I. ROLL CALL

II. FINAL ADOPTION OF ORDINANCES
   a. AN ORDINANCE TO AMEND ORDINANCE NO. 27-85, TITLED "A PERSONNEL PLAN FOR
      EMPLOYEES OF THE CITY OF OAK RIDGE, TENNESSEE," AS AMENDED, BY
      UPDATING THE FOLLOWING SECTIONS: SECTION 5.1, TITLED COMPENSATION
      PHILOSOPHY AND POLICY; SECTION 6.10, TITLED "LONGEVITY PAYMENTS";
      SUBSECTION 11.1.B, TITLED "CREDITING GENERAL LEAVE"; SUBSECTION 11.1.D,
      TITLED "MAXIMUM ACCUMULATION OF GENERAL LEAVE"; SUBSECTION 11.1.F,
      TITLED "BUY-BACK OF EXCESS GENERAL LEAVE"; SUBSECTION 11.2.A, TITLED
      "EMERGENCY LEAVE MINIMUM REQUIREMENT"; AND 11.4, TITLED "INJURY
      LEAVE"; AND BY DELETING SUBSECTION 11.2.D, TITLED "TRANSFER OF
      EMERGENCY LEAVE CREDITS TO GENERAL LEAVE," AND REPLACING IT
      THEREFOR WITH A NEW SUBSECTION 11.2.D, TITLED "MAXIMUM ACCUMULATION OF
      EMERGENCY LEAVE"; ALL FOR THE PURPOSES OF UPDATING THE PERSONNEL PLAN
      AS SET FORTH BELOW.

III. RESOLUTION
   a. A RESOLUTION TO DESIGNATE A NEW AMERICANS WITH DISABILITIES ACT
      (ADA) COORDINATOR FOR THE CITY OF OAK RIDGE.

IV. ADJOURNMENT
DATE: May 16, 2018

TO: Mary Beth Hickman, City Clerk

FROM: Mark S. Watson, City Manager

SUBJECT: SPECIAL CITY COUNCIL MEETING

In accordance with Article II, Section 2, of the Charter of the City of Oak Ridge, you are hereby requested to call a special meeting of the Oak Ridge City Council for May 22, 2018, at 6:00 p.m. in the Multipurpose Room, Central Services Complex, 100 Woodbury Lane. This meeting will be limited to:


- CONSIDERATION OF A RESOLUTION TO DESIGNATE A NEW AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR FOR THE CITY OF OAK RIDGE.

[Signature]
Mark S. Watson
CITY CLERK MEMORANDUM
18-12

DATE: May 16, 2018
TO: Honorable Mayor and Members of City Council
FROM: Mary Beth Hickman, City Clerk
SUBJECT: SPECIAL MEETING OF CITY COUNCIL

At the request of City Manager Mark Watson, and in accordance with Article II, Section 2, of the Charter of the City of Oak Ridge, Tennessee, a special meeting of City Council is hereby called for Tuesday, May 22, 2018 at 6:00 p.m. in the Multipurpose Room of the Central Services Complex, 100 Woodbury Lane, for consideration of the following:


- A RESOLUTION TO DESIGNATE A NEW AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR FOR THE CITY OF OAK RIDGE.

In accordance with the City Charter, matters transacted at this special meeting shall be limited to the subjects recited in the notice of the meeting.

\[Signature\]
Mary Beth Hickman

cc: Mark S. Watson, City Manager
Kenneth R. Krushenski, City Attorney
Department Directors
The Oak Ridger
Oak Ridge Today
The Knoxville News Sentinel
BBB Communications
DATE: May 16, 2018
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: AMENDMENTS TO THE PERSONNEL PLAN/ORDINANCE – SUBSTITUTE ORDINANCE FOR SECOND READING

Introduction
An item for City Council’s consideration is a substitute ordinance for second reading of the Personnel Plan/Ordinance amendment that was approved on May 14, 2018 on first reading.

Funding
No funding is necessary for this item.

Description
On May 14, 2018, City Council approved on first reading an ordinance to amend the Personnel Plan/Ordinance with respect to Compensation Philosophy and Policy (§5.1), Longevity Payments (§6.10), General Leave (§11.1), Emergency Leave (§11.2), and Injury Leave (§11.4) all as set forth in Personnel Department Memorandum 18-105. The City Manager recommends minor modifications to the ordinance as set forth in the attached substitute ordinance, which changes are beneficial to employees.

The first change set forth in the substitute ordinance is a typographical correction. In §11.1.b.1. and §11.1.b.2., there is a typographical error contained in the last sentence of the introductory language. The correction is as follows:

General Leave credit shall not be given if an employee is in a non-pay status for more than one-half of the accrual period or on injury leave for more than one-half of the pay period.

The second change set forth in the substitute ordinance is a change in the timeframe for general leave buy-back. In §11.1.f., any buy-back of general leave occurs in the month of December. A change is proposed to have leave buy-back occur in the second quarter of the City’s fiscal year (October – December) which change would be beneficial to employees. In the past, employees have asked whether leave buy-back could occur prior to the holiday season, however, the ordinance limited the City’s ability to do so. There is no financial reason to require this to occur in December if funds are available for leave buy-back. The proposed change reads as follows:

Any buy-back payments would be made during the month of December second quarter of the fiscal year.

The third and final change set forth in the substitute ordinance is another change for general leave buy-back. The ordinance as approved on first reading changes the emergency leave minimum to a higher amount (480 for most employees and 560 for Fire Department station-based employees). Per the Personnel Ordinance, leave buy-back is only available to employees that meet certain requirements, one of which is having at least the minimum amount of emergency leave. Raising the minimum emergency leave amount effective June 2018 may result in some employees not being able to participate in leave buy-back that would have been able to participate under the current ordinance. The proposed change would allow the City the option of extending leave buy-back to employees who meet the "old/current
minimum" but not the "new minimum" for emergency leave. This would only be applicable for Calendar year 2018. The proposed change adds a new paragraph to the end of §11.1.f. as follows:

For Calendar Year 2018, the City may offer the buy back option to an employee who meets the requirements above except for the minimum Emergency Leave amount as long as that employee has at least 400 hours of Emergency Leave (560 hours for Fire Department station-based employees) or a proportionate share for regular part-time employees.

Recommendation

Approval of the attached substitute ordinance is recommended.

