

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

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2. VACATIONS AND SICK LEAVE.
3. PERSONNEL REGULATIONS.
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
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CHAPTER 1**SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES****SECTION**

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4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Gatlinburg to provide for all eligible employees and officials of the municipality, 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 municipality shall take such action as may be required by applicable state and federal laws or regulations. (1976 Code, § 1-701)

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. (1976 Code, § 1-702)

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. (1976 Code, § 1-703)

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. (1976 Code, § 1-704)

4-105. Records and reports to be made. The municipality recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1976 Code, § 1-705)

4-106. Part time, etc. employees not covered. There is excluded from this chapter authority to make any agreement referred to and provided for in § 4-102, with respect to the employees in the following classifications of positions in the City of Gatlinburg, such employees are expressly excluded from coverage under this agreement:

- (1) Employees engaged in rendering service of any emergency nature.
- (2) Employees engaged in rendering service in positions the compensation for which is on a fee basis, such as the city attorney and the city auditor.
- (3) Elective officials engaged in rendering "legislative" services. (1976 Code, § 1-706)

CHAPTER 2

VACATIONS AND SICK LEAVE

SECTION

- 4-201. Applicability of chapter.
- 4-202. Vacation leave.
- 4-203. Leave records.

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. (1976 Code, § 1-801)

4-202. Vacation leave. Vacation leave shall conform to the personnel rules and regulations recommended by the city manager and approved by the city commission; sick leave to be evaluated on the same basis. (1976 Code, § 1-802)

4-203. Leave records. The city manager shall cause to be kept, for each officer and employee, a record currently up to date at all time showing credits earned and leave taken under this chapter. (1976 Code, § 1-804)

CHAPTER 3

PERSONNEL REGULATIONS

SECTION

4-301. Personnel rules and regulations.

4-301. Personnel rules and regulations. Personnel rules and regulations shall be as adopted by the board of commissioners from time to time in the form of a personnel handbook. Said personnel handbook shall be adopted and may be amended by a resolution of the board of commissioners. (1976 Code, § 1-901)

CHAPTER 4

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-401. Title.
- 4-402. Purpose.
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- 4-404. Standards authorized.
- 4-405. Variances from standards authorized.
- 4-406. Administration.
- 4-407. Funding the program plan.
- 4-408. Plan adopted by reference.

4-401. Title. This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of the City of Gatlinburg. (as added by Ord. #2469, Sept. 2013, and replaced by Ord. #2572, June 2021 *Ch14_03-23-22*)

4-402. Purpose. The City of Gatlinburg, in electing to update their established program plan, will maintain an effective and comprehensive occupational safety and health program plan 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 the 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) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, or persons within the 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 Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

(5) Consult with the 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 plan, 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 plan. (as added by Ord. #2469, Sept. 2013, and replaced by Ord. #2572, June 2021 *Ch14_03-23-22*)

4-403. Coverage. The provisions of the occupational safety and health program plan for the employees of the City of Gatlinburg shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Gatlinburg whether part-time, full-time, contract or seasonal. (as added by Ord. #2469, Sept. 2013, and replaced by Ord. #2572, June 2021 *Ch14_03-23-22*)

4-404. Standards authorized. The occupational safety and health standards adopted by the City of Gatlinburg are the same as, but not limited to, the State of Tennessee Occupational Safety 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). (as added by Ord. #2469, Sept. 2013, and replaced by Ord. #2572, June 2021 *Ch14_03-23-22*)

4-405. Variances from standards authorized. The City of Gatlinburg 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 and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, CHAPTER 0800-01-02, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the City of Gatlinburg shall notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the departmental bulletin boards as designated by the city manager shall be deemed sufficient notice to employees. (as added by Ord. #2469, Sept. 2013, and replaced by Ord. #2572, June 2021 *Ch14_03-23-22*)

4-406. Administration. For the purposes of this chapter, the human resources director/manager is designated as the safety director of occupational

safety and health to perform duties and to exercise powers assigned to plan, develop, and administer this program plan. The safety director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 0800-01-05, as authorized by Tennessee Code Annotated, title 50. (as added by Ord. #2469, Sept. 2013, and replaced by Ord. #2572, June 2021 *Ch14_03-23-22*)

