I. INVOCATION

Moment of Silence and tolling of the bell in Remembrance of 9/11
Pastor Larry Dipboye, Grace Covenant Church

II. PLEDGE OF ALLEGIANCE

Eden Halmaker, student at Jefferson Middle School

III. ROLL CALL

IV. PROCLAMATIONS AND PUBLIC RECOGNITIONS

Public Recognitions

Proclamations

a. A proclamation honoring Oak Ridge High School Assistant Football Coach Winston Russell for his receipt of the 2017 CAREeater Star East Tennessee Service Award for Assistant Coaching

b. A proclamation designating September, 2017 as Suicide Prevention Awareness month

c. A proclamation designating Saturday, October 7, 2017 as Historic Black Colleges and Universities Expo Day

V. SPECIAL REPORTS

a. A RESOLUTION CONDEMNING ALL FORMS OF RACISM, BIGOTRY, ANTI-SEMITISM, DISCRIMINATION, HATRED, AND VIOLENCE.

VI. CONSENT AGENDA

a. Approval of the August 14, 2017 City Council regular meeting minutes

b. 2017-2018 Youth Advisory Board Goals and Objectives

c. A RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) REPLACEMENT BACKHOE FROM STOWERS MACHINERY CORPORATION, KNOXVILLE, TENNESSEE, FOR USE BY THE PUBLIC WORKS DEPARTMENT IN THE ESTIMATED AMOUNT OF $102,887.57.

d. A RESOLUTION TO AMEND RESOLUTION 8-85-2017 TO ADD A DUAL EMPLOYEE FAMILY OPTION TO THE CITY'S MEDICAL INSURANCE PREMIUM PAYMENT POLICY.
VII. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

First Reading

a. AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING SECTION 8.03, TITLED "IND-3, INDUSTRIAL DISTRICTS," TO ADD AIRPORTS AS A PERMITTED PRINCIPAL USE AND TO DELETE AIRPORTS AS A USE REQUIRING BOARD OF ZONING APPEALS APPROVAL.

b. AN ORDINANCE TO AMEND SECTION 3-601, TITLED "ADMINISTRATIVE HEARING OFFICER," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SUBSECTION (1) IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SUBSECTION (1) TO EXPAND THE JURISDICTION OF THE ADMINISTRATIVE HEARING OFFICER FOR COMPLIANCE WITH STATE LAW.

c. 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 SUBSECTION 6.2.B, TITLED "OVERTIME COMPENSATION," AND SUBSTITUTING THEREFOR A NEW SUBSECTION 6.2.B WITH THE SAME TITLE; BY DELETING SECTION 6.4, TITLED "STAND-BY PAY," AND SUBSTITUTING THEREFOR A NEW SECTION 6.4 WITH THE SAME TITLE; BY DELETING SECTION 6.6, TITLED "FIRE DEPARTMENT SUPPLEMENTAL PAY," WITHOUT REPLACEMENT; BY DELETING SECTION 6.7, TITLED "FIRE SPECIALISTS," WITHOUT REPLACEMENT; BY DELETING SUBSECTION 7.2.C, TITLED "RESIDENCY POLICY," AND SUBSTITUTING THEREFOR A NEW SUBSECTION 7.2.C WITH THE SAME TITLE; BY DELETING SUBSECTION 7.3.F, TITLED "TEMPORARY APPOINTMENT," AND SUBSTITUTING THEREFOR A NEW SUBSECTION 7.3.F WITH THE SAME TITLE; BY DELETING SECTION 10.3, TITLED "GRIEVANCE PROCEDURE," AND SUBSTITUTING THEREFOR A NEW SECTION 10.3 WITH THE SAME TITLE; AND BY DELETING SECTION 10.4, TITLED "ABANDONMENT OF GRIEVANCE," AND SUBSTITUTING THEREFOR A NEW SECTION 10.4 WITH THE SAME TITLE, FOR THE PURPOSE OF UPDATE THE PERSONNEL PLAN.

VIII. FINAL ADOPTION OF ORDINANCES

a. AN ORDINANCE TO AMEND TITLE 8, TITLED "ALCOHOLIC BEVERAGES," CHAPTER 3, TITLED "BEVERAGES EXCEEDING FIVE PER CENT ALCOHOL – RETAILERS GENERALLY," SECTION 8-324, TITLED "CONSUMPTION OF BEVERAGES ON PREMISES PROHIBITED," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, TO GIVE RETAIL LIQUOR STORES THE ABILITY TO OFFER SAMPLES AND TASTINGS IF CONDUCTED IN ACCORDANCE WITH STATE LAW.

IX. RESOLUTIONS

a. A RESOLUTION HONORING JIM HENRY FOR HIS DEDICATION TO THE RESIDENTS OF ROANE COUNTY AND TENNESSEE AND TO PROCLAIM OCTOBER 2, 2017 AS JIM HENRY DAY.

b. A RESOLUTION AWARDING A CONTRACT (FY2018-001) TO DESIGN & CONSTRUCTION SERVICES, INC, KNOXVILLE, TENNESSEE, FOR THE TURTLE PARK PUMP STATION IMPROVEMENT PROJECT PHASE II IN THE ESTIMATED AMOUNT OF $2,168,000.00.
c. A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH LDA ENGINEERING, ALCOA, TENNESSEE, FOR ENGINEERING SERVICES IN CONNECTION WITH THE DESIGN AND CONSTRUCTION OF A NEW WATER MAIN ON TENNESSEE AVENUE BETWEEN NEW YORK AVENUE AND GEORGIA AVENUE AN AMOUNT NOT TO EXCEED $248,500.00.

d. A RESOLUTION ACCEPTING CERTAIN INFRASTRUCTURE AT THE PRESERVE AT CLINCH RIVER (FORMERLY RARITY RIDGE) PHASE 8, SUBAREA O, SECTION 2, FOR PERPETUAL MAINTENANCE.

e. A RESOLUTION APPROVING THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION’S CONSULTANT SELECTION POLICY.

f. A RESOLUTION APPROVING A CONTRACT WITH FIRST PLACE FINISH, INC., OAK RIDGE, TENNESSEE, TO CONSTRUCT A NEW STRUCTURE TO SUPPORT THE INTERNATIONAL FRIENDSHIP BELL AND ASSOCIATED SITE WORK SUBJECT TO SUCCESSFUL NEGOTIATIONS TO REDUCE THE SCOPE OF WORK TO MEET AVAILABLE FUNDING IN AN AMOUNT NOT TO EXCEED $440,000.00.

g. A RESOLUTION ACCEPTING THE REPORT FROM MCGRAH HUMAN RESOURCES GROUP, AUTHORIZING THE CITY MANAGER TO MOVE FORWARD WITH A PHASED APPROACH TO IMPLEMENT RECOMMENDATIONS FROM THE REPORT, APPROVING THE POSITION CLASSIFICATION PLAN FOR FY2018 EFFECTIVE WITH THE OCTOBER 8, 2017 PAY PERIOD, AND APPROVING THE PAY GRADE SCHEDULE FOR FY2018 EFFECTIVE WITH THE OCTOBER 8, 2017 PAY PERIOD.

h. A RESOLUTION ESTABLISHING NEW ELECTRIC RETAIL RATES EFFECTIVE OCTOBER 1, 2017 TO ACCOUNT FOR TVA’S WHOLESALE RATE ADJUSTMENT.

i. PLACEHOLDER: A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH THE OAK RIDGE BOARD OF EDUCATION SETTING FORTH THE SCHOOLS’ ANNUAL REIMBURSEMENT OBLIGATION TO THE CITY FOR THE ENERGY SAVINGS PROJECT SHOULD THE CITY MOVE FORWARD WITH THE CONTRACT ENERGY SYSTEMS GROUP, LLC, AS AUTHORIZED BY RESOLUTION 8-92-2017.

X. APPEARANCE OF CITIZENS

XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING
   a. Elections/Appointments
   b. Announcements
   c. Scheduling

XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

XIII. SUMMARY OF CURRENT EVENTS
   a. CITY MANAGER’S REPORT
   b. CITY ATTORNEY’S REPORT

XIV. ADJOURNMENT
PROCLAMATIONS
DATE: August 30, 2017

TO: Honorable Mayor and Members of City Council

FROM: Mary Beth Hickman, City Clerk

SUBJECT: PROCLAMATIONS FOR THE SEPTEMBER 11, 2017 CITY COUNCIL MEETING AGENDA

The following proclamations are presented for the September 11, 2017 City Council meeting for the City Council’s consideration:

A proclamation honoring Oak Ridge High School Assistant Football Coach Winston Russell

This proclamation was requested by Mayor Warren Gooch and Oak Ridge Board of Education Chairman Keys Fillauer to honor Coach Winston Russell for receiving the CAREacter Star East Tennessee Service Award for Assistant Coaching. This award is being bestowed on Coach Russell to honor the outstanding character Coach Russell has shown throughout his coaching career. Coach Russell is also celebrating 52 years of service as an educator and as a coach.

A proclamation designating September, 2017 as Suicide Prevention Awareness Month

This proclamation was requested by Rebecca Lehmicke, Specialized Crisis Program Supervisor, with Youth Villages to designate September, 2017 as Suicide Prevention Awareness Month.

A proclamation designating Saturday, October 7, 2017 as Historically Black Colleges and Universities Expo Day

This proclamation was requested by Yolanda Childs, with the Oak Ridge Alumnae Chapter of Delta Sigma Theta Sorority, Inc. to designate October 7, 2017 as Historically Black Colleges and Universities Expo Day. Each year, the Delta Sigma Theta Sorority holds an expo in Oak Ridge to expose local students to opportunities offered by historically black colleges and universities. This year, the 28th Annual Expo will be held on October 7, 2017 at the New Hope Center.

Attachments:
Proclamation honoring Oak Ridge High School Assistant Football Coach Winston Russell
Proclamation designating September, 2017 as Suicide Prevention Awareness Month
Proclamation designating Saturday, October 7, 2017 as Historically Black Colleges and Universities Expo Day
PROCLAMATION

WHEREAS, Winston Russell is currently in his 52nd year of coaching for the Oak Ridge Schools, after beginning his coaching career in 1966 at Robertsville Middle School; and

WHEREAS, in 1989, Coach Russell joined the football coaching staff at Oak Ridge High School, where he also served as an assistant track and field coach with the boys and girls track teams; and

WHEREAS, Coach Russell's tenure at Robertsville Middle School included head football coach from 1966-1988, assistant basketball coach from 1966-1973 and head track and field coach from 1966-1989; and

WHEREAS, Coach Russell graduated from the University of Tennessee in 1964, received a Master's degree in 1965 and served as a physical education instructor; and

WHEREAS, Coach Russell's rapport with players and coaches is unrivaled, and he has served as a role model for every young person he has encountered throughout his teaching and coaching career; and

WHEREAS, Coach Russell's years of service is a testament to his commitment to the profession and serves as an example to us all; and

WHEREAS, in 1990, Coach Russell was inducted into the Oak Ridge Sports Hall of Fame; and

WHEREAS, Coach Russell and his wife Nancy live in Oak Ridge and are both very active in supporting Oak Ridge athletic programs; and

WHEREAS, Coach Russell is being awarded the inaugural 2017 CAREacter Star East Tennessee Service Award for Assistant Coaching, which is being given to honor the outstanding character Coach Russell has shown throughout his coaching career.

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

That in recognition of his distinguished service and contributions to the Oak Ridge community, the City of Oak Ridge pays tribute to

COACH WINSTON RUSSELL

as we celebrate his receipt of the CAREacter Star East Tennessee Service Award and his 52 years of service to Oak Ridge Schools.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 11th day of September in the year 2017.

______________________________
WARREN L. GOOCH, MAYOR
PROCLAMATION

WHEREAS, over 42,000 Americans die by suicide each year, making suicide the tenth leading cause of death in the United States; and

WHEREAS, suicide is the third-leading cause of death in Tennessee within the 15 to 24 age group and the second-leading cause among adults 25 to 34; and

WHEREAS, in 2015, 1,065 Tennesseans died by suicide, 54 of which were between the ages of 10 and 19; and

WHEREAS, each person's death by suicide intimately affects at least six other people, with over 200,000 newly bereaved each year; and

WHEREAS, public awareness of this terrifying problem is the key to preventing further suffering and loss of life, and future loss of life can be reduced through awareness, education and treatment; and

WHEREAS, Tennessee is a national leader in the effort to prevent suicide, being one of the first states to develop a suicide prevention and evaluation plan covering an entire lifespan; and

WHEREAS, the Tennessee Suicide Prevention Network is a grassroots collaboration of Tennesseans and organizations working to eliminate the stigma of suicide, educate the community about the warning signs of suicide, and ultimately reduce the rate of suicide in our state.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE that the month of September 2017 be proclaimed

SUICIDE PREVENTION AWARENESS MONTH

in the City of Oak Ridge, Tennessee, and that all citizens work to prevent suicide and to raise awareness and tolerance for all people affected by this tragedy.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed this the 11th day of September in the year 2017.

______________________________________
WARREN L. GOOCH, MAYOR
PROCLAMATION

WHEREAS, the Oak Ridge Alumnae Chapter of Delta Sigma Theta Sorority, INC. will host its 28th Historically Black Colleges and Universities (HBCU) Exposition on Saturday, October 7, 2017 at the New Hope Center in the City of Oak Ridge, Tennessee; and

WHEREAS, the purpose of the HBCU Expo is to increase awareness among students of the unique educational opportunities at HBCU’s and to provide institutions with an opportunity to recruit students and to network with other recruiters; and

WHEREAS, the 2017 HBCU Expo will also promote Science, Engineering, Technology, and Mathematics (STEM) majors in an effort to decrease the widening gap between the number of STEM jobs available and the number of qualified workers to fill them; and

WHEREAS, in an area with a limited minority population, counselors are often not exposed to the benefits offered by HBCU’s; consequently, recruiters, students, counselors and parents look forward to the Expo; and

WHEREAS, this is the only avenue in the East Tennessee area specifically designed to allow recruiters access to this essentially untapped market of new students; and

WHEREAS, as a result of attending the Expo, many of the students have gone on to attend Historically Black Colleges and Universities.

NOW, THEREFORE, BE IT PROCLAIMED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE that October 7, 2017 be designated as

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES EXPO DAY

in the City of Oak Ridge, Tennessee, in recognition of the expanded educational opportunities offered by this worthwhile event.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 11th day of September in the year 2017.

______________________________
WARREN L. GOOCH
MAYOR
SPECIAL REPORTS
DATE: August 28, 2017

TO: Members of City Council

FROM: Warren L. Gooch

SUBJECT: RESOLUTION CONDEMNING ALL FORMS OF RACISM, BIGOTRY, DISCRIMINATION, HATRED AND VIOLENCE

Introduction

An item for City Council consideration is a resolution condemning all forms of racism, bigotry, discrimination, hatred and violence and clearly stating that the City of Oak Ridge and its leaders will not tolerate any of these in our community. This resolution was drafted in response to a statement made by members of the Oak Ridge clergy, who represented many denominations, at the August 14, 2017 City Council meeting.

Background

On August 12, 2017, groups including white supremacists, neo-Nazis, Ku Klux Klan, and others, held a rally in Charlottesville, Virginia, which resulted in the death of a young woman named Heather Heyer and two Virginia State Troopers. Ms. Heyer was part of a group which had assembled to protest the rally. The troopers, Jay Cullen and Berke M. M. Bates, were killed when their helicopter crashed while providing air reconnaissance. Both troopers had family and professional ties to East Tennessee.

The members of the clergy who attended the Oak Ridge City Council meeting stood in solidarity to condemn white supremacy, racism, anti-semitism, and any other form of hatred. This resolution would express the City Council’s strong opposition to violence such as occurred in Charlottesville and the philosophies of hatred and bigotry that accompanied it. From the time that General Leslie Groves approved the acquisition of 59,000 acres of land for the site of the future City of Oak Ridge 75 years ago on September 19, 1942, our City has demonstrated its commitment to equal justice under the law and celebration of diversity.

Throughout our history, the best, brightest, and most patriotic women and men of all races, from all 50 states and across the world have come to work in Oak Ridge. As a result of their collective efforts, our nation’s security has been protected, scientific advances have enhanced our lives, and a bright future for our City was secured.

Oak Ridge has consistently been in the forefront against discrimination. In 1955, Oak Ridge High School became the first integrated high school in the South. Oak Ridge also provided temporary space for Clinton High School students after their high school was bombed in October 1958 in response to its desegregation. In addition, the City’s commitment to equal employment opportunity and to the administration of all City programs, without regard to race, religion, creed, color, sex, age, national original, handicapped status, or sexual orientation is specifically stated in the City Charter. Approving the attached resolution would state that the City of Oak Ridge and its leaders condemn all actions which violate our fundamental rights as delineated in the Declaration of Independence, guaranteed by the United States Constitution of our nation, and incorporated into our City Charter, and that we join with the leaders of our faith community in denouncing such actions.
Recommendation

I strongly recommend approval of the accompanying resolution.

Warren L. Gooch, Mayor
September 5, 2017

Dear Members of City Council,

Thank you for the hospitality you extended to us, as Oak Ridge clergy, during the City Council meeting on Monday, August 14. You amended your Agenda to allow early expression of our public statement and took the time to individually offer thoughtful comments as well as commit to formally denouncing racism, anti-Semitism and white supremacy via resolution at the next City Council meeting on September 11th.

In response to the horrific events of Charlottesville, Virginia involving a “Unite the Right” rally that turned deadly, we the faith community stood in solidarity to condemn “white supremacy, racism, anti-Semitism and any other form of hatred in the strongest terms.” We went on to name it for what we believe is, “evil, tyrannical, and antithetical to our Declaration of Independence.”

We also asked that you draft and adopt a resolution expressing the same, which you kindly agreed to do. To that end, please note that we are not asking for an assessment of racial dynamics in the United States or a description of the complexity of competing arguments related to the removal of statues related to the Confederacy. We simply ask you to formally condemn racism, anti-Semitism, white supremacy and any other form of hatred in clear, unequivocal and unwavering terms. Furthermore, we ask that you do so without excuse or opportunity for those who espouse these worldviews to perceive indirect support from a false equivalency between themselves and those who stand against them.

We acknowledge that you serve a broad constituency with a wide range of legitimate perspectives. Even we, as a unified faith community, represent many perspectives on social issues in our community and our county. On this occasion, however, we are united in our condemnation of an ideology that transcends dissimilarity because it corrodes the very fabric of American democracy, principled on "liberty and justice for all." It is our hope and full expectation that you will do the same.

In closing, thank you for your consideration. We also express sincere gratitude for the many hours of public service you provide to our community, and the mantle of leadership that you have consistently held high. We look forward to the unmistakable expression of moral clarity you will present on behalf of our beloved city.

With respect,

Rev. Derrick Hammond
Oak Valley Baptist Church

Rev. Sharon Youngs
First Presbyterian Church of Oak Ridge
Rev. Mark Flynn
First United Methodist Church of Oak Ridge

Rev. Annette Flynn
A Flynn Partnerships

Rev. Brian Scott
Robertsville Baptist Church

Rev. Rory Naeve
First Baptist Church of Oak Ridge

Rev. Jake Morrill
Oak Ridge Unitarian Universalist Church

Father J.B. Shelton
St. Mary's Catholic Church

Rev. Larry Dipboye and Rev. Carolyn Dipboye
Grace Covenant Church

Rev. Steve Sherman
First Christian Church of Oak Ridge

Mr. Dave Anderson
President, Oak Ridge and Anderson County NAACP

Rabbi Victor Rashkovsky
The Jewish Congregation of Oak Ridge

Rev. Tandy Scheffler, Minister of Faith Formation
Oak Ridge Unitarian Universalist Church

The Baha'i Community of Oak Ridge

Rev. Churchill Moore
Spurgeon Chapel AME

Minister Charles Caruthers
Scarboro Church of Christ

Rev. Tommie Mims
Mt. Zion Missionary Baptist Church

Rev. Darris Waters,
True Light Baptist Church

Pastor Randy Hammer
United Church Chapel on the Hill
RESOLUTION

A RESOLUTION CONDEMNING ALL FORMS OF RACISM, BIGOTRY, ANTI-SEMITISM, DISCRIMINATION, HATRED, AND VIOLENCE.

WHEREAS, on August 12, 2017, various hate groups held a rally in Charlottesville, Virginia, which resulted in the loss of life of a civilian exercising her peaceful first amendment rights in opposition of the rally and the loss of life of two law enforcement officers in the line of duty; and

WHEREAS, on August 14, 2017, members of the clergy in Oak Ridge stood in solidarity at the City Council meeting to condemn white supremacy, racism, anti-semitism and any other form of hatred in the strongest terms and requested City Council pass a resolution expressing the same; and

WHEREAS, the City of Oak Ridge, Tennessee, has consistently been in the forefront against discrimination from being the first integrated high school in the South in 1955, to providing temporary space for Clinton High School after their school was bombed in 1958 in response to desegregation, to our commitment to equal employment opportunities without regard to race, religion, creed, color, sex, age, national origin, disability, or sexual orientation as set forth in the City Charter; and

WHEREAS, throughout our history, the best, brightest, and most patriotic women and men of all races from all 50 states and throughout the world have come to Oak Ridge to protect the nation’s security and develop scientific advances to enhance our lives; and

WHEREAS, the City of Oak Ridge, Tennessee, and its leaders reaffirm equal rights for all and condemn all actions which violate our fundamental rights as delineated in the Declaration of Independence, guaranteed by the United States Constitution, and incorporated in the City Charter, and we join with the leaders of our faith community in denouncing such actions.

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

That the City of Oak Ridge, Tennessee, hereby condemns all forms of racism, bigotry, anti-semitism, discrimination, hatred, and violence, including but not limited to, the actions which occurred in Charlottesville, Virginia, on August 12, 2017 which resulted in the loss of life of one civilian and two law enforcement officers.

This the 11th day of September 2017.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk
CONSENT

AGENDA
OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom
August 14, 2017

Minutes

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on August 14, 2017 in the Courtroom of the Municipal Building with Mayor Warren L. Gooch presiding.

INVOCATION

The invocation was given by Pastor Rory Naeve, First Baptist Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Linden Elementary School student Aurora Emery.

ROLL CALL

Upon roll call, the following councilmembers were present: Councilmember Kelly Callison; Mayor Pro Tem Rick Chinn, Jr.; Councilmember Jim Dodson; Mayor Warren L. Gooch; Councilmember Charles J. Hope, Jr.; Councilmember Ellen D. Smith; and Councilmember Hans Vogel.

Also present were Mark S. Watson, City Manager; Ken Krushenski, City Attorney and Mary Beth Hickman, City Clerk.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

Public Recognitions

City Manager Mark Watson recognized new Community Development Director Wayne Blasius, who begins work on Monday, August 28, 2017.

City Manager Mark Watson recognized Recreation Programs Manager Matt Reedy for his selection as a Community Hero by the International City Managers Association, and a video about Matt from the ICMA was played.

City Manager Mark Watson read a letter of thanks from the City of Gatlinburg for the City’s support during the 2016 wildfires.

Library Director Kathy McNeilly discussed the Library’s handing out of over 500 pairs of eclipse glasses and presented each Council member with a pair.

Proclamations

A proclamation recognizing Aid to Distressed Families of the Appalachian Counties (ADFAC) for thirty years of service to the community. Councilmember Smith moved for approval, and Mayor Pro Tem Chinn seconded. The proclamation was approved by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

Mayor Gooch requested to Council that the agenda be amended to allow for Appearance of Citizens at this point in the agenda instead of in its usual place immediately following Resolutions. Mayor Pro Tem Chinn moved to amend the agenda in this manner, and Councilmember Dodson seconded. The motion was
approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting “Aye.”

APPEARANCE OF CITIZENS

Pastor Derrick Hammond of Oak Valley Baptist Church and other members of the clergy in Oak Ridge addressed Council regarding the violence that had taken place in Charlottesville, Virginia the previous weekend and asked Council to draft and adopt a resolution that condemns white supremacy, racism, anti-Semitism and any other form of hatred. In addition to Pastor Hammond, other members of the clergy that were present to address Council were: Reverend Dave Anderson, Little Leaf Baptist Church; Reverend Jake Morrill, Oak Ridge Unitarian Universalist Church; Reverend Steve Sherman, First Christian Church; Father Brent Shelton, St. Mary’s Catholic Church; Rabbi Victor Rashkovsky, Jewish Congregation of Oak Ridge; John De’Clue, St. Mary’s Catholic Church; Pastor Randy Hammer, United Church Chapel on the Hill; Pastor Brian Scott, Robertsville Baptist Church; Pastor Bob Cantrell, Retired, First United Methodist Church; Pastor Sharon Youngs, First Presbyterian Church; Pastor Rory Naeeve, First Baptist Church; Reverend Jenny Caughman, First United Methodist Church; Reverend Mark Flynn, First United Methodist Church; and Elder Annette Flynn, United Methodist Church.

Mayor Gooch stated that Oak Ridge has always celebrated its diversity and that men and women from all over the world have come to Oak Ridge and worked to make our city and our country a better place. He further stated that there would be a resolution brought forth at the September City Council meeting that would address this issue.

Councilmember Hope stated that all men and women should be treated equally.

Councilmember Dodson stated that he discusses with his students regularly the concept of treating others as they would like to be treated.

Councilmember Smith stated that she hopes that our community will never have to face similar issues and she is glad that we can come together and stand against these issues.

Councilmember Callison stated that the expression of unity among the different religions represented is what makes us a strong and resilient nation.

Councilmember Vogel stated that as a first generation born in the United States to an immigrant, it is a very diverse and unique environment to be in and we are blessed in our community to be able to speak out without fear of being attacked.

Mayor Pro Tem Chinn stated that this community has brought many people together to work for a common goal and asked that we look inside people’s hearts and not just at race or the color of someone’s skin.

Mayor Gooch also asked that we remember the two members of the Virginia State Police who died during the Charlottesville incident, both of whom had Tennessee ties.

SPECIAL REPORTS

Transmittal of Report on Debt Obligation – State Form CT-0253 - $3,100,000 in State Revolving Loan Fund Program funds
Andrew Mize, Accounting Manager with the Oak Ridge Finance Department, gave a report on debt obligation for $3,100,000 in State Revolving Loan Fund Program funds in the absence of Finance Director Janice McGinnis. The report was for informational purposes only, and no action was taken.

Acceptance of Oak Ridge Chamber of Commerce Housing Study
Councilmember Callison moved for acceptance of the study, and Mayor Pro Tem Chinn seconded. Councilmember Callison provided an overview of the report and thanked everyone that participated in
developing the study. The motion was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting “Aye.”

CONSENT AGENDA

Councilmember Mayor Pro Tem Chinn moved for adoption of the Consent Agenda, and Councilmember Callison seconded.

The Consent Agenda was adopted unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting “Aye.”

Approval of the July 10, 2017 City Council regular meeting minutes and the July 18, 2017 City Council special meeting minutes.

A RESOLUTION TO APPROVE AND TRANSMIT A LETTER TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO PROVIDE AN UPDATE ON THE CITY’S EFFORTS TOWARD OUTLINING THE DEVELOPMENT OF AN ADA TRANSITION PLAN.

A RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) SEWER WASH AND VACUUM VEHICLE FROM LANDMARK TRUCKS, LLC, KNOXVILLE, TENNESSEE, FOR USE BY THE PUBLIC WORKS DEPARTMENT IN THE ESTIMATED AMOUNT OF $314,825.00.

A RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) REPLACEMENT ASPHALT ROLLER IN THE ESTIMATED AMOUNT OF $42,374.12 FROM STOWERS MACHINERY CORPORATION, KNOXVILLE, TENNESSEE, FOR USE BY THE PUBLIC WORKS DEPARTMENT UTILIZING STATE CONTRACT PRICING.

A RESOLUTION AWARDING A CONTRACT (FY2018-004) IN THE ESTIMATED AMOUNT OF $295,548.00 TO PORTLAND UTILITIES CONSTRUCTION COMPANY, LLC, PORTLAND, TENNESSEE, FOR THE CONSTRUCTION OF A PERMANENT BY-PASS PUMPING SYSTEM FOR THE TURTLE PARK PUMP STATION.

A RESOLUTION TO EXTEND THE EMPLOYEE MEDICAL INSURANCE CONTRACT BETWEEN THE CITY OF OAK RIDGE AND THE STATE OF TENNESSEE LOCAL GOVERNMENT HEALTH INSURANCE PROGRAM FOR CALENDAR YEAR 2018 AT AN ESTIMATED COST OF $4,520,000.00, AND TO SET FORTH THE CITY’S MEDICAL INSURANCE PREMIUM PAYMENT POLICY.

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT IN THE ESTIMATED AMOUNT OF $42,000.00 WITH SKEE BUSBY ARCHITECTS, KNOXVILLE, TENNESSEE, FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR THE RENOVATION OF FIRE STATION #4 IN ORDER FOR THE FIRST FLOOR OF THE STATION TO BECOME PERMANENT OPERATIONAL QUARTERS.

A RESOLUTION TO REQUEST REPLACEMENT OF A BRIDGE LOCATED IN THE BRIARCLIFF SUBDIVISION UNDER THE STATE’S HIGH PRIORITY BRIDGE REPLACEMENT PROGRAM.

A RESOLUTION APPROVING A FY2018 GRANT AGREEMENT WITH PREVENT CHILD ABUSE TENNESSEE FOR USE IN THE HEALTHY START OF ANDERSON COUNTY PROGRAM AND AUTHORIZING THE DISBURSEMENT OF BUDGETED FUNDS IN THE AMOUNT OF $31,850.00 FOR THIS PURPOSE.

A RESOLUTION AUTHORIZING AN EXPENDITURE OF UP TO $66,476.00 TO TEREX SERVICES, WHITE HOUSE, TENNESSEE, FOR A REBUILD OF AN ELECTRIC DEPARTMENT VEHICLE WITH AERIAL LIFT.
A RESOLUTION AUTHORIZING THE PURCHASE OF VOLTAGE REGULATORS AND REGULATOR CONTROLS FROM WESCO DISTRIBUTION, KNOXVILLE, TENNESSEE, IN THE ESTIMATED AMOUNT OF $186,300.00 FOR USE BY THE ELECTRIC DEPARTMENT.

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

First Reading of Ordinances

AN ORDINANCE TO AMEND TITLE 8, TITLED “ALCOHOLIC BEVERAGES,” CHAPTER 3, TITLED “BEVERAGES EXCEEDING FIVE PER CENT ALCOHOL – RETAILERS GENERALLY,” SECTION 8-324, TITLED “CONSUMPTION OF BEVERAGES ON PREMISES PROHIBITED,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, TO GIVE RETAIL LIQUOR STORES THE ABILITY TO OFFER SAMPLES AND TASTINGS IF CONDUCTED IN ACCORDANCE WITH STATE LAW.

Mayor Pro Tem Chinn moved to approve the ordinance, and Councilmember Hope seconded. City Attorney Ken Krushenski provided an overview of the ordinance. The ordinance was approved unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting “Aye.”

FINAL ADOPTION OF ORDINANCES

AN ORDINANCE TO AMEND TITLE 5, TITLED “MUNICIPAL FINANCE AND TAXATION,” CHAPTER 1, TITLED “MISCELLANEOUS,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY CREATING A NEW SECTION 5-105, TITLED “ADMINISTRATIVE FEE,” TO ASSESS A FIVE PERCENT (5%) ADMINISTRATIVE FEE FOR COMPILING AND PROCESSING DELINQUENT TAXES.

Mayor Pro Tem Chinn moved for adoption of the ordinance, and Councilmember Callison seconded.

The ordinance was adopted unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting “Aye.”

RESOLUTIONS

A RESOLUTION APPROVING CONTRACTS WITH CAYENTA COMPANY, A DIVISION OF HARRIS CORPORATION, AND ASSOCIATED THIRD PARTY VENDORS IN THE ESTIMATED AMOUNT OF $4,026,530.00 FOR FINANCIAL MANAGEMENT, UTILITY BILLING, AND ENTERPRISE MANAGEMENT SOFTWARE PURCHASE, INSTALLATION, IMPLEMENTATION, TRAINING, CONVERSION, PROJECT MANAGEMENT, AND MAINTENANCE SERVICES.

Councilmember Dodson moved for approval of the resolution, and Councilmember Vogel seconded. Government Affairs and Information Services Director Amy Fitzgerald provided an overview of the resolution and answered questions from Council.

Mayor Pro Tem Chinn stated that this is a needed project and will make doing business with the City of Oak Ridge even better, but this amount is a large number. He wanted to know if the City can afford to do this. Amy Fitzgerald responded that it was her understanding that some of the funding would come through a bond, but the bond has to be used toward the actual software. City Manager Mark Watson stated that since the Electric Department would be the largest user of the software, a greater share of the financial contribution would come from that department with a gradual contribution from the general fund.

Councilmember Smith stated that the current system is very out of date and that auditors have recommended that new software be put into place to ensure better controls.

Councilmember Callison stated that the decision to choose Cayenta was very well-researched, and he likes the fact that it will be an integrated system.
Mayor Gooch requested a commitment from staff that the contract will be reviewed by the Budget and Finance Committee at some point.

The resolution was approved unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting “Aye.”

A RESOLUTION AUTHORIZING THE CITY MANAGER TO MOVE FORWARD WITH AN ESTIMATED $8,788,149 ENERGY SAVINGS PROJECT FOR THE CITY AND SCHOOLS WITH ENERGY SYSTEMS GROUP, LLC, SUBJECT TO CERTAIN CONDITIONS BEING MET, AND APPROVING AN ANTICIPATED $3,000,000 LOAN FROM THE STATE AS PARTIAL FINANCING FOR THE PROJECT.

Councilmember Smith moved for approval of the resolution, and Mayor Pro Tem Chinn seconded. City Manager Mark Watson provided an overview of the resolution and answered questions from Council.

Mayor Gooch requested that the Tennessee Municipal Bond Fund be given an opportunity to bid on any bond funding.

The resolution was approved unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH JACOBS ENGINEERING GROUP, INC., KNOXVILLE, TENNESSEE, FOR A PRELIMINARY ENGINEERING REPORT FOR THE PROPOSED NEW WATER TREATMENT PLANT IN THE ESTIMATED AMOUNT OF $215,000.00.

Councilmember Callison moved for approval of the resolution, and Mayor Pro Tem Chinn seconded. City Manager Mark Watson provided an overview of the resolution and Public Works Director Shira McWaters answered questions from Council.

Mayor Gooch inquired of Rick Kirby with Jacobs Engineering if he could assist with making the parking lots of their Oak Ridge office available for residents to utilize during special events.

