

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

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CHAPTER 1

SOCIAL SECURITY--CITY PERSONNEL

SECTION

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4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the city to extend to employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. 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. (1983 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. (1983 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. (1983 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. (1983 Code, § 1-704)

4-105. Records and reports to be made. The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1983 Code, § 1-705)

4-106. Employees excluded. (1) 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 city.

(2) There is hereby excluded from this chapter any authority to make any agreement with respect to any employee or official, rendering services in fee-basis positions, emergency positions (as defined under federal law), employees rendering services in part-time positions, in elective legislative, executive and judicial positions, or any employee or official not authorized to be covered by applicable federal-state laws and regulations. There is also excluded from this chapter any authority to make any agreement with respect to election officials and election workers if the remuneration paid for such services is less than \$100 in a calendar year. Acting under § 2 of said emergency ordinance,¹ the mayor is hereby directed to amend the agreement to include under the federal system the services of employees and officials in part-time positions and in elective legislative, executive and judicial positions as of January 1, 1987, and to exclude the services of election officials and election workers if the remuneration paid for such services is less than \$100 in a calendar year, to be effective as of the date established by federal laws and regulations. (1983 Code, § 1-706)

¹The emergency ordinance referred to was passed July 24, 1951.

CHAPTER 2

VACATIONS AND SICK LEAVE--CITY PERSONNEL

SECTION

- 4-201. Applicability of chapter.
- 4-202. Vacation leave.
- 4-203. Sick leave.
- 4-204. Leave for death in family
- 4-205. Workmen's compensation.
- 4-206. Leave records.

4-201. Applicability of chapter. This chapter shall apply to all full-time municipal employees. (1983 Code, § 1-801)

4-202. Vacation leave. All employees shall be allowed annual vacation leave with pay according to the following schedule based on the number of years of service of the employee.

1 year	-	5 days (1 week)
2 - 9 years	-	10 days (2 weeks)
10 - 19 years	-	10 days plus one (1) day for each year of service
20 and up	-	20 days (4 weeks)

Such vacation leave shall be taken during the calendar year and at a time approved by the mayor or such officer as he may designate. An employee may be paid for unused vacation leave, not to exceed one (1) week per year with the approval of the mayor.

Upon separation or retirement from the city, an employee shall be paid for unused vacation leave. (1983 Code, § 1-802)

4-203. Sick leave. All employees shall be given a credit of one (1) working day of sick leave with pay for each month hereafter served. Sick leave, up to the number of days accrued, shall be approved for all employees whose absence from duty is due to illness, bodily injury, or exposure to contagious disease. A doctor's certificate will be required for any absence over three (3) days due to illness.

Upon separation or retirement from the city, no employee shall be paid for unused sick leave. However, in computing a retiring employee's years of service, his/her unused sick leave will be included. (1983 Code, § 1-803)

4-204. Leave for death in family. Time will be given to any full-time employee, not to exceed three (3) days in which a death occurs in an employee's

family. Family shall be considered as employee's wife or husband, child, mother or father, sister or brother, mother-in-law or father-in-law, sister-in-law, brother-in-law, grandparents, or grandchildren. Time spent in attending funerals, other than above, shall be charged to vacation time.

Any reasonable amount of time will be allowed employees who are asked to participate as pallbearers. This time will not be charged against vacation time. (1983 Code, § 1-804)

4-205. Workmen's compensation. An employee receiving workmen's compensation benefits, resulting from an on-the-job injury, shall not be entitled to any supplemental payment from the city.

(1) An employee receiving workmen's compensation benefits shall continue to accrue one (1) day per month while incapacitated, however, if the employee receives a 100% disability and is unable to return to work the sick leave accrual shall cease.

(2) An employee receiving workmen's compensation shall be eligible for any holiday in the city's holiday schedule. (1983 Code, § 1-805)

4-206. Leave records. The mayor shall cause to be kept, for each officer and employee, a record currently up to date at all time showing credits earned and leave taken under this chapter. All records shall be retained in the recorder's office. (1983 Code, § 1-806)

CHAPTER 3

MISCELLANEOUS REGULATIONS--CITY PERSONNEL

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.
- 4-308. Hospitalization insurance for retired employees.
- 4-309. Hospitalization insurance for disabled employees.
- 4-310. Health insurance benefit for thirty (30) year employees.

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 municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the municipality. (1983 Code, § 1-901)

4-302. Acceptance of gratuities. No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the municipality 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. (1983 Code, § 1-902)

4-303. Outside employment. No full-time officer or employee of the municipality shall accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the municipality. (1983 Code, § 1-903)

4-304. Political activity. Municipal officers and employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities; provided the city is not required to pay the employee's salary for work not performed for the city. Provided, however, municipal employees shall not be qualified to run for elected office in the city council. This restriction shall not

apply to elective officials or to off-duty law enforcement officers acting as private citizens. (1983 Code, § 1-904, modified)

4-305. Use of municipal time, facilities, etc. No municipal employee shall use or authorize the use of municipal 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 city council has authorized the use of such time, facilities, equipment, or supplies, and the municipality is paid at such rates as are normally charged by private sources for comparable services. (1983 Code, § 1-905)

4-306. Use of position. No municipal employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the municipality, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1983 Code, § 1-906)

4-307. Strikes and unions. No municipal employee shall participate in any strike against the municipality, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (1983 Code, § 1-907)

