

TITLE 4

MUNICIPAL PERSONNEL

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CHAPTER 1

PERSONNEL RULES AND REGULATIONS

SECTION

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4-101. Purpose. The purpose of this chapter is to establish a system of personnel administration in the Town of Woodbury that is based on merit and fitness. The system shall provide means to select, develop, and maintain an effective municipal work force through impartially applying personnel policies and procedures free of personal and political considerations and regardless of race, color, gender, age, creed, national origin, or disability. (1977 Code, § 1-701, as replaced by Ord. #319, Feb. 2001)

4-102. Coverage. All offices and positions of the Town of Woodbury are divided into the classified service and the exempt service. The classified service shall include all regular full-time and regular part-time positions in the town's service unless specifically placed in the exempt service. All offices and positions of the Town of Woodbury in the exempt service are as follows:

- (1) All elected officials;

- (2) The city recorder;
- (3) Members of appointed boards and commissions;
- (4) Consultants, advisors, and legal counsel rendering temporary professional service;
- (5) City attorney;
- (6) Independent contractors;
- (7) People employed by the municipality for not more than three months during a fiscal year;
- (8) Part-time employees paid by the hour of the day and not considered regular;
- (9) Volunteer personnel appointed without compensation;
- (10) City judge;
- (11) Police chief;
- (12) Fire chief;
- (13) Superintendent of sewer plant operations;
- (14) Director of public works;

All employment positions of the Town of Woodbury not expressly exempt from coverage by this section shall be subject to the provisions of the town charter. (1977 Code, § 1-702, as replaced by Ord. #319, Feb. 2001)

4-103. Classes of employees. (1) Regular full-time. Regular full-time employees are individuals employed by the town who work at least 40 hours per week and have completed a 60 day probationary period. Regular full-time employees receive full benefits unless specifically excluded by the city charter, code, or ordinances.

(2) Regular part-time. Regular part-time employees are individuals who do not work on a daily basis and whose hours cannot exceed 32 hours per week unless approved by the department head or supervisor. Regular part-time employees are excluded from all benefits afforded full-time employees.

(3) Temporary employee. A temporary employee is an individual who works for the town for no more than seven months during one calendar year. Temporary employees receive no benefits.

(4) Temporary part-time employee. A temporary part-time employee is an individual who work up to 32 hours per week. Temporary part-time employees receive no benefits.

(5) Volunteer employee. A volunteer is an individual who works for the town for little or no compensation.

(6) Volunteer firefighters. Volunteer firefighters are selected by the fire chief. After successfully completing a 90 day probationary period and approval of the fire chief, their continuance is subject to approval of the board of mayor and aldermen. Volunteer firefighters are compensated per fire-call plus one paid attended meeting per month with no other benefits except coverage under the Volunteer Firefighter's Insurance Coverage Policy. (1977 Code, § 1-703, as replaced by Ord. #319, Feb. 2001)

4-104. Hiring procedures. (1) Purpose. The primary purpose of this hiring policy is to ensure compliance with the law and to obtain qualified personnel to serve the citizens of the town. Appointments to positions are based on merit, technical knowledge, and work experience. Persons shall not be employed, promoted, demoted, discharged, or in any way favored or discriminated against because of race, gender, age, color, religion, creed, ancestry, disability, or national origin. The town reserves the right to alter or change any or all of these rules without prior notice to the employees.

(2) Recruitment. The town will employ only capable and responsible personnel who are of good character and reputation. When a vacancy occurs in any department, the position will be filled by promotion from a lower position within the organization, if a qualified employee is available. When qualifications are considered equal, then the length of continuous service in the organization will be the determining factor for selection.

(3) Application process. All people seeking appointment or employment with the town shall complete a standard application form as provided by the municipal government. Employment applications shall be submitted to the recorder's office during regular office hours only. The recorder's office, department head, or supervisor will make reasonable accommodations in the application process to applicants with disabilities making a request for such accommodations.

(4) Interviews. Upon receipt of applications the department head, supervisor, and/or mayor shall screen the applicants and determine the applicants who may be interviewed. All interviews shall be conducted in compliance with the Americans with Disabilities Act.

(5) Appointments. All appointments subsequent to the probationary period shall be made by the department head or supervisor, with approval by the mayor. Following a conditional offer of employment, every prospective employee, when required, may be given a medical examination and a general physical exam by a licensed physician designated by the Town of Woodbury to ensure they can perform the essential functions of the position they have been offered. The cost of this medical exam shall be borne by the town. Any prospective employee who is unable to successfully perform the essential functions tested for in the medical examination shall have the offer of employment by the town withdrawn only if they:

- (a) Cannot perform the essential functions of the job due to a disability that cannot be reasonably accommodated;
- (b) Pose a direct threat to themselves and/or others;
- (c) Are unable to perform the essential functions due to a temporary condition or disability not protected by ADA.

(6) Citizenship and alien status verification. The town will not discriminate on the basis of a person's national origin or citizenship status with regard to recruitment, hiring, or discharge. However, the town will not knowingly employ any person who is or becomes an unauthorized alien. In

compliance with the Immigration Reform and Control Act, all employees hired after November 6, 1986, regardless of national origin, ancestry, or citizenship, must provide suitable documentation to verify identity and employability. The documentation must be provided within three days of employment or the individuals will not be hired.

(7) Probation. Applicants appointed to positions with the Town of Woodbury are required to serve a 60-day probationary period. During this period, the employee's work performance will be subject to review regarding the competence of the employee to fill the position. An employee may be terminated during this period for any reason without respect or reference to the procedures set forth in this document, the charter, or other ordinances. If the probationary period is satisfactory, the employee may be recommended for a full-time appointment. The probationary period may be extended by written approval of the department head.

(8) Transfers. The board of mayor and aldermen may make transfers of employees or delegate this authority. A transfer may also be implemented as a reasonable accommodation when an employee is unable, due to disability, to continue to perform the essential functions of the job.

(9) Promotions/demotions. The board of mayor and aldermen may make promotions/demotions of employees or delegate this authority. A demotion may be implemented as a reasonable accommodation when an employee, due to a disability, becomes unable to perform the essential functions of the job. (1977 Code, § 1-704, as replaced by Ord. #319, Feb. 2001)

4-105. Separation and discipline. (1) Types of separation. All separations of employees from city positions shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, layoff, death, retirement, dismissal, and the inability to perform the essential job functions with or without a reasonable accommodation due to a disability. At the time of separation and prior to final payment, all records, assets, and other items of city property in the employee's custody must be transferred to the department. Any amount due because of shortages shall be withheld from the employee's final compensation.

(2) Resignation. In the event an employee decides to leave the town's employ, a two-week notice shall be given to his/her supervisor so that arrangements for a replacement can be made. In such a case, employees will be expected to return any or all city equipment assigned. An unauthorized absence from work for a period of three consecutive working days may be considered by the department head as a resignation. If a former employee returns to city employment, his/her status of seniority, pay, leave, etc. will be the same as any new employee beginning work for the first time.

(3) Layoff. The department head, upon approval from the mayor and board of aldermen, may lay off any employee in the town service when he/she deems it necessary by reason of shortage of funds, the abolition of a position, or

other material changes in the duties or organization of the employee's position, or for related reasons that are outside the employer's control and that do not reflect discredit upon the employee's service. Temporary employees shall be laid off before probationary or regular employees. The order of layoff shall be in reverse order to total continuous time served upon the date established for the layoff to become effective.

