

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

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CHAPTER 1

SOCIAL SECURITY--TOWN PERSONNEL

SECTION

- 4-101. Policy and purpose as to coverage.
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- 4-103. Withholdings from salaries or wages.
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4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the Town of Tiptonville 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. (1979 Code, § 1-601)

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. (1979 Code, § 1-602)

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. (1979 Code, § 1-603)

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. (1979 Code, § 1-604)

4-105. Records to be kept and reports made. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1979 Code, § 1-605)

CHAPTER 2

PERSONNEL POLICY

SECTION

- 4-201. Personnel policy.
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- 4-205. Grievance procedures.
- 4-206. State and federal personnel mandates.
- 4-207. Miscellaneous personnel policies.
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4-201. Personnel policy. (1) Purpose. The purpose of this chapter is to establish a system of personnel administration to the Town of Tiptonville, Tennessee.

(2) At-will employer. The Town of Tiptonville, Tennessee is an at-will employer. Nothing in this chapter may be construed as creating a property right or contract right to any job for any employee.

(3) Coverage. The following personnel are not covered by this policy, unless otherwise provided:

- (a) All elected officials.
- (b) Members of appointed boards and commissions.
- (c) Consultants, advisers and legal counsel rendering temporary professional service.
- (d) The city attorney.
- (e) Independent contractors and/or contract employees.
- (f) Volunteer personnel.
- (g) The city judge.
- (h) Police department employees. (Police department employees are covered by their own policy and procedure manual.)

All other employees of the municipal government are covered by this personnel policy. (1979 Code, § 1-801, as replaced by Ord. #PP1, June 1998)

4-202. Employees. (1) Full-time. Full-time employees are individuals employed by the municipal government who normally work 40 hours per week.

(2) Part-time. Part-time employees are individuals who may not work on a daily basis or work on a daily basis fewer than 8 hours a day and may work fewer than 32 hours per week or who are temporary and/or seasonal employees. (1979 Code, § 1-802, as replaced by Ord. #PP1, June 1998)

4-203. Hiring procedures. (1) Policy statement. The primary objective of this hiring policy is to insure compliance with the law and to obtain qualified personnel to serve the citizens of the municipality. The municipality shall make reasonable accommodations in all hiring procedures for all persons with disabilities.

(2) Application. All persons seeking appointment or employment with the municipality must complete a standard application form provided by the municipal government. Applications for employment shall be accepted in the city treasurer's office during regular office hours only. Applications will remain on active status for six (6) months after accepted or until the job for which the application is submitted is filled, whichever period of time is less.

(3) Interviews. All appointments will be preceded by an interview with the mayor or appointed committee by the mayor.

(4) Pre-appointment exams. For certain positions, the employee may be required to undergo a validated physical agility examination related to the essential functions of the job, validated written and/or oral tests related to the essential functions of the job, drug testing, and, upon a conditional offer of employment, a medical examination to determine the employee's ability to perform the essential functions of the job. Reasonable accommodations shall be made in the physical agility exam for applicants with disabilities making a request for accommodations.

(5) Appointments, etc. All appointments shall be made in accordance with lawful provisions of the municipal charter if there are applicable provisions in the charter. (1979 Code, § 1-803, as replaced by Ord. #PP1, June 1998)

4-204. Benefits. (1) Holidays. Generally, full-time employees are allowed a day off with pay on the following holidays:

- (a) New Year's Day
- (b) Martin Luther King Day
- (c) Presidents Day
- (d) Good Friday
- (e) Memorial Day
- (f) Juneteenth
- (g) Independence Day
- (h) Labor Day
- (i) Veterans Day
- (j) Thanksgiving
- (k) Day after Thanksgiving
- (l) Christmas Eve
- (m) Christmas Day
- (n) New Year's Eve.

Employees must be in a pay status on the work day before and on the work day after the holiday, unless otherwise excused by the supervisor, to receive compensation for the holiday.

Any employee required to work on a regular holiday shall be granted eight (8) hours off on an alternate day approved by the supervisor or an additional eight (8) hours pay for the holiday.

(2) Vacation leave. All full-time employees of the municipality shall accrue vacation leave monthly upon the completion of each calendar month of service. Vacation leave will begin to accrue as of the first full month of employment, but cannot be taken until the employee has completed 12 months of employment. All employees receive 10 days vacation leave after the first 12 months of service. The employee shall receive 10 days vacation leave each year thereafter, however, at no time shall an employees total credit for accrued vacation leave exceed 20 days.

Vacation leave exceeding the maximum accrual limit shall be forfeited.

Vacation leave shall be taken at a time approved by the employee's supervisor. Upon separation, employees are entitled to be reimbursed for any unused vacation leave, not to exceed the maximum accrual allowed for the years of service completed.

(3) Sick leave. All full-time employees shall accumulate one (1) day of sick leave with the pay for each month of work completed for the municipality. The number of sick days to be accumulated shall be unlimited during the employees service. Sick leave may be granted for any of the following reasons:

(a) Personal illness or physical incapacity resulting from causes beyond the employee's control.

(b) Exposure to contagious disease so that employee's presence at work might jeopardize the health of other employees.

(c) Medical, dental, optical or other professional treatments or examinations.

(d) Acute illness or death of a member of the employee's immediate family (i.e., spouse, parents, children).

Employees shall not be paid for unused sick leave upon the employee's termination, resignation or retirement. (1979 Code, § 1-804, as replaced by Ord. #PP1, June 1998, and amended by Ord. #2112, May 2006, and amended by Ord. #2203, June 2022 **Ch8_08-04-22**, and Ord. #2206, June 2022 **Ch8_08-04-22**)

4-205. Grievance procedures. (1) Grievance policy. The purpose of this section is to prescribe uniform disposition procedures of grievances presented by individual employees. A grievance is a written question, disagreement, or misunderstanding concerning administrative orders involving only the employee's work area, reasonable accommodations under Americans with Disabilities Act, physical facilities, unsafe equipment, or unsafe material used. The grievance must be submitted within five (5) working days of the incident causing the grievance.