The resolution was approved unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH LDA ENGINEERING, ALCOA, TENNESSEE, IN CONNECTION WITH THE DEVELOPMENT OF A WATER DISTRIBUTION SYSTEM HYDRAULIC MODEL (PHASE I) AND WATER DISTRIBUTION SYSTEM PLANNING DOCUMENT (PHASE II) IN THE ESTIMATED AMOUNT OF $170,000.00.

Councilmember Dodson moved for approval of the resolution, and Councilmember Smith seconded. Public Works Director Shira McWaters provided an overview of the resolution and answered questions from Council.

Mayor Gooch requested that language in the resolution be changed to state “in an amount not to exceed” instead of “in an estimated amount.”

The resolution was approved unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting “Aye.”

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH TRESTLES, LLC, NASHVILLE, TENNESSEE, FOR ENGINEERING SERVICES RELATED TO THE TURTLE PARK WASTEWATER PUMP STATION CONSTRUCTION PROJECT IN AN AMOUNT NOT TO EXCEED $166,000.00.
Councilmember Smith moved for approval of the resolution, and Councilmember Callison seconded. Public Works Director Shira McWaters provided an overview of the resolution and answered questions from Council.

The resolution was approved unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting “Aye.”

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO NEGOTIATIONS WITH THE IDB AND CROET TO COMPLETE AND EXECUTE A FINAL AGREEMENT FOR THE TRANSFER OF LAND AT ETTP (HERITAGE CENTER) IN ACCORDANCE WITH THE REQUIREMENTS OF RECENT LEGISLATION PASSED BY THE TENNESSEE GENERAL ASSEMBLY (PUBLIC CHAPTER 219).

Councilmember Dodson moved for approval of the resolution, and Mayor Gooch seconded. City Manager Mark Watson provided an overview of the resolution and answered questions from Council.

Lawrence Young with CROET responded to various questions regarding CROET’s role in managing the property at Heritage Center.

David Wilson, 1079 West Outer Drive, Oak Ridge, and Chairman of the Industrial Development Board, answered questions from Council regarding the resolution.

The resolution was approved unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting “Aye.”

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Confirmation of Mayor’s Budget and Finance Committee Appointments
Councilmember Hope moved to confirm the Mayor’s appointment of Councilmembers Callison, Smith and Mayor Pro Tem Chinn to the Budget and Finance Committee, and Councilmember Dodson seconded.

The motion was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting “Aye.”

Announcements

Councilmember Vogel informed Council that the next Community Blueprint meeting would be held on Thursday, August 24, 2017 at 5:30 pm at Jefferson Middle School for the Emory Valley/Briarcliff/Lakeview areas.

Scheduling

City Manager Mark Watson announced the cancellation of the August 22, 2017 City Council work session.

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Councilmember Vogel requested an update on Phases 1 and 2 of the mall redevelopment. City Manager Mark Watson stated there would be a presentation to the Planning Commission on Thursday, August 17th regarding the front section of the land adjacent to AMSE. He also stated that the corner retention pond is nearly ready for construction.

Councilmember Callison inquired when the City would begin to see an increase in the sales tax from the new stores. City Manager Mark Watson stated it would take about four months to realize those numbers.
SUMMARY OF CURRENT EVENTS

CITY MANAGER’S REPORT

City Manager Mark Watson informed City Council that a letter regarding proposed changes to the Payment-In-Lieu-of-Tax (PILT) legislation has been sent to members of the congressional delegation, and that Energy Communities Alliance is also sending a letter. He reported that budgetary items have been turned in for the Blankenship Field renovation, and that the project should be moving into the contract phase soon. He stated that there would be a fifth and final community meeting regarding the new preschool on a date after Labor day that is yet to be determined.

CITY ATTORNEY’S REPORT

ADJOURNMENT: 9:20 p.m.
DATE: August 22, 2017

TO: Beth Hickman, City Clerk

THROUGH: Matt Reedy, Advisor to the YAB

FROM: Candace Pang, YAB Chairwoman

SUBJECT: Youth Advisory Board Approval of Annual Goals

At the August 16, 2017 meeting of the Oak Ridge Youth Advisory Board, YAB members discussed goals and events for the upcoming year. Board members voted unanimously to approve the attached set of goals for the 2017-2018 term of office.

If there are any questions about this statement from the Youth Advisory Board, contact City-Staff Liaison Matt Reedy at 425-3442.

Thank you,

Candace Pang
YAB Chairwoman
2017-2018 YAB Goals and Objectives

Sponsor recreational activities for students
1. Graduation Celebration – May 31, 2018
2. Music/Talent Event for Teens – Spring 2018
3. Breakfast with Santa – December 2, 2017
4. Holiday Trip for Teens – December 9 or 16, 2017
5. City Halloween Party – October 26, 2017
6. Dodgeball Tournaments for Teens – November 4, 2017
7. YAB Field Night/Paint Party – May 18, 2018
8. Movie in the Park – October 2017

Sponsor educational events or programs
1. ORHS Open House – August 10, 2017
2. Water Awareness for Kids – January 2018
3. YAB Leadership Trip to Nashville with Youth Leadership - February 2018

Offer community volunteer services
1. Support the Holiday Bureau program – Dec 2017
2. City Easter Egg Hunt – March 2018

Increase communication within Oak Ridge Schools
1. Communicate regularly with Student Affairs and Guidance
2. Promote Graduation Celebration
3. Partner on events with ORHS Student Council and ORHS Senior Steering
4. Make regular announcements via Channel 15, school bulletin

Increase public’s awareness of YAB programs
1. City website updates
2. Facebook/Instagram/Twitter/Group Me for YAB Events – updated weekly
3. News Releases to local news, school bulletins, and ORHS Twitter

Increase communication and participation within the Board and with City Council
1. Focus on attendance at meetings and events
2. Survey Oak Ridge Teens on youth interests and issues
3. State of the Youth Address - Summer 2018
PUBLIC WORKS DEPARTMENT MEMORANDUM
17-40

DATE: August 24, 2017
TO: Mark S. Watson, City Manager
THROUGH: Shira McWaters, P.E., Public Works Director
FROM: Pat Fallon, Division Manager
SUBJECT: PURCHASE OF EQUIPMENT - BACKHOE

Introduction
An item for City Council consideration is the recommendation for purchasing one (1) backhoe for the Public Works asphalt crew from Stowers Machinery Corporation, Knoxville, Tennessee, in the estimated amount of $102,887.57

Funding
Funding is available in the Equipment Replacement Fund.

Analysis
The Public Works Department (PWD) is requesting purchase of a new backhoe. The current backhoe is primarily used by the asphalt crew when repairing streets, but is also used by other PWD crews when needed. The new backhoe replaces equipment number 421, purchased in 2006 (11 years old). The hour meter has 7,369 hours on it. The existing backhoe has wear in all pins and bushings of the loader and backhoe arms and linkage. In addition, it is not uncommon that larger more expensive repairs are required on this type of equipment after reaching 7,000 hours.

After replacement, equipment number 421 will be retained and will replace a 1999 model (18 years old) that is used to load bulk material in the PWD yard. The 1999 model will be sold as surplus.

Recommendation
The Tennessee Department of General Services Central Procurement Office bids construction equipment such as this backhoe for State agencies such as TDOT, as well as allowing Local Governments to purchase equipment under this contract. The recommended provider submitted the lowest price bid for TDOT Regions 1 and 2 which Oak Ridge is within. Adoption of the attached resolution is recommended as submitted.

Attachment(s)
Contract Award from TN Dept. of General Services
Equipment Specifications and pricing
Supporting documentation of existing Backhoe

Pat Fallon

City Manager’s Comments:
I have reviewed the above issue and recommend Council action as outlined in this document.

Mark S. Watson  9-6-17
Date
Backhoe #421

Description: 2006 Caterpillar 420D IT

Meter Hours: 7369.3 as of 7/25/17

Equipment Age: 11 Years

General Information of Equipment:

- Primary Backhoe assigned to asphalt crew since new.
- Used daily in making asphalt repairs to City streets.
- Machine is an IT (integrated tool carrier) model which allows it to use several different types of buckets, sweepers and a variety of other attachments.

Equipment Condition

- Machine has wear in all pins and bushings of the loader and backhoe arms and linkage.
- At the 7000 hour mark on most heavy equipment, engine and transmission failures should start to be expected. Estimated engine rebuild would be around $12,000.00 dollars and transmissions would be from $6000.00 dollars and up. Front and rear differential rebuilds would be around $6300.00 dollars.
- At this point we could be looking at possible major repairs and still have an 11 year old machine.
- We would retain this machine to be used only to load bulk material on our yard and surplus for sale one of our older 1999 model machines currently used for this task.

Recommended Replacement: The City can purchase a new 420F Caterpillar Backhoe from state contract for $102,887.57. This machine will immediately be able to use the attachments and buckets the City already owns. At this price we would be getting a 37% discount by buying from state contract. (See Attached Pricing) I have included pricing and a copy of Stowers Machinery State contract.
IT Attachment Coupler. Allows use of a variety of front attachments.
STOWERS MACHINERY CORPORATION

7/27/2017

CITY OF OAK RIDGE
PO BOX 1, 100 WOODBURY LN
OAK RIDGE, TN 37831

Attn: MIKE MILLER

I would like to thank you for allowing Stowers Machinery Corporation the opportunity to quote your parts and service needs. Please see below for description and pricing details.

Model: 420D       Serial #:BLN13379       Equipment #:

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<th>Description-Repair Estimate</th>
<th>Ext. Price</th>
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<tr>
<td>Remove &amp; Install Engine</td>
<td>$1,977.00</td>
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<td>Level II Engine Overhaul</td>
<td>$12,797.00</td>
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<td>Torque Replace ( sealed unit - New )</td>
<td>$2,963.00</td>
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<td>Transmission Remove &amp; Install</td>
<td>$1,724.00</td>
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<tr>
<td>Direct Drive 4 WD Level II Overhaul ( Torque NOT included )</td>
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<td>Differentials Remove &amp; Install (Front)</td>
<td>$713.00</td>
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<tr>
<td>Rebearing &amp; Reseal</td>
<td>$1,185.00</td>
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<tr>
<td>Differentials Remove &amp; Install (Rear)</td>
<td>$1,434.00</td>
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<tr>
<td>Rebearing &amp; Reseal( includes brake disc/plates )</td>
<td>$5,209.00</td>
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</table>

Total Quote $34,886.00

- All prices listed do not include cleaning machine, transporting machine, taxes, freight or any other parts or services not listed.

- If additional work is required you will be contacted for approval before any work is conducted.

- Quote valid for 30 days.

Visit us on the web at www.stowerscat.com
**BFE00614 WORKSHEET**

**Stowers**

**VENDOR ID:** 00000916  
**CONTRACT #:** 48446  
**UNIT ID:** 1000171676 BACKHOE - HEAVY EQUIPMENT

**Quote for:** CITY OF OAK RIDGE  
**DATE:** 6/30/2017

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<td>OP-9001 LANE 1 ORDER</td>
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<tr>
<td>380-8961 TIRES, 12.5 80/195L-24 FS</td>
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<tr>
<td>491-6734 WORKLIGHTS (8) HALOGEN LAMPS</td>
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<tr>
<td>430-9944 ANSI INSTRUCTIONS</td>
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<tr>
<td>206-1747 2&quot; SEAT BELT</td>
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<tr>
<td>9R-6007 FLIP OVER STABILIZER PADS</td>
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<td>219-3387 24&quot; HEAVY DUTY BUCKET</td>
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<td>421-8926 SERIALIZED TECHNICAL MEDIA KIT</td>
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<tr>
<td>211-4292 MAGNETIC MOUNT BEACON</td>
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<td>353-1389 STABILIZER GUARD</td>
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<tr>
<td>423-7607 BOOM WEAR PLATE GROUP</td>
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<tr>
<td>216-8840 1.4 CYD IT LOADER BUCKET</td>
<td>$7,482.00</td>
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<tr>
<td>9R-5320 CUTTING EDGE</td>
<td>$329.00</td>
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**SUBTOTAL** $151,119.00  
**DISCOUNT** 37% $ (55,914.03)

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<td>FREIGHT HELAC COUPLER FREIGHT</td>
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**TOTAL PRICE** $102,887.57

**WARRANTY OPTIONS:**
- 7 YEAR/7,500 HOUR POWERTRAIN + HYDRAULICS $4,700.00
- 7 YEAR/7,500 HOUR PREMIER TOTAL MACHINE $14,950.00

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Price quote is good for 2017 deliveries.  
This quotation is submitted subject to the prices, terms and governmental regulations in effect at date of delivery, for all machines, parts and service.  
Stowers Machinery Corporation reserves the right to correct clerical errors.  
Shipping costs and state and local taxes are not included unless specified.

**TERMS OF SALE: FINANCING AVAILABLE**  
Approx. Ship Date: 90 days from order

Submitted by

Sales Representative
STATE OF TENNESSEE, DEPARTMENT OF GENERAL SERVICES
CENTRAL PROCUREMENT OFFICE

Statewide Multi-Year Contract Issued to:

Stowers Machinery Corp
PO Box 14802
Knoxville, TN 37914-1802

Vendor ID: 0000000916

Contract Number: 000000000000000000048446

Awarded Regions 1 & 2

Title: SWC 220 Heavy Equipment

Start Date: December 01, 2015

End Date: November 30, 2018

Is this contract available to local government agencies in addition to State agencies?: Yes

Purchases by Local Government and Authorized Non-Profit Agencies (SWC) - T500

The purpose of this Invitation to Bid is to establish a source or sources of supply for all state agencies, local governmental agencies within the geographic limits of the State of Tennessee, any private nonprofit institution of higher education charter in Tennessee, and any corporation which is exempted from taxation under 26 U.S.C. Section 501(c) (3) as amended and which contracts with the Department of Mental Health and Mental Retardation to provide services to the public (T.C.A. 33-2-401). Purchases by local governmental agencies, private institutions of higher education, and authorized corporations are optional with those agencies, private institutions of higher education, and corporations and offers to sell to local governmental agencies are optional with the bidder.

Contract Contact Information:
State of Tennessee
Department of General Services, Central Procurement Office
Contract Administrator: Clyde D Hicks
3rd Floor, William R Snodgrass, Tennessee Tower
312 Rosa L. Parks Avenue
Nashville, TN 37243-1102
Phone: 615/741-2026
Fax: 615-741-0684
RESOLUTION

A RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) REPLACEMENT BACKHOE FROM STOWERS MACHINERY CORPORATION, KNOXVILLE, TENNESSEE, FOR USE BY THE PUBLIC WORKS DEPARTMENT IN THE ESTIMATED AMOUNT OF $102,887.57.

WHEREAS, the Public Works Department has an eighteen year old backhoe used to load bulk material that that will be sold as surplus and replaced with an eleven year old backhoe with 7,369 hours of service that is predominately used by the asphalt crew; and

WHEREAS, therefore, the Public Works Department is in need of one (1) replacement backhoe for primary use by the asphalt crew; and

WHEREAS, the state contract price for a backhoe from Stowers Machinery Corporation, Knoxville, Tennessee, is $102,887.57; and

WHEREAS, the City Manager recommends the purchase using state contract pricing.

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

That the recommendation of the City Manager is approved and the City is hereby authorized to spend approximately $102,887.57 from the Equipment Replacement Fund for the purchase of a new backhoe from Stowers Machinery Corporation, Knoxville, Tennessee.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 11th day of September 2017.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk
September 7, 2017

TO: Mark S. Watson, City Manager
FROM: Bruce M. Applegate Jr., Director of Administrative Services
SUBJECT: AMENDMENT TO THE CITY’S MEDICAL INSURANCE PREMIUM PAYMENT POLICY.

Introduction

An item for the agenda is a resolution amending the Medical Insurance Premium Payment Policy to include a provision for dual employee family insurance plans.

Funding

No funding is necessary for this item.

Background

Medical Insurance Premium Payment Policy

As of December 17, 2017, each regular working employee who works at least 30 hours per week will be enrolled in one of 4 insurance plans: (1) Premier Preferred Provider Organization plan (PPO), (2) Standard Preferred Provider Organization plan (PPO), (3) Limited Preferred Provider Organization plan (PPO), and (4) the HealthSavings CDHP (Consumer Driven Health Plan). All four options are offered by three providers: Blue Cross Blue Shield, CIGNA, and CIGNA Open Access. Each insurance plan has several subsets determined by family members insured, and deductible/premium requirements.

The City currently follows Resolution 8-85-2017 which was adopted by the City Council at its August 14, 2017 meeting.

Review of the Resolutions’ impact on dual employees (two City employees wed to one another) who enroll in insurance through the City identified an opportunity for improvement of the policy. Dual employees without children are already receiving the cheapest insurance options. However, Dual employees with children are not receiving an equivalent option. Dual employees with children will now be provided the option to reduce the cost of their combined plan to an amount equal to the cost of the corresponding Single Employee Plan + The Employee and Children Plan. Dual employees with family may still choose to purchase two plans of differing coverage as a method of achieving additional cost savings, but it will not be covered under the aforementioned cost saving plan.

Employees will be advised of the amendment at the annual enrollment transfer period during the period of October 2 through October 27, 2017. During that time employees are able to change plans (Premier PPO, Standard PPO, Limited PPO or the HealthSavings CDHP), medical providers (BCBS, CIGNA LocalPlus or CIGNA Open Access), or enroll dependents without a qualifying event. The change will also be communicated to affected employees at the upcoming health insurance informational sessions occurring in September.

Recommendation
Staff recommends approval of the attached resolution.

Bruce M. Applegate Jr.

City Manager's Comments:
I have reviewed the above issue and recommend Council action as outlined in this document.

Mark S. Watson  9-7-17
Mark S. Watson  Date
RESOLUTION

A RESOLUTION TO AMEND RESOLUTION 8-85-2017 TO ADD A DUAL EMPLOYEE FAMILY OPTION TO THE CITY'S MEDICAL INSURANCE PREMIUM PAYMENT POLICY.

WHEREAS, by Resolution 8-85-2017, City Council approved the City's medical insurance premium payment policy effective December 17, 2017; and

WHEREAS, a review of the City's medical insurance premium payment policy’s impact on dual employees (two City employees married to one another) identified an opportunity for improvement in the policy for those with children needing to be covered by insurance; and

WHEREAS, the City Manager recommends an amendment to the policy to provide an equivalent option for dual employees with children needing to be covered by insurance.

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

That the recommendation of the City Manager is approved and Resolution 8-85-2017 is hereby amended to incorporate a dual employee family option to the City's medical insurance premium payment policy.

BE IT FURTHER RESOLVED that dual employees with children needing insurance coverage can select the family plan for the cost of the corresponding level of insurance for the cost of one spouse paying the employee single coverage rate and the other spouse paying the employee plus child coverage rate.

BE IT FURTHER RESOLVED that the medical insurance premium rates for City employees for Calendar Year 2018 are set forth on the attached Medical Insurance Premium document.

This the 11th day of September 2017.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk
## CITY OF OAK RIDGE
### MEDICAL INSURANCE PREMIUMS

**Effective January 1, 2018**

### Employee Only

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<th>Open Access CIGNA</th>
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### Employee + Child(ren)

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### Employee + Spouse

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### Employee + Spouse + Child(ren)

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### Dual Employee

(both spouses are City employees under one family plan contract)

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PUBLIC HEARINGS
AND
FIRST READING OF
ORDINANCES
COMMUNITY DEVELOPMENT MEMORANDUM
PLANNING DIVISION
17-43

DATE: 8/25/2017
TO: Mark Watson, City Manager
FROM: Jordan Clark, Senior Planner
THROUGH: Wayne Blasius, Community Development Director
SUBJECT: Zoning Ordinance Amendment – IND-3 Permitted Uses

Introduction
In response to the proposal for the new airport on the former K-25 site, staff has compiled an amendment to the Zoning Ordinance regarding airports.

Funding
No funding is necessary to approve this request.

Analysis
Currently, airports are only allowed in the IND-3 zoning district as a Special Exception requiring Board of Zoning Appeals approval. An amendment to the Zoning Ordinance which would place airports into the Permitted Principal Uses category would allow such facilities without approval of the Board of Zoning Appeals. A site plan and general site criteria would still be required as well as all other relevant permits.

The proposed amendment is to Section 8.03 IND-3 Industrial Districts. Airports are currently listed under subsection (d) Uses Requiring Board of Zoning Appeals Special Exception Permit. The amendment would move airports to subsection (b) Permitted Principal Uses.

Recommendation
The amendment was reviewed and discussed by the Oak Ridge Planning Commission and recommended for approval to City Council by a vote of 10 – 0 during the regularly scheduled meeting on August 17, 2017.

City Manager’s Comments:
I have reviewed the above issue and recommend Council action as outlined in this document.

Mark S. Watson 9-6-17
Mark S. Watson Date
AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING SECTION 8.03, TITLED "IND-3, INDUSTRIAL DISTRICTS," TO ADD AIRPORTS AS A PERMITTED PRINCIPAL USE AND TO DELETE AIRPORTS AS A USE REQUIRING BOARD OF ZONING APPEALS APPROVAL.

WHEREAS, the City of Oak Ridge is continually reviewing the Zoning Ordinance to update provisions and make it more understandable to the general public; and

WHEREAS, this amendment will update the Zoning Ordinance to change airports from a use requiring Board of Zoning Appeals (BZA) approval to a permitted principal use in IND-3, Industrial Districts; and

WHEREAS, the following change has been submitted for approval or disapproval to the Oak Ridge Municipal Planning Commission and the Commission has approved the same; and

WHEREAS, a public hearing thereon has been held as required by law.

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

Section 1. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VIII, titled "Industrial Districts," Section 8.03, titled "IND-3, Industrial Districts," Subsection (b), titled "Permitted Principal Uses," is hereby amended by adding a new Subsection (b)(7), which new subsection shall read as follows:

Section 8.03 IND-3, Industrial Districts

(b) Permitted Principal Uses:

7. Airports.


Section 3. 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

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

Public Hearing: __________________
Publication Date: ________________
First Reading: __________________
Publication Date: ________________
Second Reading: ________________
Publication Date: ________________
Effective Date: __________________
DATE: August 29, 2017
TO: Honorable Mayor and Members of City Council
FROM: Kenneth R. Krushenski, City Attorney
SUBJECT: CITY CODE AMENDMENT – §3-601(1) – EXPAND JURISDICTION OF ADMINISTRATIVE HEARING OFFICER

Introduction

An item for the agenda is an ordinance to amend the City Code to amend §3-601(1) to expand the jurisdiction of the Administrative Hearing Officer for compliance with state law.

Background

City Code §3-601(1) sets forth the jurisdiction of the City’s Administrative Hearing Officer to hear violations of the City’s building, residential, plumbing, electrical, mechanical, energy, and property maintenance codes. Effective June 6, 2017 with the passage of Public Chapter 489, the jurisdiction of municipal administrative hearing officers was expanded to include violations of locally adopted zoning codes. For compliance with state law, the City desires to amend City Code §3-601(1) to include zoning ordinance violations to the list of violations allowed to be brought before the Administrative Hearing Officer.

Recommendation

Approval of the attached ordinance is recommended.

[Signature]
Kenneth R. Krushenski

Attachment: Proposed Ordinance

City Manager’s Comments:

I have reviewed the above issue and recommend Council action as outlined in this document.

[Signature]
Mark S. Watson
Date 9-6-17
ORDINANCE NO. __________________

TITLE

AN ORDINANCE TO AMEND SECTION 3-601, TITLED "ADMINISTRATIVE HEARING OFFICER," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SUBSECTION (1) IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SUBSECTION (1) TO EXPAND THE JURISDICTION OF THE ADMINISTRATIVE HEARING OFFICER FOR COMPLIANCE WITH STATE LAW.

WHEREAS, Tennessee Code Annotated §6-54-1002(a) was amended in 2017 through Public Chapter 489 to expand the jurisdiction of municipal administrative hearing officers to include violations of locally adopted zoning code; and

WHEREAS, for compliance with state law, the City desires to amend City Code §6-101(1) to expand the City’s Administrative Hearing Officer’s jurisdiction to include violations of the City’s Zoning Ordinance.

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

Section 1. Title 3, titled “Municipal Court,” Chapter 6, titled “Administrative Hearing Officer,” Section 3-601, titled “Administrative Hearing Officer,” of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Subsection (1) in its entirety and substituting therefor a new Subsection (1) which new subsection shall read as follows:

Sec. 3-601. Administrative Hearing Officer.

(1) In accordance with Tennessee Code Annotated §6-54-1001 et seq., there is hereby created the office of Administrative Hearing Officer to hear violations of any of the provisions codified in the city’s codes regulating building and property maintenance, including:

(a) Locally adopted building codes;
(b) Locally adopted residential codes;
(c) Locally adopted plumbing codes;
(d) Locally adopted electrical codes;
(e) Locally adopted mechanical codes;
(d) Locally adopted energy codes;
(e) Locally adopted property maintenance codes;
(f) Locally adopted zoning codes; and
(g) Ordinances regulating any subject matter commonly found in the codes mentioned above.

The Administrative Hearing Officer is not authorized to hear violations of codes adopted by the state fire marshal pursuant to Tennessee Code Annotated §68-120-101(a) enforced by a deputy building inspector pursuant to Tennessee Code Annotated §68-120-101(f).
Section 2. 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:

[Signature]

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

First Reading:  
Publication Date:  
Second Reading:  
Publication Date:  
Effective Date:  
DATE: August 24, 2017

TO: Mark S. Watson, City Manager

FROM: Bruce M. Applegate, Director of Administrative Services

SUBJECT: AMENDMENTS TO THE PERSONNEL PLAN/ORDINANCE ASSOCIATED WITH THE NEW CLASSIFICATION/COMPENSATION STUDY AS WELL AS HOUSEKEEPING AMENDMENTS

Introduction

An item for City Council’s consideration is an ordinance to amend various provisions of the Personnel Plan Ordinance (Ordinance No. 27-85): Overtime Calculation (§6.2. B.), Stand-By Pay (§6.4), Fire Department Supplemental Pay (§6.6), Fire Specialists (§6.7), Employee Residency Policy (§7.2), Appointments (§7.3), and Grievance Procedure (§10.3 and §10.4).

Funding

No funding is necessary for this item.

Background

By Resolution 12-87-2016, the City entered into an agreement with McGrath Human Resources Group (McGrath) to perform a compensation analysis and review of the City’s compensation plan structure and related policies. McGrath has completed their analysis and review, and has submitted a Classification Study and Compensation Executive Report to the City for review and acceptance. On August 30, 2017, McGrath met with the Personnel Advisory Board (PAB) to provide an overview of the report and to answer any questions. At this meeting, PAB reviewed the report and voted to amend Personnel Ordinances pursuant to the report’s suggestions and forward those suggestions to City Council. In addition to meeting with PAB, McGrath held three meetings on August 31, 2017 with employees to present the report and answer any questions.

It is the City’s intention to implement the report in a phased approach. Phase I will adopt a new classification and compensation plan which includes changing some job titles and establishing a step-based approach to compensation. A companion resolution is presented with this ordinance to implement Phase I.

A bold strike-through of the proposed changes to the Personnel Plan/Ordinance is attached and includes basic housekeeping changes to several sections of the Personnel Plan/Ordinance as well as the Phase 1 changes required to initiate the 2017 McGrath Human Resources Group Classification and Compensation study. The complexity of the ordinance changes remaining to fully implement the McGrath Classification and Compensation Study will require additional review, and are expected to be implemented on a quarterly basis to ensure adequate time for review and employee outreach.
Analysis

A review of the Personnel Plan/Ordinance regarding Overtime Calculation (§6.2.B.), Stand-By Pay (§6.4), Fire Department Supplemental Pay (§6.6), Fire Specialists (§6.7), and Employee Residency Policy (§7.2) identified inconsistencies with minimum requirements of the Fair Labor Standard Act (FLSA), and inconsistencies with the newly proposed 2017 Classification and Compensation Plan. Changes to the Ordinance concerning Appointments (§7.3), and Grievance Procedure (§10.3 and §10.4) represent housekeeping changes to adjust language that has led to confusion or requires an update. Changes to the above Ordinance sections are elaborated on below:

6.2(b) Overtime Compensation

Section 6.2(b) was amended to address current overtime calculation rates and bring them into alignment with the standards set forth by the Fair Labor Standards Act (FLSA). This change amends the current Ordinance to:

- Exclude General Leave, Injury Leave, Leave Without Pay, Military Leave, Civil Leave of leave from being calculated as hours worked. This is in keeping with the requirements of the FLSA. Currently, the City includes those types of leave as hours worked which is over and above what the FLSA requires.
- Clarification of extenuating circumstances necessitating automatic overtime.
- Adjustment to the Police Department employee overtime period to comply with the FLSA 28 day (171 hour) work period language.
- Inclusion of compensatory time language, as compensatory time was only briefly mentioned in the ordinance before.
- Removal of Fire Specialist program from section.

6.4 Stand-By Pay

Section 6.4 was amended to remove reference to the Fire Specialist Program as adoption of the newly presented 2017 McGrath Classification and Compensation Plan will remove the Fire Specialist position.

6.6 Fire Department Supplemental Pay

Section 6.6 has been removed as adoption of the newly presented 2017 McGrath Classification and Compensation Plan will remove the pay supplements for Fire Department employees, and collapse those additional payments into their new base salary.

6.7 Fire Specialists

Section 6.7 was removed as adoption of the newly presented 2017 McGrath Classification and Compensation Plan will remove the position of Fire Specialist.

7.2.C Residency Policy

Section 7.2.C has been amended to incorporate the newly coded salary range for positions required to retain residency following promotion or hire.
7.3.f Appointments

Section 7.3.f was modified to reflect more accurately the intent of the section.

10.3 Grievance Procedure

Section 10.3 was amended to provide more clarity on the grievance process:

- Section 10.3.A has been amended to include the use of a coversheet for grievance submittal to assist employees with the provision of specified documentation necessary for filing a grievance.
- Section 10.3.B has been amended to enhance clarity on the material that is permitted for submission in a grievance to the City Manager.
- Section 10.3.C has been amended to enhance clarity on the material that is permitted for submission in a grievance to the Personnel Advisory Board, and to incorporate the Personnel Advisory Board’s language regarding meeting timeliness. Additionally, language was added for the Board to provide specific information should the Board determine the procedures for a personnel action were not complied with by the City.

10.4 Abandonment of Grievance

Section 10.4 was amended to provide more clarity on what constitutes abandonment of a grievance and how abandoned grievances are treated by the City.

Recommendation

Approval of the proposed ordinance is recommended.

Attachments: Bold-Strikethrough of Proposed Ordinance Changes
Proposed Ordinance
Classification and Compensation Plan Schedule of Implementation

Bruce M. Applegate
Director of Administrative Services

City Manager’s Comments:

I have reviewed the above issue and recommend Council action as outlined in this document.

Mark S. Watson

Date

9-7-17
BOLD STRIKETHROUGH OF PROPOSED CHANGES
PERSONNEL PLAN ORDINANCE

6.2. OVERTIME

b. Overtime Compensation. When a non-exempt full-time employee is required by a their supervisor or another person in the employee's line of supervision to work in excess of the normal schedule in a work period, the employee is entitled to overtime compensation shall be paid. Employees may not elect on their own to work in excess of their normal schedule in a work period. General leave, military leave, civil and holiday leave are will be considered will be considered treated as hours worked in calculating overtime compensation. All other types of leave (ex. General, Emergency leave, and Injury/Injury. Leave Without Pay, Military, Civil, Administrative Emergency, etc.) leave will not be considered as hours worked in calculating overtime compensation. In the event of an emergency as determined by the City Manager or the City Manager's designee, the City Manager or the City Manager's designee may include other types of leave as hours worked for the purposes of calculating overtime compensation. An emergency is defined as an unforeseen circumstance beyond the control of the City which presents a real, immediate, and material threat to the public interests or property of the City.

The formula for calculating the hourly rate is shown below:

\[(\text{Regular Pay Rate} + \text{Supplemental Pay}) \times \text{Regular Hours Worked} + \text{Stand-by Pay} \div \text{Regular Hours Worked}\]

Overtime will be paid for any hours worked over the regularly scheduled hours in a defined seven (7) twenty-eight (28) work day period after 171 hours for Police Department patrol shift employees and in a defined nine (9) day work period after 88 hours during the nine (9) day work period for Fire Department station based shift employees. meeting the requirements of Section 207(k) of the Fair Labor Standards Act (FLSA). All other employees must work forty (40) hours during a workweek prior to receiving overtime payments. The Police Department and Fire Department work day period schedule is adopted pursuant to Section 207(k) of the FLSA and 29 CFR Part 553.

All overtime compensation will be at the rate of one and one-half times the hourly rate. The City may offer an employee, or provisions made for compensatory time off equivalent to one and one-half times the number of extra hours worked. It is the employee's decision whether to accept compensatory time off instead of overtime, however, that decision must be made at the time the offer of compensatory time is made. Said compensatory time may be accrued up to a maximum of forty (40) hours.

Exempt employees are not eligible for overtime compensation except as provided in the Fire Specialist program.

6.4. STAND-BY PAY

Except for the Fire Specialist program participants, non-exempt employees who are required to be immediately available to answer emergency service requests shall be assigned on stand-by for one defined seven (7) day period and shall be entitled to eight (8) hours pay at the base rate in the salary schedule. Stand-by time of less than seven days shall be credited on a proportionate basis. Employees who are on stand-by and fail to respond to a call shall forfeit the above allowance and shall be subject to disciplinary action.

In unusual circumstances, the City Manager may require that employees shall remain available to
be called in without compensation for the stand-by status.

6.6 FIRE DEPARTMENT SUPPLEMENTAL PAY

Those Fire Department station-based shift employees from Firefighter Trainee to Battalion Chief who have certain certifications that are not a normal requirement of the job will receive supplemental pay as indicated on the official salary schedule. This supplemental pay will be included in overtime calculations.

6.7 FIRE SPECIALISTS

Rules governing the duties, stand-by/call-out procedures, the rate of stand-by compensation and overtime calculations for Fire Specialists are established by the City Manager. The rate of pay for the uncertified, non-Fire Department Specialist will be the midpoint of the Fire Fighter Trainee position. The rate of pay for the certified non-Fire Department Specialist will be the midpoint of the Firefighter/Engineer position. The rate of pay for the Fire Department employee who is also a Fire Specialist will be the same as the hourly rate in the regular position. The call-out provisions described in Section 6.5 shall be applicable to the Fire Specialists, except the minimum compensation shall be for one (1) hour.

