

**TITLE 4****MUNICIPAL PERSONNEL****CHAPTER**

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2. VACATION AND SICK LEAVE.
3. PERSONNEL REGULATIONS.
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**CHAPTER 1****SOCIAL SECURITY****SECTION**

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**4-101. Policy and purpose as to coverage.** It is hereby declared to be the policy and purpose of this city to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1987 Code, § 1-601)

**4-102. Necessary agreements to be executed.** The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1987 Code, § 1-602)

**4-103. Withholdings from salaries or wages.** Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations,

and shall be paid over to the state or federal agency designated by said laws or regulations. (1987 Code, § 1-603)

**4-104. Appropriations for employer's contributions.** There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1987 Code, § 1-604)

**4-105. Records and reports to be made.** The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1987 Code, § 1-605)

**4-106. Exemptions from coverage.**<sup>1</sup> There is hereby exempted from this chapter any authority to make any agreement with respect to any position, any employee or official not authorized to be covered by applicable state and federal laws or regulations. (1987 Code, § 1-606)

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<sup>1</sup>See Ord. No. 95-3 (April 1995) of record in the office of the recorder for amendments to the Social Security Agreement by and between the City of Baxter and the State Old Age and Survivors Insurance Agency.

## CHAPTER 2

### VACATION AND SICK LEAVE

#### SECTION

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- 4-209. Christmas pay.
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**4-201. Applicability of chapter.** This chapter shall apply to all full-time municipal officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission. (1987 Code, § 1-701)

**4-202. Vacation leave.** (1) All regular and full-time employees of the city who have been employed by the city for one (1) full year of continuous service shall be allowed vacation leave time with pay according to the following schedule:

Annual Vacation	
Years of Service	Leave Time
1 year	5 working days
2 years and over	10 working days

For vacation leave purposes the term "working day" as it applies herein shall be computed on an eight (8) hours basis.

(2) Vacation leave compensation shall be computed at the employee's regular straight time pay rate in effect as of the date that the vacation leave time is earned.

(3) The date of service to be used in determining vacation leave time accrual rate is the beginning date of the employee's current period of continuous service or the date on which the employee was initially employed or appointed, whichever is more recent.

(4) An employee shall not be eligible to take vacation leave until he or she has had one (1) year continuous employment.

- (5) Vacation leave may not be taken before it is earned.
- (6) Temporary, casual or part-time employees are not eligible for accrual of vacation leave.
- (7) For vacation purposes, any reinstated employee shall be considered as a new employee regardless of the reason for separation.
- (8) Earned vacation leave may be taken in whole or in part throughout the year at such times as may be approved by the head of the department for which such employee works. No less than one (1) day may be taken at any one time. In the case of employees who handle receipt of payments of taxes, water bills, court fines, or other funds being paid over to the city, such employees shall not take any vacation time of less than five (5) days at one (1) period.
- (9) No more than thirty (30) days vacation leave may be accumulated by any employee.
- (10) Any official holiday falling within a period of vacation leave shall be charged as holiday leave rather than vacation leave.
- (11) Any regular, full-time employee who is separated from employment with the city for any reason, including retirement, may receive terminal vacation leave pay for any unused portion of his or her accumulated vacation leave up to the limit of vacation leave allowed to be accumulated under this chapter. (1987 Code, § 1-704)

**4-203. Sick leave.** (1) All full-time employees of the city shall be allowed to accumulate sick leave with pay at the rate of one (1) working day for each full calendar month of service completed up to an unused maximum of thirty (30) working days. Sick leave shall be considered a benefit and privilege and not a right for employees to use at their discretion. Employees shall, therefore, utilize their accumulated sick leave allowance for absences due to personal illness or physical incapacity, personal illness or physical incapacity within the immediate family of the employee (as defined in paragraph (3) below), enforced quarantine of the employee in accordance with community health regulations, disability resulting from pregnancy, childbirth or related medical conditions, or so as to keep an appointment with a licensed medical doctor, dentist or other recognized health care practitioner.

(2) The board of mayor and aldermen may, in its discretion, prescribe regulations requiring that a health care practitioner's certificate or other satisfactory evidence be filed with the city supporting the absence before it may be properly chargeable as sick leave.

(3) For sick leave purposes the term "working day" as it applies in this section shall be computed on an eight (8) hour basis. The term "immediate family" shall be defined as spouse, children, parents, brothers and sisters, and grandparents, both of the employee and spouse of the employee.

(4) Sick leave compensation shall be figured at the employee's straight time pay rate in effect at the date it is used by the employee.

(5) The date of service to be used in determining sick leave time accrual rate is the beginning date of the employee's current period of continuous service or the date on which the employee was initially employed or appointed, whichever is more recent.

(6) Sick leave shall begin to accrue on the first day of the month next following the first full calendar month of employment.

(7) Temporary, casual or part-time employees are not eligible for accrual of sick leave.

(8) For sick leave purposes any reinstated employee shall be considered as a new employee regardless of the reason for his or her separation.

(9) Any employee who abuses these sick leave provisions or who deliberately makes or causes to be made any false or misleading statement or claim concerning the same, shall be subject to the loss of any such benefits, dismissal from his or her employment with the city or other disciplinary action.

