

TITLE 4

MUNICIPAL PERSONNEL

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CHAPTER 1

SOCIAL SECURITY

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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 Tennessee Ridge 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. (1976 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. (1976 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. (1976 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. (1976 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. (1976 Code, § 1-705)

4-106. Exclusions. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the said city or any employee, official or position not authorized to be covered under applicable state or federal laws or regulations. (1976 Code, § 1-706)

CHAPTER 2

VACATION AND SICK LEAVE

SECTION

4-201. Applicability of chapter.

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4-203. Sick leave.

4-204. Leave records.

4-205. Holidays.

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4-201. Applicability of chapter. This chapter shall apply to all full-time municipal officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission. (1976 Code, § 1-801)

4-202. Vacation leave. All officers and employees shall be given one week of annual vacation leave with pay after the first year of employment. After three years employment, they shall be given two weeks of annual vacation leave with pay. After five years employment, then shall be given three weeks of annual vacation leave with pay. After ten years of employment, they shall be given four weeks of annual vacation leave with pay. Such vacation leave shall be taken at a time approved by the city manager or such other officer as he may designate. An employee may elect to draw his vacation pay and continue to work during his vacation with the prior approval of the city manager. At no time shall a person's total credit for vacation leave exceed four weeks. (Ord. #8-87, Oct. 1987)

4-203. Sick leave. All officers and employees shall be given a credit of one (1) working day of sick leave with pay for each month of employment hereafter served. Sick leave shall be approved for all officers and employees whose absence from duty is due to illness, bodily injury, exposure to contagious disease, or death in the immediate family of the officer or employee. However, the city manager, may in his discretion, require doctors' certificates or other satisfactory evidence that absences are properly chargeable as sick leave. There shall be no ceiling set as to the number of sick days that an officer or employee can accrue. (Ord. #89-4, Aug. 1989)

4-204. Leave records. The mayor shall cause to be kept, for each officer and employee, a record currently up to date at all time showing credit earned and leave taken under this chapter. (1976 Code, § 1-804)

4-205. Holidays. The following days shall be declared official holidays for the municipal government employees, and other such days as may be designated by the city manager and confirmed by the board of commissioners:

New Years Day
 Martin Luther King Jr. (birthday)
 Good Friday
 Memorial Day
 Fourth of July
 Labor Day
 Veterans Day
 Thanksgiving Day
 Christmas Day

When a holiday falls on Saturday or Sunday, the following Monday shall be observed as a holiday for all city employees.

All employees excused in observance of an official holiday as outlined above shall be compensated on an eight (8) hour basis at their regular straight-time pay rate in effect as of that date. In case of an emergency, which will be designated by the city manager, any city employee having to work on a holiday shall be paid their holiday pay and any hours worked will be paid at time and a half.

Any employee who is absent without leave on the working day immediately preceding or following the day set aside in observance of a holiday shall lose pay for the holiday. (Ord. #89-7, Aug. 1989)

4-206. Unpaid holidays. The following days shall be declared official unpaid holidays for the municipal government employees as confirmed by the board of commissioners:

The Day After Thanksgiving
 Christmas Eve

All employees are excused in observance of an official unpaid holiday shall not be compensated at any rate of pay. In the event of an emergency to be designated by the city manager, any employee that is called out to duty will be compensated at the rate of time and one-half at their base rate of pay for the hours of work performed. (Ord. #5-91, Nov. 1991)

CHAPTER 3

PERSONNEL REGULATIONS

SECTION

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

4-301. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any city officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the city. (1976 Code, § 1-901)

4-302. Acceptance of gratuities. No city officer or employee shall accept any money or other consideration or favor from anyone other than the city for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to city business. (1976 Code, § 1-902)

4-303. Outside employment. No full-time officer or employee of the city shall accept any outside employment without written authorization from the city manager. The city manager 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 city. (1976 Code, § 1-903)

