
TITLE SEVEN - Employment Provisions; Pensions and Benefits

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ARTICLE 141
Personnel Code

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EDITOR'S NOTE: The Personnel Rules and Regulations, adopted by resolution by the Council of the City of Franklin on April 19, 1976, which establish procedures whereby the Personnel Code is carried out, are not codified herein due to the fact they are subject to frequent amendments. Copies of this Resolution and its amending resolutions are available in the office of the City Clerk.

CROSS REFERENCES

City Manager to draft Code: Home Rule Charter, Sect. 6.03
Non-Uniformed Employees Pension Plan: Art. 143

141.01 PURPOSE OF CODE

The intent of this Code is to provide a merit system of recruitment, examination, appointment, probation and employee disciplinary procedures, for employees of the City of Franklin without regard to race, creed, color, religion, sex and/or political affiliations. (Ord. 5 of 1976, Art. I, Sect. 100, Passed 4-19-76)

141.02 DEFINITIONS

The following words and phrases, when used in this Code, shall have the meanings respectively ascribed to them:

- a.) Administrative Unit: A subdivision of a department
- b.) Appointing Authority: The City Manager and/or a department head as to his own department and/or the superintendents of the Sewer, Street and Water Administrative Units as to each of their said Administrative Units.
- c.) Department: As enumerated in the Administrative Code of the City of Franklin.
- d.) "He" shall mean the masculine and/or feminine.

(Ord. 5 of 1976, Art. I, Sect. 101, Passed 4-19-76)

141.03 CLASSES OF EMPLOYEES

There shall be an exempt class and a competitive class of employees. The competitive class shall be composed of all positions in the public service now existing or hereby established, except the following, which shall be in the exempt class:

- a.) All elected officials and members of boards, commissions and authorities,
- b.) The City Manager, the City Solicitor, the City Engineer, City Clerk, the Director of Public Safety, and the Director of Community Services. (Ord. 7 of 1986, Sect. 1, Passed 8-18-86; Ord. 10 of 1986, Sect. 1, Passed 10-20-86)
- c.) Consultants and Council rendering temporary professional services,
- d.) Positions such as seasonal employees, student appointments and emergency appointments.

The competitive class shall include all other positions in the City service which are not specifically placed in the exempt service. (Ord. 5 of 1976, Art. II, Sects. 20 and 21, Passed 4-19-76)

141.04 COUNCIL'S DETERMINATION OF CLASSES

When a position is created according to the procedures of this Code and the Personnel Rules and Regulations, Council shall determine, by resolution, whether the position shall be placed in the competitive class or the exempt class. (Ord. 5 of 1976, Art. II, Sect. 22, Passed 4-19-76)

141.05 RESPONSIBILITIES OF MANAGER UNDER CODE

The personnel programs established by this Ordinance shall be administered under the direction of the City Manager. The City Manager may, from time to time, appoint individuals to carry out various tasks in accordance with this Code. The City Manager shall prepare and recommend revisions and amendments to the Personnel Rules from time to time. Personnel Rules shall be adopted by resolution by Council for the purpose of maintaining the personnel system in an orderly fashion. The Personnel Rules and Rules of Conduct may be established for a department and/or an administrative unit of a department. Departmental personnel rules and rules of conduct shall be adopted by resolution by Council.

The City Manager, or his authorized agent, shall be responsible for certification of the payroll that the persons named therein have been appointed and employed in accordance with the provisions of this Code and the Personnel Rules and Regulations. The Director of Finance of the City of Franklin shall not make or approve or take any part in making or approving any payment for personal service to any person unless the payroll and the personnel payroll or account of said person bears the certification of the City Manager or his authorized agent.

(Ord. 5 of 1976, Art. III, Sects. 30-33, Passed 4-19-76)

141.06 COUNCIL AS PERSONNEL BOARD

The City Council of the City of Franklin shall from time to time, and at least once a year, sit as a Personnel Board of the City of Franklin. With the City Manager, the Council shall review the personnel policies and problems of personnel administration, including the development or amendment of the Personnel Rules and Regulations, a job classification plan and a uniform pay plan. (Ord. 5, of 1976, Art. III, Sect. 34, Passed 4-19-76)

141.07 CREATION OF PERSONNEL REVIEW BOARD

The City Council may, by resolution, authorize the Mayor to appoint, with Council's advice and consent, a Personnel Review Board. The Board shall be composed of five (5) persons who are qualified voters in the City of Franklin. (Ord. 5 of 1976, Art. III, Sect. 35, Passed 4-19-76)