Employees must remember that there is no grievance until the department head or other appropriate person has been made aware of the

dissatisfaction by written notice. Once this is done, the following steps are to be taken:

- Step 1. Discuss the problem with the immediate supervisor. If satisfaction is not obtained, the grievance is advanced to the second step.
- Step 2. Discuss the problem with the appropriate department head. If the grievance is not resolved, it is advanced to the third step along with all documentation.
- Step 3. Discuss the problem with the mayor of the municipality. The mayor decision is the last and final step in the process. The decision of the mayor is final and binding to all parties involved. (1979 Code, § 1-805, as replaced by Ord. #PP1, June 1998)

4-206. State and federal personnel mandates. (1) Discrimination prohibited. The municipality is an equal opportunity employer. Except as otherwise permitted by law, the municipality will not discharge or fail or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, religion, gender, or national origin, or because the individual is forty (40) or more years of age. The municipality will not discriminate against a qualified individual with a disability because of the ability in regard to job application procedures, hiring or discharge, employee compensation, job training, or other terms, conditions, and privileges of employment. (Title VII of Civil Rights Act of 1964 - 42 U.S.C. §§ 2000e - 2000e-15; Equal Pay Act 1963 - 29 U.S.C. § 206(d); Age Discrimination in Employment Act - 29 U.S.C. §§ 506 et seq.)

(2) Sexual harassment prohibited. Sexual harassment by any employee or elected or appointed official of the municipality will not be tolerated. Sexual harassment is unwanted sexual conduct, or conduct based upon sex, by an employee's supervisor(s) or fellow employees or others at the work place that creates a hostile work environment, makes decisions contingent on sexual favors, or adversely affects an employee's job performance. Examples of conduct that may constitute sexual harassment are: sexual advances, requests for sexual favors, propositions, physical touching, sexually provocative language, sexual jokes, and display of sexually-oriented pictures or photographs.

Any employee who believes that he or she has been subjected to sexual harassment should immediately report this to the mayor or city treasurer. Within the limits of the Tennessee Open Records Law, the municipality 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.

The municipality will conduct an immediate investigation in an attempt to determine all the facts concerning the alleged harassment. If the municipality determines that sexual harassment has occurred, corrective action will be taken. The municipality will attempt to make the corrective action reflect the severity of the conduct. If it is determined that no harassment has occurred, this will be communicated to the employee who made the complaint, along with the reasons for the determination.

(3) Occupational safety and health. The municipality shall provide job safety and health protection for all employees in accordance with the Occupation Safety and Health Administration (OSHA) Legislation (29 U.S.C. §§ 656 *et seq.*) and the Tennessee OSHA Law (Tennessee Code Annotated, § 50-3-101 *et seq.*).

(4) Overtime compensation. (a) Overtime/compensatory time. All employees shall be paid overtime or given compensatory time (subject to allowable limits) for all hours worked over 40 during the work week. No overtime or compensatory time will be earned until the employee has worked on the job over 40 hours during the work period.

(b) Overtime rate. Hourly rate employees who work overtime will receive overtime pay at a rate of time and one-half their regular pay. For salaried employees, the employee's annual salary divided by 52 weeks determines the weekly salary. The weekly salary is then divided by the number of hours in a normal workweek to determine the regular hourly rate of pay. That rate will then be multiplied by one and one-half to determine the overtime rate of pay. The overtime rate for both hourly and salaried employees applies only to those hours worked over 40 during a week. For salaried employees, no additional compensation will be paid for hours worked under 40. For hourly rate employees, the overtime rate will apply only to hours worked over 40 and the regular rate will apply to hours worked under 40.

(c) Selection of compensatory time. Employees who are required to work in excess of 40 hours per week may elect to receive compensatory time off in lieu of overtime subject to employer approval. Such compensatory time shall be earned at a rate of one and one-half hours for each hour of employment worked over 40 hours per week. An employee cannot accrue more than 240 hours of compensatory time. Any employee who has accumulated 240 hours of compensatory time shall be paid for any additional overtime that is worked.

The use of compensatory time is subject to approval by the employer. Such approval will not be denied unless undue disruption to the office or department will occur.

(5) Military leave/veterans' re-employment. All employees who are members of the reserve components of the armed forces, including the National Guard, are entitled to leave while engaged in "duty or training in the service of

this state, or of the United States, under competent orders," and they must be given such leave with pay not exceeding 15 working days in any one calendar year (Tennessee Code Annotated, § 8-33-109). Also, any employee of the municipality who leave his/her job, voluntarily or involuntarily, to enter active duty in the armed forces may return to the job in accordance with Veterans' Re-employment Rights (38 U.S.C. § 202-2016) and the Tennessee Military Leave Act (Tennessee Code Annotated, § 8-33-101 *et seq.*).

(6) Family and medical leave. (a) The Family Medical Leave Act of 1993 (FMLA) entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave each year for specified family and medical reasons. The law contains provisions on employer coverage, employee eligibility for the Law's benefits, entitlement to leave, maintenance of health insurance benefits during leave, job restoration after leave, notice and certification of the need for FMLA leave, and protection for employees who request or take FMLA leave.

FMLA leave will be granted for one or more of the following reasons:

- (i) For the birth or placement of a child for adoption or foster care;
- (ii) To care for an immediate family member (spouse, child, or parent) with a serious health condition; or
- (iii) To take medical leave when the employee is unable to work because of a serious health condition.

Spouses employed by the same employer are jointly entitled to a combined total of 12 weeks of FMLA leave for the birth or placement of a child for adoption or foster care.

Under some circumstances, employees may take FMLA leave intermittently--which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.

Also, subject to certain conditions, employees or employers may choose to use accrued paid leave (such as sick or vacation leave) to cover some or all of the FMLA leave.

Group health insurance will be maintained for employees taking FMLA leave.

(b) Upon return for FMLA leave, an employee will be restored to his/her original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. (Under specified and limited circumstances the city may refuse to reinstate certain highly paid "key" employees after using FMLA leave.)

