

ORDINANCE NO. 2015 – 7

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE TOWN OF BAXTER,
TN: TO MODIFY THE HIRING, FIRING AND DISCIPLINARY ACTIONS
PROCEDURES

BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Baxter Tennessee as follows:

Section 1. Title 4, Chapter 3, Section 4-305. Hiring Procedures shall be amended to include the following:

After the text “All appointments to positions in the City of Baxter shall be made by the mayor and board of aldermen”

the following text shall be inserted:

“When determined by the Mayor there is an immediate need to fill a vacancy for continuity of city services, the Mayor may hire a temporary employee and shall notify the Board of the Mayor and Aldermen of fulfillment of the vacancy at the next publicly advertised meeting of the Board of Mayor and Aldermen.”

Section 2. Title 4, Chapter 3, Section 4-306. (6) Dismissal shall be amended to include the following:

After the text: The mayor and board of aldermen may dismiss an employee for just cause that is for the good of the city service. The police chief shall have the authority to dismiss police personnel”

the following text shall be inserted:

However, under certain circumstances where an employee would pose a threat to the city or other employees and if in the best interest of the city, an employee may be dismissed from his/her services immediately by the Mayor. The Mayor’s action shall be ratification by the Board of Mayor and Aldermen at a publicly advertised meeting. Until ratified by the Board of Mayor and Aldermen, the employee may be placed on leave or suspended with or without pay at the discretion of the Mayor. An employee dismissed in this circumstance, will be granted a hearing before the Board of Mayor and Aldermen, upon request, pursuant to the appeals process.

Section 3. Title 4, Chapter 3, Section 4-307. Disciplinary Actions shall be amended by

Deleted from this section the following:

(3) Suspension. An employee may be suspended with or without pay by his/her department head with the approval of the mayor and board of aldermen, not to exceed a total of three (3) days in any twelve (12) month period. Pursuant to the appeals procedures, a written statement of the reason for suspension shall be submitted to the employee affected at least twenty-four (24) hours prior to the effective date of suspension. This is providing that, during the advance notice period, the employee may be retained in active duty status, placed on leave, or suspended with or without pay at the discretion of the mayor and board of aldermen. The employee will be granted a hearing before the board, upon request, pursuant to the appeals process. An employee determined to be innocent of the charges shall be returned to duty with full pay for the period of suspension. All records associated with a suspension shall become a permanent part of the employee's personnel file. Under certain circumstances, an employee may be suspended without twenty-four (24) hour notice, if in the best interest of the city. (1987 Code, § 1-805)

and replaced with the following text:

(3) Suspension. An employee may be suspended with or without pay by his or her department head, with the approval of the Mayor. Pursuant to the appeals procedures, a written statement of the reason for suspension shall be submitted to the employee affected at least twenty-four (24) hours prior to the effective date of suspension. This is providing that, during the advance notice period, the employee may be retained in active duty status, placed on leave, or suspended with or without pay at the discretion of the Mayor. The employee will be granted a hearing before the board, upon request, pursuant to the appeals process. An employee determined to be not guilty of the charges shall be returned to duty with full pay for the period of suspension. All records associated with a suspension shall become a permanent part of the employee's personnel file. For cause, an employee may be suspended without twenty-four (24) hour notice by the department head, with the approval of the Mayor, if in the best interest of the city or in the interest of public safety.

Section 4, Title 4, Chapter 3, Section 4-308. Appeals process shall be amended to include the following:

The following wording shall be deleted from this section:

Any city employee reprimanded, suspended, or dismissed may submit a request in writing to the board of mayor and alderman, asking them to review the action. An employee must submit the request for an appeal within ten (10) calendar days of receiving notification of the disciplinary action and must also state his/her intent to have representation and to name the representatives. The recorder, shall schedule a hearing within three (3) days of receiving the employees request for an appeal. The action of the board shall be final and binding on all parties involved, unless suspend to chancery court by the employee. (1987 Code, § 1-806)

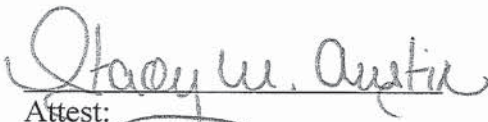
The following wording shall be replace the above section:

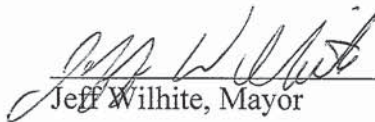
Any City employee reprimanded, suspended or dismissed may submit a request in writing to the Board of Mayor and Aldermen asking them to review the action. An employee must submit the request for an appeal to the City Recorder within ten (10) calendar days of receiving notification of the disciplinary action and must also state his or her intent to have representation and to name the representatives. The City Recorder shall schedule a hearing within three (3) days of receiving the employee's request for an appeal, or at such other time as may be agreed upon by the employee, his or her attorney (if any) and the City Recorder.

Section 5. This ordinance shall take effect immediately following final passage, the public welfare requiring it.

Passed First Reading: 04-02-2015

Passed Second Reading: 05-07-2015


Attest:
Stacey M. Austin
City Recorder



Jeff Wilhite, Mayor

City Seal:

