

METROPOLITAN PLANNING COMMISSION



employee handbook

METROPOLITAN PLANNING COMMISSION

KNOXVILLE • KNOX COUNTY

M P C

**METROPOLITAN
P L A N N I N G
C O M M I S S I O N**

T E N N E S S E E

**Metropolitan Planning
Commission**

**A GUIDE TO
PERSONNEL POLICIES
AND
EMPLOYEE BENEFITS**

December 12, 2013

Table of Contents

Introduction

Introduction	1
Purpose.....	1
About MPC.....	2
MPC Mission and Principles	3
MPC Organizational Chart	4

State and Federal Policies

Equal Employment Policy	5
Equal Employment Opportunity Grievance Procedures.....	5
Workplace Harassment.....	6
Disability and Accommodation	8
Title VI of the Civil Rights Act of 1964.....	9
Employee Medical Information.....	9

Employment Classification and Compensation

Employment at-Will.....	10
Employment Categories.....	10
Job Discriptions	11
Compensation Plan	11
Merit-Based Pay.....	11
Market-Based Adjustment Pay	11
Performance Bonus Pay.....	11
Pay Periods.....	12
Promotions and Transfers	12
Performance Appraisals.....	13

General Personnel Policies

Payroll Administration and Paychecks	14
Personnel Data Changes	14
Personnel Files and Release of Information Procedure	14
Public Records	15
Attendance	15
Work Hours.....	15
Time Records.....	16
Rest Periods	16
Lunch Periods	17
Use of Vehicles.....	17
Business Travel Expenses.....	17
Inclement Weather.....	18

Employee Conduct

Ethical Conduct.....	19
Conflict of Interest.....	19
Political Activity.....	19
Canvassing or Solicitation.....	19
Property Ownership.....	20
Outside Employment.....	20
Nepotism.....	20
MPC Equipment.....	21
Gifts and Contributions.....	21
Safety.....	21
Workplace Violence.....	22
Garnishments and Levies.....	22
Alcohol and Drugs – Drug Free Workplace Policy.....	23
Tobacco Use.....	23
Computer Use, E-Mail, Internet, and Voice-Mail Usage.....	24
Social Media.....	24
Discipline Procedure.....	26
Suspensions.....	26
Demotions.....	26
Work Rules.....	27
Resignations.....	28
Reduction in Force.....	28
Employee Grievances and Complaints.....	28

Leave Policies

Holidays.....	30
Annual Leave Eligibility and Accrual.....	31
Annual Leave Scheduling and Approval.....	33
Sick Leave Eligibility and Accrual.....	33
Sick Leave Notification and Approval.....	34
Sick Leave for Employee Illness or Injury.....	34
Sick Leave for Family Illness or Injury.....	34
Sick Leave for Medical Appointments.....	35
Sick Leave Accounting.....	35
Payment to Eligible Employees for Unused Accrued Sick Leave.....	36
Bereavement Leave / Funeral Leave.....	36
Personal Leave.....	37
Family Medical Leave Act (FMLA).....	38
Employee Medical Leave.....	38
Military Leave.....	39
Jury Duty Leave.....	40
Voting Leave / Elections.....	40
Volunteer Activity Leave.....	41

Educational Leave.....	41
Educational Reimbursement Program	42
Professional Conferences/Seminars.....	43
Professional Dues/Exams.....	43

Employee Benefits

Types of Benefits Offered.....	44
Benefit Premiums/Payroll Deductions.....	44
Health Insurance Administration	45
Health Insurance Eligibility	45
Health Insurance Effective and Termination Dates	45
Health Insurance Coverage.....	45
Dental and Vision Insurance Coverage.....	46
Identification Cards.....	46
Annual Enrollment/Transfer Period.....	46
COBRA.....	46
Employee Assistance Program	46
Flexible Spending Accounts	47
Workers' Compensation Insurance.....	47
Retirement Benefits Administration	47
Mandatory 401(a) Asset Accumulation Plan.....	47
Voluntary 457(b) Asset Accumulation Plan.....	48
Medical Expense Retirement Plan	48
Life Insurance	48
Disability Benefits	48

Appendices

Appendix A.....	49
Appendix C.....	57
Appendix D.....	59
Revision History	69

Acknowledgement Form

Acknowledgement Form	70
----------------------------	----

Introduction

We believe that each employee contributes directly to MPC's success, and we hope you will take pride in being a member of our team.

This employee handbook was developed to describe some of the agency's expectations of eligible employees. This Handbook is designed to provide general information to employees about the policies and expectations related to their employment. No provision of this Handbook shall be construed as an employment agreement or legal contract, express or implied. Your employment is at-will and can be terminated at any time, with or without cause, either by the employee concerned or by the Commission. No manager, supervisor, or employee of the Commission has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment other than at-will. Only the Executive Director has the authority to make such agreements, and then only in writing.

Employees should familiarize themselves with the contents of this handbook as soon as possible, for it will answer many questions about employment with MPC. If you have any questions please contact your Division Manager or the Executive Director.

Purpose

The purpose of this handbook is to establish and provide normal, orderly, and uniform policies and procedures for employees in their service to the Metropolitan Planning Commission ("MPC" or "the Commission"). These policies and procedures have been adopted by the Metropolitan Planning Commission. The MPC Executive Director, with input from the MPC Staff and review by the MPC Executive Committee in a timely fashion, reserves the right in his/her sole discretion to change, revise, or eliminate any of the policies and/or benefits described in this handbook. These policies shall apply to all employees of MPC without regard to race, color, religion, national origin, age, sex, sexual orientation, genetic information, disability, military affiliation or obligation, or political affiliation. All employment at MPC is at-will, and this handbook does not create a contract between MPC and its employees.

About MPC

The Knoxville – Knox County Metropolitan Planning Commission (MPC) was established in 1956 as a joint city-county agency responsible for comprehensive county-wide planning and administration of zoning and subdivision regulations. Title 13 of the Tennessee Code authorizes regional planning commissions to regulate land use and conduct other planning activities. As a regional planning commission, MPC is charged with the responsibility to prepare and adopt a general plan, made operative by the respective legislative bodies, create and apply subdivision regulations, prepare and recommend changes to zoning ordinances and maps, review proposed capital improvement programs and promote coordination between governmental agencies.

Funding for MPC activities come from a variety of sources, with most funds now coming from state and federal grants and contracts. Local sources include development application fees and budget allocations from the City of Knoxville and Knox County.

MPC supports a number of city and county boards and commissions, with principal support of the 15 member planning commission consisting of eight representatives nominated by the county mayor and seven nominated by the city mayor. All nominees are formally approved by the Local Government Planning Committee of the State of Tennessee. MPC staff also supports the Knoxville Regional Transportation Planning Organization the serves Knox County and the urbanized portions of Anderson, Blount, Loudon and Sevier counties. In addition, the agency supports the City and County Historic Zoning Commissions, the Tennessee Technology Corridor Development Authority and a number of review boards and committees associated with the City of Knoxville zoning ordinance.

Mission and Principles

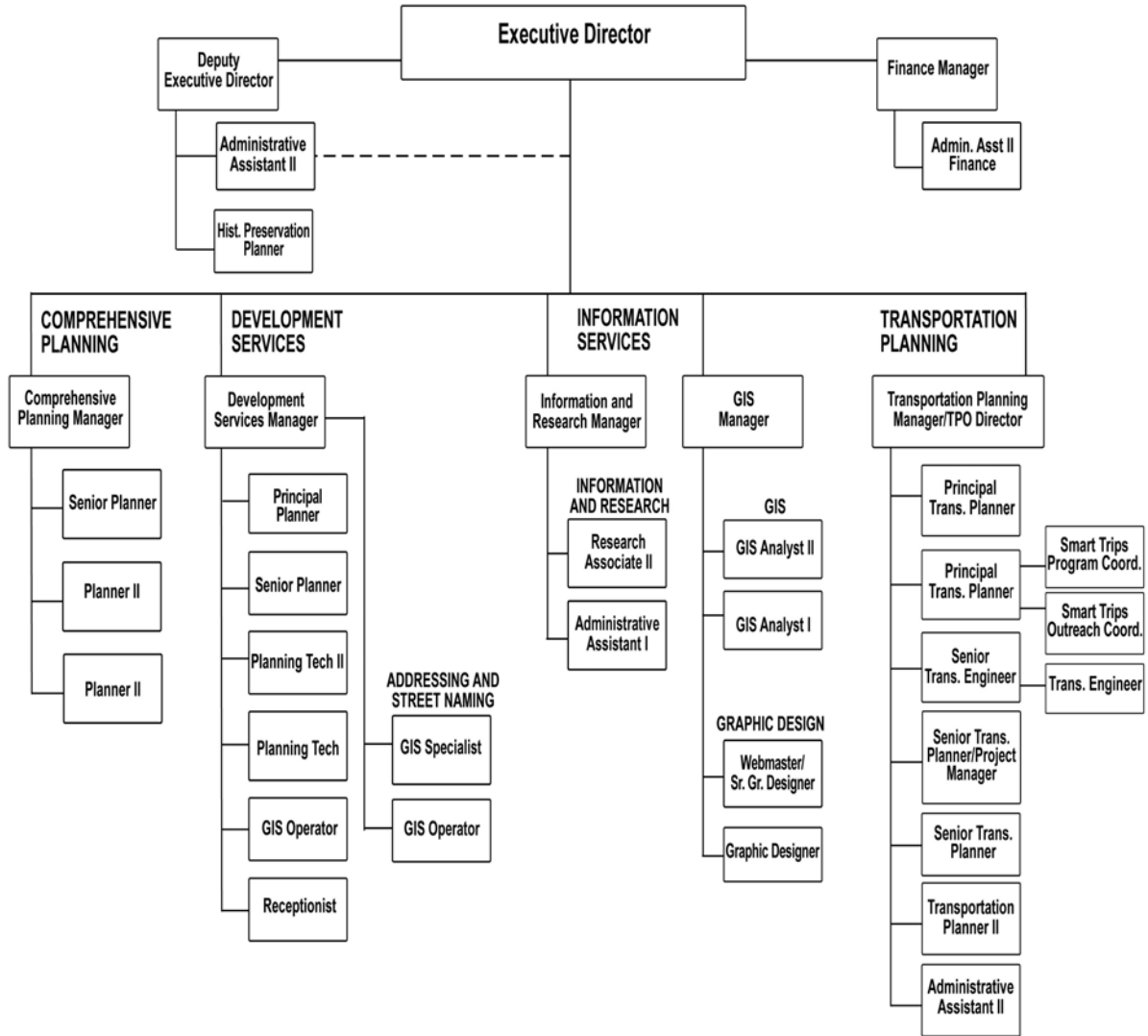
MPC promotes quality growth through comprehensive planning and land development management, provides competent, objective advice to elected and appointed officials, involves the public in the planning process and serves as an information source for the community.

MPC's guiding principles are:

1. *Continuous Improvement.* MPC constantly strives to make big and small improvements in the quality, timeliness, cost effectiveness and relevance of our work.
2. *Customer Service.* MPC is committed to providing services that are valued by our customers. Our customers are citizens, elected officials, and businesses of Knoxville and Knox County. We want our customers to feel that they are treated with courtesy and respect, and that our services exceed their expectations.
3. *Professional Ethics and Responsibility.* We will be objective and impartial in our recommendations, and follow the Code of Ethics of the American Planning Association and the American Institute of Certified Planners.
4. *Profession Development.* We will meet high standards of technical proficiency. MPC's management team is responsible to make learning and training opportunities available to all staff members. All staff members are responsible for learning the new skills necessary to continuously improve performance of the agency.
5. *Communication.* We will produce plans and reports that are understandable to their target audience. We will continually look for more effective ways to involve the public in planning.
6. *Excellence.* Our plans, recommendations, and services will be excellent in both form and substance. They will be delivered on time and under budget. We will make each project better than the last.



Metropolitan Planning Commission Organization Chart



January 2014

State and Federal Policies

Equal Employment Policy

The Metropolitan Planning Commission maintains an equal employment opportunity policy and does not discriminate in hiring practices or any other terms and conditions of employment. All applicants and employees receive equal employment opportunities and all personnel decisions, actions, and conditions affecting employees, including, but not limited to hiring, assignment, transfer, promotion, retention, and compensation, will be governed by the principles of equal opportunity.

All employment decisions including, but not limited to recruitment, examination, appointment, training, promotion, retention, or discipline will be made without regard to race, color, religion, national origin, sex, sexual orientation, age, disability, genetic information, military affiliation or obligation or any other protected category.

The MPC Executive Director is designated as the Equal Employment Opportunity (EEO) Officer for MPC. The EEO Officer has overall responsibility for the implementation and monitoring of MPC's Equal Employment Policy, as well as authority over the internal procedures employees use to address EEO and harassment concerns.

Equal Employment Opportunity Grievance Procedures

It is the policy of the Metropolitan Planning Commission to establish a procedure for employees to follow in order to bring grievances of discrimination to the attention of management.

Procedure:

1. If there is a question or complaint regarding employment decisions or practices that you are unable to resolve with your immediate Division Manager, you are encouraged to make that question or complaint known to the MPC Executive Director. You will be asked to state in writing the nature and detail of the complaint. Any employee filing a complaint will not be subject to retaliation.
2. The Executive Director will investigate the complaint with the Division Manager and any other person with knowledge of the situation.
3. You will be advised in writing of the results of the investigation and the Executive Director's decision regarding the complaint.
4. A record of the complaint and findings will become a part of the complaint investigation record, and the file will be maintained separately from your personnel file.
5. If you do not agree with the decision of the Executive Director, you have the right to appeal the decision to the chair of the MPC for review by the Executive Committee. For instructions on the appeal process, see the Employee Grievance and Complaints section in this handbook.

Workplace Harassment

It is the policy of MPC that all employees have a right to work in an environment free from discriminatory harassment based on sex, gender, race, age, national origin, religion, genetic information, disability, military affiliation or obligation, veteran status, or any other protected discriminatory factor. MPC prohibits any form of harassment of its employees by other employees and will take immediate and appropriate action to prevent and to correct behavior that violates that policy. MPC also strives to protect its employees from any form of harassment by third parties, including patients and vendors.

Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. This conduct constitutes unlawful sexual harassment when: (1) submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment; (2) submission to or rejection of such conduct is used as the basis for an employment decision; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

While sexual harassment usually involves members of the opposite sex, it also includes "same sex harassment," (i.e., males harassing males and females harassing females because of the recipient's sex).

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with our work effectiveness. Sexual harassment may take different forms. One specific form is the demand for sexual favors. Other forms of harassment include:

Verbal: Sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, threats.

Non Verbal: Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures.

Physical: Unwanted physical conduct, including touching, pinching, brushing the body, coerced sexual intercourse, assault.

Sexual harassment may be overt or subtle. Some behavior which is appropriate in a social setting may not be appropriate in the workplace. But whatever form it takes, verbal, non-verbal or physical, sexual harassment can be insulting and demeaning to the recipient and cannot be tolerated in the workplace. Sexual harassment by an employee, manager, supervisor, or third-party non-employee will not be tolerated by MPC. All employees, managers and non-supervisors will be expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy against sexual harassment. Based on the seriousness of the offense, disciplinary action, up to and including termination, will be taken against any employee who violates this policy.

In furtherance of this policy, MPC prohibits managers and supervisors from dating or otherwise having a romantic or sexual involvement with any subordinate employee. Such relationships can be disruptive to the work environment, create a conflict or the appearance of a conflict of

interest, and lead to charges of favoritism, discrimination, and claims of indirect sexual harassment. While the Commission has no desire to interfere with the private lives of its employees, or their off-duty conduct, where such conduct impacts upon the work environment in a negative manner, such as noted above, MPC reserves the right to take whatever action is appropriate, in its discretion, to protect its interests. Violation of this policy can lead to disciplinary action up to and including termination for both employees involved.

Other Workplace Harassment

MPC also has a strong policy against harassment on the basis of race, color, age, religion, national origin, genetic information, disability, military affiliation or obligation, veteran status, or any other protected category. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, national origin, age, genetic information, disability, military affiliation or obligation, veteran status, or any other protected category, or that of his or her relatives, friends, or associates, and that:

- (1) has the purpose or effect of creating an intimidating, hostile or offensive working environment;
- (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or
- (3) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to, the following:

- (1) epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, color, religion, national origin, age, genetic information, disability, military affiliation or obligation, veteran status, or any other protected category; and
- (2) written or graphic material that denigrates or shows aversion or hostility toward an individual or group because of race, color, religion, national origin, age, genetic information, disability, military affiliation or obligation, veteran status, or any other protected category, and that is placed on walls, bulletin boards or elsewhere on the Company's premises or circulated in the workplace.

