet from sinks and dishwashers to allow adequate cooling of wastewater. The influent to GIs shall not exceed 140 degrees Fahrenheit (140° F).

Construction Material

1. GIs shall be constructed of sound durable materials, not subject to excessive corrosion or decay, and shall be water and gas tight. Each GI shall be structurally designed to withstand any anticipated load to be placed on the GI (i.e. vehicular traffic in parking or driving areas). Concrete is the standard material approved, however, the Director will consider other materials, such as fiberglass or plastic grease interceptors, if a professional engineer provides calculations and evidence that the device will meet the requirements and not be a danger to the public or environment.

Note: Concrete materials and other grease interceptor materials shall meet the American National Standards Institute, Inc. (ANSI) and International Association of Plumbing and Mechanical Officials (IAPMO) standards.

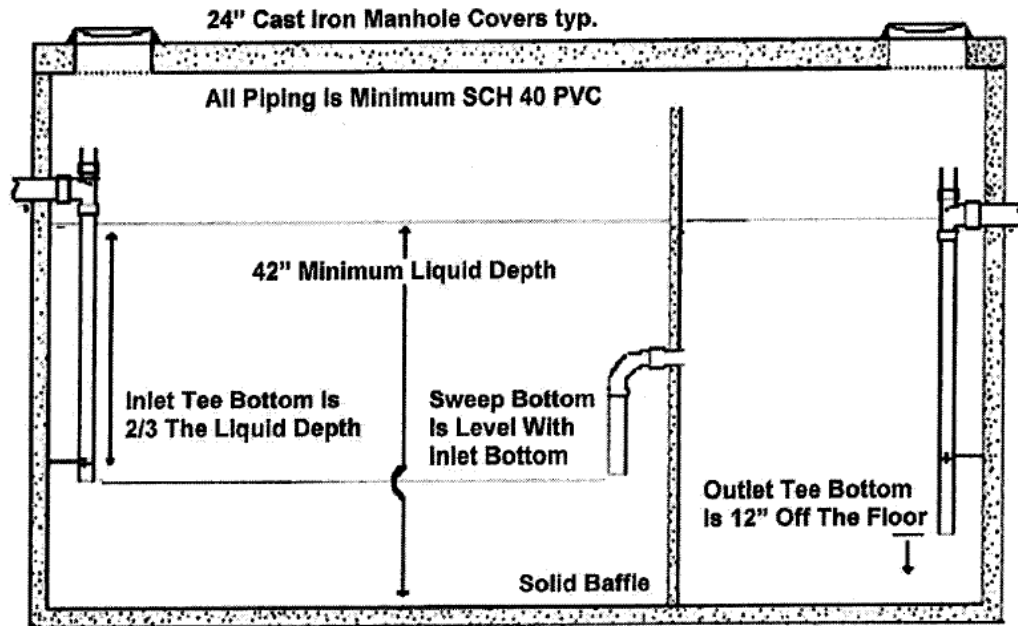
ANSI and IAPMO Concrete Materials Requirements as per IAPMO/ANSI Z1001-2007 document are:

- **Concrete:** Material requirements shall comply with the “Materials and Manufacture” section of ASTM C 1613 and shall have a minimum compressive strength of 4000 psi (28 MPa) at 28 days of age and shall have a maximum water to cementitious ratio (w/c) of 0.45.
- **Sealants:** Flexible sealants employed in the manufacture or installation of tanks shall comply with ASTM C 990. Rigid (mortar) sealing or grout sealant of tank sections shall not be permitted.
- **Lifting:** Lifting devices, embedded or otherwise attached to the tank, shall comply with the requirements of ASTM C 890.
- **Synthetic fiber-reinforced concrete tanks:** Polypropylene or polyolefin fibers are only permitted as a secondary reinforcing material, at the manufacturer’s option, in precast concrete septic tanks. For purposes of this standard, secondary reinforcing material is only used to resist temperature and shrinkage effects. Only fibers of Type III conforming to the requirements of ASTM C 1116 shall be accepted.
- **Steel fiber-reinforced concrete tanks:** Steel fibers are only permitted as a secondary reinforcing material, at the manufacturer’s option, in prefabricated septic tanks. For purpose of this standard, secondary reinforcing material is only used to resist temperature and shrinkage effects. Steel fibers shall meet the requirements of ASTM A 820.
- **Fiberglass-reinforced polyester.** Fiberglass reinforced polyester prefabricated gravity grease interceptors shall comply with the requirements for fiberglass – reinforced polyester septic tanks in paragraph 4.2 of IAPMO/ANSI Z1000.
- **Gaskets:** Gaskets shall be of a resilient material, resistant to attack by acids or alkalies that may be present in soils or sewage. The manufacturer shall specify the appropriate ASTM standards that the gasket material meets and the acids or alkalies that the material is resistant to.
- **Polyethylene:** Polyethylene prefabricated gravity grease interceptors shall comply with the requirements for polyethylene septic tanks in paragraph 4.3 of IAPMO/ANSI Z1000.
- **Coated steel:** Interior steel tank walls shall be coated with material complying with the requirements of UL 58 and UL 1746 and manufactured per the requirements of the Steel Tank Institute (STI).

Marking and Identification

1. Prefabricated gravity grease interceptors shall be permanently and legibly marked with the following:
 - Manufacturer's name or trademark, or both
 - Model number

- Capacity
 - Month and year of manufacture
 - Load limits and maximum recommended depth of earth cover in feet; and Inlet and outlet.
2. Marking shall appear on a plate that has been permanently attached, molded, cast, or wet set onto the interceptor, located either on the left hand side of the inlet or on top of the interceptor near the inlet. Permanent markings shall be adequately protected from corrosion so as to remain permanent and readable over the life of the interceptor.
 3. Each interceptor shall be accompanied by manufacturer's installation instructions.