(10) Any employee of the city who is injured when engaging in his employment for the city may be carried on sick leave for any accumulated sick leave that he or she has to his or her credit, but in no case shall any employee be allowed to receive sick leave pay while drawing any worker's compensation or other disability payments resulting from any benefit provided by the city. (1987 Code, § 1-705)

**4-204. Holidays.** (1) Except and in addition to such other holidays as may be from time-to-time declared by the board of mayor and aldermen, the following days shall be official holidays for employees of the City of Baxter:

<u>Holiday Name</u>	<u>Holiday Date</u>
New Year's Day	January 1st of each year
Memorial Day	Last Monday of May of each year
Independence Day	July 4th of each year
Labor Day	First Monday in September of each year
Veterans Day	November 11th of each year
Thanksgiving Day	Fourth Thursday in November of each year
Christmas Eve	December 24th of each year
Christmas Day	December 25th of each year

(2) When a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday, and when a holiday falls on a Sunday, the following Monday shall be observed as the holiday.

(3) All full-time employees of the city shall be compensated for any holiday granted in this chapter or otherwise designated by the board of mayor and aldermen by receiving eight (8) hours off with pay on the date of the holiday. However, in the interest of continuing essential municipal services, any city employee may be required to work on any holiday. Working on any holiday is a condition of employment for all city employees. Employees who are required to work on any holiday will receive their holiday pay plus one and one-half (1 1/2) times their regular hourly pay for each hour they work on that holiday.

(4) No employee shall be authorized to work on a holiday without the prior command or approval of the head of the department for whom the employee works. However, the board of mayor and aldermen may from time to time prescribe such other rules, regulations and limitations on overtime work as it desires.

(5) Any employee who is absent without leave on any working day immediately preceding or immediately following any holiday shall not be entitled to be paid for such holiday. (1987 Code, § 1-703)

**4-205. Absence without leave.** An absence without leave is an absence from duty which was not authorized or approved and for which either a request for leave was not made by the employee, or when made such request was denied. Under such circumstances any employee may be subject to such disciplinary action, including termination from employment with the city, as the board of mayor and aldermen deems necessary or appropriate. (1987 Code, § 1-706)

**4-206. Absence without pay.** An absence without pay is an absence which may or may not have been known and which has resulted from suspension, abandonment of position, or leave without pay granted by the city. The heads of all departments shall be responsible for maintaining accurate records of any employee who is absent from duty for any reason and shall promptly report the same to the mayor. (1987 Code, § 1-707)

**4-207. Leave without pay.** A regular or part-time employee who is in good standing may be granted a leave without pay for a period not to exceed ninety (90) calendar days in any one (1) calendar year upon the approval of the board of mayor and aldermen.

**4-208. Funeral leave.** A full time employee of the city will be granted and paid his/her regular rate of pay for any or all of three (3) regularly scheduled work days, during the period beginning with the death and ending with the day of the funeral of his/her immediate family. A member of the

immediate family is defined as and limited to the following: spouse, father, mother, step-father, step-mother, son, daughter, step-daughter, step-son, father-in-law, mother-in-law, brother or sister. (1987 Code, § 1-709)

**4-209. Christmas pay.** The full time employees of the city will be granted up to as much as five (5) days sick leave or for number of days accumulated, up to five (5) days, for a Christmas bonus. (1987 Code, § 1-710)

**4-210. Work attendance.** All full-time employees of the city shall be in attendance at their regular work and at their regular place of work as may be designated by the department head under whose supervision such employees shall work. The head of every city department shall keep a daily attendance record of the employees working under such supervisor and shall report the same to the mayor. (1987 Code, § 1-702)

## CHAPTER 3

### PERSONNEL REGULATIONS

#### SECTION

- 4-301. Applicability of chapter.
- 4-302. Political activity.
- 4-303. Strikes.
- 4-304. Principle of merit.
- 4-305. Hiring procedures.
- 4-306. Types of separations.
- 4-307. Disciplinary actions.
- 4-308. Appeals process.
- 4-309. Use of internet and electronic mail.
- 4-310. Sexual harassment.
- 4-311. Substance abuse policy and drug free workplace program.
- 4-312. Employee safety handbook adopted.

**4-301. Applicability of chapter.** This chapter shall apply to all full-time city officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission. (1987 Code, § 1-801)

**4-302. Political activity.** Employees shall enjoy the same rights as other citizens of Tennessee to be a candidate for any state or local political office (except for membership on the municipal governing body), the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. Provided, however, no employee may campaign on municipal time or in municipal uniform nor use municipal equipment or supplies in any campaign or election.

**4-303. Strikes.** No city officer or employee shall participate in any strike against the city. (1987 Code, § 1-812)

**4-304. Principle of merit.** Appointing and promoting employees of the City of Baxter shall be based on merit. Due consideration shall be given to technical knowledge required to perform the work; satisfactory experience in the particular or similar line of work; and administrative or supervisory qualifications without regard to race, color, gender, age, creed, national origin, ancestry, or disability. (1987 Code, § 1-802)

**4-305. Hiring procedures.** The primary objective of this hiring policy is to ensure compliance with the law and to obtain qualified personnel, without nepotism (nepotism-favoritism, especially governmental patronage extended



toward relatives), to serve the citizens of the city. No person shall be employed, promoted, demoted, discharged or in any way favored or discriminated against because of race, gender, age, color, religion, creed, ancestry, disability, or national origin. Nothing in the personnel rules and regulations shall be deemed to give employees any more property rights in their jobs than may already be given by the city charter. The city reserves the right to alter or change any or all these rules without prior notice to employees.

The city will employ only capable and responsible personnel who are of good character and reputation. When a vacancy occurs, the city recorder will prepare and post the appropriate position description at various locations in city. The city recorder will also provide notice of vacancies in alternate media to ensure effective communication to people with disabilities.

All people seeking appointment or employment with the city shall complete a standard application form as provided by the municipal government. Employment applications shall be accepted in the recorder's office during regular office hours only. The recorder will make reasonable accommodations in the application process to applicants with disabilities making a request for such accommodations.

All appointments are subject to an interview with the mayor and board of alderman or appropriate department head. The mayor and board of aldermen and department head will make reasonable accommodations in the interview process to applicants with disabilities making a request for such accommodations.

All appointments to positions in the City of Baxter shall be made by the mayor and board of aldermen. Following a conditional offer to employment, every prospective employee, when required, may be given a medical examination and a general physical exam by a licensed physician designated by the municipal government to ensure they can perform the essential functions of the position they have been offered. The cost of this medical exam shall be borne by the city. Any perspective employee who is unable to successfully perform the essential functions tested for in the medical examination shall have the offer of employment by the city withdrawn only if they:

- (1) Cannot perform the essential functions due to a disability that cannot reasonably be accommodated;
- (2) Pose a direct threat to themselves and/or others;
- (3) Are unable to perform the essential functions due to a temporary condition or disability not protected by ADA.

For new personnel in the police department, the police chief hires employees for the police department subject to ratification by the mayor and board of aldermen. (1987 Code, § 1-803, as amended by Ord. #2005-17, Feb. 2006)

**4-306. Types of separations.** All separations of employees from city positions shall be designated as one of the following types and shall be

accomplished as indicated: resignation, layoff, death, retirement, dismissal and the inability to perform the essential job functions with or without a reasonable accommodation due to a disability. At the time of separation and before final payment, all records, assets, and other items of city property in the employee's custody must be transferred to the department. Any amount due because of shortages shall be withheld from the employee's final compensation.

(1) Resignation. In the event an employee decides to leave the municipal government's employ, a (2) week notice shall be given to his/her supervisor so that arrangements for a replacement can be made. In such a case, employees will be expected to return any or all municipal government equipment assigned. An unauthorized absence from work for a period of three (3) consecutive working days may be considered by the department head as a resignation. If a former employee returns to municipal government employment, his/her status of seniority, pay leave, etc. will be the same as any new employee beginning work for the first time.

(2) Layoff. The department head, upon approval from the board of mayor and aldermen, may lay off an employee in the municipal government service when he/she deems it necessary by reason of shortage of funds, the abolition of a position, or for related reasons that are outside the employer's control and that do not reflect discredit upon the employee's service. The police chief shall have authority to layoff police personnel when he/she deems it necessary by reason of shortage of funds, the abolition of a position, or for related reasons that are outside the employer's control and that do not reflect discredit upon the employee's service. Temporary employees shall be laid off before probationary or regular employees. The order of layoff shall be in reverse order to total continuous time served upon the date established for the layoff to become effective.

(3) Disability. An employee may be separated for disability when he/she/cannot perform the essential functions of the job because of physical or mental impairment that cannot be accommodated without undue hardship or because the disability poses a direct threat to the health and safety of others. A reasonable accommodation may include transfer to a comparable position for which the individual is qualified. Action may be initiated by the employee or the municipality, but in all cases it must be supported by medical evidence acceptable to the board of mayor and aldermen, and the disability must prevent the employee from performing the essential functions of the job. The board may require an examination at its expense to be performed by a licensed physician of its choice.

(4) Retirement. Whenever an employee meets the conditions set forth in the retirement system's regulations, he/she may elect to retire and receive all benefits earned under the appropriate retirement system.

(5) Death. Separation shall be effective as of the date of death of an employee. All compensation due in accordance with these rules shall be paid to

the estate of the employee, except for such sums as by law must be paid to the surviving spouse.

(6) Dismissal. 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 authority to dismiss police personnel. These employees shall be afforded the opportunity for due process described herein.

Reasons for dismissal may include, but shall not be limited to; misconduct, negligence, incompetence, insubordination, unauthorized absences, falsification of records, violation of any of the provisions of the charter, ordinances, or these rules.

When the decision to dismiss an employee has been reached, the employee shall be furnished an advance written notice from the city recorder containing the nature of the proposed action, the reason therefore, and the right to appeal the charges orally or in writing before the board of mayor and aldermen. The notice shall be furnished at least one (1) calendar week prior to the proposed effective date of the action, when possible. During this period, the employee may be retained on duty status, placed on leave, or suspended with or without pay at the discretion of the mayor and board of aldermen. If the employee fails to respond to the advance notice, the proposed action shall be effective on the date specified with no need for further action.