7.2 SELECTION POLICY

7.2.C. RESIDENCY POLICY

Individuals appointed or promoted into positions in salary range 66 U and above after the effective date of the ordinance amendment October 8, 2017 shall be required to establish their legal, actual, and practical residence within the corporate limits of the City of Oak Ridge within twelve (12) months of appointment or promotion. Legal, actual, and practical residence means to physically reside in the City on a day-to-day basis. Employees in positions in salary range U and above on or before October 8, 2017 Employees, who are not residents of the City at the time of promotion to positions in salary range 66 U and above after the effective date of the ordinance amendment, shall not be required to establish legal, actual and practical residence within the corporate limits of the City of Oak Ridge until such time as they change their place of residence.

7.3 APPOINTMENTS

f. Temporary appointment indicates that the employee is to work for the City in a position such as Library Page, Lifeguard, Recreation Leader, School Crossing Guard, Administrative Intern, Security Guard, etc. These positions are normally filled by students and the incumbents normally work not more than twenty (20) hours per week. In the event that an individual works a continuous period of over three (3) years (seventy-eight (78) consecutive full pay periods) in a temporary appointment, that appointment shall be changed to regular part-time.

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 include a completed cover sheet provided to the employee by the City which contains the following information:

1. A clear, concise, and factual statement of the specific 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. No additional information may be submitted as part of the appeal nor will additional information be considered. 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 or 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 otherwise adversely affected by a personnel action 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 the employee is otherwise adversely affected by a
personnel action, the employee may appeal the grievance to the Personnel Advisory Board forwarding to the Director of Administrative Services the original grievance filed with the Department Head along with the Department Head's/designee's response and the City Manager's/designee's response, if any. No additional information may be submitted as part of the appeal nor will additional information be considered. 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 as expeditiously as possible 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 citing with specificity how the procedures were not complied with by 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.

The following actions and inactions constitute an abandonment of an employee's grievance: (1) not filing the grievance within the time specified in this article; (2) filing a grievance that does not conform to the requirements set forth in this article; (3) not appealing the Department Head and/or City Manager's decision within the time specified in this article; and (4) submitting a signed statement to the City requesting termination of a filed grievance. For procedural purposes, an abandonment of a grievance will be treated is as if the grievance was never filed.

Notes: All references to Personnel Director throughout the Personnel Ordinance/Plan will be changed to Director of Administrative Services.

The changes in the new pay plan associated with employee job titles will all be considered as lateral changes and not promotions or demotions under the Personnel Ordinance/Plan.
CLASSIFICATION AND COMPENSATION PLAN PHASED IMPLEMENTATION STRATEGY

By Resolution 12-87-2016, the City entered into an agreement with McGrath Human Resources Group (McGrath) to perform a compensation analysis and review of the City’s compensation plan structure and related policies. McGrath has completed their analysis and review, and has submitted a Classification Study and Compensation Executive Report to the City for review and acceptance.

City staff recognize the complexity of implementation, apprehensions of staff, and City Council’s concern that employees are provided adequate notice and input in this process. A phased approach will be utilized to ensure that notice is provided to employees in advance of significant changes, and input sessions occur to collect input from staff and create a feedback process throughout the plans implementation.

Adoption of the Position Classification Plan, and Pay Grade Schedule on September 11, 2017 will trigger an appeal period for employees who feel their position has been incorrectly placed on the Classification Plan/Pay Scale. Employees have, and will continue to be encouraged to participate in this process to ensure any errors in placement are addressed.

All placements onto the new Position Classification Plan and Pay Grade Schedule will be viewed by the City as lateral placement, and will not be considered a promotion or demotion.

The following schedule is the proposed phased approach to the suggestions put forth by McGrath Human Resources Group, and is subject to change.

Phase 1 (October 8, 2017)

1. Acceptance of McGrath Human Resources Group September 2017 Classification and Compensation Study, and implementation of both the recommended Pay Grade Schedule, and Position Classification Schedule.
2. Position title’s adjustment to comply with position recommendations and the lateral placement of employees into the corresponding new position.
3. FLSA compliance changes
   - General and other forms of leave (excluding holiday leave) will not count towards overtime accumulation.
   - Police Department 28-day cycle will comply with the 207(k) exemption.
4. Removal of supplemental pay ordinances and Fire Department Specialist program ordinance
   - Adjustment of base rate for Fire Department positions will incorporate supplemental pays, and will render the sections unnecessary.

Phase 2 (December 31, 2017)

1. Stand-By Pay
   - Review and make determination on Stand-By pay calculation
2. Complete job description revisions
   - Review and revise existing positions descriptions, finalize position descriptions for newly created positions. Process will include Department Director review.
3. Fire Department pay period change from 9-day cycle to 27-day cycle
Phase 3 (April 8, 2017) or Phase 4 (July 1, 2018)

1. Longevity
   - Review options, solicit staff input, and select replacement plan for employees currently receiving longevity.
2. General Leave and Emergency Leave
   - Review options, solicit staff input, select replacement plan, and set provisions for grandfathered employees.
3. Holiday time review for 27 and 28-day cycle employees
   - Review and select alternative to currently incorporated holiday time built into general leave accruals of 207(k) employees.
4. Dental/Vision Insurance review
   - Review alternatives to current City provided Dental and Vision insurance options.

Future Phases

1. Review and implementation of Year 2 Fire Department Pay Grade Schedule.
2. Review and implementation of Year 3 Fire Department Pay Grade Schedule.
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
SUBSECTION 6.2.B, TITLED “OVERTIME COMPENSATION,” AND SUBSTITUTING THEREFOR A
NEW SUBSECTION 6.2.B WITH THE SAME TITLE; BY DELETING SECTION 6.4, TITLED “STAND-BY
PAY,” AND SUBSTITUTING THEREFOR A NEW SECTION 6.4 WITH THE SAME TITLE; BY DELETING
SECTION 6.6, TITLED “FIRE DEPARTMENT SUPPLEMENTAL PAY,” WITHOUT REPLACEMENT; BY
DELETING SECTION 6.7, TITLED “FIRE SPECIALISTS,” WITHOUT REPLACEMENT; BY DELETING
SUBSECTION 7.2.C, TITLED “RESIDENCY POLICY,” AND SUBSTITUTING THEREFOR A NEW
SUBSECTION 7.2.C WITH THE SAME TITLE; BY DELETING SUBSECTION 7.3.F, TITLED
“TEMPORARY APPOINTMENT,” AND SUBSTITUTING THEREFOR A NEW SUBSECTION 7.3.F WITH
THE SAME TITLE; BY DELETING SECTION 10.3, TITLED “GRIEVANCE PROCEDURE,” AND
SUBSTITUTING THEREFOR A NEW SECTION 10.3 WITH THE SAME TITLE; AND BY DELETING
SECTION 10.4, TITLED “ABANDONMENT OF GRIEVANCE,” AND SUBSTITUTING THEREFOR A
NEW SECTION 10.4 WITH THE SAME TITLE, FOR THE PURPOSE OF UPDATING THE PERSONNEL
PLAN.

WHEREAS, by Resolution 12-87-2016, the City entered into an agreement with McGrath Human
Resources Group to perform a compensation analysis and review of the City’s compensation plan
structure and related policies; and

WHEREAS, the analysis and review conducted by McGrath Human Resources Group is
complete; and

WHEREAS, the City intends a phased approach to implement the recommendations; and

WHEREAS, the initial adoption of the recommendations (Phase I) requires modifications to the
existing Personnel Plan regarding overtime, standby, fire department supplemental pay, fire specialists,
and residency; and

WHEREAS, City Staff has identified important housekeeping revisions pertaining to appointments
and the grievance procedure to adopt at this time as well; and

WHEREAS, the Personnel Advisory Board at its August 30, 2017 meeting accepted the report
from McGrath Human Resources Group and recommended the proposed amendments to the Personnel
Plan for Council’s approval; 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 6, titled “Hours of Work, Overtime and Premium Compensation,” Section 6.2, titled
“Overtime,” is hereby amended by deleting Subsection 6.2.b, titled “Overtime Compensation,” in its
entirety, and substituting therefor a new Subsection 6.2.b, titled “Overtime Compensation,” which new
subsection shall read as follows:

6.2 OVERTIME

b. Overtime Compensation. When a non-exempt full-time employee is required by their
supervisor or another person in the employee’s line of supervision to work in excess of the normal schedule in a work period, the employee is entitled to overtime compensation. Employees may not elect on their own to work in excess of their normal schedule in a work period. Holiday leave will be considered as hours worked in calculating overtime compensation. All other types of leave (ex. General, Emergency, Injury, Leave Without Pay, Military, Civil, Administrative Emergency, etc.) will not be considered as hours worked in calculating overtime compensation. In the event of an emergency as determined by the City Manager or the City Manager’s designee, the City Manager or the City Manager’s designee may include other types of leave as hours worked for the purposes of calculating overtime compensation. An emergency is defined as an unforeseen circumstance beyond the control of the City which presents a real, immediate, and material threat to the public interests or property of the City.

The formula for calculating the hourly rate is shown below:

\[
\frac{(\text{Regular Pay Rate} + \text{Supplemental Pay}) \times \text{Regular Hours Worked} + \text{Stand-by Pay}}{\text{Regular Hours Worked}}
\]

Overtime will be paid for any hours worked over the regularly scheduled hours in a defined twenty-eight (28) work day period after 171 hours for Police Department employees and in a defined nine (9) day work period after 68 hours for Fire Department employees meeting the requirements of Section 207(k) of the Fair Labor Standards Act (FLSA). All other employees must work forty (40) hours during a workweek prior to receiving overtime payments. The Police Department and Fire Department work day period schedule is adopted pursuant to Section 207(k) of the FLSA and 29 CFR Part 553.

All overtime compensation will be at the rate of one and one-half times the hourly rate. The City may offer an employee compensatory time off equivalent to one and one-half times the number of extra hours worked. It is the employee’s decision whether to accept compensatory time off instead of overtime, however, that decision must be made at the time the offer of compensatory time is made. Said compensatory time may be accrued up to a maximum of forty (40) hours.

Exempt employees are not eligible for overtime compensation.

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 deleting Section 6.4, titled “Stand-by Pay,” in its entirety and substituting therefor a new Section 6.4, titled “Stand-by Pay,” which new section shall read as follows:

6.4. STAND-BY PAY

Non-exempt employees who are required to be immediately available to answer emergency service requests, shall be assigned on stand-by for one defined seven (7) day period and shall be entitled to eight (8) hours pay at the base rate in the salary schedule. Stand-by time of less than seven days shall be credited on a proportionate basis. Employees who are on stand-by and fail to response to a call shall forfeit the above allowance and shall be subject to disciplinary action.

In unusual circumstances, the City Manager may require that employees shall remain available to be called in without compensation for the stand-by status.

Section 3. 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 deleting Section 6.6, titled “Fire Department Supplemental Pay,” in its entirety without replacement.

Section 5. 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 7.2, titled “Selection Policy,” is hereby amended by deleting Subsection 7.2.C., titled “Residency Policy,” in its entirety, and substituting therefor a new Subsection 7.2.C., titled “Residency Policy,” which new subsection shall read as follows:

7.2 SELECTION POLICY

7.2.C. RESIDENCY POLICY

Individuals appointed or promoted into positions in salary range U and above after October 8, 2017 shall be required to establish their legal, actual, and practical residence within the corporate limits of the City of Oak Ridge within twelve (12) months of appointment or promotion. Legal, actual, and practical residence means to physically reside in the City on a day-to-day basis. Employees in positions in salary range U and above on or before October 8, 2017, shall not be required to establish legal, actual and practical residence within the corporate limits of the City of Oak Ridge until such time as they change their place of residence.

Section 6. 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.f., titled “Temporary Appointment,” in its entirety, and substituting therefor a new Subsection 7.3.f., titled “Temporary Appointment,” which new subsection shall read as follows:

7.3 APPOINTMENTS

f. Temporary appointment indicates that the employee is to work for the City in a position such as Library Page, Lifeguard, Recreation Leader, Administrative Intern, Security Guard, etc. These individuals normally work not more than twenty (20) hours per week. In the event that an individual works a continuous period of over three (3) years (seventy-eight (78) consecutive full pay periods) in a temporary appointment, that appointment shall be changed to regular part-time.

Section 7. Ordinance No. 27-85, titled “A Personnel Plan for Employees of the City of Oak Ridge, Tennessee,” Article 10, titled “Grievance Procedure,” is hereby amended by deleting Section 10.3, titled “Grievance Procedure,” in its entirety, and substituting therefor a new Section 10.3, titled “Grievance Procedure,” which new section shall read as follows:

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 filing 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 include a completed cover sheet provided to the employee by the City which contains the following information:
1. A clear, concise, and factual statement of the specific 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. No additional information may be submitted as part of the appeal nor will additional information be considered. 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 or 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 otherwise adversely affected by a personnel action 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 the employee is otherwise adversely affected by a personnel action, the employee may appeal the grievance to the Personnel Advisory Board forwarding to the Director of Administrative Services the original grievance filed with the Department Head along with the Department Head's/designee's response and the City
Manager's/designee's response, if any. No additional information may be submitted as part of the appeal nor will additional information be considered. This appeal must be filed in writing within ten (10) business days of the City Manager's/designee's decision. The Personnel Advisory Board will meet as expeditiously as possible 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 citing with specificity how the procedures were not complied with by 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.

Section 8. Ordinance No. 27-85, titled "A Personnel Plan for Employees of the City of Oak Ridge, Tennessee," Article 10, titled "Grievance Procedure," is hereby amended by deleting Section 10.4, titled "Abandonment of Grievance," in its entirety, and substituting therefor a new Section 10.4, titled "Abandonment of Grievance," which new section shall read as follows:

10.4 ABANDONMENT OF GRIEVANCE

The following actions and inactions constitute an abandonment of an employee's grievance: (1) not filing the grievance within the time specified in this article; (2) filing a grievance that does not conform to the requirements set forth in this article; (3) not appealing the Department Head and/or City Manager's decision within the time specified in this article; and (4) submitting a signed statement to the City requesting termination of a filed grievance. For procedural purposes, an abandonment of a grievance will be treated is as if the grievance was never filed.

Section 10. Ordinance No. 27-85, titled "A Personnel Plan for Employees of the City of Oak Ridge, Tennessee," is hereby amended to replace all references to the title "Personnel Director" with the title "Director of Administrative Services."

Section 11. The City Council approved changes in job titles, classifications, and compensation levels as recommended by McGrath Human Resources Group and approved by resolution of Council shall not be considered as promotions or demotions but as lateral transfers under the Personnel Plan/Ordinance.

Section 12. 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

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

First Reading:
Publication Date:
Second Reading:
Publication Date:
Effective Date:
FINAL ADOPTION
OF
ORDINANCES
DATE: July 27, 2017

TO: Honorable Mayor and Members of City Council

FROM: Kenneth R. Krushensi, City Attorney

SUBJECT: CITY CODE AMENDMENT TO ALLOW SAMPLES AND TASTINGS AT RETAIL LIQUOR STORES IF CONDUCTED IN ACCORDANCE WITH STATE LAW

Introduction

An item for the agenda is an ordinance to amend the City Code to allow samples and tastings of alcoholic beverages to occur at retail liquor stores provided such samples and tastings are conducted in accordance with state law.

Background

City Code §8-324 prohibits the sale and consumption of alcoholic beverages (liquor) for on premises consumption at retail liquor stores. It has been brought to the attention of the City’s Legal Department that retail liquor stores in Knoxville have advertised “tastings” of wine and possibly other liquors at their establishments. A review of state law shows that samples and tastings are allowed in retail liquor stores provided certain requirements are met.

In order to ensure that the retail liquor stores in Oak Ridge are in compliance with state law, the Legal Department is proposing City Code §8-324 be amended to allow for samples and tastings at retail liquor stores provided the stores follow the requirements forth in Tennessee Code Annotated §57-3-404 et seq. specifically including subsections (h)(1) and (2).

Recommendation

Approval of the attached proposed ordinance is recommended.

[Signature]
Kenneth R. Krushensi

Attachment: Proposed Ordinance

City Manager’s Comments:

I have reviewed the above issue and recommend Council action as outlined in this document.

[Signature]
Mark S. Watson
Date Aug 6, 2017
57-3-404. Regulations for purchase and sale of intoxicating liquors -- Wholesalers -- Check cashing -- Ground floor location -- Credit sales.

(a) It is unlawful for any person in this state to buy any alcoholic beverages herein defined from any person, who, to the knowledge of the buyer, does not hold the appropriate license under the laws of this state authorizing the sale of such beverages to the buyer.

(b) No retailer shall purchase any alcoholic beverages from anyone other than a licensed wholesaler, nor shall any wholesaler sell any alcoholic beverages to anyone other than a licensed retailer or retail food store licensed to sell wine pursuant to part 8 of this chapter or a licensed wholesaler; provided, that such alcoholic beverages sold by one (1) wholesaler to another wholesaler shall be transported by common carrier or by vehicle owned or leased and operated by either the consignee wholesaler or the consignor wholesaler.

(c) No manufacturer or distiller shall sell any alcoholic beverages to any person in this state except a licensed wholesaler and to another manufacturer or distiller, and no manufacturer shall hold a wholesaler's license.

(d) (1) No alcoholic beverage for sale to the retailer, or the retailer's representative, shall be sold except by a licensed wholesaler, who sells for resale on the wholesaler's premises and who carries on no other business, directly or indirectly, and whose wholesale business in alcoholic beverages is not operated as an adjunct to, or supplementary to, the business of any other person, either by way of lease of the wholesale premises or otherwise, for any business other than that permitted by the terms of such wholesaler's wholesale license.

(2) Notwithstanding the limitations and restrictions imposed by this section, a wholesaler may invest its business assets in other businesses, and may engage in the sale and distribution of products other than alcoholic beverages; provided, that gross revenues from such other businesses and from the sale of products other than alcoholic beverages may not exceed fifty percent (50%) of a wholesaler's total gross revenues.

(3) A licensed alcoholic beverages wholesaler may lawfully engage in activities covered by chapter 5 of this title, as provided by § 57-3-203(b)(2), without regard to the amount of gross revenues produced by such operation. Such wholesaler may, at the wholesaler's discretion, use

https://web.lexisnexis.com/research/retrieve?_m=6eddaf485fe77ee27538ed3d1a8a87e2&cs... 1/3/2017
the same warehouse and other facilities, vehicles and employees in both operations, provided that all legal requirements applicable to such operations are satisfied with respect to each operation.

(e) (1) No retail licensee shall operate its business involving the sale of wine, beer or other alcoholic beverages in connection with the wholesale distribution of wine, beer or other alcoholic beverage nor shall such licensee sell its wine, beer or other alcoholic beverage for purposes of resale.

(2) Notwithstanding subsection (a), beginning July 1, 2014, a retail licensee holding a license issued under § 57-3-204 shall be permitted to sell at retail beer and other malt beverages, subject to the restriction in § 57-3-806(e). No permit or license other than the license issued pursuant to § 57-3-204 shall be required for the licensed retailer to engage in such sales of beer and other malt beverages and the issuer of that license has the authority to enforce any laws related to such sales.

(3) A retail licensee shall be permitted to cash a check or other negotiable instrument for a fee when such service is made available to a person over twenty-one (21) years of age. No postdated check shall be cashed by a licensee under this section.

(4) Beginning July 1, 2014, a retail licensee shall also be permitted to sell at retail items related to or incidental to the use, consumption, dispensing or storage of alcoholic beverages, together with merchandise and supplies related to special events or parties, subject to the restriction in § 57-3-806(e). Such items may include, but are not limited to:

(A) Newspapers, magazines, publications, videos and other media related to alcoholic beverages or food;

(B) Utensils and supplies related or incidental to the use, consumption, dispensing or storage of alcoholic beverages, including, without limitation, corkscrews, beverage strainers, pourers, flasks, jiggers, stirrers, wine racks, wine refrigerators, wine cellars, decanters, carafes, glassware, ice crushers, bottle openers, can openers, and devices to maximize oxidation in uncorked wine bottles and other items used in connection with the consumption, storage or dispensing of alcoholic beverages;

(C) Gift cards, packages and baskets that include alcoholic beverages and nonalcoholic items;

(D) Nonalcoholic beverages;

(E) Kegs and growlers, whether empty or filled with beer, wine or alcoholic beverages, on the licensed premises;

(F) Concentrates and ingredients used in the preparation of mixed alcoholic beverages;

(G) Beer and wine-making kits;

(H) Products and supplies related to beer and wine-making;

(I) Lemons, limes, cherries, olives and other food items used in the preparation or garnishment of alcoholic beverages or mixed alcoholic beverages;

(J) Peanuts, pretzels, chips, cheese, crackers, appetizers and other snack foods;

(K) Beverage coolers, ice chests and ice in any form;

(L) Party supplies, party decorations, gift bags, greeting cards and other items for parties.
and special events;

(N) Articles of clothing and accessories imprinted with advertising, logos, slogans, trademarks or messages related to alcoholic beverages;

(O) Combined packages containing multiple alcoholic beverages;

(P) Lottery tickets if the retailer's application is approved by the Tennessee education lottery corporation as provided in § 4-51-115(e).

(5) A retail licensee may sell nonalcoholic products to persons under twenty-one (21) years of age including gift cards.

(f) No wholesale or retail store shall be located except on the ground floor, and it may have two (2) main entrances opening on a public street, and such place of business shall have no other entrance for use by the public except as hereafter provided. When a wholesale or retail store is located on the corner of two (2) public streets, such wholesale or retail store may maintain a door opening on each of the public streets. Any sales room adjoining the lobby of a hotel or other public building may maintain an additional door into such lobby so long as same shall be open to the public. Every wholesale and retail store shall be provided with whatever entrances and exits may be required by existing or future municipal ordinances. When the location of a wholesale or retail liquor store is authorized to be located or operated within an established shopping center or shopping mall, and such liquor store cannot and does not have a main entrance or door opening onto a public street, but the main entrance or door would open or front on a shopping center parking area, the commission in its discretion may approve the issuance of a liquor license to cover such location within the shopping center or shopping mall, irrespective of the fact that the main entrance or door does not or would not open onto a public street.

(g) (1) No holder of a license for the sale of alcoholic beverages for wholesale or retail shall sell, deliver, or cause, permit or procure to be sold or delivered, any alcoholic beverages on credit, except that holders of wholesale licenses may sell on not more than ten (10) days' credit.

(2) The ten-day period begins from delivery and receipt by the retail licensee. The ten-day period cannot include any day that the wholesaler is not open to make deliveries, receive payment or receive mail.

(3) Any suspension of deliveries is a credit decision to be made by a wholesaler and a retail licensee.

(4) A wholesaler shall be permitted to communicate with another wholesaler about the account status of any retail licensee.

(5) Wholesalers shall advise the commission of any failure of a retailer to comply with this subsection (g).

(6) The commission shall be permitted to post the account status of a retail licensee with any wholesaler on its web site.

(7) This subsection (g) shall not apply to nonalcoholic products.

(h) (1) No alcoholic beverages shall be sold for consumption on the premises of the seller except as provided in §§ 57-4-101 -- 57-4-203, and except as may be permitted by the regulations of the commission for the purpose of conducting consumer educational seminars by
a licensee under § 57-3-204, conducted on the premises of a business licensed pursuant to §§ 57-4-101 -- 57-4-203. A wholesaler licensed pursuant to § 57-3-203 or a person holding a permit as a representative or salesperson pursuant to § 57-3-203(d) may conduct a sales demonstration on the premises of a licensed retailer and, for such limited purpose, may provide free samples to the employees of a licensed retailer for consumption on such premises. A retail licensee may conduct such a sales demonstration for the persons employed by such licensee holding permits issued pursuant to § 57-3-204(c) using products and samples provided by a wholesaler or wholesaler sales representative notwithstanding the absence of the wholesaler or wholesaler sales representative. All such sales demonstrations permitted consumption shall be permitted only for sales, education, and promotional purposes and no one other than a retail licensee, a person holding a permit issued pursuant to § 57-3-204(c), a wholesaler or a wholesaler sales representative, or a person holding a permit issued pursuant to § 57-3-202(d) may be present in the room where such demonstration is conducted or may receive a sample for consumption.

(2) A retail licensee may offer complimentary samples of the products it sells for tastings to be held on the premises of the retail licensee. Such tastings shall be for sales, education and promotional purposes. No person holding a license under § 57-3-203 shall, directly or indirectly, provide any products, funding, labor, support or reimbursement to a retailer for the consumer tastings authorized by this subdivision (n)(2).

(b) (i) The tastings may be held at the option of the retail licensee during the hours the retail licensee is open for business, without filing any notice other than as provided in subdivision (h)(2)(B)(ii) with the commission, and no charge or fee may be assessed by the commission for a retail licensee to offer such complimentary samples.

(ii) With its annual renewal, the retail licensee shall notify the commission of its intention to conduct tastings during the year on the premises of the retail licensee. If following the date the license is renewed, the retail licensee makes a determination to offer tastings, the licensee shall notify the commission of its intention to conduct tastings for the remainder of the year.

(C) The size of each sample shall be no greater than approximately two ounces (2 oz.) for each wine or high alcohol content beer sample and no greater than approximately one half ounce (1/2 oz.) for each liquor sample. It is the responsibility of the retail licensee to limit the number of tastings per customer and the number of products available for tasting.

(D) Notwithstanding any law or rule to the contrary, a retail licensee or employee of the retail licensee may participate in tastings.

(E) A server permit is not required for employees conducting tastings if the employee has a permit pursuant to § 57-3-703; provided, that every retail licensee which offers tastings is encouraged to ensure that any employee who is involved with the tastings understands that a violation of § 57-3-406(c) and (d) and § 57-3-412 related to retail sales apply equally to those customers who participate in the tastings.

(F) A supplier may provide, through licensed wholesalers, products for tasting purposes by a retail licensee.

(i) No wholesaler may provide a discount or other reduction in price to a retailer or retail food store wine licensee by virtue of the sales made to any other licensee. Any discount or pricing made available to a retailer or retail food store wine licensee shall be made available on the same terms and conditions to other retailers and food store wine licensees within the same jurisdiction. Any quantity discounts provided by wholesalers to any retailer licensed under § 57-3-803 cannot be cumulative in nature, but can be based only upon products delivered contemporaneously. No retail food store wine licensee may receive any remuneration, by whatever name, at a corporate office located inside or outside this state that affects the profitability of wine or beer sales in this state, that is not made available to all retail licensees...
or other retail food stores licensed to sell wine or beer in this state.

ORDINANCE NO. __________

TITLE

AN ORDINANCE TO AMEND TITLE 8, TITLED “ALCOHOLIC BEVERAGES,” CHAPTER 3, TITLED “BEVERAGES EXCEEDING FIVE PER CENT ALCOHOL – RETAILERS GENERALLY,” SECTION 8-324, TITLED “CONSUMPTION OF BEVERAGES ON PREMISES PROHIBITED,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, TO GIVE RETAIL LIQUOR STORES THE ABILITY TO OFFER SAMPLES AND TASTINGS IF CONDUCTED IN ACCORDANCE WITH STATE LAW.

WHEREAS, Tennessee Code Annotated §57-3-404(h) sets forth the conditions under which a retail liquor store may provide samples and tastings for on premises consumption; and

WHEREAS, the City desires to amend the City Code to address samples and tastings by retail liquor stores.

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

Section 1. Title 8, titled “Alcoholic Beverages,” Chapter 3, titled “Beverages Exceeding Five Per Cent Alcohol – Retailers Generally,” of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 8-324, titled “Consumption of Beverages on Premises Prohibited,” in its entirety and substituting therefor a new Section 8-324, titled “Samples and Tastings,” which new section shall read as follows:

Section 8-324. Samples and Tastings.

Retail liquor stores may offer samples and tastings provided such samples and tastings are conducted in accordance with applicable state law (Tennessee Code Annotated §57-3-404(h)). Otherwise, no alcoholic beverages shall be consumed on the premises of the seller.

Section 2. 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

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk
RESOLUTIONS
DATE: September 1, 2017

TO: Honorable Mayor and Members of City Council

FROM: Mary Beth Hickman, City Clerk

SUBJECT: RESOLUTION HONORING JIM HENRY AND TO PROCLAIM OCTOBER 2, 2017 AS JIM HENRY DAY

An item for City Council’s consideration is a resolution honoring Jim Henry, Deputy Governor and Chief of Staff for Governor Bill Haslam. This resolution was requested by Mayor Warren Gooch for Roane County Executive Ron Woody, who has asked all municipalities in Roane County, as well as the Roane County Commission, to pass similar resolutions.

Jim Henry previously served as Commissioner of the Department of Children’s Services and the Department of Intellectual and Developmental Disabilities. Prior to joining Governor Haslam’s administration, Mr. Henry served six terms in the Tennessee House of Representatives, with three of those as Minority Leader. He was elected to the Kingston City Council at the age of 26 and served as the Mayor of Kingston from 1973 to 1978.

Roane County is planning to honor Mr. Henry on October 2, 2017.

Mary Beth Hickman

Attachments: E-mail from Melanie Townsend, Executive Assistant to Roane County Executive Ron Woody Biography of Jim Henry Resolution
Requested for the September meeting by Roane County officials.

Sent from my iPad

Begin forwarded message:

From: Melanie Townsend <melanie.townsend@roanecountytn.org>
Date: August 31, 2017 at 12:07:12 AM EDT
To: "David L. Bolling" <kingstoncitymanager@gmail.com>, Tim Neal <timothyneal@bellsouth.net>, wayne Best <wayne.best@cityofharriman.net>, Kevin Helms <kelms@cityofharriman.net>, Mike Miller <mayormiller@rockwoodtn.org>, Becky Ruppe <becky.ruppe@rockwoodtn.org>, Chris Mason <ocitymanager@comcast.net>, Cecil Crowe <osmayor@comcast.net>, Warren Gooch <wgooch@oakridgetn.gov>, Mark Watson <mwatson@oakridgetn.gov>, Amy Fitzgerald-OR <AFitzgerald@oakridgetn.gov>
Subject: Joint resolution for Jim Henry Day

Please find attached the joint resolution honoring Jim Henry which will be presented to the Roane County Commission for passage. We are hoping to have all the cities to pass concurring resolutions.

As most of you know, we are planning a day honoring Deputy Governor Jim Henry. We hope to make this truly a Roane County day honoring Mr. Henry. Please feel free to make any changes needed to modify the resolution to fit your legalities.

Please forward a certified copy to our office once the resolution is passed by your Council. We will be sending out formal announcements concerning the events scheduled for Jim Henry Day (October 2, 2017) at the end of the week.

If you have any questions, please feel free to contact me or Ron.

Kind regards,
Melanie Townsend
Executive Assistant
Grants Coordinator
Office of the County Executive
Roane County Courthouse
200 E Race Street, Suite 1
Kingston, TN 37763
865-717-4101

Check out more information at www.roanecountytn.gov.
Jim Henry
Deputy to the Governor/Chief of Staff
Governor's Office

Jim Henry was appointed by Governor Haslam as deputy to the governor and chief of staff on June 30, 2015, after serving two years as commissioner for the Department of Children's Services. Henry was previously the first commissioner of the Department of Intellectual and Developmental Disabilities.

Prior to joining the administration, Henry served as president and CEO of Omni Visions, Inc., a company serving adults with developmental disabilities and children and families in crisis. The company has operations in Georgia, Kentucky, North Carolina and Tennessee.

A former mayor of Kingston, Tenn., Henry served 12 years as a state representative and six of those years as the minority leader.

Henry, a Vietnam veteran, attends First Baptist Church in Kingston.
RESOLUTION

A RESOLUTION HONORING JIM HENRY FOR HIS DEDICATION TO THE RESIDENTS OF ROANE COUNTY AND TENNESSEE AND TO PROCLAIM OCTOBER 2, 2017 AS JIM HENRY DAY.

WHEREAS, Jim Henry has been a life-long resident of the State of Tennessee; and

WHEREAS, he began his public service career by joining the United States Navy and serving in the Vietnam War; and

WHEREAS, in 1971, Jim Henry was elected to the Kingston City Council at the age of 26; and

WHEREAS, he also served as the Mayor of the City of Kingston from 1973 to 1978; and

WHEREAS, Jim Henry was elected to the Tennessee House of Representatives and served six terms, with three of those terms as Minority Leader; and

WHEREAS, Jim Henry has dedicated his life to advocating on behalf of children and individuals with developmental disabilities, in part through his position as President and CEO of Omni Visions, Inc.; and

WHEREAS, in 2011, Jim Henry was appointed by Governor Bill Haslam as the first Commissioner of the newly created Department of Intellectual and Developmental Disabilities; and

WHEREAS, he was then appointed as the Commissioner for the Department of Children’s Services, where he and his leadership team revamped the Child Abuse Hotline; guided the Brian A. federal lawsuit to a close; elevated child health and brought a new therapeutic program to juvenile justice facilities; and

WHEREAS, in 2015, Jim Henry was appointed as the Deputy to the Governor and Chief of Staff for Governor Bill Haslam; and

WHEREAS, it is altogether fitting and proper to honor Jim Henry for his lifetime of work on behalf of all Tennesseans.

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

That the City of Oak Ridge does hereby honor Jim Henry for his work on behalf of Roane County and Tennessee residents of all ages and all abilities.

BE IT FURTHER RESOLVED that October 2, 2017 be proclaimed in Oak Ridge as "Jim Henry Day."

This the 11th day of September 2017.

APPROVED AS TO FORM AND LEGALITY:

Kénneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk
DATE: August 17, 2017
TO: Mark S. Watson, City Manager
FROM: Shira A. McWaters, P.E., Public Works Director
SUBJECT: CONTRACT FY2018-001 TURTLE PARK PUMP STATION IMPROVEMENT PROJECT – PHASE II AND ADDITIONAL WORK FOR ELECTRICAL AND SITE WORK

Introduction

An item for City Council consideration is the award of a construction contract for the Turtle Park Pump Station Improvements Project, Phase II, Contract FY2018-001, to Design & Construction Services, Inc., Knoxville, TN, in the estimated amount of $2,168,000.

Funding

The funding for this project is available from the Tennessee Department of Environment and Conservation State Revolving Fund (SRF), loan 2017-396, approved by City Council Resolution 05-0040-2017 on May 30, 2017 in the amount of $3,100,000. SRF loan 2017-396 will fund the construction project and engineering services during construction by Trestles, LLC in the amount of $168,000 approved by City Council Resolution 06-0095-2017 on August 14, 2017.

As with all SRF loan funds, only the total expended funds will be incurred as debt.

Consideration

The City owns and operates the Turtle Park Pump Station (TPPS), which was originally designed in 1979 and serves as the primary influent pump station to the City’s Wastewater Treatment Plant. The TPPS has a firm capacity of 30 million gallons per day (mgd) and receives approximately 97% of the City’s sanitary sewer flows.

