

TITLE 4

MUNICIPAL PERSONNEL

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CHAPTER 1

PURPOSE AND OBJECTIVES

SECTION

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4-101. Purpose and objectives. The purpose of these policies is to establish a high degree of understanding, cooperation, efficiency, and unity among city employees which comes from a systematic application of good procedure in personnel administration, and to provide uniform policies for all employees, with all the benefits such a program insures without regard to race, gender, age, national origin, creed, and disability.

The fundamental objectives of good personnel administration to be achieved by these policies are:

- (1) To promote and increase efficiency and economy among employees of the City of Cowan;
- (2) To provide fair and equal opportunity to all qualified citizens on the basis of demonstrated merit and fitness as ascertained through fair and practical methods of selection;
- (3) To develop a program of recruitment, advancement and tenure which will make employment with the city attractive as a career and encourage each employee to render the best service;
- (4) To establish and maintain a uniform plan of evaluation and compensation;
- (5) To establish and promote a high morale among the employees by providing good working relationships, a uniform personnel policy, opportunity for advancement, and consideration for employee needs and desires.

4-102. Coverage. These rules and regulations shall cover all employees in the city's service, unless specifically exempt by this chapter, the city charter and/or ordinances of the city, without regard to race, religion, national origin, political affiliation, gender, age, or disability.

All offices and positions of the city government are divided into the classified service and the exempt service. The classified service shall include all regular full-time and regular part-time positions in the city's service unless specifically placed in the exempt service. All offices and positions of the city government placed in the exempt service are as follows:

- (1) All elected officials;
- (2) Members of appointed boards and commissions;
- (3) Consultants, advisers, and legal counsel rendering temporary professional service;
- (4) City attorney;
- (5) City prosecutor;
- (6) Independent contractors;
- (7) Persons employed by the city for not more than three (3) months during a fiscal year;
- (8) Part-time employees paid by the hour or the day;
- (9) Volunteer personnel appointed without compensation;
- (10) City judge;
- (11) Officers and employees of public utilities and housing authority and all other positions specifically listed as appointed positions with the city charter.

4-103. Administration and organization. These rules shall be administered by the mayor under the direction of the city council and in conformity with the city charter establishing personnel rules and guidelines. In accordance with the city charter, Private Acts, 1967, Chapter 100, Section 3.01:

"That the city government shall be organized into a Department of Finance, Police Department, Fire Department, and Department of Public Works and Utilities, unless otherwise provided by ordinance. The Council shall determine by ordinance the functions and duties of all departments and offices. The Council by ordinance may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city, may provide that the same person shall fill any number of offices and positions of employment, and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city, subject to the following limitations: (a) the number of members and the authority of the council, as provided in this charter, shall not be changed, (b) all officers and employees of the city, except as otherwise specifically provided in this Charter, shall be appointed and removed by the Mayor, but only with approval of the Council voting upon such appointment or removal, and said employees shall be under the direction and control of

the Mayor, (c) the office of Mayor shall not be abolished, nor shall his powers, as provided in this Charter, be reduced."

CHAPTER 2

EMPLOYMENT¹

SECTION

- 4-201. Employment.
- 4-202. Eligibility.
- 4-203. Medical examination.
- 4-204. Types of employees.
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4-201. Employment. The City of Cowan shall make every effort to attract qualified applicants for various types of positions. In so doing, the appointing authority shall prepare and publish a public notice of vacancies when they occur in an officially designated newspaper, at an officially designated site in the city hall, and at such other sites as may be designated by the mayor. Notice may also be made in alternate formats (i.e., radio, audiotapes).

Further, according to Section 3.06 of the city charter, "offices and positions of employment shall be filled from time to time as council shall determine the same to be necessary."

Applications for employment are received at the mayor's office and given thorough consideration by the appropriate department head. The City of Cowan exercises a policy of fairness to every person who applies for work, and in cooperation with the supervisor involved, is responsible for the proper selection and placement of persons in various departments within the city. The mayor and department heads will make reasonable accommodations in the application process to applicants with disabilities making a request for such accommodations.

¹Charter reference

Personnel actions: 3.07.

Personnel rules: 3.08.

Applicants may be removed from consideration if:

- (1) The applicant declines an appointment when offered;
- (2) The applicant cannot be located;
- (3) The applicant moves out of the area;
- (4) The applicant is currently using narcotics;
- (5) The applicant is found to have been convicted of a felony or a misdemeanor involving moral turpitude as the term is defined by law;
- (6) The applicant has made a false statement of material fact on the application;
- (7) The application was not filed within the period specified in the announcement or was not filed on the prescribed form or in a different format as allowed as a reasonable accommodation;
- (8) The applicant does not possess the minimum qualifications as indicated by the job description for the position;
- (9) The applicant cannot perform the requirements of the job with or without reasonable accommodations.

4-202. Eligibility. Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified applicants for the various types of employment positions. Recruitment, therefore, shall not be limited to residents of the City of Cowan. In cases where residents and non-residents are equally qualified for positions presently vacant, the resident shall receive first consideration in filling such vacancies.

4-203. Medical examination. (1) Pre-employment. Following a conditional offer of employment, each prospective employee, when required, will be given a medical examination for the essential functions for the position they have been offered and a general physical exam. The cost of the medical examination shall be borne by the city. Any prospective employee who is unable to successfully perform the essential functions tested for in the medical examination shall have their offer of employment by the city withdrawn only:

- (a) If they cannot perform the essential functions due to a disability which cannot reasonably be accommodated;
- (b) They pose a direct threat to themselves or others;
- (c) They are unable to perform the essential functions due to a temporary condition or disability not protected by the Americans with Disabilities Act.

(2) Post-employment. All employees of the city may, during the period of their employment, be required by their department head and with the approval of the mayor, to undergo periodic examinations to determine their ability to perform the essential functions of the position in which they are employed. This periodic examination shall be at no expense to the employee. Determination of physical or mental fitness will be by a physician designated by the city council.

When an employee of the city is reported by the examining physician to be physically or mentally unfit to perform work in his/her position, the employee may, within five (5) days from the date of his/her notification of such determination, indicate in writing to the city council his/her intention to submit the question of his/her physical or mental unfitness to a physician of his/her own choice.

In the event there is a difference of opinion between the examining physician and the physician chosen by the employee, a physician shall be mutually agreed upon and designated by the examining physician and the physician chosen by the employee. The third physician's decision shall be final and binding as to the physical or mental fitness of the employee. The city shall pay its physician; the employee shall pay his/her physician and the third physician shall be paid by the city. An employee determined to be physically or mentally unfit to continue in his/her position may be demoted in accordance with these rules or separated from city service only after it has been determined that:

- (a) They cannot perform the essential functions due to a disability that cannot reasonably be accommodated;
- (b) They pose a direct threat to themselves or others;
- (c) They are unable to perform the essential functions due to a temporary condition or disability not protected by the Americans with Disabilities Act.

4-204. Types of employees. (1) Regular full-time employee. A regular full-time employee is an employee who regularly works a minimum of forty (40) hours per week. A regular full-time employee is paid an hourly rate and is subject to all conditions of employment and receives all benefits. Regular full-time employees serve a six (6) month probationary period, during which time they may be dismissed without recourse.¹

(2) Regular part-time employee. A regular part-time employee works part-time on a regular basis. Part-time employees are not eligible for city benefits.

(3) Temporary employee and/or part-time employee. An employee who works full-time but not exceeding ninety (90) days per term of employment and who is paid on a per day or per hour basis. Temporary employees are not subject to all the conditions of employment but shall be fully capable of performing the assigned duties but receiving no benefits except coverage under Worker's Compensation. Individuals who are classified as temporary employees and are hired to fill a regular full-time or part-time position shall begin to accrue benefits on the effective date of regular full-time or part-time appointment.

¹This subsection amended per Ord. #03-06-02, Aug. 2003, and Ord. #05-02-01, April 2005.

4-205. Probationary period. Each new city employee who has been appointed to a position is required to serve a probationary period of six (6) months.¹ Employees who receive promotions must serve a thirty (30) day probationary period in the new position, if they are to be permanent. Employees who are transferred from one department to another will be required to serve a thirty (30) day probationary period in the new department.

