

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

1. SOCIAL SECURITY.
2. WORK, VACATION AND SICK LEAVE, AND HOLIDAY REGULATIONS.
3. PERSONNEL REGULATIONS.
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

CHAPTER 1**SOCIAL SECURITY****SECTION**

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports.
- 4-106. Exemption from coverage.

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

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

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

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.

4-105. Records and reports. The municipality shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.

4-106. Exemption from coverage. There is hereby exempted from this chapter any authority to make any agreement with respect to any position, any employee or official not authorized to be covered by applicable state and federal laws or regulations.

CHAPTER 2

WORK, VACATION AND SICK LEAVE, AND HOLIDAY REGULATIONS

SECTION

- 4-201. Applicability of chapter.
- 4-202. Work attendance.
- 4-203. Holidays.
- 4-204. Vacation leave.
- 4-205. Sick leave.
- 4-206. Leave with pay.
- 4-207. Leave without pay.
- 4-208. Personnel policies and procedures.

4-201. Applicability of chapter. This chapter shall apply to all classified service including full time positions not specifically placed in exempt service. Exempt service shall include the following:

- (1) All elected officials and persons appointed to fill vacancies in elected offices.
- (2) All members of appointive boards, commissions, or committees.
- (3) City attorney.
- (4) Consultants, advisors, and counsel rendering temporary professional services.
- (5) Independent contractors.
- (6) Temporary employees hired on an emergency basis.
- (7) Seasonal employees employed for not more than three months during the fiscal year.
- (8) Persons rendering part time service.
- (9) Volunteer personnel, and all other persons appointed to serve without compensation. (Ord. dated 8/5/86)

4-202. Work attendance. An employee shall be in attendance at regular work in accordance with adopted personnel rules for city employees and with general department regulations. All departments shall keep daily attendance records of their employees, including credits earned and leave taken. (Ord. dated 8/5/86)

4-203. Holidays. The following legal holidays shall be observed: New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, Christmas Eve, Christmas Day, and elections. When a holiday falls on a Saturday, the preceding Friday

shall be observed as the holiday, and when a holiday falls on a Sunday, the following Monday shall be observed as the holiday.

Where possible, every employee shall be given approved holidays. Employees who must work on one of these holidays shall receive equivalent time off. (Ord. dated 8/5/86)

4-204. Vacation leave. (1) All permanent employees who have been employed for a period of one year or longer shall be credited with earned vacation leave in accordance with the following schedule:

<u>Completed Service</u>	<u>Vacation Credit-Per Year</u>
1st year	5 days
After 1 year	10 days
After 10 years	15 days

The above schedule and credits are for uninterrupted service computed from the most recent date of continuous employment. Employees shall accrue vacation leave from their employment date, but shall not be entitled to take vacation leave until they have completed one year of service. Vacation leave may be taken as earned subject to approval of the department head who shall schedule vacation so as to meet the operational requirements of the department. Employees may accrue vacation leave to a maximum of twenty days. Employees resigning voluntarily and who give reasonable notice of intention to resign will receive payment for accrued vacation as of the date of resignation.

(2) Vacation leave shall be charged in not less than one-half (1/2) day increments. (Ord. dated 8/5/86)

4-205. Sick leave. Sick leave with pay shall be granted all full-time employees at the rate of one working day for each completed month of service and may be accrued to a maximum of ninety (90) days. Employees shall accrue sick leave from their employment date, but shall not be entitled to take sick leave until they have completed their probationary period. No payment will be made for accrued sick leave upon separation. Sick leave with pay shall be granted for the following reasons: personal illness or physical incapacity resulting from causes beyond the employee's control; illness of a member of the employee's immediate family that requires the employee's personal care and attention; enforced quarantine of the employee in accordance with community health regulations; to keep a doctor's appointment; or for a death in the immediate family.

