

January 15, 1998

Dear Municipal Official:

Every municipality in Tennessee is required by Public Chapter 428 to adopt a personnel policy by July 1, 1998. Here is a model personnel policy resolution for your governing body to consider if your municipality does not already have a personnel policy. This resolution meets the requirements of this law.

Public Chapter 428 prohibits municipalities who do not already have personnel policies from adopting a policy granting property rights. This resolution is written strictly to provide an at-will personnel policy. If your municipality's charter provides for property rights (for example, requiring that employees may be terminated only "for cause" or "for good cause" or providing for termination hearings or appeals) or, if you are uncertain whether your charter does or does not provide for property rights, contact your MTAS consultant for assistance.

The attached model personnel policy is basically a sample for you to adapt to your municipality's personnel policy needs. We suggest you use the instruction sheet and check through each item and make sure you complete all of the blanks in the sample resolution. If you wish to modify, add, or delete wording of certain elements of the policy resolution, such as using days instead of hours for vacation leave, etc., please contact your MTAS consultant for assistance.

If you have any questions or need additional assistance, please call _____, Thank you.

Sincerely,

- E. **MILITARY LEAVE / VETERANS' RE-EMPLOYMENT**- All employees who are members of reserve components of the armed forces, including the National Guard, are entitled to leave while engaged in "duty or training in the service of this state, or of the United States, under competent orders," and they must be given such leave with pay not exceeding 15 working days in any one calendar year (T.C.A. 8-33-109). Also, any employee of the municipality who leaves his / her job, voluntarily or involuntarily, to enter active duty in the armed forces may return to the job in accordance with Veterans' Re-employment Rights (38 U.S.C. §202-2016) and the Tennessee Military Leave Act (T.C.A. 8-33-101 et seq.).
- F. **RESIDENCE REQUIREMENTS** - No person "currently employed" by the municipality can be dismissed or penalized "solely on the basis of non-residence" (T.C.A. 8-50-107).
- G. **EMPLOYEE RIGHT TO CONTACT ELECTED OFFICIALS** - No employee shall be disciplined or discriminated against for communicating with an elected official. However an employee may be reprimanded for making untrue allegations concerning any job-related matter (T.C.A. 8-50-601--604).
- H. **CIVIL LEAVE** - Civil leave with pay shall be granted to employees for the following reasons:
1. Jury duty (T.C.A. 22-4-108)
 2. To answer a subpoena to testify for the municipality.
- I. **POLITICAL ACTIVITY** - Employees have the same rights as other citizens to be a candidate for state or local political office (except for membership on the municipal governing body) and to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. No employee may campaign on municipal time or in municipal uniform nor use municipal equipment or supplies in any campaign or election (T.C.A. 7-51-1501).
- J. **TRAVEL POLICY** - All employees, including elected and appointed officials, are required to comply with the municipality's travel policy, ordinance number _____, as required by T.C.A. 6-54-901.

SECTION 7 - MISCELLANEOUS PERSONNEL POLICIES

- A. **OUTSIDE EMPLOYMENT** - No full-time employee of the municipality may accept any outside employment without written authorization from the Board of Commissioners.