(4) Disability. An employee may be separated for disability when he/she cannot perform the essential functions of the job because of physical or mental impairment that cannot be accommodated without undue hardship or because the disability poses a direct threat to the health and safety of others. A reasonable accommodation may include transfer to a comparable position for which the individual is qualified. Action may be initiated by the employee or the municipality, but in all cases it must be supported by medical evidence acceptable to the mayor and board of aldermen, and the disability must prevent the employee from performing the essential functions of the job. The town may require an examination at its expense to be performed by a licensed physician of its choice.

(5) Retirement. Whenever an employee meets the conditions set forth in the retirement system's regulations, he/she may elect to retire and receive all benefits earned under the appropriate retirement system.

(6) Death of the employee. Separation shall be effective as of the date of death of an employee. All compensation due in accordance with these rules shall be paid to the estate of the employee, except for such sums as by law must be paid to the surviving spouse.

(7) Dismissal. The Town of Woodbury may dismiss an employee for just cause that is for the good of the town service. Reasons for dismissal may include, BUT SHALL NOT BE LIMITED TO: misconduct, negligence, incompetence, insubordination, unauthorized absences, falsification of records, violation of any of the provisions of the charter, ordinances, or the city's code of conduct.

With the exception of a Reduction in Force (RIF), full time employees and non-elected officials will be terminated only for "cause." When it has been determined that an employee's conduct warrants termination, the department head, with the concurrence of the mayor, will suspend the employee, without pay, until a hearing can be conducted.

When an employee is suspended pending termination, a hearing will automatically be held within three (3) working days of the suspension. The hearing will be conducted by a board consisting of the mayor (chairman), the department head and/or supervisor, and the city recorder. The employee will be afforded an opportunity to state his/her case and explain his/her position in the matter. At the conclusion of the hearing, the board will decide whether the suspension was warranted. In the event that it is determined that suspension was without just cause, the employee will be returned to work with full pay for the period of suspension. If the board upholds the suspension, the employee is

terminated. If the employee is not satisfied with the action of the hearing board, the employee may, in writing, request a hearing before the board of mayor and aldermen at its next scheduled meeting.

In the event of the city judge, city recorder, city attorney, police chief, fire chief, or public works director, there shall be no suspension. If an allegation of the violation of rules of conduct is made against any of these non-elected officials, it shall be the duty of the mayor to make an initial decision as to the validity of the allegation after an investigation. If the mayor determines that the allegation is without merit, the matter will be dismissed. If the mayor determines that the allegation has merit, he shall present the matter to the board of aldermen, which shall afford the official involved an opportunity to present his position in the matter. At the conclusion of the hearing, the mayor and board of aldermen shall make its decision as to whether the allegation is without merit or well founded, and thereafter take appropriate action to either discipline the official or dismiss the matter. (1977 Code, § 1-705, as replaced by Ord. #319, Feb. 2001)

4-106. Compensation. (1) Wages/salaries. The board of mayor and aldermen shall set all wages and salaries paid by the town. Due consideration shall be given to duties performed, responsibilities, technical knowledge and skills required to perform the work satisfactorily, the labor market, and availability of people having the desired qualifications.

(2) Hours of work. The board of mayor and aldermen shall establish the hours of work per week for each position in the service of the town. Employees unavoidably late or absent from work due to illness or other cause must notify their supervisor within the time frame established by each department (unless unusual circumstances prevent the employee from making proper notification). Such employees must explain the reason for the absence and, if possible, an anticipated time and date of return to work. Failure to notify one's supervisor of absences may result in disciplinary action. Employees found falsifying time sheets will be subject to disciplinary action up to and including dismissal. Excessive tardiness as outlined in the code of conduct is regarded as sufficient reason for termination.

(3) Employee breaks. Employees are entitled to one 20 minute break per eight hour shift. The break is to be taken with approval from your supervisor, in a designated area, and at a designated time. Your supervisor will choose the proper time and place for rest breaks. Lunch breaks shall be for periods determined by the immediate supervisor, but in no event shall lunch breaks be for more than one hour. Excluded are employees who work a straight eight-hour shift and are not allowed to leave their workstations or have relief of duty during their shift. In such cases, breaks and lunch may be taken at whatever time deemed convenient to the employee. These employees are considered to have "paid lunch and breaks," however, they are not relieved of their duties at any given time during their work shift.

(4) Death of an employee. Upon the death of a full-time regular employee, his/her beneficiary will receive his/her next due payroll check, pay for accrued vacation time. Further, his/her beneficiary shall be given complete assistance by the Town of Woodbury in settling retirement, life, and hospital insurance benefits.

(5) Payday. All administrative and hourly employees of the Town of Woodbury shall be paid on a weekly basis. If you have questions about your work time, salary, or paycheck, call them to the attention of the department head/supervisor within the pay period in question or immediately thereafter. If you are absent on payday and wish to have someone else obtain your check for you, you may send a signed note authorizing the town to give your check to the bearer.

If you lose your check, notify your department head immediately. You will be required to sign an affidavit that your check has been lost, and a new one will be issued. If you resign, your last check will be issued within 14 days, provided all equipment is turned in to the town. You should give written notice of where the check should be sent if you are not available to pick it up. In addition, you should confirm a correct mailing address for any future documents which may be sent to you concerning your employment with the town.

(6) Payroll deductions. (a) Federal income tax. Federal taxes are withheld from employees' paychecks based on the number of dependents claimed by the individual. Employees are required to keep on file with the town a copy of the W-4 form. In the event of changes in the employees exemption status, a revised W-4 must be filed before payroll deductions will be made.

(b) Social security. Social security payments and deductions will be made in accordance with the Social Security Act. The recorder's office shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.

(c) Overtime. Employees required to work overtime shall be compensated in accordance with the FLSA at a rate of 1-1/2 times the employee's regular pay rate. Full-time employees who are classified as "exempt" are excluded from the overtime provisions of the town. (as added by Ord. #319, Feb. 2001)

4-107. Benefits. (1) Eligibility. All full time employees are eligible for all benefits provided by the town.

(2) Vacation and sick leave. (a) Vacation. All full time officers and employees shall be afforded paid vacation time contiguous with their length of employment as follows:

One-four years of employment:	1 week vacation
Five-nine years of employment	2 weeks vacation

Ten-fourteen years of employment	3 weeks vacation
Fifteen or more years of employment	4 weeks vacation

Such vacation leave shall be taken at a time approved by the mayor or department head/supervisor. In no event shall an employee receive vacation time prior to one continuous year of employment with the town.

(b) Sick leave. All officers and employees shall be given a credit of one day of sick leave with pay for each month of employment hereafter served. Sick leave, up to the number of days accrued, shall only be taken when an officer or employee's absence is due to his/her illness, bodily injury, exposure to contagious disease, or serious illness or death in the officer or employee's immediate family. "Immediate family" shall only include spouse, parent, grandparent, child or a sibling. In the event of a death of an immediate family member, the officer or employee shall be allowed up to three days funeral/bereavement leave. The mayor or department head may require a doctor's certificate or other satisfactory evidence that any absence is properly chargeable as sick leave. If the officer or employee is required to provide proof of their absence and they fail to do so, then they will not be allowed sick leave pay. The maximum credit for accrued sick leave under this provision shall be ninety days. Upon resignation, termination, or retirement, accrued sick leave is not payable to the employee. In the case of an employee who is retiring, accrued sick leave may be counted towards length of service.

(3) Holidays. Full-time employees are allowed a day off with pay on the following holidays: New Year's Day, Martin Luther King Jr. Birthday, Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve, Christmas Day, and employee birthday.

If a holiday falls on Sunday, it will be observed on the following Monday. If the holiday falls on Saturday, it will be observed on the preceding Friday. To receive compensation for the holiday, employees must be in a pay status on the workday before and after the holiday unless otherwise excused by the supervisor. The employee birthday may be taken ONLY during the month of their birthday with scheduling and approval by the department head/supervisor.

(4) Holiday pay. When an employee must work on a holiday, the employee will be paid at the rate of straight time of their regular pay rate for all scheduled and unscheduled time worked on the day observed as the holiday. This applies to all paid holidays, excluding the employee birthday. Employees must work the day immediately preceding the holiday and the day immediately after, with the exception of an approved vacation or sick day, in order to receive holiday pay.

(5) Miscellaneous leave. (a) Funeral/bereavement leave. Employees will be entitled of up to three days of funeral/bereavement leave with pay

for the death of an immediate family member. Immediate family member is a parent, spouse, child, sibling, grandchild, or grandparent. If the employee needs additional leave time, they may use accumulated sick or vacation leave upon approval of the department head/supervisor.

(b) Civil leave. Civil leave with pay may be granted to employees to:

- (i) Serve on jury duty
- (ii) Answer a subpoena to testify for the town
- (iii) Perform emergency duty for national defense.

Employees selected for civil service shall be excused for the actual duration of the civil service. Upon release from civil duty during the employee's normal working hours, he/she is expected to return to duty. Employees will receive full pay during such service.

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

"Employers may designate periods of permissible absenteeism. Any person entitled to vote in an election held in this state may be absent from any service or employment on the day of the election for a reasonable period of time, not to exceed three hours, necessary to vote during the time the polls are open in the county where he/she is a resident. A voter who is absent from work to vote in compliance with this section may not be subjected to any penalty or reduction in pay for his absence. If the tour of duty of an employee begins three or more hours after the opening of the polls or ends three or more hours before the closing of the polls of the county where he/she is a resident, he/she may not take time off under this section. The employer may specify the hours during which the employee may be absent. Request for such absence shall be made to the employer before twelve noon of the day before the election."

(d) Military leave. Any regular employee who has completed six months of satisfactory employment and who enters the U.S. armed forces will be placed on military leave. The mayor and board of aldermen shall approve military leave without pay when the employee presents his/her official orders. The employee must apply for reinstatement within 90 days after release from active military duty.

The employee will be reinstated to a position in the current classification plan at least equivalent to his/her former position. His/her salary will be the salary provided under the position classification and compensation plan prevailing at the time of reinstatement or re-employment for the position to which he/she is assigned. If no position is available at the time of the employee's return, the employee will be reinstated into the first available position. No current full-time employee will be terminated or laid off to allow for the reinstatement.

Any regular full-time employee who is a member of the U.S. Army Reserve, Navy Reserve, Air Force Reserve, Marine Reserve, or any of the armed forces will be granted military leave for any field training or active duty required (excluding extended active duty). Such leave will be granted upon presentation of the employee's official order to his/her jurisdiction official. Compensation for such leave will be paid pursuant to Tennessee Code Annotated, § 8-33-109.

It will be the employee's responsibility to arrange with the department supervisor to attend monthly meeting on regular off-time, with pay being applicable to the annual two-week training period. Employees entering an extended active duty will be given fifteen (15) days pay when placed on military leave.

Firefighters who are members of the U.S. Army Reserve, Navy Reserve, Air Force Reserve, or Marine Reserve shall be allowed seven and a half (7.5) shift days for reserve training. (This applies to full-time firefighters.)

(6) Workers' compensation. All injuries arising out of and in the course of one's employment shall be governed by the Tennessee workers' compensation law. Employees on occupational disability leave shall receive only those benefits due under workers' compensation.

In all cases of occupational disability, the responsibility of determining the character, degree, and potential duration of an injury shall rest with the licensed, practicing medical doctor(s) designated by the Town of Woodbury. The medical doctor(s) may make periodic examinations, progress reports, and recommendations as deemed necessary by the department head.

Before an employee is returned to full duty, the employee may be required to demonstrate his/her fitness for duty by passing a performance test administered by the department head. This will only test for ability to perform routine tasks using those skills required for the position. Should an employee be unable to return to work within six months from the day following the date of injury, the employee may be subject to separation only if he/she:

- (a) Cannot perform the essential functions due to a disability that cannot reasonably be accommodated; and
- (b) Poses a direct threat to himself/herself and/or others.

(7) Insurance coverage. The Town of Woodbury provides basic health, dental and life insurance coverage for full-time employees. Should circumstances dictate terminating benefits, the town will offer employees and their dependents the opportunity to extend their health insurance coverage under COBRA. (as added by Ord. #319, Feb. 2001)

4-108. Miscellaneous personnel policies. (1) Political activity. Nothing in this section is intended to prohibit any city employee from privately expressing his/her political views or from casting his/her vote in all elections.

(2) Municipal elections. No city employee, whether on or off duty, whether in or out of uniform, and whether on or off city property, shall at all time or any place:

- (a) Become a candidate for or campaign for an elective city office in the Town of Woodbury;
- (b) Directly or indirectly solicit, receive, collect, handle, disburse, or account for assessments, contributions, or other funds for a candidate for city office;
- (c) Organize, sell tickets to, promote, or actively participate in a fund-raising activity of a candidate for city office;
- (d) Take an active part in managing the political campaign for a candidate for city office;
- (e) Solicit votes in support of or in opposition to a candidate for city office;
- (f) Act as a clerk, watcher, challenger, or similar officer at the polls on behalf of a candidate for city office;
- (g) Drive voters to the polls on behalf of a candidate for city office;
- (h) Endorse or oppose a candidate for city office in a political advertisement, broadcast, campaign literature, or similar material;
- (i) Address a rally or similar gathering of the supporters of opponents of a candidate for city office;
- (j) Initiate or circulate a nominating petition for a candidate for city office;
- (k) Wear campaign buttons, pins, hats, or other similar attachment, or distribute campaign literature in supporting or opposing a candidate for city office, WHILE ON DUTY.

(3) In all other elections for public office. City employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any county, state, or federal political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. The Town of Woodbury is not required to pay the employee's salary for work not performed for the municipality.

(Note: Tennessee Code Annotated, § 38-8-350 prohibits law enforcement officers from engaging in political activities, supporting or opposing any candidate, party, or measure in any election when on duty or acting in such officer's official capacity.)

(4) Personal telephone calls. Using the office telephone during regular work hours for local and/or long distance personal calls, except in emergency cases, is discouraged.

(5) Driving records. Any employee who is required as an employment condition to possess and maintain a valid Tennessee driver's or commercial driver's license must immediately, before reporting for duty the next workday, inform his/her supervisor should his/her license become denied, expired,

restricted, suspended, or revoked any time during employment with the town. Periodic review of employees' driving records will be conducted by the department head/supervisor to assure adherence to this policy.