Attachment: Substitute Ordinance
SUBSTITUTE ORDINANCE

ORDINANCE NO.__________

TITLE


WHEREAS, during this fiscal year, the City has been implementing updates to the personnel ordinance in phases; and

WHEREAS, at this time, the City is proposing implementation of the fourth phase of personnel ordinance changes; and

WHEREAS, said changes involve establishing new provisions pertaining to newly hired employees (as of June 3, 2018) including a reduction in general leave credit accumulation, a reduction in general leave maximum accumulation, an elimination of longevity payments, and establishing an emergency leave maximum accumulation; and

WHEREAS, said changes also involve clarification of existing provisions, including making it evident that the City Manager can withhold salary adjustments or raises to employees with poor performance, that leave buy-back is subject to normal deductions for social security and federal income tax, and clarification that the higher injury leave hours for Fire Department employees is only applicable to station-based employees; and

WHEREAS, said changes also include two changes for all employees: (1) raising the emergency leave minimum amount from 400 to 480 hours (560 to 672 hours for Fire Department station-based employees) to match the Family Medical Leave Act’s (FMLA) twelve (12) workweeks of leave to help ensure employees on FMLA leave are able to be on paid leave as well and (2) eliminating the ability to transfer emergency leave back into general leave; and

WHEREAS, the Personnel Advisory Board at its April 23, 2018 meeting unanimously 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 5, titled “Pay Plan,” is hereby amended by deleting Section 5.1, titled “Compensation Philosophy and Policy,” in its entirety and substituting therefor a new Section 5.1, titled “Compensation Philosophy and Policy,” which new section shall read as follows:

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

In order to ensure the employment and retention of personnel necessary to maintain a continued high level of public service, it is the policy of the City that the level of compensation of municipal employees should be compared with prevailing rates in private industry and other governmental agencies in the recruiting area when establishing the compensation plan. When there is clear evidence that the compensation plan should be adjusted in order to meet the policies described above and sufficient funds are available, the City Manager is authorized to include in the budget any recommendation for adjustment to the pay plan which the City Manager deems advisable, but such adjustment should be based on the prevailing rates in the recruiting area. Nothing in this section shall be construed to imply that the City Manager is not authorized to withhold or reduce a salary adjustment or raise to an employee based upon the employee’s poor performance.

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,” Section 6.10, titled “Longevity Payments,” is hereby amended by adding new introductory language, which section shall now read as follows:

6.10 LONGEVITY PAYMENTS

Longevity payment is a benefit that has been discontinued by the City as of June 3, 2018 for all newly hired employees. Regular employees that are on the City’s payroll as of June 2, 2018 will continue to receive the following benefit:

Regular employees who have five (5) or more consecutive years of service with the City as of June 30 will be eligible for longevity payments. Eligible employees will receive an annual payment of $100 for each year of consecutive City service up to a maximum of twenty-five (25) years of service. Regular part-time employees will receive a proportionate share, and those employees who receive overtime payments will receive slightly more than the amounts indicated above. Longevity payments will be subject to the normal deductions for Social Security and Federal Income Tax and will be made in accordance with the Fair Labor Standards Act provisions for such payment. The payments will be made during July following the close of the compensated fiscal year. Longevity payments will be awarded each year to any eligible employee with the exception of an employee who has received two or more written reprimands or has received any type of suspension during the compensated fiscal year.

Section 3. Ordinance No. 27-85, titled “A Personnel Plan for Employees of the City of Oak Ridge, Tennessee,” Article 11, titled “Leave,” Section 11.1, titled “General Leave,” is hereby amended by deleting Subsection 11.1.b, titled “Crediting General Leave,” in its entirety and substituting therefor a new Subsection 11.1.b, titled “Crediting General Leave,” which new subsection shall read as follows:

11.1 GENERAL LEAVE

b. Crediting General Leave

1. This Section 11.1.b.1 is applicable to employees on the payroll as of June 2, 2018:
Effective January 6, 2013, regular full-time employees shall be credited with the following amounts of General Leave and regular part-time employees shall receive a proportionate amount of General Leave. General Leave credit shall not be given if an employee is in a non-pay status for more than one-half of the accrual period or on injury leave for more than one-half of the pay period.

A. During the first year of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

   Forty hours per week employees: 8.31 hours per pay period

   Police Department patrol shift employees: 11.69 hours per pay period

   Fire Department station-based shift employees: 16.36 hours per pay period

B. During the next two years of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

   Forty hours per week employees: 9.31 hours per pay period

   Police Department patrol shift employees: 12.69 hours per pay period

   Fire Department station-based shift employees: 17.76 hours per pay period

C. Following completion of three years of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

   Forty hours per week employees: 10.31 hours per pay period

   Police Department patrol shift employees: 13.69 hours per pay period

   Fire Department station-based shift employees: 19.16 hours per pay period

D. Following completion of fifteen years of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

   Forty hours per week employees: 11.81 hours per pay period

   Police Department patrol shift employees: 15.19 hours per pay period

   Fire Department station-based shift employees: 21.26 hours per pay period
2. This Section 11.1.b.2 is applicable to employees hired on June 3, 2018 and thereafter:

Effective June 3, 2018, regular full-time employees shall be credited with the following amounts of General Leave and regular part-time employees shall receive a proportionate amount of General Leave. General Leave credit shall not be given if an employee is in a non-pay status for more than one-half of the accrual period or on injury leave for more than one-half of the pay period.

A. During the first five years of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

- Forty hours per week employees: 6.61 hours per pay period
- Police Department patrol shift employees: 9.23 hours per pay period
- Fire Department station-based shift employees: 13.56 hours per pay period

B. Following the completion of five years of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

- Forty hours per week employees: 7.31 hours per pay period
- Police Department patrol shift employees: 10.69 hours per pay period
- Fire Department station-based shift employees: 14.96 hours per pay period

C. Following completion of ten years of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

- Forty hours per week employees: 8.31 hours per pay period
- Police Department patrol shift employees: 11.69 hours per pay period
- Fire Department station-based shift employees: 16.36 hours per pay period

D. Following completion of fifteen years of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

- Forty hours per week employees: 9.31 hours per pay period
- Police Department patrol shift employees: 12.69 hours per pay period
- Fire Department station-based shift employees: 18.46 hours per pay period
Section 4. Ordinance No. 27-85, titled “A Personnel Plan for Employees of the City of Oak Ridge, Tennessee,” Article 11, titled “Leave,” Section 11.1, titled “General Leave,” is hereby amended by deleting Subsection 11.1.d, titled “Maximum Accumulation of General Leave,” in its entirety and substituting therefor a new Subsection 11.1.d, titled “Maximum Accumulation of General Leave,” which new subsection shall read as follows:

11.1 GENERAL LEAVE

d. Maximum Accumulation of General Leave

1. This Section 11.1.d.1 is applicable to employees on the payroll as of June 2, 2018:

General Leave not used may be accrued from year to year to a maximum each year as indicated below:

During the first five (5) years of continuous employment: 170 hours (238 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

Upon completion of the fifth year of continuous employment: 340 hours (476 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

Upon completion of the tenth year of continuous employment: 510 hours (714 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

Upon completion of the fifteenth year of continuous employment: 680 hours (952 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

Upon completion of the twentieth year of continuous employment: 850 hours (1,190 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

Upon completion of the twenty-fifth year of continuous employment: 1,020 hours (1,428 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

2. This Section 11.1.d.2 is applicable to employees hired on June 3, 2018 and thereafter:

General Leave not used may be accrued from year to year to a maximum each year as indicated below:

During the first five (5) years of continuous employment: 120 hours (168 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

Upon completion of the fifth year of continuous employment: 180 hours (252 for Fire Department station-based employees) and a proportionate amount for regular part-time employees
Upon completion of the tenth year of continuous employment: 260 hours (364 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

Upon completion of the fifteenth year of continuous employment: 320 hours (448 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

Upon completion of the twentieth year of continuous employment: 400 hours (560 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

3. Leave credits in excess of the above amounts as of the ending date of the pay period in which December 31 falls shall be transferred into the employee's Emergency Leave bank as described in Section 11.2.