All employees should avoid any action or conduct that might be viewed as workplace harassment. Approval of, participation in or acquiescence in conduct constituting workplace harassment will be considered a violation of this policy. If MPC determines that workplace harassment has occurred on the basis of race, color, religion, national origin, age, genetic information, disability, military affiliation or obligation, veteran status, or any other protected category, corrective action will be taken. Depending upon the circumstances, this corrective action may include, but would not be limited to, verbal or written warning, suspension, demotion, or termination.

Complaint Procedure

Employees have the responsibility to *immediately* bring any form of unwelcome harassment to the attention of the Executive Director, or to the employee's Division Manager, at the option of the employee. If the complaint is regarding conduct of the Executive Director, employees should direct the complaint to the chair of MPC for review by the Executive Committee. Although employees are free to address inappropriate conduct with the offending person, an employee does not have to complain first to the offending person.

All complaints will be handled in a timely and confidential manner. A thorough and independent investigation will be conducted based on the employee's statement of what has occurred. Individuals involved in the complaint will be advised not to discuss the subject outside of the

investigation. MPC will retain confidential documentation of all allegations and investigations and will take appropriate corrective action to remedy all violations of this policy. The purpose of this provision is to protect the confidentiality of the employee who files a complaint to the extent possible, to encourage the reporting of any incidents of sexual or other harassment and to protect the reputation of any employee wrongfully charged with sexual harassment.

Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. Employees will be given an impartial and fair hearing. All employees shall be protected from coercion, intimidation, retaliation, interference, or discrimination for filing a complaint or assisting in an investigation.

If an investigation reveals that the complaint is valid, prompt attention and disciplinary action designed to stop the harassment immediately and to prevent its recurrence will be taken.

Retaliation against any complaining employee, any witness, or anyone involved in a complaint is strictly prohibited. MPC will follow up any complaint or investigation as appropriate to ensure that no retaliation occurs. Employees should *immediately* report any retaliation to one of MPC officials (Executive Director or the employee's Division Manager; or if the complaint is about the Executive Director, to the chair of MPC for review by the Executive Committee) listed above at the option of the employee. MPC will not tolerate retaliation and will take prompt and immediate steps to eliminate retaliation.

MPC recognizes that the question of whether a particular action or incident produces a discriminatory employment effect requires a factual determination based on all facts in the matter. Given the nature of this type of discrimination, MPC also recognizes that false accusations of harassment can have serious effects on innocent individuals. We trust that all employees of MPC will continue to act responsibly to establish and maintain a pleasant working environment, free from discrimination, for all. MPC *encourages* any employee to raise questions he or she may have regarding harassment with the Executive Director, the employee's Division Manager; or if the question involves conduct or complaint about the Executive Director, to the chair of MPC for review by the Executive Committee.



If you believe you are the victim of harassment, you must report or complain as soon as possible to your Division Manager or to the MPC Executive Director. If, however, the complaint concerns conduct by the Executive Director, you must complain directly to the MPC Executive Committee.

Disability and Accommodation


The Metropolitan Planning Commission complies with the Americans with Disabilities Act of 1990, as amended (ADA) and other applicable laws, which prohibit discrimination against qualified job applicants and employees with respect to any terms, privileges, or conditions of employment because of a disability.

We invite you to ask for a reasonable accommodation in the workplace for any disability covered by the ADA if necessary in order to safely perform the essential functions of your job. If you need a reasonable accommodation for any disability to perform an essential job function, please ask. We may not realize an accommodation is needed unless it is requested.

MPC will make every attempt to provide reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including, but not limited to, selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Inquiries concerning the ADA and requests for reasonable accommodations should be directed either verbally or in written form to your Division Manager or the Executive Director. Problems will be handled in accordance with the grievance procedure adopted in Appendix C of this handbook.

Federal and state law prohibits retaliation against an employee who requests a reasonable accommodation, and the Commission will not tolerate any retaliation against such employee.



If you have a disability and need an accommodation to perform the essential functions of your job, you should make the request to your Division Manager or the MPC Executive Director verbally or in a written note or memo.

Title VI of the Civil Rights Act of 1964

MPC complies with Title VI of the Civil Rights Act of 1964, related statutes, and regulations to the end that no person shall be excluded from participation in or be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance on the grounds of race, color, sex, national origin, or any other protected category. Any complaints should be reported to the Executive Director, or to your Division Manager.

Employee Medical Information

Any medical information of MPC employees, including any record of disability, will be kept confidential in accordance with the ADA.

Classification and Compensation

Employment at-Will

The Metropolitan Planning Commission is an at-will employer and as such there is no specific length or guarantee of continued employment. MPC may terminate your employment at-will, without cause or prior notice, at any time, and you have the same right. None of the MPC policies may be construed to create a contract of employment or any other legal obligation, expressed or implied, and any policy may be amended, revised, supplemented, rescinded or otherwise altered, in whole or in part, at any time, at the sole and absolute discretion of MPC.

Employment Categories

MPC has defined employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at any time is retained by both the employee and MPC.

Each employee classification is designated as either NONEXEMPT or EXEMPT from the Fair Labor Standards Act (FLSA). NONEXEMPT employee classifications are entitled to overtime pay (or as discussed later, compensatory time in lieu of overtime pay) under the specific provisions of the FLSA. EXEMPT employee classifications are not entitled to overtime pay under the FLSA.

In addition to the above categories, each employee will belong to one other employment category:

REGULAR FULL-TIME employees are those who are not in a contract or introductory status and who are regularly scheduled to work MPC's full-time schedule. Generally, they are eligible for MPC's benefit package, subject to the terms, conditions, and limitations of each benefit program.

REGULAR PART-TIME employees are those who are not assigned to a contract or introductory status and who are regularly scheduled to work less than the full-time work schedule, but at least 18.5 hours per week. Regular part-time employees are eligible for benefits sponsored by MPC, subject to the terms, conditions, and limitations of each benefit program. Annual and sick leave accrue based on the paid hours per pay period. This is calculated according to the years of service and the hours paid per month.

INTRODUCTORY employees are those whose performance is being evaluated to determine whether further employment in a specific position or with MPC is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification. The usual introductory period is six months. The introductory period can be extended for a specified period, after which time the employee shall be assigned to either a regular full-time or regular part-time status or not offered employment. Introductory employees may be eligible for benefits sponsored by MPC, subject to the terms, conditions, and limitations of each benefit program. Both during and after completion of the introductory period, employment with the Commission is at-will and can be terminated by either the employee or the Commission, with or without cause or advance notice.

CONTRACT employees are those who routinely work either a full-time or a part-time schedule pursuant to a written employment and/or service contract. MPC offers this category in limited classifications and to limited numbers of employees. Individuals participating in this program must sign waivers of their rights to participate in the benefit programs applicable to regular employees.

Service in this category cannot be credited in any way toward any benefit program, even if the employee is later assigned to a benefit-eligible category.

Job Descriptions

All job descriptions are based on an analysis of the duties and responsibilities of each position and include minimum requirements of education, training, experience, skills, knowledge, and abilities necessary for the job. MPC shall maintain its own job classifications. Any changes to MPC's job descriptions shall be approved by the Executive Director after review by the MPC Human Resources Committee, as designated by the Executive Director. When you begin a new position, you should receive a copy of your job description.

Compensation Plan

The compensation plan intends to provide equal compensation for work of equivalent responsibility, pay according to work performance and/or outstanding service, and establish pay rates which are comparable with those of regional governmental employers, and private employers with similar positions. The pay rates for each position may include any or all of the following factors: client or customer service, experience, knowledge, training, duty, complexity, leadership, effect of errors, communication, problem solving, job demands, potential work hazards, stewardship/responsibility, and education. Job classifications and compensation will be placed within a salary range guideline, which may be updated periodically to provide a framework for evaluating MPC job classifications and salaries in relation to each other and to the market.

Merit-Based Pay

Merit-based pay adjustments may be awarded in an effort to recognize superior performance. The decision to award such adjustments is dependent upon numerous factors, including the information documented by the affected employee's formal performance appraisal process and budget limitations.

Market-Based Adjustment Pay

At the discretion of the Executive Director, MPC may from time-to-time undertake a salary survey to guide MPC salaries with respect to the market of comparable cities and regions, as well as comparable jobs within the private sector. The Executive Director may use any salary survey information, or any other information, as a basis for awarding market-based adjustments to any employee's pay. Market-based adjustment pay may be used in combination with merit-based pay to bring an employee's pay into range with the data provided.

Performance Bonus Pay

At the discretion of the Executive Director, a one-time bonus may be awarded in lieu of a merit increase to recognize superior performance. If you receive a bonus, you will remain at the same rate of pay. The criteria for awarding a bonus are the same as the criteria for approving a merit-based increase as described below. If you receive a bonus you shall not be granted a merit increase or another bonus during the next 12 months, although you will remain eligible for

pay increases resulting from a promotion to a new job description. The bonus pay may be awarded as a lump sum payment or may be spread over 26 pay periods.

Pay Periods

You are paid on a bi-weekly basis. Payroll checks are available every other Friday. Some pay dates may occur earlier due to holidays.

Flexible and Compensatory Time

NON-EXEMPT EMPLOYEES who are required to work in excess of 37.5 hours per week will be granted flexible time off at a rate of one hour for each hour worked between 37.5 and 40 hours per week and compensatory time off at a rate of one and one-half hours for each hour worked over 40 hours. It is a condition of employment for non-exempt employees to receive compensatory time off in lieu of overtime pay.

Compensatory time should be taken within the pay period when accrued, with the approval of the Division Manager. In no case shall compensatory time be taken beyond the first full pay period following the pay period in which it is accrued.

EXEMPT EMPLOYEES are expected to work whatever hours are necessary to accomplish the goals and deliverables of their exempt positions. Thus, exempt employees have more flexibility in their schedules to come and go, as necessary, to accomplish work than non-exempt or hourly employees.

Overtime

In extraordinary circumstances, payment of overtime may be made to non-exempt employees in lieu of compensatory time. Such payments shall be at the rate of one and one-half times the employee's hourly rate for hours worked over 40 in a workweek. Authorization for overtime work for which payment is to be made must be obtained in advance from the Executive Director.

Promotions and Transfers

MPC continually strives to promote employees and fill job vacancies on an equal opportunity basis. Promotions are based on an objective evaluation of each vacancy and the candidates involved. Vacancies will be advertised and, when possible, MPC will promote from within and will first consider employees with the necessary qualifications and skills, unless outside recruitment is deemed to be in the best interest of MPC. You may also be promoted without necessarily having to fill a vacancy. MPC's promotion policy will be determined by the Executive Director.

You may request a voluntary job transfer to another MPC position by applying for a posted open position. However, to be eligible for a voluntary transfer, you must be able to meet the requirements of the new position, must have satisfactory performance, and must have had no adverse disciplinary actions during the previous six-month period. At all times, MPC's objective will be to place the most qualified person in each position, with no preference to current employees or outside applicants.

Performance Appraisals

If you are an introductory employee, your Division Manager will provide you an evaluation during the six-month introductory period. After the introductory period, you are evaluated annually. Promotions or changes in job responsibilities will not result in a new introductory period, though your performance in the new position will be evaluated by the Division Manager during annual review and at other appropriate times.

Division managers and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day-basis. The performance appraisal is a systematic method of appraising and strengthening your performance. Your Division Manager makes a rated evaluation based on factors such as job knowledge, job duties, leadership, promotion of accuracy, safety, communication, problem solving, and stewardship and responsibility. He or she reviews your job description for any necessary changes and gives you feedback about your performance. Together you may develop goals to improve your job skills and enhance your performance.

MPC's performance appraisal system will be determined by the Executive Director.

General Personnel Policies

Payroll Administration and Paychecks

At this time MPC has elected to handle its payroll administration through Knox County and the Knox County Finance payroll department is its payroll administrator.

The payroll and various payroll withholding records are maintained by the payroll administrator and the MPC finance office. It is important that you promptly report any change affecting payroll, taxes, or withholdings to the payroll administrator and MPC finance office.

It is the policy of MPC to deduct from an employee's paycheck only those amounts that are required by law or authorized by the employee. If you believe that an improper or unauthorized deduction has been made from your paycheck, it is your duty to report your complaint to the Executive Director. If, upon investigation, the deduction was improper, you will be reimbursed for the deduction and MPC will make the appropriate change to its payroll system. It is the Commission's policy that no adverse action (i.e. retaliation) will be taken against any employee who takes advantage of this complaint procedure.

Personnel Data Changes

It is the responsibility of each employee to promptly notify MPC of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times. If any personnel data has changed, the employee should notify the MPC Executive Director or Finance Manager to assure that payroll, insurance and other personnel records are kept up to date.

If you experience a change in personal information, contact information, or family status, you should report these changes to the payroll administrator and the MPC finance office.

Personnel Files and Release of Information Procedure

To provide a procedure for all employees to review personnel files and to provide for guidelines for releasing information from personnel files, MPC provides the following procedures.

Review of Your Personnel File. Employees may review their own personnel file. Requests may be made to the Executive Director, Finance Manager, or a designated representative of the Finance Manager during normal business hours. Any copies requested by the employee may be charged reasonable copying fees.

Other Access or Disclosure Information. Information in the personnel record, including salary information, will be given to prospective employers, lending institutions and other persons or entities seeking information for employment, credit, or other business purposes with a written request from the employee. Please be aware that under the laws of the State of Tennessee,

personnel records are considered public records and may be inspected and copied by any citizen of the State during normal work hours. Portions of files that are confidential will be redacted from public inspection, including, but not limited to, home telephone and personal cell phone numbers, bank account information, social security number, home address, and other personal items of information. MPC requires that the request for inspection or copying any personnel file must be directed to the Executive Director. Tennessee residents will be required to make an appointment, and show identification verifying State residency. The employee whose file is to be viewed will be contacted and, if available, may be present when the file is reviewed. A representative of MPC will be present at all times when any personnel file is reviewed.

Management Access. The individuals in an employee's direct chain of command may be given access to an employee's personnel records without notification to the employee.

Public Records

All state, county and municipal records shall at all times, during business hours, be open for personal inspection by any citizen of Tennessee. Those in charge of such records shall not refuse such right of inspection to any such citizen, unless otherwise provided by law or regulations made pursuant thereto. Any official who shall violate the provisions of Acts of 1957, ch. 285 shall be deemed guilty of a misdemeanor.

In all cases where any person has the right to inspect any public records, such person shall have the right to make copies thereof, and to make photographs of the same while such records are in the possession, custody and control of the lawful custodian thereof, or authorized deputy; provided, however, the lawful custodian of such records shall have the right to adopt and enforce reasonable rules governing the making of such copies, or photographs. (Acts 1957, ch. 285, 1,3,4.)

Attendance

You are an important member of the Metropolitan Planning Commission staff. We are committed to providing the highest level of government services and functions to better serve the community. In order to accomplish this, your prompt and regular attendance is required.

In case of an illness or injury that would prevent you from reporting to work at the scheduled time, you are required to telephone and speak directly with your Division Manager, immediate supervisor, or designee at least 30 minutes before the start of your normal work hours absent extenuating circumstances. If none of these persons is available, you are required to leave a voice-mail or e-mail message with the Division Manager and the receptionist.

Failure to provide notification of absence for three (3) consecutive workdays may result in your removal from the payroll as having resigned without notice. If you resign under such circumstances you are not eligible for rehire.

Work Hours

The normal work week consists of thirty seven and a half (37.5) hours. The normal work day consists of seven and a half (7.5) hours. Core business hours are from 8:00 am to 4:30 pm.



You will be subject to immediate dismissal if you willfully falsify your time record. The same consequence applies if you falsify, or interfere with, the time record of any other employee.

Some jobs may allow alternative hours of work. The scheduling of regular meetings or special events may require work outside the core business hours. Some specific tasks may be completed from home or other remote sites. Alternative time schedules and work from a remote site may be allowed with the approval of the Executive Director, upon recommendation from your Division Manager. Alternative time schedules are those that have daily variances to hours worked but maintain a regular daily pattern and total number of hours within the pay period.

Employees are encouraged to avoid excessive work hours by managing their time with the current pay period through flexible time schedules. This may be approved by your Division Manager.

You may not voluntarily begin work early, or work after hours, to extend your workday for the purpose of accumulating compensatory time. Prior approval from the immediate Division Manager is required for any adjustment to the work schedule, including, but not limited to, overtime work.

Time Records

It is a violation of MPC's policy for any employee to falsify time records, or to alter another employee's time records. It is also a serious violation of MPC's policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or alter another employee's timecard to under- or over-report hours worked. If any manager or employee instructs you to (1) incorrectly or falsely under- or over-report your hours worked, (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, or (3) conceal any falsification of time records or to violate this policy, do not do so. Instead, report it immediately to the Executive Director or your Division Manager. It is MPC's policy that no adverse action (i.e. retaliation) will be taken against any employee who takes advantage of this reporting procedure.