During the probationary period, the supervisor will provide training, assistance and close supervision to aid the new employee in becoming thoroughly familiar with the duties and responsibilities of the job. Supervisors will evaluate new employees prior to the end of the probationary period.

4-206. Minimum age. The Fair Labor Standards Act requires that employees of state and local governments be at least sixteen (16) years of age for most non-farm jobs and at least eighteen (18) to work in non-farm jobs declared hazardous by the Secretary of Labor. Minors fourteen (14) and fifteen (15) years of age may work outside school hours under certain conditions.

4-207. Salary. According to the city charter, Section 3.06, "Salaries, wages, and remuneration for all positions shall be in accordance with motion duly made and adopted by affirmative vote of at least four councilmen. In determining salaries, wages, and remuneration, due consideration shall be given to duties, responsibilities, technical knowledge and skill required to satisfactorily perform the work, and the availability of persons having the qualifications desired."

New employees still in their six (6) month probationary period shall receive a pay increase of twenty-five cents (\$.25) per hour after three (3) months and an additional twenty-five cents (\$.25) per hour increase upon completion of the six (6) month probationary period.²

4-208. Payday. Employees are paid biweekly on the Monday following the end of the pay period. When payroll is scheduled to be paid on a Monday which is a legal holiday for employees, payroll shall be paid on the Friday preceding the holiday. If an employee is absent from work on payday, that employee should make arrangements with the city clerk concerning their check. If an employee loses a paycheck or the paycheck is incorrect, that employee should notify the city clerk immediately. (as amended by Ord. #07-01-01, March 2007)

4-209. Salary deductions. The following deductions will be made from salaries:

(1) Tennessee Consolidated Retirement--5% of gross pay after 3 months employment;

¹This sentence amended per Ord. #03-06-03, Aug. 2003, and Ord. #05-02-01, April 2005.

²This paragraph amended per Ord. #03-06-03, Aug. 2003, and Ord. #05-02-01, April 2005.

- (2) Federal Withholding Tax;
- (3) Voluntary deductions authorized by the employee:
 - (a) Group insurance;
 - (b) Uniforms;
 - (c) Savings;
 - (d) Christmas club.

4-210. Reporting to work. After an applicant has been chosen to fill a job vacancy by the department head and has been approved by the city council, the new employee shall be required to complete the following documents and forms before beginning work.

- (1) W-4 form;
- (2) Signed acknowledgment form from employee personnel policies and procedures manual;
- (3) Immigration Control and Reform Act (I-9) form;
- (4) Provide copy of educational certification, professional license or certificate required per job description;
- (5) Emergency telephone numbers;
- (6) Copy of driver's license, if position requires driving a city vehicle;
- (7) List of dependents as required by COBRA.

4-211. Workweek. The working time per week shall be forty (40) hours with special provisions made in departments that require additional hours to meet existing conditions or emergency situations.

Pursuant to the Fair Labor Standards Act, a workweek is a regular recurring period of one hundred sixty eight (168) hours consisting of seven (7) consecutive twenty-four (24) hour periods; the number of days that shall constitute a work week for regular employment shall be five (5) per week. Schedules will vary in departments as necessary for the smooth operation of the city.

Time sheets must be turned in at city hall by 8:00 A.M. on Monday morning following the end of the pay period.

4-212. Attendance. Punctual and regular attendance is necessary for the efficient operation of the city. Employees unavoidably late or absent from work due to illness or other cause must notify their immediate supervisor within a time frame established for each department (unless unusual circumstances prevent the employee from making proper notification) explaining the reason for the absence and, if possible, an anticipated time and/or date of return to work. Failure to notify one's supervisor of absences may result in disciplinary action.

4-213. Personnel records. It is the responsibility of each employee to keep personal information in his/her personnel file up-to-date by notifying the office staff of any information changes, such as name, address, telephone

number, beneficiary, training or course work completed. Employees should also provide copies of diplomas or certificates received.

The city shall not be held liable when incorrect withholding, wrong beneficiaries, or loss of employee benefits results from the failure of an employee to keep personnel records current.

4-214. Overtime. Employees may be required to work more than forty (40) hours per week. Employees receive payment for overtime at the rate of one and one-half (1 ½) times their regular hourly rate for hours worked in excess of forty (40) hours per week.

Exception: Police department employees are paid at the rate of one and one-half (1 ½) times their regular hourly rate for hours worked in excess of one hundred seventy one (171) hours in a four (4) (work) week time period.

4-215. Breaks. At the decision of the appointed supervisor, employees will be allowed break periods of fifteen (15) minutes in mid-morning and fifteen (15) minutes in mid-afternoon. Abuse of these "breaks" by habitually taking too much time could mean curtailment of these privileges. The "break periods" should be arranged in such a way that someone will be on duty at all times.

4-216. Appointment, removal, promotion, transfer, demotion, suspension. Pursuant to the city charter, Section 3.01, "All officers and employees of the city, except as otherwise specifically provided in this charter, shall be appointed and removed by the mayor but only with the approval of a majority of the council voting on such appointment or removal, and said employees shall be under the direction and control of the mayor."

Further, Section 3.07 of the charter states that "appointment and promotion of employees of the city shall be on a basis of merit, considering technical knowledge required to perform satisfactorily the work, experience in the particular or similar line of work, and administrative or supervisory qualifications. Unless otherwise provided by this charter, the mayor shall, with the approval of a majority of the council, make appointments, promotions, transfers, demotions, suspensions, and removal of employees."

A promotion is an assignment of an employee from one position to another which has a higher maximum rate of pay, rank and responsibility. Vacancies in positions above the lowest rank in any category shall be filled as far as practical by the promotion of employees. Promotions in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of effecting an increase in compensation.

The transfer of an employee from one position to another without significant change in level of responsibility may be effective:

- (1) When an employee meets the qualification requirements for the new position;
- (2) If it is in the best interest of the city;

(3) If it meets the personal needs of the employee as consistent with the other requirements of this rule;

(4) If it is approved by the mayor and a majority of the city council;

(5) As a reasonable accommodation when an employee is unable, due to disability, to continue to perform the essential functions of the job.

An employee who transfers or is demoted or promoted from one city department to another will retain and carry forward all benefits earned or accrued, or both, as of the date of transfer. As a general rule, lateral transfers require no increase in compensation.

A demotion is an assignment of an employee from one position to another that has a lower maximum rate of pay, rank and responsibility.

According to the Charter of the City of Cowan, an employee may be suspended by the mayor "without approval of the council, for reasonable cause. Upon suspension of an employee by the mayor, he shall call a meeting of the council within 10 days of such suspension and present the matter of the suspension to the council. The council shall make such investigation of the suspension as it may choose, and then by affirmative vote of a majority of the council, revoke the suspension and reinstate the employee, set a definite period of suspension, or dismiss the employee. The council shall also by a majority vote decide whether or not an employee shall receive compensation during any period of suspension. If an employee is dismissed, he shall receive only such compensation as was due him through the last day he worked for the city."

It is the policy of the City of Cowan to apply and foster a sound program of personnel management. Nothing in this chapter is to be interpreted as giving an employee any more property rights in their jobs than may already be given by the city charter. These personnel policies, rules and regulations shall be reviewed periodically and may be amended any time.

CHAPTER 3**BENEFITS****SECTION**

- 4-301. Holidays.
- 4-302. Vacation.
- 4-303. Sick leave.
- 4-304. Bereavement leave.
- 4-305. Maternity leave.
- 4-306. Family and medical leave policy.
- 4-307. Military leave.
- 4-308. Jury duty.
- 4-309. Special leave.
- 4-310. Terminal leave.
- 4-311. Insurance.

4-301. Holidays. (1) Because of the variety of city services, all city employees may not observe holidays on the same day. If the work schedule requires a deviation from the holiday schedule, supervisors will inform employees of the change. If employees are required to work on a holiday, they will be paid double-time (i.e., 8 hours holiday pay and 8 hours regular pay).

Holidays which fall on Saturday will be observed on the previous Friday and holidays which fall on Sunday will be observed on the following Monday. Employees must be in a pay status to receive holiday pay (i.e., an employee on vacation or on sick leave will be paid holiday pay). An employee who is off and has no sick or vacation time will not be paid holiday pay.

(2) **Legal holidays.**

- (a) New Year's Day;
- (b) Good Friday;
- (c) Memorial Day;
- (d) Independence Day;
- (e) Labor Day;
- (f) Thanksgiving Day;
- (g) Friday after Thanksgiving Day;
- (h) Christmas Eve;
- (i) Christmas Day.

Newly hired employees receive full benefits of all holidays that fall after date of employment. Time off is allowed to vote in primary and general elections. (as amended by Ord. #07-01-01, March 2007)

4-302. Vacation. It is the policy of the city to promote employee efficiency, health, and morale through periodic interruption from one's duties. Accordingly, employees shall be granted five (5) working days paid leave

effective on his/her one (1) year anniversary of employment with the city. After the first year, vacation time is accrued on July 1, the beginning of the city's fiscal year.

After an employee has been employed for three (3) consecutive years, he/she shall be granted ten (10) working days paid leave. After being employed ten (10) consecutive years, he/she shall be granted fifteen (15) working days paid leave. An employee with twenty (20) consecutive years of employment shall be granted twenty (20) working days paid leave, effective upon passage of the ordinance amending this section and accruing on July 1 of each calendar year thereafter.

Vacation time may be used only at times approved in advance by the immediate supervisor. The city wants employees to take their vacation, but it must be taken at the convenience of the department.

Vacation time not taken by June 30 of the current fiscal year may not be carried over, except in cases where work requirements prevent an employee from taking all his/her vacation hours. In such a case, the mayor must approve the carryover. (as amended by Ord. #09-07-01, Sept. 2009)

4-303. Sick leave. Sick leave is earned at the rate of eight (8) hours per month, beginning when the probationary period is complete. Employees may accumulate sick leave to a maximum of three hundred twenty (320) hours.

(1) Absence from duty to due to personal illness or the illness of a spouse or minor child.

(2) Employee disability due to an accident.

Employees will be required to turn in to the city clerk a doctor's certificate after an absence of three working days. Accumulated sick leave is not paid at the time of termination. Disciplinary action will be taken for employees who abuse sick leave.

After an employee has exhausted his/her accrued sick leave, unpaid sick leave may be granted, at the discretion of the mayor, as a reasonable accommodation to persons with disabilities, or the employee may be terminated if unable to perform their job or another job with or without reasonable accommodation. Should the employee be able to return to work later, upon presentation of certification by a doctor, he/she shall be given preference for employment to a position for which he/she is qualified.

Employees may not borrow against future sick leave or transfer earned sick leave to another employee. An employee, upon exhausting all earned sick leave, may use earned vacation time or take leave without pay. Only the governing body, by a majority vote in a regular meeting, may make exceptions to leave policy due to unusual and/or extenuating circumstances.

An employee who retires under the city's retirement plan shall have all unused sick leave at time of retirement credited as additional time worked when calculating the employee's retirement benefits.

4-304. Bereavement leave. Bereavement leave is allowed for three (3) working days for a death in an employee's immediate family. The following members are considered immediate family members for which bereavement

time is allowed: spouse, mother, father, legal guardian, son, daughter, brother, sister, mother and father-in-laws.

4-305. Maternity leave. Maternity leave is granted with pay for employees who have accumulated sick and/or vacation time or without pay for employees who do not have accumulated sick and/or vacation time, and who have satisfactorily completed their probationary period. A request for maternity leave must be presented to the supervisor in writing, accompanied by a doctor's statement indicating the employee is pregnant. The city requests sixty (60) days notice prior to the commencement of maternity leave. Notice may be waived when a sixty (60) day notice is not practicable due to unforeseen circumstances. Maternity leave may not exceed six (6) work weeks in total or thirty (30) working days. Maternity leave may be extended by the mayor for an additional four (4) weeks due to the mother's inability to return to work, or for caring for the infant. Employees who are in a pay status will continue to accrue benefits while on leave as though they are regularly employed. Upon return from maternity leave, the employee will be restored their former position.

4-306. Family and medical leave policy. This section provides for a family medical leave policy in compliance with Public Law 103-3, titled Family and Medical Leave Act (FMLA) of 1993.

(1) **Eligibility.** An eligible employee may take up to twelve (12) weeks of unpaid leave in a twelve (12) month period for the birth and care of a child or the placement and care of a child for adoption or foster care. Leave may also be taken to care for the employee, a child, spouse, or a parent who has a serious health condition. The right to take leave applies equally to male and female employees who are eligible.

Unpaid leave to care for a newborn child or a newly placed adopted or foster care child must be taken before the end of the first twelve (12) months following the date of birth or placement.

An expectant mother may take unpaid medical leave upon the birth of the child, or prior to the birth of the child, for necessary medical care and if her condition renders her unable to work. Similarly, for adoption or foster care, leave may be taken upon the placement of the child or leave may begin prior to the placement if absence from work is required for the placement to proceed.

An employee may take unpaid leave to care for a parent or spouse of any age who, because of a serious mental or physical condition, is in the hospital or other health care facility. An employee may also take leave to care for a spouse or parent of any age who is unable to care for his/her own basic hygiene, nutritional needs, or safety. Examples include a parent or spouse whose daily living activities are impaired by such conditions as Alzheimer's disease, stroke, recovering from major surgery, or the final stages of terminal illness.

Eligible employees who are unable to perform the functions of their position because of a serious health condition may request up to twelve (12)

weeks unpaid leave. The term "serious health condition" covers conditions or illnesses that affect an employee's health to the extent that he/she must be absent from work on a recurring basis or for more than a few days for treatment or recovery.

Employees requesting medical leave due to their own illness or injury shall use any balance of sick leave or vacation time prior to the beginning of unpaid leave. The combination of sick leave, vacation time, and unpaid leave may not exceed twelve (12) weeks. Employees requesting family leave may use unpaid leave. The combination of vacation time and unpaid leave may not exceed twelve (12) weeks.

During periods of unpaid leave, an employee will not accrue any additional seniority or similar employment benefits during the leave period.

If spouses are employed by the same employer and wish to take leave for the care of a new child or a sick parent, their aggregate leave is limited to twelve (12) weeks. For example, if the father takes eight (8) weeks of leave to care for a child, the mother would be entitled to four (4) weeks leave, for a total of twelve (12) weeks.

(2) Right to return to work. On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his/her position has been reconstructed to accommodate the employee's absence.

If the employee is unable to perform the essential functions of the position because of a physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position under the FMLA. However, the employer's obligations may be governed by the American with Disabilities Act.

(3) Notification and scheduling. An eligible employee must provide the employer at least thirty (30) days of advance notice of the need for leave for birth, adoption, or planned medical treatment, when the need for leave is foreseeable. This thirty (30) day advance notice is not required in cases of medical emergency or other unforeseen events, such as premature birth or sudden changes in a patient's condition that require a change in scheduled medical treatment.

People who are awaiting the adoption of a child and are given little notice of the availability of the child may also be exempt from this thirty (30) day notice.

It is the city's responsibility to designate leave in writing as FMLA leave and to notify the employee. Employees may not retroactively claim that leave was for FMLA.

The employer will provide the FMLA leave notice in alternate formats.

(4) Certification. The employer reserves the right to verify an employee's request for family/medical leave. If an employee requests leave

because of a serious health condition or to care for a family member with a serious health condition, the employer requires that the request be supported by certification issued by the health care provider of the eligible employee for the family member as appropriate. If the employer has reason to question the original certification, the employer may, at the employer's expense, require a second opinion from a different health care provider chosen by the employer. That health care provider may not be employed by the employer on a regular basis. If a resolution of the conflict cannot be obtained by a second opinion, a third opinion may be obtained from another provider and that opinion will be final and binding.

This certification must contain the date on which the serious health condition began, its probable duration, and appropriate medical fact within the knowledge of the health care provider regarding the condition. The certification must also state the employee's need to care for the son, daughter, spouse, or parent and must include an estimate of the amount of time that the employee is needed to care for the family member.

Medical certifications given will be treated as confidential and privileged information. An employee will be required to report periodically to the employer the status and the intention of the employee to return to work.

Employees who have taken unpaid leave under this policy must furnish the employer with a medical certification from the employee's health care provider at the employees expense, stating that the employee is able to resume work before return is granted.