Employees seeking to use FMLA leave may be required to provide:

- (i) 30-day advance notice of the need to take FMLA leave when the need is foreseeable;
- (ii) Medical certifications supporting the need for leave due to a serious health condition affecting the employee or an immediate family member;

(iii) Second or third medical opinions and periodic recertification (at the city's expense) and;

(iv) Periodic reports during FMLA leave regarding the employee's status and intent to return to work.

(7) Bereavement leave. In the case of death in the employee's immediate family, the employee will be given three (3) working days and paid leave. Two (2) additional days of sick leave may be used to provide a total of five (5) days absence for this purpose. Immediate family shall include the employee's spouse, child, parents, grandparents, siblings, grandchildren and parents-in-law.

Up to two (2) days of sick leave may be used in the case of death of the employee's daughters-in-law, sons-in-law, sisters-in-law, brothers-in-law or any other blood relative.

Attendance to the funeral of any other person will require annual leave to be requested.

(8) Administrative leave with pay. Absence with pay for administrative purposes may be granted by the employer. This leave shall not exceed five (5) working days per year unless exceptional circumstances exist.

(9) Leave without pay. Any employee, at the discretion of the employer, may be granted leave without pay for sufficient reason as determined by the employer. During the period of absence, the employee will not accrue vacation benefits. The absence without pay leave shall not extend for a period in excess of one year.

(10) Termination pay. An employee whose services are being terminated, either voluntarily or involuntarily, shall be paid for all regular earnings which are due and accrued plus all accrued vacation time. In the event of death, the amount owing to the employee shall be paid to the employee's estate or to the surviving spouse as may be required by law.

(11) Other employment prohibitions. The City of Tiptonville prohibits any employee from holding more than one job with the same employer being the government of City of Tiptonville. Any employee who holds more than one job with the City of Tiptonville shall elect as to which position with the City of Tiptonville that he desires to maintain as his regular employment. Said employee shall within five (5) days make the election as to which county employment he desires to maintain and shall notify the Treasurer for the City of Tiptonville of the same. Any violation of this policy may result in the dismissal of said employee from his employment with the City of Tiptonville.

(12) Cobra. An individual covered by the employee health plan has the right to seek continued health coverage upon the occurrence of certain events, such as termination of employment, which might affect that individual's coverage. The employee or covered individual should consult the health care plan administrator.

(13) Commercial driver's license. All employees that drive

(a) A vehicle with a gross weight of more than 26,000 pounds;

(b) A trailer with a gross weight of more than 10,000 pounds;
 (c) A vehicle designed to transport more than 15 passengers, including the driver, and

(d) Any size vehicle hauling hazardous waste requiring placards are required to have a Tennessee Commercial Driver's License in accordance with Tennessee Code Annotated, § 55-50-101 et seq. Fire truck, police vehicle, and emergency medical vehicle operators are exempt from the CDL requirements.

(14) Employee drug testing. All employees in safety-sensitive positions (such as gas employees, equipment/vehicle operators that require a commercial driver's license etc.) are subject to alcohol and drug testing in accordance with the Department of Transportation (DOT) Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143, title V) and the Natural Gas Pipeline Safety Act (49 CFR Part 199). Other employees may be subject to drug testing in accordance with the drug testing policy of the municipality. The municipality's procedures for drug testing can be found in ordinance 2067.¹

(15) Residence requirements. No person "currently employed" by the municipality can be dismissed or penalized "solely on the basis of non-residence" (Tennessee Code Annotated, § 8-50-107). However, all future employees shall be required to live within _____.

(16) Employee right to contact elected officials. No employee shall be disciplined or discriminated against for communicating with an elected official. However an employee may be reprimanded for making untrue allegations concerning any job-related matter (Tennessee Code Annotated, § 8-50-601-604).

(17) Civil leave. Jury and court duty--the following procedures shall apply when an employee is called for jury duty or subpoenaed to court:

(a) Upon receiving a summons to report for jury duty, the employee shall show the summons to the highway superintendent.

(b) The employee will be granted a leave of absence and will receive his or her regular pay during time served on jury duty or when subpoenaed as a witness.

(c) The employee may retain all compensation or fees received for serving as a juror or as a witness.

(d) If the employee is relieved from jury duty or from being a witness during working hours, the employee must report back to the highway superintendent.

(e) The above provisions concerning compensation for time in court do not apply if the employee is involved as a plaintiff or defendant in private litigation. On these occasions the employee must take annual leave or leave without pay.

¹Municipal code reference

Drug testing program: title 4, chapter 4.

(18) Voting. When elections are held in the state, leave for the purpose of voting, if requested, shall be in accordance with Tennessee Code Annotated, § 2-1-106.

(19) Political activity. Employees have the same rights as other citizens to be a candidate for state or local political office (except for membership on the municipal governing body) and to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. No employee may campaign on municipal time or in municipal uniform nor use municipal equipment or supplies in any campaign or election (Tennessee Code Annotated, § 7-51-1501).

(20) Travel policy. All employees, including elected and appointed officials, are required to comply with the municipality's travel policy, ordinance number 2066,¹ as required by Tennessee Code Annotated, § 6-54-901. (1979 Code, § 1-806, as replaced by Ord. #PP1, June 1998)

4-207. Miscellaneous personnel policies. (1) Outside employment. No full-time employee of the municipality may accept any outside employment without written authorization from the mayor and board of aldermen.

(2) Use of municipal time, vehicles, facilities, etc. No employee may use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to oneself or any other person, group, or organization other than the municipality. Decisions about aid to charitable, civic or other organizations will be made exclusively by the governing body.

(3) Accepting of gratuities. No employee shall accept any money, other considerations, or favors from anyone other than the municipality for performing an act that he/she would be required or expected to perform in the regular course of his/her duties. No employee shall accept, directly or indirectly, any gift, gratuity, or favor of any kind that might reasonably be interpreted as an attempt to influence his/her actions with respect to the municipality's business. (1979 Code, § 1-701, as replaced by Ord. #PP1, June 1998)

4-208. Dismissal. (1) At-will. Employees may be dismissed for cause, for no cause, or for any cause as long as it does not violate federal and/or state law or the municipal charter.

