

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY.
2. PERSONNEL REGULATIONS.
3. REMOVAL OF PERSONNEL.
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
5. INFECTIOUS DISEASE CONTROL POLICY.
6. TRAVEL REIMBURSEMENT REGULATIONS.

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.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the Town of Mountain City to provide for all eligible employees and officials of the town, 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 town shall take such action as may be required by applicable state and federal laws or regulations. (1978 Code, § 1-701)

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. (1978 Code, § 1-702)

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. (1978 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1978 Code, § 1-704)

4-105. Records and reports. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1978 Code, § 1-705)

CHAPTER 2

PERSONNEL REGULATIONS¹

SECTION

- 4-201. Definitions.
- 4-202. Coverage.
- 4-203. Recruitment.
- 4-204. Emergency appointments.
- 4-205. Transfers.
- 4-206. Promotions.
- 4-207. Demotions.
- 4-208. Compensation.
- 4-209. Attendance.
- 4-210. Acceptance of gratuities.
- 4-211. Outside employment.
- 4-212. Political activity.
- 4-213. Use of municipal time, facilities, etc.
- 4-214. Use of position.
- 4-215. Strikes and unions.
- 4-216. Holiday leave.
- 4-217. Vacation leave.
- 4-218. Sick leave.
- 4-219. Occupational disability or injury leave.
- 4-220. Leave without pay.
- 4-221. Prohibitions.
- 4-222. Separations.
- 4-223. Disciplinary action.
- 4-224. Drug and alcohol policy.
- 4-225. Trip/travel reimbursement.
- 4-226. Sexual harassment.
- 4-227. Special note.
- 4-228. Amendment of personnel rules.
- 4-229. Pagers and other electronic communications devices.

4-201. Definitions. As used in these rules the following words and terms shall have the meanings listed:

- (1) "Absence without leave." An absence from duty which was not authorized or approved.

¹The cover sheet of the Personnel Rules and Regulations Ordinance, Town of Mountain City, contains the following statement: "All Employees are At-Will Employees with the exception of the three appointed positions of City Recorder, Chief of Police and the Public Works Superintendent."

- (2) "Applicant." An individual who has applied in writing on an application form for employment.
- (3) "Appointment." The offer to and acceptance by a person of a position either on a regular or temporary basis.
- (4) "At-will-employees." All employees with the exception of the three appointed positions as specified by the city charter, which are city recorder, chief of police, and superintendent of public works.
- (5) "Department." The primary organizational unit which is under the immediate charge of a department head who reports directly to the board of mayor and aldermen.
- (6) "Dismissal." A type of disciplinary action which separates an employee from the payroll.
- (7) "Employee." An individual who is legally employed and is compensated through the payroll.
- (8) "Full-time employees." Individuals who work the equivalent of forty (40) hours or more per week.
- (9) "Immediate family." Spouse, children, brother, sister, parents, step-parent, mother and father-in-law, grandparents.
- (10) "Lay-off." The involuntary nondisciplinary separation of an employee from a position because of shortage of work, materials, or funds.
- (11) "Maternity leave." An absence due to pregnancy, childbirth, or related medical conditions which shall be treated the same as sick leave.
- (12) "Occupational disability or injury leave." An excused absence from duty because of an injury or illness sustained in the course of employment and determined to be compensable under the provisions of the Worker's Compensation Law.
- (13) "Officer." Anyone who has independent discretionary judgment.
- (14) "Overtime." Authorized time worked by an employee in excess of normal working hours or work period.
- (15) "Overtime pay." Compensation paid to an employee for overtime work performed in accordance with these rules.
- (16) "Seniority." Length of service as a regular employee in the classified service.
- (17) "Sick leave." An absence approved by the department head or supervisor due to non-occupational illness or injury.
- (18) "Supervisor." Any individual having authority on behalf of the municipality to assign, direct, or discipline other employees, if the exercise of such authority is not a mere routine or clerical nature, but requires the use of independent judgment.
- (19) "Temporary employee." An employee holding a position other than permanent, which is of a temporary, seasonal, casual, or emergency nature.
- (20) "Work day or work period." Scheduled number of hours an employee is required to work per day or per scheduled number of days. (Ord. of # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-202. Coverage. These rules shall apply only to the classified service unless otherwise specifically provided or necessarily implied. The classified service shall include all full-time positions which are not specifically placed in the exempt service. The exempt service shall include the following:

- (1) All elected officials and persons appointed to fill vacancies in elective offices.
- (2) All members of appointive boards, commissions, or committees.
- (3) City attorney, city recorder, police chief, and supervisor of public works.
- (4) Consultants, advisors, and counsel rendering temporary professional service.
- (5) Independent contractors.
- (6) Temporary employees who are hired to meet the immediate requirements of an emergency condition.
- (7) Seasonal employees who are employed for not more than three (3) months during the fiscal year.
- (8) Persons rendering part-time service.
- (9) Volunteer personnel, such as volunteer firefighters; and all other personnel appointed to serve without compensation. (Ord. of # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-203. Recruitment. Individuals shall be recruited in a manner to assure obtaining well-qualified applicants for the various types of positions. In cases where residents and non-residents are equally qualified for a position, the resident shall receive first consideration.

(1) Policy statement - The primary objective of this hiring policy is to insure compliance with the laws and to obtain qualified personnel to serve the citizens of the town. Appointments to positions are based on merit, technical knowledge and work experience and no person shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of race, sex, age, color, religion, creed, ancestry, disability status or national origin.

(2) Recruitment - The town will employ only capable and responsible personnel who are of good character and reputation. When a vacancy occurs the city recorder, in cooperation with the respective department head, will prepare and place notice of the position vacancy.

(3) Application process - All persons seeking employment with the town shall complete a standard application form as provided by the town. The city recorder will make reasonable accommodations in the application process to applicants with disabilities making a request for such accommodations.