The tank shall be of a monolithic body design, separated by a solid baffle into 2/3 total capacity inlet chamber and 1/3 total capacity outlet chamber. It shall have 24" access ways over each drop tee. Flow through the baffle will be provided by a 90 degree sweep. All perforations and seams shall be sealed with hydraulic cement or welded. All piping shall be a minimum of schedule 40 PVC solvent welded; pipe clamps and/or hangers may be required. All parts of the system shall be made water and gas tight from two way cleanout upstream of tank to two way cleanout downstream of tank including any risers to grade; proper venting allowed.

Figure V. Grease Interceptor

Substandard GCE:

In the event an existing FSE's GCE is deemed by the Director to be either undersized or substandard in design, the FSE owner(s) will be notified in writing by a Representative from the Department of Utilities of the deficiencies and required improvements and given a compliance deadline not to exceed six (6) months to comply.

VII. Grease Interceptor Cleaning/Maintenance Requirements:

1. Grease interceptors must be pumped-in-full when the total accumulations of surface FOG (including floating solids) and settled solids reaches twenty-five percent (25%) of the grease interceptor's overall liquid depth. This criterion is referred to as the "25 Percent Rule". At no time, shall the cleaning frequency of the grease interceptor exceed 90 days, unless approved by the Director. Some existing FSEs in Class 2 through 5 will need to consider a 30-day pumping frequency or a 60-day pumping frequency to meet the 25 Percent Rule requirement. Food Service Establishments shall utilize Department approved grease waste hauler companies for pumping/cleaning grease interceptors.
2. Partial pump of interceptor contents or on-site pump & treatment of interceptor contents will **not** be allowed due to reintroduction of fats, oils and grease to the interceptor and pursuant to the Code Federal Regulation 40 CFR403.5(b)(8), which states "Specific prohibitions. In addition, the following pollutants shall not be introduced into a POTW: Any trucked or hauled pollutants, except at discharge points designated by the POTW".
3. **All FSEs in the Portland jurisdiction must have a certified grease waste hauler or plumber complete a grease interceptor certification annually.** The grease interceptor certification must be signed by the FSE owner or authorized representative. If a grease interceptor certification fails, then the FSE owner or authorized representative must provide a corrective action response to the Director. The corrective action response will identify the reason for the failure, what corrective action will be taken to correct the problem, and the date the corrective action will be completed.
4. Special pumping frequency approval may be granted by the Director, on a case-by-case basis, for unusual circumstances.
5. Grease interceptor effluent-T will be inspected during cleaning and maintenance and the condition noted by the grease waste hauler's company or individual conducting the maintenance. Effluent-T's that are loose, defective, or not attached must be repaired or replaced immediately.

VIII. Grease Trap Requirements:

1. Grease traps must have the Plumbing Drainage Institute certification. The minimum acceptable size is rated at 20 gallons per minute / 40 pounds capacity. All grease traps shall be installed as per manufacturer's specifications, which include the flow restrictor and venting prior to the discharge entering the grease trap.
2. **All** grease traps shall have flow restrictor and vent pipe installed.
3. No dishwasher shall be connected to an under-the-sink grease trap or floor grease trap. Dishwashers will cause hydraulic overload of the grease trap.
4. Grease Traps shall be cleaned of complete fats, oils, and grease and food solids at a minimum of every two (2) weeks, unless more or less cleaning frequency is authorized by the Director. If the FOG and food solids content of the grease trap are greater than 25% of the water depth capacity of the grease trap, then the grease trap shall be cleaned every week, or as frequently as needed to prevent 25% of capacity being occupied with FOG and food solids.
5. **FSEs in the Portland jurisdiction shall have a certified grease waste hauler or plumber complete a grease trap certification annually.** The grease trap certification shall be signed by the FSE owner or authorized representative. If a grease trap certification fails, then the FSE owner or authorized representative shall provide a corrective action response to the Director. The corrective action

response shall identify the reason for the failure, what corrective action will be taken to correct the problem, and the date the corrective action will be completed.

6. Grease Traps must be non-corrodible if recessed.
7. No automatic drip or feed system additives are allowed prior to entering the grease trap.
8. During cleaning of the grease trap, the flow restrictor shall be checked to ensure it is attached and operational.
9. Grease Trap waste shall be sealed or placed in a container to prevent leachate from leaking, and then properly disposed. Grease Trap waste should not be disposed in any yellow grease recycle container.
10. Grease Trap waste shall not be mixed with yellow grease in the grease recycle container.

IX. Grease Control Equipment Certification Requirement

All establishments with grease control equipment must have their grease interceptor or grease trap inspected and certified annually. Certification can only be performed by a certified inspector approved by the City (i.e. certified grease waste hauler, certified plumber, certified engineer or contractor) that has attended and passed a Department or Metro Water Services' ***Grease Control Equipment (Grease Interceptor/ Grease Trap) Certification course or online course*** and is current. Also, some FSE managers or owners that have a grease trap installed at their FSE may be certified. Completed certification forms {Grease Interceptor Certification (Form A) or Grease Trap Certification (Form B)} must be completed and signed by the "certified" grease waste hauler or plumber, as well as the FSE owner or authorized representative, and submitted to the Department.