(2) Name-clearing hearing. A name-clearing hearing will be given to any terminated, demoted, or suspended employee that requests one. This hearing will not be conducted to provide an employee any property rights. The purpose of the hearing is solely to let the employee clear his/her name. (1979 Code, § 1-702, as replaced by Ord. #PP1, June 1998)

¹Municipal code reference

Travel reimbursement regulations: title 4, chapter 5.

4-209. Personnel policy changes. Nothing in this chapter may be construed as creating a property right or contract right to the job for any employee. The provisions of this personnel policy may be unilaterally changed by resolution of the governing body from time to time as the need arises. (1979 Code, § 1-703, as replaced by Ord. #PP1, June 1998)

4-210. Driver's licenses required. It shall be the policy of the city of Tiptonville that EVERY employee is required to have a Tennessee driver's license or commercial driver's license as a condition of their employment. An employee is required to immediately, before reporting for duty the next workday, notify the city recorder of any potential change in the status of that license, should his/her license become denied, expired, restricted, suspended, or revoked, any time during employment.

Periodic review of employees' driving record will be conducted to assure adherence to this policy. The chief of police shall check the status of licensed operators with the Department of Safety. Employees are strictly prohibited from operating any City of Tiptonville vehicle or equipment that would require an operator's license, unless the employee has a current license to operate the vehicle or equipment.

Should an employee's driver's license become expired or lost, the employee shall remedy the situation immediately and before returning to work. Employees who fail to maintain a valid driver's license for any other reason, will be removed from any driving duties and will be subject to dismissal as a result of inability to perform assigned duties and responsibilities.

Failure of an employee to personally notify their supervisor within one (1) working day of having been cited by a law enforcement agency for DUI, or a vehicle accident involving loss of life or serious bodily injury, regardless if such occurred on or off duty, shall result in dismissal from employment. (as added by Ord. #2175, Jan. 2016)

CHAPTER 3

MISCELLANEOUS REGULATIONS--TOWN PERSONNEL¹

¹This chapter was replaced and combined with Chapter 2 of this title by Ord. #PP1, June 1998.

CHAPTER 4

DRUG AND ALCOHOL TESTING POLICY¹

SECTION

- 4-401. Purpose.
- 4-402. Scope.
- 4-403. Consent form.
- 4-404. Compliance with substance abuse policy.
- 4-405. General rules.
- 4-406. Drug testing.
- 4-407. Alcohol testing.
- 4-408. Education and training.
- 4-409. Consequences of a confirmed positive drug and/or alcohol test and or verified of positive drug and/or alcohol test results.
- 4-410. Voluntary disclosure of drug and/or alcohol use.
- 4-411. Exceptions.
- 4-412. Modification of policy.
- 4-413. Definitions.
- 4-414.–4-415. [Deleted.]

4-401. Purpose. The City of Tiptonville recognizes that the use and abuse of drugs and alcohol in today's society is a serious problem that may involve the workplace. It is the intent of the City of Tiptonville to provide all employees with a safe and secure workplace in which each person can perform his/her duties in an environment that promotes individual health and workplace efficiency. Employees of the City of Tiptonville are public employees and must foster the public trust by preserving employee reputation for integrity, honesty, and responsibility.

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the City of Tiptonville has adopted this drug and alcohol testing policy effective 1-12, 2016. This policy complies with the: Federal Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol- and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a Commercial Driver's License (CDL); Division of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine,

¹All appendices to this chapter of or record in the recorder's office.

and mass transit industries. In the case of this policy, the Omnibus Transportation Employee Testing Act of 1991 is most significant with its additional requirement of using the "split specimen" approach to drug testing, which provides an extra safeguard for employees. The types of tests required are: pre-employment, transfer, reasonable suspicion, post-accident (post-incident), random, return-to-duty, and follow-up.

It is the policy of the City of Tiptonville that the use of drugs by its employees and impairment in the workplace due to drugs and/or alcohol are prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to termination of employment. Prohibited and/or illegal conduct includes but is not limited to:

- (1) Being on duty or performing work in or on city/town property while under the influence of drugs and/or alcohol;
- (2) Engaging in the manufacture, sale, distribution, use, or unauthorized possession of (illegal) drugs at any time and of alcohol while on duty or while in or on city/town property;
- (3) Refusing or failing a drug and/or alcohol test administered under this policy;
- (4) Providing an adulterated, altered, or substituted specimen for testing;
- (5) Use of alcohol within four (4) hours prior to reporting for duty on schedule or use of alcohol while on-call for duty; and
- (6) Use of alcohol or drugs within eight (8) hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures.

This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical, or emotional ability of the employee to safely and efficiently perform his/her duties. It is the employee's responsibility to inform the proper supervisory personnel of his/her use of such legally prescribed medication before the employee goes on duty or performs any work.

In order to educate the employees about the dangers of drug and/or alcohol abuse, the City of Tiptonville shall sponsor an information and education program for all employees and supervisors. Information will be provided on the signs and symptoms of drug and/or alcohol abuse; the effects of drug and/or alcohol abuse on an individual's health, work, and personal life; the City of Tiptonville's policy regarding drugs and/or alcohol; and the availability of counseling. The city recorder has been designated as the municipal official responsible for answering questions regarding this policy and its implementation.

All City of Tiptonville property may be subject to inspection at any time without notice. There should be no expectation of privacy in such property.

Property includes, but is not limited to, vehicles, desks, containers, files, and lockers. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-402. Scope. Certain aspects of this policy may apply to full-time, part-time, temporary, and volunteer employees of the City of Tiptonville. The policy also applies to applicants for positions requiring a driver's license and other safety sensitive positions who have been given a conditional offer of employment from the of City of Tiptonville. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-403. Consent form. Before a drug and/or alcohol test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the laboratory, Medical Review Officer (MRO), city recorder, or his/her designee. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the city's drug and alcohol testing policy.

The consent form shall set forth the following information:

(1) The procedure for confirming and verifying an initial positive test result;

(2) The consequences of a verified positive test result; and

(3) The consequences of refusing to undergo a drug and/or alcohol test.