If the employee requests a hearing on the proposed action, the board shall promptly set a date and time for the hearing and shall carefully consider all evidence presented before making a decision. The decision of the board shall be final. (1987 Code, as amended by Ord. #2005-17, Feb. 2006)

**4-307. Disciplinary actions.** When an employee's performance, attitude, work habits or personal conduct fall below a desirable level, supervision shall inform the employee promptly and specifically of such lapses and shall give him/her counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. In some instances, a specific incident in and of itself may justify severe initial disciplinary action, however, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct. The types of disciplinary actions are:

(1) Oral reprimand. Whenever an employee's performance, attitude, habits, or personal conduct fall below a desirable level, the supervisor shall inform the employee promptly and specifically of such lapses and shall give him/her counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. The supervisor will place a memo in the employee's file stating the date of the oral reprimand, what was said to the employee, and the employee's response.

(2) Written reprimand. In situations where an oral warning has not resulted in the expected improvement, or when more severe initial action is warranted, a written registered reprimand may be sent to the employee, and a

copy placed in the employee's personnel folder. The supervisor administering the reprimand shall advise the employee that the action is a written reprimand and emphasize the seriousness of the problem; cite previous corrective actions and/or informal discussions relating to the offense; identify the problem and/or explain the offense; informing the employee of consequences of continued undesirable behavior; detail corrective actions and identify dates by which the corrective actions shall be taken.

At the conclusion of a conference with the employee, a copy of the written reprimand shall be placed in the employee's personnel folder. The affected employee must sign and date the written reprimand to indicate that he/she has seen the document and to acknowledge receipt of the employee's copy. Should the employee refuse to sign the written reprimand, the supervisor will obtain a witness to sign and date the form and so indicate the employee's refusal to sign.

(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)

**4-308. Appeals process.** 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 employee's request for 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)

**4-309. Use of internet and electronic mail.** (1) **Policy.** It is the policy of the City of Baxter that all employees having global internet access and e-mail privileges shall use such access only for official work in full compliance with this policy and the policies of the city. Each user must be aware of the risks related

to internet access and e-mail which cannot be eliminated but may only be managed through the exercise of prudence and caution.

(2) Procedures. (a) Use of the internet e-mail. Employees must be individually authorized to use the internet and/or e-mail before doing so during working hours or while using any city equipment. No employee will be so authorized by the city until the employee has signed the internet use form. (See attachment at end of chapter.)

(b) No e-mail messages sent or received on the city's computers is personal or private; each is the property of the City of Baxter. E-mail messages can be copied, distributed, discovered in litigation and used in disciplinary proceedings even if deleted by the recipient. Users have no expectation of privacy as to any e-mail message at any time.

(c) Principles of acceptable internet and computer system use.

(i) Use must be for legitimate work-related purposes only.

(ii) Users shall respect the legal protections afforded by copyright and license laws for programs and data.

(iii) Users shall identify themselves as employees of their department and the city when sending any e-mail message via the internet.

(d) Unacceptable use of the internet, e-mail, and the city's computer system.

(i) Users shall respect the integrity of the city's computing system and shall not use it for unacceptable purposes or in an unacceptable manner as described below. It is unacceptable for a user to use, submit, publish, display, or transmit on the internet, or any part of the city's computer system, any information which;

(A) Uses the system for any illegal purpose;

(B) Contains defamatory, false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, or otherwise biased, discriminatory, or illegal material, whether in the form of a "joke" or otherwise;

(C) Violates or infringes on the rights of any other person, including the right to privacy; or,

(D) Modify files or data belonging to other users without explicit permission to do so.

(ii) No user, other than the mayor or the various department directors shall have authority to subscribe to any service for which a fee is charged.

(iii) Users shall not use or develop programs that harass other users or infiltrate a computer or computing system or which

seek to alter or damage the software components of a computer or computing system.

(e) Personal use: The prohibitions in this policy shall also not be construed to prohibit infrequent and brief use of the system for incidental personal matters by an employee during a meal or other personal break time. This is similar to an employee's limited ability to make a personal telephone call on personal time. For example, an employee may spend a minute or two looking at the weather radar online provided, however, in no event shall any such limited personal use include any activity otherwise prohibited by this policy, e.g., visiting a sexually explicit site.

(f) No right of privacy - monitoring.

(i) Pursuant to the Electronic Communications Act of 1986, 18 USC 2510, et seq., notice is hereby given that there are no facilities provided by the city and its system for sending or receiving private or confidential electronic communications.

(ii) Electronic mail, whether sent via the internet or internally, may be a public record subject to public disclosure under the Tennessee Public Records Law and may be inspected by the public (Tennessee Code Annotated, § 10-7-512). (Ord. #2004-3, May 2004)

**4-310. Sexual harassment.** (1) Purpose. The City of Baxter will not tolerate sexual harassment of its employees. The city has adopted this policy on sexual harassment to try to prevent sexual harassment from occurring in the workplace.

The municipality may be held liable for the actions of all employees with regard to sexual harassment and will not tolerate sexual harassment of its employees. The city will take immediate, positive steps to stop such harassment when it occurs. The municipality may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace, where the municipal government (or its agents or supervisory employees) knows or should have known of the conduct and failed to take immediate and appropriate corrective action.

This policy applies to all officers and employees of the City of Baxter, including but not limited to full- and part-time employees, elected officials, permanent and temporary employees, employees covered or exempt from the personnel rules or regulations of the municipal government, and employees working under contract for the municipality. The following rules shall be strictly enforced.