11.1 GENERAL LEAVE

f. Buy-back of Excess General Leave

If it is determined that there are sufficient funds available, the City may offer a buy-back option to those employees who have at least the minimum of Emergency Leave as set forth in Section 11.2.a and will have three workweeks of General Leave remaining after the buy-back is made. The City may buy back a minimum of twenty (20) hours (twenty-eight (28) hours for Fire Department station-based shift employees) and a proportionate amount for regular part-time employees up to a maximum of one workweek. Any buy-back payments would be made during the second quarter of the fiscal year. Buy-back payments will be subject to the normal deductions for Social Security and Federal Income Tax and will be made in accordance with the Fair Labor Standards Act provisions for such payment.

For Calendar Year 2018, the City may offer the buy back option to an employee who meets the requirements above except for the minimum Emergency Leave amount as long as that employee has at least 400 hours of Emergency Leave (560 hours for Fire Department station-based employees) or a proportionate share for regular part-time employees.


11.2 EMERGENCY LEAVE

a. Emergency Leave Minimum Requirement

Regular fulltime employees must have a minimum of four hundred eighty (480) hours (672 hours for Fire Department station-based shift employees) and a proportionate share for regular part-time employees of Emergency Leave. If the balance of Emergency Leave is ever below the specified minimum, then two (2)
hours of the General Leave accrual each pay period (2.8 hours for Fire Department station-based shift employees) and a proportionate amount for regular part-time employees shall be added to Emergency Leave until the minimum number of hours is reached.

New regular employees will be granted the equivalent of 140 hours of Emergency Leave with the equivalent of two (2) hours of their General Leave accrual going to Emergency Leave until the minimum is satisfied.

Section 7. Ordinance No. 27-85, titled "A Personnel Plan for Employees of the City of Oak Ridge, Tennessee," Article 11, titled "Leave," Section 11.2, titled "Emergency Leave," is hereby amended by deleting subsection 11.2.d, titled "Transfer of Emergency Leave Credits to General Leave," in its entirety and substituting therefor a new Subsection 11.2.d, titled "Maximum Accumulation of Emergency Leave," which new subsection shall read as follows:

11.2 EMERGENCY LEAVE

d. Maximum Accumulation of Emergency Leave

Effective as of June 3, 2018 for all new hires, Emergency Leave not used may be accrued from year to year to a maximum of 960 hours for regular fulltime employees (1,440 hours for Fire Department station-based shift employees) and a proportionate amount for part-time employees. Any excess Emergency Leave as of the ending date of the pay period in which December 31 falls will be forfeited.

Section 8. Ordinance No. 27-85, titled "A Personnel Plan for Employees of the City of Oak Ridge, Tennessee," Article 11, titled "Leave," is hereby amended by deleting Section 11.4, titled "Injury Leave," in its entirety and substituting therefor a new Section 11.4, titled "Injury Leave," which new section shall read as follows:

11.4 INJURY LEAVE

a. Leave with pay may be approved for a period determined by the City Manager, upon the recommendation of the head of the department and the Director of Administrative Services, but not to exceed 12 work weeks for any one disabling injury incurred while performing job-related duties. This would be a total of 480 hours for regular full-time employees and 672 hours for Fire Department station-based shift employees. The employee's department will make the injury leave request on the appropriate form. Other leave benefits are not accrued and holiday leave is not granted when an employee is on injury leave. If there is a reoccurrence of the same injury after the employee has returned to work, supporting medical documentation must be provided and any additional lost time hours are considered part of the maximum the City provides.

A First Report of Injury Form and a City Incident Report shall contain a statement by the employee, unless he or she is incapacitated, statements from all witnesses, and confirmation by the supervisor and/or head of the department. This documentation shall describe the circumstances, cause, nature and extent of the injury and must be completed in full and presented to the Director of Administrative Services within the first 24 hours of injury. Injuries requiring medical treatment must include a licensed medical professional's statement indicating treatment, diagnosis, prescription medications and the probable period of disability. Every period of leave granted under the provisions of this rule shall be considered credible service and shall be indicated on the employee's leave records, but shall not be charged to any other type of leave.

The City reserves the right to obtain other medical opinions regarding the employee's injured condition. Employee refusal to cooperate in the seeking of these opinions or to follow rehabilitation/recuperation instructions from the
licensed medical professional, or the employee changing the date and/or time of a medical appointment without adequate justification and prior approval of the Personnel Department, and/or failure to provide all medical documentation (including prescription medications) received by the employee may constitute grounds for denying injury leave benefits and may result in disciplinary action.

If any injury results in lost time from work, the employee will be subject to drug/alcohol testing while on injury leave. Any employee returning to work after a prolonged absence of 240 hours or more for a 40 hour per week employee and 336 hours for Fire Department station-based employees will be required to submit a Return after Injury/Illness drug and alcohol screen. The use of any substance which carries a label that indicates the potential for impaired mental functioning, motor skills, or judgment must be reported to Personnel and the employee’s supervisor. Medical advice and written authorization from the attending physician must be provided by the employee before performing work-related duties. Failure to disclose prescription drug use of any substance defined in this ordinance will result in discipline up to and including termination.

At the department head’s discretion, any employee returning to work after a prolonged period of time as defined above may not be scheduled for overtime or standby status, except in cases of emergency, for a six-month period. Approval of additional employment as specified in the Personnel Plan Article 13.1 will also be revoked for six months.

When injury leave is used, an employee shall be protected against loss of pay. The regular salary shall be paid during this leave, but any amount received on behalf of the employee in Workers’ Compensation insurance payments (excluding medical and hospitalization payments) shall be returned to the City. Every effort will be made to return the individual on injury leave to modified or light duty as soon as possible.

If the employee has been granted the maximum for injury leave as specified above and is still not able to return to work, and the attending physician indicates that the employee can eventually return to normal job duties, the City Manager may grant additional paid injury leave. Otherwise, the City will place the employee in a “Leave Without Pay” status for 26 work weeks (1040 hours for 40 hour per week employees and 1456 for Fire Department station-based employees) and the employee will be eligible for Temporary Total Disability (TTD) benefits provided by Workers’ Compensation Insurance. During this period, the employee will be responsible for payment the City for his/her normal deductions for the benefit program. The employee also has the option of using any accumulated General Leave or Emergency Leave.

After the 26 work weeks of “Leave Without Pay” (1040 hours for 40 hour per week employees and 1456 for Fire Department station-based employees), if the employee is still not able to return to normal job duties, the Personnel Department will begin processing a Disability Retirement, if applicable, for the injured employee. The employee will be removed from the City’s payroll on a disability basis.