4-304. Political activity. City officers and employees may individually exercise their right to vote and privately express their political views as citizens. However, no city officer or employee shall solicit political campaign contributions or engage in or actively participate in any city political campaign. These restrictions shall not apply to elective officials. (1996 Code, § 1-904)

4-305. Use of municipal time, facilities, etc. No city officer or employee shall use or authorize the use of city 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 commissioners has authorized the use of such time, facilities, equipment, or supplies, and the city is paid at such rates as are normally charged by private sources for comparable services. (1976 Code, § 1-905)

4-306. Use of position. No city officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the city, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1976 Code, § 1-906)

4-307. Strikes and unions. No city officer or employee shall participate in any strike against the city, nor shall he join, be a member of, or solicit any other city officer or employee to join any labor union which authorizes the use of strikes by government employees. (1976 Code, § 1-907)

CHAPTER 4

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

4-401. Travel policy.

4-401. Travel policy. (1) Any city employee or official shall be reimbursed for mileage on his personal automobile at the rate of forty-two (42) cents per mile on official preauthorized, city business.

(2) Each employee shall also be reimbursed for meals, lodging, and parking expenses while on preauthorized city business.

(3) The city manager shall prepare a travel voucher to preauthorize any travel and require proper documentation of any expenses. (Ord. #2003-6, June 2003, as amended by Ord. # 2006-40, March 2006)

CHAPTER 5

NONDISCRIMINATION IN EMPLOYMENT

SECTION

4-501. Purpose.

4-502. Objective.

4-503. Policy.

4-504. Complaints.

4-501. Purpose. The City of Tennessee Ridge is firmly committed to prohibiting discrimination on the basis of race, color, sex, age, national origin or handicapped status throughout the employment process, from selection through termination. The city is also committed to an affirmative action program which will assure fair employment practices in all city units, divisions, and departments. Each supervisor, manager, and department head is responsible for understanding, communicating and strictly enforcing this policy. (Ord. #89-5, Sept. 1989)

4-502. Objective. To establish by policy our commitment to afford equal employment opportunity to qualified individuals regardless of their race, color, religion, sex, national origin, age, physical or mental handicap, or veteran status, and to conform with the content and spirit of applicable equal opportunity and affirmative action laws and regulations. (Ord. #89-5, Sept. 1989)

4-503. Policy. In keeping with the intent of this policy, the City of Tennessee Ridge will adhere strictly to the following human resource practices:

(1) Recruitment, hiring and promotion of employees in all job classifications will be conducted without regard to race, color, religion, national origin, age, sex, physical or mental handicap, or veteran status, except where a bona fide occupational qualification exists.

(2) Employment and promotional decisions will be made in such a manner as to further the principle of equal employment opportunity based upon objective selection criteria and relatedness.

(3) Personnel actions in the areas of compensation, benefits, transfers, training and development, educational assistance, and social and recreation programs, will be administered without regard to race, color, religion, national origin, age, sex, physical or mental handicap, or veteran status, except where a bona fide occupational qualification exists.

(4) All forms of discrimination with regard to employees or applicants for employment including any form of racial slurs, religious intimidation, epithets, sexual advances, or harassment are prohibited: and any charges will

be investigated and, if warranted, appropriate disciplinary action taken. (Ord. #89-5, Sept. 1989)

4-504. Complaints. Should there be any question or complaint with regard to the employment practices of the city that any employee has been unable to resolve with the immediate supervisor or others of authority, the employee is encouraged to make that question or complaint known to the city manager. The city manager will investigate the complaint with the manager of the department where the harassment or discrimination is alleged and will respond to the employee. A record of the complaint and the findings will become a part of the complaint investigation record and the file maintained separately from the employee's personnel file.

It is understood that any person electing to utilize this complaint resolution procedure will be treated courteously, the problem handled swiftly and confidentially, and the registering of a complaint will in no way be used against the employee, nor will it have an adverse impact on the individual's employment status. (Ord. #89-5, Sept. 1989)

CHAPTER 6

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-601. Title.
- 4-602. Purpose.
- 4-603. Coverage.
- 4-604. Variances from standards authorized.
- 4-605. Administration.
- 4-606. Funding the program.

