

	Employment and General Provisions Policy	
	Section No: 1.01	
	Category: Employment Policies	
	Resolution Number: 257-2026	
	Effective Date: September 1, 2026	
	<i>Supersedes: former Section 31, Resolution 2020-033 – June 6, 2023 and Former section 35, Resolution 2017-042</i>	
	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

City - the municipal corporation of Kingsport, Tennessee, but does not include employees under the board of education unless otherwise specifically noted.

Confidential Employee - an employee, who in the course and scope of his or her duties has access to information in an official capacity which has not been made public and is intended to be held in confidence or kept secret.

Demotion – A demotion is a permanent movement from a higher pay grade to a lower pay grade. The demoted employee’s rate of pay shall follow the Wage and Salary Policy.

Department Head - the individual designated as the head of a department listed in the city charter or city code.

Essential Personnel - employees who are required to work during emergencies, inclement weather, and such in order to provide essential services to the public involving health, welfare, and public safety. The City Manager, or designee, is responsible for designation of essential personnel, although some essential personnel may be designated in the City’s Emergency Preparedness Plan.

Full-time Employee - a person employed by the City on a regular, continuous basis for forty (40) hours or more per seven (7) day work period/work week and whose position is **budgeted** by the Board of Mayor and Aldermen. A full-time employee is entitled to the city’s standard benefits package as **long as they maintain more than 30 hours per week**.

Intern - a person, who is receiving instruction in an accredited school, vocational program, college, or university who generally works a part-time schedule on a temporary basis **with a defined end date**. Interns are not eligible for city benefits other than those required by law.

Job Reassignment – A job reassignment may include a change in duties, work location, days of

work hours, or shift hours. Job reassignments **may** be temporary or permanent.

Lateral Move – A lateral move is an assignment that is not temporary, and defined as an individual being **moved to a different position within a department, or moved to a different department or division, and remaining on the same pay grade.** The city shall not, under normal circumstances, consider employees for lateral moves, unless extenuating circumstances (e.g., career pathing, the city's best interest, or reasonable accommodation for a disability) are shown.

Limited Service Employee (LSE)- a retiree, as defined herein, who is re-employed by the City for a specific purpose for no more than 120 days (960 hours) during a twelve (12) month period. Limited Service Employees are not eligible for city benefits other than those required by law. **Certification of employment must be completed and approved annually by the Tennessee Consolidated Retirement System (TCRS).**

Part-time Employee - a person employed by the City who is scheduled to work generally less than thirty (30) hours per seven (7) day work period/work week. Part-time employees are not eligible for City **health** benefits other than those required by law.

Promotion – A promotion is a movement upward within the pay plan that is not temporary work in a higher capacity. Approval by the department director, the HR Director, and the City Manager is required for a promotion.

Regular Employee - a board-approved, full or part-time employee who is not a temporary employee and who has successfully completed the initial six- month probationary period.

Retiree - An individual who immediately upon separation from employment with the City of Kingsport retires pursuant to the Tennessee Consolidated Retirement System (TCRS) or the Empower Retirement Plan and receives a benefit. A retiree does not include a former employee who does not receive retirement benefits at separation from employment with the city, even though such person may receive benefits at a later time.

Temporary or Seasonal Employee - a person employed by the City for a limited period of time and/or hours. Temporary employees, even if working thirty (30) or more hours per seven (7) day work period/work week, are not eligible for city benefits other than those required by law.

Temporary-to-Hire (Temp-to-Hire) - A Temporary-to-Hire position is a position initially filled through a temporary staffing agency or other approved temporary employment arrangement with the intent of evaluating the individual's qualifications, performance, and overall fit before considering the individual for regular employment with the City. Placement in a Temporary-to-Hire position does not guarantee employment with the City. Individuals serving in a Temporary-to-Hire assignment remain employees of the temporary staffing agency until they are formally hired by the City through its established recruitment and hiring process. If selected for City employment, the individual must successfully complete all pre-employment requirements and

any applicable probationary period in accordance with City policy. When in the best interest of the city, individuals may be hired directly by the city into a temporary-to-hire assignment. Individuals in temporary-to-hire positions are not eligible for any city benefits.

Temporary Work in Higher Classification (Temporary Promotion) - Temporary work in a higher classification is a temporary assignment that is expected to last longer than two (2) consecutive work weeks. Pay for such assignments will follow the Wage and Salary Policy. For assignments lasting less than two (2) weeks, an employee's pay rate will not change for temporary work. The employee is responsible and accountable for the full range of duties during such assignment.

