

ATTORNEYS

AMEESH A. KHERANI, ESQUIRE

Of Counsel

DAVID H. DUNAWAY, ESQUIRE

PHONE

CLINTON/NORRIS: 865-777-0786

JACKSBORO: 423-562-7085

FACSIMILE: 865-622-8887



KHERANI | DUNAWAY

ATTORNEYS AT LAW

WWW.KHERANILAW.COM

OFFICES

2685 ANDERSONVILLE HWY, STE 2
CLINTON, TENNESSEE 37716

116 CUMBERLAND LANE, STE 3
JACKSBORO, TENNESSEE 37757

**PLEASE RESPOND TO:
CLINTON/NORRIS OFFICE**

November 8, 2021

Via Hand Delivery
Via Facsimile: 423-563-0703
Via Email: sfoust@lafollettetn.net

City of LaFollette
ATTN: Mike Stanfield, Mayor
207 S. Tennessee Avenue
LaFollette, Tennessee 37766

City of LaFollette
ATTN: Stan Foust
207 S. Tennessee Avenue
LaFollette, Tennessee 37766

Re: Jimmy Marlow v. City of LaFollette

Dear Mike and Stan:

Enclosed please find Mr. Marlow's Supplemental Response to Proceedings by the City of LaFollette. We would request that the record reflect Mr. Marlow's Supplemental Response as enclosed herewith to the proceedings which is scheduled on November 9, 2021. We would further request that the enclosed filings be presented to the Commission prior to and/or at the meeting scheduled for November 9, 2021.

Thank you for your attention and cooperation in this matter.

Sincerely yours,


Ameesh A. Kherani, Esquire

AAK/mmb

Enclosure

cc: Jimmy Marlow (*Via Email: jimmyanmarlow1969@gmail.com*)
Reid Troutman (*Via Facsimile: 423-566-4004 Email: rtroutman@troutmanlaw.com*)
Volunteer Times c/o Kelly Jo Wright (*Via Email: TheVolunteerTimes@comcast.net*)
1450 WLAf c/o Hon. Jim Freeman (*Via Email: jim@1450WLAf.com*)
Robby O'Daniel (*Via Email: robby@lafollettepress.com*)

CITY OF LAFOLLETTE

JIMMY MARLOW,)	
)	
Employee)	
)	COMMISSION MEETING
v.)	
)	
CITY OF LAFOLLETTE,)	
)	
Employer)	

**EMPLOYEE'S SUPPLEMENTAL RESPONSE TO PROCEEDINGS
BY CITY OF LAFOLLETTE**

Comes now, the Employee, Jimmy Marlow, hereinafter "Mr. Marlow", by and through counsel, and would supplement his response filed previously to the proceedings initiated by the City of LaFollette, hereinafter "City", as follows:

In his first Response to the proceedings initiated by the City of LaFollette, Mr. Marlow submitted the impropriety of these proceedings. This matter came before the City Council on November 2, 2021, at the Workshop, at which time, contrary to what the City had represented, no discussions and/or deliberations and/or arguments were conducted with relation to the proceedings initiated by the City against Mr. Marlow at all. In fact, the City simply rescheduled the hearing to November 9, 2021, without any deliberation or consent from Mr. Marlow.

Mr. Marlow would assume that all the necessary witnesses, including, but not limited to, the Director of Public Works, Casey Boshears, will be in mandatory attendance on November 9, 2021, inasmuch as he seems to be the key witness who has made allegations, albeit unsubstantiated, in support of the proceedings which have been wrongfully initiated against Mr. Marlow. In the event that the Public Works Director, Casey Boshears, is not in attendance at the City Council

Meeting on November 9, 2021, to submit to the City Council the reasons as to why Mr. Marlow should be terminated, and should there be any adverse sanctions against Mr. Marlow, this would be unsubstantiated inasmuch as the Council will not have all the necessary information to make a meaningful adjudication of the wrongful proceedings initiated by the City at the behest of the Public Works Director, Casey Boshears, and City Administrator, Stan Foust.

