

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. PERSONNEL REGULATIONS.
2. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
3. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1

PERSONNEL REGULATIONS

SECTION

4-101. Personnel rules and regulations.

4-101. Personnel rules and regulations.¹ The personnel rules and regulations for the City of Algood are adopted herein as if set out verbatim.

¹The Personnel Rules and Regulations Employee Handbook (Ord. #610-16, Aug. 2016) for the City of Algood, and all amending ordinances, are available in the office of the recorder.

CHAPTER 2

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-201. Purpose.
- 4-202. Definitions.
- 4-203. Coverage.
- 4-204. Employer's rights and duties.
- 4-205. Employee's rights and duties.
- 4-206. Standards authorized.
- 4-207. Variances from standards authorized.
- 4-208. Inspection.
- 4-209. Citation.
- 4-210. Penalties.
- 4-211. Record keeping and reporting.
- 4-212. Administration.
- 4-213. Confidentiality of trade secrets or privileged information.

4-201. Purpose. The City of Algood, in electing to establish and maintain an effective occupational safety and health program for its employees shall:

- (1) Provide a safe and healthful place and condition of employment.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees as soon as the city can investigate the availability and the most economical cost of the aforesaid.
- (3) Make, keep, preserve and make available to the state commissioner of labor, his designated representative or persons within the agency to whom such responsibilities have been delegated, adequate records of all occupational accidents and personal injuries for proper evaluation and necessary corrective action as required. However, these provisions shall not take effect until and after the city has received, reviewed and approved record keeping forms, procedures and guidelines provided by the state, and thereafter these provisions shall not take effect until after the city has had a reasonable period of time to set up and provide for the orderly implementation and use of such records and procedures.
- (4) Consult with the state commissioner of labor with regard to the adequacy of the form and content of records.
- (5) Consult with the state commissioner of labor or the state commissioner of health, as appropriate, regarding safety and health problems of the agency which are considered to be unusual or peculiar to the city and are such that they cannot be achieved under a standard promulgated by the state and approved by the city.

(6) Make an annual report to the state commissioner of labor to show accomplishments and progress of the total occupational safety and health program as soon as reasonably possible after the city has implemented the provisions of subsection (3) hereinabove set forth.

(7) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

(8) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (1997 Code, § 4-401)

4-202. Definitions. For the purpose of this program:

(1) "Appointing authority" means any city official or group of officials having legally designated powers of appointment, employment, or removal for a specific department or commission.

(2) "Commissioner of health" means the chief executive officer of the Tennessee Department of Health. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the commissioner of health.

(3) "Commissioner of labor" means the chief executive officer of Tennessee Department of Labor. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the commissioner of labor.

(4) "Director of personnel" means the chief executive officer designated by the City of Algood to perform duties or to exercise powers assigned so as to plan, develop and administer the city's safety and health program.

(5) "Employee" means any person performing services for the City of Algood listed on city's payrolls either as part-time or permanent, full-time employees; provided, however, that such definition shall not include independent contractors, their agents, servants, and employees.

(6) "Employer" means the City of Algood, and shall include each administrative department, commission, board, division or other agency of the city.

(7) "Establishment" or "workplace" means a single physical location where business is conducted or where services or industrial operations are performed.

(8) "Issue" means a category of like industrial, occupational or hazard groupings which affects the safety and health of employment or place of employment, and is suggested by the groupings in Code of Federal Regulations, title 29, chapter XVII, part 1910.

(9) "Person" means one (1) or more individuals, partnerships, associations, corporations, business trusts, legal representatives or any organized group of persons.

(10) "Standard" means an occupational safety and health standard promulgated by the Tennessee State Commissioner of Labor or the State Commissioner of Health which requires conditions or the adoption or the use of one (1) or more practices, means, methods, operations or processes necessary or appropriate to provide safe and healthful employment and places of employment. (1997 Code, § 4-402)

4-203. Coverage. The provisions of the program shall apply to employees of each administrative department, commission, board, division or other agency of the City of Algood. (1997 Code, § 4-403)

4-204. Employer's rights and duties. The rights and duties of the employer shall include, but are not limited to, the following provisions:

(1) Employer shall furnish to each of his employees conditions of employment and a place of employment free from known and recognized hazards that are causing or are likely to cause death or serious injury or harm to employees; provided, however, that employer shall have a reasonable period of time to correct any such hazards.

(2) Employer shall comply with approved occupational safety and health standards or regulations promulgated pursuant to the State Occupational Safety and Health Act of 1972.

(3) Employer shall assist the state commissioner of labor and state commissioner of health, upon reasonable notice from the said commissioners, in the performance of their monitoring duties by supplying necessary information to the commissioners or to their respective assistants or deputies.