Work Base Learning (WBL) Intern – a person enrolled in high school student who is received high school credit for a working assignment. Work is on a part-time basis with a defined end date, with evaluation reports return to the school. WBL interns are not eligible for city benefits other than those required by law.

Policy

The policies set forth are applicable to all employees of the city under the governance of the Board of Mayor and Aldermen. Generally, these policies are not applicable to city school employees under the governance of the board of education. However, some policies by their terms may include other individuals. Department heads may formulate written work rules, consistent with these policies, necessary for the efficient and effective personnel administration of their department.

All Departments shall work with Human Resources Department for personnel needs, and follow the City's hiring processes.

Appointment or Removal of Officers or Employees

Except as otherwise provided by the Charter of the City of Kingsport, Tennessee, the City Manager shall appoint and remove all officers and employees of the city.

Position Authorization

No person shall be employed in any regular, full-time or regular, part-time position which has not been funded by the board of mayor and aldermen (BMA). Positions of a temporary duration may be authorized by the City Manager, or designee (assumed throughout the remainder of this policy), without BMA approval when additional manpower is required for an emergency, efficient service delivery, or completion of capital and/or special projects.

Vacancy of Positions

The Human Resources (HR) Department shall be informed by department directors, or their designees (assumed throughout the remainder of this document), of all staffing requirements and anticipated changes in staffing within departments and divisions.

When a vacancy exists or is anticipated, the department director, **or designee** shall:

- Fill out a position vacancy requisition and send to the HR Department; and
- Consult with the HR Department to evaluate the vacancy and the needs of the department.

If, following the consultation, it is determined that the request to fill the vacancy should proceed, **Human Resources shall coordinate the appropriate time for posting and filling the vacancy based on workforce planning and budgetary considerations. The Human Resources Department shall obtain the City Manager's approval before extending an offer for the position.**

The City Manager may abolish or transfer a position for economic, efficiency, organizational realignment, or other reasons.

The City Manager retains the authority to suspend or freeze some or all hiring.

Recruitment

The HR Department, in conjunction with the department director, shall have discretionary authority to utilize appropriate internal and external recruitment sources. This may include job posting in-house, posting to niche job boards, **social media, etc.** In departments where hiring is ongoing, the department director will work with the HR Department to establish a talent pipeline.

Applications

Applicants for positions with the City of Kingsport must complete, sign, and submit the city's designated application for employment process to be considered for employment. A resume is not a substitute for an application of employment form.

False Statements

No person shall willfully make any false statement, mark, rating, report, or omit material information in regard to any application, test, certification, or appointment.

Any misrepresentation by an applicant on an application, or during the interview process, shall result in withdrawal from consideration for employment or immediate separation from city

service regardless of when discovered.

Testing

The HR Department shall assist department directors in the selection of methods and materials that may be needed in the assessment of a job applicant's knowledge, skills, and ability required for a job.

The HR Department shall approve all testing methods and materials. In-house testing shall be administered by a designated HR Department representative **or department designee**. Test security agreements shall be followed at all times.

Interviews

Submission of an application for employment does not guarantee the opportunity to interview. Interviews are by invitation only and shall be extended by the HR Department.

Background, Credit, and Reference Checks

Background and reference checks are the responsibility of the HR Department.

As part of the hiring process, all individuals, who are extended an offer of employment, must complete an authorization form for a background checks. Failure to provide completed form will result in rescinding the offer.

For some positions, including those handling money or of a fiduciary responsibility, the City may require a credit check of personal financial records. Pursuant to the Fair Credit Reporting Act, the city shall obtain, separate from the employment application, written permission from the individual before obtaining a credit report. The City shall provide the employee or job applicant **with** a copy of the credit report and a summary of his or her rights before taking any adverse employment action, i.e. denying an applicant a position.

In the event of returned background checks with adverse indications, the HR Director will have the discretion to pass/fail the background and will consult with the city attorney as needed. The City will use E-verify to confirm the eligibility of new hires to work in the United States.