4-407. Funding the program plan. Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the board of commissioners. (as added by Ord. #2469, Sept. 2013, and replaced by Ord. #2572, June 2021 *Ch14_03-23-22*)

4-408. Plan adopted by reference.¹ The plan which is established in accordance with the provisions of this chapter shall become effective in the City of Gatlinburg upon passage of this chapter and shall become a part of this chapter as fully and completely as if it set out herein in full, the same being here adopted and incorporated by reference. (as added by Ord. #2469, Sept. 2013, and replaced by Ord. #2572, June 2021 *Ch14_03-23-22*)

¹The Plan of Operation for the Occupational Safety and Health Plan for Employees of the City of Gatlinburg is available in the office of the city recorder.

CHAPTER 5

TRAVEL REIMBURSEMENT POLICY

SECTION

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4-501. Purpose. This policy shall constitute the official policy regarding travel at city expense for the mayor and any other 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, and supersedes all previous policies regarding same. Authorization for travel will not be granted and expenses will not be reimbursed unless the travel request is made and reimbursement claim filed in accordance with these regulations and any exceptions thereto are approved in advance. (Ord. #2202, March 2000)

4-502. Policy. (1) All overnight travel on city business for which expense reimbursement will be made and day trips requiring an expenditure reimbursement in excess of \$50.00 must have prior approval via "Request for Travel Approval" form. The form may be obtained from the city manager's office and should be signed by all parties indicated before it is submitted to the city manager's office for processing.

(2) Travel must be by the most direct route possible. Those traveling by an indirect route must assume any extra expense incurred thereby.

(3) Lodging must be for the minimum amount needed to complete the city business being conducted. Any lodging in excess of the minimum will not be paid for by the city.

(4) Expenses related to spousal travel will not be reimbursed.

(5) When more than one official is traveling to the same destination for the same purpose, only one claim for mileage reimbursement will be paid unless prior approval for multiple reimbursement has been obtained from the city manager.

(6) Mileage reimbursement shall be at the existing Internal Revenue Service rate as determined by the personnel office of the city.

(7) All airline reservations shall be made through the city manager's office at the best tourist or coach rate available. Officials flying at a higher rate must assume any extra expense incurred thereby. (Ord. #2202, March 2000)

4-503. Reimbursement procedures. Claims for reimbursement must be itemized on an approved "Claim for Travel Expense" form obtainable from the city manager's office. (Ord. #2202, March 2000)

4-504. Travel advance. The amount of the travel advance will be based on 80% of the total estimated cost of travel. Advances will not be issued for less than \$100. Immediately upon return, the employee must submit a request for reimbursement regardless of whether he/she owes advance monies back to the city or is due additional reimbursement. Each employee receiving a cash advance must sign a payroll deduction authorization form which will allow the city to recover the advance from any salary owed the employee in the event of termination of employment or failure to submit a travel claim. (Ord. #2202, March 2000)

4-505. Honorariums. For those employees who receive honorariums for appearing at meetings while on official city business, the employee may, at his/her option, accept the honorarium as full payment for travel expenses including airfare, or choose to surrender the honorarium to the city, and be reimbursed in accordance with established travel policy. (Ord. #2202, March 2000)

4-506. Taxi fares--airport transportation. Reasonable taxi fares are allowed from airports. It is expected that bus, limousine or light rail service to or from airports will be used when available and practical. In traveling between hotel or other lodging and meeting or conference sites, reasonable taxi fares will be allowed. No receipt is required for reimbursement of reasonable taxi fares. (Ord. #2202, March 2000)

4-507. Travel--personally owned automobile. (1) Reimbursement for the use of personally-owned cars is at the standard mileage rate. Reasonable tolls and ferry fees will be allowed when necessary; no receipt is required for reimbursement.

(2) Procedures for calculating mileage are based on the fact that the city does not reimburse employees for normal commuting mileage. Mileage as published by Rand-McNally, and available at www.randmcnally.com, will be regarded as official. Reasonable vicinity mileage will be allowed.

(a) If an employee begins or ends a trip at his/her official station, reimbursable mileage will be the mileage from the official station to the destination.