A lump sum base bid was received in the amount of $2,133,000 with an additive alternate bid received for re-coating the existing dry-well ductile iron pipe in the amount of $35,000.

The project consists of the following major elements:
- Replacement of sewage lift pumps at Turtle Park Pump Station;
- Miscellaneous piping;
- Electrical and site work for a complete project per the specifications.

Recommendation

The sealed bid process was followed with five (5) contractors attending the mandatory pre-bid conference/site visit; three (3) bids were received. The recommended contractor submitted the lowest responsive price bid. Staff recommends approval of the attached resolution as submitted.

Attachment(s)
Bid Tabulation

City Manager's Comments:
I have reviewed the above issue and recommend Council action as outlined in this document.

Mark S. Watson
Date 9-6-17
CITY OF OAK RIDGE, TENNESSEE  
Abstract of Bids

FY2018-001  
OPENING DATE: August 17, 2017  2:00 P.M.  
FOR --- Turtle Park Pump Station Improvements

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<th>TOTAL</th>
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<tr>
<td>THE FURNISHING OF ALL LABOR, TOOLS, EQUIPMENT AND SUPPLIES NECESSARY TO PERFORM ALL WORK AND SERVICES NECESSARY FOR THE TURTLE PARK PUMP STATION IMPROVEMENTS PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE, PUBLIC WORKS DEPARTMENT</td>
<td>1</td>
<td>$2,168,000.00</td>
<td>$2,316,832.00</td>
<td>$2,314,000.00</td>
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<td>TOTAL PRICE</td>
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<td>$2,168,000.00</td>
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</tbody>
</table>

OTHER BIDDERS CONTACTED:  
See Bid Process Form

BIDS OPENED AND RECORDED BY--
Lyn Majeski  
Accounting Division Manager

REASON FOR AWARD:  
ONLY BID RECEIVED  
LOW PRICE  
BETTER OR REQUIRED DESIGN  
EARLY DELIVERY  
LOWEST TOTAL COST X

RECOMMEND AWARD BE MADE TO:
Design & Construction Services, Inc.  
6020 Industrial Heights Drive  
Knoxville, TN 37909

BIDS REVIEWED BY--
Janice McCinnis  
Finance Director
**BID PROCESS FORM**

**BID NAME**
FY2018-001

**CITY COUNCIL MEETING**
Monday, August 14, 2017

**DESCRIPTION**
Turtle Park Pump Station Improvements

**BIDDERS CONTACTED (CONTACT INFORMATION)**

<table>
<thead>
<tr>
<th>Company</th>
<th>Address</th>
<th>City, State ZIP</th>
<th>Phone</th>
<th>Email</th>
<th>Contacted Via</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design &amp; Construction Services, Inc.</td>
<td>6020 Industrial Heights Drive</td>
<td>Knoxville, TN 37909</td>
<td>865-523-9730</td>
<td><a href="mailto:robert@dcsigc.com">robert@dcsigc.com</a></td>
<td>Engineer/Advertisements/Vendor Registry/Plan Rooms</td>
</tr>
<tr>
<td>Garney Companies, Inc.</td>
<td>200 Crutchfield Avenue</td>
<td>Nashville, TN 37210</td>
<td>615-953-2306</td>
<td><a href="mailto:ereynolds@garney.com">ereynolds@garney.com</a></td>
<td></td>
</tr>
<tr>
<td>Haren Construction Co., Inc.</td>
<td>1715 Highway 411 North</td>
<td>Etowah, TN 37331</td>
<td>423-263-5561</td>
<td><a href="mailto:cosborne@harenconstruction.com">cosborne@harenconstruction.com</a></td>
<td></td>
</tr>
<tr>
<td>Judy Construction Co.</td>
<td>103 South Church Street</td>
<td>Cynthiana, KY 41031</td>
<td>859-234-6900</td>
<td><a href="mailto:cjones@jusyconstructionco.com">cjones@jusyconstructionco.com</a></td>
<td></td>
</tr>
<tr>
<td>J. Cumby Construction, Inc.</td>
<td>165 West Broad Street</td>
<td>Cookeville, TN 38501</td>
<td>931-526-5158</td>
<td><a href="mailto:justin@jcumbyconstruction.com">justin@jcumbyconstruction.com</a></td>
<td></td>
</tr>
</tbody>
</table>

**BIDS RECEIVED**

**ADVERTISEMENT**
The City of Oak Ridge advertised this bid on the Finance Department's Departmental Webpage for a duration of 25 days.
RESOLUTION

A RESOLUTION AWARDING A CONTRACT (FY2018-001) TO DESIGN & CONSTRUCTION SERVICES, INC, KNOXVILLE, TENNESSEE, FOR THE TURTLE PARK PUMP STATION IMPROVEMENT PROJECT PHASE II IN THE ESTIMATED AMOUNT OF $2,168,000.00.

WHEREAS, the City issued an invitation to bid for the furnishing of all labor, tools, materials, equipment, and supplies necessary for the Turtle Park Pump Station Improvement Project Phase II; and

WHEREAS, bids were received and publicly opened on August 17, 2017, with Design & Construction Services, Inc., Knoxville, Tennessee, submitting the lowest and best bid, which bid the City Manager recommends be accepted.

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

That the recommendation of the City Manager is approved and award is hereby made to Design & Construction Services, Inc., 6020 Industrial Heights Drive, Knoxville, Tennessee 37909, for the furnishing of all labor, tools, materials, equipment and supplies necessary for the Turtle Park Pump Station Improvement Project Phase II; said award in strict accordance with FY2018-001, the required specifications, and the bid as publicly opened on August 17, 2017, and in the estimated amount of $2,168,000.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 11th day of September 2017.

APPROVED AS TO FORM AND LEGALITY:

[Signature]
Kenneth R. Krushefski, City Attorney

[Signature]
Warren L. Gooch, Mayor

[Signature]
Mary Beth Hickman, City Clerk
DATE: August 24, 2017
TO: Mark S. Watson, City Manager
FROM: Shira A. McWaters, P.E., Public Works Director
SUBJECT: PROPOSAL FOR PROFESSIONAL ENGINEERING SERVICES – TENNESSEE AVENUE WATER MAIN DESIGN AND CONSTRUCTION SERVICES

Introduction

An item for City Council consideration is the recommendation of a Professional Services Agreement with LDA Engineering, Alcoa, TN, for professional engineering services in connection with the design and construction of a new 12" in diameter water main, appurtenances, and paving on Tennessee Avenue from New York Avenue to Georgia Avenue, in the not to exceed amount of $248,500.

Funding

Funding is available in the Waterworks Fund.

Background/Analysis

Public Works Staff, along with Councilman Callison, reviewed submittals from eleven (11) engineering firms for future water distribution projects in July 2016. LDA Engineering (LDA) was one of five (5) firms selected to provide professional engineering services under this category. The City has engaged the services of LDA on past projects, including the recently completed incorporation of water mains into the City's GIS system. LDA has extensive water main design experience and past collaborative work experience with the City. These all led to the selection of LDA for the design of a new water main on Tennessee Avenue.

Constructed in the 1940s, the existing water main on Tennessee Avenue has a history of breaks. This is a critical water main which provides potable water to the medical facilities and businesses along this road. Replacement of the existing main will improve the reliability of water service to this area and reduce water loss from future breaks.

Design services will be used for the entire project which runs from New York Avenue to Georgia Avenue. Construction will take place in two (2) phases. The first phase is expected to be completed in FY2018 and the second phase is anticipated to be completed FY2019. During both phases, LDA will provide construction administration, resident observation, post construction surveying, and as-built drawings.

Design phase includes:
- A detailed survey of the proposed limits of work;
- Meetings with City, hospital and business representatives to discuss the design;
- Preparation of plans and specifications for the construction of the new 12" water main which will replace the existing 10" diameter 1940's era cast iron main;
- Full width reclamation of the roadway;
- Permitting and bidding services.

Construction is divided into two phases and will begin upon completion of the final design:
- New York Avenue to Michigan Avenue
- Michigan Avenue to Georgia Avenue
Recommendation

A written cost proposal for engineering services was received and reviewed on August 24, 2017. Based on the review of the scope of work and submitted cost proposal, Staff recommends a Professional Engineering Service Agreement with LDA Engineering. Adoption of the attached resolution is recommended as submitted.

Attachment(s)
Submitted Proposal

Shira A. McWaters, P.E.

City Manager's Comments:

I have reviewed the above issue and recommend Council action as outlined in this document.

Mark S. Watson
Date 9-6-17
August 22, 2017

Ms. Shira McWaters, P.E.
Public Works Director
City of Oak Ridge
200 South Tulane Avenue
Oak Ridge, TN 37830

Reference: Proposal for Engineering Services
Tennessee Avenue Water Main Replacement

Ms. McWaters:

We appreciate the opportunity to provide you with a proposal for engineering services related to replacement of approximately 4,500 linear feet of existing 10-inch water main on Tennessee Avenue from New York Avenue to Georgia Avenue. Our services would include design, permitting, easement preparation, engineering services during construction (C/A), resident project representation services (RPR), and Post Construction Surveying/Record Drawings for the referenced project in accordance with our executed water annual agreement dated July 1, 2017. As we discussed, the intent of this project is to complete the design in the initial phase, and bid and construct the project in two (2) phases over two fiscal years with Phase I scheduled to be constructed in FY18.

The design phase includes conducting a detailed engineering survey of Tennessee Avenue from New York Avenue to Georgia Avenue, conducting up to three (3) meetings with City and stakeholders (pre-design, 50% and 90% design review), preparing draft plans and specifications for the construction of the new 12-inch diameter water main, submitting draft plans and specifications to the City for review and approval at 50% and 90% complete and, upon receipt of comments, incorporating the comments into final plans and specifications. If requested, we will attend meetings with the medical facilities and businesses along the proposed water line route/project.

The design will also include full width pavement reclamation of the existing roadway within the construction area of the project. We anticipate identifying sections of sidewalk that will require replacement, design of ADA compliant sidewalk transitions at approximately ten (10) intersections, and, based on information available at this time, approximately 2,200 linear feet of unsuitable subgrade material that will be removed and replaced (from the Hospital area to Michigan Avenue). The City will provide subsurface borings to determine if rock is present and the soil conditions within the project limits. This information will be utilized to determine the extent of undercut required to develop a suitable base for the new asphalt pavement. Upon design completion, we will submit the design drawings/technical specifications for the water main replacement to TDEC for approval.
We will prepare necessary drawings, narrative descriptions, and permit application forms for a Tennessee Valley Authority 26A / Corps of Engineers 404 Application, and the Tennessee Department of Environment and Conservation (TDEC) ARAP Application. If a stand-alone Storm Water Pollution Prevention Plan (SWPPP) is required to be prepared and submitted to TDEC by the City, this service can be provided. The permitting process includes coordination with the City, SWPPP preparation if necessary, and preparation of ARAP, TVA 26A/USACE 404, and TDEC construction permits.

The bidding services include rendering assistance in obtaining bids including answering Bidder questions, conducting a pre-bid conference, preparing addenda as necessary, attending the bid opening, providing an analysis of the bids received, making recommendations on award of the contract, rendering assistance in award of the contract, and assembly of the Contract Documents for execution.

We will also provide construction administration services such as conducting a preconstruction conference, shop drawing and RFI reviews, attendance and documentation of progress meetings, answering contractor questions, site visits, pay estimate reviews, preliminary and final inspections and punch-list preparation. Post construction surveying and preparation of record drawings at completion of construction will be provided on an hourly basis. Deliverables will be two (2) paper copies and a CD with the electronic drawings including updates to GIS mapping.

We would appreciate your consideration of the following fees for the design, permitting (SWPPP, ARAP, TVA 26A, USACE 404, & TDEC), assistance in obtaining bids for the construction activities, construction administration, and post construction activities (two phases):

Design Services: $115,500.00 Lump Sum (not-to-exceed)
SWPPP Preparation (if required): $ 8,000.00 Hourly (not-to-exceed)
Permitting including, Coordination with the City, ARAP, TVA 26A, USACE 404, and TDEC permits: $10,000.00 Hourly (not-to-exceed)
Bidding Services Phase I: $ 7,500.00 Lump Sum (not-to-exceed)
Construction Administration Phase I: $40,000.00 Hourly (not-to-exceed)
Bidding Services Phase II: $ 7,500.00 Lump Sum (not-to-exceed)
Construction Administration Phase II: $40,000.00 Hourly (not-to-exceed)
Post Construction Surveying Phase I/II: $ 7,500.00 Hourly (not-to-exceed)
Record Drawings Phase I/II: $12,500.00 Hourly (not-to-exceed)

**Total Engineering Fee's:** $248,500.00 (not-to-exceed)
At the request of the City, Resident Project Representative (RPR) services will be provided on an hourly basis at the rate of $70.00 per hour. If requested, the time for RPR will only be charged relating to the actual construction time. LDA will provide one (1) full time RPR to observe both contracts on an as needed basis.

We are prepared to begin these services immediately upon your written authorization. If you have questions or comments, please do not hesitate to contact us.

Sincerely,

[Signature]

Greg Jones, P.E.
Vice President
RESOLUTION

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH LDA ENGINEERING, ALCOA, TENNESSEE, FOR ENGINEERING SERVICES IN CONNECTION WITH THE DESIGN AND CONSTRUCTION OF A NEW WATER MAIN ON TENNESSEE AVENUE BETWEEN NEW YORK AVENUE AND GEORGIA AVENUE AN AMOUNT NOT TO EXCEED $248,500.00.

WHEREAS, the City is in need of engineering services related to replacement of approximately 4500 linear feet of water main on Tennessee Avenue between New York Avenue and Georgia Avenue, including design, permitting, easement preparation, engineering services during construction, resident project representation services, and post/construction surveying and record drawings for the project; and

WHEREAS, it is anticipated that construction will take place in two phases: New York Avenue to Michigan Avenue in FY2018, and Michigan Avenue to Georgia Avenue in FY2019; and

WHEREAS, LDA Engineering, Alcoa, Tennessee, participated in the City’s 2016 process requesting statements of qualifications from engineering firms for water and sewer projects, has a working knowledge of the City’s water distribution system, has extensive water distribution experience, and has past collaborative work experience with the City; and

WHEREAS, based upon the above, LDA Engineering has been selected by city staff for design and construction services associated with this project; and

WHEREAS, the City Manager recommends approval of an agreement with LDA Engineering for these services.

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

That the recommendation of the City Manager is approved and the City is hereby authorized to enter into a professional services agreement with LDA Engineering, Alcoa, Tennessee, for design and construction services associated with replacement of water main along Tennessee Avenue between New York Avenue and Georgia Avenue; said agreement in an amount not to exceed $248,500.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 11th day of September 2017

APPROVED AS TO FORM AND LEGALITY:

[Signature]
Kenneth R. Krushenski, City Attorney

[Signature]
Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk
PUBLIC WORKS DEPARTMENT MEMORANDUM
17-42

DATE: August 25, 2017

TO: Mark S. Watson, City Manager

THROUGH: Shira A. McWaters, P.E., Public Works Director

FROM: Bryan W. Mills, P.E., Public Works Engineer

SUBJECT: INFRASTRUCTURE ACCEPTANCE - THE PRESERVE AT CLINCH RIVER, PHASE 8, SUBAREA 0 - PORTION OF PARCEL 2.01, TAX MAP 39, ROANE COUNTY

Introduction

An item for City Council consideration is the recommendation for acceptance of infrastructure within the Preserve at the Clinch River (formerly Rarity Ridge Subdivision) Phase 8, Subarea 0, Section 2; as shown on the attached drawing and listed below.

Funding

No funding is required.

Background/Analysis

RL REGI-TN OAK, LLC has requested the City to formally accept infrastructure for perpetual maintenance purposes. The Subdivision Final Plat was recorded in Roane County on July 26, 2017 in Plat Cabinet F, Pages 406-415.

Infrastructure proposed for acceptance has been inspected by the City and has been completed in accordance with City Subdivision Regulations. The City is waiving the typically required one-year Warranty Bond for workmanship and materials since the utilities have been in operation for over five (5) years.

A summary of the infrastructure to be accepted includes:
• 2,471 Linear feet of sanitary sewer lines located in the ROW or dedicated easements;
• 3,222 linear feet of water lines located in the ROW or dedicated easements;
• Electric easements as show on the recorded plat.

Recommendation

The City of Oak Ridge Planning Commission recommended acceptance of the infrastructure as its August 17, 2017 meeting. Staff recommends acceptance of the subdivision infrastructure and approval of the attached resolution.

Attachment(s)
Infrastructure drawing

City Manager’s Comments:

I have reviewed the above issue and recommend Council action as outlined in this document.

Mark S. Watson

9-7-17 Date
RESOLUTION

A RESOLUTION ACCEPTING CERTAIN INFRASTRUCTURE AT THE PRESERVE AT CLINCH RIVER (FORMERLY RARITY RIDGE) PHASE 8, SUBAREA O, SECTION 2, FOR PERPETUAL MAINTENANCE.

WHEREAS, RL REGI-TN OAK, LLC, is the owner of the Preserve at Clinch River (formerly Rarity Ridge), Phase 8, Subarea O, Section 2; and

WHEREAS, the subdivision final plat was filed with the Oak Ridge Municipal Planning Commission, and the Commission approved the same for recording; and

WHEREAS, the Subdivision Final Plat was recorded in Plat Cabinet F, Pages 406-415, on July 26, 2017, in the Roane County Register of Deeds Office; and

WHEREAS, RL REGI-TN OAK, LLC, is now ready to deliver over to the City of Oak Ridge certain infrastructure for perpetual maintenance; and

WHEREAS, the Oak Ridge Municipal Planning Commission, at its regular meeting on August 17, 2017, recommended to City Council that certain infrastructure improvements on the referenced plat be accepted for perpetual maintenance.

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

That the City of Oak Ridge hereby accepts the following infrastructure for perpetual maintenance for the Preserve at Clinch River, Phase 8, Subarea O, Section 2: 2,471 linear feet of sanitary sewer lines located in the right-of-way or dedicated easements; 3,222 linear feet of water lines located in the right-of-way or dedicated easements; and electric easements; all as identified on the Subdivision Final Plat as recorded in the Roane County Register of Deeds Office to be used for public purposes.

This the 11th day of September 2017.

APPROVED AS TO FORM AND LEGALITY:

[Signature]
Kenneth R. Krushenski, City Attorney

[Signature]
Warren L. Gooch, Mayor

[Signature]
Mary Beth Hickman, City Clerk
RECREATION & PARKS MEMORANDUM
17-06

DATE:       August 22, 2017
TO:         Mark S. Watson, City Manager
FROM:       Jonathan Hetrick, Recreation and Parks Director
SUBJECT:    TDOT Consultant Selection Policy

Introduction

An item for City Council consideration is a resolution adopting the Tennessee Department of Transportation’s (TDOT) Consultant Selection Policy for the Oak Ridge Rails to Trails project. Pursuant to Chapter 1, Section 1.6 of TDOT’s Local Government Guidelines Manual, when a local government uses any federal or state funds for a project, that local government must formally adopt, through Board or Council, TDOT’s Consultant Selection Policy prior to issuing the Request for Qualifications.

Funding

No funding is necessary to adopt this policy.

Background

On July 10, 2017, City Council adopted a resolution approving a contract with the Tennessee Department of Transportation (TDOT) for a Rails-to-Trails project along approximately 4.9 miles of a discontinued section of a CSX rail line. The City then received a Notice to Proceed with the Preliminary Engineering Phase (Environmental only) from TDOT, which allows the City to initiate the process of selecting a consultant for the architectural, engineering and right-of-way services for the project.

TDOT’s Consultant Selection Policy requires a “Competitive Negotiation” method of procurement for engineering-related services. These contracts use qualification-based selection procedures under the “Brooks Act” provisions contained in Title 40 U.S.C. Chapter 11. The proposal solicitation process is by public announcement and provides qualified in-state and out-of-state consultants a fair opportunity to be considered for award of the contract. Price is not used as a factor in the evaluation and selection phases.

The Policy also requires the establishment of a Consultant Evaluation Committee composed of professional employees of the Agency capable of providing a review of the technical qualifications of the consultant to perform the job(s) in question. All firms, including any public or private universities, must have a current prequalification status which can be found on the TDOT’s website.
Review

TDOT’s Consultant Selection Policy requires that professional services are procured based on the consultant’s work experience in the required discipline, specialized expertise, professional licensure, staff capabilities, technical approach, local presence, etc. Since price is not used as a factor in the evaluation and selection phases, a qualifications-based selection procedure is ensured.

The policy was reviewed and discussed by the Oak Ridge Planning Commission and recommended for approval to City Council by a unanimous vote during the regularly scheduled meeting on August 17, 2017.

Recommendation

Staff recommends approval of the accompanying Resolution as submitted.

Attachment

Resolution

Jonathan Hetrick

City Manager’s Comments:

I have reviewed the above issue and recommend Council action as outlined in this document.

Mark S. Watson

Date

9-6-17
RESOLUTION

A RESOLUTION APPROVING THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION'S CONSULTANT SELECTION POLICY.

WHEREAS, by Resolution 7-78-2017, City Council approved an agreement with the State of Tennessee Department of Transportation (TDOT) for a Rails-to-Trails project; and

WHEREAS, the City has received a notice to proceed from TDOT for the preliminary engineering phase (environmental only) of the project; and

WHEREAS, as prerequisite to issuing the Request for Qualifications for the preliminary engineering phase, the City must adopt TDOT’s Consultant Selection Policy; and

WHEREAS, TDOT’s Consultant Selection Policy requires a competitive negotiation process which ensures a qualifications-based selection process and not a price-based selection process; and

WHEREAS, at its August 17, 2017 meeting, the Oak Ridge Municipal Planning Commission recommended City Council approval of TDOT’s Consultant Selection Policy; and

WHEREAS, the City Manager recommends approval TDOT’s Consultant Selection Policy.

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

That the recommendation of the City Manager is approved and the City hereby adopts the attached State of Tennessee Department of Transportation (TDOT) Consultant Selection Policy.

This the 11th day of September 2017.

APPROVED AS TO FORM AND LEGALITY:

[Signature]
Kenneth R. Krushenski, City Attorney

[Signature]
Warren L. Gooch, Mayor

[Signature]
Mary Beth Hickman, City Clerk
CITY OF OAK RIDGE, TN
Consultant Selection Policy for Projects Funded in Whole or in Part with Funds Provided by the Federal Highway Administration or the Tennessee Department of Transportation

AUTHORITY: T.C.A. § 12-4-107. If any portion of this policy conflicts with applicable state or federal laws or regulations, that portion shall be considered void. The remainder of this policy shall not be affected thereby and shall remain in full force and effect.

PURPOSE: To prescribe the policy of the City of Oak Ridge, TN, hereinafter referred to as the Agency, applicable to the procurement, management and administration of consultant services for architectural, engineering, and right-of-way services for projects.

APPLICATION:

A. Engineering and Design Related Services
This policy is to include all engineering and design related services described in T.C.A. §12-4-107, 40 U.S.C. Chapter 11, 23 U.S.C. §112 (b)(2), 23 CFR Part 172, and 2 CFR 200.317.

B. Right-of-Way Acquisition Services
This policy also includes right-of-way acquisition services for required projects. These services include contracts for appraisal, acquisition, or relocation services related to the acquisition of land entered into by the Agency for the purpose of acquiring right-of-way. Since compensation for these services is not paid pursuant to federal regulation, the terms of this policy regarding methodology of compensation are not applicable.

DEFINITIONS:


B. Engineering and Design Related Services means –

1. Program management, construction management, feasibility studies, preliminary engineering, design engineering, surveying, mapping, or architectural related services with respect to a highway construction project or projects; and

2. Professional services of an architectural or engineering nature, as defined by Tennessee law, including T.C.A. §12-4-107, which are required to or may logically or justifiably be performed or approved by a person licensed, registered, or certified to provide architectural or engineering services.
Examples of services within the scope of this policy include, without limitation, project planning, environmental studies, context sensitive solution/design services, cultural resources studies, geotechnical studies, historic studies, archeological studies, socio-economic and environmental justice analyses, drainage studies, inspection services, intelligent transportation system design and development, traffic control systems design and development, roadway design services, including surveying and mapping, structural design services, materials inspection and testing, value engineering, utility relocation/coordination, and utility analysis/design services with respect to a highway construction project or projects.

C. Fixed fee means a dollar amount established to cover the consultant’s profit and other business expenses not allowable or otherwise included as a direct or indirect cost.

D. One-year applicable accounting period means the annual accounting period for which financial statements are regularly prepared by the consultant.

E. Scope of work means all services, work activities, and actions required of the consultant by the obligations of the contract.

F. Technical Services means specialized testing or other paraprofessional services that provide test results, data, or information in support of engineering services, including such services as laboratory testing, core borings, and material sampling.

PROCUREMENT METHODS:

A. Competitive Negotiation - Competitive negotiation is the preferred method of procurement for engineering related services. These contracts use qualifications-based selection procedures in the manner of a contract for architectural and engineering services under the "Brooks Act" provisions contained in Title 40 U.S.C. Chapter 11. The proposal solicitation process is by public announcement and provides qualified in-state and out-of-state consultants a fair opportunity to be considered for award of the contract. Price is not used as a factor in the evaluation and selection phases.

B. Small Purchases - Small purchase procedures are relatively simple and informal procurement methods where an adequate number of qualified sources are reviewed and the total contract costs do not exceed the simplified acquisition threshold as defined in 48 CFR §2.101 (currently $150,000). Competitive negotiation in the manner of a "Brooks Act" qualifications-based selection procedure is not required.
C. Noncompetitive Negotiation – Noncompetitive negotiation is used to procure engineering and design related services when it is not feasible to award the contract using competitive negotiation or small purchase procedures. Circumstances which may justify a noncompetitive negotiation include when the service is available only from a single source, there is an emergency which will not permit the time necessary to conduct competitive negotiations, or after solicitation of a number of sources competition is determined to be inadequate.

TYPES OF CONTRACTS:

A. Project Specific Contract – A project specific contract provides for all the work associated with a specific project or projects that is to be performed by the consultant firm and requires a detailed scope of services. These contracts may provide for all work to be placed under contract at the same time depending on availability of funds. A project specific contract is the traditional type of consultant contract between the Agency and a consultant for the performance of a fixed scope of work related to a specific project or projects.

B. Multiphase Contract – A multiphase contract is similar to a project-specific contract except that the work is divided into phases such as survey, environmental or design. The consultant contract is based on a general scope of work with a maximum contract ceiling. Individual phases are negotiated and the work authorized while future phases may wait until later in the contract period before completing negotiation and authorization. Multiphase contracts are helpful for complex projects where the scope of a future phase is not well defined. Multiphase contracts may be terminated at the end of a phase. A multiphase contract incorporates the work order concept for a specific project.

C. General Engineering Related Contract – General engineering related contracts are for engineering and design related services related to transportation planning, design, or program management for use on multiple projects. Examples include the development of design standards and technical manuals, and the development of comprehensive transportation program management manuals. These services may be performed on a project specific or on-call basis.

POLICY:

I. CONSULTANT EVALUATION COMMITTEE

A. Establishment of a Consultant Evaluation Committee: The Agency's legally designated selection authority shall designate the members of the Consultant Evaluation Committee (CEC), which shall at a minimum be composed of professional employees of the Agency capable of providing a review of the technical qualifications of the consultant to perform the job(s) in question. The
Agency’s legally designated selection authority must approve any substitutions. The CEC membership may vary depending on the type of service being procured.

B. Role: The CEC shall have the responsibility of submitting to the Agency’s legally designated selection authority a recommended list of at least three of the most highly qualified firms if one firm is to be selected. If more than one firm is to be selected from a single solicitation, the CEC’s recommended list of the most highly qualified firms shall include at least two more firms than the number of selections to be made.

C. Record of Proceedings: The CEC shall designate either a member or staff person to create and maintain a record of proceedings before the CEC, which shall include information submitted to the CEC for consideration, summary minutes of meetings, findings and/or recommendations to the Agency’s legally designated selection authority.

II. PREQUALIFICATION OF CONSULTANTS

A. All firms, including any public or private universities, shall have a current prequalification status which can be found on the Tennessee Department of Transportation’s website.

B. Firms and their employees must comply with the applicable state licensing law requirements including but not limited to Tennessee Code Annotated Title 62, Chapter 2 (Architects, Engineers, and Landscape Architects), Title 62, Chapter 39 (Real Estate Appraisers), Title 62, Chapter 18 (Land Surveyors), and Title 62, Chapter 36 (Geologists).

C. Firms prequalified by the Tennessee Department of Transportation for engineering and design related services shall have either an “Unlimited” or “Limited” prequalification status as described below:

1. Unlimited Prequalification: This level of prequalification allows consulting firms to compete for any projects for which they are professionally and financially pre-qualified with the Tennessee Department of Transportation. Continued prequalification at this level requires submittal of the prequalification form every three years.

2. Limited Prequalification: This level of prequalification allows firms seeking prequalification for engineering and design related services to:

   a) Compete for projects with fees estimated to be less than the "Small Purchase Maximum Contract Value" per contract (see Section VI), or

   b) Work as a sub-consultant or as contract labor with fees estimated to be less than the "Small Purchase Maximum Contract Value" per contract.
C. Expiration or termination of a consultant’s prequalification status may be cause for the Agency to terminate any contract with a consultant.

D. A name change, merger, buy out or other similar change in status shall cause a termination of the existing prequalification and necessitate the submittal of a new prequalification form to the Tennessee Department of Transportation.

E. A firm’s prequalification status shall be terminated if the firm is included on the Federal Excluded Parties List or if it has been suspended or debarred by the Tennessee Department of Transportation or any other agency of the State of Tennessee.

III. COMPETITIVE NEGOTIATION PROCUREMENT PROCEDURE

A. Confidentiality of Data and Records Retention

1. To the extent allowed by applicable State law, all documents relating to the evaluation and selection of consultants, and negotiations with selected consultants, shall remain confidential until selection is complete and a contract is awarded.

2. Audit information shall not be provided to other consultants or any other government agency not sharing the cost data, or to any firm or government agency for purposes other than complying with the Agency’s acceptance of a consultant’s indirect cost rates pursuant to 23 U.S.C. § 112 and 23 CFR Part 172 without the written permission of the affected consultants. If prohibited by law, such cost and rate data shall not be disclosed under any circumstance; however, should a release be required by law or court order, such release shall make note of the confidential nature of the data.

3. In accordance with 23 CFR 172.7 and the provisions of 2 CFR 200.333, financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report. The only exceptions are the following:

   a) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

   b) When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.
c) Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition.

d) When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the 3-year retention requirement is not applicable to the non-Federal entity

B. Solicitation

The Agency shall seek Letters of Interest from pre-qualified firms by public announcement through its internet website and by any other means of advertisement that may be required by law. Solicitations shall be reviewed and approved by the Local Programs Development Office before publishing.

1. For all contract types, the solicitation shall address:

   a) Contact information at the Agency for project specific questions;

   b) The specific location where the Letters of Interest should be mailed or e-mailed;

   c) The deadline for submittals of Letter of Interest (not less than 14 days from the date of the solicitation);

   d) A statement that all firms must be pre-qualified or have a completed prequalification form filed with the Tennessee Department of Transportation by the deadline for the Letters of Interest; and

   e) Disadvantaged Business Enterprise (DBE) and Small Business encouragements.

2. The solicitation shall provide at a minimum, the following:

   a) A detailed scope of work, including:
      i. The purpose and description of the project;
      ii. The services to be performed;
      iii. The deliverables to be provided;
      iv. The estimated schedule for performance of the work; and

   b) The technical requirements of consultants required including the applicable standards, specifications, and policies;

   c) The qualifications of consultants needed for the services to be rendered;

   d) Any requirements for interviews or other types of discussions that may be conducted with the most highly qualified firms in Phase II of the selection of process;
e) The evaluation criteria to be used in Phases I and II of the selection process, including the relative weight of importance of the factors to be considered in evaluating the interested firms that submit proposals in Phase II of the selection process;

f) Any approved non-qualifications based evaluation criteria to be considered in Phase II of the evaluation process;

g) The contract type and method of payment; and

h) Any special provisions or contract requirements associated with the solicited services.

3. For mid-range and large size projects, the CEI consultant shall not be associated with any other aspect of the project as described in Attachment A. The Agency must advertise separately for design and CEI services for mid-range and large projects, OR the Agency must separate the project into phases on one advertisement and require the consultant to indicate to which phase they are responding.

C. Consultant Evaluation Criteria

1. The qualifications-based selection criteria used for evaluation, ranking, and selection of consultants to perform engineering and design related services may include, but are not limited to, technical approach (e.g., project understanding, innovative concepts or alternatives, quality control procedures), work experience, specialized expertise, professional licensure, staff capabilities, workload capacity, and past performance.

a) For Phase I evaluation, the qualifications-based evaluation criteria may include, but are not limited to, the following:

i. Work experience in the required disciplines with TDOT, the Agency, and/or other clients;

ii. Specialized expertise;

iii. Professional licensure;

iv. Staff capabilities of prime consultant;

v. Size of project and limited or unlimited prequalification status; and,

b) For firms submitting proposals during Phase II evaluation, the following additional evaluation criteria may also be included:

i. Workload capacity; including amount of work under contract with the Agency, if applicable

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ii. Past performance on Agency Projects;

iii. Technical approach (e.g., project understanding, innovative concepts or alternatives, quality control procedures);

iv. Other factors including interviews and demonstrations, as approved by the Agency; and

v. Any approved non-qualifications based evaluation criteria, as provided in paragraph C.2. below.

2. If approved by the Agency’s legally designated selection authority and the Department’s Local Programs Office, the following non-qualifications based criteria are permitted, provided the combined total of these factors does not exceed a nominal value of ten percent (10%) of the total evaluation criteria:

   a) For contracts with Federal-aid funding, participation of qualified and certified Disadvantaged Business Enterprise (DBE) sub-consultants; and/or

   b) For any contracts a local presence may be used as a nominal evaluation factor where appropriate; provided, that this factor shall not be based on political or jurisdictional boundaries, and provided further that this factor may be applied only on a project-by-project basis for contracts where:

      i. A need has been established for a consultant to provide a local presence;

      ii. A local presence will add value to the quality and efficiency of the project; and

      iii. Application of this factor leaves an appropriate number of qualified consultants, given the nature and size of the project.

      iv. If a consultant from outside of the locality area indicates as part of a proposal that it will satisfy the criteria in some manner, such as establishing a local project office, that commitment shall be considered to have satisfied the local presence criteria.

