

**TITLE 4**

**MUNICIPAL PERSONNEL**

**CHAPTER**

1. PERSONNEL POLICIES AND PROCEDURES.
2. INFECTIOUS DISEASE CONTROL POLICY.
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**CHAPTER 1**

**PERSONNEL POLICIES AND PROCEDURES**

**SECTION**

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**4-101. Purpose.** The purpose of these policies and procedures is to establish a system of personnel administration in the City of Morrison, hereinafter referred to as "Morrison" that is based on merit and fitness. The system shall provide means to select, develop, and maintain an effective municipal work force through impartially applying personnel policies and procedures free of personal and political consideration and regardless of race, color, gender, age, creed, national origin, or disability. (1964 Code, § 1-901, as replaced by Ord. #03-06, April 2004, and Ord. #07-02, April 2007)

**4-102. Coverage.** All offices and positions of the municipal 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 town's service unless specifically placed in the exempt service. All offices and positions of the municipal 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) Independent contractors;
- (6) People employed by the city for not more than three (3) months during a fiscal year.
- (7) Part-time employees paid by the hour of the day and not considered regular;
- (8) Volunteer personnel appointed without compensation;
- (9) City/town judges;
- (10) Police chiefs;
- (11) Department heads.

All employment positions of the municipal government not expressly exempt from coverage by this section shall be subject to the provisions of the city charter and provisions of the Fair Labor Standards Act, as amended. (1964 Code, § 1-902, as replaced by Ord. #03-06, April 2004, and Ord. #07-02, April 2007)

**4-103. Classes of employees.** (1) Regular full-time. Regular full-time employees are individuals employed by the municipal government who work more than thirty seven and one-half (37.5) hours per week and have completed a three (3) month initial employment period. Regular full-time employees receive full benefits unless specifically excluded by the city charter, code, or ordinances.

(2) Regular part-time. Regular part-time employees are individuals who work on a daily basis and whose hours cannot exceed thirty seven and one half (37.5) hours per week unless approved by the mayor. Regular part-time employees are excluded from all benefits afforded full-time employees.

(3) Temporary employee. A temporary employee is an individual who works for the city for no more than six (6) months during one (1) calendar year or no more than thirty seven and one-half (37.5) hours weekly. Temporary employees receive no benefits. ,

(4) Volunteer employee. A volunteer is an individual who works for the city for little or no compensation.

(5) Volunteer firefighters. Volunteer firefighters are appointed by the fire chief when necessary and are covered under the Volunteer Firefighter's Insurance Coverage Policy. (1964 Code, § 1-903, as replaced by Ord. #03-06, April 2004, and Ord. #07-02, April 2007)

**4-104. Hiring procedures.** (1) Policy statement. In compliance with section 8 of the Charter of the City of Morrison, the primary objective of this hiring policy is to ensure the City of Morrison's compliance with the law and to obtain qualified personnel to serve the citizens of the city. Appointments to positions are based on merit, technical knowledge, and work experience. No person shall be employed, promoted, demoted, discharged, or in any way favored or discriminated against because of race, gender, age, color, religion, creed, ancestry, disability, or national origin. Nothing in the personnel rules and

regulations document shall be deemed to give employees any more property rights in their jobs than may already be given by the city charter. The city reserves the right to alter or change any or all of these rules without prior notice to employees.

(2) Recruitment. The city will employ only capable and responsible personnel who are of good character and reputation. When a vacancy occurs, the recorder will prepare and post the appropriate position description at city hall. The recorder will also provide notice of vacancies in alternate media including taped messages, radio announcements, or other methods to ensure effective communication to people with disabilities.

(3) Application process. All people seeking appointment or employment with the city shall complete a standard application form as provided by the municipal government. Employment applications shall be accepted in the recorder's office during regular office hours only. All applicants shall receive a copy of the job description of the duties and responsibilities, which apply to the position in which he/she is applying for. The job descriptions shall be distributed when available. The recorder will make reasonable accommodations in the application process to applicants with disabilities making a request for such accommodations.

(4) Interviews. All appointments are subject to an interview with the mayor, the board, or a committee appointed by the mayor and board of alderman. All reasonable accommodations shall be made in the interview process to applicants with disabilities making a request for such accommodations.

