



State of Tennessee

PRIVATE CHAPTER NO. 55

HOUSE BILL NO. 2991

By Representative Fritts

Substituted for: Senate Bill No. 2976

By Senator Yager

AN ACT to repeal Chapter 32 of the Private Acts of 1997, and any other acts amendatory thereto, relative to the City of Rockwood.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 32 of the Private Acts of 1997, and any other acts amendatory thereto, is amended by repealing the act and substituting the following:

SECTION 1. There is hereby created a system of Civil Service for the City of Rockwood. A Civil Service Board, hereinafter referred to as "the board", to consist of five members, is hereby created to exercise the powers and authorities hereinafter set forth. Two members of the board shall be elected by the governing body of the City of Rockwood upon recommendation of the Mayor. Two members shall be elected by the employees of the classified service, in a joint election, and the two persons receiving the majority of the votes of the employees in the classified service shall become the two members of the board. The persons selected by the governing body of the City of Rockwood and the persons selected by a majority vote of the classified service shall then select one person within 10 days of their appointment and selection, and the person agreed upon by these four so appointed and selected shall constitute the fifth member of the board; provided, that if the four members appointed and selected shall fail to agree within 10 days after their appointment, then the governing body of the City of Rockwood shall appoint four citizens of the City of Rockwood to meet and confer with four citizens of the City of Rockwood appointed by employees of the classified service. This joint committee of eight shall meet within 10 days and appoint one person who shall constitute the fifth member of the board.

The five members thus appointed to the board shall serve as board members for a term as appointed, or until their successors are appointed and qualified. Each member shall serve a term of four years. No member shall be allowed to succeed himself or herself more than once.

The members of this board shall receive for their services an amount to be determined by the governing body of Rockwood, to be paid out of the General Fund of the City of Rockwood, but said amount shall be no less than \$50.00 per month. No person shall be a member of said board who is not a citizen of the United States, a resident of the City of Rockwood for at least one year immediately preceding such appointment, and a qualified voter of Roane County. No employee of the City of Rockwood or any of its departments or public agencies, elected official of the City of Rockwood, member of any other Board of the City of Rockwood, convicted felon or person convicted of a misdemeanor involving moral turpitude may be a member of the board.

Any member of this board may be removed from office by the governing body of the City of Rockwood for incompetency, dereliction of duty, malfeasance in office, or upon conviction of a felony or upon conviction of a misdemeanor involving moral turpitude; provided, however, that no member of the board shall be removed until charges have been submitted in writing, due notice and full public hearing before the governing body of the City of Rockwood. The appeal of any decision of the governing body of the City of Rockwood to remove a member of this board shall be brought in accordance with the provisions of Tennessee Code Annotated, Section 27-9-101 et. seq. Such appeal shall be confined to the determination of whether the order of removal

made by the governing body of the City of Rockwood was made in good faith for proper cause.

The members of the board shall devote due time and attention to the performance of the duties imposed upon them by this act. The board shall meet when necessary to perform the duties imposed on it by this act. The presence of three members of this board shall be sufficient for the decision of all matters and the transaction of all business this board is authorized to decide or transact by this act. The affirmative vote of three members shall be required to overturn any employee demotion, discipline, suspension or termination of employment. Due notice of all meetings shall be given so that all five members may have an opportunity to be present.

SECTION 2. The provisions of this act shall apply to all employee personnel working on a paid, full-time basis except the following:

- (a) Department heads and utility general managers;
- (b) City recorder;
- (c) All elected officials and persons appointed to fill vacancies in elective offices;
- (d) The chief administrative officer — the mayor;
- (e) The city administrator;
- (f) All members of appointive boards, commissions or committees;
- (g) Employees during their probationary periods;
- (h) City attorney and assistant city attorneys;
- (i) Consultants, advisors, and counsel rendering temporary professional service;
- (j) Independent contractors;
- (k) Emergency employees who are hired to meet the immediate requirements of an emergency condition such as fire, flood, or earthquake;
- (l) Seasonal employees;
- (m) Employees hired to temporarily fill a vacancy;
- (n) Persons rendering part-time service paid by the hour or day;
- (o) Volunteer personnel, such as volunteer firemen; and
- (p) All personnel appointed to serve without compensation.