3. For contracts or projects with Federal-aid funding, the Agency may set DBE goals, in which case the selected consultant must either meet the goal or show good faith efforts to meet the goal, consistent with the DBE program regulations at 49 CFR Part 26, to be considered for selection.

D. Evaluation, Ranking and Selection

1. Phase I Evaluation

   a) Using the evaluation criteria identified in the public solicitation, the Agency advertising for engineering related services shall evaluate current
statements of qualification and performance data from those firms submitting Letters of Interest.

b) Unless specifically stated otherwise in the solicitation, the evaluation of a firm’s qualification during Phase I evaluation shall be limited to the prime consulting firm only.

c) Evaluations shall be presented to the CEC for review. The CEC shall choose at least three of the most highly qualified consultants who would make viable candidates and who will be invited to submit a proposal.

d) The Agency shall issue a list of firms chosen to submit proposals and notify the firms that were not selected. The firms selected in Phase I shall be requested to submit a proposal for the work. Proposal format requirements, delivery address and deadlines shall be included in the notification sent to the selected firms. Electronic delivery and receipt of the proposal may be permitted.

2. Phase II Evaluation

a) The Agency shall evaluate the proposals of firms selected in Phase I using the Phase II evaluation criteria identified in the public solicitation.

b) A consultant firm that has been short-listed for a project and asked to submit a proposal shall specifically identify any sub-consultant(s) required to complete the project team. Identified sub-consultants will be evaluated using the criteria identified in the public solicitation. All sub-consultants identified on the submittal must be pre-qualified by the Tennessee Department of Transportation to perform the required tasks or have an application pending prior to submittal of the proposal. It shall be the responsibility of the prime consultant to include a signed statement from each sub-consultant on their own letterhead confirming that they have the staff available and agree to provide the necessary services for the specific item/project listed in the prime consultant’s proposal. Failure to meet these requirements will void the submittal.

c) Separate formal interviews, if approved as an evaluation criteria, shall be structured and conducted with a specified time limit. Competing consultants may be asked to bring additional information or examples of their work to the interviews if such information will contribute to the evaluation process. Specific questions may be asked of each consultant to clarify qualifications, written proposals, or oral presentations.

d) The Agency shall present the evaluation of proposals received from firms selected in Phase I to the CEC for review. The CEC shall rank the firms based on the established and published criteria, or the CEC shall submit to the legally designated selection authority a list of the firms deemed most
highly qualified to provide the services required. The list shall contain no fewer than three firms. In instances where only two qualified consultants respond with proposals, the Agency may proceed with evaluation and selection if it is determined that the solicitation did not contain conditions or requirements that arbitrarily limited competition.

3. Phase III Evaluation, Ranking, Selection and Notification

a) If the CEC does not make the final ranking of the most highly qualified firms, the Agency’s legally designated selection authority shall rank the firms in order of preference.

b) Notification must be provided to responding consultants of the final ranking of the three most highly qualified consultants.

c) The Agency will negotiate with the three consultant firm(s) deemed to be most highly qualified in rank order.

E. Negotiation of Contract

The following shall apply to all negotiations of scope and cost for contracts, work orders, and supplemental agreements.

1. Determination of Contract Amount: The Agency shall prepare a detailed independent estimate with an appropriate breakdown of the work or labor hours, types or classifications of labor required, other direct costs, and consultant’s fixed fee for the defined scope of work. The independent estimate, which shall serve as the basis for negotiation, will be based on the following:

a) Relative difficulty of the proposed assignment or project, size of project, details required, and the period of performance; and,

b) A comparison with the experience record for similar work performed both by Agency personnel and previously negotiated consultant contracts.

This estimate shall be done independently, prior to negotiation, and shall remain confidential to the extent allowed by applicable law.

2. Scope of Work Meeting with Selected Firm: The Agency will negotiate with the selected firm and may arrange a conference with the prospective consultant where the parties must come to a mutual understanding of the scope of work and all technical and administrative requirements of the proposed undertaking. In lieu of a conference, this may be done by phone or correspondence. The prospective consulting firm may be represented as it wishes; however, a project manager and accounting representative are recommended.

3. Cost Proposal: The prospective consulting firm will be invited to submit a cost proposal for the project. This cost proposal is to be broken down by the various
items of work as requested and supported by estimated labor requirements. Instructions shall be given regarding the method of compensation and the documentation needed to justify the proposed compensation.

In evaluating the consultant’s cost proposal(s), the Agency shall judge the reasonableness of the proposed compensation and anticipated labor and equipment requirements by the following and other appropriate considerations:

a) The proposed compensation should be comparable to that of other projects of similar nature and complexity, including as applicable salaries and man-hours to accomplish the work, and allocation of labor within the man-hour estimates.

b) The Agency will assess the fairness of the proposed fixed fee based on the scope, complexity, contract duration, degree of risk borne by the consultant, amount of subcontracting, and professional nature of the services as well as the size and type of contract. Fixed fee is calculated using the following formula: Fixed Fee = 2.35 x Direct Salary x Allowed Fixed Fee Rate. Unless a higher fixed fee rate is expressly approved by the Agency, the maximum allowable fixed fee rate is 13% (See Appendix 1 for fixed fee rate determination).

c) The proposed compensation shall be studied for reasonableness and to assure sufficient compensation to cover the professional quality of the work items desired.

4. Contract Negotiations: If the consultant’s first cost proposal is rejected by the Agency, the negotiating parties shall hold a second conference to discuss those points of the cost proposal which are considered unsatisfactory. The consultant shall submit a second cost proposal based upon this second conference. If the Agency rejects the consultant’s second cost proposal, negotiations shall be formally terminated and commence with the second most qualified firm. If like negotiations are unsuccessful with the second most qualified firm, the Agency will undertake negotiations with the third most qualified firm and any others on the selected list in sequential order. With the concurrence of the legally designated selection authority, the Agency may, at any time, in lieu of continuing negotiations, elect to redefine the scope of the project and resolicit proposals pursuant to “POLICY”, Section III, B, “Solicitation”.

5. The Agency shall maintain a record of the negotiations and all required approvals and shall retain these records for 36 months following final payment in accordance with Item A.3. of this section and as provided in 23 CFR § 172.7 and 2 CFR § 200.333.

F. Contract Development and Execution
1. In the event the parties reach agreement, the legally designated selection authority shall approve the preparation of a contract.

2. The contract will include a clause requiring the consultant to perform such additional work as may be necessary to correct errors in the work required under the contract without undue delays and without additional cost to Agency.

3. The contract shall contain a clause whereby the consultant must report at least quarterly all amounts paid to any DBE sub-consultants and to any Minority Business Enterprise (MBE) and/or Woman Owned Business Enterprise (WBE) sub-consultants.

4. Method of Payment: The method of payment to the consultant shall be set forth in the original solicitation, contract, and in any contract modification thereto. The methods of payment shall be: Lump sum, cost plus fixed fee, cost per unit of work, or specific rates of compensation. A single contract may contain different payment methods as appropriate for compensation of different elements of work.

5. Suspension and Debarment: Prior to contract execution, the Agency shall verify suspension and debarment actions and eligibility status of consultants and sub-consultants in accordance with 2 CFR Part 1200 and 2 CFR Part 180.

6. The Agency shall maintain a record of the negotiations and all required approvals.

7. Prior to approval of the contract, the Agency must have on file a contract specific Certificate of Insurance for the consultant. It shall confirm that the firm has professional liability insurance for errors and omissions in the amount of $1,000,000, as a minimum, and the policy shall be maintained for the life of the contract. Consultants responsible for the disbursement of Agency funds shall be required to provide evidence of a Fidelity Bond in the amount of $250,000 maintained for the life of the contract.

G. Contract Administration

1. Once a contract has been awarded, the consultant may negotiate directly with sub-consultants. A change in sub-consultants must be approved by the Agency. A written request must be submitted to the Agency to initiate the change. This request must include an explanation of the need to change sub-consultants and the impact on the project schedule and financial elements of the contract. The substitute sub-consultant must be pre-qualified at the appropriate level (unlimited or limited) by the Department of Transportation to perform the required tasks. After consideration of all factors of the request, the Agency will respond to the request in writing.

2. After the contract has been approved, a work order issued, and productive work on the consultant’s assignment has begun, the Agency shall periodically review
and document the consultant’s progress. Said monitoring reviews shall be directed toward assurance that the consultant’s assignment is being performed as specified in the agreement, that an adequate staff has been assigned to the work, that project development is commensurate with project billings, and that work does not deviate from the contracted assignment.

Should conditions warrant, these reviews may consist only of an appropriate exchange of correspondence. These reviews shall determine, among other matters, if any changes or supplemental agreements are required for the completion of the consultant’s work.

3. A full-time employee of the Agency shall be responsible for each contract or project. Annually and/or at project close, the assigned employee will prepare a performance evaluation report covering such items as timely completion of work, conformance with contract cost, quality of work, and whether the consultant performed the work efficiently. A copy of this report will be furnished to the firm for its review and comments.

H. Contract Modifications

1. A contract modification, in the form of an executed supplemental agreement or amendment, is required whenever there is a change in the terms of the existing contract, including a change in the cost of the contract; a significant change in the character, scope, complexity, or duration of the work; or a significant change in the conditions under which the work is required to be performed. Contract modifications shall be negotiated using the same procedures as the negotiation of the original contract. The executed supplemental agreement or amendment shall clearly define and document the changes made in the contract and establish the method of payment for any adjustment in contract costs.

2. No contract may be supplemented to add work outside the scope of the project or the general scope of services the consultant was initially evaluated to perform. For example, a roadway design contract may be supplemented to add work related to additional phases of project design (e.g. preliminary engineering with related technical services such as survey or geotechnical work, preparation of right-of-way plans, or preparation of final construction plans); however, a project specific or multiphase contract for roadway design shall not be supplemented to add a new project or to add a different type of service, such as construction engineering and inspection, beyond the type of services solicited in the original solicitation.

3. Overruns in the costs of the work shall not automatically warrant an increase in the fixed fee portion of a cost plus fixed fee reimbursed contract. Permitted changes to the scope of work or duration may warrant consideration for adjustment of the fixed fee portion of cost plus fixed fee or lump sum reimbursed contracts.
I. Contract Accounting Policies

1. Indirect Cost Rate – Basic Agreement or Contract

a) **Federally funded projects:** The indirect cost rate, effective for contracts advertised on or after December 1, 2005, shall be the actual rate as determined in compliance with Federal Acquisition Regulation Standards and approved by the cognizant agency as defined by 23 CFR § 172.3. The cognizant agency is the home state transportation department, a federal agency, or TDOT in the absence of any of the other. A Certified Public Accountant (CPA) may perform the audit, but the audit work papers may be reviewed by the governmental agency. Further:

i. The indirect cost rate for firms with multiple offices shall be a combined rate for all offices.

ii. The approved rate shall be utilized for the purposes of contract estimation, negotiation, administration, reporting, and contract payment for a twelve month period beginning the seventh month after the firm’s Fiscal Year End.

iii. If the indirect cost rate expires during the contract period an extension may be considered on a case-by-case basis in accordance with 23 CFR § 172.11(b)(1)(vi). In any event, no new contracts will be considered for any firm without an approved indirect cost rate.

b) **State funded projects:** Pursuant to T.C.A. § 54-1-130, the indirect cost rate cannot exceed a maximum of 145%.

2. Travel: Travel and subsistence charges shall be in conformance with the State of Tennessee Comprehensive Travel regulations. Air travel shall be pre-approved by the Agency. Actual expenses, not to exceed the commercial rate, for the use of company owned airplanes are allowable as a direct charge.

3. Fixed Fee Payment:

a) For cost plus fixed fee contracts, payments of fixed fee shall be based on the actual labor costs not to exceed the total approved fixed fee.

b) The fixed fee for each progress billing shall be determined using the consultant’s actual direct labor for the specific billing period multiplied by 2.35 times the negotiated fixed fee percent.

c) With the exception of Construction Engineering and Inspection Contracts, the firm may invoice for the balance of any unbilled fixed fee upon successful completion of the contract.
4. Contract and Project Closing: The Agency is responsible for keeping up with contract costs and knowing when a contract is complete. The Agency is also responsible for closing the contract in a timely manner. By letter to the consultant, the Agency shall affirm that the contract or work order has been satisfactorily completed. In the event that additional services are required within the original scope of the project, the contract or work order may be re-opened. All terms and conditions of the contract shall remain the same.

5. Retainage shall not be required for new Engineering and Technical Services Contracts.

6. Audit Requirements:
   a) Pre-award audits consist of a review of a proposed indirect cost rate based upon historical data, review of the consultant’s job cost accounting system, and review of project man-day or unit price proposals.
   b) Awarded contracts are subject to interim and final audits. The audits consist of determining the accuracy of invoice charges by reviewing time sheets, payroll registers, travel documents, etc. Charges that cannot be supported will be billed back to the consultant. Firms will be selected for contract compliance audits using a risk analysis utilizing primarily the firm’s total contract exposure with the Agency and the time elapsed since the last compliance audit.
   c) Annual approval of the indirect cost rate for non-fixed indirect cost rate contracts will be required and adjustments to the invoiced billing rate may be necessary based on audit results. The determination of whether to perform a desk review or full field audit of the indirect cost schedule is made utilizing a risk analysis created in accordance with the guidelines proscribed in the AASHTO Uniform Audit & Accounting Guide.

7. Computer Aided Drafting and Design (CADD) Expenditures: All CADD equipment and software expenditures are to be treated as part of indirect cost. CADD expense will not be allowed as a direct expenditure based on an allocation rate.

8. Facilities Capital Cost of Money (FCCM) Rate: FCCM referenced in 48 CFR § 31.205-10 shall be allowed as part of indirect cost and applied to direct labor.

9. Direct Costs
   a) Include job related expenses that are required directly in the performance of project services such as travel, subsistence, long distance telephone, reproduction, printing, etc. These should be itemized as to quantities and unit costs in arriving at the total cost for the expense.
b) The proposed direct cost shall not exceed the Tennessee Department of Transportation’s maximum allowable rate when a rate for such cost is specified. All direct costs must show supporting documentation for auditing purposes. Documentation for proposed rates should show how they were developed including historical in-house cost data or names and phone numbers of vendors that supplied price quotes along with receipts, invoices, etc., if available.

c) Electronic equipment, such as personal computers, cameras, and cellular phones, shall be included in the consultant’s indirect cost.

d) The cost of the use of the consultant’s vehicle(s) to the Agency’s project shall be paid for according to Attachment B, Schedule of Vehicle Reimbursements.

10. Collection of Funds Due as Result of Contract Audit: Once an audit is completed and the consultant is found to owe the Agency, the Auditor will notify the Agency’s Finance Director in writing, with a copy to the Department’s Local Programs Office. The Agency will contact the consultant in writing about the indebtedness and request payment within 30 days from the date of the letter. If after 30 days payment is not received, the consultant will then be notified that any funds owed to the consultant under other agreements will be used to satisfy the indebtedness. If funds or payables to the consultant in the Agency’s possession are in excess of the indebtedness, anything owed the consultant will be remitted under normal payment procedures. If the funds in the Agency’s possession are not sufficient to satisfy the indebtedness, the Agency will take appropriate action.

J. Geotechnical Contracts

Contracts for geotechnical services are considered separately because they may involve a mixture of two types of services, i.e., geotechnical studies (engineering services) and subsurface exploration/drilling and/or laboratory testing (technical services). Additionally, some firms offer one or the other of these services, others offer both, and others offer some combination as well as other services, e.g., design. Firms offering both services must, for accounting purposes, separate the two operations. Cost of equipment, supplies, etc., used in technical services may not be applied towards indirect cost computations for engineering services.

Geotechnical Studies and/or Subsurface Exploration/Drilling and/or Laboratory Testing services shall be procured as noted in "POLICY", Section III, Competitive Negotiation Procurement Procedure. The technical services costs shall be negotiated by the Agency based on usual industry standards.
K. Sub-consultants for Engineering Services

1. Geotechnical Studies and/or Subsurface Exploration/Drilling and/or Laboratory Testing within another Engineering Services Firm: These services may be procured as part of the larger contract, e.g., roadway design. Payment for subsurface exploration/drilling shall be invoiced as a direct cost. Geotechnical studies shall be invoiced as other engineering services.

2. Geotechnical Studies Firms as Sub-Consultants
   a) Geotechnical Studies Only: The services of these firms may be procured by negotiation with the prime consultant as described previously herein.
   b) Geotechnical Studies and/or Subsurface Exploration/Drilling and/or Laboratory Testing Firms as Sub-Consultants: The services of these firms shall be procured by negotiation with the prime consultant. However, costs associated with subsurface exploration/drilling and/or laboratory testing shall be negotiated by the Agency.

L. Sub-consultants Not Covered Under Engineering Services

In the event a sub-consultant is required whose hiring process, as a prime, would not be governed by Competitive Negotiation under this Policy, that sub-consultant shall be retained by the same method as the Agency would use to procure the same type of services under the Agency’s local law or other applicable state law.

1. Example: Design consultants are occasionally asked to provide laboratory testing services under their design contract. The design consultant shall use, and document, the applicable procedures identified by the Agency.

2. The Agency should monitor the hiring and documentation of sub-consultants by the prime. Documentation should detail the method used and should be satisfactory for a final project audit.

IV. NONCOMPETITIVE NEGOTIATION PROCUREMENT PROCEDURE

The following procedures shall be used by the Agency, subject to the Tennessee Department of Transportation's prior approval, in those circumstances where there exists only one viable source for the desired services, when competition among available sources is determined to be inadequate after solicitation of a number of sources, or in emergencies when adherence to normal competitive negotiation procedures will entail undue delays for projects requiring urgent completion.

Upon determination of a need for this type of procurement, the Agency shall request an estimate from the qualified firm for the accomplishment of the desired assignment. The request for an estimate shall define the full scope of the desired services, together
with minimum performance specifications and standards, the date materials and services are to be provided by the consultant to the Agency, and the required assignment completion schedule. Response to the request for an estimate shall be evaluated, giving due consideration to such matters as a firm’s professional integrity, compliance with public policies, records or past performances, financial and technical resources, and requested compensation for the assignment. Before using this form of contracting, the Agency shall submit justification to and obtain approval from the Department; provided, however, that for Federal-aid contracts, the Department shall also submit the request to FHWA for approval in accordance with 23 CFR § 172.7(a)(3)(ii).

V. SMALL PURCHASE PROCUREMENT PROCEDURE

When the contract cost of the services does not exceed the simplified acquisition threshold as defined in 48 CFR § 2.101 of the Federal Acquisition Regulations (FAR), which is currently $150,000, small purchase procedures may be used. The scope of work, project phases and contract requirements shall not be broken down into smaller components merely to permit the use of small purchase procedures. Further, a contract obtained under small purchase procedures shall not be modified to exceed the simplified acquisition threshold.

Proposals will be obtained from an adequate number of qualified sources with a minimum of three. In instances where only two qualified consultants respond to the solicitation, the Agency may proceed with evaluation, ranking and selection if it is determined that the solicitation did not contain conditions or requirements which arbitrarily limited competition. Awards will be made to the responsible firm whose proposal is most advantageous to the program.

VI. TECHNICAL SERVICE PROCUREMENT PROCEDURE

The Agency shall use the procurement process it would use for the same type of service under applicable state or local law; provided, that on Federal-aid projects the procurement process shall be consistent with competitive procurement requirements under 2 CFR Part 200.
# ATTACHMENT A – Consultant Selection for Locally Managed Projects

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<th>Size of Project</th>
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<th>Procurement Requirements</th>
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<td>SMALL projects</td>
<td>• Transportation Alternatives</td>
<td>• Local Government can use the same consultant for the entire project (planning, preliminary engineering and CEI)</td>
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<td>• signing</td>
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<td>• guardrail installation</td>
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<td>• signalization</td>
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<td></td>
<td>• some bridge replacement projects (under one acre of disturbance)</td>
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<td></td>
<td>• non-construction/service contracts (as listed in Chapter 10 of the LGG)</td>
<td></td>
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<td></td>
<td>• low-risk and exempt ITS</td>
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<tr>
<td>MID-RANGE projects</td>
<td>• roadway widening</td>
<td>• The selected CEI consultant shall not be associated with any other aspect of the project.</td>
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<tr>
<td></td>
<td>• realignment of existing roadway</td>
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<td></td>
<td>• signalization projects with the addition of turn lanes</td>
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<td>• intersection improvements with significant ROW (over one acre of disturbance)</td>
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<td></td>
<td>• bridge replacement projects requiring significant land acquisition (over one acre of disturbance)</td>
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<td>• projects with environmental requirements greater than a categorical exclusion but lesser than an EIS</td>
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<td>• high-risk ITS</td>
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<td>LARGE projects</td>
<td>• construction of new facilities</td>
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<td></td>
<td>• widening of existing roadways</td>
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<td></td>
<td>• realignment of existing roadways that require significant land acquisition (over 10 acres)</td>
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<td></td>
<td>• environmental clearances that require an EIS</td>
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ATTACHMENT B – Policy for Standard Procurement of Engineering and Technical Services

Vehicle Reimbursement Schedule

For all projects except Construction Engineering and Inspection (CEI), the consultant shall be reimbursed at the rate specified in the State of Tennessee Comprehensive Travel Regulations in effect at the time the cost was incurred.

For CEI projects, the consultant shall be reimbursed at the rate of $27.00 per day for compact pick-up trucks used on the Agency's projects. For full size pick-up trucks used on the Agency projects, the consultant shall be reimbursed at the rate of $30.25 per day.

Rate changes are approved: ___________________________ AGENCY HEAD ___________________________ DATE
RECREATION & PARKS MEMORANDUM
17-07

DATE: September 5, 2017
TO: Mark S. Watson, City Manager
FROM: Jonathan W. Hetrick, Recreation & Parks Director
SUBJECT: AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE OAK RIDGE PEACE BELL PAVILION

Introduction

An item for City Council’s consideration is a resolution to award a contract to First Place Finish, Inc. of Oak Ridge, TN for construction of the Oak Ridge Peace Bell Pavilion upon successful negotiation to bring the project scope in line with the budget. The contract will include a new structure to support the International Friendship Bell and associated site work in an amount not to exceed $440,000.00.

Funding

Funding for the proposed project will come from funds raised by the Peace Bell Rebuild Committee of the Oak Ridge Recreation & Parks Advisory Board. The Committee has raised funds from businesses and individuals in the Oak Ridge area, along with a grant from the Japan World Exposition 1970 Commemorative Fund. The City has committed Capital Improvement funding for this project of $110,000 for the conceptual planning, design & engineering and construction administration under previous contracts. The bids for the project exceed the project budget; award will be made after negotiations with the lowest bidder, First Place Finish, Inc. to reduce the scope of the project to meet the available funding.

Review

In April, 2014 the City received an inspection report from Tetra Tech, Inc. on the structure housing the International Friendship Bell in AK Bissell Park. Inspection by City staff had previously found decay in the wooden structure that prompted the City to engage Tetra Tech for a complete engineering analysis. The analysis found that most of the structure had experienced significant decay since its construction in 1996. At the request of City Manager Mark Watson the City Recreation & Parks Advisory Board developed short and long-term recommendations for the Bell structure. They recommended removal of the structure to protect the public and the bell itself as a short term solution. The Board then recommended that the City move forward with long-term plans for a new Peace Bell Pavilion.

The Park Board then created a Peace Bell Rebuild Committee, charged with developing design of the new pavilion and a fundraising program. The Committee engaged architect Ziad Demian of demian|wilbur|architects, of Washington, D.C. to provide concept plans, design & engineering documents and construction administration. The committee has raised over $700,000 of the estimated $750,000 project cost, including contributions from the City's Capital Improvement program totaling $110,000. Additional costs for the project outside the scope of these contracts include supplying carbon fiber beams and seatbacks (to be installed by the contractor) and supplying electricity to the site for proposed lighting of the Pavilion.

Recommendation

Staff recommends approval of the accompanying Resolution as submitted.
City Manager's Comments:
I have reviewed the above issue and recommend Council action as outlined in this document.

Mark S. Watson  
Date  
9-6-17
## CITY OF OAK RIDGE, TENNESSEE
### Abstract of Bids

**FOR:**
Oak Ridge Friendship Bell Peace Pavilion

<table>
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<tr>
<th>DESCRIPTION</th>
<th>Item</th>
<th>UNIT</th>
<th>UNIT COST</th>
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<th>UNIT COST</th>
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<th>TOTAL</th>
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<tbody>
<tr>
<td>FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES REQUIRED FOR OAK RIDGE FRIENDSHIP BELL PEACE PAVILION AT BISSELL PARK PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE RECREATION AND PARKS DEPARTMENT</td>
<td></td>
<td></td>
<td>$698,900.00</td>
<td></td>
<td>$840,000.00</td>
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</tbody>
</table>

Both amounts exceed the budget and the city is in negotiation with the lowest bidder to get the scope down to match budget.

<table>
<thead>
<tr>
<th>TOTAL PRICE</th>
<th>TERMS</th>
<th>DELIVERY</th>
<th>F.O.B.</th>
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<tbody>
<tr>
<td>$698,900.00</td>
<td>NET 30</td>
<td>PER CONTRACT</td>
<td>JOBSITE</td>
<td>VENDOR</td>
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</table>

OTHER BIDDERS CONTACTED: SEE BID PROCESS FORM

REASON FOR AWARD:
- [ ] ONLY BID RECEIVED
- [X] BETTER OR REQUIRED DESIGN
- [ ] EARLY DELIVERY
- [ ] LOWEST TOTAL COST

RECOMMEND AWARD BE MADE TO:
First Place Finish, Inc.
127 Rockbridge Greens Blvd.
Oak Ridge, TN 37830

UPON SUCCESSFUL NEGOTIATION TO BRING PROJECT IN LINE WITH BUDGET

BIDS OPENED AND RECORDED BY:

Lyn Majeski
Accounting Division Manager

BIDS REVIEWED BY:

Janice McGinnis
Finance Director
# BID PROCESS FORM

## BID NAME
FY2018-016

## CITY COUNCIL MEETING
September 11, 2017

## BIDDERS CONTACTED (CONTACT INFORMATION)

<table>
<thead>
<tr>
<th>Company</th>
<th>Name</th>
<th>Address</th>
<th>City, State ZIP</th>
<th>Phone</th>
<th>Email</th>
<th>Contacted Via</th>
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</thead>
<tbody>
<tr>
<td>First Place Finish, Inc.</td>
<td>Laurel Patrick</td>
<td>127 Rockridge Greens Blvd.</td>
<td>Oak Ridge, TN 37830</td>
<td>865-482-1959</td>
<td><a href="mailto:lpattick@firstplacefinish.us">lpattick@firstplacefinish.us</a></td>
<td>[e-mail]</td>
</tr>
<tr>
<td>K &amp; F Construction, Inc.</td>
<td>Tim Snow</td>
<td>3222 Northwest Park Drive</td>
<td>Knoxville, TN 37921</td>
<td>865-459-0249</td>
<td><a href="mailto:tms@ktconst.com">tms@ktconst.com</a></td>
<td>[e-mail]</td>
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<tr>
<td>Merit Construction, Inc.</td>
<td>Tyson Brewster</td>
<td>10435 Dutchtown Road</td>
<td>Knoxville, TN 37932</td>
<td>865-466-4100</td>
<td><a href="mailto:tbrewster@meritconstruction.com">tbrewster@meritconstruction.com</a></td>
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<tr>
<td>Wright Brothers Construction Company, Inc.</td>
<td>Eric Samples</td>
<td>1500 Lauderdale Memorial Highway</td>
<td>Charleston, TN 29407</td>
<td>843-755-2261</td>
<td><a href="mailto:esamples@wbcocci.com">esamples@wbcocci.com</a></td>
<td>[e-mail]</td>
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<tr>
<td>Berkell &amp; Company Contractors, Inc.</td>
<td>Vaughn J. Godet, P.E.</td>
<td>7300 Marks Lane</td>
<td>Austell, GA 30109</td>
<td>770-841-5100</td>
<td><a href="mailto:vgodet@berkellapg.com">vgodet@berkellapg.com</a></td>
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</tr>
<tr>
<td>Southern Shores Development</td>
<td>Joseph Mathews</td>
<td>1001 Spring Hill Road</td>
<td>Knoxville, TN 37914</td>
<td>865-329-3232</td>
<td><a href="mailto:jmathews@berkellapg.com">jmathews@berkellapg.com</a></td>
<td>[e-mail]</td>
</tr>
<tr>
<td>Phillips and Jordan, Inc.</td>
<td>Chris B</td>
<td>10201 Parkside Drive, Suite 300</td>
<td>Knoxville, TN 37922</td>
<td>865-688-8342</td>
<td><a href="mailto:chrisb@phillipsandjordan.com">chrisb@phillipsandjordan.com</a></td>
<td>[e-mail]</td>
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<tr>
<td>Simpson Construction Company, Inc.</td>
<td>Dudley Orr</td>
<td>187 Durkee Road NE</td>
<td>Cleveland, TN 37323</td>
<td>423-472-4553</td>
<td><a href="mailto:dora@simpsonconstruction.com">dora@simpsonconstruction.com</a></td>
<td>[e-mail]</td>
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<tr>
<td></td>
<td>Lee Hancock</td>
<td></td>
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<td></td>
<td>Herbie C. Sowder</td>
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<td></td>
<td>David Denham</td>
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<td></td>
<td>Matt Dixon</td>
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<td></td>
<td>Larry Eskew</td>
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<tr>
<td>Charles Blauck and Sons, Inc.</td>
<td>Kevin Alley</td>
<td>1225 Parkway</td>
<td>Sevierville, TN 37862</td>
<td>865-453-2608</td>
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<td></td>
<td>Dale Dockery</td>
<td></td>
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<tr>
<td>Dement Construction Company, LLC</td>
<td>Scott Williams</td>
<td>403 N. Parkway, Suite 201</td>
<td>Jackson, TN 38305</td>
<td>731-424-630</td>
<td></td>
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<tr>
<td>Southern Constructors, Inc.</td>
<td>Tim Horton</td>
<td>1150 Maryville Pike</td>
<td>Knoxville, TN 37940</td>
<td>865-579-5351</td>
<td></td>
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</tr>
<tr>
<td>Johnson &amp; Galyon, Inc.</td>
<td>Andy Bronner</td>
<td>1130 Atlantic Avenue</td>
<td>Knoxville, TN 37917</td>
<td>865-588-1111</td>
<td></td>
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<tr>
<td>Blaine Construction Corporation</td>
<td>Guy Webb</td>
<td>5510 Deane Hill Drive</td>
<td>Knoxville, TN 37919</td>
<td>865-693-8900</td>
<td></td>
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<tr>
<td>Design &amp; Construction Services, Inc.</td>
<td>Roger Coggins</td>
<td>515 Harry Street</td>
<td>Knoxville, TN 37919</td>
<td>865-523-9730</td>
<td></td>
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<tr>
<td>Shelton General Contractors</td>
<td>Daniel Ferguson</td>
<td>300 Old Rutledge Pike W</td>
<td>Blaine, TN 37709</td>
<td>865-392-8030</td>
<td></td>
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<tr>
<td>Browlee Construction, Inc.</td>
<td>Greg Sellers</td>
<td>3403 Kenyon Road</td>
<td>Knoxville, TN 37912</td>
<td>865-297-4444</td>
<td></td>
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<tr>
<td>Summers-Taylor, Inc.</td>
<td>Greg Keene</td>
<td>1190 Lonesome Pine Trail</td>
<td>Greenville, TN 37743</td>
<td>423-638-7240</td>
<td></td>
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<tr>
<td>East Tennessee Turf &amp; Landscape</td>
<td>Nicholas Overbay</td>
<td>715 White Oak Circle</td>
<td>Morristown, TN 37814</td>
<td>423-273-1189</td>
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<tr>
<td>Falin Enterprises, Inc.</td>
<td>Jim Falin</td>
<td>2505 Douglas Dam Road</td>
<td>Sevierville, TN 37876</td>
<td>865-426-4752</td>
<td></td>
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<tr>
<td>J'S Ridenour Construction, Inc.</td>
<td>Jeff Stooksbury</td>
<td>7700 Connor Road</td>
<td>Powell, TN 37849</td>
<td>865-938-1500</td>
<td></td>
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<tr>
<td>Claiborne Rehauling Contractors, LLC</td>
<td>Anthony Harnsley</td>
<td>6210 Rutledge Pike</td>
<td>Knoxville, TN 37924</td>
<td>865-540-4409</td>
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<tr>
<td>Global Stability, LLC</td>
<td>Bill Johnson</td>
<td>1642 Powers Ferry Road SE #150</td>
<td>Marietta, GA 30067</td>
<td>770-874-5689</td>
<td></td>
<td></td>
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<tr>
<td>Thomas Brothers Construction</td>
<td>Daniel Smith</td>
<td>7848 Dayton Boulevard</td>
<td>Hixson, TN 37343</td>
<td>423-842-6233</td>
<td></td>
<td></td>
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</tbody>
</table>

## BIDS RECEIVED FROM BIDDERS CONTACTED DIRECTLY BY THE CITY
First Place Finish, Inc.

## BIDS RECEIVED FROM BIDDERS NOT DIRECTLY CONTACTED BY THE CITY
(e.g. City's Website, Vendor Registry, Planrooms, Word of Mouth)
Holston Construction Services, LLC

## ADVERTISEMENT
The City of Oak Ridge advertised this bid on the Finance Department's Departmental Webpage for a duration of 36 days.
RESOLUTION

A RESOLUTION APPROVING A CONTRACT WITH FIRST PLACE FINISH, INC., OAK RIDGE, TENNESSEE, TO CONSTRUCT A NEW STRUCTURE TO SUPPORT THE INTERNATIONAL FRIENDSHIP BELL AND ASSOCIATED SITE WORK SUBJECT TO SUCCESSFUL NEGOTIATIONS TO REDUCE THE SCOPE OF WORK TO MEET AVAILABLE FUNDING IN AN AMOUNT NOT TO EXCEED $440,000.00.

WHEREAS, due to signs of deterioration, the Friendship Bell House was evaluated in February 2014 by engineers who found substantial deterioration and recommended closure for public safety; and

WHEREAS, the bell house was removed in August 2014 and is in need to replacement; and

WHEREAS, by Resolution 2-10-2017, the City entered into a professional services agreement with Demian Wilbur Architects, Washington, DC, to provide construction documents, bidding administration, and construction administration services for a new pavilion to house the bell; and

WHEREAS, by Resolution 9-69-2016, the City applied for and accepted a grant from the Japan World Exposition 1970 Commemorative Fund (JEC Fund) toward the cost of construction of the new pavilion; and

WHEREAS, the Peace Bell Rebuild Committee has raised funds towards the construction costs of the pavilion, with the funds being held by the Oak Ridge Rotary Club; and

WHEREAS, the City issued an invitation to bid for construction of the bell pavilion and associated site work, with First Place Finish, LLC, Oak Ridge, Tennessee, submitting the lowest bid; and

WHEREAS, all bids exceeded the City’s budget for this project and the City is currently in negotiations with the lowest bidder to reduce the scope of the project to meet available funding; and

WHEREAS, the City Manager recommends approval of a contract with First Place Finish, LLC, Oak Ridge, Tennessee, for construction of the bell pavilion if said negotiations are successful.