MPC makes every effort to ensure its employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to MPC's attention, it promptly will make any correction that is necessary. It is the responsibility of the employee to verify that the hours recorded in the computer system are a true and correct representation of the hours actually worked by the employee. If you feel that the hours recorded in the computer system are different than the hours you actually worked, it is your responsibility to bring this to the immediate attention of the Executive Director or your Division Manager.

Rest Periods

Each work day, you may be provided with two rest periods of 15 minutes in length provided work demands allow for such breaks. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, you must not be absent from your work station beyond your allotted rest period time; however, you are encouraged to leave your work station during rest periods in order to obtain the full benefit.

Lunch Periods

Lunch period is time set aside for eating. The time is not considered part of the basic workday and no pay is earned during this period. The duration and time allowed for lunch shall be approved by your Division Manager. Your lunch period may have to change from time to time in accordance with agency or division scheduling needs.

Normally, a workday may not be shortened by “working through” or reducing the lunch period on a voluntary basis. Eliminating or reducing your lunch period for the purpose of reducing the length of a work day requires prior approval from your immediate Division Manager. Such approvals must be limited and will typically be for one day due to unusual or special circumstances, unless a shorter period is approved as part of a flexible schedule. Working through the lunch period is not to be used as an on-going solution for scheduling issues.



If you need to make a one-time adjustment to your work schedule, you may ask your immediate Division Manager, in advance, for permission to reduce or eliminate your lunch period on the day in question. This may not be used on an on-going basis.

Use of Vehicles

MPC has and provides vehicles for MPC business only. Such vehicles shall not be used for any personal uses at any time. When using MPC vehicles, you are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. No vehicle should be returned to the garage with less than 1/4 of a tank of gas.

You shall notify the Executive Director and the Finance Manager if any vehicle appears to be damaged, defective, or in need of repair. In the event of an accident or charge of traffic violation during the use of an MPC vehicle, the Executive Director shall be informed of the same by the employee as soon as is reasonable possible. MPC provides automobile liability, comprehensive and collision insurance coverage for the vehicles being used in an official capacity by an employee.

The improper, careless, negligent, destructive, or unsafe use or operation of vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

MPC will not ordinarily pay auto allowances. You will be expected to use MPC vehicles for travel if required by work. If no MPC vehicle is available, your vehicle may be used and you shall be reimbursed at the rate established each year by the U.S. Internal Revenue Service.

Business Travel Expenses

MPC will reimburse you for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the employee's Division Manager, the Finance Manager, and the Executive Director. The proper

travel request form must be completed. If your travel plans have been approved, you are responsible for making your own travel arrangements.

When approved, the actual reasonable costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by MPC. Reimbursement will be limited to the maximum allowable in the MPC Travel Policy. When travel is completed, you must submit completed travel expense reports within 30 days for reimbursement. Reports should be accompanied by the appropriate receipts for all reimbursements.

You should contact your Division Manager or the Finance Manager for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues. Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by you, can be grounds for disciplinary action, up to and including termination of employment.

Inclement Weather

Inclement weather usually does not warrant closing of MPC offices. The MPC Executive Director and Division Managers will monitor weather-related closing information and the MPC staff will have a notification process about such closures. If you have any question about an official closing, you should contact your immediate Division Manager, or the Executive Director. If you have not received contact, you should assume the office is open as usual.

Absence due to inclement weather requires you to make a personal judgment pertaining to your safety in traveling to and from work. Loss of work time for this reason is charged to your accrued compensatory time or annual leave. If you have no compensatory time or annual leave, then the time is charged as leave without pay (for non-exempt employees). If you make the effort to report on time and actually report within a reasonable period of time (based on the circumstances of the event), you will not be required to use leave for that absence. The Executive Director will determine if you must use accrued leave for late arrival. If you are not scheduled to work during an inclement weather closing, you will not be paid for the closing. If you are on annual, sick, or any other leave with pay during the declared times of closing, you will receive administrative leave with pay and will not have to charge that time to annual or sick leave.

Employee Conduct

It is the policy of MPC to uphold, promote, and demand the highest standards of ethics from all employees and officials, whether elected or appointed. Accordingly, you should maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out your public duties; avoid any improprieties in your role as a public servant; and never use your position or powers for improper personal gain.

Ethical Conduct

You are required to maintain the highest ethical standards in the conduct of your official duties. This also applies to non-work situations when you identify yourself as an MPC employee (i.e., wearing an MPC identification badge, distributing an MPC business card, wearing an MPC uniform, driving an MPC vehicle, etc.). In order to fulfill this requirement, the following points are made:

- Personal characteristics such as honesty, courtesy, dependability, sobriety, diligence, and use of sound judgment are required for all employees in all classes of work in MPC.
- There shall be no activity which is in conflict with the interest of your official duties.
- You cannot use your position with MPC for private interest.
- All professional planners with the MPC staff are expected to adhere to the professional code adopted by MPC, which is the Code of Ethics and Professional Conduct of the American Institute of Certified Planners. (See Appendix B.)

Conflict of Interest

Employment with MPC is a public trust. You must not have any financial interest in, or receive any financial benefit from, any acquisition or expenditure related to MPC activities that interferes or conflicts with the full discharge of your duties.

Political Activity

Employees of MPC shall have the right to freely express their views as citizens and to cast their votes. Coercion for political purposes of and by employees and use of their positions for political purposes is prohibited.

No MPC employee may make a statement which could be presumed to state an official MPC position in regard to a candidacy for political office.

Canvassing or Solicitation

If you wish to schedule charitable activities in MPC's offices, or solicit other MPC employees for charitable purposes, you must first receive approval from the Executive Director. (Such activities shall be conducted only in non-work areas.) Under no circumstances are MPC employees and non-MPC employees allowed to solicit for commercial purposes other MPC employees during working hours.

Property Ownership

You should not own real estate in Knox County other than a personal residence and no more than one other property on which you have lived or plan to live. Exceptions to this policy shall be approved by the MPC Executive Director.

Outside Employment

Employees may hold outside jobs as long as they meet the performance standards of their job with MPC. All employees will be judged by the same performance standards and will be subject to MPC's scheduling demands, regardless of any existing outside work requirements.

The Executive Director should be notified of outside employment. The notification should include the nature and hours of work. Employment in real estate or development pursuits in Knox County will not be approved.

If MPC determines that an employee's outside work interferes with performance or the ability to meet the requirements of MPC as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with MPC.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside MPC for materials produced or services rendered in the course of performing their job functions at MPC. Disregard of this policy will be cause for dismissal.



If you work another job, you must notify the MPC Executive Director and state the employer, type of work, job duties, and hours worked per week. This job cannot conflict with your primary job at MPC.

Nepotism

No relatives of persons currently employed by MPC may be hired. If the relative relationship is established after employment, the Executive Director will decide if the individuals can remain in their current positions or can be transferred to another department within MPC.

In other cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.

For the purpose of this policy, a relative is any person who is related by blood or marriage, or whose relationship with you is similar to that of persons who are related by blood or marriage.

MPC Equipment

MPC equipment, materials, vehicles, and/or other resources assigned to you shall be used with care and economy, and shall be used only for MPC purposes. Waste or misuse of MPC resources may result in disciplinary action, up to and including discharge.

Gifts and Contributions

You may not solicit or accept, either directly or indirectly, for yourself or for any member of your household, any gift, gratuity, service, favor, entertainment, lodging, transportation, loan, loan guarantee, or anything of monetary value from any person who:

- Has, or is seeking to obtain, contractual or other business or financial relations with MPC; or
- conducts operations or activities that are regulated by MPC; or
- has interests that may be substantially affected by the performance or nonperformance of your official duties.

The prohibitions on accepting gifts, entertainment, and favors do not apply to:

Meals: You may accept meals at luncheon, dinner, and business organization meetings as long as they are of nominal value. This also applies to any favors that are provided at the event.

Family members or friends of long standing: There is no prohibition if the circumstances make it clear that it is the relationship, rather than the business or the persons concerned, which is the motivating factor and where the value of the gift, entertainment, or favor is appropriate to the circumstance and consistent with the long-standing relationship. If such a gift, entertainment, or favor exceeds \$100 in value, you must disclose the nature and value of the gift, entertainment, or favor in a letter to the MPC Executive Director.

Ordinary loans: There is no prohibition if the loan is from an established financial institution made in the course of business on usual and customary terms. However, there can be no guarantees or collateral provided by any person described in the first paragraph of this section on Gifts and Contributions.

Unsolicited advertising material: You may keep and use gift items with advertising (calendars, pens, key chains, etc.) as long as you did not request the items and they are of nominal value.

Safety

MPC is concerned for your health and safety in the performance of your job. You must observe all safety rules which may be reviewed periodically in quarterly employee staff meetings. Any workplace accidents, incidents, or injuries must be reported immediately to the Executive Director or Division Manager. If eligible, please refer to the Worker's Compensation Insurance section in this handbook.



You must report workplace accidents, incidents, or injuries to Executive Director or Division Manager as soon as possible.

Workplace Violence

MPC expects and requires all employees to display common courtesy and respect for others and to engage in safe and appropriate behavior at all times. Any involvement in incidents of physical violence is considered unacceptable behavior which violates this policy.

“Physical violence” means any unwanted or hostile contact such as hitting, fighting, pushing, shoving, slapping or throwing objects. Racial or ethnic slurs, harassing remarks, threats of violence, and any other provocative comments, language, or actions also violate this policy and will not be tolerated. A “threat of violence” means an verbal or other expression of an intention to cause physical harm. Individuals who threaten violence or otherwise engage in provocative conduct towards co-workers, clients, vendors, or other individuals ordinarily are held at least equally at fault for an ensuing physical altercation, even if they do not strike the first blow or otherwise initiate a physical confrontation.

All employees have a duty to warn their Division Manager or the Executive Director of any workplace activity, situations or incidents that they observe or are aware of involving other employees, clients, visitors and which appear to violate this policy. Reports pursuant to this guideline will be held in confidence to the maximum extent possible under the circumstances. MPC will promptly investigate any physical or verbal altercation, threats of violence, or other conduct by employees that threatens the health or safety of other employees, clients, or the public or otherwise might involve a violation of this policy. Information will be released only to those persons directly involved in the investigation or with a need to know, to law enforcement as necessary, and confidentiality will be maintained to the extent practicable. The Commission will make every effort to guard the reputations of those involved.

MPC will not tolerate any form of retaliation against any employee for making a report under this policy or otherwise participating in a complaint or investigation, and individuals have an immediate duty to report any retaliation they experience or observe to one of the above named individuals.

All individuals who commit violent acts or who otherwise violate this policy are subject to corrective action, up to and including termination. MPC may seek prosecution of those who engage in violence on its premises or against its employees while they are engaged in business.

Garnishments and Levies

In the event that garnishment or similar proceedings are instituted against you, MPC will assure that the required amount is deducted from your paycheck.



If your wages are garnished, be sure that all correspondence to your employer is sent to:

***MPC Executive Director
Suite 403, City-County Building
400 Main Street
Knoxville, TN 37902***

Alcohol and Drugs – Drug Free Workplace Policy

It is MPC's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

No employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs while on duty; on MPC premises; while operating MPC machinery or equipment; or while conducting MPC business activities off MPC premises. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to effectively perform the essential functions of the job in a safe manner that does not endanger other individuals in the workplace.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also result in criminal prosecution.

To inform employees about important provisions of this policy, MPC has established a drug-free awareness program. The program provides information on the dangers and effects of substance abuse in the workplace, resources available to employees, and consequences for violations of this policy.

Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their Division Manager or the Executive Director to receive assistance or referrals to appropriate resources in the community.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify MPC of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace can raise their concerns with their supervisor or the Executive Director without fear of reprisal. Social events sponsored by MPC may be exceptions to the alcohol prohibition policy while conducting MPC business activities outside MPC offices. Any such exception shall be approved by the Executive Director.



A consequence of violating MPC's Alcohol and Drug Policy may include automatic dismissal from the Metropolitan Planning Commission, meaning that the usual progressive discipline process is by-passed.

Tobacco Use

Tobacco products may only be used outside buildings in a specific area designated by the building manager. Ask your Division Manager where this area is located in your building. Additionally, tobacco products may not be used in any vehicle owned or leased by MPC.

Computer Use, E-Mail, Internet, and Voice-Mail Usage

MPC computers, telephones, and telephone connections are for business use. Computers, computer files, software, Internet access, voice mail, and the e-mail system furnished to you are property of the employer, intended for business use. Computers, computer files, e-mails, and Internet use may be monitored, searched and reviewed by MPC or its representatives at any time. Computers, computer files, Internet, voice mail, and the e-mail system are not private or secure and no material on the systems will be considered personal or confidential. MPC holds employees accountable for using good judgment in the use of these systems. Playing computer games on MPC computers is prohibited.

Inappropriate usage: No inappropriate usage of any of MPC's electronic resources will be tolerated. MPC maintains a workplace free of harassment and is sensitive to the diversity of its employees. You are prohibited from using computers, the Internet, voice mail, the e-mail system or any other electronic resource in any way that is disruptive, harmful to morale, or offensive to others on the basis of race, sex, religion, ancestry, disability, or any other basis protected by law, or that otherwise violates the Commission's Workplace Harassment policy. The use of vulgarities, threats, abusive language, obscenities, threatening or harassing language in voice mail or e-mail messages, message posts or by downloading such information from e-mail attachments or the Internet is also prohibited. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others. Voice mail or electronic messages or files that are harassing, threatening, discriminating, or contain inappropriate material may be grounds for disciplinary action, up to and including termination. Prohibited material as defined above which is received via unsolicited e-mail is not covered by this policy as long as the recipient deletes the prohibited material immediately upon receipt and directs the sender to avoid sending any such material in the future.

Solicitation: The Internet, e-mail, voice mail, or other electronic resources should not be used to solicit others to promote or conduct personal events or causes, commercial ventures, religious or political causes, outside organizations, or other non-business matters. You are prohibited from uploading, posting, e-mailing or otherwise transmitting any unsolicited or unauthorized advertising, promotional materials, "junk mail", "spam," "chain letters", "pyramid schemes", or any other form of solicitation. The Internet, voice mail and e-mail are provided to accomplish the employees' business goals and are not considered private. MPC has the right to ascertain whether you are abusing the use of MPC's computers, computer files, Internet, voice mail, the e-mail system, and other electronic resources. Abuse of the system subject you to disciplinary action, up to and including discharge.

Duplication or downloading of software: Employer purchases and licenses the use of various voice mail and computer software programs solely for business purposes and does not own the copyright to this software or its related documentation. You are prohibited from illegally duplicating software and its related documentation.

Passwords: You should notify systems administration of all passwords and password changes associated with employer's computers and e-mail systems.

Social Media

MPC encourages dialogue among staff, its partners, volunteers, and the general public regarding the work of the agency. Staff members can both derive and provide important benefits

from exchanges of perspective, ideas, and information. Therefore, it is in MPC's interest to be aware of and participate in social media.

This policy establishes guidelines for the use of social media, directing staff in how to avoid conflicts between personal and professional social media content.

Personal Content: MPC does not seek to control, through this policy or otherwise, the purely personal and constitutionally-protected online content posted by MPC staff members, when that content:

- Is posted during non-working time;
- is posted using the staff member's own equipment; and
- is clearly not related to the business of, or is explicit in not representing MPC.

Identifying Personal Comments as Personal: Where subject material pertains to MPC business, or is tied to MPC boards, committees, task forces, etc., MPC staff making personal statements must be clear and open:

- Identify their name;
- identify their relationship to MPC; and
- state a disclaimer such as "The postings on this site are my own and do not reflect or represent the opinions of MPC."

Staff Affiliations: Refer to Political Activity section of this Handbook, which also directly applies to the use of social media, just as it relates to any affiliation or expression outside of your official MPC duties.

Non-Public Material: MPC staff may not discuss or divulge any material that pertains to MPC business that has not been made available to the public. If a staff member is unsure if a particular comment would constitute a violation of this policy, they should check with their supervisor or simply avoid discussing the material in question.

Official Content Posting: Official MPC posts to social media sites will be the responsibility of Social Media Administrators, that is, staff persons assigned responsibility and permissions for MPC social media content. The Executive Director will designate Social Media Administrators. No one other than the Executive Director and designated Social Media Administrators may post content on behalf of MPC.

Official Content: Official posts on behalf of MPC must also adhere to the following:

- Official content shall only be posted using accounts that display the name of MPC or its departments. Staff is not permitted, and shall not be asked, to post official content from profiles that display to the public as personal accounts.
- MPC staff shall not engage users who submit content that violates any MPC standards for acceptable content, but rather will simply delete inappropriate content and/or block the user. Comments received are part of the public record, therefore, comments to be deleted must first be recorded with a note that indicates the reason for deletion.
- Official MPC content posted by staff must not interject personal viewpoints. Content shall not be written with an opinionated, biased, or adversarial tone.
- MPC staff must not use official MPC social media or social networking sites for political purposes, to conduct personal/private commercial transactions, or to engage in personal or private business activities of any kind.