(a) Maintenance of health and COBRA benefits during unpaid leave. The employer will maintain health insurance benefits, paid by the employer for the employee, during periods of unpaid leave without interruption. Any payment for family coverage/premiums or other payroll deductible insurance policies must be paid by the employee or the benefits may not be continued.

The employer has the right to recover from the employee all health insurance premiums paid during the unpaid leave period if the employee fails to return to work after leave. Employees who fail to return to work because they are unable to perform the functions of their job because of their own serious health condition or because of the continued necessity of caring for a seriously ill family member may be exempt from the recapture provision.

Leave taken under this policy does not constitute a qualifying event that entitles an employee to Consolidated Omnibus Budget Reconstruction Act (COBRA) insurance coverage. However, the qualifying event triggering COBRA coverage may occur when it becomes clearly known that an employee will not return to work, and therefore ceases to be entitled to leave under this policy.

(b) Reduced and intermittent leave. Leave under this policy can be taken intermittently or on a reduced leave schedule when

medically necessary as certified by the health care provider. Intermittent or reduced leave schedules for routine care of a new child can be taken only with approval of the mayor and board of aldermen. The schedule must be mutually agreed upon by the employee and the employer.

Employees on intermittent or reduced leave schedules may be temporarily transferred by the employer to an equivalent alternate position that may better accommodate the intermittent or reduced leave schedule.

Intermittent or reduced leave may be spread over a period of time longer than twelve (12) weeks, but will not exceed the equivalent of twelve (12) work weeks in a twelve (12) month period.

(c) Restoration. Employees who are granted leave under this policy will be reinstated to an equivalent for the same position held prior to the commencement of their leave.

Employees voluntarily accepting a light duty assignment in lieu of continuing FMLA leave maintain their right to restoration to the original or an equivalent job until the twelve (12) weeks of FMLA leave has passed.

(d) The twelve (12) month FMLA period. The twelve (12) month period during which an employee is entitled to twelve (12) workweeks of FMLA leave is measured forward from the date the employee's first FMLA leave begins. An employee is entitled to twelve (12) weeks of leave during the twelve (12) month period after the leave begins. The next twelve (12) month period will begin the first time the employee requests FMLA leave after the completion of the previous twelve (12) month period. (The employer may choose as the 12-month period either the calendar year, a fixed 12-month period, or the 12-month period counted backward from the date of leave.)

(e) Denial of FMLA leave. If an employee fails to give timely advance notice when the need for FMLA leave is foreseeable, the employer may delay the taking of FMLA leave until thirty (30) days after the date the employee provides notice to the employer of the need for FMLA leave.

If an employee fails to provide in a timely manner a requested medical certification to substantiate the need for FMLA leave due to a serious health condition, an employer may delay continuation of FMLA leave until an employee submits the certificate. If the employee never produces the certification, the leave is not FMLA leave.

If an employee fails to provide a requested fitness-for-duty certification to return to work, an employer may delay restoration until the employee submits the certificate.

4-307. Military leave. Any full-time employee who is a member of the United States Army Reserve, Navy Reserve, Air Force Reserve, Marine Reserve,

National Guard, or any of the Armed Forces of the United States, will be granted military leave for any field training or active duty required (excluding extended active duty) pursuant to provisions in Tennessee Code Annotated, § 8-33-109. Such leave will be granted upon presentation of the employee's official order to the city council. Compensation for such leave will be for a period not exceeding fifteen (15) working days in any one (1) calendar year, plus such additional days as may result from any call to active state duty pursuant to Tennessee Code Annotated, § 58-1-106. Military leave with pay shall not be charged against the employee's accrued sick leave or vacation time.

4-308. Jury duty. Employees may be granted a leave of absence if they are subpoenaed or directed by proper authority to appear in federal or state court as a witness or juror. Employees will be paid the difference between their normal eight (8) hour pay and the amount paid by the court.

4-309. Special leave. Subject to approval by the mayor and a majority of the city council, special leave is defined as time off from regular work without pay. Special leave may be granted if it is necessary for an employee to be absent from work and he/she does not have enough accrued leave to cover the absence. Such leave may be used for occasions such as extended military leave, death, or natural catastrophe in an employee's family requiring the employee's presence. Special leave may be granted for a period of time not to exceed ninety (90) workdays. An employee on special leave without pay shall not accrue sick leave or vacation credit while on leave.

The following conditions must be met before extended leave without pay will be granted:

- (1) An employee must use all of his/her accumulated vacation leave.
- (2) All sick leave must have been used.

4-310. Terminal leave. If employment with the City of Cowan is terminated except by dismissal for gross misconduct and the employee has accrued annual leave, these usable annual leave days will be converted to terminal leave. The employee will be compensated for these annual days, if approved by the city recorder. Any termination will require an exit interview.

In the event of the death of an employee, payment for his/her accrued, unused annual leave will be made to his estate.

4-311. Insurance. Health care insurance is provided through Blue Cross/Blue Shield. The city pays 100% of the premium for employees and 50% of the cost of family coverage. This coverage includes vision and dental. In addition, the city pays for employee life insurance in the amount of fifteen thousand dollars (\$15,000.00). Copies of the insurance policy will be given to employees upon enrollment after ninety (90) days worked. (Ord. #03-06-02, Aug. 2003)

CHAPTER 4

MISCELLANEOUS PERSONNEL POLICIES

SECTION

- 4-401. Travel policy.
- 4-402. Use of city vehicles and equipment.
- 4-403. Solicitation.
- 4-404. Narcotics and intoxicating liquors.
- 4-405. Fighting, horseplay, damaging city property.
- 4-406. Sexual harassment.
- 4-407. Political activity.
- 4-408. [Deleted.]
- 4-409. Inclement weather.
- 4-410. [Deleted.]
- 4-411. Driving records.
- 4-412. Personal financial interest.
- 4-413. Nepotism.

4-401. Travel policy. Trips that involve reimbursement and/or municipal government expense shall not be undertaken without prior approval of the mayor. Mileage shall be reimbursed at Internal Revenue Service allowable rates. Reimbursements for meals and hotel/motel reimbursements shall be made at a reasonable rate with submission of a receipt from the employee. Employees are required to submit the city's standard expense form detailing all expenses at the time reimbursement is requested.

Advancement for travel costs can be made to the employee. The employee shall make request for advance travel costs in writing.

Any employee at his official station or at home between the hours of 7:00 A.M. and 6:30 P.M. will not be entitled to meal reimbursement unless travel during the breakfast or lunch hours is involved and/or requirements for other expenditures are met. Reimbursement for the dinner meal will be paid only if overnight travel is involved.

Requirements for other allowable expenditures are as follows:

(1) Entertainment of industrial prospects, public officials and/or other guests is allowable with approval of the mayor. Reimbursement of actual expenses is allowed; receipts are required to be presented to the business office before reimbursement.

(2) Actual meal expenses are allowable when they are incurred in the actual confines of a hotel/motel where a convention or meeting is being held and there is no alternative restaurant or eating place available at a cheaper rate.

(3) The allowable rate for standard lodging will be the same as for the State of Tennessee employees unless in a high rate district or at a convention/

meeting where room rates are a pre-established conference rate in which case reimbursement will be for actual cost of the lodging.

4-402. Use of city vehicles and equipment. Generally, only city employees engaged in the transportation of city personnel and/or material and supplies used to carry out the functions and operations of the departments of the city, and for which the immediate use of a vehicle is actually necessary or convenient, shall drive or ride in city-owned vehicles. However, the following are exceptions to that general policy:

(1) In emergencies where the city employee has a reasonable belief, based on a totality of circumstances, that the life, safety, health, or physical welfare of a citizen would be immediately threatened without the security and/or transportation the city-owned vehicle could provide him or her. Examples of such emergencies include, but are not limited to, accidents involving personal injury, acute illness, and actual and potential victims of crime and violence.

(2) In motorist/passenger assistance where there is no immediate emergency but, under a totality of circumstances, the city employee has a reasonable belief that the failure to transport the motorist and/or passengers in a city-owned vehicle could result in such persons being left in real or potentially real danger, or would result in extreme inconvenience to them. The use of city-owned vehicle in such cases shall be limited to transporting motorists and their passengers only to those places where they are reasonably safe, and have a reasonable opportunity to obtain continued help without further conveyance in the city-owned vehicle.

