

ADMINISTRATIVE RULES – CITY OF KNOXVILLE

12 – Miscellaneous

12.01 **EMPLOYEE SAFETY**

It is the policy of the City to provide a safe and healthful place and condition of employment and to enforce all applicable occupational safety and health laws, regulations, rules, and executive orders promulgated by the United States, the State of Tennessee, and the City. See Administrative Rule 14.

12.02 **PERFORMANCE APPRAISALS**

Except as provided in Administrative Rule 16.06, each director or head of an office or agency shall provide the Department of Human Resources with a performance appraisal on each of their assigned employees on an annual basis and whenever otherwise required by an applicable policy, procedure, regulation, or rule.

(A) Criteria

The purpose of performance appraisals is to evaluate each employee's quantity and quality of work, attitude, job compatibility, and other job-related criteria to be considered in completing probationary periods, making promotions, demotions, transfers, reinstatements, dismissals, reductions in force when there is a tie in more than one employee's seniority date, test validation studies, determining eligibility for performance pay, and assessment of training needs.

(B) Procedure

The appraisal shall be conducted by the employee's immediate supervisor using a form approved by the Department of Human Resources. After completing the form, the immediate supervisor shall review the form with the employee, sign it, and then route the form through the employee's intermediate supervisors to the employee's director or office/agency head for their review and approval. The immediate supervisor shall provide the employee with a copy of the form as approved by their director or office/agency head and ensure the original form is submitted to the Department of Human Resources.

Except as provided in Section C below, if any intermediate supervisor disagrees with the appraisal, the intermediate supervisor shall discuss their concerns with the immediate supervisor. The immediate supervisor may then determine, in their sole discretion, whether to change the appraisal in response to the intermediate supervisor's concerns. If the immediate supervisor does not change the appraisal, the intermediate supervisor may state their concerns in the appropriate comments section of the form.

An employee who transfers from one department, office, or agency to another during the year should be evaluated by the department, office, or agency that the employee was assigned to for the majority of the review period. In the event of equal time spent in each department, office, or agency, the employee shall be evaluated by the employee's current department.

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Annual performance appraisal dates for employees receiving a promotion, demotion, reclassification, or transfer are not changed due to such actions.

(C) Dispute Resolution

An employee who disagrees with their appraisal may within 7 calendar days after receipt of the copy of the form as approved by their director or office/agency head request reconsideration by attaching to the form a statement explaining the grounds for their disagreement and any documents relevant to their disagreement and transmit the form and all attachments to the employee's intermediate supervisor. The intermediate supervisor shall respond in writing within 7 calendar days after receiving the request for reconsideration by either confirming or amending the appraisal.

If the employee's intermediate supervisor confirms the immediate supervisor's appraisal and the employee still disagrees with it, the employee may within 7 calendar days after receipt of the intermediate supervisor's response request reconsideration by attaching to the form a statement explaining the grounds for their disagreement and/or document(s) relevant to their appraisal and transmit the form and all attachments to the employee's director or office/agency head. The director or office/agency head shall respond in writing within 7 calendar days after receiving the request for reconsideration by either confirming or amending the appraisal.

A copy of the final form and all attachments shall be provided to the employee. The original and all attachments shall be submitted to the Department of Human Resources.

Performance appraisals are not subject to the grievance procedure or to any other review or appeal other than the procedure set forth hereinabove.

12.03

GRIEVANCES

A grievance is defined as an appeal by an employee in a classified position of a non-disciplinary personnel action adverse to the employee taken by the employee's supervisor. However, the following are examples, without limitation, of matters that are not subject to the grievance procedure: negotiation of wages, salaries, or other benefits; assignment of hours of work; eligibility for or authorization to perform hybrid work; performance appraisals; eligibility for workers' compensation benefits, including supplemental temporary total disability benefits, pursuant to Administrative Rule 7.05; the appointment to or composition of any municipal office, board, commission, committee, or other instrumentality; and any work activity accepted by the employee as a condition of employment. The grievance procedure is contained in the Rules and Regulations of the Civil Service Merit Board.

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12.04 **ELIGIBILITY FOR RE-EMPLOYMENT**

A former employee may not be re-employed to a position in the classified service except through any applicable merit system procedures.

A former employee who was terminated for cause may not be re-employed for at least 5 years from the date the termination took effect.