(5) Appointments. All appointments to positions in Morrison shall be made by the board, or as otherwise provided by the following city's charter. Following a conditional offer of employment, every prospective employee shall be subject to a medical examination, a general physical exam, and a urine drug test by a licensed physician designated by the municipal government to ensure they can perform essential functions of the position they have been offered prior to official employment. The cost of this medical exam 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 the offer of employment by the city withdrawn only if they:

- (a) Cannot perform the essential functions due to a disability that cannot reasonably be accommodated;
- (b) Pose a direct threat to themselves and/or others;
- (c) Is unable to perform the essential functions due to a temporary condition or disability not protected by ADA.

(6) Citizenship and alien status verification. The city will not discriminate on the basis of a person's national origin or citizenship status with regard to recruitment, hiring, or discharge. However, the city will not knowingly employ any person who is or became an unauthorized alien. In compliance with the Immigration Reform and Control Act, all employees hired after

November 6, 1986, regardless of national origin, ancestry, or citizenship, must provide suitable documentation to verify identity and employability. The documentation must be provided within three (3) days of employment or the individual will not be hired.

(7) Nepotism. No member of the immediate family, as defined by these rules, of an existing employee or an elected official shall be hired by the city while the town employs that existing employee or the elected official holds elected city office. For this item, immediate family member shall include, but not limited to, spouse, parents, brothers, sisters, children, grandparents, and in-laws.

(8) Initial employment record. Applicants appointed to positions of Morrison are required to serve a ninety (90) day initial employment period. During this period, the employee's work performance will be subject to review regarding the competence of the employee to fill the position. An employee may be terminated during this period for any reason without respect or reference to the procedure set forth in this document, the charter, or other ordinances. If the initial employment period is satisfactory, the employee may be recommended for a full time appointment. The mayor may extend the initial employment period when written notification is given to the employee with reasons for extension.

(9) Transfers. The board and mayor may make transfers of employees. A transfer may also be implemented as a reasonable accommodation when an employee is unable, due to a disability, to continue to perform the essential functions of the job.

(10) Promotions/demotions. The board and mayor may make promotions/demotions of employees. A demotion may also be implemented as a reasonable accommodation when an employee, due to a disability, becomes unable to perform the essential functions of the job. (1964 Code, § 1-904, as replaced by 03-06, April 2004, and Ord. #07-02, April 2007)

**4-105. Compensation.** (1) Salaries. The board shall set by ordinance all salaries paid by the city. Due consideration shall be given to duties performed, responsibilities, technical knowledge and skills required to perform the work satisfactorily, the labor market, and availability of people having the desired qualifications.

(2) Hours of work. The board shall establish the hours of work per week for each position in the service of the city. Employees unavoidably late or absent from work due to illness or other cause must notify their supervisor within the time frame established by each department (unless unusual circumstances prevent the employee from making proper notification.) Such employees must explain the reason for the absence and, if possible, an anticipated time and date of return to work. Failure to notify one's supervisor of absences may result in disciplinary action. Employees found falsifying time sheets will be subject to disciplinary action up to and including dismissal. The normal workweek will be five (5) days of eight (8) hours each, Monday through

Friday. The normal work hours will be 8:00 A.M. until 4:30 P.M. with a thirty (30) minute lunch period from 12:00 noon until 12:30 P.M. Any employee who works at least six (6) hours will automatically have thirty (30) minutes deducted from his/her time for such a lunch period. Hours of work may be adjusted when necessary to accomplish certain tasks. Hours may be changed at the request of the employee and at the discretion of the board. Employees may be granted compensatory time off during regular work hours when hours have been worked outside the normal workweek to benefit the City of Morrison. The board prior to any employee making such changes must approve any changes to hours.

(3) Breaks. (Federal law does not require that employees be given particular rest breaks, or breaks of any particular duration. If a city gives employees rest breaks, the FLSA requires that the employer pay for breaks of twenty (20) minutes or less, and for all breaks and lunch periods during which the employee must remain at the workstation and/or perform some duties. Lunch breaks, however, when no services are required of the employee, can be unpaid.)

During each four (4) hour working period, employees are allowed one (1) fifteen (15) minute break. The breaks are to be taken with approval from your supervisor, in a designated area, and at a designated time. The employee's supervisor will choose the proper time and place for rest breaks.

(4) Payday. All employees of Morrison shall be paid on Monday of each week. Questions about work time, salary, or paycheck, should be directed to the city recorder within the pay period in question or immediately thereafter.

If an employee is absent on payday and wishes to have someone else obtain his/her paycheck, identification and a signed note authorizing the town to give the check to the bearer must be provided to the city recorder.

If an employee loses a paycheck, he/she should notify the city recorder immediately. The employee will be required to sign an affidavit that the paycheck has been lost, and a new one will be issued on the next regular payday. The employee should give written notice of where the check should be sent if he/she is not available to pick it up.