(4) Medical/agility examination - For certain positions, the employee may be required to undergo a physical agility examination in order to determine the employees ability to perform the essential functions of the job. The city recorder or appropriate department head will make reasonable accommodations

in the physical agility exam to applicants with disabilities making a request for such accommodations.

After a job offer has been made, prospective employees in certain classes may be required to undergo a medical examination by a competent examiner designated by the town. Medical examinations shall be at no expense to the employee.

(5) Appointments - Appointments shall be made by the board of mayor and aldermen from those applicants who have been determined to have the required qualifications. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-204. Emergency appointments. In an emergency, the mayor may authorize the appointment of any person to a position to prevent stoppage of public business or loss or serious inconvenience to the public. Emergency appointments shall be limited to a period not to exceed 30 days in any 12-month period. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-205. Transfers. Any employee who has successfully completed the probationary period may be transferred to the same or similar position in a different department without being subject to a probationary period. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-206. Promotions. Vacancies in positions above the entrance level shall be filled by promotion whenever it is in the best interest of the municipality to do so. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-207. Demotions. An employee may be demoted to a position of lower grade. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-208. Compensation. (1) Wages - Wages for all employees shall be determined by the mayor and board of aldermen.

(2) Hours of work - The board of mayor and aldermen shall establish hours of work per week for each position, based on the needs of service, and taking into account the reasonable needs of the public that may be required to do business with various departments.

(3) Meal periods - If an employee works five hours or more per shift, he or she must take a 30 minute meal break unless specifically excused by his/her immediate supervisor. This does not apply to police officers or dispatchers. Meal breaks are not considered as hours worked.

(4) Work week/work periods - Pursuant to the Fair Labor Standards Act, an employee work period is a regular recurring period of 168 hours consisting of seven consecutive 24-hour periods. Except as provided in special contracts of employment, public safety employees working under the FLSA 7 (k) exemption and employees exempt from FLSA requirements, employees work 40

hours during the work period. The work period begins at 12:00 midnight on Sunday and ends at 12:00 midnight the Sunday following. Work schedules may vary in departments as necessary for the smooth operation of the town.

Police officers shall have a 28 day work period in accordance with the 7(k) exemption provided under FLSA. The work period begins at 12:00 midnight on Sunday and ends at 12:00 midnight 28 days following.

(5) Overtime - Overtime may be authorized by prior approval of the department head or the town recorder. Employees required to work overtime shall be compensated in accordance with the Fair Labor Standards Act. All employees called in for overtime shall be guaranteed pay or compensatory time for a minimum of two hours, if the said employees time does not exceed the 2 hour minimum requirement.

In assigning overtime, each department head shall make a list of all employees who desire to be assigned to overtime, and in assigning overtime for non-emergency situations, and insofar as practicable, overtime will be assigned or offered for assignment on a rotating basis to each employee as their name appears on the list.

(6) Pay incentive plan - The board of mayor and aldermen may award a pay incentive plan to employees according to the following:

Employee 5th anniversary	-	\$1,000 base salary increase
Employee 8th anniversary	-	\$ 500 base salary increase
Employee 12th anniversary	-	\$ 500 base salary increase
Employee 16th anniversary	-	\$ 500 base salary increase
Employee 20th anniversary	-	\$ 500 base salary increase (Ord. # 850, Nov. 1987; as replaced by Ord. # 896, § 1, Feb. 1997; and as amended by Ord. #909, May 1999)

4-209. Attendance. An employee shall be in attendance at regular work in accordance with these rules and with general department regulations. All departments shall keep daily attendance records of their employees. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-210. Acceptance of gratuities. No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the town 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 town business. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-211. Outside employment. No full-time officer or employee of the town shall accept any outside employment without written 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 incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the Town of Mountain City. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-212. Political activity. Employees of the town may individually exercise their right to vote and express their political views as citizens. However, employees may not engage in any political activity while at work. Employees may not run for election to the board of mayor and aldermen. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-213. Use of municipal time, facilities, etc. No town officer or employee shall use or authorize the use of town's time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the board of mayor and aldermen has authorized the use of such time, facilities, equipment, or supplies, and the town is paid at such rates as are normally charged by private sources for comparable services. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-214. Use of position. No town officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the Town of Mountain City, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (Ord. #850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-215. Strikes and unions. No town officer or employee shall participate in any strike against the Town of Mountain City, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorized the use of strikes by government employees. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-216. Holiday leave. The following legal holidays shall be observed: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Easter Monday, Veteran's Day, Thanksgiving Day, Day after Christmas, Christmas Day, and such other days as may be designated by the governing body. When a holiday falls on a Saturday or Sunday, the preceding Friday if on Saturday, or following Monday if on Sunday, shall be observed as a holiday for town employees.

Where possible, every town employee shall be given approved holidays as set out in this section. When an employee must work on one of these holidays, he shall receive equivalent time off or, if necessary, double pay for time worked. Department heads shall attempt to arrange working schedules to permit time

off for holidays in preference to extra pay. In order to receive pay or time off for an observed holiday, an employee must not have been absent without leave either on the work day before or after the holiday. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-217. Vacation leave. All permanent employees who have been continuously employed for a period of one (1) 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>
After 1 year	5 work days
After 2nd year	5 work days
After 10th year	10 work days
After 15th year	15 work days
After 16th year	1 additional day for each year of service until they reach 20 days per year

* Maximum Vacation for employee is 20 days per calendar year.

Employees hired during the year of 1987 and hereafter shall abide by the above vacation schedule as set by this chapter.

Grandfather clause. Employees hired prior to the calendar year of 1985, will adhere to the following vacation schedule:

<u>COMPLETED SERVICE</u>	<u>VACATION CREDIT-PER YEAR</u>
After 1 year	5 work days
After 2nd year	10 work days
After 10th year	15 work days
After 15th year	1 additional day for each year of service not to exceed 20 days per year.