(3) When it is necessary for reasons of inclement weather, late hour, lack of transportation, or other reasonable cause, to transport non-city personnel to and from city-owned property, and to repair, supply and similar facilities, so that such personnel can install, repair or maintain city equipment essential to the continuation or restoration of public services essential to the safety, health, and welfare of the citizens of the city.

(4) In the transportation of federal, state, and local officers and employees, and news media, private consultants, business persons, and other private persons visiting the city for the purpose of directly analyzing, reviewing, supporting, assisting or promoting the city's functions and operations.

(5) When the vehicle is being driven to or picked up from private maintenance or repair facilities, and while it is being "road-tested" while in the possession of such facilities.

(6) City employees who are assigned and required to drive city vehicles home are not permitted to carry, as passengers, members of their households, and those non-members of their households.

City-owned vehicles, under both the general policy and its exceptions, shall not ordinarily be taken outside the city. However, the city recorder, department heads and their designees shall have the authority to grant

exceptions to this policy, to the extent that such exceptions are for legitimate necessary city business. In addition, travel a reasonable distance outside the city limits by city employees under the exceptions to the policy prohibiting them from transporting non-city employees in city-owned vehicles is authorized. Reports of such travel shall be made to the employee's department head the first working day following such travel. The report shall include the purpose, duration and distance of the travel outside the city, and any other information the department head requires to make a determination that the travel conformed to this policy. The department head shall keep a permanent file of such reports.

Non-emergency city vehicles shall obey all traffic laws under this general policy and its exceptions.

4-403. Solicitation. The city believes that its employees should not be exposed to frequent solicitations for charitable purposes; therefore, solicitation shall be limited to as few visits as necessary during the course of the year.

4-404. Narcotics and intoxicating liquors. The City of Cowan has a legal responsibility and management obligation to ensure a safe work environment, as well as paramount interest in protecting the public by ensuring that its employees have the physical stamina and emotional stability to perform their assigned duties. Employees must be free from drug or alcohol dependence, illegal use, or drug/alcohol abuse.

The city and its employees may be subject to liability if the city fails to address and ensure that employees can perform their duties without endangering themselves or the public.

There is sufficient evidence to conclude that the use of illegal drugs/alcohol, drug/alcohol dependence and drug/alcohol abuse seriously impairs an employee's performance and general physical and mental health. The illegal possession and use of drugs, alcohol and/or narcotics by employees of the city is a crime in this jurisdiction and clearly unacceptable. Therefore, the City of Cowan has adopted this written policy to ensure an employee's fitness for duty as a condition of employment; to ensure drug tests are ordered as the result of reasonable suspicion by supervisory personnel and based on observed behavior or work performance; and to notify employees that testing is a requirement of employment.

(1) **General rules.** (a) City employees shall not take or be under the influence of any narcotics or dangerous substance unless prescribed by the employee's licensed physician.

(b) City employees are prohibited from the use, possession and sale of drugs, alcohol or any other controlled substance on city property or in city vehicles.

(c) All property belonging to the city is subject to inspection at any time without notice as there is no expectation of privacy.

(i) Property includes, but is not limited to, vehicles, desks, containers, files and storage lockers.

(ii) Employees assigned lockers (that are locked by the employee) are also subject to inspection by the employee's supervisor after reasonable advance to inspection by the employee's supervisor after reasonable advance notice (unless waived by the city council) and in the presence of the employee.

(d) City employees who have reason to believe another employee is illegally using drugs or narcotics shall report the facts and circumstances immediately to the supervisor.

(e) Failure to comply with the intent or provisions of this general order may be used as grounds for disciplinary action.

(2) Job applicant testing; general standard. Applicants for the positions of public safety officers and CDL operators of heavy equipment with the city will be required to undergo a drug test after a conditional offer of employment and prior to their final appointment.

(3) Current employees; reasonable suspicion. The city may require a current city employee to undergo drug and alcohol testing if there is reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours. "Reasonable suspicion" means an articulated belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. Circumstances that constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

- (a) A pattern of abnormal or erratic behavior;
- (b) Information provided by a reliable and credible source;
- (c) A work related accident;
- (d) Direct observation of drug or alcohol use; or
- (e) Presence of the physical symptoms of drug or alcohol use (i.e. glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination or reflexes).

Supervisors are required to detail in writing the specific facts, symptoms, or observations that formed the basis for their determination that suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the appropriate department head or designated alternate.

4-405. Fighting, horseplay, damaging city property. Fighting, horseplay, and intentionally defacing or damaging city property is not permitted. Employees engaging in these activities will be subject to disciplinary action.

4-406. Sexual harassment. The definition of 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. Consequently, this policy applies to all officers and employees of the City of Cowan, 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 city, and employees working under contract for the city.

(1) Definition. Sexual harassment or unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, propositioning; making either explicit or implied job threats or promises in return for submission to sexual favors; making inappropriate gender-oriented comments on appearance; telling embarrassing gender-oriented stories; displaying sexually explicit or pornographic material, no matter how it is displayed; or sexual assault on the job by supervisors, fellow employees, or on occasion, non-employees when any of the foregoing unwelcome conduct affects employment decisions, makes the job environment hostile, distracting, or unreasonably interferes with work performance is an unlawful employment practice and is absolutely prohibited by the city.

(2) Making sexual harassment complaints. (a) The city may be held liable for the actions of all employees with regard to sexual harassment and therefore will not tolerate the sexual harassment of its employees. The city will take immediate, positive steps to stop such harassment when it occurs.

(b) By law, the city is responsible for acts of sexual harassment in the work place where the city (or its agents or supervisory employees) knows or should have known of the conduct, unless it can be shown that the city took immediate and appropriate corrective action. The city may also be responsible for the acts of non-employees with respect to the sexual harassment of employees in the work place, where the city (or its agents or supervisory employees) knows or should have known of the conduct and failed to take immediate and appropriate corrective action.

(c) Prevention is the best tool for the elimination of sexual harassment. Therefore, the following rules shall be strictly enforced. Any employee who feels he/she is being subjected to sexual harassment should immediately contact one of the persons below. Complaints may be made orally or in writing to:

- (i) The employee's immediate supervisor;
- (ii) The employee's department head;
- (iii) The mayor;
- (iv) The city council;
- (v) The city recorder.

(d) Employees have the right to circumvent the employee chain of command in selecting which person to whom to make a complaint of sexual harassment. The employee should be prepared to provide the following information:

- (i) Official's or employee's name, department, and position title;

(ii) The name of the person or persons committing the sexual harassment, including their title(s), if known.

(iii) The specific nature of the sexual harassment, how long it has gone on, and 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).

(iv) Witnesses to the harassment;

(v) Whether the employee has previously reported the harassment and, if so, when and to whom.

(3) Reporting and investigation of sexual harassment complaints.

(a) The mayor is designated by the city to be the investigator of complaints of sexual harassment against employees. In the event the sexual harassment complaint is against the mayor, the investigator shall be a city employee appointed by the city council.

(b) When an employee makes an allegation of sexual harassment, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the mayor.

(c) The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of sexual harassment, witnesses interviewed during the investigation, the person against whom the complaint of sexual harassment was made, and any other person contacted by the investigator in connection with the investigation. The notes shall be made at the time the verbal interview is in progress.

(d) Upon conclusion of the investigation, the investigator shall prepare a report of the findings and present them to the mayor. The report shall include the written statement of the person complaining of sexual harassment, the written statement of witnesses, the written statement of the person against whom the complaint of sexual harassment was made, and all the investigator's notes connected to the investigation.

(4) Action on complaints of sexual harassment. (a) Upon receipt of a report of the investigation of a complaint of sexual harassment, the mayor shall immediately review the report. If the mayor determines that the report is not complete in some respect, he/she 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.

(b) Based upon the report and his/her own investigation, where one is made, the mayor shall, within a reasonable time, determine whether the conduct of the person against whom a complaint of harassment has been made constitutes sexual harassment. In making

that determination, the mayor shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred, and the conduct of the person complaining. The determination of whether sexual harassment occurred will be made on a case-by-case basis. If the mayor determines that the complaint of harassment is founded, he/she shall take immediate and appropriate disciplinary action against the employee guilty of sexual harassment, consistent with his authority under the city charter, ordinances or rules governing his authority to discipline employees.