The consent form also provides authorization for certified or licensed attending medical personnel to take and have analyzed appropriate specimens to determine if drugs or alcohol were present in the employee's system. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-404. Compliance with substance abuse policy. Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The submission by an applicant or employee of a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or for termination. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-405. General rules. These are the general rules governing the City of Tiptonville drug and alcohol testing program:

(1) City employees shall not take or be under the influence of any drugs unless prescribed by the employee's licensed physician. Employees who are required to take prescription and/or over-the-counter medications shall notify the proper supervisory personnel before the employees go on duty.

(2) City employees are prohibited from engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal drugs at any time and of alcohol while on duty or while in or on city property.

(3) All City of Tiptonville property is subject to inspection at any time without notice. There should be no expectation of privacy in or on such property. City property includes, but is not limited to, vehicles, desks, containers, files, and lockers.

(4) Any employee convicted of violating a criminal drug statute shall inform the supervisor of his/her department of such conviction (including pleas of guilty and no lo contendere) within five (5) days of the conviction occurring. Failure to so inform the city subjects the employee to disciplinary action in the form of termination for the offense. The city will notify the federal contracting officer pursuant to applicable provisions of the Drug-Free Workplace Act and the Omnibus Transportation Employee Testing Act. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-406. Drug testing. An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to drug testing under six (6) separate conditions:

(1) Types of tests. (a) Pre-employment. All employment applicants for City of Tiptonville who have received a conditional offer of employment with the City of Tiptonville must take a drug test before receiving a final offer of employment. This includes "safety sensitive positions" such as police officers, firefighters, positions requiring a driver's license, public works positions involving the operation of heavy equipment, water/wastewater plant-operators, all positions involving the construction and maintenance of electrical lines, teachers and other positions having responsibility for the safety and care of children.

(b) Transfer. Employees transferring to a safety sensitive position and/or another position within the City of Tiptonville that requires a driver's license shall undergo drug testing.

(c) Post-accident/post-incident testing. Following any workplace accident (incident) determined by supervisory personnel of the City of Tiptonville to have resulted in property or environmental damage or personal injury, including but not limited to a fatality or human injury requiring medical treatment, any employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) drug test.

Post-accident (post-incident) testing shall be carried out within sixteen (16) hours following the accident (incident). Urine collection for

post-accident (post-incident) testing shall be monitored or observed by same-gender collection personnel at an established collection site.

In instances where post-accident (post-incident) testing is to be performed, the City of Tiptonville reserves the right to direct the Medical Review Officer (MRO) to instruct the designated laboratory to perform testing on submitted urine specimens for possible illegal/illegitimate substances.

Any testing for additional substances listed under the Tennessee Drug Control Act of 1989 as amended shall be performed at the urinary cutoff level that is normally used for those specific substances by the laboratory selected.

(i) Post-accident (post-incident) testing for ambulatory employees. Following all workplace accidents (incidents) where drug testing is to be performed, unless otherwise specified by the department head, any affected employees who are ambulatory will be taken by a supervisor or designated personnel of the City of Tiptonville to the designated urine specimen collection site within sixteen (16) hours following the accident. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to a designated testing site within sixteen (16) hours. No employee shall consume drugs prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site for post-accident (post-incident) testing. Any unreasonable delay in providing specimens for drug testing shall be considered a refusal to cooperate with the substance abuse program of the City of Tiptonville and shall result in the administrative action of termination of employment.

(ii) Post-accident (post-incident) testing for injured employees. Any affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for drug testing by qualified, licensed attending medical personnel and consent to the testing of the specimens. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the Medical Review Officer (MRO) of the City of Tiptonville appropriate and necessary information or records that would indicate only whether or not specified prohibited drugs (and what amounts) were found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the City of Tiptonville or upon hiring following the implementation date.

Post-accident (post-incident) urinary testing may be impossible for unconscious, seriously-injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if drugs were present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within sixteen (16) hours must be fully documented by the attending medical personnel.

(d) Testing based on reasonable suspicion. A drug test is required for any employee where there is reasonable suspicion to believe the employee is using or is under the influence of drugs and/or alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used drugs. This belief should be based on recent, physical, behavioral, or performance indicators of possible drug use. One supervisor who has received drug detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the City of Tiptonville making a determination to subject any employee to drug testing based on reasonable suspicion shall document their specific reasons and observations in writing to the city recorder within twenty-four (24) hours of the decision to test and before the results of the urine drug tests are received by the department. Urine collection for reasonable suspicion testing shall be monitored or observed by same gender collection personnel.

(e) Random testing. Only employees of the City of Tiptonville holding safety sensitive positions are subject to random alcohol and drug testing. "Safety sensitive positions" include police officers, firefighters, positions requiring a driver's license, public works equipment operators, water/wastewater plant operators, all positions involving the construction and maintenance of electrical lines, teachers and other positions having responsibility for the safety and care of children.

A minimum of fifteen (15) minutes and a maximum of two (2) hours will be allowed between notification of an employee's selection for random urine drug testing and the actual presentation for specimen collection, at which time they shall remain in the presence of the collecting agent or his/her designee.

Random donor selection dates will be unannounced with unpredictable frequency. Some may be tested more than once each year while others may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to produce a specimen on the date random

testing occurs, the City of Tiptonville may omit that employee from that random testing or await the employee's return to work.

(2) Prohibited drugs. All drug results will be reported to the Medical Review Officer (MRO). If verified by the MRO, they will be reported to the city recorder. The following is a list of drugs for which tests will be routinely conducted (see Appendix A for cutoff levels):¹

- (a) Amphetamines,
- (b) Marijuana,
- (c) Cocaine.
- (d) Opiates.
- (e) Phencyclidine (PCP).
- (f) Alcohol.
- (g) Depressants.

The city may test for any additional substances listed under the Tennessee Drug Control Act of 1989.