(6) Garnishments. An employee who is garnished for more than one indebtedness within one 12-month period may be subject to disciplinary action in accordance with the following schedule:

- (a) First offense: Oral reprimand
- (b) Second offense: Written reprimand
- (c) Third offense: May be discharged in accordance with the dismissal policy.

(7) Use of city vehicles prohibited. All city vehicles and equipment are for official use only. No person other than a city employee may operate a city vehicle or piece of machinery. Drivers and/or operators must have a valid Tennessee driver's license and be approved by the department head. (as added by Ord. #319, Feb. 2001)

CHAPTER 2

FAMILY AND MEDICAL LEAVE POLICY

SECTION

4-201. Family and medical leave.

4-201. Family and medical leave. To provide a family medical leave policy in compliance with Public Law 103-3, titled Family and Medical Leave Act (FMLA) of 1993.

(1) Eligibility. An eligible employee may take up to 12 weeks of unpaid leave in a 12-month period for the birth and care of a child or the placement and care of a child for adoption or foster care. (Note: Under the Tennessee Maternity Leave Act (TMLA), a female employee may take an additional four weeks of unpaid leave if the three-month advance notice has been complied with.) Leave may also be taken to care for the employee, a child, spouse, or a parent who has a serious health condition. The right to take leave applies equally to male and female employees who are eligible.

Unpaid leave to care for a newborn child or a newly placed adopted or foster care child must be taken before the end of the first 12 months following the date of birth or placement.

An expectant mother may take unpaid medical leave upon the birth of the child, or prior to the birth of the child, for necessary medical care and if her condition renders her unable to work. Similarly, for adoption or foster care, leave may be taken upon the placement of the child or leave may begin prior to the placement to proceed.

An employee may take unpaid leave to care for a parent or spouse of any age who, because of a serious mental or physical condition, is in the hospital or other health care facility. An employee may also take leave to care for a spouse or parent of any age who is unable to care for his/her own basic hygiene, nutritional needs, or safety. Examples include a parent or spouse whose daily living activities are impaired by such conditions as Alzheimer's disease, stroke, recovering from major surgery, or the final stages of terminal illness.

Eligible employees who are unable to perform the functions of their position because of a serious health condition may request up to 12 weeks unpaid leave. The term "serious condition" covers conditions or illnesses that affect an employee's health to the extent that he/she must be absent from work on a recurring basis or for more than a few days for treatment or recovery.

Employees requesting medical leave due to their own illness or injury shall use any balance of sick leave, annual leave, or floating holidays prior to the beginning of unpaid leave. The combination of sick leave, annual leave, floating holidays, and unpaid leave may not exceed 12 weeks. Employees requesting family leave may use unpaid leave. The combination of annual leave, floating holidays, and unpaid leave may not exceed 12 weeks.

During periods of unpaid leave, an employee will not accrue any additional seniority or similar employment benefits during the leave period.

If spouses are employed by the same employer and wish to take leave for the care of a new child, or a sick parent, their aggregate leave is limited to 12 weeks. For example, if the father takes eight weeks of leave to care for a child, the mother would be entitled to four weeks leave, for a total of 12 weeks.

(2) Right to return to work. On return from FMLA, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his/her position has been restructured to accommodate the employee's absence.

If the employee is unable to perform the essential functions of the position because of physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position under the FMLA. However, the employer's obligations may be governed by the American with Disabilities Act.

(3) Notification and scheduling. An eligible employee must provide the employer at least 30 days of advance notice of the need for leave for birth, adoption, or planned medical treatment, when the need for leave is foreseeable. This 30-day advance notice is not required in cases of medical emergency or other unforeseeable events, such as premature birth or sudden changes in a patient's condition that require a change in scheduled medical treatment.

People who are awaiting the adoption of a child and are given little notice of the availability of the child may also be exempt from this 30-day notice.

It is the city's responsibility to designate leave in writing as FMLA leave and to notify the employee. Employees may not retroactively claim that leave was for FMLA.

The employer will provide FMLA leave notice in alternate formats.

(4) Certification. The employer reserves the right to verify an employee's request for family/medical leave. If an employee requests leave because of a serious health condition or to care for a family member with a serious health condition, the employer requires that the request be supported by certification issued by the health care provider of the eligible employee or the family member as appropriate. If the employer has no reason to question the original certification, the employer may, at the employer's expense, require a second opinion from a different health care provider chosen by the employer. That health care provider may not be employed by the employer on a regular basis. If a resolution of the conflict cannot be obtained by a second opinion, a third opinion may be obtained from another provider and that opinion will be final and binding.

This certification must contain the date on which the serious health condition began, its probable duration, and the appropriate medical facts within the knowledge of the health care provider regarding the condition. The

certification must also state the employee's need to care for the son, daughter, spouse, or parent and must include an estimate of the amount of time that the employee is needed to care for the family member.

Medical certifications given will be treated as confidential and privileged information. An employee will be required to report periodically to the employer the status and the intention of the employee to return to work.

Employees who have taken unpaid leave under this policy must furnish the employer with a medical certification from the employee's health care provider at the employee's expense, stating that the employee is able to resume work before return is granted.

(a) Maintenance of health and COBRA benefits during unpaid leave. The employer will maintain health insurance benefits, paid by the employer for the employee, during periods of unpaid leave without interruption. Any payment for family coverage/premiums or other payroll deductible insurance policies must be paid by the employee or the benefits may not be continued.

The employer has the right to recover from the employee all health insurance premiums paid during the unpaid leave period if the employee fails to return to work after leave. Employees who fail to return to work because they are unable to perform the functions of their job because of their own serious health condition or because of the continued necessity of caring for a seriously ill family member may be exempt from the recapture provision.

Leave taken under this policy does not constitute a qualifying event that entitles an employee to Consolidated Omnibus Budget Reconstruction Act (COBRA) insurance coverage. However, the qualifying event triggering COBRA coverage may occur when it becomes clearly known that an employee can still not return to work, and therefore ceases to be entitled to leave under this policy.

(b) Reduced and intermittent leave. Leave under this policy can be taken intermittently or on a reduced leave schedule when medically necessary as certified by the health care provider. Intermittent or reduced leave schedules for routine care of a new child can be taken only with approval of the department head and mayor and board of aldermen. The schedule must be mutually agreed upon by the employee and the employer.

Employees on intermittent or reduced leave schedules may be temporarily transferred by the employer to an equivalent alternate position that may better accommodate the intermittent or reduced leave schedule.

Intermittent or reduced leave may be spread over a period of time longer than 12 weeks, but will not exceed the equivalent of 12 work weeks in a 12-month period.

(c) Restoration. Employees who are granted leave under this policy will be reinstated to an equivalent or the same position held prior to the commencement of their leave.

Employees voluntarily accepting a light duty assignment in lieu of continuing FMLA leave maintain their right to restoration to the original or an equivalent job until the twelve (12) weeks of FMLA leave has passed.

(d) The 12-month FMLA period. The 12-month period during which an employee is entitled to 12 workweeks of FMLA is measured forward from the date the employee's first FMLA leave begins. An employee is entitled to 12 weeks of leave during the 12-month period after the leave begins. The next 12-month period will begin the first time the employee requests FMLA leave after the completion of the previous 12-month period. (The employer may choose as the 12-month period either the calendar year, a fixed 12-month period, or the 12-month period counted backward from the date of leave.)