(c) The disciplinary action shall be consistent with the nature and severity of the offense, the rank of the employee, and any other factors the governing body believes relate to fair and efficient administration of the city, including, but not limited to, the effect of the offense on employee morale and public perception of the offense, and the light in which it casts the city. The disciplinary action may include demotion, suspension, dismissal, warning, or reprimand. A determination of the level of disciplinary action shall also be made on a case-by-case basis.

(d) A written record of disciplinary actions taken shall be kept, 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 of sexual harassment, witnesses or any other person connected with the investigation of the complaint of sexual harassment.

(e) In cases where the sexual harassment is committed by the mayor against the city employee in the workplace, the city council in consultation with the city attorney shall take immediate and appropriate disciplinary action against the mayor, consistent with the council's authority under the city charter, ordinances or rules governing their authority.

(f) In cases where the sexual harassment is committed by a non-employee against a city employee in the workplace, the mayor in consultation with the city attorney shall take whatever lawful action against the non-employee is necessary to bring the sexual harassment to an immediate end.

(5) Obligation of employee. Not only are employees encouraged to report instances of sexual harassment, they are obligated to report them. Employees are also obligated to cooperate in every investigation of harassment. The obligation includes, but is not necessarily limited to, coming forward with evidence, both favorable and unfavorable, for a person accused of such conduct and 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 also be taken against any employee who fails to report instances of sexual harassment, or who fails or refuses to cooperate in the investigation of a complaint of sexual harassment, or who files a complaint of sexual harassment in bad faith.

4-407. Political activity.¹ (1) The city charter, Section 3.11 provides that, "no employee of the city shall continue in the employment of the city after becoming a candidate for nomination or election to any public office, but this provision shall not apply to the mayor, councilmen, the city attorney, or other officers of the city. No person shall directly or indirectly give, render or pay any money, service, or other valuable consideration to any person for, or on account of, or in connection with, employment by the city government. No person shall orally, by letter or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution from any employee of the city in connection with any city election. An officer or employee of the city, other than the mayor or a member of council, shall not make and contribution to the campaign funds of any candidate in any city election. Any person who by himself or with others willfully or corruptly violates any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof he shall immediately forfeit and vacate the office or position he holds and be ineligible to hold any office or position of employment in the city government for a period of five (5) years thereafter.

(2) City employees are prohibited from participating in the following political activities as outlined in Article III, Organization and Personnel, Section 3.11.

(a) In elections for municipal office. No city employee, whether on or off duty, whether in or out of uniform, and whether on or off city property, shall at any time or any place:

(i) Become a candidate for, or campaign for, an elective city office;

(ii) Directly or indirectly solicit, receive, collect, handle, disburse or account for assessments, contributions or other funds for a candidate for city office;

(iii) Organize, sell tickets to, promote or actively participate in a fund raising activity of a candidate for city office;

(iv) Take an active part in managing the political campaign for a candidate for city office;

(v) Solicit votes in support of or in opposition to a candidate for city office;

¹Nothing in this section is intended to prohibit any municipal government employee from privately expressing his/her political views or from casting his/her vote in all elections.

(vi) Act as a recorder, watcher, challenger or similar officer at the polls on behalf of a candidate for city office;

(vii) Drive voters to the polls on behalf of a candidate for city office;

(viii) Endorse or oppose a candidate for city office in a political advertisement, broadcast, campaign literature or similar material;

(ix) Address a rally or similar gathering of the supporters of opponents of a candidate for city office;

(x) Initiate or circulate a nominating petition for a candidate for city office;

(xi) Wear campaign buttons, pins, hats or other similar attachment, or distribute campaign literature in support or opposition to a candidate for city office.

(b) The city council may grant a city employee a leave of absence to become a candidate for any office other than an elective office of the City of Cowan.

4-408. [Deleted.] (as deleted by Ord. #06-09-01, Dec. 2006)

4-409. Inclement weather. When weather conditions appear to be so severe that an employee fears for his/her safety in traveling to or from the work site, he/she may be absent if the following conditions are met:

(1) The employee informs his/her immediate supervisor of his/her absence and the reason for it as soon as possible.

(2) The employee reports to work immediately should weather conditions change allowing safe transportation to the work site.

(3) The employee shall deduct the missed workday (or portion thereof) from accumulated vacation time. The reporting of this leave shall follow the same requirements as other leave.

This policy is meant for those who are in immediate danger due to weather conditions only. Should any employee be found to be abusing this policy, he/she shall be subject to disciplinary action.

4-410. [Deleted.] (as deleted by Ord. #06-09-01, Dec. 2006)

4-411. Driving records. Any employee who is required as a condition of employment to possess and maintain a valid Tennessee driver's or commercial driver's license, must immediately, upon his/her knowledge of same (prior to reporting for duty the next work day) inform his/her supervisor should his/her license become denied, expired, restricted, suspended, or revoked at any time during his/her employment with the city. Periodic review of employees' driving records will be conducted by the mayor to assure adherence to this policy.

4-412. Personal financial interest. According to the city charter, Section 3.12, "That any officer or employee of the city shall not profit personally, directly or indirectly, from any business transaction with the city government, nor shall any officer or employee accept any free or preferred service, benefits or concessions from any person, company or firm regulated by or doing business with the city."

4-413. Nepotism. No member of an immediate family, (husband, father, brother, son, father-in-law, grandfather, legal foster parents and children, wife, mother, sister, daughter, mother-in-law, grandmother, current step children) shall be employed under the same line of supervision. This does not preclude employment of immediate family members under other lines of supervision.

CHAPTER 5

SEPARATION AND DISCIPLINE

SECTION

- 4-501. Types of separation.
- 4-502. Resignation.
- 4-503. Layoff.
- 4-504. Disability.
- 4-505. Retirement.
- 4-506. Death.
- 4-507. Disciplinary action.
- 4-508. Dismissal.
- 4-509. Grievance procedures.
- 4-510. Appeals process.

4-501. Types of separation. All separations of employees from positions with the city shall be designated as one of the following types and shall be accomplished in the manner indicated: resignations, lay-offs, inability to perform the essential functions of the job with or without reasonable accommodation, death, retirement, and dismissal. At the time of separation and prior to 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.

It is the policy of the City of Cowan to apply and foster a sound program of personnel management. Nothing in this document is to be interpreted as giving an employee any more property rights in their jobs than may already be given by the city charter. These personnel policies, rules and regulations shall be reviewed periodically and may be amended anytime.

4-502. Resignation. In the event an employee decides to leave the city's employment, a two-(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 city 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.

4-503. Layoff. (1) The department head, upon approval from the mayor, may lay-off an employee in the city's 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 service of the employee.

(2) The duties performed by an employee laid-off may be assigned to other employees already working who hold positions in the appropriate class.

Temporary employees shall be laid-off prior to the lay-off of probationary or regular employees. The order of lay-off shall be in reverse order to total continuous time served upon the date established for the lay-off to become effective. A laid-off employee who is reinstated as an employee of the city within ninety (90) days from the date he/she was laid off shall be reinstated with full benefits as if they had not been laid-off.

4-504. Disability. (1) An employee may be separated for disability when he/she cannot perform the essential functions of the job because of physical or mental impairment, which cannot be accommodated without undue hardship or because the disability poses a direct threat to health and safety of others. Reasonable accommodations will include transfer to a comparable position for which the individual is qualified. Action may be initiated by the employee or the city, but in all cases it must be supported by medical evidence acceptable to the city council and the disability must prevent the employee from performing the essential functions of the job. The city may require an examination at its expense to be performed by a licensed physician of its choice.

(2) The Tennessee Worker's Compensation Law shall govern all injuries arising out of and in the course of one's employment. Employees on occupational disability leave are afforded only the benefits accorded to them under the Tennessee Worker's Compensation Law.

(3) Employee shall report immediately any injury incurred in the course of their employment, however minor, to their supervisor or department head and take such first aid or medical treatment as may be necessary. Any employee determined to have been able, but who fails, to make such a report shall not be eligible for occupational disability or injury leave.