(3) Drug testing collection procedures. Testing will be accomplished as non-intrusively as possible. Affected employees, except in cases of random testing, will be taken by a supervisor or designated personnel of the City of Tiptonville to a drug test collection facility selected by the City of Tiptonville, where a urine sample will be taken from the employee in privacy. The urine sample will be immediately sealed by personnel overseeing the specimen collection after first being examined by these personnel for signs of alteration, adulteration, or substitution. The sample will be placed in a secure mailing container. The employee will be asked to complete a chain-of-custody form to accompany the sample to a laboratory selected by the City of Tiptonville to perform the analysis on collected urine samples.

(4) Drug testing laboratory standards and procedures. All collected urine samples will be sent to a laboratory that is certified and monitored by the federal Department of Health and Human Services (DHHS).

As specified earlier, in the event of an accident (incident) occurring after regular work hours, the supervisor or designated personnel shall take the employee(s) to a designated testing site within sixteen (16) hours where proper collection procedures will be administered.

The Omnibus Act requires that drug testing procedures include split specimen procedures. Each urine specimen is subdivided into two (2) bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to a laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of drugs, the employee has seventy-two (72) hours to request sending the split specimen to another federal Department

¹Appendix A to this chapter is of record in the recorder's office.

of Health and Human Services (DHHS) certified laboratory for analysis. The employee will be required to pay for his or her split specimen test(s).

For the employee's protection, the results of the analysis will be confidential except for the testing laboratory. After the MRO has evaluated a positive test result, the employee will be notified, and the MRO will notify the city recorder.

(5) **Reporting and reviewing.** The City of Tiptonville shall designate a Medical Review Officer (MRO) to receive, report, and file testing information transmitted by the laboratory. This person shall be a licensed physician with knowledge of substance abuse disorders.

(a) The laboratory shall report test results only to the designated MRO, who will review them in accordance with accepted guidelines and the procedures adopted by the City of Tiptonville.

(b) Reports from the laboratory to the MRO shall be in writing, fax or email. The MRO may talk with the employee by telephone upon exchange of acceptable identification.

(c) The testing laboratory, collection site personnel, and MRO shall maintain security over all the testing data and limit access to such information to the following: the respective department head, the mayor, the city recorder, and the employee.

(d) Neither the City of Tiptonville, the laboratory, nor the MRO shall disclose any drug test results to any other person except under written authorization from the affected employee, unless such results are necessary in the process of resolution of accident (incident) investigations, requested by court order, or required to be released to parties (i.e., DOT, the Tennessee Department of Labor, etc.) having legitimate right-to-know as determined by the city attorney. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-407. Alcohol testing. An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to alcohol testing under six separate conditions:

(1) **Types of tests.** (a) Post-accident/post-incident testing. Following any workplace accident (incident) determined by supervisory personnel of the City of Tiptonville to have resulted in property or environmental damage or in personal injury, including but not limited to a fatality or human injury requiring medical treatment, each employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) and who is reasonably suspected of possible alcohol use as determined during a routine post-accident (post-incident) investigation or who receives a

citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) alcohol test.

Post-accident (post-incident) testing shall be carried out within two (2) hours following the accident (incident).

(i) Post-accident (post-incident) testing for ambulatory employees. Following all workplace accidents (incidents) where alcohol testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the City of Tiptonville to the designated breath alcohol test site for a breath alcohol test within two (2) hours following the accident. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to a designated testing site within two (2) hours. No employee shall consume alcohol prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in appearing for alcohol testing shall be considered a refusal to cooperate with the substance abuse program of the City of Tiptonville and shall result in the administrative action of termination of employment.

(ii) Post-accident (post-incident) testing for injured employees. An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for alcohol testing by qualified, licensed attending medical personnel and consent to specimen testing. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the Medical Review Officer (MRO) of the City of Tiptonville appropriate and necessary information or records that would indicate only whether or not specified prohibited alcohol (and what amount) was found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the City of Tiptonville or upon hiring following the implementation date.

Post-accident (post-incident) breath alcohol testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if alcohol was present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within two (2) hours must be fully documented by the attending medical personnel.

(b) Testing based on reasonable suspicion. An alcohol test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used alcohol. This belief should be based on recent, physical, behavioral, or performance indicators of possible alcohol use. One supervisor who has received alcohol detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the City of Tiptonville making a determination to subject any employee to alcohol testing based on reasonable suspicion shall document their specific reasons and observations in writing to the city recorder within eight (8) hours of the decision to test and before the results of the tests are received by the department.

(c) Random testing. Only employees of the City of Tiptonville holding safety sensitive positions are subject to random alcohol testing. "Safety sensitive positions" include police officers, firefighters, positions requiring a driver's license, public works equipment operators, water/wastewater plant operators, all positions involving the construction and maintenance of pipelines, teachers and other positions having responsibility for the safety and care of children.

A minimum of fifteen (15) minutes and a maximum of two (2) hours will be allowed between notification of an employee's selection for random alcohol testing and the actual presentation for testing.

Random test dates will be unannounced with unpredictable frequency. Some employees may be tested more than once each year while others may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to be tested on the date random testing occurs, the City of Tiptonville may omit that employee from that random testing or await the employee's return to work.

(2) Alcohol testing procedures. All breath alcohol testing conducted for the City of Tiptonville shall be performed using Evidential Breath Testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA). Alcohol testing is to be performed by a qualified technician as follows:

(a) Step one: An initial breath alcohol test will be performed using a breath alcohol analysis device approved by the National Highway Traffic Safety Administration (NHTSA). If the measured result is less than 0.02 percent Breath Alcohol Level (BAL), the test shall be considered negative. If the result is greater or equal to 0.04 percent BAL,

the result shall be recorded and witnessed, and the test shall proceed to step two.

(b) Step two: Fifteen (15) minutes shall be allowed to pass following the completion of step one above. Before the confirmation test or step two is administered for each employee, the breath alcohol technician shall insure that the evidential breath testing device registers 0.00 on an air blank. If the reading is greater than 0.00, the breath alcohol technician shall conduct one (1) more air blank. If the reading is greater than 0.00, testing shall not proceed using that instrument. However, testing may proceed on another instrument. Then step one shall be repeated using a new mouthpiece and either the same or equivalent but different breath analysis device.