(2) Definitions. The following actions constitute an unlawful employment practice and are absolutely prohibited by the municipal government when they affect employment decisions, create a hostile job environment, cause distractions, or unreasonably interfere with work performance:

- (a) Sexual advances;
- (b) Requests for sexual favors;
- (c) Verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, or propositioning;
- (d) Explicit or implied job threats or promises in return for submission to sexual favors;
- (e) Sex-oriented comments on appearance;
- (f) Sex-oriented stories, jokes or other communication, whether spoken or written, verbal or non-verbal;
- (g) Displaying sexually explicit or pornographic material, no matter how the material is displayed; and/or
- (h) Sexual assault.

Sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women.

(3) Making sexual harassment complaints. An employee who feels he/she is subjected to sexual harassment should immediately contact a person (listed below) with whom the employee feels the most comfortable. (Any number of individuals may be chosen. The object is to give several options to a harassment victim in the event the harasser is the immediate supervisor.) Complaints may be made orally or in writing to:

- (a) The employee's immediate supervisor;
- (b) The employee's department head;
- (c) The recorder;
- (d) The mayor; and/or
- (e) The board of mayor and aldermen.

Employees have the right to circumvent the employee chain-of-command when selecting the person to complain to about sexual harassment. The employee should be prepared to provide the following information:

- (a) His/her name, department, and position title;
- (b) The name of the alleged perpetrator sexual harassment, including their title(s), if known;
- (c) The specific nature of the sexual harassment, how long it has gone on, any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment;
- (d) Witnesses to the harassment; and
- (e) Whether the employee has previously reported the harassment and, if so, when and to whom.

(4) Reporting and investigating sexual harassment complaints. The mayor is the person the municipal government designates as the investigator of sexual harassment complaints against employees. In the event the sexual

harassment complaint is against the mayor, the investigator shall be a municipal employee appointed by the board.

When an allegation of sexual harassment is made by any employee, the investigator shall:

- (a) Immediately prepare a report of the complaint according to the preceding section and submit it to the board.
- (b) Make and keep a written record of the investigation at the time the verbal interview is in progress, including notes on:
  - (i) Verbal responses made to the investigator by the person complaining of sexual harassment;
  - (ii) Witnesses interviewed during the investigation;
  - (iii) The person against whom the complaint of sexual harassment was made; and
  - (iv) Any other person contacted by the investigator in connection with the investigation.
- (c) Within ten (10) days of receiving the complaint, prepare and present the findings to the board in a report, which will include:
  - (i) The written statement of the person complaining of sexual harassment;
  - (ii) The written statements of witnesses;
  - (iii) The written statement of the person against whom the complaint of sexual harassment was made; and
  - (iv) All the investigator's notes connected to the investigation.

(5) Action on complaints of sexual harassment. Upon receiving an investigation report of a sexual harassment complaint, the board shall immediately review the report. If the board determines that the report is not complete in some respect, it may question the person complaining of sexual harassment, the person against whom the complaint has been made, witnesses to the conduct in question, or any other person who may have knowledge about the harassment.

Based upon the report and its own investigation (where a separate investigation is made), the board shall, within a reasonable time, determine whether the conduct in question constitutes sexual harassment. In making that determination, the board shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct, the context in which the alleged actions occurred, and the behavior of the person complaining. Whether not sexual harassment took place will be determined on a case-by-case basis.

If the board determines that the harassment complaint is founded, he/she shall take immediate and appropriate disciplinary action against the guilty employee, consistent with its authority under the municipal charter, ordinances, resolutions, or rules governing its authority to discipline employees. If the governing body determines that the sexual harassment complaint is founded,



it may discipline the employee consistent with its authority under the municipal charter, code, ordinances, resolutions, or rules governing employee discipline.

The disciplinary action shall be consistent with the nature and severity of the offense, the employee's rank, and any other factors the governing body believes relate to fair and efficient administration of the municipal government. This includes, but is not limited to, the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the municipality. The disciplinary action may include demotion, suspension, dismissal, warning, or reprimand. Determining the level of disciplinary action shall also be made on a case-by-case basis. A written record shall be kept of imposed disciplinary actions, including verbal reprimands.

In all events, an employee found guilty of sexual harassment shall be warned not to retaliate in any way against the person making the complaint, witnesses, or any other person connected with the investigation.

In cases where sexual harassment is committed by a non-employee against a municipal government employee in the workplace, the board shall take whatever lawful action is necessary against the non-employee to bring the sexual harassment to an immediate end.

(6) Obligation of employees. Employees are not only encouraged to report instances of sexual harassment; they are obligated to report them. Employees are also obligated to cooperate in every harassment investigation. The obligation includes, but is not necessarily limited to, coming forward with evidence (both favorable and unfavorable) about a person accused of such conduct, fully and truthfully making written reports, or verbally answering questions when required to do so by an investigator. Employees are also obligated to refrain from making bad faith accusations of sexual harassment.

Disciplinary action may be taken against employees who fail to report instances of sexual harassment, fail or refuse to cooperate in the sexual harassment investigation, or file a complaint of sexual harassment in bad faith. (Ord. #2007-12, Oct. 2007)

**4-311. Substance abuse policy and drug free workplace program.**

The substance abuse policy and drug free workplace program is included as Appendix B of the Baxter Municipal Code. The city recorder is authorized to develop or obtain consent forms, acknowledgment forms, and other documentation as reasonably necessary for compliance with this policy and the Tennessee Drug Free Workplace Act.