Discipline Procedure

The Executive Director and Division Managers are responsible for maintaining the proper job performance level, conduct and discipline of the employees under their supervision. When corrective action is necessary, the supervisor should administer disciplinary action at the step appropriate to the infraction, conduct or performance, as determined by the supervisor. MPC generally uses the progressive disciplinary process explained below. However, MPC reserves the right to impose discipline on an individualized basis, including immediate termination if the Commission deems it appropriate in its sole discretion.

Verbal: The Executive Director or a Division Manager may issue an verbal warning to an employee for unacceptable conduct or performance of duties. The Executive Director or Division Manager will provide the employee with written documentation of the date of the discussion and other necessary information regarding expectations for improvement.

Written: The second step in the process is a written warning with specific examples cited. The Executive Director or Division Manager prepares a letter or memo that states a specific time frame in which you must improve and gives the exact consequences of failure to improve. Prior to issuing the letter, the supervisor will review it with you. A copy of the letter is forwarded to the MPC Executive Director for review and placement in your personnel file. You have the option of submitting a written statement which will also be placed in the file.

Adverse Action: If repeated attempts at corrective action fail to produce satisfactory results, adverse action will be taken. The term “adverse action” means actions involving suspension, demotion, or dismissal. Such actions shall be determined by the MPC Executive Director.

Suspensions

The MPC Executive Director may suspend you without pay for matters of poor performance, inappropriate conduct, or any other reason deemed appropriate. If the suspension (or sum of suspensions) does not exceed ten (10) working days in any three-month period, you have no right of appeal. Any suspension(s) in excess of ten (10) working days in a three-month period may be appealed. (See the section on “Appeals.”)

You may not take annual leave, sick leave, or compensatory leave (“comp time”) while on suspension. Further, annual leave or sick leave will not accrue during the suspension.

The progressive discipline process will be followed prior to suspension, unless the situation warrants immediate suspension in MPC’s sole discretion.

Demotions

A demotion is an assignment to a job at a lesser basic pay rate. There are two kinds of demotions: (1) demotions for disciplinary reasons and (2) demotions due to a reduction in workforce.

Demotion for disciplinary reasons: A demotion may be made for disciplinary reasons including, but not limited to, violations of rules, failure to perform job duties adequately, misconduct, or neglect of duty. The progressive discipline process will generally be followed prior to demotion unless the situation, in MPC’s sole discretion, warrants immediate demotion.

Demotion due to reduction in force: If a demotion is based on a reduction in force, you will be given consideration, based on seniority and work performance record, for future openings in higher job classifications. No progressive discipline process is necessary for a demotion based on reduction in force.

Work Rules

Regulations for the acceptable conduct of employees are necessary for the orderly operation of any business and for the benefit and protection of the rights and safety of all employees. Below are examples of prohibited conduct which are not in accordance with the general work rules of MPC. You are subject to appropriate disciplinary action, up to and including termination, if you engage in any of these activities.

MPC reserves the right to determine in its sole discretion, whether an employee's conduct is in keeping with this handbook and general MPC policies. The following list is not all-inclusive but is meant as a guideline for acceptable conduct.

This guideline is not intended to limit MPC's right to take whatever disciplinary action it deems necessary when prohibited conduct, which it considers contrary to its best interests or those of other employees, is brought to its attention. These guidelines are subject to change by the Commission at any time.

1. Violation of the attendance policy
2. Refusal to carry out orders of Executive Director or Division Manager pertaining to work or other similar insubordination.
3. Leaving the job during work hours in conflict with a determined work schedule without permission of the Executive Director or Division Manager.
4. Deliberate neglect or destruction of MPC property, tools, uniforms, or equipment; or property of fellow employees; or other equipment in any manner.
5. Willful falsification of Commission records including, but not limited to, applications for employment or other data requested by MPC, doctor's notes, and time and expense records.
6. Engaging in any conduct which presents a conflict of interest or which violates any ethical or professional conduct standard.
7. Failure to adhere to safety responsibilities, practices and policies, or otherwise endangering the safety and health of self or others.
8. Theft of MPC property or property of other employees or other dishonesty.
9. Immoral conduct or indecency.
10. Smoking in areas that have been designated as non-smoking by the Commission.
11. Violation of MPC's Drug-Free Workplace policy.
12. Inability to get along with co-workers.
13. Use of abusive or threatening language.
14. Poor performance or productivity, willful neglect, or inability to meet standards of performance or productivity.
15. Engaging in conduct that violates Equal Employment Opportunity or Workplace Harassment policies.
16. Non-compliance with appropriate business dress.
17. Violation of any of MPC's policies regarding use of electronic resources.
18. Failure to follow any rule or standard of practice in the policies and procedures manual.

19. Violation of any policy in this employee handbook.

Resignations

If you want to resign your position, you should notify the Executive Director in writing no less than ten (10) working days before your expected termination date. Failure to provide such a notice will be recorded in your personnel file and may constitute grounds for “no-rehire.” After you give notice, the Executive Director will discuss exit plans with you.



To resign your job, give a written notice to the Executive Director. You must do this at least ten (10) working days before your last day of work.

Reduction in Force

A reduction in force is the release of an employee due to lack of funds, curtailment of work, reorganization, or any other reason necessitating reduction in the number of MPC employees. If you are discharged because of a reduction, you are considered terminated unless you are offered and accept another position.

The Executive Director will determine when a reduction in force is warranted and which employee(s) will be released. The decision about individual employees is made with consideration of job knowledge, skills, work performance, and whether and how each of those factors meets MPC's future needs. If all factors are equal, seniority will govern. If you lose your job through a reduction in force, you may apply for other posted positions, now or in the future.

The progressive discipline process is not followed when there is a reduction in force and there is no appeal process available.

Employee Grievances and Complaints

Any employee or group of employees who has a complaint of discrimination or who disagrees with the application of an established written policy may file a grievance. The established grievance procedure will also be utilized to settle disputes between employees. Grievances will be given prompt and fair consideration according to the procedures outlined below. No retaliation will be tolerated against any employee for participating in the grievance procedure, either as a complainant, a representative or a witness. Employees who participate in grievances will be allowed to do so during working hours; however, established deadlines and schedules for completion of work products must still be met.

*Note: Any complaint regarding potential violation of MPC's Workplace Harassment Policy is governed by that policy and must be brought pursuant to the specific complaint procedure in that policy.

Procedure:

- Step 1. Any employee or group of employees having a grievance shall, within ten (10) working days of the incident giving rise to the grievance, discuss the matter openly with their Division Manager and attempt to resolve the matter. The Division Manager will respond, in writing, no later than the end of the fifth working day following the discussion.
- Step 2. If the matter is not resolved in Step 1, then the grievant(s) may carry the matter to Step 2 by submitting a written statement describing the incident and the corrective action requested to the Executive Director within five work days of the Division Manager's response. The Executive Director will conduct an independent investigation of the matter and meet with the grievant(s) and attempt to resolve the matter. Within ten working days of the Step 2 submission, the Executive Director will issue a written disposition of the grievance including the reasons for the decision.
- Step 3. If the matter is not resolved to the satisfaction of the grievant(s) in Step 3, then the grievant(s) may, within five (5) working days, submit a written request to the Chair of the Metropolitan Planning Commission for review by the Executive Committee. The Executive Committee shall, in consultation with counsel for MPC, review the materials submitted and issue its written decision within thirty (30) days of receipt of the material. The decision of the Executive Committee shall be final.

Leave Policies

Holidays

MPC observes the holidays listed below. You are eligible to be paid for these holidays if you work at least 18.5 hours per week on a regular basis.

Offices may be closed without further notice on the following days:

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Spring Holiday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Winter Holiday (a two-day holiday, the 25th of December and one other day to be announced annually by the Executive Director)

If a holiday falls on a Saturday or Sunday, the Executive Director will determine the day to be taken.

If you are eligible for holidays, you will receive pay for each holiday that falls within the pay period. The amount of pay is prorated based on the number of hours you work each pay period, not the hours scheduled to work on the holiday.

The chart on the following page indicates the amount of holiday credit received based on the number of hours in your pay period. For each hour worked during the pay period, one tenth of an hour of holiday credit is received.

If the holiday falls on a day when you are scheduled to work fewer hours than the holiday credit hours you receive, you will take the remaining hours another day.

Example: *The chart says you will receive five hours of holiday credit, but on the day of the holiday you are only supposed to work three hours. You are still "owed" two hours and you need to take them on another day within the same pay period.*

If the holiday falls on a day when you are scheduled to work more hours than the holiday credit you will receive, you need to "make up" those hours.

Example: *The chart says you will receive five hours of holiday credit, but on the day of the holiday you are supposed to work six hours. For that day you are paid for five hours, but you missed six hours of work. You will need to work the hour you missed. You may either work an additional hour on another day in the same pay period, or you may choose to use annual leave for that hour.*

Paid Holiday Credit
Based on Hours in the Regularly-Scheduled Pay Period

<i>Hours per Pay Period</i>	<i>Holiday Credit</i>
75	7.5
70	7.0
65	6.5
60	6.0
50	5.0
40	4.0
37.5	3.75

You will need to arrange any schedule changes with your Division Manager and receive advanced approval.

If you wish to observe a religious holiday, contact your Division Manager to make arrangements. Annual leave will be used for time off taken for religious holidays. If you have no accrued annual leave, you must use available compensatory leave, sick leave, or leave without pay, in that order.



To schedule time off for a religious holiday, put the request in writing and submit it to your Division Manager. You will use available leave (in this order) to cover the time: annual leave, compensatory time, sick leave, or leave without pay.

Annual Leave Eligibility and Accrual

If you work 18.5 hours or more per week on a regular basis (including during any introductory period), you are eligible to accrue and use annual leave. The following guidelines apply:

- You may take annual leave anytime during the calendar year (with prior approval) January 1st through December 31st.
- If you are involved in military training, you will continue to earn leave while being paid.
- You accrue leave based on the number of paid hours in a pay period. This number may be greater or lesser than your scheduled hours. Annual leave may be accrued as long as you are paid and have a balance of accrued leave.
- Your accrual rate increases each year as shown on the table below. The accrual factor increase takes effect the first pay period following your employment anniversary date.

Annual Leave Accrual Factor Table

Years of Service	Accrual Factor	Annual Leave Hours Earned per Pay Period	Maximum Accrued Hours per Year*	Maximum Accrued Days per Year*
Less than 1	.0462	3.46	90	12
1	.0500	3.75	97.5	13
2	.0538	4.04	105	14
3	.0577	4.33	112.5	15
4	.0615	4.61	120	16
5	.0654	4.91	127.5	17
6	.0692	5.19	135	18
7	.0731	5.48	142.5	19
8	.0769	5.77	150	20
9	.0808	6.06	157.5	21
10 – 14	.0846	6.35	165	22
15 – 19	.0885	6.63	172.5	23
20 and over	.0923	7.21	187.5	25

*Based on a 37.5 hour workweek.

To calculate your hours of annual leave:

- From the Accrual Factor Table, find the line for the number of years you have been employed.
- Multiply the Accrual Factor number on that line by the number of hours in your bi-weekly pay period (64, 75, 80, etc.).
- That answer tells you how many hours of annual leave you earn per bi-weekly pay period.
- To determine how many days of annual leave you earn per year, multiply that number by 26 (number of pay periods per year), then divide the resulting number by the number of scheduled hours in your workday (7.5, 8.0, 10.0, etc).



Example

If you have been employed 2 years and work 37.5 hours per week (or 75 hours per pay period):

$$.0538 \times 75 = 4.035 \text{ hours of leave earned per pay period}$$

$$4.035 \times 26 = 104.91 \text{ hours of leave earned per year}$$

$$104.91 \div 7.5 = 13.988 \text{ days of annual leave earned per year}$$

Note: The Payroll Dept. rounds fractions to the nearest quarter-hour (15 minutes).

- You may take annual leave in increments of half-hours. This means that the minimum amount of leave you can take is 30 minutes.
- You may not take annual leave before you have earned it, except in cases where special circumstances warrant such consideration. Approval to take annual leave in these cases, however, must be approved by the Executive Director, in consultation with the employee's immediate Division Manager.

- The number of accrued leave hours to be used for one day of leave is equal to the number of scheduled paid hours of work for that day of leave. For example, if you work four 10-hour days per workweek, you must use 10 hours of annual leave to have the entire day off. If you work 7.5 hours per day, then 7.5 is the number of hours of annual leave you must use to equal one day.
- You may take annual leave in the year you earned it, or you may carry it over for use in later years. However, there is a limit to the amount of annual leave you may accrue. Those limits are:

Maximum Annual Leave Accrual

Years of Service	Maximum Accrued Hours
1 - 10	300
11 - 20	330
Over 20	375

- If you earn annual leave in excess of the maximum amount listed on the table, it will be transferred to your sick leave account on the pay period following the beginning of a new calendar year.
- Authorized days off for annual leave will not be considered as working time for calculating weekly overtime.
- When you terminate employment, you will receive payment for any unused annual leave that has accrued. Payment is based on the rate of compensation received at the time of termination. Vacation checks are computed on the regular payroll day and are available at the normal time and place. No checks are issued in advance.

Annual Leave Scheduling and Approval

You may take your annual leave at any time of the year as long as you have accumulated the time and the needs of MPC are met. You must submit your annual leave request to your Division Manager and receive approval prior to taking the leave. MPC will make every effort to approve employee requests for annual leave use, but in all cases, MPC reserves the right to deny employee requests in order to meet business demands and ensure sufficient coverage. MPC has a special form or a procedure for requesting use of annual leave.

Sick Leave Eligibility and Accrual

If you work 18.5 hours or more per week on a regular basis, you are eligible to accrue and use paid sick leave for authorized absences as defined in this sick leave section.

The amount of sick leave you earn is based on the number of paid hours per pay period. The number of paid hours is multiplied by the accrual factor of .0462 to determine the total sick leave earned. Examples of sick leave accrual are:

Sick Leave Accrual

No. of Paid Hours Per Pay Period	Accrual Factor	Hours of Earned Sick Leave Per Pay Period	Hours of Earned Sick Leave Per Year
37	.0462	1.71	44.5
64	.0462	2.96	77.0
75	.0462	3.47	90

You may not use any hours of sick leave in advance of earning them, except in cases where special circumstances warrant such consideration. Approval to take sick leave in these cases, however, must be approved by the Executive Director, in consultation with your immediate Division Manager.

There is no “cap” or maximum for the amount of sick leave you can accrue. You may not convert unused sick leave into cash (except eligible employees as a payment for unused accrued sick leave at separation from employment), personal holidays, or annual leave. In addition, unused days of accumulated sick leave are not paid when employment terminates. Sick leave may continue to accrue while you are on extended sick leave as long as you are paid and have a balance of accrued sick leave.

Sick Leave Notification and Approval

To be eligible for sick leave with pay, you must give your Division Manager as much advance notice of an absence as possible. Notification must be no later than during the first day of your absence. You are required to telephone and speak directly with your Division Manager, or designee or to leave either a voice-mail or e-mail message with the Division Manager and the receptionist.



You must telephone your Division Manager (or next-level manager or designee) and speak directly to that person to give notification of absence. If none of these persons can be reached, you are required to leave either a voice-mail or e-mail message for the immediate Division Manager and the receptionist.

Sick Leave for Employee Illness or Injury

You may use paid sick leave for authorized absences due to your own illness or injury. If you are absent for less than three (3) consecutive working days, your Division Manager may or may not require that you provide a healthcare provider’s statement.

To be eligible for sick leave with pay during a continuous period of more than three (3) working days, you may be required to provide a health care provider’s statement showing the nature of the illness or injury and expected date of return to work. This requirement may be waived by the Executive Director if circumstances warrant such consideration.



You may be required to provide your Division Manager with a statement from a health care provider if you are absent for more than 3 consecutive days due to illness or injury. The Executive Director may waive this requirement if warranted by special circumstances.

Sick Leave for Family Illness or Injury

With proper documentation, you may be permitted to use accrued sick leave in any calendar year to attend to, or provide care for, certain family members who are ill or injured.

Those family members include your:

- Spouse or domestic partner
- Parent/adoptive parent
- Son or daughter
- Brother or sister
- Grandparent
- Grandchild
- Guardian
- Step-relatives of the above categories
- In-laws of the above categories
- Any person actually residing in your household

In all cases of absence for more than three (3) consecutive days because of family illness, you may be required to provide a health care provider's statement certifying that you are needed to provide care for the family member.



You may be required to provide your Division Manager with a statement from a health care provider if you are absent for more than 3 consecutive days due to the illness or injury of a family member listed in this section.