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

That the recommendation of the City Manager is approved and award is hereby made to First Place Finish, Inc., 127 Rockbridge Greens Blvd, Oak Ridge, Tennessee 37830, for the furnishing of all labor, tools, materials, equipment and supplies necessary for the construction of a structure (pavilion) to support the International Friendship Bell and associated site work; said award in strict accordance with Contract FY2018-016, the required specifications as negotiated to meet available funding, and the bid as publicly opened on August 14, 2017, and in an amount not to exceed $440,000.00.

BE IT FURTHER RESOLVED that approval of the award to First Place Finish, Inc., is subject to successful negotiations to reduce the scope of work to meet available funding, and the City's receipt of the funds raised by the Peace Bell Rebuild Committee and held by the Oak Ridge Rotary Club.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 11th day of September 2017.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk
PERSONNEL DEPARTMENT MEMORANDUM
17-112

DATE: August 24, 2017
TO: Mark S. Watson, City Manager
FROM: Bruce M. Applegate, Director of Administrative Services
SUBJECT: RESOLUTION TO ADOPT THE RECOMMENDED COMPENSATION PLAN AND POSITION CLASSIFICATIONS DEVELOPED BETWEEN THE CITY AND MCGRATH HUMAN RESOURCES GROUP INC.

Introduction

An item for the agenda is a resolution accepting the Classification & Compensation Study Executive Report prepared by McGrath Human Resources Group, adopting the proposed Pay Grade Schedule, and adopting the Position Classification Plan.

The current compensation system's inability to demonstrate a path for staff movement across their pay scale prompted internal discussion as to inadequacies with current personnel practices, classification plan, and compensation structure. Staff recommended external review, and City Council committed to the review of the City’s personnel practices and Classification and Compensation system on December 12, 2016 with the engagement of McGrath Human Resources Group. A review of current Personnel Department practices including the City’s Classification and Compensation structure by McGrath Human Resources Group identified several processes for improvement in addition to opportunities for increased compliance with the Fair Labor Standards Act (FLSA). Dr. Victoria McGrath has provided the attached report which provides a new compensation/classification structure, and addresses both personnel and departmental practices which can be addressed to increase city staff's fiduciary responsibility.

Funding

No funding is necessary for this item.

Background

The City of Oak Ridge has been operating under the current Compensation Plan structure since 2006 (Resolution 5-49-06), and the current Classification Plan structure since 2004(9-103-03). One percent (1%) adjustments were made to the Compensation Plan salary scales in 2007(Resolution 6-64-07) and in 2009(Resolution 6-54-09), but there have not been any changes beyond Cost of Living Adjustments (COLA’s) to date, with some years not even receiving a COLA. Modifications to the City’s classification plan have occurred on a year to two-year cycle keeping City positions relatively current, but have also compressed various positions under generic titles.

By Resolution 12-87-2016, the City entered an agreement with McGrath Human Resources Group (McGrath) to perform a compensation analysis and review of the City’s compensation plan structure and related policies. McGrath has completed their analysis and review, and has submitted a Classification Study and Compensation Executive Report to the City for review and acceptance.
On August 30, 2017, McGrath met individually with members of City Council, and separately met with the Personnel Advisory Board (PAB) to provide an overview of the report and to answer any questions. At this meeting, PAB reviewed the report and voted to amend the Personnel Ordinance pursuant to the report’s suggestions and forward those suggestions to City Council. PAB also voted to submit the report distributed by McGrath to City Council for acceptance. In addition to meeting with PAB, McGrath held three meetings on August 31, 2017 with employees to present the report and answer any questions.

Analysis

The results provided by McGrath contain several recommended changes including a new pay grade structure, new position titles, and suggested changes to current organizational practices as they pertain to personnel policies. The priority recommendation from the report addressed the disparity between positions on the current pay scale, and their comparison to market value.

Recommended changes include:

- Position title changes
- Position description update
- Salary/Pay Grade adjustment
- Implementation of changes to comply with FLSA
  - Hours worked versus hours paid calculation towards Overtime
  - Compliance with 207(k) exemption for Emergency Responders
- Adjustments to General Leave Accrual schedule, and General Leave accrual caps.
- Adjustment to Emergency Leave accrual practices
- Implementation of the 27-day schedule for the Fire Department
- Adjustment of the longevity system to streamline employee compensation practices
- Adjustment to Health Insurance offering practices, and the change to a traditional dental/vision insurance policy
- Revision of the Stand-By practice to increase administrative efficiency
- Continued evaluation and adjustment to current Fire Department staffing practices
- Multi-year adjustment of Fire Department paygrade schedule to address market disparities.

The highly-integrated nature of the recommended changes, will require careful rollout over the upcoming year. The resolution proposed for the current agenda, and its companion ordinance will only be addressing the content of Phase 1. A breakdown of the proposed phase schedule has been provided as an attachment. The City plans to address the proposed changes through a rollout over the next three quarters which will solicit employee input, more thoroughly evaluate outcomes of the proposed changes, and create a feedback loop to assist the City Manager in his selection from the to-be-determined policy options.

The current resolution will initiate the phased rollout process by formally accepting the September 2017 Classification & Compensation Study Executive Report prepared by McGrath Human Resources Group, adopting the reports proposed Year 1 Paygrade Schedule, and adopting a Position Classification Schedule incorporating newly recommended positions. Employee placement onto the new schedules will be considered a lateral move, and they will continue to operate under their current job responsibilities until the time position descriptions are updated. Employees have been informed they will have an opportunity to appeal their placement based on position work responsibilities or required qualifications, and Personnel Department staff will provide additional reminders pending Council implementation.
Recommendation

Approval of the proposed resolution is recommended.

Attachments:

Proposed Resolution
Classification and Compensation Plan Schedule of Implementation
Position Classification Plan
Pay Grade Schedule
September 2017 McGrath Classification & Compensation Study Executive Report

Bruce M. Applegate
Director of Administrative Services

City Manager’s Comments:

I have reviewed the above issue and recommend Council action as outlined in this document.

__________________________________________

Mark S. Watson

Date
CLASSIFICATION AND COMPENSATION PLAN PHASED IMPLEMENTATION STRATEGY

By Resolution 12-87-2016, the City entered into an agreement with McGrath Human Resources Group (McGrath) to perform a compensation analysis and review of the City’s compensation plan structure and related policies. McGrath has completed their analysis and review, and has submitted a Classification Study and Compensation Executive Report to the City for review and acceptance.

City staff recognize the complexity of implementation, apprehensions of staff, and City Council’s concern that employees are provided adequate notice and input in this process. A phased approach will be utilized to ensure that notice is provided to employees in advance of significant changes, and input sessions occur to collect input from staff and create a feedback process throughout the plans implementation.

Adoption of the Position Classification Plan, and Pay Grade Schedule on September 11, 2017 will trigger an appeal period for employees who feel their position has been incorrectly placed on the Classification Plan/Pay Scale. Employees have, and will continue to be encouraged to participate in this process to ensure any errors in placement are addressed.

All placements onto the new Position Classification Plan and Pay Grade Schedule will be viewed by the City as lateral placement, and will not be considered a promotion or demotion.

The following schedule is the proposed phased approach to the suggestions put forth by McGrath Human Resources Group, and is subject to change.

**Phase 1 (October 8, 2017)**

1. Acceptance of McGrath Human Resources Group September 2017 Classification and Compensation Study, and implementation of both the recommended Pay Grade Schedule, and Position Classification Schedule.
2. Position title’s adjustment to comply with position recommendations and the lateral placement of employees into the corresponding new position.
3. FLSA compliance changes
   - General and other forms of leave (excluding holiday leave) will not count towards overtime accumulation.
   - Police Department 28-day cycle will comply with the 207(k) exemption.
4. Removal of supplemental pay ordinances and Fire Department Specialist program ordinance
   - Adjustment of base rate for Fire Department positions will incorporate supplemental pays, and will render the sections unnecessary.

**Phase 2 (December 31, 2017)**

1. Stand-By Pay
   - Review and make determination on Stand-By pay calculation
2. Complete job description revisions
   - Review and revise existing positions descriptions, finalize position descriptions for newly created positions. Process will include Department Director review.
3. Fire Department pay period change from 9-day cycle to 27-day cycle
Phase 3 (April 8, 2017) or Phase 4 (July 1, 2018)

1. Longevity
   - Review options, solicit staff input, and select replacement plan for employees currently receiving longevity.
2. General Leave and Emergency Leave
   - Review options, solicit staff input, select replacement plan, and set provisions for grandfathered employees.
3. Holiday time review for 27 and 28-day cycle employees
   - Review and select alternative to currently incorporated holiday time built into general leave accruals of 207(k) employees.
4. Dental/Vision Insurance review
   - Review alternatives to current City provided Dental and Vision insurance options.

Future Phases

1. Review and implementation of Year 2 Fire Department Pay Grade Schedule.
2. Review and implementation of Year 3 Fire Department Pay Grade Schedule.
<table>
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# EFFECTIVE OCTOBER 8, 2017

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Study Overview

McGrath Human Resources Group, Inc., an organization that specializes in public sector consulting, was commissioned by the City of Oak Ridge to conduct a comprehensive classification and compensation study of all positions. The City requested an evaluation of all City positions in order to update the current system.

The purpose of this study is to:

- To adjust the current pay for performance model to help move employees across their pay range and address pay compression among City positions.
- Obtain and establish compensation within the external comparable market.
- Evaluate internal equity including simplification and/or consolidation of job positions within the compensation system.
- Review and evaluate Wage and Salary policies and provide recommendations for changes or updates.
- Integrate the data to a classification and compensation system to attract and retain qualified workers who will be paid equitable salaries.
- Evaluate and recommend the ability to reward employee initiative, professional development, city residency, and other pay practices.
- Review, evaluate and make recommendations regarding the Fire Department work period as well as other ways to reduce department overtime.
- Evaluate not only the work period, but factors surrounding compression and its effects on the compensation system. Make recommendations to adjust policy and/or the system.
- Work with administration to plan for and support implementation of the compensation system.
- Provide for on-going maintenance of the system(s), in accordance with all applicable compensation practices, by the City (movement through the range; COLA; merit, etc.) including a projection of the ongoing budget commitments necessary to provide a sustainable and consistent compensation system.

The Consultant would like to extend appreciation to the City Manager, Interim Human Resource Director, Human Resources staff; and department directors for their time, cooperation, and sharing of information and perceptions with McGrath Human Resources Group.
Definitions

The following are definitions that helped guide the development of the compensation system for Oak Ridge.

**Benchmark Position**: A job that is commonly found and defined, used to make pay comparisons, either within the organization or to comparable jobs outside the organization.

**Classifications**: Job titles.

**Compensation System**: A system developed to compensate employees. This system includes a balance between internal equity and external competitiveness.

**Compensation Data**: Data derived from information regarding the salary range and the rate of pay of the incumbent(s) holding a benchmark position of the identified labor market.

**Comp Ratio**: The ratio of an actual pay range to the established position point (or average market rate). The Comp Ratio is used to measure and monitor an individual’s actual rate of pay to the Position Point of the established pay range. In Oak Ridge, a 50% comp ratio (+/- 10%) indicates an individual is being paid approximate to the established position point (or average market rate).

**Compression**: Pay differentials too small to be considered equitable. The term may apply to differences between (1) the pay of supervisors and subordinates; (2) the pay of experienced and newly hired personnel of the same job; and (3) pay range midpoints in successive job grades or related grades across pay structures.

**CPI-U**: Consumer Price Index – Urban: A measure of the average change over time in the prices paid by urban consumers for a market of consumer goods and services. It reflects the spending pattern for three population groups: all urban consumers, urban wage earners, and clerical workers. This group represents approximately 87% of the total U.S. population.

**Demotion**: The (re)assignment of an employee to a position in a lower pay grade or range in the organization’s salary structure.

**Labor Market**: A location where labor is exchanged for wages. These locations are identified and defined by a combination of the following factors: geography; industry; education, experience and licensing or certification required; and job responsibilities.

**Market Data**: The technique of creating the financial value of a position based on the “going rate” for benchmark positions in the relevant labor markets.
Minimum Salary Range (Minimum): The minimum amount of compensation the organization has deemed appropriate for a position.

Maximum Salary Range (Maximum): The highest amount of compensation the organization has deemed appropriate for a position.

Market Rate (Market): The organization’s best estimate of the wage rate that is prevailing in the external market for a given position.

Market Average: Per the compensation philosophy of the City Council of Oak Ridge, the philosophy to pay employees based upon the ‘average’ market rate; or the ‘average’ prevailing wage rate in the external market.

Market Average Range: A pay range in which the minimum and maximum of the range is established around the Average Market Rate.

Pay Grade: The grade, or placement of a position, within the salary structure.

Pay Grade Evaluation: The (re)assignment of a job to a higher or lower pay grade or pay range in the salary structure due to a job content (re)evaluation and/or significant change in the average market rate in the external labor market.

Performance Increase: An adjustment to an individual’s base pay rate based on performance or some other individual measure.

Promotion: The (re)assignment of an employee to a position in a higher pay grade or range in the organization’s salary structure.

Salary Schedule Adjustment: An adjustment to the salary structure; the increase or decrease of a pay range, minimum – maximum. This is a method to maintain the salary range in relation to external market conditions.

Step Schedule: Standardized progression pay rates that are established within a pay range. To move to the next step one must have met acceptable performance standards.

Salary Schedule: The hierarchy of job grades and pay ranges established within an organization.

Spread: The range of pay rates, from minimum to maximum, established for a pay grade. Typically used to set individual employee pay rates.
Methodology

Data Collection

The project involved several steps: collection of data, interviews, and data analysis. The first step of this study involved the gathering of data that pertains to current compensation practices within Oak Ridge. The Consultant received information relating to current salaries, collected market data, specific policies, and current job descriptions. This provided a basis on which to build a compensation system.

Interviews were conducted with the City’s senior staff, including the City Manager, Interim Human Resources Director & staff, and Department Directors. The purpose of these meetings was to first, gain an understanding of the City’s current compensation practices and philosophy; second, solicit ideas and input from these stakeholders for future compensation methodologies and practices; and finally, determine if there were any positions within the City that were difficult to recruit, retain, or were otherwise unique in the position’s responsibilities.

In addition, a second Consultant was made available to speak with employees at two (2) different sessions to provide information, answer questions, and obtain input. Finally, employees were asked to complete a position questionnaire which provided extensive information about the positions.

Pay Philosophy

A pay philosophy is an organization’s financial commitment to how it values its employees. The goal of a pay philosophy is to attract, retain, and motivate qualified people. A consistent philosophy provides a strong foundation in determining the type of total compensation package to offer employees.

A common theme discussed among employees was the inability to move through the salary system. Therefore, the salary system may be close to market; however, the inability to move
through the salary range, and/or have new employees begin at the same wage or higher has been very frustrating for employees. Employees understood the financial implications of a compensation system on the tax structure of the City; however, felt they deserved a ‘fair’ wage for services provided.

The City is in business to provide services to the citizens, businesses and visitors of the community. It does that through hiring qualified employees who lend their skills and talents to various positions within the organization. Without those individuals, the City would cease to provide electricity, adequate roads, public safety, and process the necessary functions to keep those systems in place. Thus, employees do not expect higher than average salaries, just a compensation system that pays a fair wage for the skills, education, and responsibilities of the position. When they hear from elected officials — ‘we will have to see if we can afford it’ — on a continual basis; then one needs to ask those elected officials if you can’t, should you be offering those services?

Thus, as a compensation philosophy to guide the City of Oak Ridge:

*While maintaining fiscal responsibility, the City of Oak Ridge is committed to compensating in a manner that is reflective of the external market and provides recognition for the achievement of individual professional objectives or organizational goals. Specifically, our goal is to achieve the following objectives:*

- Internal equity among all employees
- Ensure employees reach the 50th percentile of the external market
- Provide incentives for performance and productivity
- Administrative efficiency

**Compensation & Benefits**

Typically, in compensation studies when the Consultants reviews both compensation and benefits, we make it clear that the benefits section is something that should not be tied to the approval and implementation of the compensation plan. However, the City of Oak Ridge is
unique in that in this case – there are some definite ties to policies and benefits – that without changes, the City cannot approve, nor implement the recommended compensation schedule.

As stated, there has been frustration among all levels within the organization that positions could not be developed, and/or re-pay graded if responsibilities changed; adequate increases provided to employees, or increases to the compensation schedule to keep it competitive. Thus, over the years, a number of personnel policies have been adapted that have awarded employees benefits above the norm to provide higher levels of compensation. Further, many departments have become very creative in finding ways to provide overtime or extra pay as another means to increase salaries. As such, if the City is not increasing base compensation – departments are finding creative means to increase wages in other ways.

Policies that will need to be amended (and will be discussed further in this report) are as follows:

- **General Leave**
  - Accrual rates
  - Use of general leave and payment of holiday time
  - Change from hours paid to hours worked (not used in overtime calculation)

- **Emergency Leave**
  - Accrual rates
  - Discipline and use of emergency leave

Fire Department issues to be addressed:
- **Staffing** based on overtime
- Staffing methodology
- **FLSA** work cycle and overtime calculation

Because of the integration of these topics, the report will be laid out as follows:

- **Compensation Section**
  - Market analysis
  - Issues with current system
  - Recommended system
• Other Pay & Pay Policies Section
• Fire Department Staffing & Policy Issues
• Benefit Analysis

**Compensation Section**

**Labor Market**

In order to gain information from the external market, the Consultant established a list of comparable organizations from interviews with the Department Directors and City administration. Each of the comparable organizations were contacted initially via telephone and then were provided an online questionnaire. Salary data for specific positions was solicited from the comparable organizations. The following comparable organizations were contacted:

<table>
<thead>
<tr>
<th>Table 1: Comparable Organizations</th>
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<tbody>
<tr>
<td>Alcoa, TN</td>
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<tr>
<td>Anderson County, TN</td>
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<tr>
<td>Athens, TN</td>
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<td>Blount County, TN</td>
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<td>Brentwood, TN</td>
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<td>Chattanooga, TN</td>
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<td>Franklin, TN</td>
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<td>Kingsport, TN</td>
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<td>Clarksville, TN</td>
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<td>Cleveland, TN</td>
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<td>Clinton, TN</td>
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<tr>
<td>Farragut, TN</td>
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<tr>
<td>Germantown, TN</td>
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<tr>
<td>Johnson City, TN</td>
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<td>Knox County, TN</td>
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<td>Knoxville, TN</td>
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<td>Morristown, TN</td>
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<td>Murfreesboro, TN</td>
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<tr>
<td>Nashville, TN</td>
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<tr>
<td>Oliver Springs, TN</td>
</tr>
<tr>
<td>Brentwood Public Library</td>
</tr>
<tr>
<td>Bristol Public Library</td>
</tr>
<tr>
<td>Roane State Community College (Library only)</td>
</tr>
<tr>
<td>Tennessee State University (Library only)</td>
</tr>
<tr>
<td>TN Highway Patrol with the State of TN</td>
</tr>
</tbody>
</table>
The Consultant was pleased with the response to the survey. All organizations contacted provided data.

The collection of this compensation data was utilized to analyze the average Market Minimum, Midpoint and Maximum Rates per defined benchmark positions, as well as a comparison of the average salary of the positions to the salary of incumbents within Oak Ridge. When necessary, evaluation of the comparable organization’s job description, when available online, was utilized to resolve conflicts.

The labor market for Oak Ridge was determined based upon a number of factors including location, size, recruitment areas, and discussions with Department Directors. During interviews, each Department Director was asked if there were certain municipalities they felt had similar positions. If so identified, the Consultant sought the salary and benefit data.

The Consultant surveyed 190 positions within Oak Ridge. In addition to the current positions within Oak Ridge, the Consultant sought comparable data on positions that might have job responsibilities that are combined in Oak Ridge but might be separate in other organizations. Also, many positions within Oak Ridge have the same title; however, are different positions; thus, where possible, these positions were identified and added to the survey. Finally, in some cases, the titles were altered to better align with the industry.

**Market Data Solicited**

The market surveys gathered the following information: 2017 Minimum, Midpoint, and Maximum salary for the position as well as the average salary of the incumbents. Salaries are then evaluated and an average calculated. Upon examination, salaries are eliminated if statistically too high or too low as to not skew the average. Then, a new percentile amount is calculated with the remaining salaries. There is a great deal of time spent in the data analysis to ensure that each position is scrutinized based on the data available as well as how it relates to the responsibilities of the organization we are aligning it to within the City.
In addition to compensation data, the Consultant solicited data for employer-provided benefits such as insurance and leave accruals.

**Pay Range Market Analysis**

It is standard compensation practice to establish a range around the Minimum or Market Rate to determine if the employee is being compensated ‘fairly.’ Often, employees make the assumption that if the average Market Rate is $25,000, then they should be making $25,000. However, compensation practices look at a range around the Average Market Rate where an employee should be by the time the employee is fully functioning within his/her position. Traditionally, organizations establish a 5-10% range around the market rate. Thus, if an employee is making between 40-60% of the Market Rate, the employee is fairly compensated. In order to analyze the salaries, a Comp Ratio is used. This is a ratio of the City’s salary in relation to the external market data. A 50% Comp Ratio would mean that it is in line with the external Market. Again, the 10% range is utilized. Thus, if a ratio is within 40-60% the salary is within an acceptable range.

**Minimum Salary Comparison**

The analysis of the Minimum Salary Range gives the initial indication if starting salaries are within an acceptable Market Range. When building a salary schedule, consultation of this Table will ensure that the City’s Minimums are within an acceptable range to the average Market Minimum; however, this analysis is only the beginning in the development of a Compensation Schedule.
Figure 1: Minimum Market Analysis

<table>
<thead>
<tr>
<th>Number of Positions</th>
<th>0-19%</th>
<th>20-29%</th>
<th>30-39%</th>
<th>40-49%</th>
<th>40-44%</th>
<th>50-59%</th>
<th>60%+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent of Positions</td>
<td>1%</td>
<td>5%</td>
<td>19%</td>
<td>46%</td>
<td>21%</td>
<td>23%</td>
<td>6%</td>
</tr>
</tbody>
</table>

Approximately 25% of the current job titles are below the average market minimums. There are an additional 21% of the positions that are in the lower 40% comp ratio that is within the acceptable range; however, are at risk of falling below the market in the near future. Seventy-five percent (75%) of the positions are within the acceptable average market minimums. Thus, the salary schedule minimums, have maintained with the external market.

Market Rate Salary Comparison

The next step in developing a compensation structure is to compare the current incumbent’s salaries to the average Market Rate. For this purpose, positions where there is more than one (1) incumbent, an average of the current employees is utilized. Later in the study, analysis was conducted for each individual employee in relation to the recommended Market Rate, and is submitted under separate cover.

Overall, in comparing the average incumbent(s) salary to the average Market Rate, it appears that the City’s past compensation practices have not maintained salaries with average Market Rate
The City has not fared as well when employee salaries are compared to the average Market Rate of employee salaries. Although one needs to take into account tenure of employees in single incumbent positions; overall 44% of the positions are below the average Market Rate. There are another 16% of the positions that are in that lower 40% comp ratio that are in a position to fall below the average Market Rate in the near future; thus, making approximately 59% of the non-union positions within the City below the average Market Rate. Only 41% of the positions are at or above the market.

**Maximum Salary Analysis**

The Consultant has the information to compare the City’s Salary Range Maximum to the average Market Maximum. However, due to the various types of salary range construction, the data is not very revealing.

An analysis was conducted of the average incumbent salary to the Maximum of the current salary schedule. Of the 76 positions that were evaluated, only three (3) positions at individuals at the top of the salary schedule. Eighty percent (80%) of the positions had incumbent what where below the Maximum of the Salary Schedules.
Market Data Summary

Overall, the City has kept pace with the external Market when it comes to Market Minimums. The current Schedule has fallen behind the average Market Rate with some positions that need some adjustment. In addition, it is evident that employees are not moving through the Salary Schedule as 80% of the positions within the City evaluated had employees that were nowhere close to the Maximum of the Salary Schedule. Thus, a Salary Schedule that is in line with the external Market to attract qualified individuals, but one that is realistic for employees needs to be developed.

Current Compensation Systems

The City currently has two (2) Salary Schedules – one (1) for the Fire Department shift employees, and one for all other employees. The last Compensation Study was conducted around 2006. The general employee Schedule is a Salary Range; however, only 23 Pay Grades are utilized. The Job Titles and Pay Grades have been separated; thus, there is no comprehensive listing of all Job Titles associated with Pay Grades.

There is no methodology for placement of positions within the compensation structure. Further, there is no identification of the Market, it is assumed that the Midpoint of the Salary Range is representative of the Market. A flaw of the System from the last compensation study, and a philosophy of the previous Human Resource Director, is that job titles should be minimized. Therefore, during interviews with Department Directors, it was discovered there are multiple employees with the same job title; but with very different jobs. A focus of this Study will be to determine the appropriate title for all positions.

Another issue with the System is employees do not move through the Pay Range. That is evident with the analysis of employee salary to the average Market Rate. One would expect to see a number of the Comp Ratio’s above 60%, representing employees with longer tenure higher within the Salary Range. Only 9% of the employees were at or above the 60% Comp Ratio, indicating they were above the Midpoint of the Salary Range. One of the concerns that prompted
this Study was whether the City’s merit program was moving employees through the Salary Range. The evidence would indicate, it is not. Thus, the construction of the Salary Schedule, along with the types of increases provided by the City, are issues that need to be addressed.

In summary, there are a number of issues that need to be addressed with the current Salary Schedule.

Compression

Compression is when salaries of job classifications of a higher rank or authority are paid less than positions of a lower rank or authority. This usually occurs in public safety departments where salary plus overtime of lower ranks exceeds the higher command ranks. Because of this issue, the Consultant asked for salary information (base plus overtime) for the entire 2016 fiscal year for all job classifications. There are four (4) Departments where compression is an issue is Public Works, Electric, Police, and Fire.

Public Works: In the Public Works Department, there are a number of employees with overtime; however, the vast preponderance of overtime ranges from $104.68 - $3,974. This is overtime that can be mitigated within the Salary Schedule; however, the Department should track (if it is not already) the reasons for the overtime to determine if it can be further minimized.

A salary schedule cannot compensate for overtime in excess of $4,000. Such overtime is due to policies and practices within the Department. Without looking into the practices of the Department, it is hard to determine why these particular positions/employees are incurring such significant amounts of overtime. In order for the City to increase base pay, these practices need to be evaluated and some of this overtime reduced.

Electric Department: The Electric Department, depending upon weather conditions, will incur a fair amount of overtime. Again, without looking at internal policies and practices, the Department needs to evaluate reasons for individuals incurring overtime in excess of $11,000. Again, in order to increase the Salary Schedule to be market competitive, scrutiny of excessive
overtime needs to occur so costs can be reallocated to implement and maintain market competitive wages. Getting salaries to a competitive level and reducing the number of open positions may help reduce overtime within this Department.

**Police Department:** Within the Police Department, as with the Electric Department, there will always be some overtime due to hold-overs; training, court appearances, etc. Thus, $3,000 - $5,000 overtime is typical depending on how busy the Department is and special pay components. With that said, there are a number of Officers with overtime in excess of $10,000 the Department should evaluate this further. This has caused some compression with several Police Officers earning more than Sergeants, and most Sergeants earning more than one (1) of the Lieutenant’s. Again, a compensation schedule can only minimize so much overtime and the rest must be managed by Department policy and practices.

**Fire Department:** The Fire Department runs on a 24/48 shift schedule. This schedule, has built in overtime, by its design. Thus, there will be overtime for a Firefighter just by working the schedule. The Fire Department, as will be discussed, also has a policy of staffing on an overtime basis for a number of positions. In addition, there will be overtime due to employee’s taking time off, employees on worker’s compensation, hold-overs, training, and other Department policy. But as discussed, there is an excessive amount of overtime that cannot be minimized through the salary schedule development to minimize rank compression; nor can the Consultant recommend a Salary Schedule comparable to the external Market until such time as overtime practices are decreased, because the City could not afford it. Overtime in excess of $5,000 must be scrutinized and evaluated — especially those individuals who are receiving in excess of $17,000 in overtime. The funding of some of the overtime comes from Department of Energy contracts; however, regardless of how the Department is paying for the overtime, all overtime is a cost and it must be accounted for.
Recommended Salary Schedule

General Employees

The recommended compensation system is one in which there is a six (6) step system, along with a Salary Range to the Maximum of the Salary Range (Appendix A). The steps are 2% apart and enable the City to ensure the employees reach Step 6, which is the average Market Rate. Employees are able to move beyond Step 6, through a combination of annual increases that are based upon the economy and performance. However, performance factors should not be taken into account until such time as the City has completed the following items:

- Updated its current human resource practices
- Ensured that all employees are on the salary schedule
- Updated all job descriptions
- Developed a performance evaluation/merit system
- Has made a commitment to fund a performance based compensation system
- Trained all supervisors on performance management, coaching, and documentation
- Trained all employees on the evaluation system

Until these tasks have been accomplished and the City feels it is ready both internally and financially, employees within the range portion of the Schedule will receive the budgeted ‘step’ amount if meeting acceptable performance standards. In other words, as long as the employee is not on a performance improvement plan.

Placement

For purposes of implementation, employees were placed to the Minimum of the Pay Range if under Step 1. If above Step 1, an employee was placed on a step closest to the current salary, regardless of time in the position. In most organizations, this type of placement proves problematic, as employees feel that if they have more tenure in the position they should be higher within the Salary Range. Although there is merit to this argument, placement on the Schedule by years in the position proves to be costly, something most municipalities cannot afford.
Employees who are within the range portion of the Salary Schedule, did not receive an increase. This is not to say they do not deserve an increase, but for schedule implementation purposes, nothing is needed to place them on the Schedule.

**Recommended Schedule – Electric**

The Consultant and Interim Human Resources Director worked with the Director of the Electric Department, to create a separate Schedule that was more in line with the Department’s current practice and what is common in the industry. Appendix B is the recommended Salary Schedule for the three (3) levels of Electric Line Trainee, Apprentice, and Technician. Based upon experience, a new employee will be hired at the level and step commensurate with his/her certification and experience. Other positions within the Department are placed on the general Salary Schedule.

**Recommended Schedule – Fire**

The Consultant recommends a simpler schedule for the Fire Department placing emphasis on an EMS model of service delivery (Appendix C1 – C3). As will be discussed in the Fire section of this Report, 66.6% of all calls within the Fire Department are EMS related, yet the Department is structured on a fire model. All employees are required to have, at a minimum, an EMT certification along with the skills needed to drive the apparatus; thus, the salary structure should promote and reward for EMS, not fire skills. That is not to say fire skills should be neglected; but to keep up one’s EMS skills, especially at the Paramedic level, takes a great deal of time and effort; as well as the potential liability to the organization. Thus, a Firefighter-Paramedic will be the highest non-officer paid position in the Department.

Another discussion in the Fire section is the privatization of the fire prevention bureau or making the Fire Inspector a civilian position. Current members of the Fire Department will be placed on the salary structure until 2019. After that time, the rank will either become a Firefighter - EMT or Firefighter - Paramedic; and a stipend will be provided for any continued Inspector duties that
may be required of the Fire Inspector. That position has been placed on the general employee salary schedule at Pay Grade M.

All stipends for obtaining certifications – EMT, Paramedic, etc., have been eliminated with the exception of HazMat Technician. This certification will remain and be in addition to the step increase.

The ranks have been collapsed, so an Engineer is included in the Firefighter – EMT and Firefighter – Paramedic since the Fire Chief felt this was a common duty everyone needed to obtain. Thus, it is not one in which extra pay was needed, but a responsibility of a Firefighter and is included in the base pay of the position.

The Consultant has provided a multi-year phase in of the Fire Schedule (Appendix C1-C3). Since the salaries of the Fire Department need to be increased, as well as major changes in staffing and reductions in overtime to pay for the increase in base wages; it will take some time to make the staffing changes and increase the wages so that the City can afford the implementation.

Finally, it is recommended the Liaison Captain at Station #4 be eliminated. This position is a full-time position to act as a liaison with the Department of Energy and really isn’t needed on a full-time basis. This function could be served by any Captain within the City, or probably better served by the Fire Chief.

**Appeal Process**

Employees within this new Compensation System may appeal their Pay Grade and/or Job Title in writing within a specified time period after the approval of the Compensation System. The Consultant will review all appeal requests, and provide a recommendation to the City for any necessary adjustments. In the event a Pay Grade and/or title is change is warranted, the employee’s current salary should be considered in relation to the new Salary Range and adjusted as necessary. (Attachment D is the appeal form)
Position Considerations

During the course of the study, there was an opportunity to better align job titles and responsibilities. These recommendations have been incorporated into the recommended Salary Schedule and/or provided to the City.

Life Cycle of Salary Schedule

One of the main concerns in any salary schedule is the ability to keep it current. Often, an organization spends a lot of time and resources to review and re-evaluate their Salary Schedule, resulting in providing employees or Pay Grades significant increases because either the position or the schedule is not in line with the external Market. When developing a Salary Schedule, public sector organizations must build in some mechanism for maintaining the system with the average cost-of-living increases.

A Salary Schedule has a typical life span of five (5) years, at which time market conditions typically necessitate a review. The City can strive to prolong the life of the Schedule if it commits to maintaining its competitiveness with the external market.

Benefit Statements

Employees, especially in government where benefits are typically more generous than those in the private sector, do not realize the true cost to the municipality for providing benefits. The Consultant recommends the City continue to create an annual benefit statement that details the total cost of compensation for an employee. This often has a dramatic effect on employees who only see their net pay, rather than the total cost an employer actually pays for an employee.

Typical benefits statements include:

- Gross Salary
- Employer cost of FICA, FUTA
- Employer cost of federal and state taxes
Employer cost of insurances (health, life, LTD, etc.)
Employer cost for employees to participate in a sponsored Employee Assistance Program or a wellness program
Employer cost of unemployment
Employer cost of worker’s compensation
Employer cost of pension fund(s)
Employer cost of other benefits provided
Total compensation for the employee

Overtime and Special Pays

The Consultant reviewed several policy and department procedures related to overtime and special pay. This includes Stand-By Pay, Acting Pay, Longevity, and some instances of Overtime.