In order to be granted sick leave with pay, an employee must meet the following conditions: notify the immediate supervisor or city administrator prior to the beginning of the scheduled work day of the reason for absence; submit,

if required by the department head or city administrator, a medical certificate signed by a licensed physician certifying that the employee has been incapacitated for work for the period of absence, the nature of the employee's sickness or injury, and that the employee is again physically able to perform duties. A medical statement may be required only if the period of absence is two consecutive days or longer.

Sick leave may be taken as necessary, but may not be extended beyond the accrual at the time of absence. Provided, however, that at the request of the employee an accrued vacation balance may be applied and extended as though it were sick leave. (Ord. dated 8/5/86)

4-206. Leave with pay. Leave with pay may be authorized in order that employees may serve required court and jury duty, provided that such leave is reported in advance to the supervisor. In order to receive full pay for such leave, the employee must deposit the money which he receives for jury duty with the city recorder.

A regular employee who is a member of any military reserve component will be allowed leave of absence with pay for a period not in excess of fifteen (15) working days during one year. (Ord. dated 8/5/86)

4-207. Leave without pay. A regular employee may be granted a leave of absence without pay for a period not to exceed one year for temporary sickness, disability, or other good and sufficient reasons. Such leaves shall require the prior approval of the board of mayor and aldermen. (Ord. dated 8/5/86)

4-208. Personnel policies and procedures. The city administrator shall be responsible for the preparation of such personnel rules and amendments thereto as may be necessary to carry out the provisions of this chapter, which rules and amendments may be adopted by ordinance by the board of mayor and aldermen and shall be effective immediately upon adoption.

CHAPTER 3

PERSONNEL REGULATIONS

SECTION

- 4-301. Business dealings.
- 4-302. Acceptance of gratuities.
- 4-303. Outside employment.
- 4-304. Political activity restricted.
- 4-305. Use of municipal time, facilities, etc.
- 4-306. Use of position.
- 4-307. Strikes.

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

4-302. Acceptance of gratuities. No city officer or employee shall accept any money or other consideration or favor from anyone other than the city for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to city business.

4-303. Outside employment. No full-time officer or employee of the city shall continue any outside without authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is likely to cast discredit upon or create embarrassment for the municipality.

4-304. Political activity restricted. The following prohibitions and restrictions on political activities shall apply to all city officers and employees, except for elected officers and off-duty law enforcement officers acting as private citizens:¹

¹State law reference

Tennessee Code Annotated, § 38-8-351.

(1) In elections for municipal and county offices. No city officer or 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:

(a) Become a candidate for, or campaign for, an elective city or county office.

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

(c) Organize, sell tickets to, promote or actively participate in a fund-raising activity of a candidate for city or county office.

(d) Take an active part in managing the political campaign of a candidate for city or county office.

(e) Solicit votes in support of or in opposition to a candidate for city or county office.

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

(g) Drive voters to the polls on behalf of a candidate for city or county office.

(h) Endorse or oppose a candidate for city or county office in a political advertisement, broadcast, campaign literature or similar material.

(i) Address a rally or similar gathering of the supporters or opponents of a candidate for city or county office.

(j) Initiate or circulate a nominating petition for a candidate for city or county office.

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

(2) In all other elections for public office. No city officer or 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

(a) Become a candidate for, or campaign for, an elective public office.

(b) Take an active part in managing the political campaign of a candidate for public office.

(c) Directly or indirectly solicit, receive or collect contributions or other funds for a candidate for public office.

(d) Sell tickets to a fund-raising activity of a candidate for public office.

(e) Engage in any of the other political activities enumerated in paragraph (1) above except while they are off duty and otherwise on their own

time, and while they are not in a city uniform, and while they are in places other than on city property.

Leaves of absence will not be granted to city officers or employees to engage in any of the political activities enumerated above.

Nothing in this section is intended to prohibit any city officer or employee from privately expressing his or her political views or from casting his or her vote in all elections.

4-305. Use of municipal time, facilities, etc. No city officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group.

4-306. Use of position. No city officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the city, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others.

4-307. Strikes. No city officer or employee shall participate in any strike against the city.