Subsequent to the proceedings initiated by the City against Mr. Marlow, which as Mr. Marlow has previously submitted, are unsubstantiated, Mr. Marlow, through counsel, submitted a Public Records Request to the City of LaFollette.¹ As part of this request, Mr. Marlow, through his counsel, requested the following from the City of LaFollette:

1. Entire personnel file for Jimmy Marlow.
2. Any and all documents relied upon in issuing a suspension against Mr. Marlow.
3. Any and all documents which the City will rely upon on 11/9/2021 in regard to the proceedings to terminate Jimmy Marlow.²

In response thereto, the City produced documentation which **SOLELY** comprised of Mr. Marlow's personnel file. Needless to say, the personnel file underscored and exemplified Mr. Marlow's excellent performance for a decade of service with the City.

However, the City, through its representatives, Casey Boshears and Stan Foust, have made publications to suggest that somehow Mr. Marlow historically has engaged in conduct that forms "a pattern" to justify the present proceedings of termination. These representations are just as sham as the proceedings initiated by the City to terminate Mr. Marlow for ulterior purposes.

The City, through its representatives, Casey Boshears and Stan Foust, refer to a certain incident which occurred on March 23, 2010. Immediately, it is important to submit that we are now talking about an incident which happened more than a decade ago. With that in mind, it is

¹ Copy of said Public Records Request is attached hereto as Exhibit 1 and incorporated herein by reference.

² *Id.*

important to underscore that even our *Tennessee Rules of Evidence 609* prohibits the evidence of any conviction in a trial which has occurred more than ten (10) years have elapsed, to wit:

Evidence of a conviction under this Rule is not admissible if a period of more than 10 years has elapsed between the date of release from confinement and commencement of the action or prosecution; ...³

It is laughable to suggest that a remote incident that happened more than a decade ago is being utilized to terminate Mr. Marlow when, in fact, in a trial, evidence of a **CONVICTION** cannot be presented if it occurred more than 10 years ago. The impropriety of this representation by the City is further exemplified by the fact that Mr. Marlow received **ALL** raises after this incident up until the present proceedings. One would question that if Mr. Marlow's performance was less than impeccable, then why would he have received all the raises after this one remote incident in which Mr. Marlow was not even a perpetrator more than 10 years ago. Mr. Marlow hereby attaches copies of all the raises which he has received since the alleged incident of March 23, 2010.

The first Change Notice happened just a few months after this alleged incident of March 23, 2010, on September 16, 2010. Thereafter, Mr. Marlow received scheduled pay increases on July 18, 2011; March 20, 2012; January 23, 2015; February 2, 2016 and October 9, 2018.⁴

The City tries to make hay of this remote instance of March 23, 2010, however, what the City fails to indicate is the fact that Mr. Marlow was provided only an "oral warning" and in fact, Mr. Marlow was not even the operator of the truck. Mr. Marlow hereby attaches the Employee Disciplinary Report which happened more than 10 years ago which further corroborates that the truck was being operated by J. D. Davis and that Mr. Marlow was on the back of the truck.⁵

The fact that the City is even referring to a remote trivial incident which happened more

³ *Id.* at Tennessee Rules of Evidence 609(b).

⁴ Please see Payroll Change Notices attached hereto as Exhibit 2.

⁵ Please see Employee Discipline report attached hereto and incorporated by reference herein as Exhibit 3.

than 10 years ago buttresses the fact that the City is scrambling to justify the heavy handed proceedings of termination which the City has instituted against Mr. Marlow.

Contrary to whatever the City has further alleged, there is absolutely not one other instance where the City has issued an "employee disciplinary report" since March 30, 2010, until more recently where the City initiated the present proceedings.

Everything else relied upon by the City is blatant hearsay, in that there are absolutely no statements by Mr. Marlow, other than hearsay statements and notes written by Casey Boshears and Stan Foust which are not signed or corroborated by Mr. Marlow. The fact that the City even refers to this information further exemplifies the fact that the City is not only scrambling to wrongfully terminate Mr. Marlow, but would resort to any means possible to terminate Mr. Marlow and discredit him, even if it violates not only the personnel policy of the City but also the *Tennessee Rules of Evidence* and *Tennessee Rules of Civil Procedure*.