(e) Denial of FMLA leave. If an employee fails to give timely advance notice when the need for FMLA leave is foreseeable, the employer may delay the taking of FMLA leave until 30 days after the date the employee provides notice to the employer of the need for FMLA leave.

If an employee fails to provide in a timely manner a requested medical certification to substantiate the need for FMLA leave due to a serious health condition, an employer may delay continuation of FMLA leave until an employee submits the certificate. If the employee never produces the certification, the leave is not FMLA leave.

If any employee fails to provide a requested fitness-for-duty certification to return to work, an employer may delay restoration until the employee submits the certificates. (1977 Code, § 1-801, as replaced by Ord. #319, Feb. 2001)

CHAPTER 3

RULES OF CONDUCT

SECTION

4-301. Purpose.

4-302. Expectations.

4-303. Penalties.

4-301. Purpose. Reasonable rules of conduct are necessary for the orderly and efficient operation of the town government. Rules of conduct should be reasonable and should be for the purpose of promoting efficiency, effectiveness, and safety. Rules should tell the employee what is expected of him/her and the sanctions for violating the rules. Such being the case, rules for employees and non-elected officials of the Town of Woodbury and the penalties for violation of said rules are set forth in § 4-302. Any violation of these rules shall constitute just cause for disciplinary action and/or discharge of any town employee or non-elected official. (1977 Code, § 1-901, as replaced by Ord. #319, Feb. 2001)

4-302. Expectations. The Town of Woodbury has the right to expect that the employee will:

- (1) Be at work on time.
- (2) Give a full day's work.
- (3) Respond positively to directions.
- (4) Learn the present and new job.
- (5) Adjust to changes.
- (6) Get along with other employees, officials, and the general public.
- (7) Be physically and mentally fit for normal duty.
- (8) To know and follow the rules.
- (9) Not to use excessive unscheduled absences. Unscheduled absence is calling on short notice and reporting that you will not be in for work. Unscheduled absences that are 20% more than average are deemed excessive.
- (10) Not to use excessive sick leave. Excessive sick leave is leave that is taken two days at a time without excuse. Sick leave is excessive when the amount of time taken a day or two at a time is more than 20% of average sick leave. Sick leave that is taken for longer periods of time, where the employee is actually sick, is not excessive sick leave.
- (11) To be productive in his/her work.
- (12) To take proper care of town equipment.
- (13) To keep work area clean and free of clutter.
- (14) To report in a timely manner, damage to equipment that is assigned to or that is being used by the employee.

(15) Not to violate the town's drug free policies. The employee is obligated to inform his/her supervisor of any prescription drugs that the employee is taking, the side effects of which may cause drowsiness or impair the ability of the employee to operate city equipment.

(16) Not to report to work without a driver's license, if the employee is required to have a driver's license to perform the job to which he/she is assigned. The employee is not to operate a city vehicle without a driver's license in his/her possession.

(17) To be courteous in dealing with fellow employees and the public.

(18) Employees, other than police officers, are not to carry guns or knives with a blade longer than three inches, in any city vehicle. Town owned equipment that is used for cutting grass, weeds, or trees shall not be considered a violation of this rule.

(19) Not to make an excessive number of errors in carrying out job duties. (1977 Code, § 1-902, as replaced by Ord. #319, Feb. 2001)

4-303. Penalties. The penalties listed in this section for violations are intended to be the penalties for the normal type of violation that have normal consequences.

Subject to an appeal to the city council, more severe disciplinary measures may be taken where violations have serious consequences. Conversely, the city may take less severe disciplinary measures under the opposite circumstances.

Conduct and penalties

(1) Demonstrated inability or unwillingness to respond positively to directions from supervisors.

(a) First offense will result in 3 days off without pay.

(b) Second offense will result in discharge.

(2) Failure to take proper care of city equipment, or theft of city property.

(a) Immediate discharge.

(3) Failure to get along with others. Fighting with, threatening or intimidating other employees, or horseplay, on city property or while performing work on city time will not be condoned or tolerated.

(a) First offense will result in 2 days off without pay.

(b) Second offense will result in 5 days off without pay.

(c) Third offense will result in discharge.

(4) Failure to be at work on time. Being absent without reasonable cause or absence without proof of just cause; or frequent lateness; or leaving the job without approval of the supervisor.

(a) First offense will result in 2 days off without pay.

(b) Second offense will result in 5 days off without pay.

(c) Third offense will result in discharge.

- (5) Use of excessive unscheduled absences. Walking off the job or unauthorized absence from work place during scheduled work hours.
 - (a) First offense will result in 1 day off without pay.
 - (b) Second offense will result in 3 days off without pay.
 - (c) Third offense will result in discharge.
- (6) Failure to report in a timely manner, damage to equipment that is assigned to or that is being used by the employee.
 - (a) First offense will result in reprimand, plus pay cost of damages.
 - (b) Second offense will result in 3 days off without pay, plus cost of damages.
 - (c) Third offense will result in discharge, plus cost of damages.
- (7) Violating or disregarding safety rules and common safety practices or contributing to unsanitary or unhealthy conditions.
 - (a) First offense will result in reprimand.
 - (b) Second offense will result in 3 days off without pay.
 - (c) Third offense will result in discharge.
- (8) Deliberate falsifying of city records (water meter books, gasoline logs, accident reports, police logs, etc.).
 - (a) First offense will result in 5 days off without pay, plus restitution if applicable.
 - (b) Second offense will result in discharge.
- (9) Abuse of sick leave. Sick leave that is taken regularly for a day or two at a time, without excuse, and that is twenty percent (20%) greater than the average sick leave taken by other city employees shall be considered an abuse of sick leave.
 - (a) First offense will result in a warning.
 - (b) Second offense will result in 3 days off without pay.
 - (c) Third offense will result in discharge.
- (10) Failure to be productive in his/her work.
 - (a) First offense will result in a warning.
 - (b) Second offense will result in 3 days off without pay.
 - (c) Third offense will result in discharge.
- (11) Intentional deviation from established work procedures without authorization from the supervisor.
 - (a) First offense will result in a warning.
 - (b) Second offense will result in 3 days off without pay.
 - (c) Third offense will result in discharge.
- (12) Deliberate falsification of application for employment or insurance claim that would seriously affect employment.
 - (a) Immediate discharge.
- (13) Unsettled or frequent assignment of levy of wages.
 - (a) First offense will result in a warning.
 - (b) Second offense will result in a reprimand.

- (c) Third offense will result in discharge.
- (14) Gambling on city property at any time.
 - (a) First offense will result in 3 days off without pay.
 - (b) Second offense will result in discharge.
- (15) Possession of illegal drugs, other than personal prescription; or consuming such drugs or intoxicating beverages on city property; or reporting for work under the influence of such illegal drugs or intoxicating beverages. The employee is obligated to inform his/her supervisor if he/she is taking a prescription drug, while on duty, the side effects of which are known to cause drowsiness or impair his/her ability to operate city equipment or perform any job function.
 - (a) First offense will result in 3 days off without pay.
 - (b) Second offense will result in discharge.
- (16) Sleeping during working hours on city property or city time.
 - (a) First offense will result in 1 day off without pay.
 - (b) Second offense will result in 3 days off without pay.
 - (c) Third offense will result in discharge.
- (17) Intentional ringing or punching the time card of another employee, having the time card punched by another employee, unauthorized alteration or mutilation of a time card, for the purpose of defrauding the Town of Woodbury.
 - (a) Immediate discharge.
- (18) The conviction of any felony in any court, federal or state.
 - (a) Immediate discharge.
- (19) Failure to give a full day's work.
 - (a) First offense will result in 1 day off without pay.
 - (b) Second offense will result in 3 days off without pay.
 - (c) Third offense will result in discharge.