4-308. Hospitalization insurance for retired employees. The City of Trenton, Tennessee shall provide a Medicare Supplement Policy for retired employees of said city who have twenty (20) or more years of service and have reached the age of sixty five (65) years. The city may do this by the purchase of a supplemental policy rather than coverage by the retirement trust fund. The City of Trenton reserves the right, by appropriate resolution of the board of mayor and aldermen, to discontinue this supplemental coverage if it deems it so necessary. (1983 Code, § 1-908, as amended by Ord. #197, April 1997)

4-309. Hospitalization insurance for disabled employees. For any employee, who does not qualify for hospitalization insurance under § 4-309 and who is disabled from continuing his employment with the City of Trenton, the city shall provide hospitalization insurance for a period of ninety (90) days following the exhaustion of the employee's vacation and sick leave days, if any. (1983 Code, § 1-909)

4-310. Health insurance benefit for thirty (30) year employees. Any person who has been employed by the City of Trenton for thirty (30) years is eligible to retire from the city and receive health insurance benefits until said employee becomes eligible for Medicare benefits or is employed by another entity that offers health insurance. The City of Trenton reserves the right, by appropriate action of the mayor and board of aldermen, to discontinue this

health insurance benefit if it deems so necessary. (as added by Ord. #267, Dec. 2010)

CHAPTER 4

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-401. Purpose.
- 4-402. Enforcement.
- 4-403. Travel policy.
- 4-404. Travel reimbursement rate schedule.
- 4-405. Administrative procedures.

4-401. Purpose. The purpose of this chapter and referenced regulations is to bring the city into compliance with Pub. Acts 1993, ch. 433. This act requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular city employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (1983 Code, § 1-1301)

4-402. Enforcement. The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (1983 Code, § 1-1302)

4-403. 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 city 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 city. 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 city for registration fees, air fares, 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 city. 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 city business for which travel was authorized, and

(b) Actual, reasonable, and necessary under the circumstances.

The CAO may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

(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 city or misuse city travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (1983 Code, § 1-1303)

4-404. Travel reimbursement rate schedule. Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates.

The city'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. (1983 Code, § 1-1304)

4-405. Administrative procedures. A copy of the administrative procedures is on file in the office of the city recorder. (1983 Code, § 1-1305)

CHAPTER 5

OCCUPATIONAL SAFETY AND HEALTH PROGRAM¹

SECTION

- 4-501. Title.
- 4-502. Purpose.
- 4-503. Coverage.
- 4-504. Standards authorized.
- 4-505. Variances from standards authorized.
- 4-506. Administration.
- 4-507. Funding the program.
- 4-508. Deleted.

4-501. Title. This section shall be known as Occupational Safety and Health Program for the employees of the City of Trenton. (as added by Ord. #275, Aug. 2012, and replaced by Ord. #325, Oct. 2019 *Ch10_11-10-20*)

4-502. Purpose. The City of Trenton, in electing to update the established program plan will maintain an effective and comprehensive Occupational Safety and Health Program Plan for its employees and 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 the existing or potential hazards: and

(d) Train managers, supervisors, and employees to understand 3rd 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) Record, keep, preserve, and make available to the Commissioner of Labor and workforce Deveiopment, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records oi all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

¹Appendixes to the Occupational Safety and Health Plan for the City of Trenton are available in the recorder's office.

(4) Consult with the Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

(5) Consult with, the 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 plan, 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 and health standards, and provide for education and notification of all employees of the existence of this program plan. (as added by Ord. #275, Aug. 2012, and replaced by Ord. #325, Oct. 2019 *Ch10_11-10-21*)

4-503. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of (City/County/etc.) City of Trenton shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (as added by Ord. #275, Aug. 2012, and replaced by Ord. #325, Oct. 2019 *Ch10_11-10-20*)

4-504. Standards authorized. The Occupational Safety and Health standards adopted by the (City/County/etc.) City of Trenton 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 1972.¹ (as added by Ord. #275, Aug. 2012, and replaced by Ord. #325, Oct. 2019 *Ch10_11-10-20*)

4-505. Variances from standards authorized. The City of Trenton may upon written application to 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 of Trenton 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

¹State law reference

Tennessee Code Annotated title 50, chapter 3.

designated by the City of Trenton shall be deemed sufficient notice to employees. (as added by Ord. #275, Aug. 2012, and replaced by Ord. #325, Oct. 2019 *Ch10_11-10-20*)

4-506. Administration. For the purposes of this ordinance, (Name of Official or Title) Ricky Bailey, Building Inspector is designated as the safety director of occupational safety and health to perform duties and to exercise powers assigned to plan, develop, and administer this program plan. The safety director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 0800-01-05, as authorized by Tennessee Code Annotated, title 50. (as added by Ord. #275, Aug. 2012, and replaced by Ord. #325, Oct. 2019 *Ch10_11-10-20*)

4-507. Funding the program. Sufficient funds for administering and staffing the program pursuant to this ordinance shall be made available as authorized by the (City/County/etc.) of Trenton. (as added by Ord. #275, Aug. 2012, and replaced by Ord. #325, Oct. 2019 *Ch10_11-10-20*)

4-508. Deleted. (as added by Ord. #303, April 2016, and deleted by Ord. #325, Oct. 2019 *Ch10_11-10-20*)