

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 27-85, TITLED "A PERSONNEL PLAN FOR EMPLOYEES OF THE CITY OF OAK RIDGE, TENNESSEE," AS AMENDED, BY DELETING SECTION 5.1, TITLED "COMPENSATION PHILOSOPHY AND POLICY," AND SUBSTITUTING THEREFOR A NEW SECTION 5.1 TITLED "COMPENSATION PHILOSOPHY AND POLICY"; BY ADDING A NEW SECTION 6.11, TITLED "BONUSES"; BY DELETING SUBSECTION B OF SECTION 7.3, TITLED "APPOINTMENTS," AND SUBSTITUTING THEREFOR A NEW SUBSECTION B; AND DELETING ARTICLE 10, TITLED "GRIEVANCE PROCEDURE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW ARTICLE 10, TITLED "GRIEVANCE PROCEDURE," ALL FOR THE PURPOSE OF UPDATING THE PERSONNEL PLAN.

WHEREAS, the City desires to clarify the pay plan's compensation philosophy and policy, add a new section on bonuses, specify service requirements for promotion eligibility, and revise the grievance procedure; and

WHEREAS, the Personnel Advisory Board at its July 23, 2013 and August 9, 2013 meetings reviewed the proposed amendments to the Personnel Plan and unanimously recommended their adoption; and

WHEREAS, the City Manager recommends that the Personnel Plan be amended as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Ordinance No. 27-85, titled "A Personnel Plan for Employees of the City of Oak Ridge, Tennessee," Article 5, titled "Pay Plan," is hereby amended by deleting Section 5.1, titled "Compensation Philosophy and Policy," in its entirety, and substituting therefor a new Section 5.1, titled "Compensation Philosophy and Policy," which new section shall read as follows:

5.1 COMPENSATION PHILOSOPHY AND POLICY

The compensation plan is an integral component of the City's overall mission to provide quality, responsive service efficiently and effectively. Further, it is recognized that compensation influences people by (1) offering a salary attractive enough for individuals to seek employment with the City, (2) influencing their performance levels once they are employees, and (3) keeping employees sufficiently rewarded and valued to reduce the potential for losing them to other opportunities.

In order to ensure the employment and retention of personnel necessary to maintain a continued high level of public service, it is the policy of the City that the level of compensation of municipal employees should be compared with prevailing rates in private industry and other governmental agencies in the recruiting area when establishing the compensation plan. When there is clear evidence that the compensation plan should be adjusted in order to meet the policies described above and sufficient funds are available, the City Manager is authorized to include in his budget any recommendation for adjustment to the pay plan which he deems advisable, but such adjustment should be based on the prevailing rates in the recruiting area.

Section 2. Ordinance No. 27-85, titled "A Personnel Plan for Employees of the City of Oak Ridge, Tennessee," Article 6, titled "Hours of Work, Overtime and Premium Compensation," is hereby amended by adding a new Section 6.11, titled, "Bonuses," which new section shall read as follows:

6.11 BONUSES

The City Manager shall have the authority and discretion to award bonuses to employees to recognize outstanding performance. A bonus is an amount of money given to an employee that does not increase an employee's base pay. The total bonus awarded to an employee is at the discretion of the City Manager; however, no employee may receive more than one bonus per fiscal year. No employee is entitled to a bonus and there is no expectation thereof.

A bonus is subject to the normal deductions for Social Security and Federal Income Tax.

Section 3. Ordinance No. 27-85, titled "A Personnel Plan for Employees of the City of Oak Ridge, Tennessee," Article 7, titled "Recruitment, Selection and Appointment of Employees," Section 7.3, titled "Appointments," is hereby amended by deleting Subsection 7.3.b. in its entirety, and substituting therefor a new Subsection 7.3.b., which new subsection shall read as follows:

7.3 APPOINTMENTS

- b. Promotion is the movement of an employee to a position with a higher classification and a higher salary range. Since the City encourages employees to develop skills, attain greater knowledge of their work and make known their qualifications for promotion, a qualified employee shall not be denied the right to apply for promotional opportunity in any City office or department. Employees will not be eligible for promotion until they have completed their probationary periods in the current job.

Section 4. Ordinance No. 27-85, titled "A Personnel Plan for Employees of the City of Oak Ridge, Tennessee," is hereby amended by deleting Article 10, titled "Grievance Procedure," in its entirety, and substituting therefor a new Article 10, titled "Grievance Procedure," which new article shall read as follows:

ARTICLE 10 – GRIEVANCE PROCEDURE

10.1 PURPOSE

It is the desire of the City to reconcile issues informally between the employee and his or her immediate supervisor. However, it is recognized that there will be occasions when employee issues can only be resolved after a formal appeal and review.

10.2 DEFINITIONS

Business Day – A business day is defined as a City working day (Monday through Friday) absent City observed holidays. For Fire Department and Police Department personnel, a business day is still defined as a regular City working day and not department shift days.

Employee – An employee is defined as a regular full-time or part-time employee. The grievance process is not available to temporary or seasonal employees or employees who terminated through retirement, resignation, or removal from initial probation.

Grievance – A complaint by an employee that there has been a violation, misapplication or misinterpretation of existing policies, rules, regulations, laws, or the Personnel Plan/Ordinance, resulting in an adverse personnel action; or a complaint by an employee

that the employee's health or safety has been jeopardized by conditions which should be corrected by the City.

10.3 GRIEVANCE PROCEDURE

An employee is encouraged, but not required, to attempt to resolve any grievance informally with his or her immediate supervisor prior to filling a written grievance.