141.08 MEMBERS OF REVIEW BOARD

a.) Members of the Board shall serve without compensation. Members of the Board shall hold no paid office or employment under the government of the City of Franklin while serving as members of the Board. Members of the Board shall be appointed by the Mayor with the advice and consent of Council for terms of four (4) years from the date of appointment or a specified term, which in no case shall be longer than four (4) years nor shorter than six (6) months.

b.) The Board shall elect its own chairman. Any member of the Board may be removed for good cause shown by a majority vote of the City Council, but only after City Council has given the member a statement in writing of the reasons for such removal.

c.) Members of the Board shall not, while serving, become candidates for election to public office nor shall they be a member of any local, state or national committee of a political party, nor an officer in any organization which actively sponsors and works for election of candidates to public office.

(Ord. 5 of 1976, Art. III, Sect. 35, Passed 4-19-76)

141.09 DUTIES OF REVIEW BOARD

The duties of the Personnel Review Board shall be to advise the Mayor, Council and City Manger on matters of personnel policy and problems of personnel administration, including the development of personnel rules, job classification plan and uniform pay plan, represent the public interest in the improvement in the personnel administration in the City, and make any inquiry which it may consider desirable concerning personnel administration in the City. (Ord. 5 of 1976, Art. III, Sect. 35, Passed 4-19-76)

141.10 EMPLOYEE ORGANIZATIONS

The City of Franklin employees shall have the right to organize, join and participate or to refuse to join and participate, in any employee organization freely and without fear of penalty or reprisal for the purpose of collective negotiations through representatives of their own choosing, in terms and conditions of employment, subject to the provisions of the law. Nothing contained in this paragraph shall preclude the right of an employee from submitting an appeal in accordance with other provisions of this Ordinance. (Ord. 5 of 1976, Art. IV, Sect. 40, Passed 4-19-76)

141.11 CLASSIFICATION OF POSITIONS

a.) There shall be a classification of all positions according to duties and responsibilities in the City of Franklin. Each position shall be assigned to a job class on the basis of kind and level of its duties and responsibilities to the end that all positions of the same class shall be sufficiently alike to permit use of a singular descriptive title, the same qualification requirements, the same test for competence and the same pay scale. (Ord. 5 of 1976, Art. V, Sect. 50, Passed 4-19-76; Ord. 7 of 1986, Sect. 2, Passed 8-18-86; Ord. 10 of 1986, Sect. 2, Passed 10-20-86)

b.) The classification plan may be revised from time to time upon the recommendation of the City Manager and with the approval of Council and said revision may include, but not be limited to, the addition, abolishment, consolidation, division and/or amendment of the existing classes. (Ord. 5 of 1976, Art. V, Sect. 51, Passed 4-19-76)

c.) No person shall be appointed to, or employed in, any position in the competitive class under any title which has not been approved in the classification plan adopted. Council shall adopt by resolution a classification plan as part of the Personnel Rules and Regulations. (Ord. 5 of 1976, Art. V, Sect. 52, Passed 4-19-76)

141.12 COMPETITIVE EXAMINATIONS

Original appointments to vacancies occurring at the entry level shall be based on merit as determined by a competitive examination. Written examinations shall be required for the entrance level for the Police and Fire Departments. Examinations for other positions may be established in the Personnel Rules and Regulations. All written examinations for entry level positions in the Police and

Fire Departments shall be advertised in a paper of general circulation in the City of Franklin. The advertisement shall state the time, date and place where the examination will be taken and the procedures to obtain an application. This ad shall be placed in the newspaper not less than fifteen (15) days before an examination is scheduled. (Ord. 5 of 1976, Art. VI, Sects. 61 and 62, Passed 4-19-76)

141.13 CHARACTER AND REPUTATION

An applicant must be of good moral character and habits and have a satisfactory reputation or the applicant may be disqualified for examination or after examination, for certification and appointment. A record of disrespect for the requirements and processes of law, including repeated traffic offenses or disregard of summonses for traffic offenses, may be grounds for disqualification, for examination or, after examination, for certification or appointment. The burden of establishing this qualification to the satisfaction of the City Manager shall be upon the applicant. Any applicant who refuses to permit the Manager to investigate matters necessary for verification of his qualifications or who otherwise hampers, impedes, fails to cooperate with the City Manager in such investigations, shall be disqualified for examination, or, after examination, for certification and employment. (Ord. 5 of 1976, Art. VI, Sects. 63 and 64, Passed 4-19-76)