The above rules are not all-inclusive, but cover the most common infractions. Penalties for other forms of unacceptable conduct will be administered consistent with the seriousness of the offense.

In addition to all of the rules of conduct set out above, the employees and non-elected officials of the town shall be subject to any and all of the charter provision applicable to such employees or officials. Further, the city judge shall be subject to the code of professional responsibility, and the code of judicial conduct, being Rules 8 and 10, respectively, of the Rules of the Supreme Court of the State of Tennessee. Further the city attorney will be subject to the code or professional responsibility, being Rule 8 of the Rules of the Supreme Court of the State of Tennessee. The chief of police, in addition to complying with the rules of conduct set out above, shall comply with any and all provisions contained in the Tennessee Code Annotated, applicable to law enforcement officers, and in addition thereto, shall comply with the city adopted police manual. (1977 Code, § 1-903, as replaced by Ord. #319, Feb. 2001)

CHAPTER 4

OCCUPATIONAL SAFETY AND HEALTH PROGRAM¹

SECTION

- 4-401. Creation and title.
- 4-402. Purpose.
- 4-403. Coverage.
- 4-404. Standards authorized.
- 4-405. Variances from standards authorized.
- 4-406. Administration.
- 4-407. Funding of program.

4-401. Creation and title. There is hereby created a safety and health program for employees of the Town of Woodbury, as follows. This chapter shall provide authority for establishing and administering the "Occupational Safety and Health Program for the Employees of the Town of Woodbury." (1977 Code, § 1-1001, as replaced by Ord. #317, Nov. 2000)

4-402. Purpose. The Town of Woodbury, in electing to establish and maintain an effective occupational safety and health program for its employees, shall:

(1) Provide a safe and healthful place and condition of employment.

(2) Make, keep, preserve, and make available to the Commissioner of Labor of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor 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.

(3) 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. (1977 Code, § 1-1002, as replaced by Ord. #317, Nov. 2000)

4-403. Coverage. The provisions of the Occupational Safety and Health Program for the employees of the Town of Woodbury shall apply to all employees of each administrative department, commission, board, division, or other agency of the Town of Woodbury whether part-time or full-time, seasonal or permanent. (1977 Code, § 1-1003, as replaced by Ord. #317, Nov. 2000)

¹The plan of operation for the occupational safety and health program (as attached to Ord. #317, Nov. 2000) is of record in the office of the city recorder.

4-404. Standards authorized. The occupational safety and health standards adopted by the Town of Woodbury are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated Title 50, Chapter 5). (as added by Ord. #317, Nov. 2000)

4-405. Variances from standards authorized. The Town of Woodbury may, upon written application to the Commissioner of Labor 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, Occupational Safety, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, Title 5. Prior to requesting such temporary variance, the Town of Woodbury shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the Town of Woodbury shall be deemed sufficient notice to employees. (as added by Ord. #317, Nov. 2000)

4-406. Administration. For the purposes of this chapter, the director of public works and operations is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer a safety plan. The director shall develop a plan of operation for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan. (as added by Ord. #317, Nov. 2000)

4-407. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the board of mayor and aldermen. (as added by Ord. #317, Nov. 2000)

CHAPTER 5

INFECTIOUS DISEASE CONTROL POLICY

SECTION

- 4-501. Purpose.
- 4-502. Coverage.
- 4-503. Administration.
- 4-504. Definitions.
- 4-505. Policy statement.
- 4-506. General guidelines.
- 4-507. Hepatitis B vaccinations.
- 4-508. Reporting potential exposure.
- 4-509. Hepatitis B virus post-exposure management.
- 4-510. Human immunodeficiency virus post-exposure management.
- 4-511. Disability benefits.
- 4-512. Training regular employees.
- 4-513. Training high risk employees.
- 4-514. Training new employees.
- 4-515. Records and reports.
- 4-516. Legal rights of victims of communicable diseases.

4-501. Purpose. It is the responsibility of the Town of Woodbury to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the Town of Woodbury, employees may come in contact with life-threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB). (Ord. #264, Dec. 1995)

4-502. Coverage. Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to infectious material from potentially infected individuals. Those high risk occupations include but are not limited to:

- (1) Paramedics and emergency medical technicians;
- (2) Occupational nurses;
- (3) Housekeeping and laundry workers;

- (4) Police and security personnel;
- (5) Firefighters;
- (6) Sanitation and landfill workers; and
- (7) Any other employee deemed to be at high risk per this policy and an exposure determination. (Ord. #264, Dec. 1995)

4-503. Administration. This infection control policy shall be administered by the mayor or his/her designated representative who shall have the following duties and responsibilities:

- (1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the town charter, and federal and state law relating to OSHA regulations;
- (2) Make an exposure determination for all employee positions to determine a possible exposure to blood or other potentially infectious materials;
- (3) Maintain records of all employees and incidents subject to the provisions of this chapter;
- (4) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;
- (5) Coordinate and document all relevant training activities in support of the infection control policy;
- (6) Prepare and recommend to the board of mayor and aldermen any amendments or changes to the infection control policy;
- (7) Identify any and all housekeeping operations involving substantial risk of direct exposure to potentially infectious materials and shall address the proper precautions to be taken while cleaning rooms and blood spills; and
- (8) Perform such other duties and exercise such other authority as may be prescribed by the board of mayor and aldermen. (Ord. #264, Dec. 1995)

4-504. Definitions. (1) "Body fluids" - fluids that have been recognized by the Center for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.

(2) "Exposure" - the contact with blood or other potentially infectious materials to which universal precautions apply through contact with open wounds, non-intact skin, or mucous membranes during the performance of an individual's normal job duties.

(3) "Hepatitis B Virus (HBV)" - a serious blood-borne virus with potential for life-threatening complications. Possible complications include: massive hepatic necrosis, cirrhosis of the liver, chronic active hepatitis, and hepatocellular carcinoma.

(4) "Human Immunodeficiency Virus (HIV)" - the virus that causes acquired immunodeficiency syndrome (AIDS). HIV is transmitted through

sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

(5) "Tuberculosis (TB)" - an acute or chronic communicable disease that usually affects the respiratory system, but may involve any system in the body.

(6) "Universal precautions" - refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with potentially infectious materials to be protected as though such body fluid were HBV or HIV infected. (Ord. #264, Dec. 1995)

4-505. Policy statement. All blood and other potentially infectious materials are infectious for several blood-borne pathogens. Some body fluids can also transmit infections. For this reason, the Center for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens. Universal precautions apply to blood, tissues, and other potentially infectious materials. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood. (Ord. #264, Dec. 1995)

4-506. General guidelines. General guidelines which shall be used by everyone include:

(1) Think when responding to emergency calls and exercise common sense when there is potential exposure to blood or other potentially infectious materials which require universal precautions.

(2) Keep all open cuts and abrasions covered with adhesive bandages which repel liquids.

(3) Soap and water kill many bacteria and viruses on contact. If hands are contaminated with blood or other potentially infectious materials to which universal precautions apply, then wash immediately and thoroughly. Hands shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or handwashing facilities are not available, then use a waterless antiseptic hand cleaner according to the manufacturers recommendation for the product.