Even though the City has not explicitly submitted that Mr. Marlow did not qualify due to not having a high school education as being a reason for instituting termination proceedings, Mr. Marlow, out of an abundance of caution, hereby attaches his application for employment with the City wherein Mr. Marlow, in his interoffice interview, clearly indicated that he had no high school diploma and that he had an 11th grade education.⁶ This, of course, should not affect Mr. Marlow's employment with the City inasmuch as the City of LaFollette's job description⁷ clearly allows for Mr. Marlow and the City to employ Mr. Marlow inasmuch as the requirement is high school diploma or GED required **OR** equivalent combination of education and experience, which is what Mr. Marlow had. It is important to note, however, that the City failed to include the third page of the City of LaFollette's job description which certainly is intriguing and should be discussed at the

⁶ Please see Application for Employment attached hereto and incorporated herein by reference as Exhibit 4.

⁷ Please see job description attached hereto and incorporated herein by reference as Exhibit 5.

meeting. What is equally intriguing is the fact that the City of LaFollette's application for employment does not have a question regarding education.

Based on the foregoing, Mr. Marlow has submitted, *prima facie*, that the proceedings instituted by the City are in violation of its personnel policy and contrary to the representations that there was a "pattern" which certainly is untruthful based on the documentation attached hereto.

WHEREFORE, the Employee, Jimmy Marlow, would hereby request that the City Council cross-examine Casey Boshears and Stan Foust based on the enclosed at the hearing to be conducted on November 9, 2021, and that these proceedings be dismissed with full prejudice.

RESPECTFULLY SUBMITTED, this 24 day of November, 2021.

JIMMY MARLOW

BY:



Ameesh A. Kherani, Esquire, BPR #030218
Kherani | Dunaway, PLLC
Attorney for Employee
2685 Andersonville Highway, Suite 2
Clinton, Tennessee 37716
Telephone: 865-777-0786
Facsimile: 865-622-8887
Email: akherani@kheranilaw.com

CERTIFICATE OF SERVICE

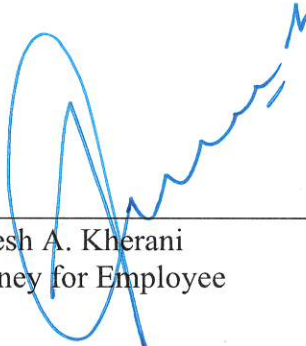
The undersigned hereby certifies that a true and exact copy of the foregoing was served via hand delivery, and/or facsimile, and/or electronic mail, and/or United States Mail with sufficient postage thereon to ensure delivery, to the following:

Reid Troutman
Troutman & Troutman
124 Independence Lane
P.O. Box 757
LaFollette, Tennessee 37766
Facsimile: 423-566-4001
Email: rtroutman@troutmanlaw.net

City of LaFollette
ATTN: Mike Stanfield, Mayor
207 S. Tennessee Avenue
LaFollette, Tennessee 37766
Via Facsimile: 423-563-0703
Via Email: sfoust@lafollettetn.net

City of LaFollette
ATTN: Stan Foust
207 S. Tennessee Avenue
LaFollette, Tennessee 37766
Via Facsimile: 423-563-0703
Via Email: sfoust@lafollettetn.net

This 24 day of November, 2021.



Ameesh A. Kherani
Attorney for Employee

Exhibit

1

ATTORNEYS
AMEESH A. KHERANI, ESQUIRE

Of Counsel
DAVID H. DUNAWAY, ESQUIRE

PHONE
CLINTON/NORRIS: 865-777-0786
JACKSBORO: 423-562-7085
FACSIMILE: 865-622-8887



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CLINTON, TENNESSEE 37716

116 CUMBERLAND LANE, STE 3
JACKSBORO, TENNESSEE 37757

PLEASE RESPOND TO:
CLINTON/NORRIS OFFICE

October 27, 2021

Via Hand Delivery

City of LaFollette
ATTN: Mike Stanfield, Mayor
207 S. Tennessee Avenue
LaFollette, Tennessee 37766

City of LaFollette
ATTN: Stan Foust
207 S. Tennessee Avenue
LaFollette, Tennessee 37766

Re: Jimmy Marlow v. City of LaFollette (Public Records Request)

Dear Mike and Stan:

Enclosed please find a Public Records Request which we are submitting in relation to the above-referenced matter.