A. Unresolved Grievances to be brought to the Department Head; Timely Appeals

If informal discussion does not resolve the matter, the affected employee must file a written grievance to the employee's Department Head within thirty (30) calendar days of the cause of the grievance. The grievance must be signed by the employee. The grievance must contain the following information:

1. A clear, concise, and factual statement of the specific perceived wrongful act or harm done;
2. A statement of the specific remedy sought; and
3. A citation of any policies, rules, regulations, or ordinance, the violation of which constitutes the basis of the grievance.

Failure of an employee to comply with the above requirements is a failure of the employee to follow the grievance procedure and is an abandonment of the grievance.

The Department Head or the Department Head's designee has the option of scheduling a meeting with the affected employee to discuss the grievance, or may render a written decision on the grievance and provide the affected employee with a copy of the decision within seven (7) business days of receipt of the grievance. Failure of a Department Head or the Department Head's designee to make and communicate a decision within the specified timeframe shall constitute a denial of the grievance and the relief sought and shall permit the grievance to be appealed to the City Manager.

B. Unresolved Grievances to be brought to the City Manager; Timely Appeals

If an employee's grievance is not resolved at the Department Head level, the affected employee may appeal the grievance to the City Manager by forwarding to the City Manager the original grievance filed with the Department Head along with the Department Head's/designee's response, if any. This appeal must be filed in writing with the City Manager within ten (10) business days of the Department Head's or designee's decision to the employee's grievance (or within ten (10) business days of when the Department Head's/designee's decision was due to the employee) and must be signed by the employee. The City Manager or the City Manager's designee has the option of scheduling a meeting with the affected employee to discuss the grievance, or may render a written decision on the grievance and provide the affected employee with a copy of the decision within ten (10) business days of receipt of the appeal.

If the City Manager's designee is the Department Head of the aggrieved employee, a mutual timeframe will be established for a response from the City Manager on the grievance.

The City Manager's/designee's decision is final for all grievances except suspensions, dismissals, or other perceived adverse personnel actions which may be appealed to the Personnel Advisory Board.

C. Unresolved Grievances Involving Suspensions, Dismissals, or Perceived Adverse Personnel Actions to be brought to Personnel Advisory Board

If an employee's grievance is not resolved at the City Manager level and said grievance involves a suspension, dismissal, or other perceived adverse personnel actions, the employee may appeal the grievance to the Personnel Advisory Board. This appeal must be filed in writing with the Personnel Director (as liaison to the board) within ten (10) business days of the City Manager's/designee's decision. The Personnel Advisory Board will meet at a time convenient to the board members in order to hear the employee's grievance.

By City Charter Article V, Section 25, if in the opinion of the board the procedures established for such personnel action were not complied with, the board shall make decisions that shall be binding on the City. In all other cases, the board shall report its findings and recommendations, which shall be advisory in nature, in writing to the City Manager, and the decision of the City Manager shall be final.

10.4 ABANDONMENT OF GRIEVANCE

An employee's failure to file a grievance within the time specified in this article constitutes as abandonment of the grievance by the employee. The employee's failure to appeal the decision of the Department Head to the City Manager within the time specified in this article shall constitute an abandonment of the grievance by the employee. A grievance may also be terminated at any time by the employee upon receipt of a signed statement from the employee requesting such termination.

10.5 GROUP GRIEVANCES

When three or more employees are aggrieved due to a common cause and the grievances have not been resolved at the Department Head/designee level, those employees may request the City Manager to accept representation of the aggrieved employees by a committee of up to three aggrieved employees when the grievance is appealed to the City Manager.

However, the grievance procedure shall not be used as a means of collectively bringing about changes in wages, hours, or other conditions of employment applicable to other employees.

10.6 ASSISTANCE BY OTHER EMPLOYEES

Aggrieved employees may seek assistance from other employees during any and all steps of the grievance procedure. This assistance, however, may be not requested from the City Manager, Personnel Director, City Attorney, or Senior Staff Attorney.

10.7 PREPARATION OF GRIEVANCE

Employees must use their personal time, not City time, to work on a grievance.

10.8 COERCION

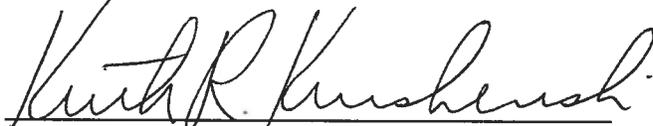
Any attempt on the part of a supervisor to coerce or intimidate an employee in order to prevent participation in the grievance process shall subject that supervisor to disciplinary action.

10.9 JUDICIAL REVIEW

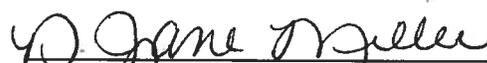
By City Charter Article V, Section 25, employees have the right to common law certiorari to review the action of the Personnel Advisory Board and the City Manager. By City Charter Article V, Section 24, the City has a merit based system not a civil service system, therefore, the Personnel Advisory Board is not a civil service board within the meaning of Tennessee Code Annotated §27-9-114.

Section 5. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

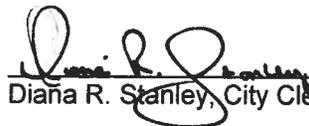
APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney



D. Jane Miller, Mayor Pro Tem



Diana R. Stanley, City Clerk

First Reading: 09/09/2013
Publication Date: 09/16/2013
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