(5) Payroll deductions. (a) Federal income tax. Federal taxes are withheld from employees' paychecks based on the number of dependents claimed by the individual. Employees are required to keep on file with the municipal government a copy of the W-4 form. In the even of changes in the employee exemption status, a revised W-4 form must be filed before payroll deduction adjustments will be made.

(b) Social security. Social security payments and deductions will be made in accordance with the Social Security Act. The city recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.

(c) Others. Other deductions may be made from an employee's paycheck, upon approval of the employee and the board.

(6) Overtime. Employees required to work overtime shall be compensated in accordance with the FSLA at a rate of one and one-half (1½) the employee's regular pay rate for any and all time exceeding eight hours during one (1) work day. Overtime is only paid on actual hours worked. The employee's supervisor prior to working such overtime must approve all overtime. Compensatory time off may be granted in lieu of overtime pay and will be mandated to any employee who without prior authorization from his/her supervisor. of the policy and accumulation of the time shall also be in accordance with the FSLA.

(7) Classification of pay categories: For clarification purposes, the following are payroll classifications along with the amount of time paid for each category:

Regular hourly pay	Straight hourly pay rate	Zero to eight hours per day
Overtime hourly pay	1 and ½ times hourly pay rate	Any time over eight hours/day
Call back pay	1 and ½ times hourly pay rate	Any time over eight hours/day
Vacation hourly pay	Straight hourly pay rate	Any earned vacation time
Holiday hourly pay	Straight hourly pay rate	Any earned holiday time
Sick hourly pay	Straight hourly pay rate	Any earned sick time

(8) Partial hours. Partial hours will be rounded to the nearest tenth of one hour and calculated by the following table:

Minutes	Hours
0 - 2	0
3 - 8	0.1
9 - 14	0.2
15 - 20	0.3
20 - 26	0.4
27 - 32	0.5
33 - 38	0.6
39 - 44	0.7

45 - 50	0.8
51 - 55	0.9
56 - 59	1.0

(1964 Code, § 1-905, as replaced by Ord. #03-06, April 2004, and Ord. #07-02, April 2007)

**4-106. Benefits.** (1) Eligibility. All full-time employees are eligible for all benefits provided by the town.

- (a) Holidays.
- (i) New Year's Day
  - (ii) Martin Luther King, Jr. Day
  - (iii) Good Friday
  - (iv) Memorial Day
  - (v) Independence Day
  - (vi) Labor Day
  - (vii) Thanksgiving Day
  - (viii) Day after Thanksgiving
  - (ix) Christmas Eve
  - (x) Christmas Day

If a holiday falls on a Sunday, it will be observed on the following Monday. If the holiday falls on a Saturday, it will be observed on the preceding Friday. To receive compensation for the holiday, employees must be in a pay status on the workday before and on the workday after the holiday unless otherwise excused by the supervisor.

(b) Holiday pay. When an employee must work on a holiday, the employee will be paid at the rate of double their regular pay rate for all scheduled and unscheduled time worked on the day observed as a holiday, or may be granted optional day off in lieu of the day observed as the holiday.

Public safety officers (police and fire department employees) shall receive holiday pay in the form of an additional eight (8) hours pay for each of the above holidays whether on duty or not.

Employees eligible for holiday pay must be in a pay status their last regular shift before a holiday and their first regularly scheduled shift after a holiday in order to receive compensation for the holiday.

(c) Annual/vacation. Employees shall be entitled to annual leave days per month in accordance with the number of years worked as follows:

<b>Regular full-time employees (40 Hours)</b>		
<b>Years of service</b>	<b>Hours earned per pay period</b>	<b>Hours earned per year</b>
1 - 5	0.769	40
6 - 10	1.539	80
11 +	2.308	120

(d) Sick leave. All full-time employees shall be given one-half ( $\frac{1}{2}$ ) day of sick leave with pay for each month of work for the municipality to a maximum accumulation of fifteen (15) days.

Sick leave may be granted in one (1) hour increments (maximum of eight (8) hours per day) and for the following reasons:

- (i) Personal illness or physical incapacity resulting from causes beyond the employee's control;
- (ii) Exposure to contagious disease so that the employee's presence at work might jeopardize the health of others;
- (iii) Medical, dental, optical, or other professional treatments or examinations; and
- (iv) Acute illness of a member of the employee's immediate family (i.e., spouse, parents, sibling, children, in-laws, grandparents).