Sick Leave for Medical Appointments

You may use your accrued sick leave for medical appointments such as doctor, dental, or optical appointments, or for assessments or treatment prescribed by your healthcare provider. This includes medical appointments for your family members as described in the previous section on "Sick Leave for Family Illness or Injury."

Sick Leave Accounting

Sick leave may be taken in increments of half-hours (30 minutes). MPC will not consider authorized days off for sick leave as time worked for calculating weekly overtime compensation.

Sick Leave Summary



You may use your accrued Sick Leave for:

- *Your own illness or injury*
- *Family illness or injury (specified family members only)*
- *Medical appointments for self or family*
- *School conferences (8-hour limit per year)*
- *Death of persons not in your immediate family*

Annual leave use may be converted to sick leave use if you become sick while on annual leave. A request for this conversion must be accompanied by a written statement from a licensed physician.

Payment to Eligible Employees for Unused Accrued Sick Leave

MPC employees are generally not entitled to pay-out of sick leave at separation of employment. However, for the purpose of rewarding longevity and judicious use of the sick leave benefit, long time MPC employees shall be eligible upon separation to receive a payment for unused accrued sick leave in accordance with the following:

- The employee shall have worked for MPC for a minimum of 15 years with no less than 1,560 hours of work during those 15 years.
- Employees shall receive payment for unused accumulated sick leave as shown in the following table:

Conversion of Sick Leave for Payment at Separation

<i>Hours Worked Per Week</i>	<i>60 Day Separation Notice</i>	<i>Less than 60 day Separation Notice</i>
37.5*	\$100 per 7.5 hours of accrued leave (\$10,000 maximum)	\$60 per 7.5 hours of accrued leave (\$6,000 maximum)
Less than 37.5	\$60 per 7.5 hours of accrued leave (\$6,000 maximum)	\$30 per 7.5 hours of accrued leave (\$3,000 maximum)

- If an eligible employee dies while employed by MPC, the beneficiary, as listed on the employee’s designation of beneficiary for wages form, shall receive up to the maximum payment, as provided for employees who give a sixty (60) day written notice, for the deceased employee’s unused accrued sick leave.
- Payments for unused accrued sick leave shall be processed after the separation date of the employee. Payments are subject to normal payroll taxes and withholding.

Bereavement Leave / Funeral Leave

Death of an immediate family member: You are entitled to a period of bereavement up to five (5) consecutive days at regular pay (not including overtime) with no deduction from your other leave balances due to the death of any of these persons in your family:

- Spouse or domestic partner
- Parent/adoptive parent
- Son or daughter
- Brother or sister
- Grandparent
- Grandchild
- Guardian
- Step-relatives of the above categories
- In-laws of the above categories
- Any person actually residing in your household

You may take up to five (5) days of paid bereavement leave. Any request for additional time beyond the maximum five (5) days must be submitted to and approved by the Executive Director. Additional leave taken beyond five (5) days shall be charged to accrued compensatory time, sick leave, or annual leave, in that order, as appropriate. If there is no accrued compensatory time, or sick or annual leave, then you will be charged with leave without pay.

The Executive Director will make the final decision on the number of approved days for bereavement leave based on factors such as required travel and level of involvement in funeral arrangements. Other factors may also be considered. Any bereavement period that is expected to go over the five (5) day limit requires approval from the Executive Director.



At the death of any family member listed above, you may have up to 5 consecutive days off work for the funeral or bereavement and will receive your regular pay.

Death of any other person: You may use up to three (3) consecutive days of accrued leave for the bereavement of other persons not listed above. This leave will be deducted from your sick leave balance. If no sick leave remains, you must use compensatory time or take annual leave. If no annual leave remains, you must take unpaid leave. As stated above, the Executive Director will make the final decision on the number of days approved for this leave.

The Executive Director must approve any bereavement period that is expected to exceed the three (3) day limit and you must use annual leave for those additional days.



If you want to attend the funeral or observe a period of bereavement at the death of any person not listed in the immediate family section, you must use time from your leave balance.

Personal Leave

MPC may provide leaves of absence without pay to regular full-time and regular part-time employees who wish to take time off from work duties to fulfill personal obligations.

As soon as eligible employees become aware of the need for a personal leave of absence, they should request the leave from their Division Manager and the Executive Director. The length of the personal leave is to be agreed upon by the employee, the Division Manager, and the Executive Director.

With the Division Manager's and the Executive Director's approval, an employee may take any available sick leave or annual leave as part of the approved period of leave. Any personal leave taken which is not covered by sick or annual leave will be unpaid.

Requests for personal leave will be evaluated based on a number of factors, including anticipated work load requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions, and limitations of the applicable plan, health insurance benefit premium contributions will be provided by MPC until the end of the month in which the approved personal leave begins. At that time, employees will become responsible for the full costs of these benefits if they wish coverage to continue and if the plan allows for coverage during such a leave. When the employee returns from personal leave, benefit premium contributions will again be provided by MPC according to the applicable plans.

Benefit accruals, such as annual leave, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

When a personal leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, MPC cannot guarantee reinstatement in all cases.

Failure of an employee to report to work promptly at the expiration of the approved leave period will constitute resignation from employment.

Family Medical Leave Act (FMLA)

MPC will provide leave in accordance with the requirements of the Family Medical Leave Act of 1993. See Appendix D for details.

Employee Medical Leave

FMLA-eligible employees who request leaves of absence for eligible FMLA reasons will be subject to the rules and regulations of the FMLA. See Appendix D. Additionally, only employees who meet FMLA guidelines, rules and regulations, such as length of employment, site coverage, and hours of service requirements, are eligible for FMLA leave. All other requests for medical leave of absence are governed by this policy.

Employees are eligible to apply for unpaid medical leave for their own serious health condition, procedure or illness, or for the birth of a child or placement of a child for adoption (for both male and female employees) or for an extension to any approved FMLA leave. In order to qualify for leave based on the employee's health condition, the employee's condition must require them to be under the continuous care of a physician. The maximum amount of leave for which any employee may be approved is twelve (12) weeks (inclusive of any FMLA leave), unless additional time is requested and approved as a reasonable accommodation for an employee's disability. An employee requesting an extended medical leave must submit a written physician's recommendation detailing the medical necessity and duration of the requested leave. Upon submission of a physician's recommendation, MPC may, in its discretion, grant the employee a leave of absence for a period of time up to the twelve (12) week limit outlined above, unless additional time is requested and approved as a reasonable accommodation for an employee's disability. MPC reserves the right to send employees to a physician designated by MPC if there is any question about the statement of the employee's physician.

Before granting medical leave, MPC may establish the terms and conditions of the leave. During this period of leave, if an employee has any accrued sick or annual leave, the employee will be required to use the remainder of his or her sick or annual leave to cover the absences. At no time can sick or annual leave, when used in conjunction with other paid benefits (such as worker's compensation benefits, disability benefits, etc.) be used in an amount which would result in an employee receiving an amount greater than the employee's regular compensation.

Sick and annual leave will only be approved in an amount sufficient to equal regular compensation by the employee. After the accrued sick and annual leave is exhausted, the leave will continue unpaid, up to the maximum amount of time approved. During the approved medical leave period, MPC will pay the employer-provided portion of group health insurance premiums for a period up to 12 weeks. All employee-paid benefits must be paid by the employee in order to continue through the medical leave.

Note: The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you and your physician not provide any genetic information when responding to this request for medical information, unless such information is directly related to your request for reasonable accommodation. "Genetic Information" as defined by GINA includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

A physician's statement releasing an employee to return to his or her job duties must be presented prior to returning to work. If an employee seeks to return to work following the extension of medical leave with work-related restrictions, the nature and duration of such restrictions should be included in the physician's statement releasing you to return to work. This statement must be presented to MPC prior to reporting to work. At MPC's discretion, you may be requested to report to MPC's designated physician for examination to determine your fitness to return to work. The final decision as to the suitability of an employee to return to work will be made by the Commission's designated physician and consultation with the Executive Director.

MPC will attempt to return you to your position if you can perform the essential functions of the job with or without reasonable accommodation (when required). Where, as a result of the illness or injury, you are not capable of performing the essential functions of the job with a reasonable accommodation (when required), but are capable of performing duties for a vacant position, without risk of further injury, MPC will consider transferring you to such position. However, nothing contained in these policies should be construed to require MPC to bump employees from positions in order to accommodate an individual with a disability, nor should it be construed as requiring MPC to create positions.

Military Leave

A military leave of absence will be granted to employees to attend scheduled drills or training or if called to active duty with the U.S. armed services. Requests for such leave must be accompanied by a copy of official orders.

You will continue to receive full pay while on military leave for up to 20 working days annually. The portion of any military leaves of absence in excess of 20 days will be unpaid. However, employees may use any accrued annual or sick leave for the absence.

Subject to the terms, conditions and limitations of the applicable plan for which you are otherwise eligible, health insurance benefits will be provided by MPC for the full term of the military leave of absence at the same benefit premium contributions as active employment status. Annual leave, sick leave, and holiday benefits also will continue to accrue during a military leave of absence.

Employees on active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled work day after the end of training, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with all applicable state and federal laws.

Every reasonable effort will be made to return you to your previous position or a comparable one. You will be treated as though you were continuously employed for purposes of determining benefits based on length of service, such as the rate of annual leave and sick leave accrual and job seniority rights.

Jury Duty Leave

MPC encourages you to fulfill your civic responsibilities by serving jury duty when required. You may retain jury pay and receive normal MPC pay during this time.

If you are called to serve on jury duty for more than three (3) hours on a given day (including travel time) you will be excused from work for that day. If you are called to serve on jury duty for less than three (3) hours (including travel time) you must report to work immediately for the remainder of the workday. It is the responsibility of each employee on jury duty to obtain a signed attendance statement verifying the dates of jury service and showing the total amount of compensation received for jury duty, and to submit this statement to the Executive Director. MPC is dedicated to allowing its employees leave for civil service, and no adverse action (i.e., retaliation) will be taken against any employee on the basis of such leave.

You must show the jury duty summons to your Division Manager or Executive Director as soon as possible so that the Division Manager or Executive Director may make arrangements to accommodate your absence. You are expected to report for work whenever the court schedule permits.

Either you or MPC may request an excuse from jury duty if, in MPC's judgment, your absence would create serious operational difficulties.

MPC will continue to provide health insurance benefits for the full term of the jury duty absence. Benefit accruals, such as annual leave, sick leave, or holiday benefits, will continue during jury duty leave.

Voting Leave / Elections

In accordance with Tennessee State Law, if you are entitled to vote in an election held in this state, you may be absent from work on the day of the election for a reasonable amount of time, not to exceed three (3) hours if your work schedule does not provide adequate time for voting.

If your shift begins three (3) or more hours after the opening of the polls or ends three (3) or more hours before the polls close in the county in which you live, this leave does not apply to you.

If you need to take leave for voting, the leave must be arranged with your direct Division Manager before 12:00 noon of the day before the election. The Division Manager may select the hours during which you may be absent for voting.



To receive time off for voting, arrange the leave with your Division Manager before noon of the prior day. Your Division Manager will advise you of the time you may leave for voting.

Volunteer Activity Leave

MPC believes that, in addition to being employees, we are citizens and members of our respective communities. To encourage and support positive contributions to communities, the MPC grants leave to pursue approved volunteer activities.

If you work at least 18.5 hours per week, you may have paid release time from your job for approved volunteer activities, provided the following conditions are met:

- You request leave from your Division Manager or Executive Director in writing and inform him/her of the volunteer agency/organization, the activity, and the scheduled time and date.
- Your Division Manager or Executive Director agrees that the needs of the department can be met during your absence and grants prior approval.
- The volunteer agency/organization is recognized to provide charitable, educational, or other similar community contributions.

Examples of volunteer activities include, but are not limited to, the “Read with Me” program, serving on the Board of Directors of an agency, and special one-time service projects.



If you want to participate in a community volunteer activity during working hours, make a request in writing to your Division Manager or Executive Director. State the name of the organization, the activity, and the date and time you will be volunteering.

Your Division Manager or Executive Director will advise you about the approval of your request.

Educational Leave

MPC provides educational leaves of absence without pay to regular full-time employees who wish to take time off from work duties to pursue course work that is applicable to their job duties with MPC.

Eligible employees who have completed 12 months of service may request educational leave for a period of up to 12 months every three years. Requests will be evaluated based on a number of factors, including anticipated work load requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions, and limitations of the applicable plan, health insurance benefits will be provided by MPC until the end of the month in which the approved educational leave

begins. At that time, you will become responsible for the full costs of these benefits if you wish coverage to continue and if the plan allows for coverage during such a leave. When you return from educational leave, benefits will again be provided by MPC according to the applicable plans.

Benefit accruals, such as annual leave, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment. Approved educational leave time will not count toward service time for purposes of seniority, sick and annual leave time, accrual, etc.

When an educational leave ends, every reasonable effort will be made to return you to the same position, if it is available, or to a similar available position for which you are qualified. However, MPC cannot guarantee reinstatement in all cases.

Your failure as an employee to report to work promptly at the expiration of the approved leave period will constitute your resignation from employment.

Educational Reimbursement Program

MPC recognizes that the skills and knowledge of its employees are critical to the success of the organization. The educational reimbursement program encourages personal development through formal education so that employees can maintain and improve job-related skills or enhance their ability to compete for reasonably attainable jobs within MPC.

MPC will make available educational reimbursement to all regular full-time and regular part-time employees with a minimum of one year service and who have satisfactorily completed their introductory period. To maintain eligibility employees must remain on the active payroll and be performing their job satisfactorily through completion of each course.

Individual training courses or courses that are part of a degree, licensing, or certification program must be related to the employee's current job duties or a foreseeable-future position in the organization in order to be eligible for educational reimbursement. The Executive Director in consultation with the employee's Division Manager, has the sole discretion to determine whether a course relates to an employee's current job duties or a foreseeable-future position. Employees should contact the Finance Manager for more information about educational reimbursement.

The cost of tuition or training will be reimbursed upon satisfactory completion of the course, providing a grade of C, or better is made, as appropriate. MPC will limit the amount of reimbursement to three hours per semester, or the cost of the required training.

An itemized receipt for the tuition, or training, will be required along with a copy of a cancelled check or charge card receipt. The cost of books, student government fees, student activity fees, liability insurance, etc. will not be covered by MPC.

Employees requesting reimbursement must obtain written approval from the Executive Director prior to the start of class. All requests are subject to the availability of budgeted funds.

While educational reimbursement is expected to enhance employees performance and professional abilities, MPC cannot guarantee that participation in formal education will entitle the employee to advancement, a different job assignment, or pay increases.

Professional Conferences/Seminars

MPC may provide travel and expense reimbursement to employees who wish to attend conferences or professional organizations. Approval of conference attendance will be the decision of the Executive Director with the recommendation of the Division Manager in charge. Approval will take into account the employee's active participation in the organization, job performance, demands of the work program and limitations of the budget. Any request for reimbursement must be submitted in advance of the conference.

It is the policy of MPC to encourage employees to participate as panelists and to present papers at the conferences. The agency will provide travel and expense reimbursement for such an employee (with prior approval from the Executive Director) with the following conditions: the employee should notify the Executive Director prior to submission of a paper; and if a paper recounts a case history of an MPC project or can be presumed to state MPC policy, its presentation or publication must be approved by the Executive Director.

Professional Dues/Exams

In order to contribute to the ongoing professional growth of the staff of the Metropolitan Planning Commission, it shall be the policy of the agency to pay for the membership, including any license fee, in one professional organization for each employee per year. The Executive Director may also approve to pay registration and application fees for the AICP and PE exams, and other exams that are related to the employee's position and duties.

Employee Benefits

Types of Benefits Offered

MPC provides a number of health and life insurance, retirement program, and other benefits. Health and life insurances that are available for coverage of MPC employees and their families and domestic partners include medical, dental, vision insurance; flexible spending accounts; employee assistance program; COBRA; and life, supplemental life, workers compensation and disability insurance. Retirement benefits available to MPC employees and their eligible dependents include 401(a) defined contribution and 457(b) deferred compensation plans.

Insurance coverage and beneficiary declaration are available for you and your eligible dependents.

The following represent summaries of benefits currently available to eligible MPC employees. Where information in this manual conflicts with the actual plan documents, the plan documents control. Employees should always consult the plan documents for information concerning benefits. MPC reserves the right to modify, amend or terminate any of these benefit plans at any time.

Benefit Premiums/Payroll Deductions

You are responsible to review your paycheck to ensure the appropriate benefit deductions have been taken. If you believe an improper deduction has been made, you should tell the Finance Manager immediately. MPC will investigate, correct any improper deduction and make the appropriate changes to its system. Deductions from your paycheck will begin the first pay period in the month in which your coverage starts. Your medical, dental, and vision deductions will be taken out of 26 pay periods per year.



You are responsible to review your paycheck to ensure the appropriate benefit deductions have been taken.