Employees hired during the calendar years of 1985-1986 will adhere to the following schedule:

<u>COMPLETED SERVICE</u>	<u>VACATION CREDIT-PER YEAR</u>
After 1 year	5 work days
After 3 years	10 work days
After 15th year	15 work days
After 16th year	1 additional day for each year of service not to exceed 20 days per year.

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 until they have completed one (1) year of service. Employees shall request vacation time at least two weeks in advance. Vacation leave may be taken as earned subject to the approval of the department head who shall schedule vacations so as to meet the operational requirements of the department. Employees resigning voluntarily and who give reasonable notice of intention to resign will receive vacation credit earned as of the date of resignation.

Part-time and temporary employees shall not be entitled to vacation leave except when approved by the board of mayor and aldermen.

A record shall be kept, for each officer and employee, up to date at all times showing annual leave taken. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-218. Sick leave. Each full-time employee and officer shall be allowed ten (10) days of sick leave on or before that employee's completion of one (1) full year of continuous service; thereafter, each employee shall in addition be allowed one (1) sick day per calendar quarter, and sick days are to accumulate from year to year. 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 required 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 prior to the beginning of the scheduled work day of the reason for absence; submit, if required by the department head, 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 after the use of three (3) sick days in a calendar year.

Sick leave with pay may be taken as necessary, but may not be extended beyond the actual number of sick days at the time of absence. Provided, however, that at the request of the employee any accrued vacation balance may be applied and extended as though it were sick leave. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-219. Occupational disability or injury leave. Occupational disability or injury leave shall be granted employees who sustain an injury or an illness

during the course of their employment which is determined to be compensable under the provisions of the Worker's Compensation Law. Employees on occupational disability leave shall receive such benefits in lieu of pay as are provided by the Worker's Compensation Law. Employees on occupational disability leave who have accrued sick leave may choose to receive full pay and charge disability leave against their accrued sick leave. In this case, any monies received by the employee as a benefit under Workmen's Compensation shall be deposited in original check or draft form with the city recorder. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-220. 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 for other good and sufficient reason, or upon written advice of doctor with medical prognosis of patient. Such leaves shall require the prior approval of the board of mayor and aldermen. Any such leave is subject to review by the board of mayor and alderman periodically to ascertain that leave is still justified. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-221. Prohibitions. No person shall be appointed to, or promoted to, or demoted, or dismissed from any position in the classified service, or in any way be favored or discriminated against with respect to employment in the classified service because of race, religion, national origin, political affiliation, handicap, sex, or age.

No person shall seek or attempt to use any political endorsement in connection with any appointment to a position, or demotion, or dismissal from a position in the classified service.

No person shall use or promise to use, directly, or indirectly, any official authority or influence, whether possessed or anticipated, to secure or to attempt to secure for any person an appointment to a position in the classified service, or any increase in wages or other advantage in employment in such position, for the purpose of influencing the vote or political action of any person, or for any other consideration.

No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment or promotion, or any advantage in a position in the classified service. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-222. Separations. All separations of employees from positions in the classified service shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, lay-off, disability, (inability to perform the essential functions of the job with or without reasonable accommodations) death, and dismissal. At the time of separation and prior to final payment, all records, equipment, and other items of municipal property in

the employee's custody shall be transferred to the department head. Any amount due to a shortage in the above shall be withheld from the employee's final compensation.

(1) Resignation. An employee may resign by submitting in writing the reasons and the effective date, to his/her department head as far in advance as possible, but a minimum of two weeks notice is requested. Unauthorized absence from work for a period of three consecutive days may be considered by the department head as a resignation. Department heads shall forward all notices of resignation to the city recorder immediately upon receipt.

(2) Lay-off. The governing body may lay-off any employee when they deem it necessary by reason of shortage of funds or work, the abolition of a position, or other material changes in the duties or organization, or for related reasons which are outside the employee's control and which do not reflect discredit upon service of the employee. Temporary employees shall be laid off prior to probationary or regular employees. The order of lay-off shall be in reverse order.

(3) Disability. An employee may be separated for disability when unable to perform required duties because of a physical or mental impairment which cannot be reasonably accommodated by the town without undue hardship. Action may be initiated by the employee or the municipality, but in all cases it may be supported by medical evidence acceptable to the town recorder. The municipality may require an examination at its expense and performed by a licensed physician of its choice.

(4) Death. Separation will be effective as of the date of death of an employee. All compensation due in accordance with these policies shall be paid to the estate of the employee, except for such sums as by law must be paid to the surviving spouse. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-223. Disciplinary action. The following disciplinary actions are meant to serve as guidelines only. There is no requirement that they be used. The Town of Mountain City is an at will employer and these guidelines are in no way meant to establish a property right for employees. The types of disciplinary actions are:

- (1) Oral reprimand.
- (2) Written reprimand - A written reprimand may be sent to the employee and a copy shall be placed in the employee's personnel folder.
- (3) Suspension.
- (4) Demotion/dismissal. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-224. Drug and alcohol policy. (1) Notice: The Town of Mountain City has a legal responsibility and management obligation to ensure a safe work environment, as well as paramount interest in protecting the public by ensuring

that its employees have the physical stamina and emotional stability to perform their assigned duties. There is sufficient evidence to conclude that the use of illegal drugs/alcohol, drug/alcohol dependence and drug/alcohol abuse seriously impair an employee's performance and general physical and mental health. The illegal possession and use of drugs, alcohol and/or narcotics by employees of the town is a crime in this jurisdiction and clearly unacceptable. Employees must be free from drug or alcohol dependence, illegal drug use, or drug/alcohol abuse.

(2) General rules: (a) Employees shall not take or be under the influence of any narcotics or dangerous substance unless prescribed by the employee's licensed physician. The employee shall immediately notify his/her supervisor if such is prescribed, and if the consumption of such is expected to affect the proper performance of the employee's job.