At the beginning of each calendar year, any unused sick days will be paid out to each employee who has any sick days available. After an employee has exhausted his/her accrued sick leave, a leave of absence without pay may be granted, at the discretion of the board as a reasonable accommodation to people with disabilities, or the employee may be placed on special leave without pay, or the employee may be terminated if he/she is unable to perform his/her job or another job with or without reasonable accommodation. Should the employee be able to later return to work, upon presentation of certification by a doctor, he/she shall be given preference for a position for which he/she is qualified.

(e) Family and medical leave. Purpose: To provide a family and medical leave policy in compliance with Public Law 103-3 titled Family and Medical Leave Act (FMLA) of 1993.

- (i) Guidelines: (A) 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. (Note: Under the Tennessee Maternity Leave Act (TMLA), a female employee may take an additional four (4) weeks of unpaid leave if the



three (3) month advance notice has been complied with.) Leave may also be taken to care for the employee, 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.

(B) 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 placement to proceed.

(C) 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 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.

(D) 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 recovery or treatment.

(E) Employees requesting medical leave due to their own illness or injury are required to first use any balance of sick leave, annual leave, or floating holidays prior to the beginning of unpaid leave. The combination of sick leave, annual leave, floating holidays, and unpaid leave may not exceed twelve (12) weeks. Employees requesting family leave may use unpaid leave.

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

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

(ii) Right to return to work: (A) On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commences, 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 restructured in order to accommodate the employee's absence.

(B) 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 Americans with Disabilities Act may govern the employer's obligations.

(iii) Notification of scheduling. (A) 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 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.

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

(C) 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 unpaid leave was for FMLA.

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

(iv) Certification: (A) The employer reserves the right to verify an employee's request for family/medical leave. If the 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 or 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. The employer on a regular basis may not employ that health care provider. 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.

(B) This certification must contain the date on which the serious health condition began, its probable duration, and appropriate medical facts within the knowledge of health care provider regarding the condition. This 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.

(C) 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.

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

(v) Maintenance of health and COBRA benefits during unpaid leave: The employee will be allowed to maintain health insurance benefits, paid by the employee, for the employee (and family, if applicable), during periods of unpaid leave without interruption. The employee must pay any payment for family coverage/premiums or other payroll deductible insurance policies or the benefits will not be continued. Leave taken under this policy does not constitute a qualifying event that entitles an employee to Consolidated Omnibus Budget Reconstruction Act (COBRA) insurance coverage. All COBRA premiums plus administrative fees will be paid to the City of Morrison as is mandated by the Consolidated Omnibus Budget Reconstruction Act.

(vi) 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 leaved schedules for routine care of a new child can be taken only with approval of the mayor. The employee and the employer must mutually agree upon the schedule.

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 time longer than twelve (12) weeks, but will not exceed the equivalent of workweeks in a twelve (12) month period.

(vii) Restoration: Employees who are granted leave under this policy will be reinstated to an equivalent or the same position held prior to the commencement of their leave. Certain highly compensated key employees, who are salaried and among the ten percent (10%) highest paid employees, may be denied restoration. (Note: Restoration denied if:

(A) The employer shows that such denial is necessary to prevent substantial and grievous economic injury to the employer's operation,

(B) The employer notifies the employee that it intends to deny restoration on such as basis at the time the employer determines that such injury would occur,

(C) In any case in which the leave has commenced, the employee elects not to return to work within a reasonable period after receiving such notice.)

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 has passed.

(viii) 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 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 that 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 twelve (12) month period either the calendar year, a fixed twelve (12) month period, or the twelve (12) month period counted backward from the date of the leave.)

(ix) Denial of FMLA leave: If the employee fails to give advance notice when the need for FMLA 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 a requested fitness-for-duty certification to return to work, an employer may delay restoration until the employee submits the certificates.

(f) Funeral/bereavement leave. Full-time employees shall be allowed three (3) days of leave with pay for the death in an employee's immediate family. Immediate family shall include spouse, parents, brothers and sisters, children, in-laws and grandparents. Employees wishing to attend services of other relatives and non-relatives must use annual leave for this purpose.

(g) Civil leave. Civil leave with pay may be granted to an employee to:

- (i) Serve on jury duty,
- (ii) Answer a subpoena to testify for the city, and/or
- (iii) Perform emergency duty for national defense.

Employees selected for civil service shall be excused for the actual duration of the civil service. Upon release from civil duty during the employee's normal working hours, he/she is expected to return to duty. Employees will receive full pay minus any payments made to the employee for his/her service during such service.