If you miss a paycheck because of leave of absence, you are responsible to contact MPC's Finance Manager to make payment arrangements.



Contact the health insurance administrator and MPC Finance Manager to make payment arrangements for insurance premiums if you miss a paycheck because of leave of absence.

Health Insurance Administration

At this time MPC has elected to obtain its health and other insurance coverage by participating in the programs offered by Knox County. The administration of these programs is done by the Knox County Human Resources department. You may contact the Knox County Human Resources department at 215-2321.

Initial enrollment in these programs must be completed within thirty (30) days of employment or an eligible qualifying event. Open enrollment also occurs for a period each year.

You are responsible to list dependents who are eligible for coverage as defined by the plan rules. If a covered dependent becomes ineligible based on the plan rules, it is your responsibility to notify the health insurance administrator immediately. You must notify the administrator of any changes in status within thirty (30) days of the status change. This includes: dependent status change, address changes, divorce, marriage, birth, adoption, reduction in work hours, or any other change that could affect benefit plan eligibility. If you need any help contact your Division Manager or the MPC Executive Director.



To add or delete dependents from your insurance, you must notify the health insurance administrator within 30 days of the qualifying event.

Health Insurance Eligibility

Current employees are eligible for health insurance benefits when you work a minimum of thirty (30) hours per week. If your hours drop below thirty (30) hours per week on a regular basis you will lose eligibility for health insurance and you and all covered dependents will be offered COBRA.

Health Insurance Effective and Termination Dates

The health insurance administrator will determine the effective date of coverage. Typically, it is the first of the calendar month following thirty (30) days of continuous employment. For example, if you were hired on January 18 your coverage would go into effect March 1. This means deductions would not start until March 1.

Generally, benefits end the last day of the month in which you actively work. If you do not receive paychecks to cover the entire month (and have premiums deducted), you may be required to submit a personal check to cover the remaining portion of benefit costs.

Health Insurance Coverage

You must enroll for coverage within thirty (30) days of employment or an eligible qualifying event. Temporary employees, seasonal employees, and interns are not eligible for medical coverage. Complete benefit packets are provided at new hire orientation.

A selection of medical insurance products with various types of coverage are offered. Each plan is currently priced for both employee, employee plus one, and family. Although MPC pays a significant portion of your insurance premiums, you are responsible for the employee portion. The insurance programs may vary from year to year. Information about current medical plans and premiums is available from the health insurance administrator.

Dental and Vision Insurance Coverage

You must sign up for coverage within thirty (30) days of employment or at the time of an eligible qualifying event. Temporary employees, seasonal employees, and interns are not eligible for dental or vision coverage. Complete benefit packets are provided at new hire orientation.

Identification Cards

If you enroll in health insurance programs, identification cards will be mailed to your home address.

Annual Enrollment/Transfer Period

Health plans, benefit designs, eligibility rules, and premiums are subject to change each plan year based on the previous year's claims experience. Announcements concerning changes for the upcoming plan year are made during annual enrollment/transfer period each fall. You are required to review your notices, home mailings, and department memos for information about the benefits for the upcoming year.

The health insurance administrator conducts help sessions at various locations to accommodate those needing assistance and information regarding benefit changes. Typically, the enrollment/change period comes at the end of each calendar year. It is your responsibility to stay informed of benefit changes.



You are required to review your notices, home mailings, and department memos for information about benefits for the upcoming year. Failure to do so may result in no coverage for the new year.

COBRA

If you lose medical coverage due to a termination of employment, a reduction in work hours, or other qualifying event, you and your covered dependents may be eligible to continue coverage through COBRA. For a full explanation of COBRA terms and eligibility, contact the health insurance administrator or refer to the "General COBRA Notice" received at time of enrollment.

Employee Assistance Program

MPC is very much concerned with the physical and emotional well-being of its employees and their families. The Employee Assistance Program (EAP) provides free and confidential counseling and information to employees and their immediate families who are dealing with

difficult issues. If you have questions about EAP or would like more information regarding any of the programs, contact the health insurance administrator.

Flexible Spending Accounts

Flexible spending accounts allow an employee's medical out-of-pocket expenses and dependent care expenses to be paid with "before tax" dollars. MPC offers a benefit option that utilizes a debit-type card to access your plan dollars.

If you elect this benefit, you choose a dollar level based on your individual or family needs and a portion of this amount is deducted from each paycheck. There are minimum and maximum deduction limits in this benefit.

You do not have to be enrolled in MPC's health insurance plan in order to participate in a flexible spending account. You may enroll during the annual enrollment/transfer period. Re-enrollment is required each year to continue participation.

Workers' Compensation Insurance

MPC provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers injuries or illnesses sustained in the course of employment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period, which may eventually be waived if the employee is out of work for an extended period of time.

Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. Employees are required to assist MPC in filling out the First Report of work injury form.

Retirement Benefits Administration

At this time MPC has elected to provide its retirement benefits by participating in the programs offered by the Knox County Retirement and Pension Board. The package of benefits include a mandatory 401(a) asset accumulation program, a voluntary 457(b) asset accumulation plan, a medical expense retirement plan, life and supplemental life insurance and disability benefits. Staff for this Board handles the administration of all the retirement plans offered to you, as well as life and disability insurance. You may contact the Board at their administrative offices or by phone at 215-2323.

These benefits are subject to the terms and limitations of the actual plan documents, where there is any conflict between this manual and the plan documents, the plan documents control.

Mandatory 401(a) Asset Accumulation Plan

If you average at least 18.5 hours per week, you will automatically be enrolled in the Knox County Retirement System. The plan's name is the Knox County Retirement and Asset Accumulation Plan. This plan qualifies under section 401(a) of the Internal Revenue Code.

You are required to contribute 6% on a pre-tax basis from each paycheck. This contribution is matched dollar-for-dollar by MPC. You may elect to contribute up to an additional 9%, which will be deducted on an after-tax basis, a portion of which is matched by MPC, depending on years of service.

You are always 100% vested in your own contributions and any earnings/losses associated with those contributions. MPC's matching contributions are fully vested over a five year period.

You may choose how your funds are invested from many different investment options – from individual mutual funds to pre-selected investment blends based on your own investment objectives. You have daily access to your account information through either the Internet or by telephone. Statements are mailed quarterly. See the plan document for more details.

Voluntary 457(b) Asset Accumulation Plan

MPC employees enrolled in the Asset Accumulation Plan may contribute more than the mandatory contribution by enrolling in one of the Voluntary 457(b) plans that are currently offered. This retirement plan allows you to make voluntary pre-tax contributions up to a designated cap (\$17,500 in 2013). Depending on your years of enrollment in the program, MPC will match from 0% to 6% of your contributions and these funds will be deposited into your mandatory 401(a) retirement account. See the plan document for more details.

Medical Expense Retirement Plan

The Medical Expense Retirement Plan assists retirees with the cost of medical care and medical insurance premiums. Participants may contribute after-tax money to this account and use it for medical costs when they retire. See the plan document for more details.

Life Insurance

MPC's basic life insurance is provided to all employees that work at least 18.5 hours per week. The basic benefit provided is one and one-half (1½) times your salary, up to a maximum benefit of \$50,000. You may also purchase accidental death and dismemberment (AD&D) insurance to receive an additional benefit up to two times your annual salary with a maximum of \$100,000.

You may purchase a supplemental term life insurance coverage for yourself in \$15,000 increments up to \$105,000 and have the premium deducted from your paycheck. Coverage may also be purchased for your eligible dependents. See the plan document for more details.

Disability Benefits

MPC employees are provided with disability benefits through the retirement benefits program. Once you are fully vested after five years of service and the administrator has determined that a qualifying disability exists, you are eligible for a disability benefit of 50% of your average earnings over the last five years at the date of the disability. See the plan document for more details.

Appendices

Appendix A

Definitions:

Absence with Pay - A known absence from duty which has been approved by the Division Manager and Executive Director and for which compensation is received.

Absence without Pay - An absence from duty which is without pay because of no accrued annual leave, sick, compensatory time, or other paid leave - or an approved request to be absent without pay.

Annual Leave - The leave granted for vacation and personal pursuits within each calendar year.

Appeals – The procedures as prescribed by this handbook for appealing disciplinary actions and other individual grievances.

Applicant - An individual who has applied in writing and/or submitted a resume, or has completed an application form for employment.

Application - The form or forms which are used when applying for positions.

Class or Class of Position - A group of positions, which are similar in duties and responsibilities, require the same minimum qualifications as to education and experience, are of a similar level of job work and have the same salary range.

Classification - The assignment of a position to an appropriate class on the basis of duties, authority and responsibilities assigned.

Classification Plan - The orderly arrangement of positions within the agency into separate and distinct classes so that each will contain those positions, which involve similar or comparable skills, duties and responsibilities.

Compensatory Leave - Time off from work in lieu of monetary payment for overtime worked.

Demotion – The assignment of an employee from one position to another which has a lower level of responsibilities and lower maximum rate of pay and rank.

Disciplinary Action – The action which may be taken when an employee fails to carry out designated position duties and responsibilities or to follow any provisions of these rules or other expectations of MPC.

Dismissal/Termination - The step in disciplinary action which terminates an employee's employment with MPC.

Employee - An individual who is employed by MPC and is compensated through MPC's payroll for their service. (See Section 201 of Handbook for description of employment categories.)

Evaluation - The system which has been established for evaluating an employee's job performance by their Division Manager.

Exempt Employee - A person employed in a bona fide executive, administrative, or professional capacity, or meeting any other exemption, as these terms are defined in regulations of the Secretary of Labor and the Fair Labor Standards Act (FLSA). To qualify for an exempt status, the requirement of the employee's position must meet all of the pertinent tests relating to duties, responsibilities, and salary as stipulated in the applicable section of Regulations, 29 CFR Part 541.

Grievance - A dispute arising relative to some aspect of employment, interpretation of regulations and policies, or some management decision affecting the employee.

Immediate Family – The spouse, children, brother, sister, parents, parent-in-law, step and adoptive parents, grandparents, grandchildren, guardian, and the corresponding relatives of an employee's spouse.

Insubordination – The failure to follow a Division Manager's or other supervisor's directive, perform assigned work, or otherwise comply with applicable written policies or procedures.

Introductory Period - The first six months after the date of hire. This period may be extended.

Job - A group of specific duties, tasks, and responsibilities assigned to be performed by one employee.

MPC – For the purposes of this document, MPC shall mean the agency made up of the collective staff that supports the 15 member planning commission, not the 15 member planning commission itself.

MPC Human Resources Committee - A group comprised of MPC's senior management staff, as may be designated by the Executive Director, for the purpose of setting agency administrative policy, developing and overseeing staff development and evaluation.

MPC Finance Office - Also referred to as the MPC Finance Division.

Major Suspension - Disciplinary removal from paid status for four or more working days.

Minor Suspension - Disciplinary removal from paid status for one to three working days.

Non-exempt Employee - An employee who is covered by the overtime provisions of the Fair Labor Standards Act and is eligible to receive compensatory time for time worked beyond forty (40) hours in one week.

Other Leave – The paid leave time that is not annual leave or sick leave, which must be approved by the Executive Director. Examples: Official closings of the office due to weather conditions, approved time off to attend funeral of an employee, etc.

Personal Leave of Absence Without Pay – The leave or time off from duty granted by the Executive Director for which period the employee receives no pay.

Pay Plan - A schedule of salaries established for the positions recognized in the MPC Classification Plan so that all positions of a given class may be paid the same salary range.

Promotion – The assignment of an employee from one position to another which has a higher maximum rate of pay and rank.

Reclassification - The reassignment or change in the classification of a position by redefining the job description.

Reprimand - A type of disciplinary action, oral or written, denoting a violation of personnel regulations which becomes part of the employee's personnel record.

Resignation - The voluntary termination of an employee's employment.

Secondary Introductory Period - Introductory period of six months resulting from a promotion or transfer within MPC.

Sick Leave - An approved absence by Division Manager due to illness or injury.

Suspension - An enforced leave of absence (may be with or without pay) for either disciplinary purposes or pending investigation.

Termination/Dismissal - The step in disciplinary action which terminates an employee's employment with MPC.

Transfer – The assignment of an employee from one position to another position.

Unauthorized Leave - An absence from duty which has not been authorized or approved.

Work Day – The scheduled number of hours an employee is required to work per day.

Work Week – The number of hours regularly scheduled to be worked during any week

CODE OF ETHICS

This Code is a guide to the ethical conduct required of members of the American Institute of Certified Planners. The Code also aims at informing the public of the principles to which professional planners are committed. Systematic discussion of the application of these principles, among planners and with the public, is itself essential behavior to bring the Code into daily use.

The Code's standards of behavior provide a basis for adjudicating any charge that a member has acted unethically. However, the Code also provides more than the minimum threshold of enforceable acceptability. It sets standards that require conscious striving to attain.

The principles of the code derive both from the general value of society and from the planning profession's special responsibility to serve the public interest. As the basic values of society are often in competition with each other, so also do the principles of this Code sometimes compete. For example, the need to provide full public information may compete with the need to respect confidences. Plans and programs often result from a balancing among divergent interests. An ethical judgment often also requires a conscientious balancing, based on the facts and context of a particular situation and on the precepts of the entire Code. Formal procedures for filing of complaints, investigation and resolution of alleged violations and the issuance of advisory rulings are part of the Code.

The Planner's Responsibility to the Public

- A. A Planner's primary obligation is to serve the public interest. While the definition of the public interest is formulated through continuous debate, a planner owes allegiance to a conscientiously attained concept of the public interest, which requires these special obligations:
- 1) A planner must have special concern for the long range consequences of present actions.
 - 2) A planner must pay special attention to the interrelatedness of decisions.
 - 3) A planner must strive to provide full, clear and accurate information on planning issues to citizens and governmental decision-makers.
 - 4) A planner must strive to give citizens the opportunity to have a meaningful impact on the development of plans and programs.
Participation should be broad enough to include people who lack formal organization or influence.
 - 5) A planner must strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons and must urge the alteration of policies, institutions and decisions which oppose such needs.
 - 6) A planner must strive to protect the integrity of the natural environment.
 - 7) A planner must strive for excellence of environmental design and endeavor to conserve the heritage of the built environment.

The Planner's Responsibility to Clients and Employers

- B. A planner owes diligent, creative, independent and competent performance of work in pursuit of the client's or employer's interest. Such performance should be consistent with the planner's faithful service to the public interest.
- 1) A planner must exercise independent professional judgment on behalf of clients and employers.
 - 2) A planner must accept the decisions of a client or employer concerning the objectives and nature of the professional services to be performed unless the course of action to be pursued involves conduct, which is illegal or inconsistent with the planner's primary obligation to the public interest.
 - 3) A planner must not, without the consent of the client or employer, and only after full disclosure, accept or continue to perform work if there is an actual, apparent, or reasonably foreseeable conflict between the interests of the client or employer and the personal or financial interest of the planner or of another past or present client or employer of the planner.
 - 4) A planner must not solicit prospective clients or employment through use of false or misleading claims, harassment or duress.
 - 5) A planner must not sell or offer to sell services by stating or implying an ability to influence decisions by improper means.
 - 6) A planner must not use the power of any office to seek or obtain a special advantage that is not in the public interest nor any special advantage that is not a matter of public knowledge.
 - 7) A planner must not accept or continue to perform work beyond the planner's professional competence or accept work which cannot be performed with the promptness required by the prospective client or employer, or which is required by the circumstances of the assignment.
 - 8) A planner must not reveal information gained in a professional relationship which the client or employer has requested be held inviolate. Exceptions to this requirement of non-disclosure may be made only when (a) required by process of law, or (b) required to prevent a clear violation of law, or (c) required to prevent a substantial injury to the public. Disclosure pursuant to (b) and (c) must not be made until after the planner has verified the facts and issues involved and, when practicable, has exhausted efforts to obtain reconsideration of the matter and has sought separate opinions on the issue from other qualified professionals employed by the client or employer.

The Planner's Responsibility to the Profession and to Colleagues

- C. A Planner should contribute to the development of the profession by improving knowledge and techniques, making work relevant to solutions of community problems, and increasing public understanding of planning activities. A planner should treat fairly the professional views of qualified colleagues and members of other professions.
- 1) A planner must protect and enhance the integrity of the profession and must be responsible in criticism of the profession.
 - 2) A planner must accurately represent the qualifications, views and findings of colleagues.
 - 3) A planner who has responsibility for reviewing the work of other professionals, must fulfill this responsibility in a fair, considerate, professional and equitable manner.
 - 4) A planner must share the results of experience and research, which contribute to the body of planning knowledge.

- 5) A planner must examine the applicability of planning theories, methods and standards to the facts and analysis of each particular situation and must not accept the applicability of a customary solution without first establishing its appropriateness to the situation.
- 6) A planner must contribute time and information to the professional development of students, interns, beginning professionals and other colleagues.
- 7) A planner must strive to increase the opportunities for women and members of recognized minorities to become professional planners.