Portland WWTP
Attn: FOG Program
100 South Russell Street
Portland, TN 37148

Failure of a Grease Interceptor Certification or Grease Trap Certification:

The FSE owner or authorized representative is responsible for including detailed "Corrective Action Response" information on the Grease Interceptor Certification form, or the Grease Trap Certification form that is submitted to the Department. If necessary, additional pages may be attached to the certification form. At a minimum, the "Corrective Action Response" information must include the reason for the failed certification, what corrective action will be taken to address the failure, and the date the corrective action will be completed.

X. Approved Grease Waste Hauler Program

To ensure proper maintenance of grease control equipment and proper disposal of the FOG waste, the Department will maintain an "Approved Grease Waste Haulers List". Criteria for the grease waste hauler to be placed on the "Approved Grease Waste Haulers List" include, but are not limited to, the following:

- Signature of the grease waste hauler company's authorized representative and submittal to the Department of a completed "City of Portland Approved Grease Waste Hauler Agreement Form".

- The grease waste hauler agreement will include grease waste hauler reporting requirements to the Department, making records available to Department personnel, or their authorized representative, for audit. Failure to meet any of the grease waste hauler agreement will result in removal of the grease waste hauler from the “Approved Grease Waste Haulers List”, and/or enforcement action.
- The grease waste hauler employees that will be completing the food service establishment grease control equipment certification forms must attend a Department Grease Control Equipment Certification Class or online class, and pass the GCE class test; or the Department will allow grease waste hauler employees to provide proof of passing (certification card copy or online class certificate) a GCE certification class at Metro Water Services, Nashville, TN.

XI. Accidental Discharge Prevention and Best Management Practices:

FSEs shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge of fats, oils, and grease into the sewage collection system. FSEs shall implement Best Management Practices to prevent the discharge of fats, oils and grease to the sanitary sewer system. Examples of BMPs include:

1. Recycle waste cooking oil; dispose in Grease Recycle Bin or Container. Do NOT pour any grease into sinks, floor drains or mop sinks.
2. Post “NO GREASE” signs above all kitchen sinks to remind employees.
3. “Dry Wipe” and scrape into a trash container as much food particles and grease residue from pots, pans, and plates as possible.
4. Use Strainers in sink drains and floor drains to prevent large food particles and containers from going into the sewer line.
5. If an oil or grease spill occurs, clean up using “dry” oil absorbent material or use ice to make grease solidify. Scoop up and dispose into a trash container. Do NOT wash oil or grease into drains.
6. Dispose of food items in the trash. Food grinder use is discouraged due to build up of solids in the GCE which causes decreased efficiency and need to increase pumping frequency of the GCE.
7. Educate and train all employees on grease control and preventing sewer pipe clogs and sewer overflows.

XII. Right of Entry – Inspection and Monitoring

The Director shall have the right to enter the premises of FSEs to determine whether the FSE is complying with the requirements of this policy and/or the City of Portland Sewer Use Ordinance. FSEs shall allow City personnel or their representative, upon presentation of proper credentials, full access to all parts of the premises for the purpose of inspection, monitoring, and/or records examination.

The Director may require that the FSE install monitoring or additional pretreatment equipment deemed necessary for compliance with this policy and/or the Portland Sewer Use Ordinance.

XIII. “Additives” Prohibition for use as Grease Management and Control:

1. If the Director identifies an FSE that is using “additives” and is contributing FOG to the Portland sewer system, or has caused any interference to the sewer system, the FSE shall immediately stop use of the “additive”.
2. At no time shall additives be used just prior to under the sink traps or floor grease traps.
3. The use of additives is prohibited with the following exceptions:
 - a. Additives may be used to clean the FSE drain lines but only in such quantities that it will not cause fats, oils and grease to be discharged from the grease control equipment to the sewer system or cause temporary breakdown of FOG that will later re-congeal in the downstream sewer system.
 - b. If the product used can be proven to contain 100% bacteria, with no other additives. Approval of the use of the product must come from the Director, and the FSE must submit a full disclosure Material Safety Data Sheet and certified sample results from the manufacturer of the product.
4. The use of approved additives shall in no way be considered as a substitution to the maintenance procedures required per this policy.

XIV. Permits and Fees

The Department may charge inspection, monitoring, assessment, impact, and permit fees to the food service establishments to get reimbursement for the FOG program costs.

The Department may issue individual permits or general permits to food service establishments. All new FSEs shall complete the Department’s FSE Grease Application and submit the form to the Department, which will serve as the FSE’s permit application. The Departments’ FOG inspection form will serve as the permit application for existing FSEs. Individual permits or general permits may be issued for a period or duration of up to 5 years.

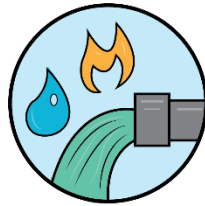
XV. Enforcement Actions

Enforcement action may result against a FSE for instances that include, but are not limited to, failure to clean or pump grease control equipment, failure to maintain grease control equipment including inspection and installation of properly functioning effluent-T and baffles on the grease interceptor, failure to install proper grease control equipment, failure to control FOG discharge from the FSE, contributing to a sewer line blockage or obstruction, contributing to a Sanitary Sewer Overflow event, allowing inflow/infiltration of stormwater from the FSE via the GCE to the sanitary sewer system and use of additives in such quantities so that FOG is pushed downstream of the FSE. Enforcement action will include Noncompliance Notifications, Notices of Violation (NOV), and Citations for Municipal Ordinance Violations issued to the FSE.

Noncompliance Notifications may be issued by the City, or the City’s designated representative, to the FSE and will normally allow the FSE 30 days for a response to the City of corrective action taken

to resolve the noncompliance issue. A Notice of Violation may be sent by the City to the FSE in instances where the FSE has not responded to a Noncompliance Notification or when the FSE has caused significant problems to the sewer system. At the City's discretion, enforcement action may include termination of the customer's water service or a Citation for Municipal Ordinance Violation. A "significant problem" may include, but is not limited to, causing a sanitary sewer overflow event, causing sewer obstruction/blockage, or causing corrosion or other damage to the sewer system.