4-601. Title. This section shall provide authority for establishing and administering the occupational safety and health program for the employees of the City of Tennessee Ridge. (as added by Ord. #2005-38, Jan. 2006)

4-602. Purpose. The board of commissioners of the City of Tennessee Ridge, in electing to update their established program plan will maintain an effective occupational safety and health program for its employees, shall:

- (1) Provide a safe and healthful place and condition of employment that includes:
 - (a) Top management commitment and employee involvement;
 - (b) Continually analyze the worksite to identify all hazards and potential hazards;
 - (c) Develop and maintain methods for preventing or controlling existing or potential hazards; and
 - (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- (4) Consult with the State Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.
- (5) Consult with the State Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems, which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety the health standards and provide for education and notification of all employees of the existence of this program. (as added by Ord. #2005-38, Jan. 2006)

4-603. Coverage. The provisions of the occupational safety and health program for the employees of the City of Tennessee Ridge shall apply to all employees of each administrative department, commission, board, division or other agency of the City of Tennessee Ridge whether part-time or full-time, seasonal or permanent. (as added by Ord. #2005-38, Jan. 2006)

4-604. Standards authorized. The occupational safety and health standards adopted by the City Tennessee Ridge are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated, title 50, chapter 3). (as added by Ord. #2005-38, Jan. 2006)

4-605. Variances from standards authorized. The City of Tennessee Ridge may, upon written application of the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the city manager shall notify or serve notice to employees, their designated representatives, 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 city manager shall be deemed sufficient notice to employees. (as added by Ord. #2005-38, Jan. 2006)

4-606. Administration. For the purposes of this chapter, the safety director is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer the City of Tennessee Ridge Safety Program. The director shall develop a plan of operation for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan. (as added by Ord. #2005-38, Jan. 2006)

4-607. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the board of commissioners. (as added by Ord. #2005-38, Jan. 2006)

CHAPTER 4

CODE OF ETHICS¹

SECTION

- 4-701. Applicability.
- 4-702. Definition of "personal interest."
- 4-703. Disclosure of personal interest by official with vote.
- 4-704. Disclosure of personal interest in non-voting matters.
- 4-705. Acceptance of gratuities, etc.
- 4-706. Use of information.
- 4-707. Use of municipal time, facilities, etc.
- 4-708. Use of position or authority.
- 4-709. Outside employment.
- 4-710. Ethics complaints.
- 4-711. Violations.

¹State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the Tennessee Code Annotated (T.C.A.) sections indicated:

Campaign finance: Tennessee Code Annotated, title 2, ch. 10.

Conflict of interests: Tennessee Code Annotated, §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements: Tennessee Code Annotated, § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials: Tennessee Code Annotated, §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office): Tennessee Code Annotated, § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information: Tennessee Code Annotated, § 39-16-401 and the following sections.

Ouster law: Tennessee Code Annotated, § 8-47-101 and the following sections.

A brief synopsis of each of these laws appears in the Appendix of the municipal code.

4-701. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #2007-68, June 2007)

4-702. Definition of "personal interest." (1) For purposes of §§ 4-703 and 4-704, "personal interest" means:

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #2007-68, June 2007)

4-703. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure. (as added by Ord. #2007-68, June 2007)

4-704. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the

¹Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #2007-68, June 2007)

4-705. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #2007-68, June 2007)

4-706. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #2007-68, June 2007)

4-707. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (as added by Ord. #2007-68, June 2007)

4-708. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (as added by Ord. #2007-68, June 2007)

4-709. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with

any provision of the municipality's charter or any ordinance or policy. (as added by Ord. #2007-68, June 2007)

4-710. Ethics complaints. (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

(b) The city attorney may request the governing body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #2007-68, June 2007)

4-711. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #2007-68, June 2007)