The Planner's Self-Responsibility

- D. A Planner should strive for high standards of professional integrity, proficiency and knowledge.
- 1) A planner must not commit a deliberately wrongful act, which reflects adversely on the planner's professional fitness.
 - 2) A planner must respect the rights of others and, in particular, must not improperly discriminate against persons.
 - 3) A planner must strive to continue professional education.
 - 4) A planner must accurately represent professional qualifications, education and affiliations.
 - 5) A planner must systematically and critically analyze ethical issues in the practice of planning.
 - 6) A planner must strive to contribute time and effort to groups lacking in adequate planning resources and to voluntary professional activities.

PROCEDURES UNDER THE CODE OF ETHICS AND PROFESSIONAL CONDUCT

Informal Advice and Formal Advisory Rulings: Any person may seek informal advice on ethics from the Executive Secretary of the AICP or from the Chair of a Chapter Professional Development Committee. Such advice shall not be binding upon the AICP.

Any person may file a written request with the Executive Secretary of AICP for a formal advisory ruling on the propriety of any professional planner conduct. The request should contain sufficient facts, real or hypothetical, to permit a definitive opinion. If appropriate, the Executive Secretary shall then prepare and furnish a written formal advisory ruling to the inquiring party. This ruling may be published if endorsed by the AICP Ethics Committee. Published rulings, however, shall not include any actual names and places without the written consent of all persons to be named. A ruling may be relied upon by the person who requested it whether or not published. Published rulings shall be binding on all members of the AICP.2.

Charges Alleging Misconduct by an AICP Member: Any person may file in writing with the Executive Secretary of the AICP a charge of misconduct against an AICP member. The charge shall state the facts upon which it is based. The Executive Secretary shall furnish a copy of the charge to the respondent member.

The Executive Secretary shall determine whether the charge warrants an investigation. In the event a field investigation is deemed appropriate, the Executive Secretary will seek the assistance of the Chair of the Professional Development Committee of the appropriate APA Chapter.

The Executive Secretary, with or without an investigation, may dismiss the charge or issue a complaint against the respondent. In either event, notice shall be sent to the charging party and to the respondent advising the determination and of the charging party's right to appeal the dismissal of the charge.

The Executive Secretary's decision to dismiss a charge may be appealed by the charging party within thirty days of receipt of written notification. The Executive Secretary shall promptly forward copies of the appeal to the members of the AICP Ethics Committee. The Ethics Committee may remand the charge to the Executive Secretary for further investigation and/or reconsideration, or the Committee may reverse the Executive Secretary's decision if it is contrary to the provisions of the code or to prior Committee opinions. If the Executive Secretary issues a complaint against a member, the latter shall have thirty days from receipt of the complaint to respond. In the absence of extraordinary circumstances which, in the opinion of the Ethics Committee, warrant a special exception, the failure of a respondent to deny any fact alleged in the complaint within the thirty day period will be deemed an admission of such fact.

If the response to the complaint reveals any disrupted material fact, the respondent shall be granted a hearing before the Ethics Committee of the AICP or before any member or members of the Ethics Committee designated by the Committee's Chair to conduct the hearing. The hearing shall proceed without application of formal rules of evidence; however, the substantive rights of the respondent shall at all times be protected.

If a hearing is held, those conducting it shall promptly issue findings of fact which shall be transmitted to the full Committee, the respondent and the charging party. If no material fact was in dispute and no hearing held, the Ethics Committee need not issue findings of fact.

On the basis of the findings of fact and admissions, the Ethics Committee shall determine whether the Code has been violated and issue an opinion. A copy of the opinion shall be transmitted to the respondent, the charging party and the Commission. The Ethics Committee may concurrently submit a recommendation to the Commission that the respondent be expelled, suspended, publicly censured, or privately reprimanded. The respondent shall be sent a copy of the recommendation and shall be given no less than thirty days notice to respond, in person and/or in writing before it is voted on by the Commission, which vote shall be within one year of the issuance of the complaint. Disciplinary action against a member and the official publication of an expulsion, suspension or public censure shall require the affirmative vote of six members (two-thirds) of this Commission.

The Executive Secretary shall publish all written opinions endorsed by the Commission or by the Ethics Committee, but shall omit actual names and places unless authorized by an affirmative vote of six members (two-thirds) of the Commission or in writing by the respondent.

**GRIEVANCE PROCEDURE FOR
KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PURSUANT TO THE AMERICANS WITH DISABILITIES ACT**

I. Initial Complaint Procedure

- A. Whenever a person alleges that he/she may have been denied access to a program or facility of the Knoxville/Knox County Metropolitan Planning Commission (MPC) or within the course of his/her employment with MPC in violation of the Americans with Disabilities Act (ADA), such person may file a complaint by delivering a written account of the alleged grievance to the Executive Director of MPC.
- B. If an individual is unable to file a Complaint in writing due to a disability, that individual may file a Complaint by going to the Executive Director and filing a verbal Complaint. The verbal Complaint will be taped and then transcribed so that it may be sent in written form to the Executive Director.
- C. A Complaint should be filed within thirty (30) days after the Grievant becomes aware of the alleged violation.

II. Responsibility of Executive Director upon Receipt of Complaint or Grievance

- A. Upon the receipt of a written Complaint or Grievance, the Executive Director shall forward a copy of the written allegations or transcribed allegations to the appropriate Supervisor within MPC. The Complaint shall be accompanied by a memo informing the Supervisor that he/she has ten (10) days in which to draft a written response to the allegations and return such to the Executive Director. The Supervisor shall be informed that their response to the allegations shall be provided to the allegedly aggrieved party. The Executive Director shall forward a copy of the allegations to the appropriate Department within three (3) days of receipt of same in his/her office. The Supervisor shall reply to the allegations within ten (10) business days from receipt of the allegations
- B. The Executive Director shall by certified mail forward a copy of the Supervisor's response to the allegations to the Grievant. At that time, the Executive Director by letter shall inform the alleged Grievant that the enclosure represents the response of the Division Manager or Supervisor to the allegations made and that if the Grievant wishes to respond to such response of the Supervisor the alleged Grievant may do so in writing or by contacting the Executive Director by telephone or appearance in person.
- C. Within thirty (30) days from the mailing by certified mail of the response of the Supervisor to the Complaint or Grievance, the Executive Director shall issue a written determination as to the validity of the Complaint and a description of the resolution, if any, shall be issued to the Grievant with a copy of such written determination to be forwarded to the Supervisor.
- D. The Grievant may request a hearing in the event of dissatisfaction with the written determination as issued by the Executive Director. The request for a hearing

should be made within thirty (30) days from the date of issuance contained in the written determination as issued by the Executive Director.

III. Hearing Committee

- A. The MPC Executive Committee shall meet and determine a list of ten (10) individuals which shall serve as hearing officers for ADA Complaints on a voluntary basis. The Executive Director shall select three (3) individuals (hearing officers) on a random basis from this list to hear each Grievance or Complaint.

IV. Grievance Hearing Procedure

- A. Upon receipt of the reply requesting a hearing before the Hearing Committee, the Executive Director shall within ten (10) days contact three (3) members of the Hearing Committee on the list as described above and notify the parties of the named Hearing Committee members. The date of the hearing shall be no later than thirty (30) days from receipt of the request for the hearing.
- B. Either party may request a continuance of the setting of a hearing date by submitting such request to the Executive Director no later than three (3) days prior to a scheduled hearing. The continuance shall be granted or denied by the Hearing Committee. Under no circumstances shall any hearing be continued more than sixty (60) days from the receipt of the request for a hearing.
- C. The hearing shall afford the Grievant and the Supervisor an opportunity to present their side of their case. The hearing shall consist of opening statements from each side which last no longer than fifteen (15) minutes each, the opportunity to put on testimony through witnesses and present proof with each side having the opportunity to cross-examine witnesses of the other side respectively. The Grievant and the Supervisor shall each have fifteen (15) minutes to present a closing argument.
- D. The Hearing Committee shall within five (5) days of such hearing prepare its written findings and conclusions. More specifically, the Hearing Committee shall make a finding as to whether or not MPC has in any way violated the ADA. If the Hearing Committee finds such a violation to have occurred, it may make a recommendation to the Supervisor as to a change in policy, practice or change to the appropriate facility or programming.
- E. A tape recording shall be made of all hearings and shall be available for transcription. Either party may request a transcript of the hearing; however, such request shall be at the expense of the requesting party.
- F. The Executive Director shall attend all ADA Grievance Hearings. Other parties may also attend if it would be appropriate based upon the subject matter of the alleged grievance.
- G. The Executive Director shall maintain all records, proof, and files pertaining to ADA Complaints and grievance hearings.

This Grievance Procedure shall be construed to assure that MPC complies with ADA and its implementing regulations.

Appendix D

The Family and Medical Leave Act (FMLA) of 1993

The Family and Medical Leave Act (FMLA) of 1993 grants up to 12 weeks of job-protected leave to eligible employees for qualifying family and medical reasons. The National Defense Authorization Act of 2008 permits eligible employees to use their 12-week leave entitlement for any “qualifying emergency” as described above and up to 26 weeks to care for a covered servicemember who is recovering from a serious illness or injuries as described above. This policy sets forth the terms, conditions and procedures under which an employee may be granted a medical or family leave of absence. This policy supercedes any former versions of the County’s FMLA Policy. If another policy (i.e., annual leave, sick leave, attendance, etc.) conflicts with this policy, this policy governs.

DEFINITIONS

Child means a biological, adopted, or foster child, a stepchild, legal ward, or a child of a person standing in loco parentis, who is under 18 years of age or is 18 or older and incapable of self care because of a mental or physical disability.

Continuing Treatment by a Health Care Provider includes any one of the following five sets of circumstances:

- (1) A period of incapacity (i.e., an inability to work, attend school or perform other regular daily activities) that lasts more than 3 consecutive calendar days, including any subsequent treatment or period of incapacity relating to the same condition, and that also involves: (i) treatment two or more times by a health care provider, by a nurse or physician’s assistant under direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider, within 30 days of the start of the period of incapacity, or (ii) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment (i.e., a course of prescribed medication or therapy) under supervision of the health care provider;
- (2) Any period of incapacity because of pregnancy or prenatal care;
- (3) Any period of incapacity or treatment for such incapacity because of a chronic serious health condition, as long as the chronic serious health condition (i) requires periodic visits (at least 2 visits per year) for treatment by a health care provider, and (ii) continues over an extended period of time, including recurring episodes of a single underlying condition, and (iii) that may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.);
- (4) A period of incapacity which is long term or permanent due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider (e.g., Alzheimer’s disease, a severe stroke, or the terminal stages of a disease, etc.); or
- (5) Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider either for (i) restorative surgery after an accident or injury, or (ii) for a condition that would likely result in a period of incapacity of

longer than three consecutive days in the absence of medical intervention, (e.g., cancer, severe arthritis, or kidney disease.)

Eligible employee means any employee who has been employed by MPC for a total of at least 12 months (not necessarily consecutive), who worked at least 1,250 hours during the previous 12-month period, and who works at a worksite with 50 or more employees located within 75 miles.

Health Care Provider means (1) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; (2) podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law; (3) nurse practitioners, nurse midwives and clinical social workers who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law; (4) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; or (5) any health care provider recognized by MPC's Health Plan.

In loco parentis includes those persons with day-to-day responsibilities to care for and financially support a child, or in the case of an employee, those persons who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

Intermittent leave is leave taken in separate blocks of time due to a single illness or injury, rather than for one continuous period of time, and may include leave periods from one hour or more to several weeks. Intermittent leave is limited solely to treatment, recovery from treatment, recovery from illness, or for periods of disability due to chronic serious health conditions including psychological conditions.

Mental or physical disability means a physical or mental impairment that substantially limits one or more of the major life activities of the individual, as defined under the Americans With Disabilities Act (ADA). A "physical or mental impairment" is any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, speech organs, respiratory, cardiovascular, reproductive, endocrine; it also includes mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.

Parent means the biological parent of an employee or an individual who stands or stood in loco parentis to an employee when the employee was a child, such as a foster or adoptive parent or stepparent. It does not include a parent-in-law.

Qualifying Exigencies means job protected leave authorized for families of National Guard and Reserve personnel on active duty to manage their affairs – "qualifying exigencies." This may include:

1. short-notice deployment
2. military events and related activities
3. childcare and school activities
4. financial and legal arrangements
5. counseling
6. rest and recuperation
7. post-deployment activities and
8. additional activities where the employer and employee agree to the leave

Reduced leave schedule means a leave schedule that reduces an employee's usual number of hours per workweek or hours per workday on a temporary basis, i.e., a temporary change from full-time to part-time.

Regimen of Continuing Treatment for chronic conditions such as asthma or cancer, etc. is the taking of prescription drugs or participating in therapy requiring special equipment to resolve or alleviate the health condition. The taking of over-the-counter medications, bed rest, exercises and other similar activities that can be initiated without a visit to a health care provider are not, by themselves, sufficient to be considered continuing treatment.

Serious health condition that entitles an employee to FMLA leave means any illness, injury, impairment, or physical or mental condition involving: (1) inpatient care (i.e., an overnight stay in a hospital or similar medical facility), and any corresponding period of incapacity or subsequent treatment in connection with such inpatient care; or (2) incapacitated for more than 3 calendar days plus 2 visits to a health care provider within 30 days; or (3) continuing treatment by a health care provider at least 2 times per year. Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. Cosmetic treatments, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, and the like are not serious health conditions, unless inpatient hospital care is required or unless complications develop.

Spouse means a husband or wife as defined under applicable State law for purposes of marriage.

TYPES OF LEAVE PROVIDED BY FMLA

a. An eligible employee may request up to twelve (12) weeks of unpaid, job protected FMLA leave for the following reasons:

1. Family

- For incapacity due to pregnancy, prenatal medical care or childbirth;
- To care for an employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition.

2. Medical

- A serious health condition that renders the employee unable to perform the functions of his or her job. FMLA does not apply to the occasional absence for sickness.

3. Qualifying Exigency Leave

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, certain counseling sessions, and attending post-deployment reintegration meetings.

4. Military Caregiver Leave

Eligible employees may take up to twenty-six (26) weeks of leave during a single 12-month period to care for a covered service member or veteran. A covered service member is a current

member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty, or a pre-existing injury or illness that was aggravated in the line of duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status, or is on the temporary disability return list. A covered veteran is an individual who is undergoing medical treatment, recuperation or therapy for a serious injury or illness, including a continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces, and who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

EMPLOYEE ELIGIBILITY

Employees are eligible for FMLA leave if they have been employed at MPC for at least one year, have worked at least 1,250 hours over the previous 12 months, and work at a site or sites with 50 or more employees in a 75-mile radius. MPC has elected to use the "rolling" 12-month period allowed by the FMLA. Any FMLA leave taken by an employee during the preceding twelve (12) months will be used to determine the amount of available leave pursuant to the FMLA.

For example, if an employee used six weeks of FMLA leave beginning June 1, 2012, two weeks of FMLA leave beginning September 1, 2012, and four weeks of FMLA leave beginning November 1, 2012, the employee would not be entitled to any additional FMLA leave until June 1, 2013. On June 1, 2013, the employee would be entitled to six weeks of FMLA leave, and on September 1, 2013, the employee would be entitled to an additional two weeks, etc. If an employee took twelve weeks of FMLA leave beginning April 1, 2014, the employee would not be entitled to any additional FMLA leave until April 1, 2015.

If any MPC policy conflicts with FMLA, the FMLA will govern. Eligible employees are encouraged to request FMLA leave in accordance with this policy. Employees on any leave which qualifies for FMLA leave, specifically workers' compensation, short term disability, long term disability and maternity leave, will be placed on FMLA leave as soon as it comes to the attention of the Executive Director.

AMOUNT OF LEAVE

Eligible employees are entitled to a total of twelve (12) weeks of medical leave, family leave, qualifying exigency leave, or a combination thereof during a twelve (12) month period. Eligible employees are entitled to a combined total of 26 workweeks of leave for military caregiver leave and leave for any other FMLA-qualifying reason during the same single 12-month period, provided that the employee may take no more than twelve (12) weeks of leave because of a qualifying exigency or any other FMLA-qualifying reason. For example, an eligible employee may, during a single 12-month period, take eighteen (18) weeks of FMLA leave to care for a covered servicemember and eight (8) weeks of FMLA leave because of the employee's own serious health condition; however, the employee may not take more than twelve (12) weeks of leave due to his or her own serious health condition or any other FMLA-qualifying reason.

The entitlement to family leave for the birth or placement of a child for adoption or foster care will expire 12 months from the date of the birth or placement of the child.