A former employee who retired from City service and is receiving a pension benefit from the City may not be re-employed for at least 90 days from the date the retirement took effect.

12.05 **UNEMPLOYMENT COMPENSATION**

The Department of Human Resources administers the unemployment compensation program. All inquiries or correspondence from the State of Tennessee and/or current or former employees regarding an unemployment claim must be transmitted to the Department of Human Resources for a response and proper processing.

12.06 **EXIT QUESTIONNAIRES**

Exit questionnaires solicit comments from former employees to aid in the reduction of employee turnover and the improvement of working conditions by locating and correcting problem areas.

The Department of Human Resources will mail an exit questionnaire along with an explanatory letter directly to former employees approximately 30 to 45 days after voluntary separation from City service. The form of the exit questionnaire will allow for easy response and return.

The returned forms will be compiled into reports to be issued periodically to relevant directors and heads of offices and agencies and the Mayor.

12.07 **PENSION PLAN**

Regular employees are required to become members of the City employees' pension system. The Pension Board administers the system in accordance with [Article XIII of the City Charter](#). Additional information regarding the system may be obtained by contacting the Pension Board staff and/or from the system's website at cokpension.org.

12.07.01 **Delayed Retirement Option Program**

A member of either Plan C or Plan G who is participating in the Delayed Retirement Option Program ("DROP") will continue to be employed by the City until the elected delayed retirement date and shall continue to be subject to all

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policies, procedures, regulations, and rules of the City, including, without limitation, all disciplinary measures.

12.07.02 Sick Leave Status and Pension Benefits

An employee who either retires or elects to participate in the DROP may elect to receive a cash payment for accumulated sick leave in accordance with Administrative Rule 5.08 or may elect to use accumulated sick leave totals to be used in calculating the amount of the retirement benefit. Sick leave service cannot be used for purposes of determining eligibility for retirement. Sick leave balances that are converted to credited service shall be computed in whole months at the rate of 1 month of sick leave for every 20 days of unused sick leave. A member who elects to take any other monetary or other consideration for unused sick leave shall not be granted sick leave credited service. Should a monetary amount be selected, payment will be made and delivered as indicated on the member's designation of leave payout form.

The member's sick leave balances shall be transferred to forfeited leave following the DROP benefit effective date (as stated on the member's DROP application on file with the Pension Board). In the event of an illness or disability which exhausts all available sick and annual leave, the employee may apply for restoration of forfeited leave in accordance with Administrative Rule 5.09. The member shall start over accruing sick leave until the delayed retirement date; however, any such sick leave balance at the delayed retirement date cannot be converted to credited service.

The employee shall begin to accrue sick leave at the same rate of accrual prior to the DROP. The accruals will begin based on the pay period containing the DROP benefit effective date. All rules and regulations governing sick leave for City employees shall apply for the continuation of the employee's employment with the City.

Upon applying for the DROP, the employee may apply for membership in the Sick Leave Bank, if not already a member.

12.07.03 Annual Leave Status and Pension Benefits

An employee who retires or elects to participate in the DROP will receive cash payment for annual leave and compensatory time in accordance with Administrative 5.06. Payment will be made and delivered as indicated on the member's designation of leave payout form to the employee for balances of accrued, unused annual leave up to a maximum balance not to exceed 48 days (or 384 hours for personnel serving on eight-hour shifts and 576 hours for personnel serving on twelve-hour shifts). All annual leave balances over the 48-day maximum accrual balance will be placed in the forfeited leave bank following the DROP benefit effective date (as stated on the member's DROP application on file with the Pension Board). Forfeited leave may be accessed by the employee in accordance with Administrative Rule 5.09 in the event of an illness or disability that exhausts all available sick and annual leave.

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The employee shall begin to accrue annual leave at the same rate of accrual prior to the DROP. The accruals will begin based on the pay period containing the DROP benefit effective date. All rules and regulations governing annual leave for City employees shall apply for the continuation of the employee's employment with the City, and the employee shall be compensated in accordance with the rules and regulations for any accrued unused annual leave upon reaching the delayed retirement date.

12.08 **RESERVED**

12.09 **TOBACCO USE**

The use of tobacco, including e-cigarettes and other similar vaporizing devices, in City-owned or leased buildings or vehicles is prohibited. The Public Building Authority and departments, offices, and agencies may designate smoking areas outdoors, but these are to be used by employees only during approved break times.