If the injury is such that an impairment rating and subsequent monetary settlement is awarded, the awarded amount will be reduced by the amount the City has subsidized the TTD benefits from the Workers’ Compensation Insurance program.

b. Modified/Light Duty

If the injured employee is not able to perform the normal job duties but can perform tasks associated with a lower position in the classification plan, whether in the employee’s designated department or other City department, a
modified work plan will be required by the City. This modified or “light duty” plan shall compensate the employee at the normal rate of pay for a three (3) month period, beyond which the employee’s salary shall be reduced at least ten percent (10%) or to the maximum or the pay grade associated with the light duty work. All Department Directors will assess work to be completed within their respective areas and provide “modified/light duty” assignments to the Personnel Department on an as needed basis. The injured employee must contact the Personnel Department on a designated day each week to determine if accommodation for modified/light duty can be made. Safety training needs of the injured employee can also be considered an assignment. The Personnel Department can provide training materials for this purpose.

Section 9. 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

[Signature]
Warren L. Gooch, Mayor

[Signature]
Mary Beth Hickman, City Clerk

First Reading: __________________________
Publication Date: _____________________
Second Reading: ______________________
Publication Date: _____________________
Effective Date: _______________________

DATE: April 30, 2018

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

Introduction

An item for City Council’s consideration is an ordinance to amend provisions of the Personnel Plan Ordinance (Ordinance No. 27-85): Compensation Philosophy and Policy (§5.1), Longevity Payments (§6.10), General Leave (§11.1), Emergency Leave (§11.2), and Injury Leave (§11.4).

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 completed their analysis and submitted their Classification and Compensation Report to the City, which was received September 11, 2017.

On April 23, 2018, staff met with the Personnel Advisory Board (PAB) to provide an overview of the recommended Phase 4 ordinance changes and to answer any questions. At this meeting PAB reviewed and voted to recommend amendments of Personnel Ordinances pursuant to staff suggestions and forward those suggestions to City Council.

It is the City’s intent to continue implementation of the report through a phased approach. Phase 4 adopts the changes necessary to conform the general leave accrual rates, longevity pay system, and emergency leave minimum requirement rates to align with the structure of the new Compensation Plan.

A bold strike-through of the proposed changes to the Personnel Plan/Ordinance is attached and includes changes to the Compensation Philosophy and Policy, Longevity Payments section, the General Leave section, the Emergency Leave Section, and the Injury Leave section. The Phase 4 ordinance changes represent the final steps in the completion of the FY2018 Classification and Compensation Plan roll-out. Remaining recommendations will be reviewed and addressed in Fiscal Year 2019.

Analysis
A review of the Personnel Plan/Ordinance identifies several required changes in the Compensation Philosophy and Policy section, the Longevity Payments section, the General Leave section, the Emergency Leave Section, and the Injury Leave section. Adjustments to these sections will address recommendations provided in the implemented 2017 Classification and Compensation Plan.

Changes to the above Ordinance sections are elaborated on below:

5.1 Compensation Philosophy and Policy

Section 5.1 has been amended to include basic language stipulating the authority of the City Manager to withhold or reduce a salary adjustment for an employee based upon an employee’s poor performance.

6.10 Longevity Payments

Section 6.10 has been amended to incorporate language creating a two-tiered status of employees hired before June 3, 2018 and on/after June 3, 2018. The longevity system will continue for all employees employed by the City prior to June 3, 2018 under the existing rules provided. The longevity system will be discontinued for employees hired after June 2, 2018.

11.1 General Leave

Section 11.1.b has been amended to incorporate the required language establishing a two-tiered general leave crediting system for employees hired before June 3, 2018 and on/after June 3, 2018. The section establishes leave accrual rates for employees hired after June 2, 2018. Additional housekeeping adjustments were made to the section to improve administrative processes concerning credit of leave accrual.

Section 11.1.d has been amended to incorporate the required language establishing a two-tiered general leave crediting system for employees hired before June 3, 2018 and on/after June 3, 2018. The section establishes leave accrual maximums for employees hired after June 2, 2018.

Section 11.1.d.3 has been created as a standalone subsection (which language was previously contained in section 11.1.d), with minor language adjustments for clarity as a housekeeping change.

Section 11.1.f has been amended to include minor housekeeping adjustments aimed at improving clarity.

11.2 Emergency Leave

Section 11.2.a has been amended to increase the required emergency leave bank requirement of employees to meet the minimum requirements of the Family Medical Leave Act.

Section 11.2.d has been removed and replaced in its entirety with a section identifying a maximum emergency leave accrual amount allowed for employees hired after June 2, 2018.

11.4 Injury Leave

Section 11.4.a has been amended to include minor housekeeping adjustments to ensure continuity with the phase 4 ordinance adjustments listed above.
Section II.4.b has been created as a standalone section (which language was previously incorporated into section 11.4) to increase clarity and administration of the requirements.

Recommendation

Approval of the proposed ordinance is recommended.

Attachments: Bold-Strikethrough of Proposed Ordinance Changes
            Proposed Ordinance

Bruce M. Applegate Jr.
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
Mark S. Watson
Date
May 8, 2018
ARTICLE 5 – PAY PLAN

5.1 COMPENSATION PHILOSOPHY AND POLICY

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

In order to ensure the employment and retention of personnel necessary to maintain a continued high level of public service, it is the policy of the City that the level of compensation of municipal employees should be compared with prevailing rates in private industry and other governmental agencies in the recruiting area when establishing the compensation plan. When there is clear evidence that the compensation plan should be adjusted in order to meet the policies described above and sufficient funds are available, the City Manager is authorized to include in his the budget any recommendation for adjustment to the pay plan which he the City Manager deems advisable, but such adjustment should be based on the prevailing rates in the recruiting area. Nothing in this section shall be construed to imply that the City Manager is not authorized to withhold or reduce a salary adjustment or raise to an employee based upon the employee’s poor performance.

ARTICLE 6 – HOURS OF WORK, OVERTIME AND PREMIUM COMPENSATION

6.10 LONGEVITY PAYMENTS

Longevity payment is a benefit that has been discontinued by the City as of June 3, 2018 for all newly hired employees. Regular employees that are on the City’s payroll as of June 2, 2018 will continue to receive the following benefit:

Regular employees who have five (5) or more consecutive years of service with the City as of June 30 will be eligible for longevity payments. Eligible employees will receive an annual payment of $100 for each year of consecutive City service up to a maximum of twenty-five (25) years of service. Regular part-time employees will receive a proportionate share, and those employees who receive overtime payments will receive slightly more than the amounts indicated above. Longevity payments will be subject to the normal deductions for Social Security and Federal Income Tax and will be made in accordance with the Fair Labor Standards Act provisions for such payment. The payments will be made during July following the close of the compensated fiscal year. [Deleted paragraph break.] Longevity payments will be awarded each year to any eligible employee with the exception of an employee who has received two or more written reprimands or has received any type of suspension during the compensated fiscal year.

ARTICLE 11 – LEAVE

11.1 GENERAL LEAVE

b. Crediting General Leave

1. This Section 11.1.b.1 is applicable to employees on the payroll as of June 2, 2018:
Effective January 6, 2013, regular full-time employees shall be credited with the following amounts of General Leave and regular part-time employees shall receive a proportionate amount of General Leave. General Leave credit shall not be given is an employee is in a non-pay status for more than one-half of the accrual period or on injury leave for more than one-half of the pay period.