(4) When an employee is injured on the job, the supervisor or department head shall immediately notify the risk manager who shall submit an accident report to the safety committee and retain a copy in the safety file. In the event that an accident causes serious bodily injury or death to an employee, the supervisor shall immediately notify the department head.

(5) In the cases where occupational disability to an employee occurs and the employee has been reported as occupationally disabled for a period of thirty (30) calendar days, the department head shall review the progress of the case and make recommendations to the city council as they deem advisable. The city council shall take reasonable steps to place an individual in a comparable position for which he/she is qualified and able to perform the essential functions with or without reasonable accommodations.

(6) Occupational disability leave shall not be extended beyond six (6) months unless authorized by the city council. Extensions shall not be extended for any period in excess of three (3) months at any one time and shall not exceed a total of twelve (12) months from the day following the injury. In all cases of occupational disability, the responsibility of determining the character, degree and potential duration of an injury shall rest with one of the panel of three (3)

licensed, practicing medical doctor(s) designated by the city council. The medical doctor(s) may make periodic examinations, progress reports and recommendations as deemed necessary by the city council.

(7) Before an employee is returned to full duty, he/she must demonstrate his/her fitness for duty by passing the performance test administered by the department head. Such performance test shall only test for ability to perform essential functions. The test measures an employee's ability to perform routine tasks using those skills required for the position. Should an employee be unable to return to work within twelve (12) months from the day following the date of injury, the employee may be subject to separation only:

- (a) If they cannot perform the essential functions due to a disability which cannot reasonably be accommodated;
- (b) If they pose a direct threat to themselves or others.

4-505. 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.

4-506. 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.

4-507. Disciplinary action. It is the policy of the City of Cowan to apply and foster a sound program of personnel management. Nothing in this document is to be interpreted as giving an employee any more property rights in their jobs than may already be given by the city charter. These personnel policies, rules and regulations shall be reviewed periodically and may be amended anytime. The policies of the municipal government of the City of Cowan are as follows:

- (1) Reasons for disciplinary action:
 - (a) Abusive and inconsiderate treatment of the public or coworkers;
 - (b) Conviction of criminal charge;
 - (c) Willful destruction of city property;
 - (d) Violation of the rules and regulations of the department or any other failure of good behavior which reflects discredit upon the employee, the department and the city;
 - (e) Stealing, deceit, or other dishonesty;
 - (f) Conduct below the standard of the department;
 - (g) Reporting to work under the influence of alcohol or drugs or the use of the same on the premises.;
 - (h) Filling our another employee's time card;
 - (i) Disloyalty to the aims and ideals of the department;
 - (j) Excessive tardiness, absences, or abuses of leaves of absence;

(k) Inefficiency;

(l) Insubordination or failure to carry out instructions and job assignments.

(2) Types of discipline. (a) Oral. The supervisor shall for just cause issue a verbal reprimand. The reprimand must clearly state that the employee is being formally reprimanded and that he/ she may appeal within three (3) working days.

(b) Written. The supervisor shall for just cause issue an official written reprimand. The reprimand must state clearly that the employee is being formally reprimanded and that he/she may appeal within three (3) working days.

(c) Suspension. In the interest of good discipline, the mayor may, for just cause, suspend an employee without pay for any length of time up to an accumulation of ten (10) working days during a one- month period. An employee who is so suspended shall be given notice of the reasons for the action.

(d) Dismissal. The board of mayor and councilmen may dismiss an employee for just cause, provided any disciplinary action taken by the department head can be supported by evidence strong enough to bear the burden of proof of just cause for such disciplinary action.

The employee must be advised in writing of his appeal rights and procedure to follow if he desires to appeal. Any employee who has or may be disciplined is entitled to a prompt hearing (within ten (10) calendar days) by the board of mayor and councilmen, unless the employee specifically waives it in writing. The purpose of said hearing is to insure that the employee's side of the incident is fully presented. The mayor or city recorder will furnish a copy of the charges to the employee prior to the above-mentioned hearing. At this hearing, the employee shall have the right to ask the attendance of a representative of his choosing. It is the responsibility of the official hearing the charges to notify the employee of his right.

4-508. Dismissal. (1) It is the policy of the City of Cowan to apply and foster a sound program of personnel management. Nothing in this document is to be interpreted as giving an employee any more property rights in their jobs than may already be given by the city charter. These personnel policies, rules and regulation shall be reviewed periodically and may be amended any time. The policies of the municipal government of the City of Cowan are as follows:

(a) The department head and mayor may dismiss an employee for good of the city service. Reasons for dismissal may include, but shall not be limited to:

(i) Incompetence or inefficiency in the performance of duties;

(ii) Conviction of a criminal offense or of a malfeasance involving moral turpitude;

(iii) Violation of any lawful and reasonable regulation, order, or direction made or given by a superior or insubordination that constitutes a serious breach of discipline;

(iv) Being intoxicated or drinking any intoxicating beverages while on duty, or being under the influence of a drug or narcotic while on duty;

(v) Theft destruction carelessness, or negligence in the use of the property of the city;

(vi) Disgraceful personal conduct or language toward the public or toward fellow officers or employees;

(vii) Unauthorized absences or abuse of leave privileges;

(viii) Incapacity to perform essential functions of a job because of a permanent or chronic physical or mental defect that cannot be reasonably accommodated;

(ix) Acceptance of any valuable consideration which was given with the expectation of influencing the employee in the performance of his/her duties;

(x) Falsification of records or use of official position for personal advantage;

(xi) Loss of an employee's drivers license and driving privileges by due process of law when the employee's position makes the operation of a motor vehicle necessary in the performance of his/her duties;

(xii) Violation of any of the provisions of the city charter, personnel ordinance, or these rules.

(2) The employee shall be furnished an advance written notice containing the nature of the proposed action, the reasons therefore, and his/her right to appeal the charges orally and/or in writing before the city council, not withstanding revision noted in Section XIII, subsection J, indicating that during the advance notice period the employee may be retained in duty status, placed on leave, or suspended with or without pay at the discretion of the department head. The notice shall be furnished at least one (1) calendar week prior to the proposed effective date of the action. If the employee fails to respond to the advance notice pursuant to the appeals process, the proposed action shall be effective on the date specified with no need for further action.

4-509 Grievance procedures. The most effective accomplishment of the work of the city requires prompt consideration and equitable adjustments of employee grievances. A grievance is defined as an employee's feeling of dissatisfaction, a difference, a disagreement, or dispute arising between an employee and his supervisor and/or employer with some aspect of his/her employment, application, or interpretation or regulations and policies, or some management decision affecting him/her. A grievance can be something real, alleged, or a misunderstanding concerning rules and regulations or an

administrative order involving the employee's health, safety, physical facilities, equipment or material used, employee evaluation, promotion, position classification, transfer, layoff, recall, and any other related items. Such misunderstandings, complaints, points of view and opinions will be considered a grievance except in cases where they relate to personnel action arising out of pay, suspension, and dismissal.

It is the desire of the city to address grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be occasional grievances that will be resolved only after a formal appeal and review.

Accordingly, the following procedure is established to insure fair and impartial review:

STEP ONE: The employee makes an oral or written presentation of the grievance to the immediate supervisor within twenty (20) working days from the incident which prompted the grievance. It shall be the supervisor's responsibility to promptly investigate the grievance, discuss the matter with the department head, and take the action if possible. The supervisor shall inform the employee in writing of the decision and any action taken within seven (7) working days from the date the grievance was filed.

STEP TWO: If the grievance cannot be resolved between the employee and the supervisor during Step 1, the employee may reduce the complaint or grievance to writing and request that the written statement be delivered to the department head (or the mayor if the original grievance was filed with the department head) within three (3) working days of receipt of the department head's or supervisor's response. If the grievance is filed with the mayor, proceed to Step 3. If the employee is not satisfied with the response of the department head, he or she must proceed to Step 3.

STEP THREE: If the grievance is not resolved with the department head, the employee may request, in writing within three (3) working days, review by the mayor. The mayor shall make such investigation and obtain the information sufficient to review the grievance within seven (7) working days, and will respond to the employee and the employee's department head in writing.