(b) Employees are prohibited from the use, possession and sale of drugs, alcohol or any other controlled substance.

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

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

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

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

(3) Drug and alcohol testing policy: The Town of Mountain City has a Drug and Alcohol Testing Policy which is herein referred to by reference. All employees are expected to abide by the contents of the policy. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-225. Trip/travel reimbursement. All trips that involve reimbursement and/or town expense shall not be undertaken without prior approval of the mayor or city recorder. The town's official travel policy, herein incorporated by reference, shall apply to all travel. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-226. Sexual harassment. Sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct by women toward women. Consequently, this policy applies to all officers and employees of the Town of Mountain City, including but not limited to, full and part-time employees, elected officials, permanent and temporary employees, employees covered or exempt from the personnel rules or regulation of the town, and employees working under contract for the town.

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

The town will not tolerate the sexual harassment of its employees. The town will take immediate, positive steps to stop it when it occurs. An employee who feels he/she is being subjected to sexual harassment should immediately contact one of the persons below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

- (1) The employee's immediate supervisor.
- (2) The employee's department head.
- (3) The city recorder.
- (4) The mayor or an alderman.

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

- (1) Official's or employee's name, department, and position title.
- (2) The name of the person or persons committing the sexual harassment, including their title/s, if known.
- (3) The specific nature of the sexual harassment, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment.
- (4) Witnesses to the harassment.
- (5) Whether the employee has previously reported the harassment and, if so, when and to whom.

4-227. Special note. These personnel policies are believed to be written within the framework of the charter of the Town of Mountain City, but in case of conflict, the charter takes precedence. Nothing in this document is to be interpreted as a contract, or as giving an employee any more property rights in their jobs than may already be given by the town charter. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-228. Amendment of personnel rules. Amendments or revisions to these rules may be recommended for adoption by the mayor or by any member of the board of mayor and aldermen. Such amendments or revisions of these rules

shall become effective upon adoption by a majority vote of the governing body by ordinance. (Ord. # 850, Nov. 1987, as replaced by Ord. # 896, § 1, Feb. 1997)

4-229. Pagers and other electronic communications devices. Certain employees may be required to carry a pager or other electronic communications device during off-duty hours. Such employees shall make a reasonable effort to respond to pages or other communications as quickly as possible. (as added by Ord. #1037, April 2006)

CHAPTER 3

REMOVAL OF PERSONNEL

SECTION

- 4-301. Grounds for removal.
- 4-302. Procedure for removal.
- 4-303. Conducting the hearing.
- 4-304. Effect of vote for removal.
- 4-305. Appeal.
- 4-306. Exceptions--"at will" employees.

4-301. Grounds for removal. Any appointed official or employee of the Town of Mountain City may be removed from office, or his or her employment terminated by the board of mayor and aldermen for crime or misdemeanor in office, for grave misconduct showing unfitness for public duty, for permanent disability, or for any misconduct which, as a matter of law, constitutes good and sufficient cause for removal, by a majority vote of the board of mayor and aldermen voting for such removal. (1978 Code, § 1-1101)

4-302. Procedure for removal. The proceedings for such removal shall be upon specific charges in writing which may be preferred and filed with the board of mayor and aldermen and which charges shall be served upon the accused personally by any lawful officer by certified mail addressed to the employee's and/or official's own place of residence, or by any other lawful method calculated to give such employee and/or official actual notice of the proceedings.

When the charges has been preferred and filed with the board of mayor and aldermen, the board shall by motion or resolution duly passed, set the time and place of the hearing, and shall give the employee and/or official actual notice of the time and place of the hearing in the manner prescribed in the immediately preceding paragraph. The hearing shall be held not less than ten (10) days from the date upon which notice of the hearing is served upon, or given to the accused employee or official. (1978 Code, § 1-1102)

4-303. Conducting the hearing. The hearing shall be public, and the proceedings thereon shall be duly recorded and the record of the hearing shall be, upon request of any member of the board of mayor and aldermen, or of the accused employee and/or officer be made available to him. The accused shall have the right to appear and defend in person or by counsel and to have such process of the board to compel attendance of witnesses in his behalf as is allowed by law.

The vote of the board on the issue of guilt or innocence of the accused employee or official and of removal from office, shall be determined by yeas and naves and the names of the members of the board of mayor and aldermen voting

for or against such removal shall be duly entered in the minutes and records of such hearing. (1978 Code, § 1-1103)

4-304. Effect of vote for removal. In the event that the majority of the board of mayor and aldermen, and after hearing all evidence presented by all interested parties, by a majority vote for the removal from office and/or termination of employment of the accused employee and/or official, then the term of office and/or term of employment of such accused official and/or employee shall immediately expire, and his official status, authority, and all other rights appurtenant to such employment shall cease without further action. (1978 Code, § 1-1104)

4-305. Appeal. Any official or employee of the Town of Mountain City removed pursuant to this chapter shall have the right of appeal to the Circuit or Chancery Courts of Johnson County, Tennessee, within the time, and under the provisions of applicable law of the State of Tennessee, except "at-will" employees. (1978 Code, § 1-1105)

4-306. Exceptions--"at-will" employees. All other employees not appointed by the board of mayor and aldermen for a specific term are here stated to be "at-will" employees, and the provisions of this chapter (4-301 et. seq.) shall not in any manner be considered to apply to "at-will" employees of the Town of Mountain City. (1978 Code, § 1-1106)

CHAPTER 4

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-401. Title.
- 4-402. Purpose.
- 4-403. Definitions.
- 4-404. Coverage.
- 4-405. Employer's rights and duties.
- 4-406. Employee's rights and duties.
- 4-407. Standards authorized.
- 4-408. Variances from standards authorized.
- 4-409. Abatement.
- 4-410. Inspection.
- 4-411. Administration.
- 4-412. Funding program.
- 4-413. Confidentiality of trade secrets or privileged information.