141.14 ELIGIBLE LIST

Candidates who qualify for employment shall be placed on an Eligible List for the appropriate job class in the rank order of the grades they obtained in the examination as a whole and who meets the standards prescribed, if any, for separate subjects or parts of subjects of these examinations shall be eligible for appointment to the position for which he was examined and his name shall be entered on the Eligible List in the order of his final rating. Eligible Lists and the names appearing thereon shall remain in force not less than one nor longer than two years. Any list that has been effective longer than one year or has fewer than three names may be abolished and a new examination held whenever, in the judgment of the City Manager, the interests of the public service make such a course desirable. Appointments to the competitive service shall be from the Eligible Lists and appointments shall be taken from the first three (3) candidates on the list. (Ord. 5 of 1976, Art. VI, Sects. 65-67, Passed 4-19-76)

141.15 EXAMINATIONS FOR ELIGIBLE LISTS

Examinations held to establish a list of eligibles for any class shall consist of one or more of the following parts, as determined by the City Manager:

- a.) Written test. This part, when required, shall include a written demonstration designed to show the familiarity of applicants with a knowledge involved in the class of position of which they seek appointment, their ability in the use of English, the range of their general information and/or their general educational attainments. A formal essay upon one or more subjects may be required if desirable.
- b.) Oral interview. This part, when required, shall include a personal interview with the applicants where ability to deal with others, to meet the public, or other personal qualifications are to be determined. An oral test may also be used in examinations where written tests are unnecessary or impractical.

- c.) Performance test. This part, when required, shall include such tests as performance of a trade or occupation as will determine the ability and manual skills of applicants to perform the work involved.
- d.) Physical tests. This part, when required, shall consist of tests of bodily condition, muscular strength, ability and physical fitness of applicants. This may be given weight in the examination or may be used in excluding from further examination applicants who do not measure up to the minimum required standards. Such tests may include the examination of the applicants who do not measure up to the minimum required standards. Such tests may include the examination of the applicant by a medical doctor selected by the City. Unless such physician shall certify that the applicant can perform all the duties and can perform any duties of the job applied for without harm or injury to himself, then such employee may not be certified as an eligible.
- e.) Training and experience. This part, when required, shall be evaluated from the statements of the education and experience contained in the application form or from such supplementary data as may be required. Results of the reference checks, as provided for in the Personnel Rules and Regulations, shall be a part of the evaluation of training and experience.

(Ord. 5 of 1976, Art. VI, Sect. 68, Passed 4-19-76)

141.16 PROMOTIONAL EXAMINATIONS AND ELIGIBILITY LIST

A promotional examination may be in two parts: written and oral. Police and Fire Department promotions shall have written examinations. Any oral examination shall be within seven (7) days of the written examination. Both parts of the examination shall be weighed equally. Likewise, performance evaluation shall be considered in establishing the Eligibility List for promotions by assigning a total weighed score to the performance rating that shall not exceed 7%. Seniority shall be considered in establishing Eligibility Lists for promotion by assigning 3% of the total weighed score to seniority. After written and/or oral examinations are administered and the weighed scores added, an Eligibility List shall be established for the filling of a vacancy. (Ord. 5 of 1976, Art. VI, Sects. 69 and 69.1, Passed 4-19-76)

141.17 APPOINTMENTS

The following types of employment may be made: career, seasonal, student, emergency, provisional, part-time and limited term.

- a.) Career Employees. A career employee works on full-time and on a continuing basis. He may become a career employee only after completing his probationary period.
- b.) Seasonal Employees. These employees are appointed in the same manner and procedure as a career employee except that they will be laid off at the close of the season for which they have been appointed.

- c.) Student Appointments. Student appointments have the purpose of affording students of government and other professional areas an opportunity to gain actual work experience. Such appointments are for a definite period of time but not to exceed twelve (12) months.
- d.) Emergency Appointments. In order to prevent stoppage of public business or loss of convenience to the public, appointment of employees on a temporary basis may be authorized by the City Manager.
- e.) Provisional Appointments. When an Eligible List does not exist, a person may be appointed to a position on a provisional basis. Provisional appointments shall be valid for three month periods. A provisionally appointed employee may not serve in a provisional basis for more than one year.
- f.) Part-time Appointments. Part-time employees are employees who work less than a normal week but on a regular basis.