(h) Voting. When elections are held in the state, leave for voting shall be in accordance with Tennessee Code Annotated, § 2-1-106, herein printed:

"EMPLOYERS MAY DESIGNATE PERIOD OF PERMISSIBLE ABSENTEEISM- any person entitled to vote in an election held in this state may be absent from any service or employment on the day of the election for a reasonable period, not to exceed three (3) hours, necessary to vote during the time the polls are open in the county where he/she is a resident. A voter who is absent from work to vote in compliance with this section may not be subjected to any penalty or reduction in pay for his absence. If the tour of duty of any employee begins three (3) or more hours after the opening of the polls or ends three (3) or more hours before the closing of the polls in the county where he/she is a resident, he/she may not take time off under this section. The employer may specify the hours during which the employee may be absent. Request for such an absence shall be made to the employer before 12:00 noon of the day before the election."

(i) Military leave. Any regular employee who has completed six (6) months of satisfactory employment and who enters the U.S. armed forces will be placed on military leave. The mayor shall approve all military leave without pay when the employee presents his/her official orders. The employee must apply for reinstatement within ninety (90) days after release from active military duty. The employee will be reinstated to a position in the current classification plan at least equivalent to his/her former position. His/her salary will be the salary provided under the position classification and compensation plan prevailing at the time of reinstatement or re-employment for the position

to which he/she is assigned. If no position is available at the time of the employee's return, the employee will be reinstated into the first position available. No current full-time employees will be terminated or laid off to allow for reinstatement. Any regular full-time employee who is a member of the U.S. Army reserve, Navy reserve, Air Force reserve, Marine reserve, or any of the armed forces will be granted military leave for any field training or active duty required (excluding extended active duty). Such leave will be granted upon presentation of the employee's official order to his/her jurisdictional official. Compensation for such leave will be pursuant to Tennessee Code Annotated, § 8-33-109. It will be the employee's responsibility to arrange with the department supervisor to attend monthly meetings on regular off time, with pay being applicable to the annual two (2) week training period. Employees entering an extended active duty will be given fifteen (15) days pay when placed on military leave. Firefighters who are members of the U. S. Army reserve, Navy reserve, Air Force reserve, or Marine reserve shall be allowed seven and a half (7.5) shift days for reserve training.

(j) Death of an employee. Upon the death of a full-time regular employee, his/her beneficiary will receive his/her next due payroll check and pay for accrued vacation time. Further, the city recorder in settling retirement, life, and hospital insurance benefits shall give his/her beneficiary the complete assistance.

(k) Retirement system. Employees of the City of Morrison will be eligible for retirements under the Tennessee Consolidated Retirement System.

(l) Insurance coverage. Morrison provides basic health insurance coverage. Should circumstances dictate terminating benefits, the city will offer employees and their dependents the opportunity to extend their health insurance coverage under COBRA.

(m) Workers' compensation. The Tennessee workers' compensation law shall govern all injuries arising out of and in the course of one's employment. Any employee who suffers any injury while on the job must report that injury to his/her immediate supervisor before the end of the shift in which the accident occurred. Failure to do so may lead to termination of employment. Any employee who sustains a work-related injury will be required to submit to a urine drug test upon arrival at the appropriate medical facility. Should an employee test positive for any illegal drugs, the City of Morrison is not responsible for payment for said treatment. Any prescription medication that shows positive in a urine drug screen that may have impaired the employee or contributed to an accident while on the job may not be eligible for workers' compensation. Employees on occupational disability leave shall receive only those benefits due under workers' compensation. In all cases of occupational disability, the responsibility of determining the character, degree, and

potential duration of an injury shall rest with the licensed, practicing medical doctor(s) designated by the board. The medical doctor(s) may make periodic examinations, progress reports, and recommendations as deemed necessary by the board. Before an employee is returned to full duty, the employee must demonstrate his/her fitness for duty by passing the performance test administered by the department head. This will only test for ability to perform routine tasks using those skills required for the position. Should an employee be unable to return to work within three (3) months from the day following the date of injury, the employee may be subject to separation only if he/she:

- (i) Cannot perform the essential functions due to a disability that cannot be reasonably be accommodated, and
- (ii) Poses a direct threat to himself/herself and/or others.
- (n) Other benefits. Morrison provides uniform for police, parks and recreation, public works, and utility department employees. (1964 Code, § 1-906, as replaced by Ord. #03-06, April 2004, and Ord. #07-02, April 2007)

**4-107. Separation and disciplinary actions.** (1) Types of separations.

All separations of employees from city positions shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, layoff, death, retirement, disability, and the inability to perform the essential job functions with or without a reasonable accommodation due to a disability. At the time of separation and prior to the 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.

