

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

1. SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES.
2. PERSONNEL ORDINANCE.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

CHAPTER 1**SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES****SECTION**

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4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this municipality to provide for all eligible employees and officials of the municipality, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1963 Code, § 1-701)

4-102. Necessary agreements to be executed. The city manager 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. (1963 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. (1963 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. (1963 Code, § 1-704)

4-105. Records and reports to be made. The municipality shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1963 Code, § 1-705)

4-106. Exclusions. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any ordinance creating any retirement system for any employee or official of the city, except those employees and officials covered under the Tennessee Consolidated Retirement System.

There is hereby excluded from this chapter any authority to make any agreement with respect to any employee or official not authorized to be covered by the federal or state laws or regulations. Acting under § 4-102 hereinabove contained, the mayor is hereby directed to amend the social security agreement executed on January 1, 1951, so as to extend the benefits of the system of federal old age and survivors insurance to include employees in part-time and fee-basis positions as of January 1, 1972, and to identify Union City as a participant in the Tennessee Consolidated Retirement System. (1963 Code, § 1-706)

CHAPTER 2

PERSONNEL ORDINANCE

SECTION

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4-201. General provisions. This chapter shall be known as the personnel ordinance. It is hereby the declared personnel policy of the city that:

(1) Employment in the city government shall be based on merit and fitness, free of personal and political considerations.

(2) Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of city government.

(3) Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis.

(4) Appointments, promotions and other actions requiring the application of the merit principle shall be based on systematic tests and evaluations.

(5) High morale shall be maintained by fair administration of this chapter and by every consideration of the rights and interests of employees consistent with the best interests of the public and the city.

(6) Tenure of employees covered by this chapter shall be subject to good behavior, the satisfactory performance of work, necessity in the performance of work, and the availability of funds. (1963 Code, § 1-801)

4-202. Scope. All offices and positions of the city are divided into the classified service and the exempt service.

- (1) The exempt service shall include the following:
 - (a) Councilmen.

- (b) Members of boards and volunteers who are not regular city employees.
 - (c) The city manager.
 - (d) Organizations and their employees and other persons engaged by the city on a contractual basis.
 - (e) Positions involving temporary, seasonal or part-time employment, or which consists of unskilled work not considered a regular or normal city function.
 - (f) Positions involving retired individuals seeking light duty work to supplement income.
 - (g) Volunteer firemen.
 - (h) Such positions involving seasonal or part-time employment, or which consists of unskilled work, as may be specifically placed in the exempt service by the personnel rules.
 - (i) Department heads.
- (2) The classified service shall include all other positions in the city service that are not specifically placed in the exempt service by this chapter.
- (3) When this chapter becomes effective, all persons then holding positions included in the classified service:
- (a) Shall have permanent status if they have held their present positions for at least six months immediately preceding the effective date of this chapter; or
 - (b) Shall serve a probationary period of six months before acquiring permanent status if they have held their positions for less than six months immediately preceding the effective date of this chapter.
- (4) The class in which each employee shall have status shall be determined in the manner provided in § 4-205.
- (5) The following sections of this chapter apply only to the classified service unless otherwise specifically provided. (1963 Code, § 1-802)

4-203. Administration. (1) The personnel program established by this chapter shall be administered by the city manager acting as personnel director. The personnel director shall:

- (a) Attend all meetings of the personnel board.
 - (b) Administer all the provisions of this chapter and of the personnel rules.
 - (c) Prepare and recommend revisions and amendments to the personnel rules.
- (2) The personnel advisory board shall consist of three (3) members to be appointed by the council. The members of the board shall be persons in sympathy with the application of merit principles to public employment. No member of the board shall be a member of any local, state or national committee of a political party or an official or member of a committee in any partisan political club or organization, nor shall hold or be a candidate for any elective

office. The members of the board shall serve for a term of three (3) years. Vacancies occurring during a term shall be filled for the balance of the term. Members of the board shall serve without compensation, but funds will be provided for reasonable and necessary expenses. The board shall elect its own chairman.

(3) In addition to the duties set forth elsewhere in this chapter, the board shall:

(a) Advise the personnel director and the council on matters of personnel policy and problems of personnel administration, including the development of personnel rules, a job classification plan, and a uniform pay plan.

(b) Represent the public interest in the improvement of personnel administration in the city service.