1.A. During the first year (twenty-six [26] full-pay periods) of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

Forty hours per week employees: 8.31 hours per pay period

Police Department patrol shift employees: 11.69 hours per pay period

Fire Department station-based shift employees: 16.36 hours per pay period

2.B. During the next two years (fifty-two [52] full-pay periods) of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

Forty hours per week employees: 9.31 hours per pay period

Police Department patrol shift employees: 12.69 hours per pay period

Fire Department station-based shift employees: 17.76 hours per pay period

3.C. Following completion of three years (seventy-eight [78] full-pay periods) of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

Forty hours per week employees: 10.31 hours per pay period

Police Department patrol shift employees: 13.69 hours per pay period

Fire Department station-based shift employees: 19.16 hours per pay period

4.D. Following completion of three hundred ninety (390) full-pay periods fifteen years of continuous employment (15 years) and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

Forty hours per week employees: 11.81 hours per pay period

Police Department patrol shift employees: 15.19 hours per pay period

Fire Department station-based shift employees: 21.26 hours per pay period

2. This Section 11.1.b.2 is applicable to employees hired on June 3, 2018 and thereafter:
Effective June 3, 2018, regular full-time employees shall be credited with the following amounts of General Leave and regular part-time employees shall receive a proportionate amount of General Leave. General Leave credit shall not be given if an employee is in a non-pay status for more than one-half of the accrual period or on injury leave for more than one-half of the pay period.

A. During the first five years of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

   Forty hours per week employees: 6.61 hours per pay period
   Police Department patrol shift employees: 9.23 hours per pay period
   Fire Department station-based shift employees: 13.56 hours per pay period

B. Following the completion of five years of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

   Forty hours per week employees: 7.31 hours per pay period
   Police Department patrol shift employees: 10.69 hours per pay period
   Fire Department station-based shift employees: 14.96 hours per pay period

C. Following completion of ten years of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

   Forty hours per week employees: 8.31 hours per pay period
   Police Department patrol shift employees: 11.69 hours per pay period
   Fire Department station-based shift employees: 16.36 hours per pay period

D. Following completion of fifteen years of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

   Forty hours per week employees: 9.31 hours per pay period
   Police Department patrol shift employees: 12.69 hours per pay period
   Fire Department station-based shift employees: 18.46 hours per pay period

11.1 GENERAL LEAVE

d. Maximum Accumulation of General Leave
1. This Section 11.1.d.1 is applicable to employees on the payroll as of June 2, 2018:

General Leave not used may be accrued from year to year to a maximum each year as indicated below:

During the first five (5) years of continuous employment: 170 hours (238 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

Upon completion of the fifth year of continuous employment: 340 hours (476 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

Upon completion of the tenth year of continuous employment: 510 hours (714 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

Upon completion of the fifteenth year of continuous employment: 680 hours (952 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

Upon completion of the twentieth year of continuous employment: 850 hours (1,190 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

Upon completion of the twenty-fifth year of continuous employment: 1,020 hours (1,428 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

2. This Section 11.1.d.2 is applicable to employees hired on June 3, 2018 and thereafter:

General Leave not used may be accrued from year to year to a maximum each year as indicated below:

During the first five (5) years of continuous employment: 120 hours (168 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

Upon completion of the fifth year of continuous employment: 180 hours (252 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

Upon completion of the tenth year of continuous employment: 260 hours (364 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

Upon completion of the fifteenth year of continuous employment: 320 hours (448 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

Upon completion of the twentieth year of continuous employment: 400 hours (560 for Fire Department station-based employees) and a proportionate amount for regular part-time employees
3. Leave credits in excess of the amounts as of the ending date of the pay period in which December 31 falls shall be transferred into the employee’s Emergency Leave bank as described in Section 11.2.

11.1 GENERAL LEAVE

f. Buy-back of Excess General Leave

If it is determined that there are sufficient unused funds available after the close of the previous fiscal year, the City may offer a buy-back option to those employees who have at least the minimum of ten workweeks of Emergency Leave as set forth in Section 11.2.a and will have three workweeks of General Leave remaining after the buy-back is made. The City may buy back a minimum of twenty (20) hours (twenty-eight (28) hours for Fire Department station-based shift employees) and a proportionate amount for regular part-time employees) up to a maximum of one workweek. Any buy-back payments would be made during the month of December. Buy-back payments will be subject to the normal deductions for Social Security and Federal Income Tax and will be made in accordance with the Fair Labor Standards Act provisions for such payments.

11.2 EMERGENCY LEAVE

a. Emergency Leave Minimum Requirement

Regular fulltime employees must have a minimum of four hundred eighty (480) hours (560 for Fire Department station-based shift employees) and a proportionate share for regular part-time employees) of Emergency Leave. If the balance of Emergency Leave is ever below the specified minimum, then two (2) hours of the General Leave accrual each pay period (2.8 hours for Fire Department station-based shift employees) and a proportionate amount for regular part-time employees) shall be added to Emergency Leave until the minimum number of hours is reached.

New regular employees will be granted the equivalent of 140 hours of Emergency Leave with the equivalent of two (2) hours of their General Leave accrual going to Emergency Leave until the minimum is satisfied.

11.2 EMERGENCY LEAVE

d. Transfer of Emergency Leave Credits to General Leave

When an employee is eligible for one of the five-year incremental increase in the maximum amount of General Leave as specified in Section 11.1.d, if the employee has in excess of the specified minimum Emergency Leave (see 11.2a), the employee may make a one-time request that Emergency Leave be transferred to General Leave to bring the balance up to the new maximum. This request must be made within ninety (90) days after meeting the new incremental date.


d. Maximum Accumulation of Emergency Leave

Effective as of June 3, 2018 for all new hires, Emergency Leave not used may be accrued from year to year to a maximum of 960 hours for regular fulltime employees (1,440 hours for Fire Department station-based shift employees) and a proportionate amount for part-time employees. Any excess Emergency Leave as of the ending date of the pay period in which December 31 falls will be forfeited.

11.4 INJURY LEAVE

a. Leave with pay may be approved for a period determined by the City Manager, upon the recommendation of the head of the department and the Director of Administrative Services, but not to exceed 12 work weeks for any one disabling injury incurred while performing job-related duties. This would be a total of 480 hours for regular full-time
employees and 672 hours for Fire Department station-based shift employees. The employee’s department will make the injury leave request on the appropriate form. Other leave benefits are not accrued and holiday leave is not granted when an employee is on injury leave. If there is a reoccurrence of the same injury after the employee has returned to work, supporting medical documentation must be provided and any additional lost time hours are considered part of the maximum the City provides.

A First Report of Injury Form and a City Incident Report shall contain a statement by the employee, unless he or she is incapacitated, statements from all witnesses, and confirmation by the supervisor and/or head of the department. This documentation shall describe the circumstances, cause, nature and extent of the injury and must be completed in full and presented to the Director of Administrative Services within the first 24 hours of injury. Injuries requiring medical treatment must include a licensed medical professional’s statement indicating treatment, diagnosis, prescription medications and the probable period of disability. Every period of leave granted under the provisions of this rule shall be considered credible service and shall be indicated on the employee’s leave records, but shall not be charged to any other type of leave.