4-401. Title. This chapter shall provide authority for establishing and administering the Occupational Safety and Health Program for the employees of Mountain City. (1978 Code, § 1-1001)

4-402. Purpose. The Town of Mountain City, in electing to establish and maintain an effective occupational safety and health program for its employees shall:

- (1) Provide a safe and healthful place and condition of employment.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Make, keep, preserve and make available to the state commissioner of labor, his designated representative or persons within the agency to whom such responsibilities have been delegated, adequate records of all occupational accidents and personal injuries for proper evaluation and necessary corrective action as required.
- (4) Consult with the state commissioner of labor or his designated representative, with regard to the adequacy of the form and content of records.
- (5) Consult with the state commissioner of labor or the state commissioner of public health, as appropriate, regarding safety and health problems of the agency which are considered to be unusual or peculiar to the town and are such that they cannot be achieved under a standard promulgated by the state.

(6) Make an annual report to the state commissioner of labor to show accomplishments and progress of the total occupational safety and health program.

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

(8) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (1978 Code, § 1-1002)

4-403. Definitions. For the purpose of the program established pursuant to this chapter:

(1) "Commissioner of Labor" means the chief executive officer of Tennessee Department of Labor. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the commissioner of labor.

(2) "Commissioner of Public Health" means the chief executive officer of the Tennessee Department of Public Health. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the commissioner of public health.

(3) "Employer" means the town, and shall include each administrative department, commission, board, division or other agency of the town.

(4) "Director of Safety and Health" means the chief executive officer designated by the town to perform duties or to exercise powers assigned so as to plan, develop and administer the towns safety and health program.

(5) "Inspector(s)" means the individual(s) appointed and designated by the director of safety and health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, the inspections shall be conducted by the director of safety and health.

(6) "Appointing Authority" means any town official or group of officials having legally designated powers of appointment, employment, or removal for a specific department, commission, board, division or other agency of the town.

(7) "Employee" means any person performing services for the town and listed on town's payrolls either as part-time, seasonal, or permanent, full-time employees; provided, however, that such definition shall not include independent contractors, their agents, servants, and employees.

(8) "Person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives or any organized group of persons.

(9) "Standard" means an occupational safety and health standard promulgated by the Tennessee state commissioner of labor or the state commissioner of public health which requires conditions or the adoption or the

use of one or more practices, means, methods, operations or processes necessary or appropriate to provide safe and healthful employment and places of employment.

(10) "Imminent Danger" means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through normal enforcement procedures.

(11) "Establishment" or workplace means a single physical location where business is conducted or where services or industrial operations are performed. (1978 Code, § 1-1003)

4-404. Coverage. The provisions of the program shall apply to employees of each administrative department, commission, board, division or other agency of the town. (1978 Code, § 1-1004)

4-405. Employer's rights and duties. The rights and duties of the employer shall include, but are not limited to the following provisions:

(1) Employer shall furnish to each of his employees conditions of employment and a place of employment free from known and recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

(2) Employer shall comply with occupational safety and health standards or regulations promulgated pursuant to the State Occupational Safety and Health Act of 1972.

(3) Employer shall assist the state commissioner of labor and state commissioner of public health in the performance of their monitoring duties by supplying necessary information to the commissioners or to their respective assistants or deputies.

(4) Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearings on proposed standards, or by requesting the development of standards on a given issue.

(5) Employer is entitled to request an order granting a variance from an occupation safety and health standard.

(6) Employer shall inspect all installations, departments, bureaus and offices to insure the provisions of this program are complied with and carried out.

(7) Employer shall notify and inform any employee, who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard, of corrective action being taken by the town. (1978 Code, § 1-1005)

4-406. Employee's rights and duties. The rights and duties of employees shall include, but are not limited to the following provisions:

(1) Each employee shall comply with occupational safety and health standards of all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

(2) Each employee shall be notified by the placing upon bulletin boards, or other places of common passage, of any application for a temporary order granting a variance from any standard or regulation.

(3) Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

(4) Any employee may bring to the attention of the person in charge of the program any violation of the standards or other health or safety hazard.

(5) Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and the corrective action being taken.

(6) Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection.

(7) No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted any proceedings or inspection under or relating to this program. Any such charges of discrimination are subject to investigation by the commissioner of labor.

(8) Nothing in this chapter or any other provision of this program shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others, and except when such medical examination is reasonably required for performance of a specified job. (1978 Code, § 1-1006)

4-407. Standards authorized. The standards adopted by the Town of Mountain City are the State of Tennessee Safety and Health Standards developed under Section 6 of the State Occupational Safety and Health Act of 1972. (1978 Code, § 1-1007)

4-408. Variations from standards authorized. The Town of Mountain City may, upon written application to the state commissioner of labor or the state commissioner of public health, request an order granting a temporary variance from any approved standards. Prior to requesting such temporary variance, the employer shall notify or serve notice to employees or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the town, shall be deemed sufficient notice to employees. (1978 Code, § 1-1008)

4-409. Abatement. The program will provide for administrative procedures for abating hazards. (1978 Code, § 1-1009)

4-410. Inspection. (1) In order to carry out the purposes of this program resolution, the safety and health inspectors are authorized:

(a) To enter at any reasonable time any establishment, plant, or other area, workplace, or environment where work is performed by an employee of the Town of Mountain City and,

(b) To inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent or employee working therein.

(2) The Town of Mountain City shall establish and maintain a system for collecting, maintaining and reporting safety and health data.

(3) The program shall comply with the record keeping regulations pursuant to the Tennessee Occupational and Safety Act of 1972.

