

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

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CHAPTER 1

SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES

SECTION

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4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Norris to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1972 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. (1972 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. (1972 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. (1972 Code, § 1-704)

4-105. Records and reports to be made. The city manager shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1972 Code, § 1-705)

CHAPTER 2

PERSONNEL POLICY

SECTION

4-201. General personnel policy.

4-202. City manager to administer personnel system.

4-203. When effective.

4-204. Workplace harassment.

4-201. General personnel policy. The policy of the city shall be to employ those persons best qualified to carry out the functions of the city. To this end the council shall establish a personnel system providing for the appointment and promotion of city employees solely on the basis of competence and fitness. All employees shall be included in such personnel system except:

(a) Council members.

(b) Members of boards, commissions and committees and other council appointees who are not regular city employees.

(c) The city manager.

(d) Organizations and their employees and other persons who are engaged by the city on a contractual basis. (1972 Code, § 1-801)

4-202. City manager to administer personnel system. The city manager shall be responsible for the administration of the personnel system. The city manager shall develop, maintain, and apply suitable provisions for the classifications of positions and for the recruitment, compensation, training, promotions and disciplinary and related aspects of personnel management. The city manager shall develop and revise as necessary a comprehensive pay plan and personnel rules setting forth employment conditions. The city manager shall review such plans and rules annually and submit any proposed revisions to the council with recommendations for adoption.

The city manager shall adopt a comprehensive job performance evaluation procedure for all city employees. The city manager shall evaluate the job performance of the director of public safety and the director of public works annually and present them to city council by May 1 of each year. City council shall evaluate the city manager's job performance by May 1 of each year. (1972 Code, § 1-802)

4-203. When effective. Said general personnel policy upon its approval by the city council shall become effective and at that time shall become a part of this chapter as fully and completely as if set out herein. (1972 Code, § 1-803)

4-204. Workplace harassment. (1) General workplace harassment and violence.

(a) It is the policy of the City of Norris to promote a productive, safe and healthy work environment for all employees, customers, vendors, contractors and members of the general public and to provide for the efficient and effective operation of the local government's activities. The City of Norris will not tolerate verbal or physical conduct by an employee which harasses, disrupts or interferes with another's work performance or which creates an intimidating, offensive or hostile environment.

(b) No employee or non-employee shall be allowed to harass any other employee or non-employee by exhibiting behavior including, but not limited to, the following:

(i) Verbal harassment. Verbal threats toward persons or property; the use of vulgar or profane language directed towards others; disparaging or derogatory comments or slurs; offensive flirtations or propositions; verbal intimidation, exaggerated criticism or name calling; spreading untrue or malicious gossip about others.

(ii) Physical harassment. Any physical assault, such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person.

(iii) Visual harassment. Displaying derogatory or offensive posters, cartoons, publications or drawings.

(c) Under no circumstances are the following items permitted on local government property, including local government owned parking areas, except when issued or sanctioned by the local government for use in the performance of the employee's job:

- (i) All types of firearms, switchblade knives and knives with a blade longer than four inches (4");
- (ii) Dangerous chemicals;
- (iii) Explosives or blasting caps;
- (iv) Chains; or
- (v) Other objects carried for the purposes of injury or intimidation.

(d) Charges of violence and harassment may be reported to any supervisory employee of the local government, including the city recorder or the mayor. The city manager or designee is charged with investigating all cases of workplace violence and harassment. Depending on the severity of the charges or whether a crime is committed, the city manager may request that another professional provide assistance to the City of Norris and/or assume responsibility for the investigation. All employees are required to assist in the course of the investigation by providing testimony, statements and evidence, as required. Failure to cooperate may result in disciplinary action.

(e) Copies of the investigative report with recommendations for appropriate action will be turned over to the city manager as appropriate

for further action. Disciplinary action may be taken against any employee who commits acts of workplace violence and harassment.