(4) All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After

they are used, disposable syringes and needles, scalpel blades and other sharp items shall be placed in puncture resistant containers for disposal. The puncture resistant container shall be located as close as practical to the use area.

(5) The town will provide gloves of appropriate material, quality and size for each affected employee. The gloves are to be worn when there is contact (or when there is a potential contact) with blood or other potentially infectious materials to which universal precautions apply:

(a) While handling an individual where exposure is possible;

(b) While cleaning or handling contaminated items or equipment;

(c) While cleaning up an area that has been contaminated with one of the above;

Gloves shall not be used if they are peeling, cracked, or discolored, or if they have punctures, tears, or other evidence of deterioration. Employees shall not wash or disinfect surgical or examination gloves for reuse.

(6) Resuscitation equipment shall be used when necessary. (No transmission of HBV or HIV infection during mouth-to-mouth resuscitation has been documented.) However, because of the risk of salivary transmission of other infectious diseases and the theoretical risk of HIV or HBV transmission during artificial resuscitation, bags shall be used. Pocket mouth-to-mouth resuscitation masks designed to isolate emergency response personnel from contact with a victims' blood and blood contaminated saliva, respiratory secretion, and vomitus, are available to all personnel to provide or potentially provide emergency treatment.

(7) Masks or protective eyewear or face shields shall be worn during procedures that are likely to generate droplets of blood or other potentially infectious materials to prevent exposure to mucous membranes of the mouth, nose, and eyes. They are not required for routine care.

(8) Gowns, aprons, or lab coats shall be worn during procedures that are likely to generate splashes of blood or other potentially infectious materials.

(9) Areas and equipment contaminated with blood shall be cleaned as soon as possible. A household (chlorine) bleach solution (1 part chlorine to 10 parts water) shall be applied to the contaminated surface as a disinfectant leaving it on for a least 30 seconds. A solution must be changed and re-mixed every 24 hours to be effective.

(10) Contaminated clothing (or other articles) shall be handled carefully and washed as soon as possible. Laundry and dish washing cycles at 120° are adequate for decontamination.

(11) Place all disposable equipment (gloves, masks, gowns, etc...) in a clearly marked plastic bag. Place the bag in a second clearly marked bag (double bag). Seal and dispose of by placing in a designated "hazardous" dumpster. **NOTE:** Sharp objects must be placed in an impervious container and properly dispose of the objects.

(12) Tags shall be used as a means of preventing accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations which are out of the ordinary, unexpected or not readily apparent. Tags shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed.

All required tags shall meet the following criteria:

(a) Tags shall contain a signal word and a major message. The signal word shall be "BIOHAZARD", or the biological hazard symbol. The major message shall indicate the specific hazardous condition or the instruction to be communicated to employees.

(b) The signal word shall be readable at a minimum distance of five (5) feet or such greater distance as warranted by the hazard.

(c) All employees shall be informed of the meaning of the various tags used throughout the workplace and what special precautions are necessary.

(13) Linen soiled with blood or other potentially infectious materials shall be handled as little as possible and with minimum agitation to prevent contamination of the person handling the linen. All soiled linen shall be bagged at the location where it was used. It shall not be sorted or rinsed in the area. Soiled linen shall be placed and transported in bags that prevent leakage.

The employee responsible for transported soiled linen should always wear protective gloves to prevent possible contamination. After removing the gloves, hands or other skin surfaces shall be washed thoroughly and immediately after contact with potentially infectious materials.

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (Ord. #264, Dec. 1995)

4-507. Hepatitis B vaccinations. The Town of Woodbury shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the Infectious Disease Control Coordinator. (Ord. #264, Dec. 1995)

4-508. Reporting potential exposure. Town employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc...):

(1) Notify the Infectious Disease Control Coordinator of the contact incident and details thereof.

(2) Complete the appropriate accident reports and any other specific form required.

(3) Arrangements will be made for the person to be seen by a physician as with any job-related injury.

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to human immunodeficiency virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided. (Ord. #264, Dec. 1995)

4-509. Hepatitis B virus post-exposure management. For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

For exposure from an HBsAg-positive source to workers who have previously received the vaccine, the exposed worker should be tested for antibodies to hepatitis B surface antigen (anti-HBs), and given one dose of vaccine and one dose of HBIG if the antibody level in the worker's blood sample is inadequate (ie., 10 SRU by RIA, negative by EIA).

If the source individual is negative for HBsAg and the worker has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized. (Ord. #264, Dec. 1995)

4-510. Human immunodeficiency virus post-exposure management. For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within 12 weeks after the exposure. Such an illness, particularly one characterized by fever, rash, or lymphadenopathy, may be indicative of recent HIV infection.

Following the initial test at the time of exposure, seronegative workers should be retested 6 weeks, 12 weeks, and 6 months after exposure to determine whether transmission has occurred. During this follow-up period (especially the first 6 - 12 weeks after exposure) exposed workers should follow the U.S. Public Health service recommendation for preventing transmission of HIV. These include refraining from blood donations and using appropriate protection during

sexual intercourse. During all phases of follow-up, it is vital that worker confidentiality be protected.

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing 12 weeks later may be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the town to all workers who may be concerned they have been infected with HIV through an occupational exposure. (Ord. #264, Dec. 1995)

4-511. Disability benefits. Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker's Compensations Bureau in accordance with the provisions of T.C.A., § 50-6-303. (Ord. #264, Dec. 1995)

4-512. Training regular employees. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or potentially infectious materials.

They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (Ord. #264, Dec. 1995)

4-513. Training high risk employees. In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated material as per this policy. (Ord. #264, Dec. 1995)

4-514. Training new employees. During the new employee's orientation to his/her job, all new employee will be trained on the effects of infectious disease prior to putting them to work. (Ord. #264, Dec. 1995)

4-515. Records and reports. (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200.

(2) Needle sticks. Needle sticks, like any other puncture wound, are considered injuries for recordkeeping purposes due to the instantaneous nature of the event. Therefore, any needle stick requiring medical treatment (i.e.

gamma globulin, hepatitis B immune globulin, hepatitis B vaccine, etc...) shall be recorded.

(3) Prescription medication. Likewise, the use of prescription medication (beyond a single dose for minor injury or discomfort) is considered medical treatment. Since these types of treatment are considered necessary, and must be administered by physician or licensed medical personnel, such injuries cannot be considered minor and must be reported.

(4) Employee interviews. Should the town be inspected by the U.S. Department of Labor Office of Health Compliance, the compliance safety and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers. (Ord. #264, Dec. 1995)

4-516. Legal rights of victims of communicable diseases. Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

(1) Officers assume that a certain degree of risk exists in law enforcement and emergency service work and accept those risks with their individual appointments. This holds true with any potential risks of contacting a communicable disease as surely as it does with the risks of confronting an armed criminal.

(2) Any officer who refuses to take proper action in regard to victims of a communicable disease, when appropriate protective equipment is available, shall be subject to disciplinary measures along with civil and/or criminal prosecution.

(3) Whenever an officer mentions in a report that an individual has or may have a communicable disease, he shall write "contains confidential medical information" across the top margin of the first page of the report.

(4) The officer's supervisor shall ensure that the above statement is on all reports requiring that statement at the time the report is reviewed and initiated by the supervisor.