We would request that this information be provided no later than November 4, 2021, in light of the fact that it is my understanding that the proceedings to terminate Jimmy Marlow have now been rescheduled for November 9, 2021.

Thank you for your attention and cooperation in this matter.

Sincerely yours,


Ameesh A. Kherani, Esquire

AAK/mmb

Enclosure

cc: Jimmy Marlow (*Via Email: jimmymarlow1969@gmail.com*)
Reid Troutman (*Via Facsimile: 423-566-4004; Email: rtroutman@troutmanlaw.com*)

PUBLIC RECORDS REQUEST FORM

The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TPRA does not require records custodians to compile information or create or recreate records that do not exist.

(Governmental Entity Name and Name and Contact Information for the Public Records Request Coordinator)

To: City of LaFollette c/o Stan Foust

(Insert Requestor's Name and Contact Information (include an address for any TPRA required written response))

From: Jimmy Marlow c/o Ameesh A. Kherani, Esquire.

Is the requestor a Tennessee citizen? Yes No

Request: Inspection (The TPRA does not permit fees or require a written request for inspection only¹.)

Copy/Duplicate

If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay copying and duplication costs in an amount not to exceed \$ 500.00 _____? If so, initial here: _____.

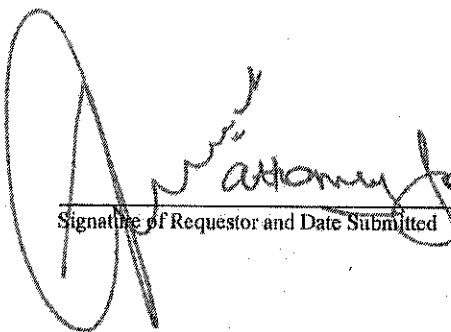
Delivery preference: On-Site Pick-Up
 Electronic

USPS First-Class Mail
 Other: _____

Records Requested:

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

- 1) Entire personell file for Jimmy Marlow.
- 2) Any and all documents relied upon in issuing a suspension against Jimmy Marlow.
- 3) Any and all documents which the City will rely upon on 11/9/2021 in regard to the proceedings to terminate Jimmy Marlow.


Signature of Requestor and Date Submitted

Signature of Public Records Request Coordinator and Date Received 10/27/2021

Print Form

Reset Form

¹Note, Tenn. Code Ann. § 10-7-504(a)(20)(C) permits charging for redaction of private records of a utility.

Exhibit

2

PAYROLL CHANGE NOTICE

CITY OF LAFOLLETTE
207 SOUTH TENNESSEE AVENUE
LAFOLLETTE, TN 37766

Date 9-16-10 Social Security # _____

Name JIMMY LEE MARLOW Job Title LABORER

Street Address _____

City/State/Zip LA FOLLETTE, TN 37766 Phone _____

Department LA FOLLETTE STREET DEPT Shift 1ST/₂

Check Appropriate Box:

Emp. left 9-12-09

- Enter on Payroll
- Change Rate
- Remove from Payroll
- Change Title/Classification to: _____
- Change Status to: Full Time Part Time Temporary
- Leave of Absence: Paid? Yes No
- Address/Information Change: _____

- Transfer to: (Department) _____
- Change Shift to: _____
- Change Withholding Rate (Complete New W-4 Form)
- Deduct Family Dental Coverage

Date Effective:	<u>9-12-10</u>	Hour	
Old Rate:	<u>9.443</u>	Per	<u>hr</u>
New Rate:	<u>10.3736</u>	Per	<u>hr</u>
Date of Last Payroll Change:			

Reason for Payroll Change:

- 1.00 per hr.*
- Pay Level Increase
 - Promotion
 - See Performance Appraisal
 - New Employee
 - Other

Reason for Termination: (Please Complete Employee Separation Report)

- Voluntary
- Discharged
- Laid Off
- Other

Remarks:

Authorization:

Employee Signature: *Jimmy Marlow* Date: 9-16-10
Supervisor Signature: *[Signature]* Date: 9-16-10
City Administrator: *[Signature]* Date: 9-21-10

PAYROLL CHANGE NOTICE

CITY OF LAFOLLETTE
207 SOUTH TENNESSEE AVENUE
LAFOLLETTE, TN 37766

Date 7-18-11 Social Security # _____
Name James Lee Marklar Job Title Laborer
Street Address _____
City/State/Zip Lafollette TN 37766 Phone _____
Department Sanitation Shift 1st

Check Appropriate Box:

Enter on Payroll
 Change Rate
 Remove from Payroll
 Change Title/Classification to: HEAVY EQUIPMENT OPERATOR
 Change Status to: _____ Full Time _____ Part Time _____ Temporary
 Leave of Absence: Paid? _____ Yes _____ No
 Address/Information Change: _____

Transfer to: (Department) _____
Change Shift to: _____
Change Withholding Rate (Complete New W-4 Form) _____
Deduct Family Dental Coverage _____

Date Effective 8-13-11 Hour _____
Old Rate 20,008.69 Per yr
New Rate 23,757.49 Per yr
Date of Last Payroll Change _____

81-22
913.75
hr.
11,4019

Reason for Payroll Change:

Pay Level Increase Promotion See Performance Appraisal
 New Employee Other

Reason for Termination: (Please Complete Employee Separation Report)

Voluntary Discharged Laid Off Other

Remarks:

Authorization:

Employee Signature: James Lee Marklar Date: _____
Supervisor Signature: [Signature] Date: _____
City Administrator: [Signature] Date: 9/7/11

PAYROLL CHANGE NOTICE

CITY OF LAFOLLETTE
207 SOUTH TENNESSEE AVENUE
LAFOLLETTE, TN 37766

Date 03-20-12 Social Security # _____
Name JIMMY LEE MARLOW Job Title LABORER
Street Address _____
City/State/Zip LAFOLLETTE TN 37766 Phone _____
Department SANITATION Shift 1ST

Check Appropriate Box:

Enter on Payroll
 Change Rate
 Remove from Payroll
 Change Title/Classification to: OPERATOR
Change Status to: _____ Full Time _____ Part Time _____ Temporary
Leave of Absence: Paid? _____ Yes _____ No
Address/Information Change: _____

Transfer to: (Department) _____
Change Shift to: _____
Change Withholding Rate (Complete New W-4 Form) _____
Deduct Family Dental Coverage _____

Date Effective 03-20-12 Hour _____
Old Rate \$ 11.42 Per Hour
New Rate \$ 12.42 Per Hour
Date of Last Payroll Change _____

Reason for Payroll Change:

_____ Pay Level Increase Promotion _____ See Performance Appraisal
_____ New Employee _____ Other _____

Reason for Termination: (Please Complete Employee Separation Report)

_____ Voluntary _____ Discharged _____ Laid Off _____ Other

Remarks:

Authorization:

Employee Signature: Jimmy Marlow Date: 3-20-12
Supervisor Signature: Jim Muller Date: 3-20-12
City Administrator: _____ Date: _____

PAYROLL CHANGE NOTICE

CITY OF LAFOLLETTE
207 South Tennessee Avenue
LaFollette, TN 37766

Date: 01-23-15 Social Security #: _____
Name: Marlow, Jimmy Job Title: Equipment operator
Street Address: _____
City/State/Zip: LaFollette, TN 37766 Phone: (____) _____
Department: Public works D.O.B. _____

Check Appropriate Box

Enter on Payroll Change Rate Remove from Payroll

Change Title/Classification to: _____

Change Status to: Full Time Part Time Temporary

Address/Information Change: _____

Deduct Family Dental Plan

Date Effective: 01-10-15

New Rate: \$13.7946

Old Rate: \$12.7946

Hourly:

Bi-Weekly: _____

Annually: _____

Reason for Payroll Change

Pay Level Increase Promotion See Performance Appraisal

New Employee

Other: _____

Reason for Termination: (Please Complete Employee Separation Report)

Voluntary Discharged Other: _____

Remarks:

*\$1.00/per hour increase @ request of Jim Mullens
@ Council meeting on 01/06/15

Authorization:

Employee Signature: Jimmy Lee Marlow Date: 1-23-15

Supervisor Signature: Jim Mullens Date: 1-23-15

Mayor: _____ Date: _____

Human Resources: Debbie Ellison Date: 01-23-15

Date Given to Payroll: _____

PAYROLL CHANGE NOTICE

CITY OF LAFOLLETTE
207 South Tennessee Avenue
LaFollette, TN 37766

Date: 01-23-15 Social Security #: _____
Name: Marlow, Jimmy Job Title: Equipment operator
Street Address: _____
City/State/Zip: LaFollette, TN 37766 Phone: (____) _____
Department: Public works D.O.B. _____

Check Appropriate Box

- Enter on Payroll
- Change Rate
- Remove from Payroll
- Change Title/Classification to: _____
- Change Status to: Full Time Part Time Temporary
- Address/Information Change: _____
- Deduct Family Dental Plan
- Date Effective: 01-10-15 New Rate: \$13,794.6
- Old Rate: \$12,794.6 Hourly:
- Bi-Weekly: _____
- Annually: _____

Reason for Payroll Change

- Pay Level Increase
- Promotion
- See Performance Appraisal
- New Employee
- Other: _____

Reason for Termination: (Please Complete Employee Separation Report)

- Voluntary
- Discharged
- Other: _____

Remarks:

*\$1.00/per hour increase @ request of Jim Mullens @ Council meeting on 01/06/15

Authorization:

Employee Signature: _____ Date: _____
Supervisor Signature: _____ Date: _____
City Administrator: [Signature] Date: 1-29-15
Human Resources: [Signature] Date: 01-23-15
Date Given to Payroll: 01-26-15

PAYROLL CHANGE NOTICE

CITY OF LAFOLLETTE
207 South Tennessee Avenue
LaFollette, TN 37766

Date: 02-02-16 Social Security #: _____
Name: Marlow, Jimmy Job Title: Equipment Operator
Street Address: _____
City/State/Zip: LaFollette TN 37766 Phone: (____) _____
Department: Public Works D.O.B. C

Check Appropriate Box

Enter on Payroll Change Rate Remove from Payroll

Change Title/Classification to: _____

Change Status to: Full Time Part Time Temporary

Address/Information Change: See above *

Deduct Family Dental Plan Deduct Vision Plan (Type)- _____

Date Effective: 02-02-16 New Rate: _____

Old Rate: _____ Hourly: _____

Bi-Weekly: _____

Annually: _____

Reason for Payroll Change

Pay Level Increase Promotion See Performance Appraisal
 New Employee
 Other: _____

Reason for Termination: (Please Complete Employee Separation Report)

Voluntary Discharged Other: _____

Remarks: _____

Authorization:

Employee Signature: Jimmy Marlow Date: _____

Supervisor Signature: _____ Date: _____

City Administrator: _____ Date: _____

Human Resources: Jay Deleson Date: 02-02-16

Date Given to Payroll: 02-02-16

PAYROLL CHANGE NOTICE

CITY OF LAFOLLETTE
207 South Tennessee Avenue
LaFollette, TN 37766

Date: 10-9-18 Social Security #: _____

Name: Jimmy Marlow Job Title: _____

Street Address: 507 N. 23rd Street

City/State/Zip: LaFollette, TN 37766 Phone: (_____) _____

Department: Street D.O.B. 4/11/1969

Check Appropriate Box

Enter on Payroll Change Rate Remove from Payroll

Change Title/Classification to: _____

Change Status to: Full Time Part Time Temporary

Address/Information Change: _____

Deduct Family Dental Plan Deduct Vision Plan (Type)- _____

Date Effective: 10/13/2018 New Rate: _____

Old Rate: 15.0076 Hourly: 15.5076

Bi-Weekly: _____

Annually: _____

Reason for Payroll Change

Pay Level Increase Promotion See Performance Appraisal

New Employee

Other: Moved from day shift to night

Reason for Termination: (Please Complete Employee Separation Report)