Penalties will be issued as per the City of Portland FSE and Grease Waste Hauler Enforcement Response Guide and Sewer Use Ordinance.



PORTLAND
Department of Utilities
Call 811 Before You Dig!
Portland, Tennessee

ENFORCEMENT RESPONSE GUIDE FOR FOOD SERVICE ESTABLISHMENTS AND GREASE WASTE HAULERS

Authorization Date: **March 3, 2025**

This Enforcement Response Guide (ERG) for Food Service Establishments (FSEs) and Grease Waste Haulers (GWHs) was developed to ensure consistent enforcement response to all FSEs and GWH companies that operate in the City of Portland (City) jurisdiction. This ERG includes responses to fats, oils, and grease (FOG) related violations of the City of Portland Sewer Use Ordinance.

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I. Significant Noncompliance for FSEs and GWHs

- a. The City has defined “significant noncompliance for food service establishments” as violations that meet one or more of the following criteria:
 - i. Continued obstruction of the City sewer system that results in the City having to clean the sewer line segment four (4) or more times in a twelve (12) month period.
 - ii. Causing or contributing to a second sanitary sewer overflow event or sewer line obstruction that causes a sewer back-up. The “second” event is based on any previous sanitary sewer overflow that occurred within 2 years of the first event.
 - iii. No response, or inadequate response, to two (2) Notices of Violation received within a twelve (12) month period, or no response to a total of four (4) notifications in the form of a Noncompliance Notification or Notice of Violation received in a twelve (12) month period.
 - iv. Falsification of records, manifests, or other documents required under the City of Portland Sewer Use Ordinance.
 - v. Any other violations of a pretreatment effluent limit, or City Sewer Use Ordinance prohibition that the City determines has caused, alone or in combination with other discharges interference or pass through at the City wastewater collection system or wastewater treatment plant
- b. The City has defined “significant noncompliance for grease waste haulers” as violations that meet one or more of the following criteria:
 - i. Illegal dumping of grease waste, septic waste, portable toilet waste or other industrial/commercial waste into the City of Portland sanitary sewer system, stormwater system, or any Portland area stream or tributary.
 - ii. Chronic falsification of records, manifests, certifications, reports, disposal location, or other documents. “Chronic” is repeated incidents of falsification, or demonstration of intent to falsify information.
 - iii. No response, or inadequate response, to two (2) City of Portland notices (e.g. warning letter, noncompliance notification, notice of violation) received within a twelve (12) month period to correct any deficiency or error identified by the City of Portland.
 - iv. Any other violation or group of violations that the City of Portland determines will adversely affect the operation or implementation of the local pretreatment program, FOG program, or wastewater treatment plant and sewer collection system.

II. Enforcement Actions

Generally, an isolated instance of noncompliance or Category 1 violation can be met with a Warning Letter or Noncompliance Notification. Any Category 2 to Category 4 violations should be responded to with an enforceable order that requires a return to compliance by a specific deadline. Enforcement actions may include the following:

Warning Letter or Verbal Warning

Generally issued by an Environmental Compliance Inspector for a sporadic, non-chronic, or unintentional deficiency or error in reporting, procedures, or protocol required by the City Sewer Use Ordinance or Approved GWH Agreement.

Noncompliance Notification (NCN)

Generally issued by an Environmental Compliance Inspector for Category 1 violations. A NCN informs the user that an action is required of the user within a specified timeframe designated by the City, or their designee, to correct the noncompliance on its own initiative or the noncompliance

will require the City to escalate enforcement action against the user. The NCN documents the initial attempts of the City to resolve the noncompliance. A required response to a NCN is normally thirty (30) days.

Notice of Violation (NOV)

Generally issued by the FOG Program Coordinator or Utilities Director, the Notice of Violation (NOV) is an official communication from the City to the noncompliant user that informs the user that a violation of the City Sewer Use Ordinance or the City of Portland Approved GWH Agreement has occurred. The NOV is issued when there is no response to a NCN, minor violation (non-chronic, not repeated) of the Portland Approved GWH Agreement, a reporting error or omission, or failure to provide the monthly report after an initial warning. The NOV includes a specific due date for a written response of corrective action that will be taken. A NOV does not contain assessment of penalties or cost recovery. Authenticated copies of NOVs may serve as evidence in judicial proceedings.

Consent Orders (CO)

The City Utilities Director may enter Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to this Chapter and shall be judicially enforceable.

Show Cause Hearing (SCH)

The City Utilities Director may order a User which has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the City Utilities Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least thirty (30) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in this Chapter. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

Compliance Orders (CompOrd)

When the City Utilities Director finds that a User has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City Utilities Director may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

Cease and Desist Orders (C&D)

When the City Utilities Director finds that a User has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the City Utilities Director may issue an order to the User directing it to cease and desist all such violations.

Administrative Penalties (AP)

When the City Utilities Director finds that a User has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City Utilities Director may fine such User in an amount not to exceed ten thousand dollars (\$10,000), or the maximum fine allowed under the State of Tennessee law, whichever is greater at the time of violation. Such penalties shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, penalties shall be assessed for each day during the period of violation. Refer to City Sewer Use Ordinance for Administrative Penalties unpaid charges or penalties, and users desiring to dispute such penalties protocols.