(c) Make any inquiry which it may consider desirable concerning personnel administration in the city service, and make recommendations to the city manager and the council with respect thereto. (1963 Code, § 1-803, as amended by Ord. #108-12, April 2012)

4-204. Rules. The personnel director shall draft such rules as may be necessary to carry out the provisions of this chapter. Following a public hearing conducted by the personnel board, these rules shall be submitted for adoption by resolution of the council. The rules shall have the force and effect of law. Amendments to the rules shall be made in accordance with the above procedure. (1963 Code, § 1-804)

4-205. Classification. The personnel director shall make an analysis of the duties and responsibilities of all positions in the classified service and he shall recommend to the council a job classification plan. Each position in the classified service shall be assigned to a job class on the basis of the kind and level of its duties and responsibilities, to the end that all positions in the same class shall be sufficiently alike to permit use of a single descriptive title, the same qualification requirements, the same test of competence, and the same pay scale. A job class may contain one position, or more than one position.

Within 60 days after the recommendation of the initial classification plan by the director, the council shall, after public hearing, approve a classification plan, and the director shall thereafter allocate each position to its appropriate class.

The class to which each position is initially allocated following adoption of this chapter shall be the class in which the employee shall have status conferred on him by § 4-202(4).

The initial classification plan shall be revised from time to time as changing conditions require, upon recommendations of the personnel director and with the approval of the council. Such revisions may consist of the addition,

abolishment, consolidation, division or amendment of existing classes. (1963 Code, § 1-805)

4-206. Compensation. The personnel director, in consultation with the finance officer, shall prepare a pay plan and rules for its administration. The rate or range for each class shall be such as to reflect fairly the differences in duties and responsibilities and shall be related to compensation for comparable positions in other places of public and private employment.

The personnel director shall submit the pay plan and the rules for its administration to the council for adoption. The council, after public hearing, may adopt the plan and the rules, with or without amendment. All amendments shall apply uniformly to all positions within the same class.

After the pay plan and the rules for its administration have been adopted by the council, the personnel director shall assign each job class to one of the pay ranges provided in the pay plan.

The pay plan may be amended from time to time as circumstances require, either through adjustment of rates or reassignment of job classes to different pay ranges. (1963 Code, § 1-806)

4-207. Appointments, promotions and veterans' preference. Original appointments to vacancies occurring after the ordinance comprising this chapter becomes effective shall be based on merit as determined by systematic tests and evaluations.

Examinations shall be in such form as will fairly test the abilities and aptitudes of candidates for the duties to be performed, and may not include any inquiry into the political or religious affiliations or race of any candidate.

Candidates who qualify for employment shall be placed on an eligible list for the appropriate job class in the rank or order of the grades they obtained on the examination.

Preference in entrance examinations, but not in promotion, shall be granted to qualified persons who have been members of the armed forces of the United States in time of war, and who seek to enter the service of the city within five years immediately following their honorable discharge from military service. Such preference shall be in the form of points added to the final grades of such persons, provided that they first achieve a passing grade. The preference may be as much as five points for non-disabled veterans, and as much as ten points for persons currently receiving compensation from the U. S. Veterans Administration for war-service-incurred disabilities. The rank and order of such persons among other eligibles shall be determined on the basis of their augmented rating.

Vacancies in positions above the entrance level shall be filled by promotion whenever in the judgment of the personnel director it is in the best interests of the city to do so, and promotions shall be on a competitive basis except where the personnel director finds that the number of persons qualified

for promotion is insufficient to justify competition. Promotions shall give appropriate consideration to the applicant's qualifications, record of performance and seniority.

An advancement in rank or grade or an increase in salary beyond the limits defined in the rules for the administration of the pay plan shall constitute a promotion.

Pending the availability of the eligible list determined by the personnel director to be appropriate for a class, vacancies may be filled by temporary appointments. Such appointments shall have a maximum duration of six months and may not continue beyond one pay period after the establishment of an appropriate eligible list. (1963 Code, § 1-807)

4-208. Probation. Employees appointed from original appointment eligible lists or from promotional eligible lists shall be subject to a period of probation. The regular period of probation shall be six months, provided that the personnel rules may specify a longer or shorter period of probation in individual cases. No probationary period may extend beyond twelve months.

The work and conduct of probationary employees shall be subject to close scrutiny and evaluation, and if found to be below standards satisfactory to the appointing authority, the appointing authority may remove or demote the probationer at any time during the probationary period. Such removals or demotions shall not be subject to review or appeal.