Probationary Status

As required by the City Charter, all regular full-time and part-time employees shall be on probationary status for six (6) months from the date such employee begins work, and Public Safety employees will be on a one (1) year probationary status. Except as otherwise provided by law, an employee who leaves city service and is re-employed by the city is considered a new employee and the probationary status applies. The probationary period shall be utilized by the department director and supervisors as an opportunity to observe the new employee's

work, to train and aid the new employee in adjusting to the position, and to reject the confirmation of any employee whose performance or attendance fails to meet acceptable standards.

During the probationary period, the department director and supervisors shall evaluate the performance of the probationary employee and relate those findings to the employee on an ongoing basis. A Probationary Evaluation Form shall be prepared after two months, four months, and five months of service, reviewed with the employee, and submitted to HR. After the five-month evaluation meeting, the department director shall submit the probationary evaluation form for the employee to the HR Department recommending confirmation of the appointment. If the department director plans to recommend separation from employment, a Recommended Action Form (from the Corrective Action Policy) shall be prepared and sent to the HR Department and City Manager for their approval and records.

Notwithstanding anything to the contrary. The city's probationary policy does not, nor is it intended to, convey property rights or constitute contractual agreements with new employees. At any time during the probationary period, a department director may recommend separation from employment of a probationary employee. A probationary employee who is separated from employment prior to or at the completion of the probationary period does not have the right to a hearing as provided by the city charter.

Work Period/Work Week

Generally, the work week of the city begins at 12:00 AM on Sunday and ends at 11:59 PM the following Saturday. There are exceptions to the general work week as permitted by the Fair Labor Standards Act.

The work week for all full-time, regular employees is forty (40) hours per week. The workday generally is eight (8), **ten (10) hours, or twelve (12) hours based on departmental needs**. For shift personnel of the fire department, a work period is 106 hours in duration, consisting of fourteen (14) consecutive 24-hour periods, and beginning and ending according to the fire department's official schedule for each shift employee.

The City does not guarantee work hours **or overtime hours**.

All employees who are non-exempt pursuant to the Fair Labor Standards Act must maintain an accurate record of daily hours worked. This record must be signed by both the employee and his/her supervisor verifying the correctness of the hours worked and leave taken. All employees who are exempt pursuant to the Fair Labor Standards Act shall report any leave time used during a workweek. Each department manager shall approve and submit an attendance and leave record for their department to the finance department (payroll) at the end of each pay period.

Scheduling

The scheduling of shifts and work hours may vary among departments. Each **department director** is responsible for determining shift schedules.

The City reserves the right to establish emergency call-in lists or to designate relief personnel who shall be expected to be available, and such assignment shall be considered as a condition of employment where applicable. Refusal of an employee to report for any work during an emergency call-in or for relief may render the employee subject to corrective action up to and including termination.

For safety reasons, no employee is to work beyond sixteen (16) cumulative hours in a given workday (with the exception of the Fire Department and for certain emergency situations). A minimum of eight (8) hours of off duty rest time is required before returning to work.

When it is necessary or desirable to change or adjust an employee's established work schedule, it is preferable that the changes are discussed with the employee(s) two (2) weeks prior to the change. **While providing two (2) weeks' notice is preferred, it is not required and may not always be feasible due to operational needs.** This does not apply to emergency scheduling or relief duty.

Employee Status Changes

Every appointment, promotion, transfer, demotion, lateral move, dismissal, or other temporary or permanent change in the status of employees shall be approved by the HR Director and the City Manager. A record of such changes shall be maintained in the employee's personnel file.

Normally, an individual may apply for a promotion only after a minimum of twelve (12) months from initial employment with the city or from receiving a promotion.

When it is in the interest of the City to allow an individual to apply for promotion within the twelve (12) months' time-frame, it shall be approved by the HR Director and the City Manager. Individuals may apply for promotions within their department after successful completion of probationary period.

An employee may not be promoted, temporarily assigned to work in a higher classification, laterally moved, or demoted without consent of the department director, the HR Director, and the City Manager.

Outside Employment or Business Interests

Full-time employment by the City of Kingsport is primary and shall be the overriding consideration in all issues regarding outside employment. Outside employment or business interests of any employee shall not:

- cause a conflict of interest;
- be incompatible with the employee's position with the city;
- interfere with the satisfactory performance of the employee's duties;
- reflect discredit upon or create embarrassment for the city; or
- interfere with city work requirements, including work hours.

Department directors may work with the HR Director, **or designee**, to make additional rules for their specific department concerning outside employment that are not inconsistent with this policy.