Termination of Service (ToS)

In addition to the other provisions of this Chapter, any User who violates the following conditions is subject to discharge termination:

1. Violation of City Sewer Use Ordinance, or wastewater discharge permit conditions;
2. Failure to accurately report the wastewater constituents and characteristics of its discharge;
3. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
4. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or

Civil Penalties (CP)

1. A User who has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty of ten thousand dollars (\$10,000) or the maximum fine allowed under State of Tennessee law, whichever is greater at the time of violation, but not less than \$50 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
2. The City Utilities Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
3. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
4. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

Criminal Prosecution (CrimPro)

1. A User who willfully or negligently violates any provision of this Chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard

or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than ten thousand dollars (\$10,000) or the maximum fine allowed under State of Tennessee law, whichever is greater at the time of violation, per violation, per day, or imprisonment, or both.

2. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a monetary penalty, or be subject to imprisonment, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
3. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Chapter, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be punished by a fine of not more than ten thousand dollars (\$10,000) or the maximum fine allowed under State of Tennessee law, whichever is greater at the time of violation, per violation, per day, or imprisonment, or both.
4. In the event of a second conviction, a User shall be punished by a fine of not more than ten thousand dollars (\$10,000) or the maximum fine allowed under State of Tennessee law, whichever is greater at the time of violation, per violation, per day, or imprisonment, or both.

III. Penalty Assessment

The City has categorized the various types of violations, and assigned a penalty range to each category. Penalty categories are determined by using the Enforcement Response Table (attached). All penalty assessments MUST be approved and signed by the Utilities Director or his designee. Penalty amounts are considered to be an economic deterrent to the illegal activity. Penalty ranges have been designed to recover any economic benefit gained by the violator through noncompliance.

CATEGORY 0 = NO PENALTY

CATEGORY 1 = \$50.00 to \$500.00

CATEGORY 2 = \$501.00 to \$1,000.00

CATEGORY 3 = \$1,001.00 to \$10,000.00

CATEGORY 4 = DIRECT LEGAL ACTION - Any penalties and/or costs to be assessed at the maximum penalty allowable by applicable law and included as part of the legal action.

IV. Food Service Establishment and Grease Waste Hauler Enforcement Response Guide Table

Abbreviations for the FSE and GWH Enforcement Response Guide Table:

AP: Administrative Penalties
 CP: Civil Penalties
 CO: Consent Order
 CompOrd: Compliance Order
 CrimPro: Criminal Prosecution
 FOG: Fats, Oils and Grease
 FSE: Food Service Establishment
 GCE: Grease Control Equipment
 GWH: Grease Waste Hauler
 NCN: Noncompliance Notification
 NOV: Notice of Violation
 SCH: Show Cause Hearing
 SNC: Significant Noncompliance
 SPS: Sewage Pumping Station
 SSO: Sanitary Sewer Overflow
 WWTP: Wastewater Treatment Plant

FOOD SERVICE ESTABLISHMENT ENFORCEMENT RESPONSE GUIDE TABLE

1. FOG Discharge to Sewer – Facility contributing FOG to downstream sewer, SPS, or WWTP. Classify degree of impact for appropriate response.

<u>Incident</u>	<u>Category Level</u>	<u>Action Taken</u>
A. Slight FOG impact (slight coating of FOG in POTW, ~ 5 to 15% of pipe with FOG impact)	0	Verbal Notification during inspection
B. Moderate FOG impact (~ 20% to 33% of pipe with FOG impact) – 1st Occurrence	1	Issue NCN – 30 day response time
Moderate FOG impact (~ 20% to 33% of pipe with FOG impact) – 2nd Occurrence	2	Issue NOV – 30 day response time
Moderate FOG impact (~ 20% to 33% of pipe with FOG impact) – 3rd Occurrence	3	Meeting with FSE, Issue CompOrd.
C. Heavy FOG impact (~ 33% or more of pipe with FOG impact, causing obstruction) – 1st Occurrence	2	Issue NCN – 30 day response time
Heavy FOG impact (~ 33% or more of pipe with FOG impact, causing obstruction) – 2nd Occurrence	3	Issue NOV, reimburse sewer cleaning costs to City.
Heavy FOG impact (~ 33% or more of pipe with FOG impact, causing obstruction) – 3rd Occurrence	3	Meeting with FSE, SCH, reimburse sewer cleaning costs to City and penalty of \$250. Escalation in penalty if continued occurrences.
D. Heavy FOG impact (facility's discharge caused a SSO event or back-up into City customers property or business.)	3,4	Issue SCH or CO, AP - reimburse cleaning costs to City, penalty may be assessed, can require FSE to re-submit grease inquiry information to City for GCE review

