

ORDINANCE NO. 2021- 13

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, TENNESSEE AMENDING TITLE 4, CHAPTER 3, OF THE FAYETTEVILLE MUNICIPAL CODE TO PROVIDE FOR TEMPORARY OR INTERIM APPOINTMENTS TO FILL EMPLOYEE VACANCIES.

WHEREAS, occasions arise when an employee vacancy is created with the resignation or termination of an employee that require another employee to assume the duties of that employee until the position can be permanently filled; and

WHEREAS, when an existing employee is asked to assume both his or her job responsibilities and the job responsibilities of another employee, compensating that employee for assuming the extraordinary job responsibilities is appropriate; and

WHEREAS, it is in the best interest of the the citizens of the City of Fayetteville to establish a procedure for the temporary promotion of employees to fill a temporary vacancy in order to provide for the smooth operation of functions of the City of Fayetteville.

NOW, THEREFORE, BE IT ORDAINED by the City of Fayetteville Board of Mayor and Alderman that Title 4, Chapter 3, of the Municipal Code shall be amended to add the following:

4-302 Temporary or Interim Employment Appointments.

(a) When an employee vacancy arises due to the resignation or termination of an employee, and it is determined that a business necessity exists for the proper operation of the City due to the expect duration or absence in the position, an existing employee may be appointed to temporarily perform the functions of the vacant position on a temporary or interim basis until the vacant position can be permanently filled.

(b) This provision shall not apply to vacancies caused by a temporary absence of an employee who is expected to return to his or her position at the end of the temporary absence.

(c) In every case, a temporary or interim appointment must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of increasing the compensation of an employee who is not performing increased duties and responsibilities.

(d) The Board may invoke this provision to appoint an existing employee to act as the interim City Administrator when that position is vacant.

(e) The City Administrator may invoke this provision to appoint an existing employee to act as an interim performer of any other position when any other position is vacant.

(f) When an employee is appointed to temporary fill a position under this section, the employee shall be entitled to compensation while filling such temporary position as follows:

(i) The compensation for an employee appointed to serve as City Administrator on a temporary or interim basis shall be increased by twenty-five percent (25%) while acting in such capacity.

(ii) The compensation for an employee appointed to serve as a department head on a temporary or interim basis shall be increased by twenty percent (20%) while acting in such capacity.

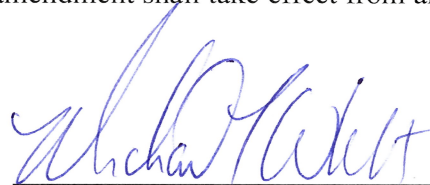
(iii) The compensation for an employee appointed to serve in any other position on a temporary or interim basis shall be increased by fifteen (15%) while acting in such capacity.

(g) Additional compensation for an employee temporarily appointed to perform another position under this section shall commence when the employee assumes the related duties and shall cease when the employee ceases to perform such temporary position.

(h) If the Board approves an increase in compensation for all city employees while an employee is serving in a temporary or interim position, the employee shall be entitled to an adjustment based on the increased compensation the employee is receiving while serving in the interim position; however, any increase in compensation based on the interim compensation shall cease once the employee is no longer serving in that position.

BE IT FURTHER ORDAINED that this amendment shall take effect from and after its, passage, the public welfare requiring it.

Adopted this 12th day of October, 2021.



Michael Whisenant, Mayor

Attest:



Richard Howell, Interim City Clerk