The breath alcohol level detected in step two shall be recorded and witnessed.

If the lower of the breath alcohol measurements in step one and step two is 0.04 percent or greater, the employee shall be considered to have failed the breath alcohol test. Failure of the breath alcohol test shall result in the termination of employment by proper officials of the City of Tiptonville.

Any breath level found upon analysis to be between 0.02 percent BAL and 0.04 percent BAL shall result in the employee's removal from duty without pay for a minimum of twenty-four (24) hours. In this situation, the employee must be retested by breath analysis and found to have a BAL of less than 0.02 percent before returning to duty with the City of Tiptonville.

All breath alcohol test results shall be recorded by the technician and shall be witnessed by the tested employee and by a supervisory employee of the City of Tiptonville, when possible.

The completed breath alcohol test form shall be submitted to the city recorder. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-408. Education and training. (1) Supervisory personnel who will determine reasonable suspicion testing. Training supervisory personnel who will determine whether an employee must be tested based on reasonable suspicion will include training on the specific, contemporaneous, physical, behavioral, and performance indicators of both probable drug use and alcohol use.

The City of Tiptonville will sponsor a drug-free awareness program for all employees.

(2) Distribution of information. The minimal distribution of information for all employees will include the display and distribution of:

(a) Informational material on the effects of drug and alcohol abuse;

(b) An existing community services hotline number, available drug counseling; rehabilitation, and employee assistance programs for employee assistance;

(c) The City of Tiptonville policy regarding the use of prohibited drugs and/or alcohol; and

(d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-409. Consequences of a confirmed positive drug and/or alcohol test result and/or verified positive drug and/or alcohol test result. Job applicants will be denied employment with the City of Tiptonville if their initial positive preemployment drug test results have been confirmed/verified.

If a current employee's positive drug and alcohol test result has been confirmed, the employee is subject to immediate removal from any safety-sensitive function and termination of employment. The city shall have no discretion in this policy and a violation of it shall result in immediate termination of employment.

No disciplinary action may be taken pursuant to this drug policy against employees who voluntarily identify themselves as drug users, obtain counseling and rehabilitation through the city's employee assistance program or other program sanctioned by the city/town, and thereafter refrain from violating the city's policy on drug and alcohol abuse. However, voluntary identification will not relieve the employee of any requirements for return to duty testing.

Refusing to submit to an alcohol or controlled substances test means that an employee:

(1) Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part;

(2) Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part; or

(3) Engages in conduct that clearly obstructs the testing process. In either case the physician or breath alcohol technician shall provide a written statement to the city/town indicating a refusal to test. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-410. Voluntary disclosure of drug and/or alcohol use. In the event that an employee of the City of Tiptonville is dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, that employee should voluntarily discuss his/her problem with the respective department head in private.

Such voluntary desire for help with a substance abuse problem will be honored by the City of Tiptonville. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment.

Affected employees of the City of Tiptonville may be allowed up to thirty (30) consecutive calendar days for initial substance abuse treatment as follows:

(1) The employee must use all vacation, sick, and compensatory time available.

(2) In the event accumulated vacation, sick, and compensatory time is insufficient to provide the medically prescribed and needed treatment up to a maximum of thirty (30) consecutive calendar days, the employee will be provided unpaid leave for the difference between the amount of accumulated leave and the number of days prescribed and needed for treatment up to the maximum thirty (30) day treatment period.

Voluntary disclosure must occur before an employee is notified of or otherwise becomes subject to a pending drug and/or alcohol test.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the Substance Abuse Professional (SAP) of the City of Tiptonville. The SAP may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The respective department head and City Recorder of the City of Tiptonville will consider each case individually and set forth final conditions of reinstatement to active duty. These conditions of reinstatement must be met by the employee. Failure of the employee to complete treatment or follow after-care conditions, or subsequent failure of any drug or alcohol test under this policy will result in the administrative action of termination of employment.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the City of Tiptonville. Voluntary disclosure provisions do not apply to applicants. Employees found positive during drug and/or alcohol testing under this policy are subject to the administrative action of termination of employment as specified elsewhere in this policy. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-411. Exceptions. This policy does not apply to possession, use, or provision of alcohol and/or drugs by employees in the context of authorized work assignments (i.e., undercover police enforcement, intoxilyzer demonstrations). In all such cases, it is the individual employee's responsibility to ensure that job performance is not adversely affected by the possession, use, or provision of alcohol. The police department shall be governed by their own policy regarding both alcohol and drugs. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-412. Modification of policy. This statement of policy may be revised by the City of Tiptonville at any time to comply with applicable federal and state regulations that may be implemented, to comply with judicial rulings, or to meet any changes in the work environment or changes in the drug and alcohol testing policy of the City of Tiptonville. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-413. Definitions. For purposes of the drug and alcohol testing policy, the following definitions are adopted:

(1) "Alcohol." The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

(2) "Alcohol concentration." The alcohol in a volume of breath expressed in terms of grams of alcohol per two hundred ten (210) liters of breath as indicated by a breath test.

(3) "Alcohol use." The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

(4) "Applicant." Any person who has on file an application for employment or any person who is otherwise being considered for employment or transfer to the police department, fire department, or to a position requiring a driver's license being processed for employment. For the purposes of this policy, an applicant may also be: a uniformed employee who has applied for and is offered a promotion or who has been selected for a special assignment; a non-uniformed employee who is offered a position as a uniformed employee; or an employee transferring to or applying for a position requiring a driver's license.

(5) "Breath Alcohol Technician (BAT)." An individual who instructs and assists individuals in the alcohol testing process and operates an Evidential Breath Testing device (EBT).

(6) "Chain of custody." The method of tracking each urine specimen to maintain control from initial collection to final disposition for such samples and accountability at each stage of handling, testing, storing, and reporting.

(7) "Collection site." A place where applicants or employees present themselves to provide, under controlled conditions, a urine specimen that will be analyzed for the presence of alcohol and/or drugs. Collection site may also include a place for the administration of a breath analysis test.