12.10 **PURCHASE OF FLOWERS AND GIFTS**

Floral arrangements (or charitable donations in lieu of flowers) may be purchased using City money for the death or serious illness of an employee, including immediate family members, volunteer staff and appointees, provided that the director or head of the relevant department, office, or agency approves and the cost of such arrangement does not exceed \$75, sales tax not applicable. This limit may be exceeded with the express prior approval by the Mayor or designee.

Departments, offices, and agencies are encouraged to participate in such showings of support, and, if assistance is needed in coordinating the purchase, the Department of Finance and Accountability or Mayor's office will be available to help.

12.11 **REIMBURSEMENT OF NON-TRAVEL, BUSINESS-RELATED MEALS**

The City recognizes that there are times when personnel incur non-travel, business-related food and beverage expenses for which reimbursement is appropriate and may be approved. This rule governs the approval process for these expenses while placing reasonable controls on such expenditures.

City personnel may purchase a meal for an individual or group of individuals and submit a claim for reimbursement from the City of those expenses provided that (i) the meal was consumed while conducting official business of the City and (ii) the following information is provided in writing at the time reimbursement is requested:

- The name(s) of the individual(s) who consumed the meal(s) for which reimbursement is requested;

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- A detailed description of the event, occasion, or circumstances related to the claim and the public policy or purpose served during the meal; and
- A bona fide, itemized vendor's receipt that shows the date, a description of the purchase, the vendor's identifications, and the total amount paid (a gratuity up to fifteen percent [15%] of the total cost of the meal[s] is also reimbursable).

City personnel shall take special care to avoid unnecessary or excessive expenditures and are responsible for accurately describing and certifying their reimbursement request. The City reserves the right to prosecute any person attempting to defraud the City.

This rule applies to all City employees, elected officials, and others using City funds, except the City Council, its employees, and the Mayor. Directors and heads of offices and agencies shall obtain the Mayor's approval for such expenditures before submitting a claim for reimbursement with the Department of Finance and Accountability. Other City employees must obtain written approval from their director or office/agency head prior to incurring any such expenses. The Department of Finance and Accountability may authorize reimbursement of expenses for non-travel, business-related meals only upon receipt of a claim for reimbursement accompanied by proof of the necessary approval(s). This rule governs only the reimbursement of non-travel, business-related meal expenses; expenses incurred for food and beverages consumed during travel on official City business are governed by Administrative Rule 9.

12.12

HOLIDAY ACTIVITIES

In order to ensure accountability of public funds and their intended purposes and standardization of the City's contribution towards holiday activities, the following guidelines and procedures shall apply to holiday activities for all departments, offices, and agencies.

City-sponsored holiday activities will be limited to one event per department, office, or agency per calendar year. The event shall be limited to employees and a limited number of guests. The activity itself shall take place during the lunch break or outside normal working hours. Employees shall not be required to participate.

Each department, office, or agency will be allowed to spend up to the amount recommended by the Department of Finance and Accountability and approved by the Mayor's office per permanent full and part time employee position. Funding for activities will come from the department's, office's, or agency's operating budget, provided sufficient funds are available. Total authorized per employee funding may be used to pay for the event's venue, reasonable culinary items necessary for the event, and any applicable taxes and gratuities pursuant to Administrative Rule 12.11.

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Should the department, office, or agency, find that authorized funding for the event is insufficient, relief in the form of additional funding may be granted by the Director of Finance and Accountability or their designee upon receipt and approval of a written request detailing the need for additional funding, the amount requested, and why the authorized funding is insufficient to cover the department's, office's, or agency's holiday activity. This request shall be submitted in sufficient time for the Director of Finance and Accountability or designee to make the necessary determination and respond in writing. If additional funding is not approved, costs in excess of the authorized funding shall be absorbed by those participating in the activity as they see fit. Under no circumstances shall additional funding or in-kind services be solicited or accepted from any person or entity.

Payment for catered events shall be by City check. With the pre-approval of the Director of Finance and Accountability or designee, the use of the department's, office's, or agency's Purchasing Card is authorized, but such authorization shall be limited to purchases of necessary supplies. The Purchasing Card is not authorized for use at restaurants.