INTERMITTENT OR REDUCED SCHEDULE LEAVE

Intermittent leave or a reduced leave schedule is available in two (2) circumstances under the FMLA. First, if medically necessary for a serious health condition of the employee, or the employee's spouse, child or parent, or a serious injury or illness of a covered servicemember, the employee may elect such leave. Second, for the birth of a child or placement of a child for adoption or foster care, MPC, at its discretion, may grant such leave. If an employee goes on intermittent leave or a reduced leave schedule, MPC may, at its discretion, require employees requesting intermittent or a reduced leave schedule to transfer temporarily to an available alternative position with equivalent pay and benefits or to a part-time position with the same hourly rate of pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave. While on an intermittent leave schedule, the employee will remain on active status even if the intermittent periods of leave are unpaid.

If an employee takes leave on an intermittent or reduced leave schedule, only the amount of leave actually taken will be counted toward the 12 weeks of leave to which an employee is entitled. For example, if a full-time employee who normally works five days a week takes off one day, the employee would use 1/5 of a week of FMLA leave. Similarly, if a full-time employee who normally works 8-hour days works 4-hour days under a reduced leave schedule, the employee would use ½ week of FMLA leave each week. Where an employee normally works a part-time schedule or variable hours, the amount of leave to which an employee is entitled is determined on a prorata or proportional basis by comparing the new schedule with the employee's previous regular schedule.

For example, if a part-time employee who normally works 30 hours per week works only 20 hours a week under a reduced leave schedule, the employee's ten hours of leave would constitute one-third of a week of FMLA leave for each week the employee works the reduced leave schedule. If an employee's schedule varies from week to week, a weekly average of the hours worked over the 12 weeks prior to the beginning of the leave period would be used for calculating the employee's normal workweek.

Where an employee is on intermittent leave or a reduced leave schedule, MPC may seek a fitness-for-duty certification once every thirty (30) days (or less frequently) if reasonable safety concerns exist regarding performance of the employee's job duties based on the condition that triggered the leave. The fitness-for-duty certification is at the employee's expense. MPC may delay restoration following leave until a satisfactory fitness-for-duty certification has been submitted by the employee. MPC will give notice of the fitness-for-duty certification requirement at the same time it issues the Designation Notice (Form WH-382) approving intermittent leave or a reduced leave schedule.

SUBSTITUTION OF PAID LEAVE

FMLA leave is unpaid. However, as described below, MPC requires its employees to substitute any accrued sick or annual leave, which is available to an employee as of the date that the FMLA leave begins, on a consecutive daily basis until the employee's total combined accrued sick and annual leave reaches a balance of five days left. Once the employee has only five sick and annual days left combined (no matter what number of days are sick and what number of days are annual), the employee will continue on unpaid leave status. For intermittent leave or leave on a reduced schedule, substitution of sick leave or accrued annual is required in increments of ½ hour. The substitution of accrued sick or annual is not required or permitted when the medical leave under the FMLA results in the payment of benefits under Workers' Compensation or other disability plan, except that employees may elect to supplement such benefits with accrued sick leave and, once exhausted, accrued annual leave up to the employee's regular rate of pay. Any time off by an employee on annual leave, paid sick leave,

occupational leave, maternity leave, or other leave that qualifies for family or medical leave under the FMLA will count against the employee's entitlement under the FMLA.

For any period of time on approved FMLA leave for which accrued sick and annual leave is not required to be used, an employee may elect to apply accrued sick and annual leave to that time.

MAKING A REQUEST FOR FMLA LEAVE

A. Administration. The employee must provide a thirty (30) day advance notice of the need to take FMLA leave when leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious injury or illness of a covered servicemember, and as soon as practicable when not foreseeable. Where the need for leave is unforeseeable, the employee must give notice before the employee's scheduled work time in accordance with MPC's Attendance Policy to be eligible to substitute annual or sick leave for the FMLA leave. Employees must provide sufficient information for MPC to reasonably determine whether the FMLA may apply to the leave request.

An employee's supervisor should contact the Executive Director as soon as the supervisor learns the employee is or will be out due to a personal illness or injury that is expected to last four (4) consecutive working days or more. In any event, where an employee is absent for four (4) consecutive working days for illness or injury, the supervisor must notify the Executive Director in order to determine whether the employee's leave qualifies as FMLA leave.

After receiving an employee's request for leave, MPC will provide an employee with a Notice of Eligibility and Rights & Responsibilities (DOL Form WH-381) indicating whether the requested leave is FMLA eligible or non-eligible and will set forth the terms of the leave. When MPC has enough information, including the medical certification discussed below, to make a determination about whether the leave actually qualifies as FMLA leave, MPC will designate the leave as FMLA (or not) in writing as FMLA on the Designation Notice (DOL Form WH-382) within five (5) business days absent extenuating circumstances. Whenever possible, MPC will provide the employee with its estimate of number of hours, days or weeks that will count against the employee's FMLA entitlement. If MPC knows that an employee's leave qualifies as FMLA leave and does not designate it as such, the leave cannot be retroactively designated as FMLA leave, except under limited circumstances. MPC can designate it as FMLA leave prospectively from the date of notification if it is done before the employee returns to work. If MPC does not have knowledge that the employee's leave qualifies for FMLA leave, MPC may retroactively designate it as FMLA leave if the designation is made within two days of the employee returning to work.

Where leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of MPC, subject to the approval of the health care provider.

Leave taken for a serious health condition which results in a disability benefit or worker's compensation benefit can be credited against an employee's FMLA leave entitlement. The worker's compensation and FMLA leave will run concurrently.

B. Medical Certification. When a leave request is based on an employee's own or a family member's serious health condition, MPC requires that the request for leave be supported by a Certification of Health Care Provider for Employee's Serious Health Condition (DOL Form WH-380-E) or Certification of Health Care Provider for Family Member's Serious Health Condition (DOL Form WH-380-F) submitted to the Executive Director. MPC will generally provide the employee with the appropriate health care provider certification form within five (5) business

days of the employee's request for FMLA leave, or in the case of unforeseen leave, within five (5) business days after the employee provides sufficient information to determine that the leave may qualify for FMLA leave. When the leave is foreseeable and at least 30 days notice of the leave has been provided, the employee should provide the Medical Certification before the leave begins. When this is impossible, the Medical Certification form must be provided to MPC within 15 calendar days after MPC's request unless there are extenuating circumstances.

The employee must provide a complete and sufficient medical certification to MPC to be entitled to the requested FMLA leave. Incomplete, ambiguous, vague or non-responsive certification will not be accepted and the employee will be provided seven (7) business days to cure any such deficiency. If the deficiencies are not cured, MPC may deny the taking of FMLA leave. It is the employee's responsibility to provide the health care provider with any necessary release to provide a complete and sufficient certification to MPC.

When an employee submits a completed and sufficient medical certification, MPC cannot request additional information from the employee's health care provider. However, after MPC has given the employee an opportunity to cure any deficiencies in a defective medical certification, MPC may contact the health care provider for purposes of clarification and authentication of the medical certification through MPC's health care provider, designated human resources representative or an appropriate management official. The employee will be required to provide MPC with a HIPAA-compliant authorization allowing MPC to clarify the authenticity of certification if necessary. If the employee's health care provider is also the employee's workers' compensation provider, MPC may request information in accordance with the Workers' Compensation Act.

If MPC has reason to doubt the validity of a medical certification, MPC may require the employee to submit to an examination by a MPC-designated physician (not regularly employed or utilized by MPC) at MPC's expense. Pending the receipt of the second medical certification, the employee will be provisionally placed on FMLA leave. If the second medical certification differs from the first medical certification, MPC may require the employee to submit a third medical certification from another physician approved jointly by MPC and the employee, at MPC's expense. This third medical certification shall be final and binding. The employee, upon request, is entitled to copies of any second or third medical certifications.

MPC may, at its discretion, require the employee to submit a medical re-certification as to the employee's or family member's serious health condition at the end of the initial leave duration, but not more often than every thirty (30) days unless the employee requests an extension of FMLA leave, the circumstances described in the previous certification have changed, or MPC receives information casting doubt on the validity of the certification. In all cases, MPC may request recertification of a medical condition every six months.

If an employee fails without good reason to provide a medical certification or re-certifications on a timely basis, MPC may deny the request for leave until it is submitted. If the employee fails to produce a medical certification within the time requested by MPC, the leave may not qualify for FMLA leave and the absences will be considered unexcused.

C. Military Family/Qualified Exigency Administration. When a military family leave is requested, MPC requires that the request for leave be supported by a Certification of Qualifying Exigency For Military Leave (DOL Form WH-384) or Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave (DOL Form WH-385) submitted to Executive Director. When the leave is foreseeable and at least 30 days notice has been provided, the employee should provide the appropriate Certification before the leave begins. When this is impossible,

the Certification form must be provided to MPC within 15 calendar days after MPC's request unless there are extenuating circumstances.

MPC will require employees to report periodically on their status and their intention to return to work.

BENEFITS DURING LEAVE

During a period of family or medical leave, qualified exigency or military family leave under the FMLA, an employee will be retained on MPC's medical insurance and other plans in which the employee was enrolled under the same conditions and on the same basis as if the employee was not on leave. MPC will continue to pay its portions (if any) of the insurance contribution, and in order to continue all employee contributed coverage, the employee must continue to make any contributions that the employee would make if not on leave, including any increases. Failure of the employee to pay his or her share of the premiums within sixty (60) days of the due date will end MPC's obligation to maintain health insurance for the employee. MPC will provide 15 days of written notice to an employee that payment has not been received prior to terminating coverage.

MPC will allow employees on FMLA leave to accrue additional paid sick and annual leave when the employee substitutes already accrued sick and annual leave, if eligible under those individual policies. If an employee is on unpaid FMLA leave because the employee has exhausted his or her sick and annual leave balances to the minimum balance, the employee will not accrue additional sick and annual leave during the week.

Employees are not entitled to the accrual of seniority or other employment benefits while on FMLA leave. An employee who takes family or medical leave will not lose any seniority or employment benefits that accrued before the date that the employee was on FMLA leave.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse MPC for all insurance contributions made by MPC during the leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his or her job, or due to circumstances beyond the employee's control, (i.e. a parent's decision to stay home with a newborn baby is not beyond the employee's control, unless the newborn has a serious health condition.) Nothing in this policy should be construed to grant health insurance coverage to employees not otherwise covered by MPC's health insurance policy.

PROCEDURES FOR RETURNING FROM LEAVE

Before an employee can return to work following a medical leave of at least ten (10) consecutive workdays, the employee, at the employee's cost, must submit a Return To Work Fitness For Duty Certificate from the designated physician releasing the employee to resume work and stating that the employee is fit for duty, but only with regard to the particular health condition that caused the employee's need for FMLA leave. The health care provider may be required to specifically address the employee's ability to perform the essential functions of the employee's job and, if so, MPC will provide the employee with a list of the essential functions with the Designation Notice (Form WH-382). MPC may contact the employee's health care provider through MPC's health care provider, designated human resources representative or appropriate management official, with the employee's permission, for clarification of the employee's fitness to return to work certification, but no additional information may be required. MPC may deny restoration to employment until such certification is provided.

Upon being released for work, an employee must report to the Executive Director immediately and present the Return to Work Fitness for Duty Certificate. Where the certification indicates that the employee cannot perform the essential functions of the job, the Executive Director will recommend that the employee continue on medical leave pending a determination of whether the employee requires an accommodation and what accommodation, if any, is reasonable. Where the employee's certification releases the employee to return to work without restrictions which prevent the employee from performing the essential functions of his or her job, the Executive Director will contact the employee's supervisor to discuss return to work.

MPC may contact the employee's health care provider for purposes of clarifying and authenticating the fitness-for-duty certification but may not delay the employees' return to work while contact with the health care professional is being made. MPC will follow the procedures for clarifying a Certification of Health Care Provider for Employee's Serious Health Condition, and the employee must cooperate by signing any necessary HIPAA-compliant authorization.

If an employee is returning to work from medical leave that is no longer a designated FMLA leave, or was never a designated FMLA leave, MPC may require that employee be examined by a MPC-designated physician for an independent evaluation of the employee's fitness to return to work.

In all situations, after an employee returns to work, MPC may require a job-related medical examination by a MPC designated physician where there is evidence of a job performance or safety problem in order to determine an employee's current fitness to safely and effectively perform the job.

RESTORATION TO EMPLOYMENT

MPC employees returning to work from a family or medical leave or qualified exigency or military family leave under the FMLA will be restored to the same position or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. A determination as to whether a position is equivalent will be made by the Executive Director.

DENIAL OF RESTORATION

Under the following circumstances, MPC may deny restoration of an employee to his or her former position or to an equivalent position: (1) if the employee would not otherwise have been employed at the time restoration is requested; (2) if the employee fails to provide a Return To Work Fitness For Duty Certificate as requested by MPC; (3) if the employee fraudulently obtained leave; (4) if the employee is unable to perform the essential functions of the position with or without reasonable accommodation because of a physical or mental condition, including the continuation of a serious health condition; (5) if an employee is no longer qualified for the position because of the employee's inability to attend a necessary course, renew a license or certificate, etc., as a result of the leave, provided the employee has been given a reasonable opportunity to fulfill those conditions upon return to work; (6) if the employee unequivocally advised MPC that he or she does not intend to return to work, in which case the employment relationship is deemed terminated and leave benefits cease immediately; or (7) If the employee is a "key" employee, as defined under the FMLA, and restoration would result in a substantial and grievous economic injury to MPC's operations.

FAILURE TO RETURN FROM LEAVE/EXTENSION OF LEAVE

The failure of an employee to return to work upon the expiration of the maximum leave period for a family or medical leave of absence or a qualified exigency or military family leave, including any authorized extension of leave, will subject the employee to immediate termination.

FAMILY AND MEDICAL LEAVE RECORDS

All records concerning family and medical leave will be maintained for at least three (3) years. Records and documents relating to medical certifications, re-certifications or medical histories of employees or employees' family members will be maintained as separate records and treated as confidential records in Executive Director. Each supervisor is required to forward all forms, including Requests for Leave of Absence, Certifications of Health Care Provider, Family and Medical Leave Act Checklist, Response to Your Request for Leave Under the FMLA, Medical Certification Statements, Employer Designation Notices, Return to Work Fitness for Duty Certificates and other documents relating to the leave to the Executive Director upon completion. Copies of these forms and records may not be retained in the supervisor's individual files.

Employees should contact the Executive Director for more information about the FMLA.

Revision History

Revisions

Version 2005-1	Original distribution of MPC Handbook
August 1, 2007	<u>Compensatory Time</u> , Page 14 - clarification <u>Work Records and Time Records</u> , Page 17 - added text pertaining to remote access <u>Safety</u> , Page 24 - revised "On-the-Job Injury Procedure / Worker's Compensation Insurance <u>FMLA</u> , Page 43 - addressed accrual <u>Worker's Compensation</u> , Page 57 - MPC's provision of worker's compensation insurance MPC Employee Handbook Acknowledgement form - added to handbook, to be signed by all MPC staff and added to Personnel file
August 16, 2007	Page numbers corrected on Revision History, and MPC Employee Handbook Acknowledgement form updated

Employee Handbook Acknowledgement

The Metropolitan Planning Commission Employee Handbook describes important information about MPC, and I understand that I should consult the Executive Director regarding any questions not answered in the handbook.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Executive Director has the ability to approve any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is not a contract of employment. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

Real Estate Acknowledgement

I hereby certify to MPC that I do not own any real estate located in Knox County, Tennessee, other than my personal residence and not more than one other property on which I have resided or intend to reside.

Outside Employment Acknowledgement

I hereby certify to MPC that I am not presently engaged in any outside employment as defined in "Employee Conduct - Outside Employment", page 26 of the MPC Employee Handbook.

I understand that if I desire to hold outside employment while employed by the MPC, I must notify the Executive Director in writing of the nature and hours of work, and obtain the Executive Director's prior consent.

Sexual and Other Unlawful Harassment Acknowledgement

I hereby acknowledge that conduct constituting Sexual and Other Unlawful Harassment as defined in "State and Federal Policies - Workplace Harassment", page 6 of the MPC Employee Handbook has been explained to me, and that I understand the guidelines as set forth. I further acknowledge that in the case of a sexual or other unlawful harassment, I am to report this to my immediate supervisor, or the Executive Director. I understand that a violation of this policy may result in legal and/or disciplinary action, up to and including termination.

Computer, E-Mail, Internet and Voice Mail Usage Acknowledgement

I hereby acknowledge that I have read the Computer, E-Mail, Internet and Voice Mail Usage section of the Employee Handbook, "General Personnel Policies - Computer Use, E-Mail, Internet, and Voice Mail Usage", page 24, and I agree to comply with the rules and conditions set forth therein. I understand that a violation of this policy may result in legal and/or disciplinary action, up to and including termination.

(Employee Signature)

(Date)