An employee shall be retained beyond the end of the probationary period and granted permanent status only if the appointing authority affirms that the services of the employee have been found to be satisfactory and recommends that the employee be given permanent status. (1963 Code, § 1-808)

4-209. Absences, hours of work. Rules shall be adopted prescribing hours of work and the conditions and length of time for which leaves of absence with pay and leaves of absence without pay may be granted. These shall cover, among others, vacations, sick leaves and leaves for military service. (1963 Code, § 1-809)

4-210. Training. The personnel director shall encourage the improvement of service by providing employees with opportunities for training, which need not be limited to training for specific jobs but may include training for advancement and for general fitness for public service. (1963 Code, § 1-810)

4-211. Separations. The tenure of every employee shall be conditioned on good behavior and the satisfactory performance of duties. Any employee may be temporarily separated by layoff or suspension, or permanently separated by resignation or dismissal.

Whenever there is lack of work or lack of funds requiring reductions in the number of employees in a department or division of the city government, the

required reduction shall be made in such job class or classes as the department head may designate provided that employees shall be laid off in the inverse order of their relative length of service. Within each affected job class, all temporary employees shall be laid off before probationary employees, and all probationary employees shall be laid off before any permanent employees.

When in the judgment of an appointing authority an employee's work performance or conduct justifies disciplinary action short of dismissal, the employee may be suspended without pay. A suspended employee may not request a hearing before the personnel board unless the suspension is for more than fifteen working days, or unless the employee has already received a previous suspension within the six months immediately prior thereto,

A permanent employee may be dismissed or demoted whenever in the judgment of the appointing authority the employee's work or misconduct so warrants. When the appointing authority decides to take such action he shall file with the employee and the personnel board a written notification containing a statement of the substantial reasons for the action. The employee shall be notified not later than one (1) week prior to the effective date of the action. The notice shall inform the employee that he shall be allowed ten (10) days from the effective date of the action to file a reply with the appointing authority and the personnel board and to request a hearing before the personnel board. If the employee files a reply and requests a hearing within the prescribed period, the personnel board shall schedule a hearing. At the discretion of the employee the hearing may be private or open to the public. In conducting a hearing, the proceedings shall be informal and it shall be assumed that the action complained of was taken in good faith unless proved otherwise.

If the board finds the action of the appointing authority was based on political, religious, or racial prejudice, or that the appointing authority failed to follow the proper procedure outlined herein, the employee shall be reinstated to his former position without loss of pay. In all other cases wherein the board does not sustain the action of the appointing authority, the board's findings and recommendations shall be advisory in nature, and the appointing authority may affirm the original action or modify it pursuant to the board's recommendations.

An employee may resign by filing his reasons with the appointing authority.

An employee resigning in good standing may be reinstated to any position in the same class if there is need for his services within one (1) year after the date of resignation. (1963 Code, § 1-811)

4-212. Records. The personnel director shall maintain adequate records of the proceedings of the personnel board, and of his own official acts, the examination record of every candidate and the employment record of every employee. (1963 Code, § 1-812)

4-213. Investigations, hearings. During the course of any investigation or hearing the personnel director may request any employee of the city to attend and give witness. Any employee refusing to do so may be subject to disciplinary action as provided in § 4-211. (1963 Code, § 1-813)

4-214. General prohibitions. Employees in the classified service shall be selected without regard to political considerations, may not be required to contribute to any political purpose, and may not engage in improper political activity. The rules shall define the scope of improper political activity.

There shall be no discrimination against any person seeking employment or employed in the classified service because of any considerations of political or religious affiliation or belief or race, sex or marital status. (1963 Code, § 1-814)

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

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 Union City. (Ord. #13-03, April 2003, as replaced by Ord. #129-14, Sept. 2013)

4-302. Purpose. The mayor and city council 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. #13-03, April 2003, as replaced by Ord. #129-14, Sept. 2013)

4-303. Coverage. The provisions of the occupational safety and health program plan for the employees of the City of Union City shall apply to all employees of each administrative department including the Union City Electric System and each commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (Ord. #13-03, April 2003, as replaced by Ord. #61-08, Dec. 2007, and Ord. #129-14, Sept. 2013)

4-304. Standards authorized. The occupational safety and health standards adopted by the City of Union City 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. #13-03, April 2003, as replaced by Ord. #129-14, Sept. 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. #13-03, April 2003, as replaced by Ord. #129-14, Sept. 2013)

4-306. Administration. For the purposes of this chapter, Kelly Edmison, Fire Chief, 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, ch.3.

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. (Ord. #13-03, April 2003, as replaced by Ord. #129-14, Sept. 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 Mayor and City Council of Union City, Tennessee. (Ord. #13-03, April 2003, as replaced by Ord. #129-14, Sept. 2013)