Voluntary Discharged Other: _____

Remarks:

Authorization:

Employee Signature: Jimmy Marlow Date: 10-9-18

Supervisor Signature: [Signature] Date: 10-9-18

City Administrator: [Signature] Date: 10/9/18

Human Resources: [Signature] Date: 10-9-18

Date Given to Payroll: 10-9-18

Exhibit

3

EMPLOYEE DISCIPLINARY REPORT (Revised 02/12/2008)

CITY OF LAFOLLETTE
207 SOUTH TENNESSEE AVENUE
LAFOLLETTE, TN 37766

Employee Name: Jimmy Maslow

Date: 3-30-2010

Position: Labr

Department: P Wmb

- First Warning Second Warning Third Warning Suspension* Termination **
Only by City Administrator* Only by City Council **

NATURE OF INCIDENT

- | | | | |
|---|---|--|--|
| <input type="checkbox"/> Unexcused Absence | <input checked="" type="checkbox"/> Harassment | <input checked="" type="checkbox"/> Carelessness | <input type="checkbox"/> Tardiness |
| <input type="checkbox"/> Theft | <input checked="" type="checkbox"/> Improper Conduct | <input type="checkbox"/> Substandard Work | <input type="checkbox"/> Dishonesty |
| <input type="checkbox"/> Threatening/Engaging in Violence | <input type="checkbox"/> Destruction of Co. Property | <input type="checkbox"/> Substandard Housekeeping | <input type="checkbox"/> Violation of Safety Rules |
| <input type="checkbox"/> Leaving (without permission) | <input type="checkbox"/> Lack of Cooperation/Teamwork | <input type="checkbox"/> Violation of Safety Rules | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Drugs/Alcohol (while on duty) | <input type="checkbox"/> Failure to Follow Instructions | | |
| <input type="checkbox"/> Violation of Company Rules of Conduct (refer to specific rule) | | | |
| <input type="checkbox"/> Reporting Under Influence of Alcohol/Drugs | | | |

Description of problem requiring improvement or correction (include specific dates & examples):

Garbage Trucks being driven by Operator J.D. Davis with Jimmy Maslow & Tim Rubb, Labors being on back of Truck - Trucks pulled out of Gene Way Street onto 25W causing citizen Vann to save her

Specific changes in performance or behavior required and the time frame in which they must occur:

Auto to keep from hitting the city garbage truck - causing her auto car to open & scaring her to point of hysterics. and alleged the murder of Mrs Rupp hanging at her.

Department-Head Recommendation: - - Oral Warning

Date follow-up review/evaluation of problem and correction: _____

Employee comment: _____

Exhibit

4

CITY OF LAFOLLETTE, INTEROFFICE INTERVIEW

- Date: 9/01/09
- Interview with: Jimmy Marlow
- Position applied for: Laborer Street Dept
- Review of Certificate(s): N/A

Are you a party of any legal action in any court system? Yes No
▪ If so, please explain: _____

Do you know of any legal action filed against you such as warrant, restraining order, etc?
Yes No
▪ If so, please explain: _____

Have you ever had a domestic violence complaint filed against you? Yes No
▪ If so, please explain: _____

Have you ever been convicted of any criminal offense? Yes No
▪ If so, please explain: _____

Are there any physical or health reasons that you cannot perform the functions of the job you are applying for?
Yes No
▪ If so, please explain: _____

City Nepotism Policy: (Not related)

Brief Summary of Work History:

1. _____

2. _____

3. _____

References:

1. _____
2. _____
3. _____

INTEROFFICE INTERVIEW

▪ **EDUCATION:**

- HIGH SCHOOL GRADUATED FROM: NO. 11th grade.
locked 2 months
- COLLEGE DEGREES / COLLEGE CLASSES: _____
- Do You have a Regular High School Diploma? _____ Yes _____ No
- Have You Passed the State Proficiency Test for Graduation from 12th Grade High School?
_____ Yes _____ No

- DRIVERS LICENSE ✓
- DRUG TEST yes.
- HEALTH PHYSICAL yes.
- PSYCHOLOGICAL EVALUATION _____
- MUSCULAR/SKELETAL SCREEN _____

- Pay Rate: ✓
- Benefit Package: _____
- Offer of Employment: _____ Accepted _____ Declined
- Probationary Period: _____
- Phone Numbers (contact): _____

Additional Notes/Comments: _____

Exhibit

5

CITY OF LAFOLLETTE

JOB DESCRIPTION

JOB TITLE: EQUIPMENT OPERATOR
DEPARTMENT: PUBLIC WORKS
FLSA STATUS: NON-EXEMPT

JOB OBJECTIVE: *This employee operates a variety of equipment, small machinery, and hand tools. This employee also engages in general labor activities.*

ESSENTIAL JOB FUNCTIONS: *Essential functions as defined under the Americans with Disabilities Act, may include any of the following tasks, knowledge, skills, and other characteristics. The list that follows is not intended as a comprehensive list; it is intended to provide a representative summary of the major duties and responsibilities. Employee(s) may not be required to perform all duties listed, and may be required to perform additional tasks.*

- Operates a variety of equipment which may include, but is not limited to, a backhoe, pavement roller, snow plow, salt spreader, sweeper, various mowers, skid-steer loader, and grapple loader.
- Operates a variety of hand tools and small machinery such as a weed eater, chain saw, hand mower, paint striping machine, etc.
- Installs and repairs sidewalks and patches pot holes.
- Installs tile, fixes breaks in shoulder tile, and assists with drain ditch problems.
- Installs or replaces street signs.
- Trims trees, bushes, overgrowth and grass from city right-of-way; cuts away dead trees on city right-of-way.
- Clears vacant lots of growth and debris.
- Inspects equipment and supplies such as tires, lights, brakes, gas, oil, and water and performs emergency roadside repairs as needed.
- Performs general labor duties such as litter and garbage pick-up, digging, mowing, street maintenance, painting, cleaning, etc.

CRITICAL SKILLS/EXPERTISE

- Knowledge of practices used in the safe operation of various equipment.
- Knowledge of State and city traffic regulations.
- Knowledge of the materials and types of equipment used in general city maintenance work.

- Knowledge of occupational hazards and safety precautions.
- Ability to operate a variety of equipment.
- Ability to understand and follow instructions.
- Ability to establish and maintain an effective working relationship with other employees and the general public.

EDUCATION, EXPERIENCE AND CERTIFICATION

- High School Diploma or GED required or equivalent combination of education and experience.
- Completion of City of LaFollette training for use of equipment and experience as a Utility Laborer.
- Must possess a valid Tennessee Class B Commercial Driver's License.
- Ability to pass an agility examination, physical examination, and drug test.

ENVIRONMENTAL FACTORS/PHYSICAL REQUIREMENTS: *The physical demands described here are representatives of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential job functions.*

- Work is performed in internal and external environments with exposure to inclement conditions, extreme temperature and lighting conditions.
- Noise level in work environment is usually moderate – except during certain public works activities when noise levels may be loud.
- May be subject to hazardous materials, fumes, airborne particles, toxic or caustic chemicals, dangerous machinery, and potential physical harm.
- Must be able to wear protective clothing and equipment.
- May frequently be required to stand, walk, use fingers and hands, handle or feel, reach with arms and hands, climb or balance, kneel, crouch, or crawl; talk or hear.
- May be subject to lift and/or move up to 50 pounds.
- Specific vision ability including close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

ACKNOWLEDGEMENT

I acknowledge that the above description is not intended as a comprehensive list; it is intended to provide a representative summary of the major duties and responsibilities. I may not be required to perform all duties listed, and I may be required to perform additional tasks.