(Ord. 5 of 1976, Art. VII, Sect. 70, Passed 4-19-76)

141.18 PROBATION

a.) Employees appointed from entrance appointment eligible lists or from promotional eligible lists shall be subject to a period of probation. The regular period of probation shall be six months provided that the Personnel Rules and Regulations and labor agreements may specify a longer or shorter period of probation for certain designated job classes or for extensions of the probation period in individual cases. No probationary period may extend beyond twelve (12) months. (Ord. 5 of 1976, Art. VIII, Sect. 80, Passed 4-19-76)

b.) The work and conduct of probationary employees shall be subject to close scrutiny and evaluation, and, if found to be below standards satisfactory to the appointing authority, the appointing authority may remove or demote the probationer at any time during the probationary period. Such removals or demotion shall not be subject to review or appeal. (Ord. 5 of 1976, Art. VIII, Sect. 81, Passed 4-19-76)

c.) An employee shall be retained beyond the end of the probationary period and granted permanent status only if the appointing authority affirms that the services of the employee have been found to be satisfactory and recommends that the employee be given career status. (Ord. 5 of 1976, Art. VIII, Sect. 82, Passed 4-19-76)

d.) If the employee has been on a probationary status for more than twelve months and has notified the appointing authority in writing and the appointing authority has not affirmed in writing within seven (7) days of receipt thereof that that the services of the employee have been found to be satisfactory, the employee shall be considered a career employee. (Ord. 5 of 1976, Art. VIII, Sect. 83, Passed 4-19-76)

141.19 TRAINING

It will be the responsibility of the department head, under the direction of the City Manager, to foster and promote training of employees for purposes of improving the quality of personnel services rendered to the City. The City Manager and department heads shall establish standards for the training programs. (Ord. 5 of 1976, Art. IX, Sect. 90, Passed 4-19-76)

141.20 SATISFACTORY PERFORMANCE REQUIRED

The tenure of every employee shall be conditioned on good behavior and the satisfactory performance of duties. Any employee may be temporarily separated by lay-off or suspension or permanently separated by resignation or dismissal. (Ord. 5 of 1976, Art. X, Sect. 1.00, Passed 4-19-76)

141.21 SEPARATIONS

An employee may be separated from the service by resignation, quitting, lay-off, dismissal, retirement and death.

- a.) To resign in good standing, an employee must give his department head or supervisor at least fourteen (14) calendar days prior notice. Failure to comply with this rule shall be entered on the service record of the employee and shall result in denial of re-employment rights and a loss of accumulated annual leave.
- b.) An employee who fails to report to work for three consecutive work days without authorized leave shall be separated from the payroll and reported as "quitting". An employee who so quits shall not be paid for unused annual leave.
- c.) Lay-offs shall be announced by the City Manager with approval of Council when he deems it necessary by reasons of shortage of funds or work, the abolition of the position or other material changes in the duties or organization or for related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee. The duties performed by any employee laid-off may be re-assigned to other employees already working who hold positions in appropriate classes. No career employee shall be laid off while another person in a non-career position is employed in the same class. The lay-off of the employee shall be made in an inverse order, determined on the basis of service ratings and length of service in the class and in the department or other organization unit involved. Employees separated from the service through no fault of their own may be placed on a re-employment list in the order of ratings to be determined by their efficiency as demonstrated while employed by the City and the length of service with the City. The eligibility of all candidates on a re-employment list will expire two years from the date on which they become entitled to re-employment rights.
- d.) An employee may be separated for disability when he cannot perform the required duties because of a physical or mental impairment. Action may be initiated by the employee or his legal representative, or by the City, but in all cases it must be supported by medical evidence accepted by the City Manager. The City may require an examination at its expense and performed by a physician of its choice.

- e.) An employee who has exhausted all his accumulated leave may be separated by means of a lay-off or may be given a leave of absence without pay.
- f.) Dismissals are discharges or separations made for misconduct and/or incompetence or inability to perform the work of the position satisfactorily. All dismissals are made by the appointing authority. No dismissal of a career employee shall take effect until the appointing authority gives to such employee a written statement setting forth the reasons thereof and has followed the procedures as set forth in Section 141.26-.28.
- g.) An employee shall be separated from the service by retirement. Except as provided in the Retirement Ordinance, no employee shall continue in service beyond his 65th birthday except that, with the written approval of the appointing authority and/or the City Manager, an employee may be retained in his present capacity on a year-to-year basis. All employees presently employed by the City who are at age 65 or over shall be retired upon their next birthday.
- h.) When a career employee dies while in the service of the City, there shall be paid to the personal representative of the estate of the deceased or to such person as the City Manager shall deem equitably entitled to all employees accumulated annual leave and insurance benefits.