(4) After this chapter has been enacted, the Town of Mountain City, shall report within forty-eight (48) hours, either orally or in writing, to the commissioner of labor any accident which is fatal to one or more employees or which results in the hospitalization of five (5) or more employees. (1978 Code, § 1-1010)

4-411. Administration. For the purposes of this chapter, the board of mayor and aldermen has the authority to designate the director of the safety and health program to perform duties or to exercise powers assigned so as to plan, develop, and administer the town's occupational safety and health program. (1978 Code, § 1-1011)

4-412. Funding program. Sufficient funds for administering this program pursuant to this chapter shall be made available as authorized by the budgeting authority. (1978 Code, § 1-1012)

4-413. Confidentiality of trade secrets or privileged information.

(1) Compliance with any other law, statute or this code which regulates safety and health in employment and places of employment shall not excuse the town or any town employee, or any other person from compliance with the provisions of this program.

(2) Compliance with any provisions of the program pursuant to this resolution or any standard or regulation promulgated pursuant to his program shall not excuse the town or any town employee, or any other person from compliance with any state law, town ordinance or this code regulating and

promoting safety and health unless such law or ordinance is specifically repealed. (1978 Code, § 1-1013)

CHAPTER 5

INFECTIOUS DISEASE CONTROL POLICY

SECTION

- 4-501. Purpose.
- 4-502. Coverage.
- 4-503. Administration.
- 4-504. Definitions.
- 4-505. Policy statement.
- 4-506. General guidelines.
- 4-507. Hepatitis B vaccinations.
- 4-508. Reporting potential exposure.
- 4-509. Hepatitis B virus post-exposure management.
- 4-510. Human immunodeficiency virus post-exposure management.
- 4-511. Disability benefits.
- 4-512. Training regular employees.
- 4-513. Training high risk employees.
- 4-514. Training new employees.
- 4-515. Records and reports.
- 4-516. Legal rights of victims of communicable diseases.

4-501. Purpose. It is the responsibility of the Town of Mountain City 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 Mountain City, employees may come in contact with life-threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB).

4-502. Coverage. Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to body fluids from potentially infected individuals. Those high risk occupations include but are not limited to:

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

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

4-503. 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.

4-504. Definitions. (1) "Body fluids" - fluids that have been recognized by the Center for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.

(2) "Exposure" - the contact with blood or other potentially infectious materials to which universal precautions apply through contact with open wounds, non-intact skin, or mucous membranes during the performance of an individual's normal job duties.

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

(4) "Human Immunodeficiency Virus (HIV)" - the virus that causes acquired immunodeficiency syndrome (AIDS). HIV is transmitted through

sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

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

(6) "Universal precautions" - refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with potentially infectious materials to be protected as though such body fluid were HBV or HIV infected.

4-505. Policy statement. All blood and other potentially infectious materials are infectious for several blood-borne pathogens. Some body fluids can also transmit infections. For this reason, the Center for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens. Universal precautions apply to blood, tissues, and other potentially infectious materials. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood.

4-506. 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 resuscitation masks designed to isolate emergency response personnel from contact with a victims' blood and blood contaminated saliva, respiratory secretion, and vomitus, are available to all personnel to provide or potentially provide emergency treatment.

(7) Masks or protective eyewear or face shields shall be worn during procedures that are likely to generate droplets of blood or other potentially infectious materials to prevent exposure to mucous membranes of the mouth, nose, and eyes. They are not required for routine care.

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

(9) Areas and equipment contaminated with blood shall be cleaned as soon as possible. A household (chlorine) bleach solution (1 part chlorine to 10 parts water) shall be applied to the contaminated surface as a disinfectant leaving it on for 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 shall be properly disposed of.

(12) Tags shall be used as a means of preventing accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations which are out of the ordinary, unexpected or not readily apparent. Tags shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed.

All required tags shall meet the following criteria:

(a) Tags shall contain a signal word and a major message. The signal word shall be "BIOHAZARD", or the biological hazard symbol. The major message shall indicate the specific hazardous condition or the instruction to be communicated to employees.

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

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

(13) Linen soiled with blood or other potentially infectious materials shall be handled as little as possible and with minimum agitation to prevent contamination of the person handling the linen. All soiled linen shall be bagged at the location where it was used. It shall not be sorted or rinsed in the area. Soiled linen shall be placed and transported in bags that prevent leakage.

The employee responsible for transported soiled linen should always wear protective gloves to prevent possible contamination. After removing the gloves, hands or other skin surfaces shall be washed thoroughly and immediately after contact with potentially infectious materials.

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

4-507. Hepatitis B vaccinations. The Town of Mountain City shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the Infectious Disease Control Coordinator.

4-508. 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.

4-509. 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.

4-510. 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.

4-511. 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 T.C.A. 50-6-303.

4-512. Training regular employees. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or potentially infectious materials. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents.

4-513. Training high risk employees. In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated material as per this policy.

4-514. Training new employees. During the new employee's orientation to his/her job, all new employee will be trained on the effects of infectious disease prior to putting them to work.

4-515. 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.

4-516. Legal rights of victims of communicable diseases. Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

(1) Officers assume that a certain degree of risk exists in law enforcement and emergency service work and accept those risks with their individual appointments. This holds true with any potential risks of contacting a communicable disease as surely as it does with the risks of confronting an armed criminal.

(2) Any officer who refuses to take proper action in regard to victims of a communicable disease, when appropriate protective equipment is available, shall be 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 town attorney when the incident involves an indictable or juvenile offense.

(7) Prior approval shall be obtained from the town attorney before advising a victim of sexual assault that the suspect has, or is suspected of having a communicable disease.

(8) All circumstance, not covered in this policy, that may arise concerning releasing confidential information regarding a victim, or suspected victim, of a communicable disease shall be referred directly to the appropriate department head or town 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.