The City reserves the right to obtain other medical opinions regarding the employee’s injured condition. Employee refusal to cooperate in the seeking of these opinions or to follow rehabilitation/recuperation instructions from the licensed medical professional, or the employee changing the date and/or time of a medical appointment without adequate justification and prior approval of the Personnel Department, and/or failure to provide all medical documentation (including prescription medications) received by the employee may constitute grounds for denying injury leave benefits and may result in disciplinary action.

If any injury results in lost time from work, the employee will be subject to drug/alcohol testing while on injury leave. Any employee returning to work after a prolonged absence of 240 hours or more for a 40 hour per week employee and 336 hours for Fire Department station-based employees will be required to submit a Return after Injury/Illness drug and alcohol screen. The use of any substance which carries a label that indicates the potential for impaired mental functioning, motor skills, or judgment must be reported to Personnel and the employee’s supervisor. Medical advice and written authorization from the attending physician must be provided by the employee before performing work related duties. Failure to disclose prescription drug use of any substance defined in this ordinance will result in discipline up to and including termination.

At the department head’s discretion, any employee returning to work after a prolonged period of time as defined above may not be scheduled for overtime or standby status, except in cases of emergency, for a six-month period. Approval of additional employment as specified in the Personnel Plan Article 13.1 will also be revoked for six months.

When injury leave is used, an employee shall be protected against loss of pay. The regular salary shall be paid during this leave, but any amount received on behalf of the employee in Workers’ Compensation insurance payments (excluding medical and hospitalization payments) shall be returned to the City. Every attempt will be made to return the individual on injury leave to modified or light duty as soon as possible.

If the employee has been granted the maximum for injury leave as specified above and is still not able to return to work, and the attending physician indicates that the employee can eventually return to normal job duties, the City Manager may grant additional paid injury leave. Otherwise, the City will place the employee in a “Leave Without Pay” status for 26 work weeks (1040 hours for 40 hour per week employees and 1456 for Fire Department station-based employees) and the employee will be eligible for Temporary Total Disability (TTD) benefits provided by Workers’ Compensation Insurance. During this period, the employee will be responsible for payment the City for his/her normal deductions for the benefit program. The employee also has the option of using any accumulated General Leave or Emergency Leave.
After the 26 work weeks of “Leave Without Pay” (1040 hours for 40 hour per week employees and 1456 for Fire Department station-based employees), if the employee is still not able to return to normal job duties, the Personnel Department will begin processing a Disability Retirement, if applicable, for the injured employee. The employee will be removed from the City’s payroll on a disability basis.

If the injury is such that an impairment rating and subsequent monetary settlement is awarded, the awarded amount will be reduced by the amount the City has subsidized the TTD benefits from the Workers' Compensation Insurance program.

b. MODIFIED/LIGHT DUTY - Modified/Light Duty

If the injured employee is not able to perform the normal job duties but can perform tasks associated with a lower position in the classification plan, whether in the employee's designated department or other City department, a modified work plan will be required by the City. This modified or “light duty” plan shall compensate the employee at the normal rate of pay for a three (3) month period, beyond which the employee's salary shall be reduced at least ten percent (10%) or to the maximum or the pay grade associated with the light duty work. All Department Directors will assess work to be completed within their respective areas and provide “modified/light duty” assignments to the Personnel Department on an as needed basis. The injured employee must contact the Personnel Department on a designated day each week to determine if accommodation for modified/light duty can be made. Safety training needs of the injured employee can also be considered an assignment. The Personnel Department can provide training materials for this purpose.
ORDINANCE NO. ______________

TITLE


WHEREAS, during this fiscal year, the City has been implementing updates to the personnel ordinance in phases; and

WHEREAS, at this time, the City is proposing implementation of the fourth phase of personnel ordinance changes; and

WHEREAS, said changes involve establishing new provisions pertaining to newly hired employees (as of June 3, 2018) including a reduction in general leave credit accumulation, a reduction in general leave maximum accumulation, an elimination of longevity payments, and establishing an emergency leave maximum accumulation; and

WHEREAS, said changes also involve clarification of existing provisions, including making it evident that the City Manager can withhold salary adjustments or raises to employees with poor performance, that leave buy-back is subject to normal deductions for social security and federal income tax, and clarification that the higher injury leave hours for Fire Department employees is only applicable to station-based employees; and

WHEREAS, said changes also include two changes for all employees: (1) raising the emergency leave minimum amount from 400 to 480 hours (560 to 672 hours for Fire Department station-based employees) to match the Family Medical Leave Act's (FMLA) twelve (12) workweeks of leave to help ensure employees on FMLA leave are able to be on paid leave as well and (2) eliminating the ability to transfer emergency leave back into general leave; and

WHEREAS, the Personnel Advisory Board at its April 23, 2018 meeting unanimously 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 5, titled "Pay Plan," is hereby amended by deleting Section 5.1, titled "Compensation Philosophy and Policy," in its entirety and substituting therefor a new Section 5.1, titled "Compensation Philosophy and Policy," which new section shall read as follows:

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

In order to ensure the employment and retention of personnel necessary to maintain a continued high level of public service, it is the policy of the City that the level of compensation of municipal employees should be compared with prevailing rates in private industry and other governmental agencies in the recruiting area when establishing the compensation plan. When there is clear evidence that the compensation plan should be adjusted in order to meet the policies described above and sufficient funds are available, the City Manager is authorized to include in the budget any recommendation for adjustment to the pay plan which the City Manager deems advisable, but such adjustment should be based on the prevailing rates in the recruiting area. Nothing in this section shall be construed to imply that the City Manager is not authorized to withhold or reduce a salary adjustment or raise to an employee based upon the employee's poor performance.

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," Section 6.10, titled "Longevity Payments," is hereby amended by adding new introductory language, which section shall now read as follows:

6.10 LONGEVITY PAYMENTS

Longevity payment is a benefit that has been discontinued by the City as of June 3, 2018 for all newly hired employees. Regular employees that are on the City's payroll as of June 2, 2018 will continue to receive the following benefit:

Regular employees who have five (5) or more consecutive years of service with the City as of June 30 will be eligible for longevity payments. Eligible employees will receive an annual payment of $100 for each year of consecutive City service up to a maximum of twenty-five (25) years of service. Regular part-time employees will receive a proportionate share, and those employees who receive overtime payments will receive slightly more than the amounts indicated above. Longevity payments will be subject to the normal deductions for Social Security and Federal Income Tax and will be made in accordance with the Fair Labor Standards Act provisions for such payment. The payments will be made during July following the close of the compensated fiscal year. Longevity payments will be awarded each year to any eligible employee with the exception of an employee who has received two or more written reprimands or has received any type of suspension during the compensated fiscal year.

Section 3. Ordinance No. 27-85, titled "A Personnel Plan for Employees of the City of Oak Ridge, Tennessee," Article 11, titled "Leave," Section 11.1, titled "General Leave," is hereby amended by deleting Subsection 11.1.b, titled "Crediting General Leave," in its entirety and substituting therefor a new Subsection 11.1.b. titled "Crediting General Leave," which new subsection shall read as follows:

11.1 GENERAL LEAVE

b. Crediting General Leave

1. This Section 11.1.b.1 is applicable to employees on the payroll as of June 2, 2018:
Effective January 6, 2013, regular full-time employees shall be credited with the following amounts of General Leave and regular part-time employees shall receive a proportionate amount of General Leave. General Leave credit shall not be given if an employee is in a non-pay status for more than one-half of the accrual period or on injury leave for more than one-half of the pay period.