(a) **Resignation.** In the event an employee decides to leave the municipal government's employ, a two (2) week notice is expected 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-municipal government equipment assigned. An unauthorized absence from work for a period of three (3) consecutive working days by the department head is a resignation. If a former employee returns to municipal government employment, his/her status of seniority, pay, leave, etc. will be the same as any new employee beginning work for the first time.

(b) **Layoff.** The mayor, upon approval from the board, may lay off an employee in the municipal government service when he/she deems it necessary by reason of shortage of funds, the abolition of a position, or other material changes in the duties or organization of the employee's position, or for related reasons that are outside of the employer's control and that do not reflect discredit upon the employee's service. Temporary employees shall be laid off before initial employment period for regular employees.

(c) Disability. An employee may be separated for disability when he/she cannot perform the essential functions of the job because of physical or mental impairment that cannot be accommodated without undue hardship or because the disability poses a threat to the health and safety of others. A reasonable accommodation may include transfer to a comparable position for which the individual is qualified. The employee or the municipality may initiate action, but in all cases, it must be supported by medical evidence acceptable to the board, and the disability must prevent the employee from performing the essential functions of the job. The municipal government may require an examination at its expense to be performed by a licensed physician of its choice.

(d) 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.

(e) 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.

(f) At-will employment. Tennessee is an at will employment state, therefore, employees of Morrison have no rights to continued employment with the city. Employees may be dismissed for cause, for no cause, for any cause as long as it does not violate federal and state law.

(g) Disciplinary action. Progressive discipline is not an option available to city employees. Employees of the city have no rights to continued employment. Employees may be dismissed for cause, for no cause, for any cause as long as it does not violate federal and state laws.

(h) Grievance policy. The purpose of this policy is to set forth the principles of the City of Morrison and to prescribe uniform disposition procedures of grievances presented by individual employees. When a request for an accommodation is denied, a disabled employee may also file a grievance in accordance with this policy or the grievance procedures adopted pursuant to ADA. Employees will be treated fairly in all requests. Those who feel they have been subjected to unfair treatment have the right to present their grievances to the proper person for prompt consideration and a fair decision. The employees may present his/her case or a representative of his/her choosing and expense may present it. Employees must remember that there is no grievance until the department head or other appropriate person has been made aware of the dissatisfaction. Once this is done, the following steps are to be taken:

STEP 1. Discuss the problem with the immediate supervisor. If satisfaction is not obtained, the grievance is advanced to the second step.

STEP 2. Discuss the problem with the mayor. If the grievance is not resolved, it is advanced to the third step along with all documentation.



STEP 3. Discuss the problem with the board. The board's decision is the last and final step in the process. The decision of the board shall be final and binding to all parties invoked, unless appealed to a court of competent jurisdiction.

(i) Policies governing the grievance and appeals procedure. An employee with a grievance shall be notified in writing of the right to:

(i) A grievance or appeals hearing as specified in this policy:

(ii) Receive a written notification of the reason for the action that led to the grievance;

(iii) Be represented at all stages of the grievance proceedings by legal counsel retained at the employee's expense;

(iv) Present witnesses in his/her own behalf and cross-examine witnesses in support of the municipal government's action;

(v) Examine and cope all documents that will be used by the municipality as justification for its actions; and

(vi) Be free from threats, coercion, intimidation, or discrimination from other employees because he/she has made complaints, testified, or assisted in any manner in the above stated grievance and appeals procedures.

(j) Records. Records shall be made of all proceedings pertaining to the grievance actions, and the city recorder shall maintain these records in the municipal government's permanent file. (1964 Code, § 1-907, as replaced by Ord. #03-06, April 2004, and Ord. #07-02, April 2007)

**4-108. Miscellaneous personnel policies.** (1) Political activity. (Note: Nothing 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.) In election for municipal officers: no municipal government 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:

Become a candidate for a campaign for an elective office of the city; directly or indirectly solicit, receive, collect, handle, disburse, or account for assessments, contributions or other funds for a candidate for a city office; organize, sell tickets to, promote, or actively participate in a fund-raising activity of a candidate for a city office; take an active part in managing the political campaign for a candidate for a city office; act as a clerk, watcher, challenger, or similar officer at the polls on behalf of a candidate for a city office; endorse or oppose a candidate for a city office in a political advertisement, broadcast, campaign literature, or similar material; address a rally or similar gathering of the supporters of opponents of a candidate for a city office; initiate or circulate a nominating petition for a candidate for a city office; wear

campaign buttons, pins, hats, or other similar attachment, or distribute campaign literature in supporting or opposing a candidate for a city office.