CHAPTER 6

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-601. Travel requests.
- 4-602. Travel documentation.
- 4-603. Transportation.
- 4-604. Lodging.
- 4-605. Meals and incidentals.
- 4-606. Miscellaneous expenses.
- 4-607. Entertainment.
- 4-608. Travel reconciliation.
- 4-609. Disciplinary action.

4-601. Travel requests. To ensure reimbursement for official travel, an approved travel authorization form is required. Lack of pre-approval does not prohibit reimbursement, but it does assure reimbursement within the city limits of the city travel policy. All costs associated with the travel should be reasonably estimated and shown on the travel authorization form. An approved authorization form is needed before advanced expenses are paid or travel advances are authorized. A copy of the conference program, if applicable, should be attached to the form. If the program is not available prior to the travel, submit it with the reimbursement form. (as replaced by Ord. #1035, April 2006)

4-602. Travel documentation. It is the responsibility of the authorized traveler to:

- (1) Prepare and accurately describe the travel;
- (2) Certify the accuracy of the reimbursement request;
- (3) Note on the reimbursement form with the necessary supporting documents and original receipts.

The reimbursement form should be filed with the finance department within ten (10) days of return or at the end of the month, whichever is more practical. (as replaced by Ord. #1035, April 2006)

4-603. Transportation. (1) All potential costs should be considered when selecting the modes of transportation. For example, airline travel may be cheaper than automobile when time away from work and increased meal and lodging costs are considered. When time is important, or when the trip is so long that other modes of transportation are not cost-beneficial, air travel is encouraged.

If the traveler goes outside the state by means other than air, the reimbursement will be limited to air fare at tourist or economy class, ordinary expenses during the meeting dates, and one day's meals and motel before and

after the meeting. The traveler will be required to take annual leave for any additional time taken beyond the day before and the day after the meeting dates.

Exceptions: When the traveler extends the trip with personal time to take advantage of discount fares, the reimbursement will be limited to the lesser of the:

(a) Actual expenses incurred'

(b) Amount that would have been incurred for the business portion only. The calculations for the business portion of the trip must be made using the least expensive rates available.

All expenses and savings associated with extending the trip must be submitted with the expense reimbursement form.

(2) Air. When possible, the traveler should make full use of discounts for advance airline reservations and advance registration. The traveler should request conference, government, or weekend rates, whichever is cheaper, when making lodging or rental car reservations. The city will pay for tourist or economy class air travel. The traveler should get the cheapest reasonable fare and take advantage of discount fares. Airline travel can be paid by direct billing to the city.

Mileage credits for frequent flyer programs accrue to the individual traveler. However, the city will not reimburse for additional expenses - such as circuitous routing, extended stays, layovers to schedule a particular carrier, upgrading from economy to first class or for travelers to accumulate additional mileage or for other personal reasons.

The city will not reimburse travel by private aircraft unless authorized in advance by the CAD.

(3) Rail or bus. The city will pay for actual cost of ticket.

(4) Vehicles. Automobile transportation may be used when a common carrier cannot be scheduled, when it is more economical, when a common carrier is not practical, or when expenses can be reduced by two (2) or more city employees traveling together.

(a) Personal vehicle. Employees should use city vehicles when possible. Use of a private vehicle must be approved in advance by the CAD. The city will pay a mileage rate not to exceed the rate allowed by the federal or state schedule, whichever the city adopts. The miles for reimbursement shall be paid from origin to destination and back by the most direct route. Necessary vicinity travel related to official city business will be reimbursed. However, mileage in excess of the Rand-McNally mileage must be documented as necessary and business-related. If an indirect route is taken, the Rand-McNally mileage table will be used to determine the mileage to be reimbursed.

If a privately owned automobile is used by two (2) or more travelers on the same trip, only the traveler who owns or has custody of the automobile will be reimbursed for mileage. It is the responsibility of the

traveler to provide adequate insurance to hold harmless the city for any liability from the use of the private vehicle.

In no event will mileage reimbursement, plus vicinity travel and associated automobile costs, exceed the lowest reasonable available air fare and associated air fare travel costs.

Travelers will not be reimbursed for automotive repair or breakdowns when using their personal vehicle.

(b) City vehicle. The city may require the employee to drive a city vehicle. If a city vehicle is provided, the traveler is responsible for seeing that the vehicle is used properly and only for acceptable business. The employee will be reimbursed for expenses directly related to the actual and normal use of the city vehicle when proper documentations is provided. Out of town repair cost to the city vehicle in excess of one hundred dollars (\$100.00) must be cleared with the proper city official before the repair is authorized.

(c) Rental cars. Use of a rental car is not permitted unless it is less expensive or otherwise more practical than public transportation. Approval of car rental is generally required in advance by the CAO. Always request the government or weekend rate, whichever is cheaper. Anyone who uses a rental car for out-of-state travel must obtain liability coverage from the vendor.

(i) Fines for traffic or parking violations will not be reimbursed by the city.

(ii) Reasonable tolls will be allowed when the most direct travel route requires them.

(5) Taxi, limousine, and other transportation fares. When an individual travels by common carrier, reasonable fares will be allowed for necessary ground transportation. Bus or limousine service to and from airports should be used when available and practical. The city will reimburse mileage for travel to and from the local airport and parking fees, provided such costs do not exceed normal taxi/limousine fares to and from the airport. Receipts are required.

For travel between lodging quarters and meetings, conferences, or meals, reasonable taxi fares will be allowed. Remember, original receipts are required for claims of five dollars (\$5.00) or more. Transportation to and from shopping, entertainment, or other personal trips is the choice of the traveler and not reimbursable.

Reimbursement claims for taxis, limousines, or other ground transportation must be listed separately on the expense form, claiming the destination and amount of each fare. (as replaced by Ord. #1035, April 2006)

4-604. Lodging. The amount allocated for lodging shall not ordinarily exceed the maximum per diem rates authorized by the federal and state rate schedule, whichever is chosen by the city.