**4-312. Employee safety handbook adopted.** The City of Baxter Employee Safety Handbook is included as Appendix C of the Baxter Municipal Code. The city recorder is to provide all employees with a copy of the City of Baxter Employee Safety Handbook upon final passage, and obtain acknowledgment forms. (Ord. #2007-13, Oct. 2007)

**ATTACHMENT:**  
**ACKNOWLEDGMENT**

I hereby acknowledge that I have received and read a copy of the City of Baxter's Policy for the Use of Internet and Electronic Mail. I understand that all e-mail communications systems are the property of the city, as is the information received from, transmitted by, or stored in these systems. I understand that, except with respect to certain content deemed confidential by state and federal law, I have no expectation of privacy in connection with any e-mail messages, the use of city equipment, or the transmission, receipt, or storage of information in this equipment.

I acknowledge and consent to the city's monitoring my use of both Internet and Internet e-mail at any time the city deems it necessary in accordance with its policy. Monitoring may include reading and printing out all electronic mail entering, stored in, or disseminated by the City of Baxter's system and equipment. I agree not to use a code, access a file, or retrieve any stored information unless authorized to do so. I understand that this consent is a condition of my employment and/or continued association with the city. I understand all the provisions specified in this policy. Further, I recognize that a violation of this policy may result in disciplinary action, including possible termination.

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**EMPLOYEE SIGNATURE**  
**CITY OF BAXTER, TENNESSEE**

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**DATE**

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**DEPARTMENT HEAD**

## CHAPTER 4

### OCCUPATIONAL SAFETY AND HEALTH PROGRAM

#### SECTION

- 4-401. Title.
- 4-402. Purpose.
- 4-403. Coverage.
- 4-404. Standards authorized.
- 4-405. Variances from standards authorized.
- 4-406. Administration.
- 4-407. Funding the program.

**4-401. Title.** This section shall provide authority for establishing and administering the Occupational Safety and Health Program Plan for the employees of City of Baxter. (Ord. #2003-6, Oct. 2003)

**4-402. Purpose.** The City of Baxter, in electing to update their established program plan will maintain an effective occupational safety and health program for its employees and shall:

- (1) Provide a safe and healthful place and condition of employment that includes:
  - (a) Top management commitment and employee involvement;
  - (b) Continually analyze the worksite to identify all hazards and potential hazards;
  - (c) Develop and maintain methods for preventing or controlling existing or potential hazards; and
  - (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- (4) Consult with the State Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.
- (5) Consult with the State Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are

considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

(6) 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.

(7) 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. (Ord. #2003-6, Oct. 2003)

**4-403. Coverage.** The provisions of the Occupational Safety and Health Program Plan for the employees of City of Baxter shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Baxter whether part-time or full-time, seasonal or permanent. (Ord. #2003-6, Oct., 2003)

**4-404. Standards authorized.** The occupational safety and health standards adopted by the City of Baxter are the same as, but not limited to, the State of Tennessee Occupational and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated, title 50, chapter 3). (Ord. #2003-6, Oct. 2003)

**4-405. Variances from standards authorized.** The City of Baxter may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the City of Baxter shall notify or serve notice to employees, their designated representatives, 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 of Baxter shall be deemed sufficient notice to employees. (Ord. #2003-6, Oct. 2003)

**4-406. Administration.** For the purposes of this chapter, the city recorder is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer said plan. The director shall develop a plan of operation for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972

and part IV of the Tennessee Occupational Safety and Health Plan. (Ord. #2003-6, Oct. 2003)

**4-407. Funding the program.** Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the City of Baxter. (Ord. #2003-6, Oct. 2003)

## CHAPTER 5

### INFECTIOUS DISEASE CONTROL POLICY

#### SECTION

- 4-501. General information.
- 4-502. General policies and procedures.
- 4-503. Vaccinations, testing and post-exposure management.
- 4-504. Training.
- 4-505. Records and reports.
- 4-506. Legal rights of victims of communicable diseases.

**4-501. General information.** (1) Purpose. It is the responsibility of the City of Baxter to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the City of Baxter, employees may come in contact with life-threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB).

(2) Coverage. Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to infectious materials from potentially infected individuals. Those high risk occupations include but are not limited to:

- (a) Paramedics and emergency medical technicians;
- (b) Occupational nurses;
- (c) Housekeeping and laundry workers;
- (d) Police and security personnel;
- (e) Firefighters;
- (f) Sanitation and landfill workers; and
- (g) Any other employee deemed to at high risk per this policy

and an exposure determination.

(3) Administration. This infection control policy shall be administered by the city recorder who shall have the following duties and responsibility:

- (a) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the city charter, and federal and state law relating to OSHA regulations;

(b) Make an exposure determination for all employee positions to determine a possible exposure to blood or other potentially infectious materials;

(c) Maintain records of all employees and incidents subject to the provisions of the chapter;

(d) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;

(e) Coordinate and document all relevant training activities in support of the infection control policy;

(f) Prepare and recommend to the board of mayor and aldermen any amendments or changes to the infection control policy;

(g) Identify any and all housekeeping operations involving substantial risk of direct exposure to potentially infectious materials and shall address the proper precautions to be taken while cleaning rooms and blood spills; and

(h) Perform such other duties and exercise such other authority as may be prescribed by the board of mayor and aldermen.