(2) In all other elections for public office. City employees are entitled to seek election to offices that are not part of the City of Morrison. Employees may not campaign in any way for candidates for any public office while on duty for Morrison. (Note: Tennessee Code Annotated, § 38-8-350 prohibits law enforcement officers from engaging in political activities, supporting or opposing any candidate, party, or measure in any election when on duty or acting in such officer's official capacity.)

(3) 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. The board must approve any solicitations of employees.

(4) Personal telephone calls. Using the office telephone during regular work hours for local and/or long-distance personal calls, except in emergency cases, is discouraged.

(5) Driver's license. Every employee who is required to have a driver's license is required to notify the city recorder of any potential change in the status of his or her license. The city recorder shall check the status of licensed operators with the department of safety every six (6) months. Employees are strictly prohibited from operating any Morrison vehicle or equipment that would require an operator's license, unless the employee has a current license to operate the vehicle or equipment.

(6) Garnishment. An employee who is garnished for more than one (1) indebtedness within a twelve (12) month period may be subject to disciplinary action in accordance with the following schedule:

First offense: Oral reprimand.

Second offense: Written reprimand.

Third offense: May be discharged in accordance with the discipline and dismissal policy.

Note: EEOC has indicated that discharging individuals solely on the basis of garnishments may result in a disparate impact employment situation since the statistics suggest that minorities are more likely to have their wages garnished.

(7) Bulletin boards. Morrison maintains a bulletin board at city hall on which important information connected with an employee's work is posted from time to time. Cooperation is needed in protection the posted material. All material to be placed on the bulletin board must be approved by the city recorder before it is posted.

(8) Trip reimbursement. All trips that involve reimbursement and/or municipal governing expense shall not be undertaken without prior approval of the mayor. Mileage shall be reimbursed at a rate of \$.445 per mile (or current IRS rates). Food reimbursement shall be at a rate of forty dollars (\$40.00) per day. All receipts must be submitted to the city recorder within seven (7)

business days of said incurred expense(s) before an approval for reimbursement can be obtained. For details regarding travel, obtain a copy of the municipal government's travel policy from the city recorder.

(9) Use of city/town vehicles and equipment. All city vehicles and equipment are for official use only. No person other than a city employee may operate a city vehicle or piece of machinery. Drivers and/or operators must have a valid Tennessee driver's license and be approved by the mayor. (as added by Ord. #03-06, April 2004, and amended by Ord. #07-05, Sept. 2007)

**CHAPTER 2****INFECTIOUS DISEASE CONTROL POLICY****SECTION**

- 4-201. Purpose.
- 4-202. Coverage.
- 4-203. Administration.
- 4-204. Definitions.
- 4-205. Policy statement.
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- 4-207. Hepatitis B vaccinations.
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- 4-210. Human immunodeficiency virus post-exposure management.
- 4-211. Disability benefits.
- 4-212. Training regular employees.
- 4-213. Training high risk employees.
- 4-214. Training new employees.
- 4-215. Records and reports.
- 4-216. Legal rights of victims of communicable diseases.
- 4-217. Amendments.

**4-201. Purpose.** It is the responsibility of the Town of Morrison 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 Town of Morrison, 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). (Ord. #96-01, June 1996)

**4-202. 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 infectious material 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. (Ord. #96-01, June 1996)

**4-203. 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 town 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 board of mayor and aldermen. (Ord. #96-01, June 1996)

**4-204. 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. (Ord. #96-01, June 1996)

**4-205. 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. (Ord. #96-01, June 1996)

**4-206. 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 town 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 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 a least 30 seconds. A solution must be changed and re-mixed every 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 properly dispose of the objects.

(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.

