



SECTION NO: 31 SUBJECT: Employment Policy	REPLACES/AMENDS: Employment, Effective Date June 16, 2009 (Res. No. 2009-256)
RESOLUTION NUMBER: 2020-033	EFFECTIVE DATE: June 6, 2023

### **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 authorized and 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 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, the HR Department shall obtain approval from the City Manager, prior to the advertising, posting and/or filling of the vacancy.

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, and posting to niche job boards. 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. 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.

Except for credit reports, authorization for background and reference checks must be granted by the applicant. Such authorization is automatically granted by the applicant's signature on the application for employment form.

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 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.

Beginning in December 2022, the city will use e-verify to confirm the eligibility of new hires to work in the United States.

### **OFFERS OF EMPLOYMENT**

The HR Department is responsible for extending all offers of employment. An offer of employment is contingent upon the completion of satisfactory reference and background checks as well as credit checks and an employment physical, if so required.

All negotiations for salary and benefits shall be approved by the HR Director after consultation with the hiring department director and Budget Director

The HR Department is responsible for informing all applicants of the final decision pertaining to their candidacy for employment.

### **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 work day generally is eight (8) hours. For shift personnel of the fire department, a work period is 648 hours in duration, consisting of twenty-seven (27) 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 or work 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 recommending to the City Manager any change in hours or shifts which may be deemed necessary. Upon approval by the City Manager the department head shall submit a written notice of the change to the HR Department and the Finance Department (payroll).

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. This does not apply to emergency scheduling or relief duty.

### **EMPLOYEE STATUS CHANGES**

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

Status Changes include:

- **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.

When an employee is promoted, the employee and the respective department director shall have an initial thirty work day evaluation period in which to mutually agree that the promotion shall be confirmed.

If for any reason during the evaluation period, the promoted employee decides to decline the promotion, the employee may do so and return to the position vacated at the former pay.

If, during the evaluation period, the department director determines that the promoted employee cannot perform the new, increased responsibilities in an acceptable manner, the department director may return the promoted employee to the position vacated and at the former pay.

The promotion may be confirmed at any time during the evaluation period. 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.

- **Temporary Work in Higher Classification** - 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. An employee's rate of pay will not change for temporary work in a higher classification to last less than two (2) consecutive work weeks. The employee is

responsible and accountable for the full range of duties during such assignment.

- **Lateral Move** – A lateral move is an assignment that is not temporary, and defined as an individual being moved from one organization to another organization 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.
- **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.
- **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.

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

### **OUTSIDE EMPLOYMENT OR BUSINESS INTERESTS**

Outside employment of regular full-time employees must be reported to the department director. 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 to make additional rules for their specific department concerning outside employment that are not inconsistent with this policy.

### **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. 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; and
- the retiree returns to service in a position wherein the retiree renders no more than one-half the hours the retiree was scheduled to work prior to retirement.

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.

Beginning in December 2022, the city will use e-verify to confirm the eligibility of new hires to work in the United States.

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.

### **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. This policy supersedes all policies that conflict with the terms of this policy. 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.





# City of Kingsport

## Probation Evaluation

Name: \_\_\_\_\_

Date of Hire: \_\_\_\_\_

ID #: \_\_\_\_\_

Job Title: \_\_\_\_\_

Manager: \_\_\_\_\_

Department: \_\_\_\_\_

### Dates of Evaluations

2-month \_\_\_\_\_

4-month \_\_\_\_\_

5-month \_\_\_\_\_

### Job Knowledge / Initiative

2-month: \_\_\_\_\_ 4-

month: \_\_\_\_\_ 5-

month: \_\_\_\_\_

### Dependability / Attendance

2-month: \_\_\_\_\_ 4-

month: \_\_\_\_\_ 5-

month: \_\_\_\_\_

### Productivity / Quality of Work

2-month: \_\_\_\_\_ 4-

month: \_\_\_\_\_ 5-

month: \_\_\_\_\_

### Teamwork / Communication

2-month: \_\_\_\_\_ 4-

month: \_\_\_\_\_ 5-

month: \_\_\_\_\_

### Problem Solving / Decision Making

2-month: \_\_\_\_\_ 4-

month: \_\_\_\_\_ 5-

month: \_\_\_\_\_

### Employee or Supervisor Objectives

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Employee Acknowledgement of Receipt of Evaluations

2-month \_\_\_\_\_

Date \_\_\_\_\_

4-month \_\_\_\_\_

Date \_\_\_\_\_

5-month \_\_\_\_\_

Date \_\_\_\_\_

### Recommendation for Permanent Employment

Supervisor

Date

Manager

Date

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Supervisor

Date

Manager

Date