Overtime

Currently the City calculates overtime (time and one-half) in excess of an employee’s normal work schedule. In addition, General Leave, Military Leave, Civil and Holiday leaves are all treated as hours worked. Under Federal Law, employers are only required to pay overtime for hours worked in excess of 40 hours in a workweek (a workweek is a defined 7-day consecutive time period). Special leaves are not considered hours worked under the Federal Law. Some exceptions to this overtime provision as written occurs in Fire/Police, which will be addressed separately.

Because the City offers a much more generous calculation of overtime than is legally required, employees are earning overtime when not required by federal law. This is costing the City hundreds of thousands of dollars each year unnecessarily. The Consultant recommends the City amend their overtime policy to calculate overtime based upon the FLSA standard, and exclude the various forms of time off from the definition of hours worked. Overtime should only be calculated after 40 hours worked, plus if there is any premium overtime pay events (such as Stand By), as outlined in City Policy. The savings of this policy change alone will be better
served supporting a compensation and benefit program that is competitive to the market, instead of funding a means to allow employees to find alternative venues to increase their gross income.

The Consultants recommend that the City review and change is policy so that all time-off pay—holidays, and general leave are excluded as paid as hours worked, and are not used in the calculation of overtime. The dollars paid toward overtime would be better spent in funding the base pay of the compensation system.

**Stand-By Pay**

The intent of Stand-By Pay is to compensate an employee to be available to report to work, if called upon, after normal business hours (but not adjacent to their normal scheduled work shift) for emergency type situations, such as an accident that caused damage to a traffic light, a road washout, or an electrical outage (non-inclusive examples). This is not to be used to cover a standard shift/minimum staffing requirements, no matter if the absence was known in advance or not. Currently, the City is paying 8.0 hours per week at the employee’s normal hourly rate for Stand-By Pay, in addition to hours worked if actually called. In 1986, the City developed an administratively complicated equation to calculate earnings for those weeks in which employees have Stand-By Pay, yet there is likely inconsistent application of this calculation as it pertains to overtime.

Recommendations for a flat dollar amount for Stand-by Pay for both Public Works and the Electric Department have been recommended.

**Longevity**

Longevity is a traditional and tenured benefit found in public sector that has not proven to be effective toward promoting efficient and effective services. Only five (5) participating municipalities provide some type of longevity payment. The Consultant recommends the City eliminate Longevity pay. Financial resources would be better served providing employees market compensation, or enhancing a specific benefit available to all employees. For employees
who still receive longevity, the longevity pay should be rolled into the base pay, and placement onto the new salary system should be adjusted accordingly.

If the City decides to maintain Longevity, the benefit should cease for all future hires, and current beneficiaries of the benefit should be frozen at their current rate. In addition, if the City determines Longevity must continue, overtime practices of the City should be evaluated. Longevity pay must be included into overtime calculations for non-exempt positions, even though the benefit is paid at a flat rate on an annual basis.

**Acting Pay**

Acting Pay is a provision in which an employee is expected to perform tasks not in their job description that is normally assigned to a higher classification. This special pay begins after ten (10) consecutive working days (five (5) shifts for Fire and eight (8) shifts for Police), resulting in a 5% adjustment in rate of pay. Extended periods may increase wages up to 10%. Acting pay should not be used to simply cover shifts due to covering various leaves. Acting Pay should only be used in the event an employee is asked to temporarily fill a position of a higher-level due to a vacancy, and the position is needed in order to continue effective operations of a Department. This should be a temporary assignment only, no less than four (4) weeks, and not greater than six (6) months. Given the practices surrounding this special pay in the past, any Department Director who wishes to assign Acting Pay must request this in writing to the Administrative Services Director for approval.

**Scheduling Considerations and General Leave**

As will be discussed in the Paid Time Policies section, the City provides employees with a generous time off program. Said program can be challenging to allow the amount of time off earned and requested, and still effectively cover staffing in various Departments, including Police and Fire. With the reduction of time off, this will help Departments better manage their internal time off programs and scheduling considerations. However, in order to be successful under the new compensation model, Department practices should be thoroughly reviewed to
ensure they are being properly administered, as to not create overtime under than what is required under the FLSA.

In reviewing Department procedures, these are causing unintended overtime unnecessarily. This is again part of historical practices to ensure additional wages are paid, due to the low salary conditions in the Salary Schedule. A summary of major recommendations is listed:

- All call-in procedures within the City and Departments should be reviewed and updated to reflect if an employee is denied time off or denied a trade in shift and they call in for those previously requested days, they will be subject to disciplinary action separate from the call-in policy’s progressive discipline process.
- Any employee who calls in the last scheduled day before or first scheduled day following a legal holiday should not be eligible for any holiday pay. This may result in adjusting the General Leave accrual for Fire and Police, as their holiday pay is included in their General Leave accruals. Separating General Leave from Holiday will allow for the City to remove this pay, if necessary without disturbing the General Leave bank.
- Any employee who calls in for the last scheduled day before or first scheduled day following scheduled leave shall be subject to disciplinary action separate from the call-in policy’s progressive discipline process.
- All procedures that state filling time off requests will result in automatic overtime should be eliminated. Overtime should only be calculated based upon FLSA standards.
- The number of occurrences for unscheduled absences allowed before disciplinary action is considered should be re-evaluated and reduced or eliminated. Currently, employees are given 3-5 occurrences before an additional five (5) step disciplinary process is imposed.
- The City should consider meeting with major groups of medical providers in the community to educate them on the cost absenteeism has on the community. Developing professional partnerships may help reduce call ins that are not justifiable needs.
Finally, it is understood the City will continue to have overtime. This cannot be eliminated altogether. The City should however, work to close the “loop holes” in earning overtime, to limit overtime based on FLSA calculations wherever possible.

**Compensatory Time**

Employees have the opportunity of taking overtime or banking into compensatory time. However, the employee handbook does not have any limits on the maximum number of hours for compensatory time. The Consultant recommends no more than 80 hours of compensatory time be allowed to accrue. Once that amount is reached, the City needs to pay the employee down to that level and/or have the employee use the time.

**Benefit Analysis**

In addition to compensation, the City asked that a high-level comparison of other benefits also be conducted. The Consultant reviewed, Paid time off policies such as general leave (vacation) and emergency leave (sick), and then health insurance, dental coverage and wellness programs. The following is a summary of comparisons as well as recommendations for benefit enhancements. Eighteen municipalities responded to parts of the benefits survey.

**Paid Time Policies**

The City currently has General Leave (vacation) and Emergency Leave (sick/bereavement) programs, as well as other basic time off polices, in which there are various rules for the use of each type of leave category. Having the rules and variations may be confusing and frustrating for employees and managers, and it is very likely a significant administrative burden to the administrative staff who setup and monitor the use of these forms of leave. It appears the City has tried to develop a program that is generous in earnings, is intended to be flexible in usage, but imposes many rules on specific use and transfer between the General Leave and Emergency Leave Banks. Many organizations add rules for the use of benefits to help the employees manage their personal situations, but that often makes programs difficult to manage. Adding
segregated rules to these two (2) forms of time off will provide administration ease and ultimately puts the responsibility of managing balances of time back to individual employees.

**General Leave**

The City has a generous General Leave schedule in which there are four (4) levels of accrual, based upon years of service. Employees start in their first year with an accrual of 27 days, and will reach the maximum accrual level after 15 years of service, with a maximum of 38 days. The maximum amount of time provided by the City is only surpassed by one (1) comparable. The challenge is the small difference in accrual over 15 years. This was brought up in employee group meetings as a concern of the benefits.

The limits in the amount of general leave that can be carried over year to year is less than the maximum amount of leave earned per year. This means the employee must take leave during the year, or it will be transferred to Emergency Leave, which will be described in a later section. The amount of time the employees may accrue, as their years of service increases, is significant, which is a financial liability that must be funded by the City in accordance with government accounting rules.

Overall, the maximum amount of General Leave is recommended to be reduced. Because the City will be in a position to offer market wages, with a competitive benefit package, the City does not need to supplement its package with enriched time off. The proposed General Leave schedule will still be at market in terms of comparable organizations. The proposed General Leave schedule is as follows:

**Table 2: Proposed General Leave Schedule**

<table>
<thead>
<tr>
<th>YEARS OF SERVICE</th>
<th>GENERAL LEAVE ACCRUAL PER PAY PERIOD</th>
<th>MAXIMUM ANNUAL GENERAL LEAVE ACCRUAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;2 years</td>
<td>4.62</td>
<td>120.00</td>
</tr>
<tr>
<td>2-&lt;5 years</td>
<td>5.54</td>
<td>144.00</td>
</tr>
<tr>
<td>5-&lt;8 years</td>
<td>6.16</td>
<td>160.00</td>
</tr>
<tr>
<td>8-&lt;10 years</td>
<td>7.08</td>
<td>184.00</td>
</tr>
<tr>
<td>10-&lt;15 years</td>
<td>7.70</td>
<td>200.00</td>
</tr>
<tr>
<td>15 years +</td>
<td>8.70</td>
<td>224.00</td>
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</tbody>
</table>
In addition, it is not uncommon for Department Directors to receive additional leave time at a higher amount than all other positions. This is often the single difference in benefit offered these high-level positions. As a result, each Department Director should be provided an additional two (2) days of accrued General Leave above what other employees earn.

Recommendations have been provided as to how to reduce these leave schedules; as well as recommendations as to curb the use of emergency leave.

**Police and Fire General Leave Schedules**

As with General Leave for other employees, the General Leave for Police is also a very enriched; thus, causing staffing issues and overtime in the Department to cover time off. This bank of time also includes Holiday time, which further exacerbates the overtime/staffing concerns. The General Leave schedule does not need to follow the schedule developed for general employees. Police and Fire are scheduled to work 12-24 hour shifts, on a rotating schedule, inclusive of nights and weekends, so their personal lives are impacted by their jobs more than other positions in the City.

With that in mind, the overall benefit should be reduced similar to the general employee schedule, taking into consideration the number of equivalent weeks of time off earned. The proposed General Leave Schedule adjusts the tenure in which higher levels of accrual are earned, so there is less gap than what currently occurs in the ‘4-15 year’ level.

<table>
<thead>
<tr>
<th>YEARS OF SERVICE</th>
<th>GENERAL LEAVE ACCRUAL PER PAY PERIOD</th>
<th>MAXIMUM ANNUAL GENERAL LEAVE ACCRUAL</th>
<th>EQUIVALENT WEEKS BASED ON 12 HOUR SHIFTS 4/4 SCHEDULE</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;5 years</td>
<td>5.54</td>
<td>144.00</td>
<td>3 WEEKS</td>
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<tr>
<td>5 – &lt;10 years</td>
<td>7.38</td>
<td>192.00</td>
<td>4 WEEKS</td>
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<tr>
<td>10–15 years</td>
<td>9.23</td>
<td>240.00</td>
<td>5 WEEKS</td>
</tr>
<tr>
<td>15 years +</td>
<td>11.08</td>
<td>288.00</td>
<td>6 WEEKS</td>
</tr>
</tbody>
</table>

This Police General Leave Schedule excludes Holidays, so the City can provide for Holiday Pay in a manner that does not further complicate the overtime/staffing concerns, as well as provides the employee with a tangible payment for the sole purpose of Holiday compensation. The City is
recommended to provide each employee on the Police General Leave Schedule 72 hours of holiday time, per year, at their base rate of pay, payable in two (2) lump sum payments – one in July and one at the end of the year. Unlike other dollar amount payments, these would not be subject to FLSA overtime.

The Fire Department General Leave Schedule is also very enriched, and mirrors the same concerns outlined as the Police Schedule. As a result, the following is the recommended schedule for the Fire Department, which has been developed under the same parameters as Police.

**Table 4: Proposed Fire General Leave Schedule**

<table>
<thead>
<tr>
<th>YEARS OF SERVICE</th>
<th>GENERAL LEAVE ACCRUAL PER PAY PERIOD</th>
<th>MAXIMUM ANNUAL GENERAL LEAVE ACCRUAL</th>
<th>EQUIVALENT WEEKS BASED ON 24 HOUR SHIFTS 24/48 SCHEDULE</th>
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</thead>
<tbody>
<tr>
<td>&lt;5 years</td>
<td>8.31</td>
<td>216.00</td>
<td>3 WEEKS</td>
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<tr>
<td>5 – &lt;10 years</td>
<td>11.08</td>
<td>288.00</td>
<td>4 WEEKS</td>
</tr>
<tr>
<td>10&lt;15 years</td>
<td>13.85</td>
<td>360.00</td>
<td>5 WEEKS</td>
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<tr>
<td>15 years +</td>
<td>16.62</td>
<td>432.00</td>
<td>6 WEEKS</td>
</tr>
</tbody>
</table>

Because the proposed Fire General Leave Schedule excludes Holidays, the City can provide for Holiday Pay the same manner as described with Police. The City is recommended to provide each employee on the Fire General Leave Schedule 144 hours of holiday time, per year, at their base rate of pay, payable in two (2) lump sum payments – one in July and one at the end of the year.

**Emergency Leave**

Upon hire, new employees are provided a bank of 140.00 hours of Emergency Leave, with an accrual of 2.0 hours of General Leave added to the bank until such time the Emergency Leave Bank reaches 400 hours (560 hours for Fire, with an accrual of 2.8 hours per pay period). If the Emergency Leave Bank drops below 400 hours, the employee continues to have 2.0 hours of General Leave transferred each pay period until the Emergency Leave is back to 400 hours. This ensures employees will always have Emergency Leave, provided the employee has General Leave available. Providing a bank of time for emergency leave upon hire, is a benefit not seen by any other comparable organization, nor is it typically seen in the industry. Most employers
offer an accrual, equivalent to 12 days per year, to a maximum hour cap. The City is to be commended for offering the upfront hours upon hire.

It would appear there is significant administrative time with of the current process of transferring General Leave to fund the Emergency Leave bank as described above. Given the Consultant has recommended a reduction of General Leave, the City has the opportunity to make adjustments to Emergency Leave as well, making more of a stand-alone benefit. The City is recommended, for the first 5 years from date of hire, to place 2.0 hours of Emergency Leave time into the Emergency Leave Bank. This is equivalent to 400 hours upon completion of five (5) years of service. Upon completion of five (5) years of service, employees may elect, on an irrevocable annual basis, to have hours transferred from their General Leave Bank to replenish their Emergency Leave Bank if necessary. Any transfer should require the employee retain 40.0 hours of General Leave on the books.

The Emergency Leave Bank is used for significant medical events as well other defined purposes. The Federal Family Medical Leave Act provides for up to 12 workweeks of time off, so it is possible an employee under the FMLA could use a total of 480 Emergency Leave hours, if available. However, the City only funds 400 hours. The Emergency Leave Bank maximum could be increased to a maximum of 480 hours (400 was contributed by the City over the course of the first 5 years) with employees making a written election to fund the difference from their General Leave Bank.

For Police, the City should contribute 2.6 hours of Emergency Leave per pay period for the first five (5) years, and allow employee maximums to reach 576.00 hours, by allowing employees to fund the difference, as previously described. The Fire Department should contribute 3.2 hours per pay period for the first five (5) year, and allow employee maximums to reach 672.00 hours by allowing employees to fund the difference. All other provisions would be same for these two (2) groups.
Emergency Leave does not have a payout provision. Given the balance can be used toward credit with the Tennessee Consolidated Pension System, no adjustment to in this regard is recommended.

**Payout Provisions**

Currently, the City’s payout provisions allow for between 170-1,020 hours of General Leave, although there is a recommendation to reduce this to 480 hours (576-672 hours for Police and Fire). Any payouts are in the form of cash on the employee’s final check. This payment is then considered taxable to the employee, and the City pays related employment taxes on these amounts. The City could consider enhancing the payout process in a way that will assist employees with their future health care needs since the main reason employees choose not to retire is because they financially are not able to, or cannot afford to continue health care coverage. A Medical Trust could be developed for these payouts, in which deposits are tax free for both the employee and employer, is not considered income to the employee, and is to be used for medical expenses by the employee/qualified beneficiaries upon separation from employment. The City could also, as an alternative, use a deferred compensation 457(b) program, in which the payouts could be placed into a qualified tax deferred retirement plan for the employee. The Consultant cautions this last option may be restrictive since the IRS provides for annual contribution limits on individual deferred compensation accounts, and large payouts may exceed annual IRS limits.

**Implementation**

For the suggested changes in General leave and Sick leave — the City could implement all at once; thus in essence reducing general leave banks at the end of the year to the new minimum; and doing the same to Emergency Leave. A more user-friendly way, would be to announce by a specific date, the amounts in employee’s banks will be reduced to these amounts (listed in this manual) or placed in the Payout portion of the City’s buy-out program. Allowing employees, a one-time lump sum contribution to a health retirement savings account.
Health Insurance

Plan Design Overview

The City currently offers four (4) different health plans with two (2) different network providers. One program offers a discounted premium for added wellness efforts. The Plans offered by the City are dictated by the State. The deductibles range from $500-$2,000 for single and $1,250-$4,000 for family plans. Two (2) plans are considered High Deductible Health Plans (HDHP), and one (1) has the option of a Health Savings Account (HSA). Most organizations have added higher deductibles and coinsurance limits onto health plans to push costs back onto the end users/consumers. This also forces better and more active consumerism by those who utilize the health plan, so the City’s move to provide a HDHP is positive and necessary.

The City, however, still retains two (2) lower deductible health plans (lower deductible for this section is $1,000 or less). One of the low deductible plans has a $500/$1,250 deductible, which is a plan design that is becoming more of an exception than the norm in the industry. The overall monthly premiums to the City for these types of plans are typically higher than HDHPs. This is because there is a lower out-of-pocket cost risk to the employee on a low deductible plan, requiring the Plan to pick up the majority of medical expenses. Municipalities therefore will typically place higher employee contribution amounts to low deductible plans in an attempt to drive better consumerism by employees. Employees will often continue to pay a monthly premium to ensure low out-of-pocket costs, until they realize they are often in a better financial situation to enroll in a HDHP to save on monthly premium costs, and shifts their financial responsibilities from a guaranteed monthly premium deduction to an actual expense should they need to use the health plan while being a good consumer of health care. With that said, moving to a HDHP can often times be unnerving for employees because they have to be better consumers of their health care, and manage the expenses as they occur, but the City is also offering the option of a Health Savings Account to provide for a financial cushion to the employee. Employees do not always know what an HSA is, and how it benefits them, so education is a key component to driving effective health care consumerism. It is recommended the City develop an education program on the overall health insurance program offered by the City so employees understand the direct link between utilization of the Plan and the correlation
to annual premiums. Often times, because a $7 or $25 copay is inexpensive, consumers don’t think twice about visiting medical providers unnecessarily. This will also be the City’s opportunity to educate employees on other health care resources, like the HSA.

**Premises**

It is extremely difficult to compare health insurance, as the number of plans and the plan designs are significantly different among organizations. What can be compared is the amount the City contributes toward the cost of that insurance. As the City is aware, the cost of health insurance is a large budget item for any organization. Health insurance is also often the single largest benefit looked at by potential new hires with the City, so a review of employee contributions to this benefit is imperative for offering a comprehensive benefit package.

The City pays 100% premium for employees and dependents for the HDHPs. As a result, the City will be at market for this Plan. In terms of the remaining plan options, the City normally pays 85% of the highest cost health plan for single coverage, with that dollar amount being the set rate for all other single coverage plans. The City normally pays 70% of the highest cost health plan for family coverage, with that dollar amount being set for all other family coverage plans. For the purposes of the benefit analysis, the Consultant compared the base contribution of these Plans against comparable municipalities. The following summarizes the findings:

- Five comparables offer 100% employer paid premiums for single plans.
- Five comparables offer 90-91% employer paid premiums for single plans.
- Two comparables offer less than 90%, at 85% and 60% employer paid premiums.
- Six organizations offered flat rate contribution amounts, ranging from $12/month - $105/month for single coverage. This is compared to the City’s contribution rates of $95.49 per month ($44.07 x 26 payments and divided by 12 months).
- Employer contributions for dependent coverage ranged from 50-100%. In reviewing this closer, only two (2) comparables pay 100%, three (3) comparables pay between 90-91%, and four (4) pay 50-80%.
• Flat rate family contributions range from $114/month-$360/month. This is in comparison to the City’s family premium of $237.72 ($235.55 x 26 payments and divided by 12 months).

In reviewing premiums alone, the City is at market rate for the HDHP, but on the low end of market for employer contributions on low deductible plans. The City would be in a better market position for one (1) of the low deductible plans to be at a 90% contribution for single plans, and 80% contribution for family plans.

Of the plans in place, the Consultant encourages the City to first consider funding a portion of the HDHP HSA. The IRS limits for an HSA for 2018 are $3,450 for single and $6,900 for family. If the City can contribute even a portion of HSA funding to participants of this plan, employees may be more driven to accept a higher risk policy. The City should then try to increase the employer contribution for the $1,000/$2,500 deductible plan with a goal of 90%/80% premium contribution. That contribution amount can then be the flat rate amount contribution for all other health plans, although the City may determine the $500/$1,250 deductible plan cannot be supported at that level of premium, so the employer contribution may need to be less. The result should be that the lowest deductible plan will cost employees the highest amount, which is what will drive the healthcare consumerism in the direction it is needed, yet offer two (2) plans that are competitive within the market.

**Buy Out Program**

The City also provides for a “Buy Out” Program, in which employees are paid to opt out of the City’s health insurance if they are covered elsewhere. This buy-out is worth $600 per employee participant, for 2017. The City should review this program with their health insurance broker to determine the overall cost per year against the forecast of the number of belly buttons that may be added to the Plan if this option were to be eliminated. This may not result in a significant increase to the health insurance program, so the City could reallocate those payments to other areas of the insurance program.
Dental/Vision/Hearing

In lieu of Dental, Vision, or Hearing coverage, the City currently offers employees up to 80% reimbursement on $1,500 of out-of-pocket costs per employee family, per year (this totals up to $1,200 per year). In reviewing comparables, 12 other reporting organizations reported offering dental coverage, with the employer paying part or the entire dental premium. The City has taken a unique approach to pay for expenses that would normally be run through a formal insurance policy, instead of offering an actual policy. The administrative process requires employees to submit claims for reimbursement to the Personnel Department, who in turn arranges for reimbursement in-house. This means employees who are part of the selection, evaluation, promotion, and discipline process have access to specific medical claim information on employees and their family members.

City employees having access to this type of medical information is a high liability for the City. Third Party Administrators (i.e. insurance programs) are contracted to allow for clear lines of separation between employment practices and medical claims processing to reduce this liability. In addition, offering an actual insurance policy with dental, vision, and hearing coverage is more of an attraction for recruitment and retention purposes than promoting an in-house program. It is recommended the City review the average total cost paid to these claims over the last three (3) years to set a financial standard of which the City can contribute toward offering a new insurance policy with similar coverage. Because some comparables did require some employee contributions for dental coverage, employees may be required to pay a small premium portion for this new plan, if there is any added cost above what the City has paid toward this in-house program in the past.

Wellness Program

The City currently has an in house Wellness Committee with a goal to promote wellness opportunities to improve the quality of life for employees. A Wellness Program is an effective method to promote health and wellness amongst employees and spouse/dependents. Programs can be developed to encourage awareness of health-related issues, improve productivity and morale, decrease absenteeism and injury, and may at times reduce cost of healthcare. However,
employees often will only participate for a reward or outcome that has an impact to them. The City should consider offering a financial incentive for participation, whether it be a premium discount on health insurance coverage, or payment into an HSA that can be tied back to the health insurance program. It is admirable the City has taken initial steps to incorporate this type of program for the employees, but the City would best benefit from utilizing a Third Party Administrator to help develop a specific wellness program to best meet the goals of the City. Sometimes these programs can be a program extension from the health insurance carrier as an example, which directly correlates to insurance premium savings. In addition, The Equal Employment Opportunity Commission (EEOC) recently released new regulations on how employers can define the wellness programs as voluntary and remain in compliance with all federal standards. For that reason, utilizing a TPA to assist with this process, is highly recommended, removes the Human Resources Department from added administrative duties, and reduces the City’s liabilities in his area as well. One important aspect of an employee wellness program is that the program is voluntary, and is intended to be viewed by employees as an enhancement benefit.

Addressing FD Opportunities

The Fire Chief indicated he cannot attract and/or retain qualified employees with the current Salary Schedule. The intent of the Compensation Study was to move employees towards market; thereby, eliminating that problem. To accomplish this, it is essential for current overtime expenses to be significantly reduced. Inasmuch, as this issue involved the Fire Department, the Consultant’s Public Safety Division was asked to identify cost savings opportunities. This was not a comprehensive Fire Department Study; rather a review of data submitted by the Fire Department and opportunities identified by Dr. Tim McGrath, CEO of McGrath Consulting Group, Inc. A review of current practices provided a number of areas the Fire Department could reduce costs and improve efficiencies.

The City would benefit from a comprehensive Fire/EMS audit in order to provide the “how to” as well as potential cost savings. Although this was not a comprehensive Fire/EMS audit;
opportunities were identified to move employee’s closer to market without the use of excessive overtime. Overtime is not only expensive, but also has a tendency to burn-out employees, which could result in difficulty recalling members during large emergencies.

Department leadership would have to assess many current practices and operating procedures to accomplish these suggestions. Many clients have made this transition, which does result in improvements in services while reducing costs. In order to accomplish these objectives, the Department leadership must be 100% supportive and committed to this transition; without the Leadership’s total commitment to change, it is unlikely cost savings could be realized.

Data/Information Challenge

The Fire Department operates four (4) fire stations with Station #4 being part of the Department of Energy (DOE) contract. The challenge was that upon request of data, it would sometimes include all four (4) stations, while at other times exclude the DOE services.

It is the Consultants understanding the Oak Ridge Fire Department is a municipal department that has a contract for services with the DOE. Therefore, the Fire Department is part of the City’s services and must be studied in its entirety at all times; not allowing the removal or addition of DOE services. Overtime expenses are illustrated in the City’s budget as total overtime incurred; and is an expense to the City regardless if it involved DOE staffing or not. With that said, it is prudent for the Department’s leadership to track overtime related to the DOE contract, but not remove it from the fiscal implications to the City.

This added challenge makes understanding and validating the Fire Department data difficult; and in a comprehensive audit, the Fire Department must be examined as a single agency. To this end, the Leadership must work in conjunction with other City Departments to achieve what is best for citizens and visitors needing emergency services.
Identified Opportunities for Cost Savings

Fair Labor Standard Act (FLSA)

The Fair Labor Standard Act (FLSA) is enforced by the United States Department of Labor - Wage and Hour Division. FLSA establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments.

The basic regulation under the FLSA is the payment of overtime. According to the FLSA, individuals who work more than 40 hours per week are entitled to compensation at time and one-half. Under the FLSA, a municipality can designate a work cycle for fire and police departments utilizing the 7(k) exemption component for relief of overtime. The FLSA allows the municipality the ability to designate a work cycle from 7 to 28 days (see Table below). Each cycle has an associated number of hours the employee is allowed to work before the payment of overtime is required. Hours actually worked over the allowable amount under the law must be paid at one and one-half times the normal hourly rate. The following is the FLSA 7(k) exemption chart for fire departments.

<table>
<thead>
<tr>
<th>Cycle*</th>
<th>Hours Allowed</th>
<th>Hours Worked</th>
<th>FLSA Overtime</th>
</tr>
</thead>
<tbody>
<tr>
<td>28</td>
<td>212</td>
<td>224</td>
<td>12</td>
</tr>
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</table>

*Cycle refers to the number of days in the work cycle.
<table>
<thead>
<tr>
<th>Cycle*</th>
<th>Hours Allowed</th>
<th>Hours Worked</th>
<th>FLSA Overtime</th>
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<td>7</td>
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<td>56</td>
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</table>

*Cycle = number of days needed before overtime becomes available

Once the FLSA cycle is determined, the FLSA requires that overtime be paid for hours worked beyond the established number. For the Oak Ridge Fire Department, overtime becomes available after 68 hours worked in a 9-day cycle. Therefore, employees work 72 hours in a 9-day cycle. By working his or her full work cycle, there will be four (4) hours of automatic overtime paid.

**Hours Worked vs. Hours Paid**

There is a distinction between “hours worked” and “hours paid”. The FLSA only requires overtime be calculated based upon actual hours worked. By calculating overtime on hours paid, more hours of overtime are paid, resulting in higher payroll costs.

As an example: an employee is scheduled to work 68 hours. During the cycle, the employee is granted and takes a 24-hour vacation day, and covers 12 hours for another employee. Here is how overtime is currently calculated versus how it could be calculated:

**Example 1- City’s current method with a 68-hour FLSA Cycle**

FLSA cycle hours = 68

- 24 hours vacation (considered hours worked for purposes of OT)
  44 hours worked
+ 12 hours for added shift
  80 hours worked (vacation time considered as hours worked)

The employee receives 24 hours of vacation (straight time)
  44 regular hours (straight time)
  12 overtime hours (time and one-half)
Example 2 – Recommended method with a 68-hour FLSA Cycle

FLSA cycle hours = 68

- 24 hours vacation (not considered hours worked)
  44 hours worked
+ 12 hours for added shift
  56 hours worked

The employee receives 24 hours of vacation (straight time)
  56 regular hours (straight time)

The City should calculate overtime based upon hours worked only, and remove all other forms of special pay from this calculation.

Thus, it is to the City’s advantage to revise their FLSA policies to a 27-day cycle and follow the 7(k) exemption, so that time-off is viewed as hours paid, and not as hours worked. Employees will still receive pay for these time off benefits, but these hours will not count toward the calculation of overtime.

**FLSA Payroll Calculation**

The Consultants were informed the firefighters are guaranteed 156 hours of overtime per year. This amount is not included in their annual salary amount. No one is sure where this amount came from, but there is no FLSA reason for this payment. Further, FLSA does not allow a firefighter salary to be spread evenly over the 26 pay periods. Rather, under the current 9-day pay cycle, for every pay period, payroll must be paid for all hours worked (inclusive of overtime earned), during the defined work cycle.

This is another reason the City is recommended to move to the 27-day work cycle. Under this pay cycle, the first pay period will be a smaller check as it will not contain any overtime because it has not yet been earned. The second check will be a larger check as it will be after the 27-day cycle and any overtime earned will be on the check. The City cannot estimate what the overtime might be in order to provide ‘equal’ checks to these employees. Thus, the 156 hours of overtime
paid must cease, as it may be resulting in an over or under payment to the employee. For wage and hour compliance purposes, the City should move to payment based on actual hours worked.

Oak Ridge Fire Department Scheduling Opportunities

- City should seek to use all 7(k) exemptions by only paying overtime for hours worked.
- A 9-day FLSA cycle schedule over a year will require more overtime than a higher cycle number. Departments that schedule employees on a 24/48 schedule are best to use a 27-day FLSA cycle. It is more likely an employee will take General Leave or Emergency Leave, and that day is paid at regular hours versus overtime hours, which is a significant savings in overtime.
- The Fire Department should separate FLSA overtime from all other overtime incurred by employees. FLSA overtime cannot be avoided if the employee actually works the 216 hours in 27-day cycle, which requires the City to pay 12 hours of overtime. This overtime should be documented as FLSA overtime. The Department currently tracks all sorts of reasons for overtime; however, this classification is missing.
- Kelly Day – also known as other names, is a mandatory amount of time an employee must take off during a cycle in order to avoid the FLSA overtime. For example, in a 27-day FLSA cycle, management (not labor) determines when the employee will be required to take 12 hours off in a week which contains the greatest number of shifts; thereby reducing hours worked to match hours allowed – not requiring overtime. Kelly Days are only needed within an FLSA cycle if the employee hasn’t taken other time off during that cycle.

- The concept of the Kelly Day should be evaluated; however, the Department will have to consider its staffing and the changes recommended in staffing configurations; otherwise using overtime to fill the employee off on a Kelly Day defeats the purpose.
Fire or EMS Staffing/Resource Deployment Philosophy

Placing greater emphasis on what services are being requested, versus what services fire departments have traditionally staffed and provided resource for, is often a difficult transition for traditional Fire Chiefs to embrace. However, municipal leaders, elected officials, and citizens are asking why do we continue to staff and respond based on a fire model when fires are only a small percent of what the Department does? Why doesn’t fire department leadership staff and respond based on an EMS model, as this is by far their greatest response demand?

The Table below indicates the Fire Departments emergency actives over the three-year period between 2014 - 2016, including the percent of activity to total emergency response:

<table>
<thead>
<tr>
<th>NFIRS</th>
<th>100</th>
<th>200</th>
<th>300</th>
<th>400</th>
<th>500</th>
<th>600</th>
<th>700</th>
<th>800</th>
<th>900</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>95</td>
<td>12</td>
<td>3,351</td>
<td>72</td>
<td>574</td>
<td>291</td>
<td>583</td>
<td>12</td>
<td>20</td>
<td>5,010</td>
</tr>
<tr>
<td>2015</td>
<td>82</td>
<td>12</td>
<td>3,562</td>
<td>63</td>
<td>547</td>
<td>331</td>
<td>621</td>
<td>1</td>
<td>12</td>
<td>5,231</td>
</tr>
<tr>
<td>2016</td>
<td>110</td>
<td>9</td>
<td>3,265</td>
<td>68</td>
<td>691</td>
<td>322</td>
<td>558</td>
<td>3</td>
<td>12</td>
<td>5,038</td>
</tr>
<tr>
<td>3-Yr. Total</td>
<td>287</td>
<td>33</td>
<td>10,178</td>
<td>203</td>
<td>1,812</td>
<td>944</td>
<td>1,762</td>
<td>16</td>
<td>44</td>
<td>15,279</td>
</tr>
</tbody>
</table>

% of Total | 1.9% | 0.2% | 66.6% | 1.3% | 11.9% | 6.2% | 11.5% | 0.1% | 0.3% | 100.0% |

In the case of Oak Ridge Fire Department, the three-year average (2014 – 2016) National Fire Incident Reporting System (NFIRS) found:

- Fires resulted in 1.9% of the Department’s emergency activities.
- EMS/Rescue resulted in the greatest emergency activity at 66.6% (Emergency Medical Services/Rescue). This is a 459.6% increase over the 2nd busiest emergency activity of Service Calls at 11.9%.

There is often resistance to an EMS staffing/resource deployment philosophy change. Many Fire Chief’s attempt to defend the status-quo by noting it will negatively impact the ISO rating; that a large number of businesses will relocate out of the City if their insurance rates increase; that citizens are at greater risk of dying in fire; or somehow aligning resources with emergency
demands shouldn’t be the priority. A chief officer is not paid to take risks; rather the officer is paid to know what risks to take and manage resources to align with service demands.