(14) 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. Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (Ord. #96-01, June 1996)

**4-207. Hepatitis B vaccinations.** The Town of Morrison 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. (Ord. #96-01, June 1996)

**4-208. Reporting potential exposure.** Town 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. (Ord. #96-01, June 1996)

**4-209. 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 (ie., 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. (Ord. #96-01, June 1996)

**4-210. 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 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 6 weeks, 12 weeks, and 6 months after exposure to determine whether transmission has occurred. During this follow-up period (especially the first 6 - 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 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 town to all workers who may be concerned they have been infected with HIV through an occupational exposure. (Ord. #96-01, June 1996)

**4-211. 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. (Ord. #96-01, June 1996)

**4-212. 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. (Ord. #96-01, June 1996)

**4-213. 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. (Ord. #96-01, June 1996)

**4-214. 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. (Ord. #96-01, June 1996)

**4-215. 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 town 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. (Ord. #96-01, June 1996)

**4-216. 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 officers who refuse to take proper action in regard to victims of a communicable disease, when appropriate protective equipment is available, shall be the 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 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. (Ord. #96-01, June 1996)

**4-217. Amendments.** Amendments or revisions of these rules may be recommended for adoption by any elected official or by department heads. Such amendments or revisions of these rules shall be by ordinance and shall become effective after public hearing and approval by the board of mayor and aldermen. (Ord. #96-01, June 1996)

### CHAPTER 3

#### SOCIAL SECURITY

##### SECTION

4-301. Policy and purpose as to coverage.

4-302. Necessary agreements to be executed.

4-303. Records and reports.

4-304. Exemption from coverage.

**4-301. Policy and purpose as to coverage.** It is hereby declared to be the policy and purpose of the Town of Morrison of Morrison, Tennessee, to extend as of the date hereinafter set forth to the 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 Federal System of Old Age, Survivors, Disability, Health Insurance as authorized by the Social Security Act, and amendments thereto, including Public Law 734-1st Congress. In pursuance of said policy, and for that purpose, the said town shall take such action as may be required by applicable federal and state laws or regulations. (as added by Ord. #03-03, Feb. 2003)

**4-302. Necessary agreements to be executed.** The mayor of the governing board of the Town of Morrison is hereby authorized and directed to execute all necessary agreements and amendments thereto with the Director of Old Age and Survivors Insurance Agency, State of Tennessee, as agent or agency, to provide coverage of the employees and officials as provided in the preceding section. (as added by Ord. #03-03, Feb. 2003)

**4-303. Records and reports.** The town shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (as added by Ord. #03-03, Feb. 2003)

**4-304. Exemption from coverage.** (1) There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee not authorized to be covered under federal state laws or regulations.

(2) The agreement does not apply to services performed after July 1, 1991, that were mandatorily covered under Section 210(7)(F) of the Social Security Act. (as added by Ord. #03-03, Feb. 2003)

## CHAPTER 4

### CODE OF ETHICS

#### SECTION

- 4-401. Applicability.
- 4-402. Definition of "personal interest."
- 4-403. Disclosure of personal interest in voting matters
- 4-404. Disclosure of personal interest in nonvoting matters.
- 4-405. Acceptance of gratuities, etc.
- 4-406. Use of information.
- 4-407. Use of municipal time, facilities, etc.
- 4-408. Use of position or authority.
- 4-409. Outside employment.
- 4-410. Ethics complaints.
- 4-411. Violations.

**4-401. Applicability.** This ordinance constitutes the code of ethics for officials and employees of the Town of Morrison. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the town. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #07-05, Sept. 2007)

**4-402. Definition of "personal interest."** (1) For purposes of §§ 4-403, and 4-404, "personal interest" means:

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #07-05, Sept. 2007)

**4-403. Disclosure of personal interest in voting matters.** An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure. (as added by Ord. #07-05, Sept. 2007)

**4-404. Disclosure of personal interest in nonvoting matters.** An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #07-05, Sept. 2007)

**4-405. Acceptance of gratuities, etc.** An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the town:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing town business. (as added by Ord. #07-05, Sept. 2007)

**4-406. Use of information.** (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #07-05, Sept. 2007)

**4-407. Use of municipal time, facilities, etc.** (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the town. (as added by Ord. #07-05, Sept. 2007)

**4-408. Use of position or authority.** (1) An official or employee may not use or attempt to make private purchases, for cash or otherwise, in the name of the town.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the town. (as added by Ord. #07-05, Sept. 2007)

**4-409. Outside employment.** An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the town position or conflicts with any provision of the town's charter or any ordinance or policy. (as added by Ord. #07-05, Sept. 2007)

**4-410. Ethics complaints.** (1) The town attorney is designated as the ethics officer of the town. Upon the written request of an official or employee potentially affected by a provision of this ordinance, the town attorney may render an oral or written advisory ethics opinion based upon this ordinance and other applicable law.

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

(b) The town attorney may request that the board hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interest in a particular matter.

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than a violation of this code of ethics. (as added by Ord. #07-05, Sept. 2007)



**4-411. Violations.** An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the town's charter or other applicable law and in addition is subject to censure by the board. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #07-05, Sept. 2007)