(8) "Collection site personnel." A person who instructs donors at the collection site.

(9) "Confirmation test." In drug testing, a second analytical procedure that is independent of the initial test to identify the presence of a specific drug or metabolite that uses a different chemical principle from that of the initial test to ensure reliability and accuracy. In breath alcohol testing, a second test following an initial test with a result of 0.02 or greater that provides quantitative data of alcohol concentration.

(10) "Confirmed positive result." The presence of an illicit substance in the pure form or its metabolites at or above the cutoff level specified by the National Institute of Drug Abuse identified in two (2) consecutive tests that utilize different test methods and that was not determined by the appropriate medical, scientific, professional testing, or forensic authority to have been caused by an alternate medical explanation or technically insufficient data. An EBT result equal to or greater than 0.02 is considered a positive result.

(11) "Consortium." An entity, including a group or association of employers or contractors, which provides alcohol or controlled substances testing as required by this part or other DOT alcohol or drug testing rules and that acts on behalf of the employers.

(12) "Department director." The director or chief of a city department or his/her designee. The designee may be an individual who acts on behalf of the director to implement and administer these procedures.

(13) "DHHS." The federal Department of Health and Human Services or any designee of the secretary, Department of Health and Human Services.

(14) "DOT agency." An agency of the United States Department of Transportation administering regulations related to alcohol and/or drug testing. For the City of Tiptonville, the Federal Highway Administration (FHWA) is the DOT agency.

(15) "Driver." Any person who operates a motor vehicle.

(16) "Driver's License (DL)." A license required to operate a motor vehicle.

(17) "EAP." Employee Assistance Program.

(18) "Employee." An individual currently employed by the City of Tiptonville.

(19) "Evidential Breath Testing device (EBT)." An instrument approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices."

(20) "FHWA." Federal Highway Administration.

(21) "Initial test." In drug testing, an immunoassay test to eliminate negative urine specimens from further analysis. In alcohol testing, an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

(22) "Medical Review Officer (MRO)." A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information.

(23) "Negative result." The absence of an illicit substance in the pure form or its metabolites in sufficient quantities to be identified by either an initial test or confirmation test.

(24) "NHTSA." National Highway and Traffic Safety Administration.

(25) "Refuse to submit." Refusing to submit to an alcohol or controlled substances test means that a driver:

(a) Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part;

(b) Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part; or

(c) Engages in conduct that clearly obstructs the testing process.

(26) "Safety-sensitive positions." Safety sensitive positions include police officers, firefighters, positions requiring a driver's license, public works equipment operators, water/wastewater plant operators, all positions involving the construction and maintenance of pipelines, teachers and other positions having responsibility for the safety and care of children.

(27) "Split specimen." Urine drug test sample will be divided into two (2) parts. One (1) part will be tested initially, the other will remain sealed in case a retest is required or requested.

(28) "Substance abuse professional." A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-414.--4-415. [Deleted.] (as added by Ord. #2102, Feb. 2005, and deleted by Ord. #2174, Jan. 2016)

CHAPTER 5

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-501. Enforcement.
- 4-502. Travel policy.
- 4-503. Travel reimbursement rate schedules.
- 4-504. Administrative procedures.

4-501. Enforcement. The chief administrative officer (CAO) of the town or his or her designee shall be responsible for the enforcement of these regulations. (Ord. #2066, Feb. 1996)

4-502. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on town business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the town. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions, and seminars; and other actual and necessary expenses related to official business as determined by the CAO. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the town for registration fees, meals, lodging, conferences, and similar expenses.

Travel advance requests aren't considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the town. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

(4) Travel advances are available only for special travel and only after completion and approval of the travel authorization form.

(5) The travel expense reimbursement form will be used to document all expense claims.

(6) To qualify for reimbursement, travel expenses must be:

(a) Directly related to the conduct of the town business for which travel was authorized, and

(b) Actual, reasonable, and necessary under the circumstances. The CAO may make exceptions for unusual circumstances.

(7) Claims of \$5 or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.

(8) Any person attempting to defraud the town or misuse town travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances. (Ord. #2066, Feb. 1996, as amended by Ord. #PP1, June 1998)

4-503. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the state travel regulation rates. The town's travel reimbursement rates will automatically change when the state rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #2066, Feb. 1996)

4-504. Administrative procedures. (1) Travel documentation. It is the responsibility of the authorized traveler to:

- Prepare and accurately describe the travel,
- Certify the accuracy of the reimbursement request,
- Note on the reimbursement form all direct payments and travel advances made by the town, and
- File the reimbursement form with the necessary supporting documents and original receipts.

(a) Vehicles. (i) Personal vehicle. The town will pay a mileage rate not to exceed the rate allowed by the state reimbursement schedule. The miles for reimbursement shall be paid from origin to destination and back by the most direct route.

(ii) Town vehicle. The town may require the employee to drive a town vehicle. If a town vehicle is provided, the traveler is responsible for seeing that the vehicle is used properly and only for acceptable business.

(b) Lodging. The amount allocated for lodging shall not ordinarily exceed the maximum per diem rates authorized by the state rate schedule.

(i) Original lodging receipts must be submitted with the reimbursement form.

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

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

(c) Meals and incidentals. Receipts are required for meals and incidentals. The authorized traveler may be reimbursed up to the daily amount based on the state rate schedule and the authorized length of stay.

(d) Miscellaneous expenses. (i) 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.

(ii) The traveler may be reimbursed for personal phone calls while on official travel, but the amount will be limited to \$5 per day.

(iii) A \$4 allowance will be reimbursable for hotel/motel check-in and baggage handling expenses.

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

(e) Entertainment. The town may pay for certain entertainment expenses provided that:

(i) The entertainment is appropriate in the conduct of town business;

(ii) The entertainment is approved by the CAO;

(iii) The group or individuals involved are identified; and

(iv) Documentation is attached to the expense form to support the entertainment expense claims.

(2) 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. (Ord. #2066, Feb. 1996, as amended by Ord. #PP1, June 1998)