(4) Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearings on proposed standards, or by requesting the development of standards on a given issue.

(5) Employer is entitled to request an order granting a variance from an occupation safety and health standard.

(6) Employer is entitled to protection of his trade secrets and other legally privileged communications.

(7) Employer shall inspect all installations, departments, bureaus and offices to ensure the provisions of this program are complied with and carried out as soon as reasonably possible after this chapter has been fully implemented.

(8) Employer shall notify and inform any employee, who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard, of corrective action being taken by the city. (1997 Code, § 4-404)

4-205. Employee's rights and duties. The rights and duties of employees shall include, but are not limited to the following provisions:

(1) Each employee shall comply with occupational safety and health standards of all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

(2) Each employee shall be notified by the placing upon bulletin boards, or other places of common passage, of any application for a temporary order granting a variance from any standard or regulation.

(3) Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

(4) Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the director of personnel.

(5) Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that, provided for by an applicable standard, shall be notified by the employer and informed of such exposure and the corrective action being taken as soon as reasonably possible after this chapter has been fully implemented.

(6) Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection.

(7) No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under or relating to this program.

(8) Any employee who believes that he or she has been discriminated against or discharged in violation of any of these sections may, within thirty (30) days after such violation occurs, file a complaint with the director of personnel of the City of Algood.

(9) Nothing in this section or any other provision of this program shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others. (1997 Code, § 4-405)

4-206. Standards authorized. The standards adopted by the City of Algood are the State of Tennessee Safety and Health Standards developed under section 6 of the State Occupational Safety and Health Act of 1972¹ and approved by the city. (1997 Code, § 4-406)

¹State law reference

Tennessee Code Annotated, §§ 50-3-101 to 50-3-919.

4-207. Variances from standards authorized. The City of Algood may, upon written application to the state commissioner of labor or the state commissioner of health, request an order granting a temporary variance from any approved standards. Prior to requesting such temporary variance, the employer shall notify or serve notice to employees or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board, as designated by the city, shall be deemed sufficient notice to employees. (1997 Code, § 4-407)

4-208. Inspection. (1) In order to carry out the purposes of this program, the director of personnel, or his authorized representative, is authorized:

(a) To enter at any reasonable time any establishment, construction site, plant, or other area, workplace, or environment where work is performed by an employee of the City of Algood; and

(b) To inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent or employee.

(2) The director of personnel may issue subpoenas pursuant to his duties set forth herein, to require the attendance and testimony of witnesses and the production of evidence under oath.

(3) An administrative representative of the city and a representative authorized by the employees may be given an opportunity to consult with or to accompany the compliance inspector (director of personnel) during the physical inspection of any work place for the purpose of aiding such inspection.

(4) The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.

(5) The inspection shall be such as to preclude unreasonable disruptions of the operations of the work place or establishment.

(6) Interviews of employees during the course of the inspection, when accompanied by an employee representative, may be made when such interviews are essential to the investigation techniques.

(7) Inspections may be accomplished without advance notice, but the director of personnel may authorize the giving to any supervisor or employee advance notice of an inspection. (1997 Code, § 4-408)

4-209. Citation. (1) If, upon an inspection or investigation, the director of personnel, or his designated deputy or authorized representative, should he have one, finds that any work place is not in compliance with any standard, rule, regulation or order, he shall, with reasonable promptness, issue to the administrative officer responsible for the work place a written citation that

states the nature and location of the violation; the standard, rule, regulation or order violated; the abatement and correction requirements; and a period of time during which the work place must accomplish such abatement and correction. A copy of each citation shall immediately be posted at or near each location referred to in the citation and remain posted until the alleged violation has been corrected or vacated.

(2) At any time within ten (10) days after receipt of such citation anyone affected may advise the director of personnel of objections to the terms and conditions of the citation. Upon receipt of such objections and after a hearing, the director of personnel shall thereafter issue an order affirming, modifying, or vacating the citation, and such order shall be final. (1997 Code, § 4-409)

4-210. Penalties. (1) The City of Algood shall not issue any penalties either civil or criminal, against any public official, employee, or any other person, administrative department, board, commission, division, or other agency of the City of Algood for failure to comply with the safety and health standards.

(2) Any employee who wilfully and repeatedly violates or causes to be violated a safety standard, rule, regulation, or order shall be subject to disciplinary action by the appointing authority. The appointing authority has the power to administer discipline and it shall be his duty to take action in one (1) of the following ways:

- (a) Oral reprimand;
- (b) Written reprimand;
- (c) Suspension; or
- (d) Termination.

(3) The employee being disciplined shall have the right of appeal to the director of personnel. (1997 Code, § 4-410)

4-211. Record keeping and reporting. (1) The City of Algood shall establish and maintain a system for collecting, maintaining and reporting safety and health data as soon as reasonably possible after implementing the provisions of § 4-201(3).