(Ord. 5 of 1976, Art. X, Sect. 101, Passed 4-19-76)

141.22 DISCIPLINARY ACTION

An employee may be disciplined for misconduct and/or incompetency and/or inability to perform the work of the position satisfactorily. Disciplinary action may take the following forms: oral warning, written reprimand, suspension, demotion, and/or dismissal; provided, however, the appointing authority may not suspend an employee for more than twenty working days. The appointing authority shall have the authority to discipline and/or dismiss employees of their respective departments and/or administrative units. (Ord. 5 of 1976, Art. XI, Sects. 110 and 111, Passed 4-19-76)

141.23 NOTIFICATION REQUIRED

An employee who is suspended for more than seven working days, demoted or dismissed, must be notified in writing of the grounds of the disciplinary action and copies of the said notice shall be filed with the City Manager and with the City Clerk. If, within five days following the service of such notice, an employee files a written request for a hearing with the City Manager, designating the hearing to be open or closed to the public, the City Manager shall schedule a time and place for a hearing to be held not less than five nor more than thirty days after the receipt of such request and shall forthwith notify the employee thereof by certified mail to the employee's last known address. The employee may be represented by an attorney at a hearing and may present witnesses and cross-examine other witnesses. (Ord. 5 of 1976, Art. XI, Sect. 112, Passed 4-19-76)

141.24 APPEALS

The City Manager may appoint a hearing officer or board of hearing officers to hear an appeal. An appointed hearing officer or hearing board shall make its report and recommendations to the City Manager. If the City Manager finds the action of the appointing authority was not for reasonable cause, the employee may be reinstated in his former position without loss of pay. The City Manager or his appointed representative shall give a written report of the findings of the hearing within fifteen (15) working days of said hearing. A copy of the report shall be filed with the City Clerk. Nothing in this section shall be construed to abridge an employee's right to appeal a decision to an appropriate legal tribunal. (Ord. 5 of 1976, Art. XI, Sects. 113-115, Passed 4-19-76)

141.25 POLITICAL ACTIVITY OF EMPLOYEES

It shall be unlawful for any official in the service of the City of Franklin to reward or to discriminate against any applicant for a position or any employee on the basis of his political affiliations or political activities. Electioneering by persons in the competitive service in any City office building or premises during working hours or while on duty or using a City-owned vehicle or equipment is hereby prohibited. No person holding a position in the competitive service shall be required by any person or organization to make any contribution to the campaign funds of any political party or any candidate for public office or shall be required to take any part in any campaign in behalf of any candidate for local or state political party or other group which sponsors candidates for election to local or state public office. (Ord. 5 of 1976, Art. XII, Sects. 120-122, Passed 4-19-76)

141.26 PROHIBITED PRACTICES

a.) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification, promotion, reduction, removal or appointment held or made under the provisions of this Ordinance, or in any manner commit or attempt any act preventing the impartial administration of this Ordinance or of the Personnel Rules and Regulations adopted pursuant to this Ordinance. (Ord. 5 of 1976, Art. XIII, Sect. 130, Passed 4-19-76)

b.) No person shall either directly or indirectly pay, render, or give any money, service, or other valuable thing to any person for an account of or in connection with any test, appointment, promotion, reduction or removal in which he is concerned. (Ord. 5 of 1976, Art. XIII, Sect. 131, Passed 4-19-76)

c.) No officer or employee of the City of Franklin shall knowingly defeat, deceive, or obstruct any person in his right to examination, eligibility, certification or appointment under this ordinance, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the competitive service. (Ord. 5 of 1976, Art. XIII, Sect. 132, Passed 4-19-76)

141.99 PENALTIES

Any person who violates any provisions of this Ordinance and is found to be guilty shall be fined not less than Twenty-five (25) Dollars nor more than Three Hundred (\$300.00) Dollars for each offense. Disciplinary proceedings may be initiated against any person employed by the City who is convicted under this section. (Ord. 5 of 1976, Art. XIV, Sects. 140 and 141, Passed 4-19-76)