

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

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CHAPTER 1

SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES

SECTION

- 4-101. Policy and purpose as to coverage.
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4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this municipality 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 municipality shall take such action as may be required by applicable state and federal laws or regulations. (1977 Code, § 1-801)

4-102. Necessary agreements to be executed. The mayor and municipality recorder are 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. (1977 Code, § 1-802)

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. (1977 Code, § 1-803)

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. (1977 Code, § 1-804)

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. (1977 Code, § 1-805)

4-106. Exclusions. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or employee or official who is not authorized to be covered by applicable state or federal laws or regulations or who is now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the city. (1977 Code, § 1-806)

CHAPTER 2

VACATIONS, SICK LEAVE AND HOLIDAYS¹

SECTION

- 4-201. Applicability of chapter.
- 4-202. Vacation and sick leave.
- 4-203. Holidays.
- 4-204. Personal days.

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. (1977 Code, § 1-901)

4-202. Vacation and sick leave. Vacation and sick leave shall be in accordance with the personnel policy for the City of Pulaski. (1977 Code, § 1-902)

4-203. Holidays. All municipal employees are entitled to observe the following holidays: New Year's Day, Memorial Day, Veteran's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and the third Monday in January of each year, the same being Dr. Martin Luther King, Jr.'s birthday. Any employee required to work on any of these days shall, at his election, be entitled to compensatory time off within thirty (30) days thereafter or to be compensated therefor at double time. When the holiday falls on Sunday, the following Monday shall be observed. When the holiday falls on Saturday, the previous Friday shall be observed. (1977 Code, § 1-905)

4-203. Personal days. Personal days of leave shall be in accordance with the personnel policy of the City of Pulaski. (as added by Ord. #6, 2012, Sept. 2012)

¹Municipal code reference
Sick leave bank: title 4, chapter 5.

CHAPTER 3

MISCELLANEOUS PERSONNEL REGULATIONS

SECTION

4-301. Business dealings.

4-302. [Repealed.]

4-303. [Repealed.]

4-304. Political activity.

4-305. [Repealed.]

4-306. [Repealed.]

4-307. Strikes and unions.

4-308. Public records.

4-301. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the municipality. (1977 Code, § 1-1001)

4-302. [Repealed.] (1977 Code, § 1-1002, as repealed by Ord. #9, Sept. 2006)

4-303. [Repealed.] (1977 Code, § 1-1003, as repealed by Ord. #9, Sept. 2006)

4-304. Political activity. Political activity of municipal officers and employees shall be governed by Tennessee Code Annotated, § 2-19-201, et seq. (1977 Code, § 1-1004, modified, as replaced by Ord. #6, 2012, Sept. 2012)

4-305. [Repealed.] (1977 Code, § 1-1005, as replaced by Ord. #9, Sept. 2006)

4-306. [Repealed.] (1977 Code, § 1-1006, as repealed by Ord. #9, Sept. 2006)

4-307. Strikes and unions. No municipal officer or employee shall participate in any strike against the city, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (1977 Code, § 1-1007)

4-308. Public records. Procedures regarding access to an inspection of public records:

(1) Consistent with the Public Records Act of the State of Tennessee, personnel of the city recorder's office shall provide full access and assistance in

a timely and efficient manner to Tennessee residents who request access to public documents. Records can be accessed within the city recorder's office Monday through Friday between the hours of 8:30 A.M. and 4:00 P.M.

(2) Employees of the office shall protect the integrity and organization of public records with respect to the manner in which the records are inspected and copied. All inspections of records must be performed under the supervision of the records custodian or designee. All copying of public records must be performed by employees of the city, or, in the event that city personnel are unable to copy the records, by an entity or person designated by the records custodian.

(3) To prevent excessive disruptions of the work, essential functions, and duties of employees of the city recorder's office, persons requesting inspection of public records may, but are not required, to complete a records request form. Persons requesting copying of public records shall complete a records request form to be furnished by the office. If persons requesting inspection of public records choose not to complete a records request form, or persons requesting copying of public records refuse to complete a records request form, a city employee shall complete the form with the information provided by the requesting party.

(4) When records are requested for inspection and/or copying, the records custodian shall make the records available as promptly as possible. However, if it is not possible to make the records available promptly, the records custodian has up to seven (7) business days to do the following:

- (a) Produce the records requested;
- (b) Deny the request in writing, giving explanation for denial;

or

- (c) Provide the requestor, in writing, either an estimated time frame for the production of the requested records or an estimated time frame for a determination to be made regarding access to the requested records.

(5) There is no charge assessed to a requestor for inspecting a public record. Charges for physical copies of records, in accordance with the State of Tennessee Office of Open Records Counsel (OORC) schedule of reasonable charges, are as follows:

- (a) Fifteen cents (\$0.15) per page for black and white copies.
- (b) Fifty cents (\$0.50) per page for colored copies.
- (c) Maps, plats, electronic data, audio discs, video discs, and all other materials shall be duplicated at actual costs to the city.