All compensated outside employment, i.e. self-employment, part-time work, short-term, flexible, consulting work, or free-lance type work of regular full-time employees must be sent to Human Resources and reported to the department director.

Human Resources will initiate an annual process for employees to report outside employment and business interests. However, an employee may self-report at any point throughout the year.

Holding Two City Positions

Employment of a person in more than one City job is not encouraged. However, there may be times when this situation is advantageous to the city. A department director who wishes to employ a city employee in a second city job shall consult with the HR Department and the other department director. **The total work hours for both position should be divided so that the employee works full-time hours, but does not go into overtime.** If following such consultation, it is determined that the action should proceed, both department directors requesting the action shall send a memorandum to the HR Director and City Manager which sets forth the situation and requests approval for the appointment.

Information related to both positions will be maintained in the personnel file located in the HR Department.

Limited Service Employment

The City may, at its discretion, re-employ a person who is officially retired from the City when the following criteria are met:

- the retiree must be duly qualified and competent for performance of the duties of the position in which he/she is to be employed;
- there is a need for the retiree's service in such a position; and
- the employment of the retiree is advantageous to the City.

A retiree working in the capacity of limited service employment can be paid no more than the percentage of pre-retirement salary listed on the Tennessee Consolidated Retirement System (TCRS) Temporary Employment Report form for the appropriate year after retirement. During a twelve (12) month period the retiree shall not work more than one hundred twenty (120) days or the equivalent (nine hundred sixty (960) hours) dependent upon the needs of the city.

Persons officially retired from service with the City must wait sixty (60) calendar days from their effective date of retirement to be re-employed by the city unless the HR Department certifies in writing to TCRS that no other qualified person is reasonably available.

Limited service employees are not eligible for city benefits other than those required by law and are not eligible to accrue additional retirement credit as a result of limited service employment.

Employment of Non-Citizens

In compliance with the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act of 1986 (IRCA), the city shall not knowingly hire, recruit, or refer for a fee any individual who is not authorized to work in the United States. In addition, the city shall not knowingly continue to employ an undocumented worker or one who loses authorization to work; however, those hired before November 6, 1986, do not fall within this category.

All employees hired after November 6, 1986, regardless of national origin or citizenship, must provide documents that establish both identity and work authorization prior to any offer of work, **as well as be cleared in the E-verify system.**

I-9 Forms

The city shall complete the USCIS Employment Eligibility Verification Form I-9 for every new employee – U.S. citizens and noncitizens. Documents proving identity and work authorization shall be in accordance with I-9 requirements.

Residency Requirement

While it is the policy of the City of Kingsport to encourage all its employees to live in the City of Kingsport, the employees holding the position of City Manager, Deputy City Manager, and Assistant City Manager shall reside within the corporate limits of Kingsport. Other city leaders, such as but not limited to; City Recorder, City Attorney, Police Chief, Fire Chief, and Public Works Director, must live within the urban growth boundaries. If an individual is hired into one of the above positions and does not reside within the city limits, the City Manager shall have the discretion to determine a timeframe for when the individual is required to relocate within the city limits after assuming the position. In the event the timeframe exceeds one hundred eighty (180) days, the City Manager will review the need with the BMA. This residence requirement shall not apply to any person holding any of the positions in an acting, interim, or temporary capacity and shall not be construed to conflict with state law. At the discretion of the City Manager, other employees may be required to live in the city or close to their responsibility center.

Personnel Record Management

The maintenance of all personnel records is the responsibility of the Human Resources Director, or designee. The Human Resources Director shall determine what material shall be contained in the personnel file. All personnel records are the property of the city and are available for inspection pursuant to the Tennessee Public Records Act. Employees may review their own personnel files with a member of the Human Resources staff but may not remove files or information contained in files.

Records in an employee's personnel file concerning corrective actions will be retained per the Corrective Action Policy.

Public Requests for Access to Employee Personnel Records

The City Recorder, or designee, has responsibility for all requests made by the public for access to information contained in an employee's personnel file.

Generally, when a request is made for an employee's personnel file, the employee shall be notified of a public request.

Consequences of Policy Violation

Violations of this policy may be subject to disciplinary action, up to and including termination of employment.

Related Information or Procedures:

N/A

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 Human Resources Office can address questions regarding this Policy: phone: (423) 229-9401, email: HROffice@kingsporttn.gov