(1) If the city reimburses using the federal rates, the Government Service Administration provides guidelines for determining the maximum that can be reimbursed for lodging. These amounts are available on line at <http://policyworks.gov/orgimainimt/homepage/mtt/perdiem/perd05d.html>. The rates are the maximum reimbursable rates for hotel rooms plus appropriate taxes.

If the city chooses Tennessee's reimbursement rate, the amount varies according to locations, and does not include appropriate taxes. State rates for travel reimbursement can be found in the state regulations online at <http://www.state.tn.us/finance/act/policy8.pdf>

(2) Original lodging receipts must be submitted with the reimbursement form. Photocopies are not acceptable.

(3) If a traveler exceeds the maximum lodging per diem, excess costs are the responsibility of the traveler.

(4) If the best rate is secured, and it still exceeds the maximum lodging per diem, the CAO may authorize a higher reimbursement amount.

Even if it costs more, travelers may be allowed to stay at the officially designated hotel of the meeting; however, more moderately priced accommodations must be requested whenever possible. It will be the traveler's responsibility to provide documentation of the "officially designated meeting site" room rates, if these rates are higher than the normal reimbursable amounts.

(5) If two (2) or more city employees travel together and share a room, the lodging reimbursement rate will be the maximum of two (2) single rooms. If an employee shares a room with a nonemployee, the actual cost will be allowed up to the maximum reimbursement amount. The receipt for the entire amount must be submitted with the expense form. (as replaced by Ord. #1035, April 2006)

4-605. Meals and incidentals. (1) Receipts are not required for meals and incidentals. The authorized traveler may be reimbursed the daily amount based on the rate schedule and the authorized length of stay. The per diem meal amounts are expected to cover meals, tips, porters, and incidental expenses. The authorized traveler will not be reimbursed more than this.

(2) Whether meals may be claimed depends on when the traveler leaves and returns to the official station. The traveler's official station is home or work, whichever produces the least cost to the city. When partial day travel is involved, the current per diem allowance is determined as follows:

<u>Meal</u>	<u>If departure before</u>	<u>If return after</u>
Breakfast	7:00 A.M.	8:00 A.M.
Lunch *	11:00 A.M.	1:30 P.M.
Dinner **	5:00 P.M.	6:30 P.M.

*Generally, lunch will not be reimbursed unless overnight travel is involved. Lunch may be reimbursed if departure is before 11 A.M. and the employee is eligible to be reimbursed for dinner.

**When overnight travel is involved, dinner reimbursement is made regardless of departure time.

(3) Regardless of which reimbursement rate the city uses, the amounts include tip, gratuity, etc. The hour and date of departure and return must be shown on the expense reimbursement form.

(4) The excess cost of an official banquet may be allowed provided proper documentation or explanation is submitted with expense reimbursement form. If a meal is included as part of a conference or seminar registration, or is included with the air fare, then the allowance for that meal should be subtracted from the total allowance for the day. For example, if a dinner is included as part of the conference fee, the maximum meal allowance for the day should be reduced by the allowed dinner amount.

PLEASE NOTE:

The municipality has selected to reimburse travelers at the _____ [enter either federal or state] travel regulation rates. The city's rates will automatically change when the selected agency rates are adjusted. (as added by Ord. #1035, April 2006)

4-606. Miscellaneous expenses. (1) Registration fees for approved conferences, conventions, seminars, meetings, and other educational programs will be allowed and will generally include the cost of official banquets, meals, lodging, and registration fees. Registration fees should be specified on the original travel request form and can include a request for pre-registration fee payment.

(2) The traveler may be reimbursed for personal phone calls while on official travel, but the amount will be limited to five dollars (\$5.00) per day.

(3) A four dollar (\$4.00) allowance will be reimbursable for hotel/motel check-in and baggage handling expenses.

(4) Laundry, valet service, tips, and gratuities are considered personal expenses and are not reimbursable.

(5) For travel outside the United States, all expenses claimed must be converted to U.S. dollars. The conversion rate and computation should be shown on each receipt. (as added by Ord. #1035, April 2006)

4-607. Entertainment. (1) The city may pay for certain entertainment expenses provided that the:

- (a) Entertainment is appropriate in the conduct of city business;
- (b) Entertainment is approved by the CAO;
- (c) Group or individuals involved are identified; and
- (d) Documentation is attached to the expense form to support the entertainment expense claims.

(2) To request reimbursement for authorized entertainment expenses, be sure to include with the expense reimbursement form.

(a) Required receipts. All requests must be supported by original receipts from the vendor (restaurant, caterer, ticket office, etc.). Reasonable tips and gratuities included on the receipt by the vendor are reimbursable.

(b) A disclosure and explanation statement, explaining the purpose of the entertainment and identifying the group and the number of people entertained (or individual names listed if not a recognized group).

If the CAO is the person filing the claim, then it must be approved by the governing board before the finance officer authorizes payment. (as added by Ord. #1035, April 2006)

4-608. Travel reconciliation. (1) Within ten (10) days of return from travel, or by the end of the month, the traveler is expected to complete and file the expense reimbursement form. It must be certified by the traveler that the amount due is true and accurate. Original lodging, travel, taxi, parking and other receipts must be attached.

If the city provided a travel advance or made advanced payment, the traveler should include that information on the expense form. In the case of advances, the form should have a reconciliation summary, reflecting total claimed expenses with advances and city pre-payments indicated. The balance due the traveler or the refund due the city should be clearly shown below the total claim on the form or in a cover memo attached to the front of the form.

(2) If the traveler received a travel advance and spent less than the advance the traveler should attach a check made payable to the city for that difference.

(3) The CAO will address special circumstances and issues not covered in this chapter on a case-by-case basis. (as added by Ord. #1035, April 2006)

4-609. Disciplinary action. Violation of the travel rules can result in disciplinary action for employees. Travel fraud can result in criminal prosecution of officials and/or employees.