(6) There will be no labor charge assessed to a requestor for requests requiring less than one (1) hour of city employee labor for research, retrieval and duplication. Labor in excess of one (1) hour may be charged by the city, in addition to the per page charge, as provided in subsection (5). When possible, the city will provide an estimate of the cost of producing the requested records prior to production. The city recorder's office will require payment in advance

of producing requested records if the records are to be mailed to the requestor and may require payment in advance for other forms of delivery. If the records are to be mailed to the requestor, the requestor is also responsible for paying the cost of delivery of the records. Requests for copies of records may not be broken down to multiple requests for the same information in order to qualify for the first free hour. For a request requiring more than one (1) employee to complete, labor charges will be assessed based on the following formula:

In calculating the charge for labor, the city recorder's office shall determine the number of hours each employee spent producing a request. The city recorder shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The city recorder will then multiply the total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, the city recorder will add together the totals for all the employees involved in the request and that will be the total amount of labor that can be charged.

(7) If the public records requested are frail due to age or other conditions and copying of the records will cause damage to the original records, the requesting party may be required to make an appointment for inspection. (1977 Code, § 1-1008, as replaced by Ord. #6, 2012, Sept. 2012)

CHAPTER 4

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-401. Program created.
- 4-402. Purpose.
- 4-403. Coverage.
- 4-404. Standards authorized.
- 4-405. Variances from standards authorized.
- 4-406. Administration.
- 4-407. Funding the program.
- 4-408. Severability.

4-401. Program created. This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of the City of Pulaski. (1977 Code, § 1-1301, as replaced by Ord. #3, 2005, Jan. 2005, Ord. #3, 2012, May 2012, and Ord. #2,2016, March 2016)

4-402. Purpose. The City of Pulaski in electing to update the 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, 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. (1977 Code, § 1-1302, as replaced by Ord. #3, 2005, Jan. 2005, Ord. #3, 2012, May 2012, and 2,2016, March 2016)

4-403. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the City of Pulaski shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time, seasonal or permanent. (1977 Code, § 1-1303, as replaced by Ord. #3, 2005, Jan. 2005, Ord. #3, 2012, May 2012, and Ord. #2,2016, March 2016)

4-404. Standards authorized. The Occupational Safety and Health standards adopted by the City of Pulaski 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 1972.¹ (1977 Code, § 1-1304, as replaced by Ord. #3, 2005, Jan. 2005, Ord. #3, 2012, May 2012, and Ord. #6,2016, March 2016)

4-405. Variances from standards authorized. Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may 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, we will 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 mail bulletin board shall be deemed sufficient notice to employees. (1977 Code, § 1-1305, as replaced by Ord. #3, 2005, Jan. 2005, Ord. #3, 2012, May 2012, and Ord. #6,2016, March 2016)

¹State law reference

Tennessee Code Annotated, title 50, chapter 3.

4-406. Administration. For the purposes of this ordinance, the City of Pulaski 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. (1977 Code, § 1-1306, as replaced by Ord. # 3, 2005, Jan. 2005, Ord. #3, 2012, May 2012, and Ord. #6,2016, March 2016)

4-407. Funding the program. Sufficient funds for administering and staffing the program plan pursuant to this ordinance shall be made available as authorized by the City of Pulaski. (1977 Code, § 1-1307, as replaced by Ord. # 3, 2005, Jan. 2005, Ord. #3, 2012, May 2012, and Ord. #6,2016, March 2016)

4-408. Severability. If any section, sub-section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof. (1977 Code, § 1-1308, as replaced by Ord. #3, 2005, Jan. 2005, Ord. #3, 2012, May 2012, and Ord. #6,2016, March 2016)

CHAPTER 5

SICK LEAVE BANK

SECTION

4-501. Regulations.

4-501. Regulations. The board desires to create a City of Pulaski Sick Leave Bank. All full time employees of the City of Pulaski are eligible to join the "bank." In order to join the "bank," an employee must pledge five (5) days of accumulated sick leave. Employees that choose to join the "bank" shall be eligible to receive up to sixty (60) days per year from the "bank." The respective department head and the city recorder shall review each request to receive shared leave from the "bank" based on the following criteria:

(1) The employee suffers or has an immediate family member suffering from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused, or is likely to cause, the employee to go on leave without pay status or to terminate his or her employment with the city; and

(2) The employee has depleted or will shortly deplete his or her accrued vacation, sick leave, compensatory time, holiday time, and/or paid leave. (as added by Ord. #5, 2000, July 2000, and amended by Ord. #6, 2012, Sept. 2012)

CHAPTER 6

CODE OF ETHICS

SECTION

- 4-601. Applicability.
- 4-602. Definition of "personal interest."
- 4-603. Disclosure of personal interest by official with vote.
- 4-604. Disclosure of personal interest in nonvoting matters.
- 4-605. Acceptance of gratuities, etc.
- 4-606. Use of information.
- 4-607. Use of municipal time, facilities, etc.
- 4-608. Use of position or authority.
- 4-609. Outside employment.
- 4-610. Ethics complaints.
- 4-611. Violations.

4-601. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #9, Sept. 2006)

4-602. Definition of "personal interest." (1) For purposes of §§ 4-603 and 4-604, "personal interest" means:

(a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or

(b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

(c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or step child(ren).

(2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #9, Sept. 2006)

4-603. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure. (as added by Ord. #9, Sept. 2006)

4-604. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #9, Sept. 2006)

4-605. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #9, Sept. 2006)

4-606. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #9, Sept. 2006)

4-607. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (as added by Ord. #9, Sept. 2006)

4-608. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (as added by Ord. #9, Sept. 2006)

4-609. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (as added by Ord. #9, Sept. 2006)

4-610. Ethics complaints. (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The city attorney may request the governing body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #9, Sept. 2006)

4-611. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #9, Sept. 2006)