CHAPTER 4

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

4-401. Title.

4-402. City manager designated program director.

4-403. Program standards.

4-404. Effective date of plan.

4-401. Title. This chapter shall be known as the "Occupational Safety and Health Program for the Employees of the City of Loretto." (Ord. dated 7/24/74)

4-402. City manager designated program director. The City of Loretto hereby designates the city manager hereinafter referred to as the "director," to establish a safety and health program in compliance with the requirements of the Tennessee Occupational Safety and Health Act of 1972 and he is hereby given the authority to implement a plan which shall encompass the issues and standards which have been promulgated by applicable state standards. (Ord. dated 7/24/74)

4-403. Program standards. This plan shall be at least as effective as the federal or state standards on the same issues and shall include the following:

(1) The director or his authorized representatives shall have the right to enter at any reasonable time any establishment, construction site, plant or other area, workplace or environment where work is performed in the City of Loretto; and to inspect and investigate any such place of employment and all pertinent conditions, processes, machines, devices, equipment and materials therein, and to question privately any supervisor or employee.

(2) The director may issue subpoenas to require the attendance and testimony of witnesses and the production of evidence under oath for the purpose of confirming or supplementing his findings.

(3) The director shall provide for education and training of personnel for the administration of the program, and he shall provide for the education and training of all employees of the city to the extent that same is necessary for said employees to recognize and report safety and health problems as defined in the applicable standards.

(4) All employees shall be informed of the policies and the standards set forth by the Tennessee Occupational Safety and Health Act.

(5) All employees of the city shall be informed of safety hazards, exposure to toxic or harmful materials and imminent danger situations that may occur in their jobs.

(6) The director or his authorized representative shall upon any allegation of imminent danger immediately ascertain whether there is a reasonable basis for the complaint. He shall make a preliminary determination of whether or not the complaint appears to have merit. If such is the case he or his authorized representative shall:

(a) Immediately remove all employees from the areas where the imminent danger situation exists.

(b) Remove the cause of the imminent danger situation so that employees may return to work safely.

(c) If it is impossible to remove the imminent danger situation to provide a safe and healthful workplace for all employees no employees will be assigned to the work area until all hazards have been cleared up.

(7) Any employee shall be given the right to participate in an investigation or inspection which involves a safety and/or health situation which concerns his work area.

(8) The director shall establish a safety and health training program designed to instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment.

(9) The director shall contact the Commissioner of Labor of the State of Tennessee by telephone in the event of the death of an employee involved in a work-related accident. This notification will be done as soon after the fatality as possible but not to exceed 48 hours.

(10) The director shall set up a procedure for requesting a variance from the Tennessee Department of Labor in the event an operation within the city does not meet the standards set by the Occupational Safety and Health Act and immediate action to alleviate the discrepancy is not possible.

(11) The director shall establish and maintain a system for collecting and reporting safety and health data required under the Tennessee Occupational Safety and Health Act.

(12) The director shall apply this program to employees of each administrative department, commission, board, division or other agency of the City of Loretto.

(13) The director shall make an annual report to the Commissioner of Labor for the State of Tennessee showing the accomplishments and progress of the City of Loretto in its Occupational Safety and Health Program.

(14) The director shall provide a means whereby any employee may submit a report of what he feels is a safety and/or health hazard to his immediate supervisor and the director without fear of jeopardizing his job or chances for future promotion. Such reports shall be preserved and the action

thereon shall be noted on said reports and signed by the director or his designees.

(15) In implementing the plan the director shall adopt therein all the words and phrases designated as "definitions" in the Tennessee Occupational Safety and Health Act, promulgated regulations and standards thereunder.

(16) The director shall submit said plan to the Tennessee Department of Labor for approval on or before August 1974. (Ord. dated 7/24/74)

4-404. Effective date of plan. The plan, upon its approval by the Tennessee Department of Labor, shall become effective to the City of Loretto and at this time shall become a part of this chapter as fully and completely as if set out herein. (Ord. dated 7/24/74)