(4) Definitions. (a) "Body fluid." Fluids that have been recognized by the Centers for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.

(b) "Exposure." The contact with blood or other potentially infectious materials to which universal precautions apply through contact with open wounds, non-intact skin, or mucous membranes during the performance of an individual's normal job duties.

(c) "Hepatitis B Virus (HBV)." A serious blood-borne virus with the potential for life-threatening complications. Possible complications include: massive hepatic necrosis, cirrhosis of the liver, chronic active hepatitis, and hepatocellular carcinoma.

(d) "Human Immunodeficiency Virus (HIV)." The virus that causes Acquired Immunodeficiency Syndrome (AIDS). HIV is transmitted through sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

(e) "Tuberculosis (TB)." An acute or chronic communicable disease that usually affects the respiratory system, but may involve any system in the body.

(f) "Universal precautions." Refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with potentially infectious materials to be protected as though such potentially infectious materials were HBV or HIV infected. (1987 Code, § 1-1001)

**4-502. General policies and procedures.** (1) Policy statement. All blood and other potentially infectious materials are infectious for several blood-borne pathogens and some other potentially infectious materials can transmit infections. For this reason, the Centers for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens. Universal precautions apply to blood, tissues, and other potentially infectious materials. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood.

(2) General guidelines. General guidelines which shall be used by everyone include:

(a) Think when responding to emergency calls and exercise common sense when there is potential exposure to blood or other potentially infectious materials which require universal precautions.

(b) Keep all open cuts and abrasions covered with adhesive bandages which repel liquids.

(c) Soap and water kill many bacteria and viruses on contact. If hands are contaminated with blood or other potentially infectious materials to which universal precautions apply, then wash immediately and thoroughly. Hands shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or handwashing facilities are not available, then use a waterless antiseptic hand cleaner according to the manufacturers recommendation for the product.

(d) All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades and other sharp items shall be placed in puncture resistant containers for disposal. The puncture resistant container shall be located as close as practical to the use area.

(e) The city will provide gloves of appropriate material, quality and size for each affected employee. The gloves are to be worn when there is contact (or when there is a potential contact) with blood or other potentially infectious materials to which universal precautions apply:

(i) While handling an individual where exposure is possible;



(ii) While cleaning or handling contaminated items or equipment;

(iii) While cleaning up an area that has been contaminated with one (1) of the above;

Gloves shall not be used if they are peeling, cracked, or discolored, or if they have punctures, tears, or other evidence of deterioration. Employee shall not wash or disinfect surgical or examination gloves for reuse.

(f) Resuscitation equipment shall be used when necessary. (No transmission of HBV or HIV infection during mouth-to-mouth resuscitation has been documented.) However, because of the risk of salivary transmission of other infectious diseases and the theoretical risk of HIV or HBV transmission during artificial resuscitation, bags shall be used. Pocket mouth-to-mouth resuscitation masks designed to isolate emergency response personnel from contact with a victim's blood and blood contaminated saliva, respiratory secretion, and vomitus, are available to all personnel who provide or potentially provide emergency treatment.

(g) Masks or protective eyewear or face shields shall be worn during procedures that are likely to generate droplets of blood or other potentially infectious materials to prevent exposure to mucous membranes of the mouth, nose, and eyes. They are not required for routine care.

(h) Gowns, aprons, or lab coats shall be worn during procedures that are likely to generate splashes of blood or other potentially infectious materials.

(i) Areas and equipment contaminated with blood shall be cleaned as soon as possible. A household (chlorine) bleach solution one (1) part chlorine to ten (10) parts water) shall be applied to the contaminated surface as a disinfectant leaving it on for a least thirty (30) seconds. A solution must be changed and re-mixed every twenty-four (24) hours to be effective.

(j) Contaminated clothing (or other articles) shall be handled carefully and washed as soon as possible. Laundry and dish washing cycles at one hundred twenty degrees (120°) are adequate for decontamination.

(k) Place all disposable equipment (gloves, masks, gowns, etc.) in a clearly marked plastic bag. Place the bag in a second clearly marked bag (double bag). Seal and dispose of by placing in a designated "hazardous" dumpster. NOTE: Sharp object must be placed in an impervious container and then taken to a hospital for disposal.

(l) Tags shall be used as a means of preventing accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations which are out of the

ordinary, unexpected or not readily apparent. Tags shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed.

All required tags shall meet the following criteria:

(i) Tags shall contain a signal word and a major message. The signal word shall be "BIOHAZARD," or the biological hazard symbol. The major message shall indicate the specific hazardous condition or the instruction to be communicated to employees.

(ii) The signal word shall be readable at a minimum distance of five feet (5') or such greater distance as warranted by the hazard.

(iii) All employees shall be informed of the meaning of the various tags used throughout the workplace and what special precautions are necessary.

(m) Linen soiled with blood or other potentially infectious materials shall be handled as little as possible and with minimum agitation to prevent contamination of the person handling the linen. All soiled linen shall be bagged at the location where it was used. It shall not be sorted or rinsed in the area. Soiled linen shall be placed and transported in bags that prevent leakage.

The employee responsible for transported soiled linen should always wear protective gloves to prevent possible contamination. After removing the gloves, hands or other skin surfaces shall be washed thoroughly and immediately after contact with potentially infectious materials.

