

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES.
2. MISCELLANEOUS PERSONNEL REGULATIONS.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
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CHAPTER 1

SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES

SECTION

- 4-101. Policy and purpose as to coverage.
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- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports to be made.
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4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Fairview, Tennessee, to extend, as of the date hereinafter set forth, to employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto. In pursuance of said policy, and for that purpose, the City of Fairview shall take such action as may be required by applicable state and federal laws or regulations. (1973 Code, § 1-701)

4-102. Necessary agreements to be executed.¹ The mayor of the city is hereby authorized and directed to execute all necessary agreements and amendments thereto with the State Executive Director of Old Age and Survivors Insurance Agency, State of Tennessee, as agent or agency, to secure coverage of employees and officials as provided in § 4-101 hereof. (1973 Code, § 1-702)

¹See Ord. #368, § 1, Dec. 1994, and Ord. #369, § 1, Jan. 1995 of record in the office of the recorder for amendments to the Social Security Agreement by and between the City of Fairview and the State Old Age and Survivors Insurance Agency.

4-103. Withholdings from salaries or wages. Withholding from salaries or wages of employees and officials, for the purpose provided in § 4-101 hereof, are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1973 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1973 Code, § 1-704)

4-105. Records and reports to be made. The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1973 Code, § 1-705)

4-106. Exclusions. There is hereby excluded from this chapter any authority to make any agreement...¹ as defined below, or any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official or position not authorized to be covered under applicable state or federal laws or regulations. A part-time position is hereby defined as a position normally requiring 600 hours or less of service per calendar year.

Notwithstanding any provision(s) heretofore contained in the Social Security Agreement between said parties, it is now the intent and purpose of said board of commissioners to amend the Social Security Agreement by and between the City of Fairview and the State Old Age and Survivors Insurance Agency, to exclude from its coverage group under the Federal System of Old Age, Survivors, Disability, Health Insurance, the services of election workers and election officials if the remuneration paid for such services in a calendar year is less than \$1,000 on or after January 1, 1995, ending on or before December 31, 1999 and, the adjusted amount thereafter determined under Section 218 (c) (8) (B) of the Social Security Act, for any calendar year commencing on or after January 1, 2000. (1973 Code, § 1-706)

4-107. Date of effect. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

¹Ord. #369, § 1, Jan. 1995, deleted from this section of the Fairview Municipal Code the phrase "with respect to elective 'legislative' officials, or employees rendering services in part-time positions." When this phrase was deleted the section remained as it now reads.

declared to exist by reason whereof this chapter shall be in full force from and after its passage, approval, and publication as required by law, and shall be effective the 1st day of July 1964. (1973 Code, § 1-707)

CHAPTER 2

MISCELLANEOUS PERSONNEL REGULATIONS

SECTION

- 4-201. Business dealings.
- 4-202. [Repealed.]
- 4-203. [Repealed.]
- 4-204. [Repealed.]
- 4-205. [Repealed.]
- 4-206. Strikes and unions.
- 4-207. Posting of campaign literature of candidates for city commissioner.
- 4-208. Nepotism.
- 4-209. Polices and procedures manual.

4-201. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his city duties, it shall be unlawful for any city officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the city. (1973 Code, § 1-901)

4-202. [Repealed.] (1973 Code, § 1-902, as repealed by Ord. #663, March 2007)

4-203. [Repealed.] (1973 Code, § 1-903, as repealed by Ord. #663, March 2007)

4-204. [Repealed.] (1973 Code, § 1-904, as repealed by Ord. #663, March 2007)

4-205. [Repealed.] (1973 Code, § 1-905, as repealed by Ord. #663, March 2007)

4-206. Strikes and unions. No city officer or employee shall participate in any strike against the city, nor shall he join, be a member of, or solicit any other city officer or employee to join any labor union which authorizes the use of strikes by government employees. (1973 Code, § 1-906)

4-207. Posting of campaign literature of candidates for city commissioner. In furtherance of the policy of Tennessee Code Annotated, § 6-21-106, no city officer or employee shall permit the posting of campaign literature, which said literature advocates directly or indirectly, the election of a particular candidate to the office of Commissioner of the City of Fairview, on any premises owned or leased by the City of Fairview except on city right of

ways. It shall be the responsibility of the city manager to see that the intent and purpose of this ordinance is enforced. It is not the intent of this ordinance to prohibit impartial public notices of elections, notices of forums conducted by impartial groups such as the League of Women Voters, or the posting of sample ballots, to assist and encourage voters to participate in city elections. (1973 Code, § 1-909)

4-208. Nepotism. (1) Within each department, no city employees who are relatives shall be placed within the same direct line of supervision whereby one (1) relative is responsible for supervising the job performance or work activities of another relative.

(2) "Relative" means a parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family member who resides in the same household.