2. Grease Control Equipment Components and Maintenance Noncompliance

<u>Incident</u>	<u>Category Level</u>	<u>Action Taken</u>
A. Grease Interceptor structural failure (baffle wall collapsed, walls deteriorated, tank leaking, infiltration/inflow in tank. – Initial Notification	1	Issue NCN – 30 day response time, if tank leaking notify Health Dept and TDEC
Grease Interceptor structural failure (baffle wall collapsed, walls deteriorated, tank leaking, infiltration/inflow in tank. – 2nd Notification, failure to comply with NCN.	2	Issue NOV – 30 day response time
Grease Interceptor structural failure (baffle wall collapsed, walls deteriorated, tank leaking, infiltration/inflow in tank. – 3rd Notification, failure to comply with NOV.	3	Issue SCH, meeting with FSE, AP - daily penalty may be assessed.
B. Failure to Install Grease Control Equipment – Initial Notification	1	Issue NCN – 30 day response time
Failure to Install Grease Control Equipment – 2nd Notification, failure to comply with NCN.	2	Issue NOV – 30 day response time
Failure to Install Grease Control Equipment – 3rd Notification, failure to comply with NOV.	3	Issue SCH, meeting with FSE, AP -daily penalty may be assessed.
C. Failure to submit a completed grease interceptor or grease trap certification; or failure to respond or correct a failed grease interceptor or grease trap certification deficiency – 1st Occurrence or Notice	1	Issue NCN – 30 day response time
Failure to submit a completed grease interceptor or grease trap certification; or failure to respond or correct a failed grease interceptor or grease trap certification deficiency – 2nd Occurrence or Notice, no adequate response to NCN.	2	Issue NOV – 30 day response time
Failure to submit a completed grease interceptor or grease trap certification; or failure to respond or correct a failed grease interceptor or grease trap certification deficiency – 3rd Occurrence or Notice, no adequate response to NOV.	3	Issue CompOrd, meeting with FSE, AP - daily penalty may be assessed.
D. Grease Control Equipment not maintained (pumped or cleaned); (Interceptor has > 25% FOG and solids, or > 90 days pump frequency; Trap cleaned > monthly). 1 incident within 24 month period.	1	Issue NCN – 30 day response time
Grease Control Equipment not maintained (pumped or cleaned); (Interceptor has > 25% FOG and solids, or > 90 days pump frequency; Trap cleaned > monthly). 2 incidents within 24 month period, or no response to NCN.	2	Issue NOV – 30 day response time
Grease Control Equipment not maintained (pumped or cleaned); (Interceptor has > 25% FOG and solids, or > 90 days pump frequency; Trap cleaned > monthly). 3 incidents within 24 month period, or no response to NOV.	3	Issue CO – 30 day response time, AP - penalty may be assessed
Grease Control Equipment not maintained (pumped or cleaned); (Interceptor has > 25% FOG and solids, or > 90 days pump frequency; Trap cleaned > monthly).	3	Issue SCH, meeting with FSE. Penalty may be assessed.

4 incidents within 24 month period, or no response to AO		
E. Need to repair or install proper components on the grease interceptor or grease trap	0	Issue NCN – 30 day response time
Failure to repair or install proper components on the grease interceptor or grease trap, no response to NCN.	1	Issue NOV – 30 day response time
Failure to repair or install proper components on the grease interceptor or grease trap, no response to NOV.	2	Issue CompOrd– 30 day response time, penalty may be assessed.
Failure to repair or install proper components on the grease interceptor or grease trap, no response toAO.	3	Issue SCH, meeting with FSE. Penalty may be assessed.

3. Recordkeeping and Reporting Violations

<u>Incident</u>	<u>Category Level</u>	<u>Action Taken</u>
A. No records of grease control equipment cleaning or maintenance at facility, or unable to locate records. 1 incident within 24 month period	0	Verbal Warning during inspection
No records of grease control equipment cleaning or maintenance at facility, unable to locate records. 2 incidents within 24 month period	1	Issue NCN – 30 day response time
No records of grease control equipment cleaning or maintenance at facility, unable to locate records. 3 incidents within 24 month period, failure to comply with NCN.	2	Issue NOV – 30 day response time
No records of grease control equipment cleaning or maintenance at facility, unable to locate records. 4 incidents within 24 month period, failure to comply with NOV.	3	Issue CO, meeting with facility. If facility continues to be in noncompliance, penalty may be assessed.
B. Falsification of Records or Manifests	3,4	CO and Administrative Penalties, Significant Noncompliance
C. Failure of new facility, or an existing facility that upgrades their facility to notify City, or submit Grease Control Equipment Inquiry information.	0	Verbal notification, letter of warning and require GCE Inquiry information. Escalate enforcement if no response.
D. Failure to respond or report regarding any enforcement action fromNOV or other has been issued.	3	Escalate enforcement actions. Range: CO to SCH/Administrative Penalties

4. Other Noncompliance

<u>Incident</u>	<u>Category Level</u>	<u>Action Taken</u>
A. Failure to allow access for inspectors to adequately conduct GWH audit, inspect FSE and/or assess GCE	3	Meeting with FSE, CO if necessary
B. Improper FOG waste disposal (evidence of intent, dumping to sanitary sewer, stormwater system, or FSE grease control equipment)	3,4	CO, CompOrd, administrative penalty, reimbursement of costs, legal action may be used.
C. Facility using additives or chemicals that emulsify or otherwise cause FOG to be discharged to City sewer – initial notification	1	Issued NCN – 30 day response time
Facility using additives or chemicals that emulsify or otherwise cause FOG to be discharged to City sewer – Next notification, no response to NCN.	3	NOV, penalty may be assessed. Escalated enforcement action if necessary
D. Safety hazard at grease control equipment area (i.e.	2	Verbal warning during inspection, document on

missing manhole cover, manhole cover damaged or not made of material of suitable strength, danger to public)		inspection form. Notify Health and Codes Dept.
E. Facility in violation of numerical FOG limit- FOG concentration in excess of limit but less than 2 times the limit	1	Issue NCN – 30 day response time
Facility in violation of numerical FOG limit- FOG concentration > 2 times the limit	2	Issue NOV – 30 day response time
Facility in violation of numerical FOG limit- continued sample results of FOG concentration > 2 times the limit.	3	Issue CO, meeting with FSE. Continued violations-SCH and AP - penalties