STEP FOUR: If the employee is not satisfied with the mayor's response, the employee may, within three (3) working days of receiving the mayor's response, request in writing a hearing with the city council. The council shall have ten (10) calendar days to schedule a hearing after which it shall provide a written response to the employee with copies to the immediate supervisor and the mayor. The action of the city council is advisory except in situations where, in the opinion of the city council, the proper procedures were not taken by the mayor in addressing the grievance. If so ruled by the city council, their decision shall be binding on the mayor. If the action taken by the mayor and/or department heads is deemed to be in accord with proper procedures, the mayor may either accept or reject the recommendation. The employee shall be notified of the city council's and the mayor's final decision in writing. Every attempt will

be made to resolve the employee's grievance, but the decision of the mayor and/or the city council shall be final and binding on all parties involved unless appealed to the chancery court by the employee or the city.

4-510. Appeals process. Any city employee reprimanded, suspended, or dismissed may submit a request in writing to the mayor to have the action reviewed by the city council. An employee must submit the request for an appeal with three (3) working days of receipt of notification of the disciplinary action, and must also state his/her intent to have representation, and to name the representative(s). The city council shall schedule a hearing within ten (10) working days of the receipt of the employee's request for appeal. The action of the city council shall be advisory to the mayor whose decision shall be final and binding on all parties involved unless appealed to chancery court by the employee. However, if the city council determines that procedures established by law were not followed by the mayor and/or department heads, the decision of the city council shall be binding on all parties involved unless appealed to chancery court by the employee or the city.

It is the policy of the City of Cowan to apply and foster a sound program of personnel management. Nothing in this document is to be interpreted as giving an employee any more property rights in their jobs than may already be given by the city charter. These personnel policies, rules and regulations shall be reviewed periodically and may be amended any time.

CHAPTER 6**SPECIAL NOTE****SECTION**

4-601. Special note.

4-601. Special note. These personnel policies are believed to be written within the framework of the Charter of the City of Cowan but in case of conflict, the charter takes precedence. Nothing in this document is to be interpreted as giving an employee any more property rights in their jobs than may already be given by the city charter. These personnel policies, rules and regulations shall be reviewed periodically and may be amended any time.

CHAPTER 7

OCCUPATIONAL SAFETY AND HEALTH PROGRAM¹

SECTION

- 4-701. Title.
- 4-702. Purpose.
- 4-703. Coverage.
- 4-704. Standards authorized.
- 4-705. Variances from standards authorized.
- 4-706. Administration.
- 4-707. Funding the program.

4-701. Title. This section shall provide authority for establishing and administering the Occupational Safety and Health Program Plan for the employees of the City of Cowan. (Ord. #03-06-01, Aug. 2003)

4-702. Purpose. The Cowan City Council, 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.

¹The Occupational Safety and Health Program for the City of Cowan is included in this municipal code as Appendix A.

(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. #03-06-01, Aug. 2003)

4-703. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the City of Cowan shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Cowan whether part-time or full-time, seasonal or permanent. (Ord. #03-06-01, Aug. 2003)

4-704. Standards authorized. The occupational safety and health standards adopted by the Cowan City Council 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 (Ord. #03-06-01, Aug. 2003)

4-705. Variances from standards authorized. The City of Cowan 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 Cowan 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 recorder shall be deemed sufficient notice to employees. (Ord. #03-06-01, Aug. 2003)

¹State law reference

Tennessee Code Annotated, title 50, chapter 3.

4-706. Administration. For the purposes of this chapter, the Mayor of the City of Cowan 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 the OSHA program of the City of Cowan. 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. #03-06-01, Aug. 2003)

4-707. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the Cowan City Council. (Ord. #03-06-01, Aug. 2003)

CHAPTER 8

INFECTIOUS DISEASE CONTROL POLICY

SECTION

- 4-801. Purpose.
- 4-802. Coverage.
- 4-803. Administration.
- 4-804. Definitions.
- 4-805. Policy statement.
- 4-806. General guidelines.
- 4-807. Hepatitis B vaccinations.
- 4-808. Reporting potential exposure.
- 4-809. Hepatitis B virus post-exposure management.
- 4-810. Human immunodeficiency virus post-exposure management.
- 4-811. Disability benefits.
- 4-812. Training regular employees.
- 4-813. Training high risk employees.
- 4-814. Training new employees.
- 4-815. Records and reports.
- 4-816. Legal rights of victims of communicable diseases.

4-801. Purpose. It is the responsibility of the City of Cowan 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 Cowan, 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).

4-802. 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 body fluids from potentially infected individuals. Those high risk occupations include but are not limited to:

- (1) Paramedics and emergency medical technicians;
- (2) Occupational nurses;
- (3) Housekeeping and laundry workers;

- (4) Police and security personnel;
- (5) Firefighters;
- (6) Sanitation and landfill workers; and
- (7) Any other employee deemed to be at high risk per this policy and an exposure determination.

4-803. Administration. This infection control policy shall be administered by the mayor or his/her designated representative who shall have the following duties and responsibilities:

- (1) 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;
- (2) Make an exposure determination for all employee positions to determine a possible exposure to blood or other potentially infectious materials;
- (3) Maintain records of all employees and incidents subject to the provisions of this chapter;
- (4) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;
- (5) Coordinate and document all relevant training activities in support of the infection control policy;
- (6) Prepare and recommend to the board of mayor and aldermen any amendments or changes to the infection control policy;
- (7) 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
- (8) Perform such other duties and exercise such other authority as may be prescribed by the city council.

4-804. Definitions. (1) "Body fluids," fluids that have been recognized by the Center 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.

(2) "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.

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

(4) "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.

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

(6) "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 body fluid were HBV or HIV infected.

4-805. Policy statement. All blood and other potentially infectious materials are infectious for several blood-borne pathogens. Some body fluids can also transmit infections. For this reason, the Center 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.

4-806. General guidelines. General guidelines which shall be used by everyone include:

(1) 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.

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

(3) 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.

(4) 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.

(5) 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:

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

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

(c) While cleaning up an area that has been contaminated with one 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. Employees shall not wash or disinfect surgical or examination gloves for reuse.

(6) 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 victims' blood and blood contaminated saliva, respiratory secretion, and vomitus, are available to all personnel to provide or potentially provide emergency treatment.

(7) 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.

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

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

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

(11) 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 objects must be placed in an impervious container and shall be properly disposed of.

(12) 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:

(a) 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.

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

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

(13) 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.

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up.

4-807. Hepatitis B vaccinations. The City of Cowan shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and 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.

4-808. 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.):

(1) Notify the Infectious Disease Control Coordinator of the contact incident and details thereof.

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

(3) 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.

4-809. Hepatitis B virus post-exposure management. For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

For exposure from an HBsAg-positive source to workers who have previously received the vaccine, the exposed worker should be tested for antibodies to hepatitis B surface antigen (anti-HBs), and given one dose of vaccine and one dose of HBIG if the antibody level in the worker's blood sample is inadequate (i.e., 10 SRU by RIA, negative by EIA).

If the source individual is negative for HBsAg and the worker has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized.

4-810. Human immunodeficiency virus post-exposure management. For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within twelve (12) weeks after the exposure. Such an illness, particularly one characterized by fever, rash, or lymphadenopathy, may be indicative of recent HIV infection.

Following the initial test at the time of exposure, seronegative workers should be retested six (6) weeks, twelve (12) weeks, and six (6) months after exposure to determine whether transmission has occurred. During this follow-up period (especially the first six (6) to twelve (12) weeks after exposure) exposed workers should follow the U.S. Public Health service recommendation for preventing transmission of HIV. These include refraining from blood donations and using appropriate protection during sexual intercourse. During all phases of follow-up, it is vital that worker confidentiality be protected.

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing twelve (12) weeks later may

be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the city to all workers who may be concerned they have been infected with HIV through an occupational exposure.

4-811. 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 Worker's Compensations Bureau in accordance with the provisions of Tennessee Code Annotated, § 50-6-303.

4-812. Training 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.

4-813. Training 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 material as per this policy.

4-814. Training new employees. During the new employee's orientation to his/her job, all new employee will be trained on the effects of infectious disease prior to putting them to work.

4-815. Records and reports. (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintained 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. gamma 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.

4-816. 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 officer who refuses 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 initiated 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 circumstance, 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.