

	Employee Arrests, Criminal Charges, and Convictions	
	Section No: 2.05	
	Category: Workplace Conduct and Compliance	
	Resolution Number: 257-2026	
	Effective Date: September 1, 2026	
	Supersedes: Section 06, 2019-096, August 6, 2019	
	Next Review Date: September 1, 2028	
Responsible Office: Human Resources		
Policy Applies to:	☒ All City employees (Full-time, Part-time, LSEs, temps, etc.) ☐ All City and School Employees	☐ Full-Time employees only ☐ Other: _____

Relevant Definitions

On Duty: means engaged in and responsible for assigned work.

Policy

Self-Reporting Duty

All employees have a duty to self-report any arrest, indictment, prosecution, conviction, incarceration, or when he/she is subject to investigation of a criminal act, and such report must be made to Human Resources **or supervision within 24 hours of the event or prior to their start of shift if less than 24 hours**. Failure to self-report is grounds for termination or other corrective action as appropriate.

The self-reporting requirement does not include Class C misdemeanors, as defined by Tennessee law, unless committed while in a city vehicle, on city property, or while on duty.

Time

For any period in which an employee is incarcerated, their time shall be coded as unexcused absences which is an unpaid status. Vacation, compensatory time, sick leave, or any other paid leave cannot be used during any period of incarceration.

Additionally, employees who are required to attend court in relation to their arrest, indictment, prosecution, conviction or incarceration cannot use accrued paid leave.

Conviction

Except for Class C misdemeanors, an employee's employment will be immediately terminated when;

- (1) such employee is convicted of a crime violating the duty owed to the city not to commit a crime within the course and scope of employment or on work premises; or
- (2) such employee is convicted of a crime which lessens the public's trust and confidence in the city, or its employees.

Any employee convicted of a crime committed outside the course and scope of employment and off work premises, and sentenced to a term of imprisonment for any period which causes the employee to miss a work day(s), will not be allowed to use paid time such as vacation, compensation time, sick leave, or any other paid leave benefits. Time missed will be deemed unexcused, and subject to corrective action up to and including termination of employment on the basis of job abandonment.

City's Discretion

The city retains discretion to exercise its legal right to independently investigate **allegations of criminal acts by** an employee and to take corrective action, up to and including termination, against an employee based upon such investigation regardless of the status of any criminal investigation, charge, or any court results.

Consequence of Policy Violation

The City considers violations of this policy to be serious due to the importance of maintaining public trust, ensuring workplace safety, and meeting operational responsibilities. When determining the level of disciplinary action, the City may consider factors such as the seriousness of the offense, the employee's prior conduct, the impact on the employee's ability to perform job duties, and the potential effect on the City's reputation and operations. However, the City retains full discretion to impose immediate and final disciplinary action up to and including termination of employment when warranted by the nature of the allegation or conviction.

Employees who fail to self-report any arrest, indictment, prosecution, conviction, incarceration, or criminal investigation prior to their next scheduled shift, as required by this policy, will be subject to disciplinary action up to and including termination of employment.

Immediate termination will occur when an employee is convicted of a crime that violates the duty owed to the City not to engage in criminal activity within the course and scope of employment or on City property, or when the conviction undermines the public's trust and confidence in the City or its employees.

Other Provisions:

Nothing in this policy should be construed to conflict with or supersede state or federal law, or as interfering with the constitutional rights of employees.

While the city is committed to the principles embodied in this policy, the policy itself is not intended to state contractual terms and does not constitute a contract between the city and its employees. Furthermore, this statement constitutes ONLY the policy of the city. A finding of a violation of this policy does not mean that the conduct violates state and/or federal laws.

Contacts:

The following office can address questions regarding this Policy:

Human Resources, phone: (423) 229-9401, HROffice@kingsporttn.gov