GREASE WASTE HAULER ENFORCEMENT RESPONSE GUIDE TABLE

1. GWH Reporting and Recordkeeping Violations

<u>Incident</u>	<u>Category Level</u>	<u>Action Taken</u>
A. Failure to submit monthly reports or other required reports on time; isolated incident.	0	Warning Letter, or Email w/ acknowledgement
B. Failure to submit monthly reports or other required reports on time; 3 times during 12 month period, or 2 consecutive months	2	NOV w/ required response to correct.
C. Failure to submit monthly reports or other required reports on time; Chronic failure to submit on time, not corrected after Warning Letter and NOV.	3	CO w/ removal from Approved GWH list for period of 1 year
D. No records or manifest for FSE GCE pumping or disposal information; isolated incident, filing or administrative error	1	NCN
E. No records or manifest for FSE GCE pumping or disposal information; 4 or more records/manifests in 12 month period.	2	NOV
F. No records or manifest for FSE GCE pumping or disposal information; 8 or more records/manifests in 12 month period. Chronic issue, evidence of ongoing inadequate record keeping	3	CO w/ removal from Approved GWH list for period of 2 years. (SNC)
G. Falsification of FSE GCE certification, pumping (including reported pumping volume), or disposal records; isolated incident.	2	NOV
H. Falsification of FSE GCE certification, pumping (including reported pumping volume), or disposal records, including evidence of partial pumping of GCE; Chronic, several incidents with intent.	3	CO w/ removal from Approved GWH list for period of 2 years. (SNC)
I. Failure to properly complete, or inadequate information on a FSE GCE certification, pumping record or manifest; isolated incident.	0	Warning Letter, or Email w/ acknowledgement
J. Failure to properly complete, or inadequate information on a FSE GCE certification, pumping record or manifest; 4 or more records in 12 month period.	2	NOV
K. Failure to properly complete, or inadequate information on a FSE GCE certification, pumping record or manifest; Chronic issue, several incidents, continuing not corrected.	3	CO w/ removal from Approved GWH list for period of 1 year.

2. Waste Disposal Violations

<u>Incident</u>	<u>Category Level</u>	<u>Action Taken</u>
A. Improper hauled waste disposal, dumping/discharge into sanitary sewer at a non-designated disposal location, or indirectly dumping/discharge to a FSE GCE.	4	CO, or CompOrd w/ \$10,000 penalty plus sewer cleanup costs, including additional costs for any SPS or WWTP equipment or other impacts, and if necessary any SSO associated costs; removal from Approved GWH list for period of 2 years; other legal action.
B. Improper hauled waste disposal, dumping/discharge into stormwater sewer, tributary, ditch, or other non-designated disposal location.	4	CO w/ penalty plus City cleanup costs, State or EPA penalties; removal from Approved GWH list for period of 2 years; other legal action.

3. Other Noncompliance

<u>Incident</u>	<u>Category Level</u>	<u>Action Taken</u>
A. Failure to allow City of Portland inspectors, or their authorized representative to adequately audit and inspect the GWH facility or files; or refusal to allow access or provide files; or undue delay in responding to information requested during an audit.	3	CO w/ escalation of actions as necessary.
B. Any other violation of the City Sewer Use Ordinance, or 40 Code of Federal Regulations 403 and applicable pretreatment standards/regulations	2, 3	Assess as per Industrial User Enforcement Response Guide

ORDINANCE

City of Portland, Tennessee

No. 25 - 04

Second Reading

AN ORDINANCE TO AMEND SECTION 205 OF TITLE 18 OF THE CITY OF PORTLAND'S MUNICIPAL CODE WITH THE FOLLOWING LANGUAGE REFERENCING THE GREASE INTERCEPTOR REQUIREMENTS

WHEREAS, this ordinance amends Sections 18-205 of the City of Portland's Municipal Code and deletes all current language listed in Section 18-205 and replaces with the following:

18-205. (3) All new and existing food service establishments, including restaurants, cafeterias, hotels, hospitals, quick stop markets, grocery stores, schools, retirement / nursing homes, food manufacturing facilities, churches, caterers, prisons, and mobile food units shall meet the requirements of the City of Portland Fats, Oils, and Grease (FOG) Management Policy as per Tennessee Compilation Rules and Regulations 0400-48-01-.14 authority given under TCA §§68-221-401

NOW, THEREFORE BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Portland to amend Section 18-205 and revise with the language listed above; and

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon its passage, the public welfare requiring it.

Mike Callis, Mayor

Attest: Tracy Kizer, City Recorder

Passed First Reading: February 3, 2025

Passed Second Reading:

RESOLUTION

City of Portland, Tennessee

No. 25 – 15

A RESOLUTION AUTHORIZING CHANGE ORDER #1 IN THE INCREASED AMOUNT OF \$40,000.00 AND EXTENDING THE CONTRACT TIMES THIRTY (30) ADDITIONAL DAYS WITH PERDUE TRUCKING AND EXCAVATING FOR THE 2024 SEWER POINT REPAIRS PROJECT

WHEREAS, the City of Portland has approved the original contract amount of \$194,150.00 with Perdue Trucking and Excavating for the 2024 Sewer Point Repairs Project; and

WHEREAS, Change Order #1 revised the contract by installing approximately 125 linear feet of 8-inch gravity sewer main and 1 manhole along the alley behind Strawberry Station; and

WHEREAS, Change Order #1 shall increase the contract amount by \$40,000.00, which shall adjust the contract amount to \$234,150.00; and

WHEREAS, the City of Portland, Tennessee, is hereby approving Change Order #1 extending the contract time for an additional thirty (30) consecutive calendar days for substantial and final completion to the current contract. The revised contract time for final completion shall be one hundred fifty (150) consecutive calendar days for substantial completion, making the date June 13, 2025, and one hundred eighty (180) consecutive calendar days for final completion, making the date July 13, 2025; and

WHEREAS, additional time is needed for the substantial and final completion due to the additional work added to the contract; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Portland to approve Change Order #1 with Perdue Trucking and Excavating in the increased amount of \$40,000.00 and the addition of thirty (30) consecutive calendar days to the current contract time for substantial and final completion for the 2024 Sewer Point Repairs Project; and

BE IT FURTHER RESOLVED that this Resolution shall become effective upon its passage, the public welfare requiring it.