Thus, the Fire Department is staffed and modeled after the fire service. Its only ambulance is placed at Station #4; yet, 66.6% of what the Department does is EMS related. Therefore, the Department has an opportunity to revamp its staffing to better align with the majority of the services it provides.

**Emergency Medical Services**

There are two areas that should be discussed and assessed for means to reduce costs allowing funding for salaries at or near market.

**Fire Department Providing EMS In Oak Ridge**

The Consultants noted considerable discontent with Oak Ridge’s Dispatch by the Fire Department leadership. However, the sentiment was not the same articulated by Dispatch. Therefore, the Consultants can only state there are significant opportunities for these two (2) Departments to create a better working environment. According to the Fire Chief, the Fire Department is sent on all EMS calls of any nature in the City due to problems with dispatch. Patient transports to a hospital are provided through a separate ambulance provider and not the City.

Since the Fire Department is dispatched on all EMS calls, they are in fact a First Responder Agency. The philosophy of a First Responder Agency is to provide aid/treatment until either a higher level of EMS arrives or hospital transportation occurs. What is unique to Oak Ridge is the City has determined to provide Fire Responder services at the Paramedic level, which is the highest level of pre-hospital care available.

The Department has 22 Paramedics who, with the exception of Station #4, are assigned to fire apparatus; however, only Station #4 has an ambulance. The Fire Department leadership indicated, with the exception of the DOE facility, the FD apparatus may need to wait 10 to 35
minutes for an ambulance to arrive on scene. If these wait times are occurring frequently, this needs to be addressed on an administrative level. It is not in the City’s best interest to have patients wait up to 35 minutes for an ambulance.

The City ambulance stationed at the Department of Energy station transported individuals to hospitals 36 times in 2016. The Consultants were told this ambulance stationed at Station #4 (DOE facility) is staffed every day with two (2) EMT/Paramedic (or combination) through overtime.

In emergency events, if it is a critical situation, the Paramedics will begin treatment which might include administration of drugs. Once the Paramedic begins this type of treatment, they ride with the patient in the provider’s ambulance to the hospital. The engine or other apparatus crew goes out-of-service and drives to the hospital to retrieve its Paramedic. During this period, the engine and crew are out of service, in addition to the EMS personnel.

It is the Consultant’s understanding the following is the City’s expenses for an EMS call within their corporate limits:

- In-service engine (in most cases) responds – most likely under emergency conditions, and provides some type of mitigation to the injured/ill party(ies). There is no reimbursement to the City.
- A separate ambulance provider picks up and transports the patient. The separate ambulance provider bills the patient for that transport. There is no reimbursement to the City.
- If a City Paramedic goes to the hospital with the patient, the city apparatus goes out-of-service and follows the ambulance to the hospital to retrieve its member (unknown if under emergency conditions). There is no reimbursement to the City with additional loss of resources and increase risk.
- Even in the cases where the Paramedic does not need to stay with the patient to the hospital, the responding City apparatus (engine) is out of service until the separate ambulance arrives. In addition, responding in an engine to an EMS call is expensive; and more cost-effective means are available.
Without question, this accepted practice is expensive and reduces City protection while occurring. There are significant opportunities for cost-effective change.

**Staffing**

Current staffing methodology cannot be maintained if the goal is to bring employees into a market range, which is appropriate. Again, overtime is a double edge sword, but most often results in greater usage of Emergency Leave and less willingness to return in-service during larger events.

As an alternative, the Department should investigate the options provided in this section.

**Eliminate Everyday Staffing at Overtime**

Staffing Station #4 with individuals on overtime every day needs to be eliminated. Regardless of how overtime is being paid for, the amount of overtime will prevent the City from implementing a base wage schedule that is competitive to the Market. Staffing on overtime is expensive. The fact that the DOE contract could be lost in two (2) years and these employees might be laid off should not restrict the City from hiring additional personnel (see part-time). Individuals who could work full time or part time for any period of time will have gained valuable experience and will likely be attractive to potential employers. Although the case can be made the DOE is paying for it, the cost of overtime is extremely high and must be reduced in order to bring base wages up.

**Eliminate Specialist**

Although Leadership indicated the number of “Specialists” has significantly reduced, the concept of the utilization of this category is alive and well. Historically, Specialists, would be paid to make themselves available to respond while off-duty in order to staff the aerial apparatus, which was brought to the scene by a lone driver. Once the Specialist responded they would also receive overtime for staffing the aerial.
The Consultants do not support this type of staffing methodology, and suggest the aerial be staffed by on-duty personnel who would become a jump-company (see jump-company section below). Therefore, to meet the ISO pumping requirements, the aerial would replace an engine in an initial response; as it has a pump which could be utilized at the emergency scene. Actual large emergency events requiring additional resources would require call-back of off-duty personnel.

**Fire Inspections/Investigations**

Fire prevention is closely aligned with public education and is far more complex than what one might remember from their experiences in school. Activities commonly conducted by a Fire Prevention Bureau (FPB) include: fire inspections of occupancies (in most cases initially conducted by on-duty shift personnel); enforcement of Federal, State, and local codes; testing of new or upgraded fire protection systems; investigation of fires; plan review for new or renovated business; liaison to victim support; and public safety education. However, the activities listed above can be accomplished through a combination of on-duty personnel, part-time personnel, and a full-time Fire Marshal.

Company fire inspections are only as good as the training shift personnel receive in conducting inspections and developing fire pre-plans. This responsibility falls under the Fire Marshal who develops the training curriculum, oversees training, and conducts spot checks for quality assurance. Minor violations found by the on-duty shift personnel should be recorded and sent to the FPB. Initial follow-up for compliance should be conducted by the same company personnel that recorded the violation. Serious violations of fire prevention issues, or noncompliance of violation, should be handled by the Fire Marshal.

Unique fire inspection challenges and pre-plans should be shared with all shift personnel who might be called upon to enter the occupancy under emergency conditions. Fire pre-plans should be completed and made available during training sessions and provided to emergency responding units through technology, such as an apparatus Mobile Data Terminal (MDT).
Privatize Fire Prevention Bureau

There is currently a fire inspector on-duty on each shift. However, if there is a need for an inspection, an off-duty inspector is called in at overtime. Obviously, it begs the questions of why not use the on-duty resources?

The most common trend in today’s fire service is to privatize the Fire Prevention Bureau (FPB) with a civilian 40-hour employee and train on-duty personnel to do routine fire inspections and investigations. Difficult or unique inspections or investigations would require overtime for the off-duty civilian.

Another opportunity is to consolidate all City’s inspectors into a single agency, such as Community Development, and provide cross-training.

Part-Time

The City may also consider the use of part-time or paid-on-premise (POP) employees. Although the IAFF (firefighter’s union) opposes this practice, it is utilized by a great number of municipalities/departments to augment existing staffing resources. These are certified individuals who (usually) fill 12-hour shifts. Their time must be tracked so they don’t earn overtime, or work the number of hours that could classify them as full-time/benefit eligible.

Jump-Companies

The City may also consider the implementation of jump-companies. A jump-company is typically a crew of three (3) firefighters/EMT who either respond in an engine or ambulance depending on the nature of the call. For example: if an EMS call was to require Station #1 to respond, it would be with an engine. That engine and personnel are out-of-service until the entire crew is united. It might even require the engine to follow the ambulance service to the hospital. As an alternative, it would be more cost effective to place an SUV in the station equipped with EMS supplies to respond to the scene with the on-duty crew. Again, the engine is out of service for the same length of time until the crew is united.
Implement Automatic Aid

The Consultants received conflicting information about mutual-aid agreements, but it appears the Fire Department does utilize mutual-aid. The Consultants suggest implementing automatic-aid. Mutual-aid is aid sent or received only after being requested by incident command; whereas, Automatic-aid is automatically sent for targeted hazards. The Consultants were told automatic-aid could not be implemented due to problems with dispatch. Refer to the team building section later in this report.

Apparatus

The Department leadership provided the following inventory of apparatus:

Table 7: Fire Department Apparatus

<table>
<thead>
<tr>
<th>APPARATUS</th>
<th>QUANTITY</th>
<th>IN-SERVICE</th>
<th>RESERVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engine</td>
<td>8</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Aerial/Tower (truck)</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Rescue</td>
<td>4</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Ambulance</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Haz-Mat</td>
<td>2</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Command Vehicles</td>
<td>5</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Support Vehicle</td>
<td>8</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>Boats</td>
<td>3</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>UTV</td>
<td>4</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Total Apparatus</td>
<td>37</td>
<td>30</td>
<td>7</td>
</tr>
</tbody>
</table>

Based upon the provided information, the Department could significantly reduce apparatus in the following ways:

- Insurance Services Office, Inc. only requires one (1) reserve engine for every eight in service engines; the same reserve numbers apply for aerial apparatus. *(Source: ISO – FSRS section 520 2013 edition)*. Therefore, the City only needs one (1) reserve engine.
- One reserve rescue vehicle could be removed from the Department’s inventory; perhaps one in-service also.
• Command vehicles – one could assume ranking officers are given a take home vehicle. Although this is desired during major events it is not supported by most clients we have audited.

• Support vehicles appear to be excessive with averaging two (2) per station.

Maintaining reserve apparatus is not inexpensive. The apparatus must be kept in a condition for short notice use, insured, and maintained.

**Apparatus Replacement**

The Department has a very aggressive apparatus replacement policy. Fire apparatus, like all types of mechanical devices, have a finite life. The lifespan may depend on many factors such as mileage, engine hours, quality of the preventative maintenance program, technology advancements, quality of the driver training program, rule enforcement, quality of the original builder and components, availability of parts, and custom or commercial chassis, ability of the district to generate funding, general appearance, etc.

Over the years, the National Fire Protection Agency (NFPA) has attempted to define life expectancy of apparatus with little success. However, under the 2009 edition of NFPA 1901, a new Annex D, titled Guidelines for First-Line and Reserve Fire Apparatus, was added. This discusses apparatus built prior to 1991. Section D.1 discusses minimizing the risk of injuries to firefighters and improvements in safety features that have been instituted since 1991. Industry cannot find a one size fits all recommendation on this topic.

The Table below illustrates Oak Ridge replacement plan and a sample of what it might look like if a replacement plan was based on other studies by the Consultants, of similar apparatus usage.
Table 8: Apparatus Replacement Schedule

<table>
<thead>
<tr>
<th></th>
<th>Oak Ridge</th>
<th></th>
<th>Consultants</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In-Service</td>
<td>Reserve</td>
<td>In-Service</td>
<td>Reserve</td>
</tr>
<tr>
<td>Engine</td>
<td>12</td>
<td>12</td>
<td>20</td>
<td>3</td>
</tr>
<tr>
<td>Aerial/Tower</td>
<td>25</td>
<td>0</td>
<td>20</td>
<td>3</td>
</tr>
<tr>
<td>Heavy Rescue</td>
<td>15</td>
<td>0</td>
<td>20</td>
<td>3</td>
</tr>
<tr>
<td>Ambulance</td>
<td>not listed</td>
<td></td>
<td>7</td>
<td>7*</td>
</tr>
<tr>
<td>Support Vehicles</td>
<td>not listed</td>
<td></td>
<td>15</td>
<td>3</td>
</tr>
<tr>
<td>Cars/SUV</td>
<td>8</td>
<td>0</td>
<td>10</td>
<td>0</td>
</tr>
</tbody>
</table>

*Ambulance should be rechass @ 7 yrs and kept for 7 more yrs.

Replacing engines every 12 years is expensive and uncommon. In addition, keeping one (1) reserve engine for each in-service engine in service is excessive and expensive.

False Alarms/Calls
False alarms are a drain on a Department’s resources, prevent personnel from responding to actual emergencies, and increase the chances for vehicle accidents. Not only does the resolution of false alarms reduce unnecessary emergency responses, it also is a significant safety factor for the community as well as the service providers overall. According to the National Fire Protection Agency (NFPA), vehicle accidents (responding to or returning from) are the second leading cause of Firefighter/EMT line-of-duty deaths as illustrated below:
The sub-categories for False Alarm and False Calls include:

- Malicious, mischievous false alarm
- Bomb scare
- System or detector malfunction
- Unintentional system or detector operation (no fire)
- Biohazard scare
- False alarm and false call, other

Oak Ridge’s third highest category of emergency responses were false alarms/calls; at 11.5% or approximately 1,757 responses in the three-year study period.
Reducing False Alarms/Calls

Greater emphasis needs to be placed on reducing false alarms by following up on their cause, working with the business owner in eliminating the alarms, and, if necessary, ensuring the City collects fees by passing a City Ordinance for continuing false alarm/calls.

Reduction of false alarms “starts at the top”. A strategic initiative should be a program to reduce false alarms. First the Battalion Chiefs must ensure the reasons for the false alarms are entered into a data management system. The Fire Prevention Bureau also needs to be notified when they start their shift.

The Chief must not tolerate or accept that a false alarm was from a malfunctioning alarm system; rather, there needs to be follow-up by Department personnel to ensure action is being taken to correct the problem. Unfortunately, some business owners might find it is cheaper to pay a false alarm ordinance fee than it is to bring in the alarm company to find and resolve the problem.

City leadership should require the Fire Chief to provide documentation of what resources are sent on a false alarm, the costs to City for that response, time the apparatus was out-of-service, and noting any injuries or apparatus damage due to the alarm.

In short reports, narratives such as: “no fire, no problem found” are no longer acceptable. False alarms cannot be eliminated, but can be greatly decreased simply by determining the cause, proper documentation, notification to the FPB, meeting with the property owner, and changing the attitude of ‘it’s just another false alarm’. The benefits include the safety of the responders, safety to the public, saving costs, reducing apparatus wear, reducing the probability of an accident, and as important keeping the fire company in service to answer a real Fire or EMS emergency.

Team Building

It appears from discussion with the Fire Chief there is frustration in communication with both the Finance Department and Dispatch (Police Department). It was noted the Chief indicated these
two (2) Departments do not communicate with him regularly and even noted he doesn’t understand how they get their information.

Therefore, there are opportunities for all City Departments to realize they are all an important part (but only one part) of providing services; so open and honest communication is essential. If a Department Director is unsure of how another Department influences their budget or deployment of resources, this should be resolved immediately through mandatory Department Director meetings.

**Summary of Findings**

This document is a comprehensive compensation report and although many Fire Department issues have been addressed it was not a Fire Department audit; however, many of the recommendations are intertwined. Thus, in summary:

The Compensation Schedule has not kept up with the external Market, and internal City policies have not allowed employees to move through the Schedule. As such, City policy and department practices have led to creative ways to provide employees with compensation. Therefore, to fund the recommended Compensation Schedules, the City must:

- Change its General Leave practices
  - Change to allow for time off as hours paid but not included in calculation of overtime
  - Time off taken before or after a Holiday or General Leave should result in discipline and taken unpaid
- FLSA practices reviewed to ensure compliance
  - Time off pay should not be utilized in the calculation of overtime
- General and Emergency Leave schedules reduced – inclusion of health retirement savings accounts to limit cost of payouts
  - Options for implementation have been provided
- A number of position title changes and responsibility realignments have been suggested
• Stand-by Pay for the Public Works Department should be reduced, and to a flat dollar amount.

• Longevity is recommended to be eliminated, or at minimum frozen for current employees, and eliminated for new hires.

• Acting pay should be reduced to those individuals who are substituting for employees out for ten (10) consecutive working days or greater; (five [5] shifts for fire and eight [8] shifts for police). The assignment should last no less than four (4) weeks and no greater than six (6) months.

• Compensatory time should have a maximum accrual of 80 hours at which time the employee must be paid and/or take the time off.

• **Benefits Summary**
  
  o The City should continue to fully fund the HDHP HSA, and consider an employer contribution directly into the HSA to encourage employees to migrate to this plan. The City should also then work to increase the $1,000/$2,500 deductible plan at 90%/80%. All other plans can be funded at the same flat rate, or at a less employer contribution if necessary. The City should develop an education program for employees to better understand their health insurance program.

  o The City is recommended to consider changing the incentive of the Wellness Program to allocate additional funds to the HSA, or a premium reduction as well as coordinating this program with a TPA to ensure compliance with federal regulations. The City should investigate the value of the Buy Out Program, and its actual impact to the health insurance program or whether those funds could be reallocated to assist with other parts of the compensation system.

  o It is recommended the City offer a dental/vision policy with similar coverage to what is currently reimbursed through the in-house reimbursement program. The City can contribute a portion of the premiums, equivalent to what the City has contributed to individual the overall claims over a three (3) year average.

  o Emergency Leave should become a standalone benefit than General Leave. After five (5) years of City contributions, the employee may irrevocably allocate General Leave on an annual basis to the Emergency Leave bank, at the employees discretion, to a maximum of 480 total Emergency Leave hours, and take over
responsibility for banking all future hours. This drives the responsibility back to the employee. Emergency Leave has no cash value, so no transfers should be allowed to the General Leave bank.

- **Fire Department – A Phase-in Salary Schedule**
  - Change the Fire Department’s schedule from a 9-day to a 27-day schedule
  - Reduce staffing models in the Fire Department to an EMS model and eliminate overtime staffing (Not overtime due to the 7k staffing schedule) – will require a phase in compensation schedule
  - Eliminate the 156 hours of overtime pay per year; and move to actual hours paid in a 27-day pay cycle, that is paid bi-weekly. The City should not average to equalize pay checks.
  - Consider implementation of a ‘Kelly Day’ during the week of the greatest overtime to reduce the amount of overtime. The Department should be tracking all overtime, including overtime created by working the established work schedule.
  - Buddy Days must be agreed upon by the two (2) employees and have a completed a signed off agreement.

- The Fire Department has to make a philosophical change in that over 66% of their calls are EMS related. Thus, their staffing, training, and compensation methodology must move toward this new trend of service.
  - The Department needs to eliminate staffing Station #4 with overtime staffing. Recommend hiring individuals to fill these positions.
  - Eliminate Specialist positions.
  - Fire inspections should be accomplished through a combination of on-duty personnel, part-time personnel and a full-time Fire Marshal.
  - Consider privatizing the Fire Prevention Bureau with a civilian 40-hour employee; or consolidate inspectors into a single City Department – i.e., Community Development.
  - Consider use of part-time or paid-on-premise employees to augment existing staffing resources.
- Implement jump companies as an efficient staffing methodology.
- Implement automatic — aid with neighboring departments.
- Develop and fund a reasonable apparatus replacement plan.
- Begin to use data to understand the calls within the Department. Begin to understand and decrease the amount of false alarm calls.

- The Fire Chief needs to build good working relationships with the Police Chief so that some of the dispatching issues between Fire and Police (Dispatch) can be resolved. Further, a better relationship with Finance to better document and understand the financials of the Department is most beneficial.
## Appendix A: Recommended General Employee Salary Schedule

<table>
<thead>
<tr>
<th>New Pay Grade</th>
<th>Recommended Title</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
<th>Step 6M</th>
<th>Step 7</th>
<th>Range</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Lifeguard</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>Recreation Leader</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>School Crossing Guard</td>
<td>$9.96</td>
<td>$10.16</td>
<td>$10.37</td>
<td>$10.57</td>
<td>$10.78</td>
<td>$11.00</td>
<td>$11.22</td>
<td></td>
<td>$13.45</td>
</tr>
<tr>
<td>B</td>
<td>Senior Lifeguard</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>Senior Recreation Leader</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>Step 6M</td>
<td>Step 7</td>
<td>Max</td>
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## Appendix C: Fire Schedule – Year 3

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<th>Step 4</th>
<th>Step 5</th>
<th>Step 6M</th>
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<td>Recommended Title</td>
<td>Step 1</td>
<td>Step 2</td>
<td>Step 3</td>
<td>Step 4</td>
<td>Step 5</td>
<td>Step 6M</td>
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<td>Max</td>
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Appendix D: Pay Grade Appeal Form

City of Oak Ridge
Compensation Study Appeal Form

This form must be filled out completely, and must have all required signatures prior to submittal. This form, along with any supporting documentation, must be submitted to the Administrative Services Director by ______________ for consideration.

<table>
<thead>
<tr>
<th>I. Employee Information</th>
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<tbody>
<tr>
<td>Employee Name:</td>
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<tr>
<td>Department (&amp; Division, if applicable):</td>
</tr>
<tr>
<td>Supervisor's Name:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>II. Type of Appeal (Please mark what is being appealed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Title Change Appeal (Complete Sections I, II, &amp; III and Submit to Supervisor for completion of Section V)</td>
</tr>
<tr>
<td>☐ Pay Grade Appeal (Complete Sections I, II, &amp; IV and Submit to Supervisor for completion of Section V)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>III. Title Change Appeal (All areas must be thoroughly completed)</th>
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</thead>
<tbody>
<tr>
<td>Job Title Prior to Compensation Study:</td>
</tr>
<tr>
<td>Newly Recommended Job Title:</td>
</tr>
<tr>
<td>Explain Reason for Recommended Title Change:</td>
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</table>

<table>
<thead>
<tr>
<th>IV. Pay Grade Appeal (Attach Documents as Necessary)</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Pay Grade Placement:</td>
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</tbody>
</table>
### IV. Pay Grade Appeal (Attach Documents as Necessary)

**Explain Reason for Recommended Pay Grade Change (Include if the employee's job has changed significantly since the original Position Description Questionnaire (PDQ) was completed, or if the employee left out critical information in their Position Description Questionnaire):**

**Other Internal Positions You Believe Perform the Same or Similar Work as the Proposed Position:**

**List any Other Municipalities You Believe Perform Similar Functions to the Proposed Position, and Known Job Title (You Do Not Need to Perform an External Market Analysis. This is Only if You Know of Other Positions):**

**Other Information that May Be Helpful to Determine Position Responsibilities and Pay Grade Placement:**

### I. Supervisor (and Department Head, if applicable) Review

**Supervisor's Comments (Including Agreement/Disagreement and Why):**

**Supervisor Signature:**

**Date:**

**Department Head's Comments (Including Agreement/Disagreement and Why):**
<table>
<thead>
<tr>
<th>Department Head Signature:</th>
<th>Date:</th>
</tr>
</thead>
</table>

**II. Human Resources Review**

Human Resources Comments (Include any Additional Information or Explanation):

<table>
<thead>
<tr>
<th>Human Resources Signature:</th>
<th>Date:</th>
</tr>
</thead>
</table>
RESOLUTION

A RESOLUTION ACCEPTING THE REPORT FROM MCGRATH HUMAN RESOURCES GROUP, AUTHORIZING THE CITY MANAGER TO MOVE FORWARD WITH A PHASED APPROACH TO IMPLEMENT RECOMMENDATIONS FROM THE REPORT, APPROVING THE POSITION CLASSIFICATION PLAN FOR FY2018 EFFECTIVE WITH THE OCTOBER 8, 2017 PAY PERIOD, AND APPROVING THE PAY GRADE SCHEDULE FOR FY2018 EFFECTIVE WITH THE OCTOBER 8, 2017 PAY PERIOD.

WHEREAS, by Resolution 12-87-2016, the City entered into an agreement with McGrath Human Resources Group to perform a compensation analysis and review of the City’s compensation plan structure and related policies; and

WHEREAS, McGrath Human Resources Group has presented its report and recommendations, which includes several changes in job titles and a new classification code system for all City employees; and

WHEREAS, the City intends a phased approach to implement recommendations from the report in order to ensure notice is provided to employees in advance of significant changes and to allow input sessions to occur with staff to create a feedback process throughout implementation; and

WHEREAS, Article 4, Subsection 4.2 of the Personnel Plan for Employees of the City of Oak Ridge, Tennessee (Ordinance No. 27-85) specifies that the Classification Plan of City employees shall consist of classes submitted by the City Manager, recommended by the Personnel Advisory Board, and adopted by City Council by resolution; and

WHEREAS, the Personnel Advisory Board by its actions at its August 30, 2017 meeting endorsed the report that results in the attached Position Classification Plan for FY2018; and

WHEREAS, the City Manager recommends acceptance of the report from McGrath Human Resources Group, approval to move forward with a phased approach to implement recommendations from the report, approval of the Position Classification Plan for FY2018, and approval of the Pay Grade Schedule for FY2018.

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

That the recommendations of the City Manager are approved and the Classification & Compensation Study Executive Report prepared by McGrath Human Resources Group and dated September 2017 is hereby accepted.

BE IT FURTHER RESOLVED that the attached Position Classification Plan for FY2018 is hereby adopted effective with the October 8, 2017 pay period.

BE IT FURTHER RESOLVED that the attached Pay Grade Schedule for FY2018 is hereby adopted effective with the October 8, 2017 pay period.

BE IT FURTHER RESOLVED that changes associated with employee job titles and placements on the new salary schedule are considered lateral transfers and not promotions/demotions under the Personnel Plan.

BE IT FURTHER RESOLVED that employees who receive a job title change as part of this plan will continue to operate under their previous job description until such time as a job description is developed and approved for the new job title, which is anticipated to occur in December 2017.
BE IT FURTHER RESOLVED that the City Manager is authorized to move forward with implementation of recommendations from the report in a phased approach, with all items requiring City Council approval coming back to City Council for action.

BE IT FURTHER RESOLVED that the following phases are anticipated to occur over the course of the next seven (7) to ten (10) months as follows: stand-by pay calculation evaluation/determination of any changes, completion of revised/new job descriptions, and Fire Department pay period change from a 9-day cycle to a 27-day cycle (December 2017); and longevity options evaluation/determination of any changes, general and emergency leave options evaluation/determination of any changes, holiday time review for 27- and 28-day cycle employees evaluation/determination of any changes, and review of alternatives to current dental/vision reimbursement and evaluation/determination of any changes (April/July 2018).

BE IT FURTHER RESOLVED that future phases include review and implementation of Year 2 and Year 3 Fire Department Pay Grade Schedules set forth in the report.

This the 11th day of September 2017.

APPROVED AS TO FORM AND LEGALITY:

[Signature]
Kenneth R. Krushenski, City Attorney

[Signature]
Warren L. Gooch, Mayor

[Signature]
Mary Beth Hickman, City Clerk
DATE: September 1, 2017
TO: Mark S. Watson, City Manager
FROM: Jack L. Suggs, Electric Director
SUBJECT: ADOPTION OF RETAIL RATE SCHEDULES

Introduction

An item for City Council’s consideration is a resolution approving the implementation of new retail rate schedules for electric service effective October 1, 2017. The rate schedules adjust the customer charge and implement the TVA rate increase approved in August. Both changes are revenue neutral to Oak Ridge.

Funding

No significant funding impact.

Review

The attached resolution authorizes the adoption of new retail rate schedules. There will be two effects on electric rates. The first is to pass on the rate increase authorized by the TVA board of directors on August 23rd. At the wholesale level, rates are increasing by 2.5%. At our retail level, the rates are increasing by about 1.5%.

TVA has stated that the additional funds collected will be used to further reduce that organization’s debt and to fund other liabilities. It is part of a multi-year financial plan designed to keep the organization on firm financial footing well into the future even in the changing utility environment. TVA points out that, largely because of lower fuel cost, the actual average price paid for electricity has decreased on a kWh basis by about 2 percent since 2013.

The action recommended to Council is a direct pass-through of the rate increase and will result in no additional revenue for the City of Oak Ridge.

The consequences of not approving the rate adjustment will negatively affect the financial security and stability of the Electric Fund and mandate higher rate increases in future years in order for the fund to remain viable and meet accepted and mandated standards for fund performance.

The second change being proposed is to increase the residential customer service charge by $2.00 and reduce residential energy cost so that the action is revenue neutral to the City of Oak Ridge. This change is recommended as part of a multi-year program to more closely align the cost of providing power to customers with the actual cost of providing that power. Oak Ridge currently obtains 9.4% of its residential revenue through a fixed charge of $9.83 per residential customer. The majority of our revenue is obtained through the variable charge for energy consumed.

The cost of providing service does not align with this model. In reality, the cost of providing power is largely fixed. Staff is working to better define the actual cost of maintaining a residential customer on the system, but estimates done in 2012 set the fixed cost at $22.54 per customer per month. Analysis are continuing at this time to update and further define this cost, but it appears clear that in order for revenue sources to align with cost, further adjustments will be required in years to come.
Staff believes that adding $2.00 to the customer charge while reducing energy cost is a prudent and effective measure to begin to address this situation. The change will increase the charge to $13.43 per month, less Hydro Allocation Credit: $1.60 for an effective rate of $11.83 per month. The average electric customer will have $0.00 impact on their bill. The maximum impact -- for a theoretical customer that maintains an account but has NO electric use at all is $2.00 per month.

For comparison purposes, residential customer charges in the Tennessee Valley area range from a low of $4.78 to a high of $31.40 with an average of about $16.00 for this area. The average in the City of Oak Ridge is the eighth lowest charge of 151 power distributors. Making the suggested change would move us to the 22nd lowest position.

The impact of fixed cost in classes other than residential is currently being studied by TVA who is working on developing a retail rate model to more accurately match production cost and revenue models. The results of that work are expected to be available in the summer of 2018 with a likely retail rate model adjustment following shortly.

**Recommendation**

Staff recommends approval of the attached resolution.

---

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.

Mark S. Watson  
Date 9-6-17

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cc: Janice McGinnis, Finance Director
RESOLUTION

A RESOLUTION ESTABLISHING NEW ELECTRIC RETAIL RATES EFFECTIVE OCTOBER 1, 2017 TO ACCOUNT FOR TVA'S WHOLESALE RATE ADJUSTMENT.

WHEREAS, the City of Oak Ridge is a distributor of electric power purchased from the Tennessee Valley Authority (TVA) under an agreement known as the Power Contract (TV-54097A); and

WHEREAS, TVA is increasing wholesale rates by 2.5% through a rate adjustment which will take effect October 1, 2017; and

WHEREAS, a rate increase is necessary in order to recover the wholesale rate increase from TVA and to assure the financial integrity of the Electric Fund, with the City's retail rates increasing by approximately 1.5%; and

WHEREAS, the current rate structures do not recover the fixed costs of maintaining an account and providing power to customers exposing the City to financial risks, which risks the City desires to minimize over time; and

WHEREAS, TVA will submit new rate schedules and an adjustment addendum to incorporate the rate change, which document(s) is (are) recommended for approval by the City Manager.

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

That the recommendation of the City Manager is hereby approved and the City hereby approves a new retail rate schedule for electric service effective October 1, 2017 to adjust the customer charge and implement TVA's rate increase.

BE IT FURTHER RESOLVED that the City hereby increases the residential customer service charge by $2.00.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 11th day of September 2017.

APPROVED AS TO FORM AND LEGALITY:

[Signature]
Kenneth R. Krushenski, City Attorney

[Signature]
Warren L. Gooch, Mayor

[Signature]
Mary Beth Hickman, City Clerk
RESOLUTION

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH THE OAK RIDGE BOARD OF EDUCATION SETTING FORTH THE SCHOOLS' ANNUAL REIMBURSEMENT OBLIGATION TO THE CITY FOR THE ENERGY SAVINGS PROJECT SHOULD THE CITY MOVE FORWARD WITH THE CONTRACT WITH ENERGY SYSTEMS GROUP, LLC, AS AUTHORIZED BY RESOLUTION 8-92-2017.

WHEREAS, by Resolution 8-92-2017, City Council authorized the City Manager to move forward with an estimated $8,788,149.00 energy savings project for the City and Schools with Energy Systems Group, LLC, (ESG) subject to certain conditions being met; and

WHEREAS, one of those conditions is an agreement between City Council and the Oak Ridge Board of Education setting forth the parties’ obligations for repayment of the debt for this project; and

WHEREAS, the Board of Education passed a resolution on August 28, 2017 authorizing the Superintendent of Schools to reimburse the City for a portion of the debt subject to certain conditions; and

WHEREAS, while the City and ESG are still in negotiations about the final form of the contract, it is cost prohibitive for the City to pay for the energy savings guarantee and measurement and verification plan for the full term of the contract (15 years); therefore, it is the City’s intent to only pay for the measurement and verification plan for a short duration of the contract (approximately 3 to 5 years) to establish the energy improvements’ effectiveness and the resulting energy savings; and

WHEREAS, this is in line with what other cities recommended to Oak Ridge during our research of energy savings projects as it will establish the energy savings without having to continue to pay for the significant cost of the measurement and verification over the life of the contract, and ESG has agreed to allow the City to terminate the measurement and verification portion of the contract without penalty; and

WHEREAS, elimination of the measurement and verification under the contract would negate the payment obligations set forth in the Board of Education's resolution at their sole discretion, therefore, the conditions of said resolution are not agreeable to the City; and

WHEREAS, while the actual energy savings to be realized is an unknown number at this time, ESG has projected an energy savings amount for the Schools’ projects using a conservative projection; and

WHEREAS, in order for the City to move forward with this project which is heavily focused on energy improvements for the Schools, the City must have a commitment from the Schools for a determined amount to be able to budget for payment of the debt; and

WHEREAS, it is the City Manager’s recommendation that City Council require the Schools to reimburse the City $272,228.00 annually for a portion of the debt to be incurred should the City move forward with the energy savings project with ESG; and

WHEREAS, this amount is calculated at the base rate in today’s dollars and utilizes the savings based upon current budget dollars without adding in capital or the escalator for utilities; and

WHEREAS, this amount will allow the Schools to better budget for the reimbursement as the annual amount will not change over the life of the project.
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and, should the City move forward with the energy savings project for the City and Schools with Energy Systems Group, LLC, (ESG) the City and the Oak Ridge Board of Education will need to enter into a contract setting forth the Schools' obligation to reimburse the City in the amount of $272,228.00 annually for fifteen (15) consecutive years.

BE IT FURTHER RESOLVED that reimbursement payments will be due annually at a set date to be determined between the parties by contract.

BE IT FURTHER RESOLVED that, during the time such measurement and verification is in place under the contract, in the event that ESG is required by the contract terms to pay the City for the difference between actual and guaranteed savings, the City will credit the Schools on the following year's reimbursement an amount equal to EGS's payment to the City associated with the energy savings amount for the Schools' projects, if any.

BE IT FURTHER RESOLVED that if the Schools realize maintenance savings under the project, the Schools shall utilize such savings for school related capital projects at its discretion.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

BE IT FURTHER RESOLVED that this resolution shall be forwarded to the Oak Ridge Board of Education to be executed by the Chairman of the Oak Ridge Board of Education which shall indicate the Board's consent to the terms of this resolution and shall authorize the Chairman to execute appropriate legal instruments to accomplish the same.

This the 11th day of September 2017.

APPROVED AS TO FORM AND LEGALITY:

[Signature]
Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

W. Keys Fillauer, Board Chairman