(n) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (1987 Code, § 1-1002)

#### **4-503. Vaccinations, testing and post-exposure management.**

(1) Hepatitis B vaccinations. The City of Baxter shall offer the appropriate hepatitis B vaccination to employees at risk of exposure free of charge and in amounts at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the infectious disease control coordinator.

(2) Reporting potential exposure. City employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc.):

(a) Notify the infectious disease control coordinator of the contact incident and details thereof.

(b) Complete the appropriate accident reports and any other specific form required.

(c) Arrangements will be made for the person to be seen by a physician as with any job-related injury.

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to human immunodeficiency virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided.

(3) Disability benefits. Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Workers' Compensations Bureau in accordance with the provisions of Tennessee Code Annotated, § 50-6-303. (1987 Code, § 1-1003)

**4-504. Training.** (1) Regular employees. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or potentially infectious materials. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents.

(2) High risk employees. In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated as per this policy.

(3) New employees. During the new employee's orientation to his/her job, all new employees will be trained on the effects of infectious disease prior to putting them to work. (1987 Code, § 1-1004)

**4-505. Records and reports.** (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintain on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200.

(2) Needle sticks. Needle sticks, like any other puncture wound, are considered injuries for recordkeeping purposes due to the instantaneous nature of the event. Therefore, any needle stick requiring medical treatment (i.e. gama

globulin, hepatitis B immune globulin, hepatitis B vaccine, etc.) shall be recorded.

(3) Prescription medication. Likewise, the use of prescription medication (beyond a single dose for minor injury or discomfort) is considered medical treatment. Since these types of treatment are considered necessary, and must be administered by physician or licensed medical personnel, such injuries cannot be considered minor and must be reported.

(4) Employee interviews. Should the city be inspected by the U.S. Department of Labor Office of Health Compliance, the compliance safety and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers. (1987 Code, § 1-1005)

**4-506. Legal rights of victims of communicable diseases.** Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

(1) Officers assume that a certain degree of risk exists in law enforcement and emergency service work and accept those risks with their individual appointments. This holds true with any potential risks of contacting a communicable disease as surely as it does with the risks of confronting an armed criminal.

(2) Any officers who refuse to take proper action in regard to victims of a communicable disease, when appropriate protective equipment is available, shall be subject to disciplinary measures along with civil and, or criminal prosecution.

(3) Whenever an officer mentions in a report that an individual has or may have a communicable disease, he shall write "contains confidential medical information" across the top margin of the first page of the report.

(4) The officer's supervisor shall ensure that the above statement is on all reports requiring that statement at the time the report is reviewed and initialed by the supervisor.

(5) The supervisor disseminating newspaper releases shall make certain the confidential information is not given out to the news media.

(6) All requests (including subpoenas) for copies of reports marked "contains confidential medical information" shall be referred to the city attorney when the incident involves an indictable or juvenile offense.

(7) Prior approval shall be obtained from the city attorney before advising a victim of sexual assault that the suspect has, or is suspected of having a communicable disease.

(8) All circumstances not covered in this policy, that may arise concerning releasing confidential information regarding a victim, or suspected victim, of a communicable disease shall be referred directly to the appropriate department head or city attorney.

(9) Victims of a communicable disease and their families have a right to conduct their lives without fear of discrimination. An employee shall not make public, directly or indirectly, the identity of a victim or suspected victim of a communicable disease.

(10) Whenever an employee finds it necessary to notify another employee, police officer, firefighter, emergency service officer, or health care provider that a victim has or is suspected of having a communicable disease, that information shall be conveyed in a dignified, discrete and confidential manner. The person to whom the information is being conveyed should be reminded that the information is confidential and that it should not be treated as public information.

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil and/or criminal prosecution. (1987 Code, § 1-1006)

## CHAPTER 6

### TRAVEL REIMBURSEMENT REGULATIONS

#### SECTION

- 4-601. Purpose.
- 4-602. Enforcement.
- 4-603. Travel policy.
- 4-604. Travel reimbursement rate schedules.
- 4-605. Administrative procedures.

**4-601. Purpose.** To provide consistent travel regulations and reimbursement, this chapter covers the mayor and board of aldermen, any other elected or appointed officials and 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. (1987 Code, § 1-1101, modified)

**4-602. Enforcement.** The Chief Administrative Officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (1987 Code, § 1-1102)

**4-603. 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. Reimbursement 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 won't 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 reimbursement 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. (1987 Code, § 1-1103)

**4-604. Travel reimbursement rate schedules.** Authorized travelers shall be reimbursed according to the State of Tennessee 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. (1987 Code, § 1-1104)

**4-605. 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, in June, 1993. A copy of the administrative procedures is on file in the office of the city recorder. (1987 Code, § 1-1105)

**CHAPTER 7****CONFINED SPACE ENTRY AND RESCUE PROCEDURES****SECTION**

4-701. Confined space entry and rescue procedures established.

**4-701. Confined space entry and rescue procedures established.**

The City of Baxter establishes minimum standards and procedures that shall be mandatory for the adequate protection of employees and other persons who may be required to enter dangerous confined spaces. The City of Baxter "Confined Space Entry and Rescue Procedures" is contained in Ord. #2000-5, July 2000, and is attached to this code as Appendix E.