

TITLE 4**MUNICIPAL PERSONNEL****CHAPTER**

1. MISCELLANEOUS REGULATIONS--CITY PERSONNEL.
2. TRAVEL REIMBURSEMENT.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

CHAPTER 1**MISCELLANEOUS REGULATIONS--CITY PERSONNEL****SECTION**

- 4-101. Business dealings.
- 4-102. Political activity.
- 4-103. Strikes and unions.
- 4-104. Personnel policies and procedures.

4-101. 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 city. (1995 Code, § 4-101)

4-102. Political activity. (1) Municipal employees shall enjoy the same rights as 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. However, the city is not required to pay the employee's salary for work not performed for the governmental entity.

(2) Notwithstanding subsection (1), a municipal employee of the City of Tusculum shall not be permitted to qualify to run for the Board of Mayor and Commissioners of the City of Tusculum.

(3) An employee may not engage in political activity while on duty. Any time off work used by the employee for participation in political activities, shall be limited to earned days off, vacation days, or by any other arrangement agreed upon between the employee and the City of Tusculum. (1995 Code, § 4-103)

4-103. Strikes and unions. No municipal officer or employee shall participate in any strike against the city, 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. (1995 Code, § 4-106)

4-104. Personnel policies and procedures. Personnel policies and procedures for the City of Tusculum shall be governed by Ord. #13-05, titled "A Resolution Adopting a Personnel Policies and Procedures Handbook for the City of Tusculum, Tennessee," and any amendments thereto.¹

¹Ord. #13-05, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 2

TRAVEL REIMBURSEMENT

SECTION

- 4-201. Purpose.
- 4-202. Enforcement.
- 4-203. Travel policy.
- 4-204. Travel reimbursement rate schedules.
- 4-205. Administrative procedures.

4-201. Purpose. The purpose of this ordinance and referenced regulations is to bring the city into compliance with Tennessee Code Annotated, § 6-54-901--907. This law 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 is the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (1995 Code, § 4-201)

4-202. Enforcement. The Chief Administrative Officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (1995 Code, § 4-202)

4-203. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" 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 are not 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 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 will not be allowed.

(7) Claims of five dollars (\$5.00) or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle travel, 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 are not ordinarily considered eligible expenses for reimbursement. (1995 Code, § 4-203)

4-204. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the State of Tennessee (enter either federal or State of Tennessee) travel regulation rates. The city's travel reimbursement rates will automatically change when the state (federal or 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. (1995 Code, § 4-204)

4-205. Administrative procedures. The city adopts and incorporates by reference - as if fully set out herein - the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee. A copy of the administrative procedures is on file in the office of the city recorder. (1995 Code, § 4-205)

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-301. Title.
- 4-302. Purpose.
- 4-303. Coverage.
- 4-304. Standards authorized.
- 4-305. Variances from standards authorized.
- 4-306. Administration.
- 4-307. Funding the program.

4-301. Title. This chapter shall be known as "The Occupational Safety and Health Program Plan" for the employees of the City of Tusculum. (Ord. #13-04, April 2013)

4-302. Purpose. The City of Tusculum 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 and deal with worksite hazards.

(2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.

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

(4) Consult with the 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. (Ord. #13-04, April 2013)

4-303. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the City of Tusculum shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (Ord. #13-04, April 2013)

4-304. Standards authorized. The Occupational Safety and Health standards adopted by the City of Tusculum 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 (Ord. #13-04, April 2013)

4-305. Variances from standards authorized. Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may 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 and Health, Variances from Occupational Safety and Health Standards, chapter 0800-01-02, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our 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 shall be deemed sufficient notice to employees. (Ord. #13-04, April 2013)

4-306. Administration. For the purposes of this chapter, the city recorder 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

¹State law reference

Tennessee Code Annotated, title 50, chapter 3.

operation¹ 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. (Ord. #13-04, April 2013)

4-307. Funding the program. Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the City of Tusculum. (Ord. #13-04, April 2013)

¹Appendices I through IV "Plan of Operation for the Occupational Safety and Health Program Plan for the Employees of City of Tusculum" has been added to this code as Appendix A.