(2) Such occupational safety and health records shall be maintained for a period of five (5) years following the end of the year to which they relate.

(3) After this chapter has been enacted, the City of Algood shall report, within forty-eight (48) hours and to the commissioner of labor, any accident which is fatal to one (1) or more employees, or which results in twenty-four (24) hours or more hospitalization of five (5) or more employees.

(4) The City of Algood shall make an annual report, after this chapter has been fully implemented, to the commissioner of labor showing the accomplishments and progress of the city's occupational safety and health program. (1997 Code, § 4-411)

4-212. Administration. For the purpose of this chapter, the mayor is hereby designated as the director of personnel and is likewise designated as the chief executive officer to perform duties or to exercise powers assigned so as to plan, develop, and administer the city occupational safety and health program.

(1) Upon authorization from the city council, the director of personnel may designate, appoint, or employ persons as he deems necessary to carry out his powers, duties and responsibilities under the program.

(2) The director of personnel, to the extent possible, shall recommend the employment of measures to coordinate the activities of all city departments to promote efficiency and to minimize inconvenience under the program.

(3) The director of personnel may delegate the power to make inspections; provided that the procedures employed are as effective as those employed by the director.

(4) The director of personnel shall develop a plan, pursuant to the city's occupational safety and health program, including the selection of applicable standards promulgated by the state commissioner of labor and the state commissioner of health, and such plan shall be submitted for approval and adoption by the mayor and city council. Any subsequent changes or modifications in the plan shall also be submitted to the mayor and the city council for approval and adoption.

(5) The city recorder shall, upon adoption of this chapter, immediately register the city occupational safety and health plan with the state commissioner of labor, by sending to the commissioner of labor by certified mail a written statement which includes:

(a) A statement that the City of Algood has elected to develop its own program of compliance;

(b) A statement that such program has been developed and has been reduced to writing;

(c) A statement of where such writing may be inspected;

(d) A statement that city employees have been informed of the program and have access to such writing;

(e) An assurance that the city's program incorporates standards developed pursuant to the State Occupational Safety and Health Act; and

(f) A description of the methods of inspection provided for herein and an assurance that such program includes provisions for inspection and record keeping as effective as the provisions of the Tennessee Occupational Safety and Health Act of 1972. (1997 Code, § 4-412)

4-213. Confidentiality of trade secrets or privileged information.

(1) Compliance with any other law or statute which regulates safety and health in employment and places of employment shall not excuse the City of Algood or any city employee, or any other person from compliance with the provisions of this program.

(2) Compliance with any provision of this program or any standard or regulation promulgated pursuant to this program shall not excuse the City of Algood or any city employee, or any other person from compliance with any state law or city ordinance regulating and promoting safety and health unless such law or ordinance is specifically repealed. (1997 Code, § 4-413)

CHAPTER 3

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-301. Purpose.
- 4-302. Enforcement.
- 4-303. Travel policy.
- 4-304. Travel reimbursement rate schedules.
- 4-305. Administrative procedures.

4-301. Purpose. The purpose of this chapter and referenced regulations is to bring the city into compliance with *Tennessee Code Annotated*, §§ 6-54-901 to 6-54-907. This law requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular city employees. It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (Ord. #443, April 2005)

4-302. Enforcement. The Chief Administrative Officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #443, April 2005)

4-303. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions and seminars; and other actual and necessary expenses related to official business as determined by the CAO. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the city for registration fees, air fares, meals, lodging, conferences and similar expenses.

Travel advance requests are not considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

(4) Travel advances are available only for special travel and only after completion and approval of the travel authorization form.

(5) The travel expense reimbursement form will be used to document all expense claims.

(6) To qualify for reimbursement, travel expenses must be:

(a) Directly related to the conduct of the city business for which travel was authorized; and

(b) Actual, reasonable and necessary under the circumstances.

The CAO may make exceptions for unusual circumstances.

Expenses considered excessive will not be allowed.

(7) Claims of five dollars (\$5.00) or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee and other reimbursable costs.

(8) Any person attempting to defraud the city or misuse city travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the city are not ordinarily considered eligible expenses for reimbursement. (Ord. #443, April 2005)

4-304. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the state travel regulation rates. The city's travel reimbursement rates will automatically change when the state rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging and registration fees for conferences, conventions, seminars and other education programs. (Ord. #443, April 2005)

4-305. Administrative procedures. The city adopts and incorporates by reference - as if fully set out herein - the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee. A copy of the administrative procedures is on file in the office of the city recorder.

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after April 12, 2005. (Ord. #443, April 2005)