A. During the first year of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

   Forty hours per week employees: 8.31 hours per pay period

   Police Department patrol shift employees: 11.69 hours per pay period

   Fire Department station-based shift employees: 16.36 hours per pay period

B. During the next two years of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

   Forty hours per week employees: 9.31 hours per pay period

   Police Department patrol shift employees: 12.69 hours per pay period

   Fire Department station-based shift employees: 17.76 hours per pay period

C. Following completion of three years of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

   Forty hours per week employees: 10.31 hours per pay period

   Police Department patrol shift employees: 13.69 hours per pay period

   Fire Department station-based shift employees: 19.16 hours per pay period

D. Following completion of fifteen years of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

   Forty hours per week employees: 11.81 hours per pay period

   Police Department patrol shift employees: 15.19 hours per pay period

   Fire Department station-based shift employees: 21.26 hours per pay period
2. This Section 11.1.b.2 is applicable to employees hired on June 3, 2018 and thereafter:

Effective June 3, 2018, regular full-time employees shall be credited with the following amounts of General Leave and regular part-time employees shall receive a proportionate amount of General Leave. General Leave credit shall not be given if an employee is in a non-pay status for more than one-half of the accrual period or on injury leave for more than one-half of the pay period.

A. During the first five years of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

- Forty hours per week employees: 6.61 hours per pay period
- Police Department patrol shift employees: 9.23 hours per pay period
- Fire Department station-based shift employees: 13.56 hours per pay period

B. Following the completion of five years of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

- Forty hours per week employees: 7.31 hours per pay period
- Police Department patrol shift employees: 10.69 hours per pay period
- Fire Department station-based shift employees: 14.96 hours per pay period

C. Following completion of ten years of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

- Forty hours per week employees: 8.31 hours per pay period
- Police Department patrol shift employees: 11.69 hours per pay period
- Fire Department station-based shift employees: 16.36 hours per pay period

D. Following completion of fifteen years of continuous employment and subject to the provisions of Section 11.2.a, the following amounts of General Leave will be credited to fulltime employees.

- Forty hours per week employees: 9.31 hours per pay period
- Police Department patrol shift employees: 12.69 hours per pay period
- Fire Department station-based shift employees: 18.46 hours per pay period
Section 4. Ordinance No. 27-85, titled “A Personnel Plan for Employees of the City of Oak Ridge, Tennessee,” Article 11, titled “Leave,” Section 11.1, titled “General Leave,” is hereby amended by deleting Subsection 11.1.d, titled “Maximum Accumulation of General Leave,” in its entirety and substituting therefor a new Subsection 11.1.d, titled “Maximum Accumulation of General Leave,” which new subsection shall read as follows:

11.1 GENERAL LEAVE

d. Maximum Accumulation of General Leave

1. This Section 11.1.d.1 is applicable to employees on the payroll as of June 2, 2018:

   General Leave not used may be accrued from year to year to a maximum each year as indicated below:

   During the first five (5) years of continuous employment: 170 hours (238 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

   Upon completion of the fifth year of continuous employment: 340 hours (476 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

   Upon completion of the tenth year of continuous employment: 510 hours (714 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

   Upon completion of the fifteenth year of continuous employment: 680 hours (952 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

   Upon completion of the twentieth year of continuous employment: 850 hours (1,190 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

   Upon completion of the twenty-fifth year of continuous employment: 1,020 hours (1,428 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

2. This Section 11.1.d.2 is applicable to employees hired on June 3, 2018 and thereafter:

   General Leave not used may be accrued from year to year to a maximum each year as indicated below:

   During the first five (5) years of continuous employment: 120 hours (168 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

   Upon completion of the fifth year of continuous employment: 180 hours (252 for Fire Department station-based employees) and a proportionate amount for regular part-time employees
Upon completion of the tenth year of continuous employment: 260 hours (364 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

Upon completion of the fifteenth year of continuous employment: 320 hours (448 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

Upon completion of the twentieth year of continuous employment: 400 hours (560 for Fire Department station-based employees) and a proportionate amount for regular part-time employees

3. Leave credits in excess of the above amounts as of the ending date of the pay period in which December 31 falls shall be transferred into the employee’s Emergency Leave bank as described in Section 11.2.


11.1 GENERAL LEAVE

f. Buy-back of Excess General Leave

If it is determined that there are sufficient funds available, the City may offer a buy-back option to those employees who have at least the minimum of Emergency Leave as set forth in Section 11.2.a and will have three workweeks of General Leave remaining after the buy-back is made. The City may buy back a minimum of twenty (20) hours (twenty-eight (28) hours for Fire Department station-based shift employees) and a proportionate amount for regular part-time employees up to a maximum of one workweek. Any buy-back payments would be made during the month of December. Buy-back payments will be subject to the normal deductions for Social Security and Federal Income Tax and will be made in accordance with the Fair Labor Standards Act provisions for such payment.


11.2 EMERGENCY LEAVE

a. Emergency Leave Minimum Requirement

Regular fulltime employees must have a minimum of four hundred eighty (480) hours (672 hours for Fire Department station-based shift employees) and a proportionate share for regular part-time employees of Emergency Leave. If the balance of Emergency Leave is ever below the specified minimum, then two (2) hours of the General Leave accrual each pay period (2.8 hours for Fire Department station-based shift employees) and a proportionate amount for regular part-time employees shall be added to Emergency Leave until the minimum number of hours is reached.
New regular employees will be granted the equivalent of 140 hours of Emergency Leave with the equivalent of two (2) hours of their General Leave accrual going to Emergency Leave until the minimum is satisfied.

**Section 7.** Ordinance No. 27-85, titled “A Personnel Plan for Employees of the City of Oak Ridge, Tennessee,” Article 11, titled “Leave,” Section 11.2, titled “Emergency Leave,” is hereby amended by deleting subsection 11.2.d, titled “Transfer of Emergency Leave Credits to General Leave,” in its entirety and substituting therefor a new Subsection 11.2.d, titled “Maximum Accumulation of Emergency Leave,” which new subsection shall read as follows:

11.2 **EMERGENCY LEAVE**

d. **Maximum Accumulation of Emergency Leave**

Effective as of June 3, 2018 for all new hires, Emergency Leave not used may be accrued from year to year to a maximum of 960 hours for regular fulltime employees (1,440 hours for Fire Department station-based shift employees) and a proportionate amount for part-time employees. Any excess Emergency Leave as of the ending date of the pay period in which December 31 falls will be forfeited.