All persons to whom this act applies shall be known as the classified service. All persons to whom this act does not apply shall be known as the unclassified service.

SECTION 3. Each position in the classified service shall have a written job description prepared by the head of the department where the persons holding such position will work. All job descriptions shall be approved by the governing body of the City of Rockwood, unless the department has a separate governing board, in which case, the job descriptions shall be approved by said separate governing board. Each job description shall contain the minimum standards of mental ability, physical conditions, experience, education, personality, specified training, certification, and licensure required for the job classification and the employing department. Each department head may, in his or her discretion, develop examinations to be taken by applicants for classified service positions in that department head's department.

Each department head shall prepare a standard schedule of pay ranges and hours based generally on the presently applicable salary rates and hours worked for each class of positions in the classified service in that department head's department. All schedules of pay ranges and hours shall be approved by the governing body of the City of Rockwood, unless the department has a separate governing board, in which case, the schedule of pay ranges and hours shall be approved by such separate governing board.

To ensure that the best-qualified individual is chosen for each vacancy in the classified service, positions shall be simultaneously advertised internally and externally for a minimum of 10 days. External advertisement shall include at least one advertisement in a newspaper of general circulation in Roane County, Tennessee. Any promotion or transfer of position in the departments of the city shall be so made on the basis of qualification, fitness, and job performance. The governing body of the City of Rockwood may, by ordinance, prescribe rules and regulations concerning the advertisement of vacant positions except for departments having a separate governing board, in which case such governing board may prescribe rules and regulations concerning the advertisement of vacant positions.

SECTION 4. Each person holding a position in the classified service shall be inducted into the civil service system in the position such person holds after serving in that position for at least six months previous thereto, except for persons serving as police officers and firefighters, and shall remain in the civil service for so long as he or she holds that position. The six-month probationary period for positions in the classified service may be extended one time, for no more than six additional months, by the governing body of the City of Rockwood, or if the department is governed by a separate board, by such separate board. For persons serving as police officers and firefighters, the probationary period shall be for one year, and may be extended for no more than six additional months by the governing body of the City of Rockwood.

SECTION 5. Persons inducted into the civil service system shall be allowed to hold their office, place, position or employment only for and during good behavior and if able to meet the minimum requirements of their office, place, position or employment. Any such person may be removed, discharged, suspended without pay, and demoted in rank or other special privileges for:

(a) Dishonesty, intemperance, immoral conduct, insubordination, any act of omission or commission tending to injure the public service, any willful failure of the employee to conduct himself or herself in a manner consistent with employment in the public sector, any violation of the provisions of this act, any violation of any personnel rules and regulations of the governing body of the City of Rockwood or of the governing board of the department where the employee works, any violation of any state or federal law, rule or regulation pertaining to said employee's job classification, or any violation of any rule or regulation authorized or promulgated by this act;

(b) Conviction of a felony, conviction of a misdemeanor involving moral turpitude, or conviction of a misdemeanor reflecting upon the ability to perform public service or one for which a jail sentence is or may be imposed; or

(c) Any other act or failure that is sufficient to show that the employee is unsuitable or unfit to be employed in the classified service.

The City Council shall, by ordinance, establish all rules and regulations concerning employee discipline. Such rules and regulations shall provide for due process, any exceptions to due process, causes for employee discipline, the mode and manner of employee discipline, and may provide for progressive discipline.

SECTION 6. No person inducted into the classified service shall be removed, suspended or discharged except for cause, and only upon written accusation of the employer, or any citizen or taxpayer of the City of Rockwood, and such written statement shall be served upon the accused.

The governing body of the City of Rockwood shall, by ordinance, establish a policy and procedure for employees to resolve grievances with their employer

concerning the following matters, and to appeal to the Civil Service Board unresolved grievances concerning the following matters:

(a) Disciplinary suspension or demotion; and

(b) Disciplinary dismissal.