(b) If an employee begins or ends a trip at his/her residence without stopping at his/her official station, reimbursable mileage will be the lesser of the mileage from the employee's residence to his/her destination or his/her official station to the destination. On weekends or holidays, the employee may typically be reimbursed for actual mileage from his/her residence to the destination.

(c) If an employee travels between destinations without returning to his official station or his residence, reimbursable mileage is the actual mileage between those destinations. (Ord. #2202, March 2000)

4-508. Automobile rental. Advance authorization from the city manager must be secured for automobile rental, whether for in-state or out-of-state travel. Reservations made through the city manager's department can assure the city of any discounts negotiated with vendors. Whenever possible, employees should refuel before returning vehicles. (Ord. #2202, March 2000)

4-509. Parking. Charges for routine parking while on travel status will be reimbursed. Receipts are required. (Ord. #2202, March 2000)

4-510. Lodging. The employee will be reimbursed for actual lodging costs plus tax incurred up to the applicable maximum amounts. Lodging receipts are required and must itemize room charges and taxes by date. If a convention rate exceeds the maximum reimbursement rate and is documented by a convention brochure or registration form, a higher reimbursement rate will be allowed.

The maximum reimbursement rates for lodging are the same as those maintained by the U.S. General Services Administration for federal employees within the continental United States (CONUS). The CONUS list, available on the General Services Administration web site at <http://www.state.tn.us/finance/act/accounts.html>, contains a standard reimbursement rate for lodging and meals and incidentals, and several pages of exceptions.

If a room is shared with other than a city employee, actual costs subject to the applicable maximum rate in the reimbursement rate schedule apply. In the event of double occupancy for city employees on official travel, both employees should attach an explanation to his/her travel claim detailing dates and other employees with whom the room was shared. The lodging costs may

be claimed by the employee who incurred the cost, or one-half the double occupancy charge may be allowable for each employee. (Ord. #2202, March 2000)

4-511. Per diem for meals and incidentals. The maximum per diem rates include a fixed allowance for meals and for incidental expenses (M&I). The M&I rate, or fraction thereof, is payable to the traveler without itemization of expenses or receipts. Incidentals are intended to include miscellaneous costs associated with travel such as tips for baggage handling, phone calls to home, etc. Reimbursement is made only when overnight travel is required, or excessive hours of work are required outside Sevier County or the employee's county of residence. Generally, the applicable maximum per diem rate for each calendar date of travel shall be determined by the location of lodging for the traveler.

The M&I rates for travel are the same as those for federal employees, and are available on the General Services Administration's web site. As with lodging, there is a standard rate for the continental United States (CONUS), and a list of exceptions.

Reimbursement for meals and incidentals for the day of departure shall be three-fourths of the M&I rate. Reimbursement for M&I for the day of return shall be three-fourths of the M&I rate applicable to the preceding calendar day.

Reimbursement may be made for an occasional meal for employees on one-day travel status working beyond their standard workday at one-third of the daily M&I rate for each reimbursable meal. Total reimbursement is limited to the full day M&I allowance. (Ord. #2202, March 2000)

4-512. Telecommunications costs while on travel status. Local phone calls, FAX charges and long distance calls for city business will be reimbursed. Employees must provide a statement furnishing the date, name and location called for long distance calls and FAX charges. (Ord. 2202, March 2000)

4-513. Exceptions. The city manager shall have the authority to grant exception from any part or all of these rules and regulations when deemed appropriate for an employee or group of employees on official city travel. (Ord. #2202, March 2000)

4-514. City manager authorized to promulgate forms. The city manager is authorized to promulgate forms for the reporting of such travel expenses and shall also determine whether travel expenses submitted pursuant to this policy are reimbursable expenses. (Ord. #2202, March 2000)

4-515. Direct payment provisions. The City of Gatlinburg is hereby also authorized to pay directly for travel expenses, including meals and lodging,

and registration fees for conferences, conventions, seminars, and other education programs on behalf of the 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 whose salary is set by charter or general law, provided payment is made directly to the provider and not to the official or employee. (Ord. #2202, March 2000)

4-516. Policy to be submitted to the comptroller. The travel expense reimbursement policy adopted herein shall also be submitted to the Comptroller of the State of Tennessee as required by law. (Ord. #2202, March 2000)