(3) The prohibition established by this section shall not be applied retroactively but shall be adhered to in all hiring and employee transactions subsequent to January 1, 1982. (1973 Code, § 1-910)

4-209. Policies and procedures manual.¹ The policies and procedures manual (effective 7/1/2006) be and is hereby adopted as the official policies and procedures manual for the City of Fairview, Tennessee effective July 1, 2006 and is incorporated into and made a part of this chapter by reference as fully as if copied verbatim herein.

Any and all prior existing policies and procedures manuals (those dated prior to July 1, 2006) for the City of Fairview, Tennessee are hereby cancelled and rendered void as of July 1, 2006, it being the express intent of the board of commissioners that the policies and procedures manual adopted and incorporated into and made a part of this chapter by reference as fully as if copied verbatim herein be and is the only approved policy and procedures manual for the City of Fairview, Tennessee, as of July 1, 2006. (as added by Ord. #615, April 2006, and amended by Ord. #641, Sept. 2006)

¹A copy of the policies and procedures manual for the City of Fairview is located in the office of the recorder and is available for review during regular business hours.

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-301. Title.
- 4-302. Purpose.
- 4-303. Coverage.
- 4-304. Standards authorized.
- 4-305. Variances from standards authorized.
- 4-306. Administration.
- 4-307. Funding the program.
- 4-308. [Repealed.]
- 4-309. [Repealed.]
- 4-310. [Repealed.]
- 4-311. [Repealed.]
- 4-312. [Repealed.]
- 4-313. [Repealed.]
- 4-314. [Repealed.]

4-301. Title. This section shall provide authority for establishing and administering the Occupational Safety and Health Program Plan for the employees of the City of Fairview, Tennessee. (1973 Code, § 1-801, as replaced by Ord. #526, Sept. 2002, and Ord. #804, April 2013)

4-302. Purpose. The purpose of the City of Fairview, Tennessee, 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:
 - (a) Top management commitment and employee involvement;
 - (b) Continually analyze the worksite to identify all hazards and potential hazards;
 - (c) Develop and maintain methods for preventing or controlling existing or potential hazards; and
 - (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated,

adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

(4) Consult with the State Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

(5) Consult with the State Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (1973 Code, § 1-802, as replaced by Ord. #526, Sept. 2002, and Ord. #804, April 2013)

4-303. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the City of Fairview, Tennessee shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Fairview, Tennessee whether part-time, or full-time, seasonal or permanent. (1973 Code, § 1-803, as replaced by Ord. #526, Sept. 2002, and Ord. #804, April 2013)

4-304. Standards authorized. The occupational safety and health standards adopted by the City of Fairview, Tennessee 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 (1973 Code, § 1-804, as replaced by Ord. #526, Sept. 2002, and Ord. #804, April 2013)

4-305. Variances from standards authorized. The City of Fairview, Tennessee, 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 Fairview, Tennessee, shall notify or serve notice to

¹State law reference

Tennessee Code Annotated, title 50, chapter 3.

employees, their designated representatives, or interested parties and present them with an opportunity for hearing. The posting of notice on the main bulletin board as designated by the City of Fairview, Tennessee shall be deemed sufficient notice to employees. (1973 Code, § 1-805, as replaced by Ord. #526, Sept. 2002, and Ord. #804, April 2013)

4-306. Administration. For the purpose of this chapter, the current Director of Safety for the City of Fairview, Tennessee and any successor(s) to the Director of Safety for the City of Fairview, Tennessee, duly appointed as Safety Director for the City of Fairview, Tennessee in accordance with the city's policies and procedures 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 Occupational Safety and Health Act Program for the City of Fairview, Tennessee. 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. (1973 Code, § 1-806, as replaced by Ord. #526, Sept. 2002, and Ord. #804, April 2013)

4-307. Funding. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the City of Fairview, Tennessee, Board of Commissioners. (1973 Code, § 1-807, as replaced by Ord. #526, Sept. 2002, and Ord. #804, April 2013)

4-308 - - 4-314. [Repealed.] (as replaced by Ord. #526, Sept. 2002)

CHAPTER 4

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-401. Purpose.
- 4-402. Enforcement.
- 4-403. Travel policy.
- 4-404. Travel reimbursement rate schedules.
- 4-405. Administrative procedures.

4-401. Purpose. The purpose of this chapter and referenced regulations is to bring the city into compliance with Public Acts 1993, Chapter 433. This act requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor or local governing body and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular city employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (1973 Code, § 1-911(1))

4-402. Enforcement. The chief administrative officer (CAO) of the city (city manager) or his or her designee shall be responsible for the enforcement of these travel regulations. (1973 Code, § 1-911(2))

4-403. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

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

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

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

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

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

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

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

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

The CAO may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

(7) Claims of \$5 or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.

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

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (1973 Code, § 1-911(3))

4-404. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The city's travel reimbursement rates will automatically change when the State of Tennessee rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (1973 Code, § 1-911(4))

4-405. Administrative procedures. The city adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the city manager. (1973 Code, § 1-911(5))