(2) Sexual harassment. The following actions constitute an unlawful employment practice and are absolutely prohibited by the local government when they affect employment decisions, create a hostile job environment, cause distractions, or unreasonably interfere with work performance. They are:

- (a) Sexual harassment or unwelcome sexual advances;
- (b) Requests for sexual favors;
- (c) Verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, or propositioning;
- (d) Explicit or implied job threats or promises in return for submission to sexual favors;
- (e) Inappropriate sexually oriented comments on appearance;
- (f) Embarrassing sexually oriented stories;
- (g) Displaying sexually explicit or pornographic material, no matter how the material is displayed; and/or
- (h) Sexual assault on the job by supervisors, fellow employees, or, on occasion, non-employees. Sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women.

(3) An employee who feels he/she is subjected to sexual harassment should immediately contact an administrative person with whom the employee feels the most comfortable. The city manager is the person the local government designates as the investigator of sexual harassment complaints against employees. In the event the sexual harassment complaint is against the city manager, the investigator shall be a local government employee appointed by the City of Norris City Council. (as added by Ord. #570, Aug. 2013)

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

4-301. Basis of program.

4-302. Title.

4-303. City manager designated program director.

4-304. Program standards.

4-305. When effective.

4-301. Basis of program. In compliance with Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972, the City of Norris, Tennessee, hereby establishess "The Occupational Safety and Health Program" for its employees. (1972 Code, § 1-1101)

4-302. Title. This chapter shall be known as the "Occupational Safety and Health Program for the Employees of the City of Norris." (1972 Code, § 1-1102)

4-303. City manager designated program director. The City of Norris hereby designates the city manager hereinafter referred to as the "director," to establish a safety and health program in compliance with the requirements of the Tennessee Occupational Safety and Health Act of 1972 and he is hereby given the authority to implement a plan which shall encompass the issues and standards which have been promulgated by applicable state standards. (1972 Code, § 1-1103)

4-304. Program standards. This plan shall be at least as effective as the federal or state standards on the same issues and shall include the following:

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

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

(3) The director shall provide for education and training of personnel for the administration of the program, and he shall provide for the education and training of all employees of the city to the extent that same is necessary for

said employees to recognize and report safety and health problems as defined in the applicable standards.

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

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

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

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

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

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

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

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

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

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

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

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

(16) The director shall submit said plan to the Tennessee Department of Labor for approval on or before October 1, 1973. (1972 Code, § 1-1103)

4-305. When effective. The plan, upon its approval by the Tennessee Department of Labor, shall become effective to the City of Norris and at this time shall become a part of this chapter as fully and completely as if set out herein. (1972 Code, § 1-1104)

CHAPTER 4

SEXUAL HARASSMENT

SECTION

4-401. Employees should report to city manager and/or mayor.

4-402. Investigation to be conducted.

4-403. Corrective action.

4-404. Communication of determination.

4-401. Employees should report to city manager and/or mayor.

Any employee who believes that he or she has been subjected to sexual harassment should immediately report this to the city manager and/or the mayor. The City of Norris will handle the matter with as much confidentiality as possible. There will be no retaliation against an employee who makes a claim of sexual harassment or who is a witness to the harassment. (1972 Code, § 1-1901)

4-402. Investigation to be conducted. The City of Norris will conduct an immediate investigation in an attempt to determine all the facts concerning the alleged harassment. In doing the investigation, the City of Norris will try to be fair to all parties involved. (1972 Code, § 1-1902)

4-403. Corrective action. If the City of Norris determines that sexual harassment has occurred, corrective action will be taken. This corrective action may include a reprimand, demotion, discharge, or other appropriate action. The City of Norris will attempt to make the corrective action reflect the severity of the conduct. Sexual harassment by any employee will not be tolerated. (1972 Code, § 1-1903)

4-404. Communication of determination. If it is determined that no harassment has occurred or that there is not sufficient evidence that harassment occurred, this will be communicated to the employee who made the complaint, along with the reasons for this determination. (1972 Code, § 1-1904)