**Section 8.** Ordinance No. 27-85, titled “A Personnel Plan for Employees of the City of Oak Ridge, Tennessee,” Article 11, titled “Leave,” is hereby amended by deleting Section 11.4, titled “Injury Leave,” in its entirety and substituting therefor a new Section 11.4, titled “Injury Leave,” which new section shall read as follows:

11.4 **INJURY LEAVE**

a. Leave with pay may be approved for a period determined by the City Manager, upon the recommendation of the head of the department and the Director of Administrative Services, but not to exceed 12 work weeks for any one disabling injury incurred while performing job-related duties. This would be a total of 480 hours for regular full-time employees and 672 hours for Fire Department station-based shift employees. The employee's department will make the injury leave request on the appropriate form. Other leave benefits are not accrued and holiday leave is not granted when an employee is on injury leave. If there is a reoccurrence of the same injury after the employee has returned to work, supporting medical documentation must be provided and any additional lost time hours are considered part of the maximum the City provides...

A First Report of Injury Form and a City Incident Report shall contain a statement by the employee, unless he or she is incapacitated, statements from all witnesses, and confirmation by the supervisor and/or head of the department. This documentation shall describe the circumstances, cause, nature and extent of the injury and must be completed in full and presented to the Director of Administrative Services within the first 24 hours of injury. Injuries requiring medical treatment must include a licensed medical professional’s statement indicating treatment, diagnosis, prescription medications and the probable period of disability. Every period of leave granted under the provisions of this rule shall be considered credible service and shall be indicated on the employee’s leave records, but shall not be charged to any other type of leave.

The City reserves the right to obtain other medical opinions regarding the employee’s injured condition. Employee refusal to cooperate in the seeking of these opinions or to follow rehabilitation/recuperation instructions from the licensed medical professional, or the employee changing the date and/or time of a medical appointment without adequate justification and prior approval of the Personnel Department, and/or failure to provide all medical documentation (including prescription medications) received by the employee may constitute grounds for denying injury leave benefits and may result in disciplinary action.
If any injury results in lost time from work, the employee will be subject to drug/alcohol testing while on injury leave. Any employee returning to work after a prolonged absence of 240 hours or more for a 40 hour per week employee and 336 hours for Fire Department station-based employees will be required to submit a Return after Injury/Illness drug and alcohol screen. The use of any substance which carries a label that indicates the potential for impaired mental functioning, motor skills, or judgment must be reported to Personnel and the employee’s supervisor. Medical advice and written authorization from the attending physician must be provided by the employee before performing work related duties. Failure to disclose prescription drug use of any substance defined in this ordinance will result in discipline up to and including termination.

At the department head's discretion, any employee returning to work after a prolonged period of time as defined above may not be scheduled for overtime or standby status, except in cases of emergency, for a six-month period. Approval of additional employment as specified in the Personnel Plan Article 13.1 will also be revoked for six months.

When injury leave is used, an employee shall be protected against loss of pay. The regular salary shall be paid during this leave, but any amount received on behalf of the employee in Workers' Compensation insurance payments (excluding medical and hospitalization payments) shall be returned to the City. Every attempt will be made to return the individual on injury leave to modified or light duty as soon as possible.

If the employee has been granted the maximum for injury leave as specified above and is still not able to return to work, and the attending physician indicates that the employee can eventually return to normal job duties, the City Manager may grant additional paid injury leave. Otherwise, the City will place the employee in a “Leave Without Pay” status for 26 work weeks (1040 hours for 40 hour per week employees and 1456 for Fire Department station-based employees) and the employee will be eligible for Temporary Total Disability (TTD) benefits provided by Workers’ Compensation Insurance. During this period, the employee will be responsible for payment the City for his/her normal deductions for the benefit program. The employee also has the option of using any accumulated General Leave or Emergency Leave.

After the 26 work weeks of “Leave Without Pay” (1040 hours for 40 hour per week employees and 1456 for Fire Department station-based employees), if the employee is still not able to return to normal job duties, the Personnel Department will begin processing a Disability Retirement, if applicable, for the injured employee. The employee will be removed from the City’s payroll on a disability basis.

If the injury is such that an impairment rating and subsequent monetary settlement is awarded, the awarded amount will be reduced by the amount the City has subsidized the TTD benefits from the Workers’ Compensation Insurance program.

b. Modified/Light Duty

If the injured employee is not able to perform the normal job duties but can perform tasks associated with a lower position in the classification plan, whether in the employee’s designated department or other City department, a modified work plan will be required by the City. This modified or “light duty” plan shall compensate the employee at the normal rate of pay for a three (3) month period, beyond which the employee’s salary shall be reduced at least ten percent (10%) or to the maximum or the pay grade associated with the
light duty work. All Department Directors will assess work to be completed within their respective areas and provide “modified/light duty” assignments to the Personnel Department on an as needed basis. The injured employee must contact the Personnel Department on a designated day each week to determine if accommodation for modified/light duty can be made. Safety training needs of the injured employee can also be considered an assignment. The Personnel Department can provide training materials for this purpose.

Section 9. 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. Krushenški, City Attorney

[Signature]
Warren L. Gooch, Mayor

[Signature]
Mary Beth Hickman, City Clerk

First Reading: 05/14/2018
Publication Date: 05/17/2018
Second Reading: 
Publication Date: 
Effective Date: 
PUBLIC WORKS DEPARTMENT MEMORANDUM
18-30

DATE: May 16, 2018
TO: Mark S. Watson, City Manager
FROM: Shira A. McWaters, P.E., Public Works Director
SUBJECT: DESIGNATION OF NEW ADA COMPLIANCE COORDINATOR

Introduction

An item for City Council’s consideration is a recommendation naming Mr. Michael Smith, Operations and Division Manager for the Public Works Department, as the new Americans with Disabilities Act (ADA) Coordinator.

Funding

No funding is required for this recommendation.

Background

As noted in Title II of the American’s with Disabilities Act, “If a public entity has 50 or more employees, it is required to designate at least one responsible employee to coordinate ADA compliance.” A new ADA coordinator is needed to replace the former coordinator, who recently retired from the City. The new Operations and Division Manager, Mr. Michael Smith, is in charge of facilities and streets, both of which involve ADA compliance.

Recommendation

Staff recommends approval of Mr. Michael Smith as the City of Oak Ridge’s new Americans with Disabilities Act Coordinator.

[Signature]
Shira A. McWaters, P.E.

City Manager’s Comments:

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

[Signature]
Mark S. Watson
Date 5-17-18
RESOLUTION

A RESOLUTION TO DESIGNATE A NEW AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR FOR THE CITY OF OAK RIDGE.

WHEREAS, federal law and regulations require the City to conduct a self-evaluation of its services, programs, policies, and practices and identify barriers that may limit accessibility for people with disabilities, and to develop transition plans describing how it will address identified barriers; and

WHEREAS, one of the requirements is to name a qualified Americans with Disabilities Act (ADA) Coordinator; and

WHEREAS, the City's previous ADA Coordinator has retired and a new ADA Coordinator must be named; and

WHEREAS, Michael Smith, Operations and Division Manager, is in charge of facilities and streets, both of which involve ADA compliance; and

WHEREAS, the City Manager recommends Michael Smith be designated as the City's new ADA Coordinator.

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 Michael Smith, Operations and Division Manager, is hereby designated as the City's new ADA Coordinator.

This the 22nd day of May 2018.

APPROVED AS TO FORM AND LEGALITY:

[Signature]
Kenneth R. Krushenski, City Attorney

[Signature]
Warren L. Gooch, Mayor

[Signature]
Mary Beth Hickman, City Clerk