Any employee disciplinarily suspended, demoted, or dismissed shall have 10 days from the employer's final decision of suspension, demotion, or dismissal to file a written grievance with the Civil Service Board. Each written grievance shall be filed within said 10-day period with the city recorder and forwarded to the chairperson of the Civil Service Board. For each grievance so presented, the Civil Service Board shall conduct a hearing, swear in witnesses, take testimony, review exhibits and listen to arguments by both the employer and employee. At such hearing, the employee must prove by clear and convincing evidence that the employer, in the exercise of reasonable discretion, had no legitimate basis for imposing the discipline complained of. Three members of the Civil Service Board must vote to overturn the employer's decision and order the immediate reinstatement or re-employment of such employee to the office, place, position or employment from which the employee was suspended, demoted, or discharged and to entitle such employee to pay or compensation from the time of such suspension, demotion or dismissal.

All such hearings conducted by the Civil Service Board shall be public hearings, after reasonable notice to the employer and the employee of the time and place of such hearing. Formal rules of evidence shall not apply, and the Civil Service Board may establish written rules of procedure for conducting such hearings. Both the employer and the employee shall be afforded an opportunity to hire and be represented by counsel at such hearing. At such hearing, a written record of all testimony, exhibits and evidence shall be made by the Civil Service Board. The Civil Service Board shall issue a written decision no later than 10 days after the conclusion of said hearing. Said decision shall be rendered at a public meeting, after reasonable notice to the employer and the employee of the time and place of such hearing. The deliberations of the Civil Service Board shall at all times be subject to all provisions of the Tennessee Open Meetings Act. No member of the Board may discuss a grievance, an employment matter, or any issue pertaining thereto with anyone outside the confines of a public hearing except legal counsel hired by the Civil Service Board.

The appeal of any decision of the Civil Service Board shall be brought in accordance with the provisions of Tennessee Code Annotated, Section 27-9-101 et. seq.

SECTION 7. The Civil Service Board is authorized to prescribe and adopt rules of procedure concerning the conduct of its meetings and the transaction of any business and the performance of its duties imposed by this act.

SECTION 8. The City of Rockwood, its officers and employees, shall aid in all proper ways in carrying out the provisions of this act, and shall afford to the Civil Service Board all reasonable facilities and assistance in the inspection of all books, papers, documents and accounts relevant to the duties of the Civil Service Board imposed by this act.

The Civil Service Board is authorized to employ such clerical or administrative help as reasonably necessary to carry out the duties imposed by this act. The Civil Service Board is also authorized to retain legal counsel to the extent reasonably necessary in carrying out the duties imposed by this act.

The governing body of the City of Rockwood shall have authority to appropriate from the general funds of the city a sum sufficient to carry out the terms of this act, and shall make such appropriation.

SECTION 9.

(a) No person shall be denied appointment, denied promotion, or be demoted or dismissed from any position in the classified service, or be discriminated against with respect to employment in the classified service

because of such person's race, color, religion, sex or national origin. A person's disability shall have no bearing on such person's employment in the classified service unless such disability cannot be reasonably accommodated.

(b) No person shall seek or attempt to use any political endorsement in connection with the appointment to the classified service.

(c) No person shall use or promise to use, directly or indirectly, any political or official authority or influence, whether possessed or anticipated, to secure or to attempt to secure for any person an appointment or advantage in appointment to a position in the classified service or an increase in pay or other advantage in employment.

SECTION 10. Any person who shall intentionally violate any provision of this act shall be liable for a civil penalty of not less than \$50.00 or more than \$500.00.

SECTION 11. All laws, ordinances, rules, or regulations or parts thereof in conflict with this act are hereby repealed.

SECTION 12. No provision of this private act shall be construed to remove any incumbent from office.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Rockwood. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

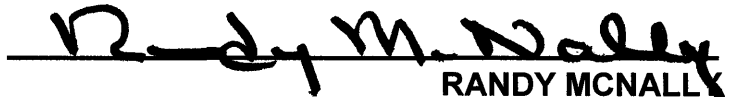
SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in SECTION 2.

HOUSE BILL NO. 2991

PASSED: March 28, 2024



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 22nd day of April 2024



BILL LEE, GOVERNOR