Mike Callis, Mayor

Attest: Tracy Kizer, City Recorder

Approved this day of

CHANGE ORDER NO.: 1

Owner: City of Portland
Engineer:
Contractor: Perdue Trucking and Excavating
Project: 2024 Sanitary Sewer Point Repairs
Contract Name: **2024 Sewer Point Repairs**
Date Issued: March 3, 2025

Owner's Project No.: 0201 - 185
Engineer's Project No.:
Contractor's Project No.:

Effective Date of Change Order: _____, 2025

The Contract is modified as follows upon execution of this Change Order:

Description: This change order reflects the Owner's desire to include the replacement of the sanitary sewer main in the alley behind the buildings along the north side of Main Street. This change order will increase the contract time by 30 days.

Attachments: Perdue Trucking and Excavating's quote for CO#1

Change in Contract Price		Change in Contract Times	
		[State Contract Times as either a specific date or a number of days]	
Original Contract Price:		Original Contract Times:	
\$ 194,150.00		Substantial Completion:	120 days – 5/14/25
		Ready for final payment:	150 days – 6/13/25
[Increase] [Decrease] from previously approved Change Orders No. 1 to No. _____		[Increase] [Decrease] from previously approved Change Orders No.1 to No. _____	
\$ N/A		Substantial Completion:	N/A
		Ready for final payment:	N/A
Contract Price prior to this Change Order:		Contract Times prior to this Change Order:	
\$ 194,150.00		Substantial Completion:	120 days – 5/14/25
		Ready for final payment:	150 days – 6/13/25
[Increase] [Decrease] this Change Order:		[Increase] [Decrease] this Change Order:	
\$ 40,000.00		Substantial Completion:	30 days
		Ready for final payment:	30 days
Contract Price incorporating this Change Order:		Contract Times with all approved Change Orders:	
\$ 234,150.00		Substantial Completion:	150 days – 6/13/25
		Ready for final payment:	180 days – 7/13/25

Recommended by Engineer (if required)

By: _____

Name: Megan Heisler, Project Engineer

Date: February 14, 2025

Authorized by Owner

By: _____

Name: Mike Callis, Mayor

Date: _____

Accepted by Contractor

Steve Perdue

Steve Perdue, Owner

2/20/25

Approved by Funding Agency (if applicable)

N/A

EJCDC® C-941, Change Order EJCDC® C-941, Change Order, Rev.1.

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Page 1 of 1

RESOLUTION

City of Portland, Tennessee

No. 25 - 16

A RESOLUTION TO APPLY FOR A FEMA GRANT FOR THE REPAIR OF THE SPILLWAY AT THE CITY LAKE

WHEREAS, the City Lake serves as the emergency raw water reservoir and the spillway is in need of repair; and

WHEREAS, the City desires funding assistance through the FEMA Hazard Mitigation Assistance program to complete spillway repairs; and

WHEREAS, OHM Advisors have submitted a proposed \$5,000.00 budget to begin the grant application process and identify all submittal requirements; and

NOW, THEREFORE BE IT RESOLVED, By the Mayor and Board of Aldermen that OHM Advisors be directed to apply for the FEMA Hazard Mitigation Assistance grant for the purpose of repairing the spillway at the City Lake; and

BE IT FURTHER RESOLVED, that this resolution shall become effective upon its passage, the public welfare requiring it.

Mike Callis, Mayor

Attest: Tracy Kizer, City Recorder

Approved this



January 14, 2025

Mr. Bryan Price, P.E.
Utilities Director
City of Portland
100 South Russell Street
Portland, TN 37148

Regarding: **Water Hydraulic Modeling General Services**
Project # 0585240040
Estimate of Services for Application for FEMA Grant Application

Dear Mr. Price,

OHM Advisors (OHM) is pleased to provide professional services for applying for FEMA grant funds to replace to the City Lake spillway.

PROJECT UNDERSTANDING

A recent evaluation of City Lake found the spillway does not meet the standards of the Safe Dams Act of having the capacity to pass $\frac{1}{2}$ of a probable maximum precipitation (PMP) rain event. Several alternatives were evaluated to meet the design requirements and a new spillway located on the western dam abutment was recommended. The cost to replace the spillway is estimated to be \$7 million.

The Building Resilient Infrastructure and Communities (BRIC), part of the FEMA Hazard Mitigation Assistance program, is the grant category most applicable for replacement of the spillway. The application will involve coordination/partnership with TEMA and compliance with the TN Safe Dams Program. Initial discussions with TEMA indicated an updated dam break analysis may be required. The intent of the proposed budget is to begin the grant application process and identify all submittal requirements.

ESTIMATE OF SERVICES

OHM proposes to establish an initial time and materials budget for the grant application of \$5,000 to billed hourly. Should the grant application require additional scope and budget, OHM will notify the CLIENT and submit a request prior to proceeding beyond the approved budget.

Phase	Estimated Compensation
FEMA Grant Application	\$5,000
Updated Dam Break Analysis	TBD
Total	\$5,000



Responsibilities of the City of Portland

The CLIENT will provide available documents required by the grant process as applicable.

OHM Advisors thanks you for the opportunity to provide professional services to the City. If there are any questions, please contact us directly.

Sincerely,
OHM Advisors

Greg Sanford, P.E.
Project Manager