(5) The supervisor disseminating newspaper releases shall make certain the confidential information is not given out to the news media.

(6) All requests (including subpoenas) for copies of reports marked "contains confidential medical information" shall be referred to the town attorney when the incident involves an indictable or juvenile offense.

(7) Prior approval shall be obtained from the town attorney before advising a victim of sexual assault that the suspect has, or is suspected of having a communicable disease.

(8) All circumstance, not covered in this policy, that may arise concerning releasing confidential information regarding a victim, or suspected victim, of a communicable disease shall be referred directly to the appropriate department head or town attorney.

(9) Victims of a communicable disease and their families have a right to conduct their lives without fear of discrimination. An employee shall not make public, directly or indirectly, the identity of a victim or suspected victim of a communicable disease.

(10) Whenever an employee finds it necessary to notify another employee, police officer, firefighter, emergency service officer, or health care provider that a victim has or is suspected of having a communicable disease, that information shall be conveyed in a dignified, discrete and confidential manner. The person to whom the information is being conveyed should be reminded that the information is confidential and that it should not be treated as public information.

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil and/or criminal prosecution. (Ord. #264, Dec. 1995)

CHAPTER 6

CONFINED SPACE PROGRAM

SECTION

- 4-601. Purpose.
- 4-602. Coverage.
- 4-603. Administration.
- 4-604. Definitions.
- 4-605. General policy and procedures.
- 4-606. Pre-entry.
- 4-607. Permit system.
- 4-608. Sewer system entry.
- 4-609. Training.
- 4-610. Rescue and emergency.

4-601. Purpose. It is the responsibility of the Town of Woodbury to provide the employees a place of employment which is free from recognized hazards that may cause death or serious harm. In providing services to the citizens of the town, employees may be required to enter spaces considered hazardous.

The purpose of this policy is to establish a comprehensive set of procedures and practices to protect employees from the hazards of entry into permit-required confined space. (Ord. #277, June 1997)

4-602. Coverage. The policy is intended to protect all workers from toxic, explosive or asphyxiating atmospheres and from possible engulfment from small particles such as liquids, grain, or sawdust. Those high risk occupations include but are not limited to:

- (1) Paramedics and emergency medical technicians.
- (2) Public works employees.
- (3) Water and wastewater workers.
- (4) Any other employee deemed to be at high risk per the permit-required confined space determination. (Ord. #277, June 1997)

4-603. Administration. This permit-required space program shall be administered management personnel who shall be responsible for coordinating activities with all town departments and outside contractors where necessary. The administrator shall also be responsible for evaluating the workplace to determine if any spaces are permit-required confined spaces.

There also must be a designated entry supervisor for each confined space work site. The entry supervisor shall be responsible for determining if acceptable entry conditions are present at a permit site where entry is planned,

for authorizing entry and overseeing entry operations, and for terminating entry as required.

Each confined space entry site must also have attendants and authorized entrants. The attendant is an individual stationed outside one or more permit spaces, who monitor the authorized entrant and who performs all attendants duties in the permit space program. The authorized entrant who is authorized to enter a permit space. (Ord. #277, June 1997)

4-604. Definitions. (1) "Acceptable entry conditions." The conditions that must exist in a permit space to allow entry and to insure that employees involved can safely enter into and work within the space.

- (2) "Confined space." (a) Large enough and so configured that employees can bodily enter and perform assigned work, and
 - (b) Has limited or restricted means for entry or exit, and
 - (c) Is not designed for continuous occupancy.

(3) "Engulfment." The surrounding and effective capture of a person by a liquid or finely divided (flowable) solid substance that can be aspirated to cause death by filling or plugging the respiratory system or that can exert enough force on the body to cause death by strangulation, constriction, or crushing.

(4) "Entry." Means the action by which a person passes through an opening into a permit-required confined space. Entry includes ensuing work activities in that space and is considered to have occurred as soon as any part of the entrant's body breaks the plane of an opening into the space.

(5) "Entry permit." Means the written or printed document that is provided by the employer to allow and control entry into a permit space and that contains the information specified by this standard.

(6) "Hazardous atmosphere." An atmosphere that may expose employees to a risk of death, incapacitation, impairment of ability to self-rescue, injury, or acute illness from one or more of the following:

- (a) Flammable gas, vapor, or mist in excess of 10 percent of its lower flammable limit (LFL);
- (b) Airborne combustible dust at a concentration that meets or exceeds its LFL;
- (c) Atmosphere oxygen concentration below 19.5 percent or above 23.5 percent;
- (d) Atmosphere concentration of any substance for which a dose or permissible exposure limit;
- (e) Any other atmospheric condition that is immediately dangerous to life or health.

(7) "Non-permit confined space." A confined space that does not contain or, or with respect to atmospheric hazards, have the potential to contain any hazard capable of causing death or serious physical harm.

(8) "Permit-required confined space." A confined space that has one or more of the following characteristics:

- (a) Contains or has the potential to contain a hazardous atmosphere;
- (b) Contains a material that has the potential for engulfing an entrant;
- (c) Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross-section: or
- (d) Contains any other recognized serious safety or health hazard.

(9) "Permit-required confined space program." The employer's overall program for controlling, and, where appropriate, for protecting employees from permit space hazards and for regulating employee entry into permit spaces. (Ord. #277, June 1997)

4-605. General policy and procedures. (1) Policy statement. Incompliance with the permit-required confined space entry standard, the town, shall identify all permit-required confined spaces in the workplace, prevent unauthorized entry into them, protect authorized workers from hazards, establish entry procedures, establish appropriate training for authorized entrants, entry supervisors, attendants, and document compliance.

(2) General guidelines. (a) Where permit spaces are located, notice of danger shall be posted where appropriate. Signs reading "DANGER - PERMIT REQUIRED CONFINED SPACE, DO NOT ENTER" will be posted.

(b) It shall be a violation of the Town of Woodbury safety procedures for employees to enter confined space without proper authorization. Violation of this policy shall result in disciplinary action up to and including possible termination.

(c) If the town can demonstrate that the only hazard posed by the permit space is an actual or potential hazardous atmosphere and if it can be demonstrated that continuous forced air ventilation alone is sufficient to maintain the permit space safe for entry and if monitoring and inspection data support such conditions, then entry can be made according to the following requirements:

(i) Any condition making it unsafe to remove an entrance cover shall be eliminated before the cover is removed;

(ii) When entrance covers are removed, the opening shall be promptly guarded by a railing, temporary cover, or other temporary barrier that will protect employees working in the space from foreign objects from entering the space.

(iii) Before an employee enters the space, the internal atmosphere shall be tested, with a calibrated direct reading

instrument for oxygen content, flammable gases and vapors, and potential toxic air contaminations.

(iv) There may be no hazardous atmosphere within the space whenever any employee is inside the space.

(v) Continuous forced air ventilation shall be used and the atmosphere within the space shall be periodically tested as necessary to ensure the continuous forced air ventilation is preventing the accumulation of hazardous atmosphere or the forced air ventilation is so directed as to ventilate the immediate areas where an employee is or will be present within the space and shall continue until all employees have left the space. The forced air ventilation shall be from a clean source and may not increase the hazards in the space.

(vi) The atmosphere within the space shall be periodically tested, as necessary, to ensure that the continuous forced air ventilation is preventing the accumulation of hazardous atmosphere.

(vii) If a hazardous atmosphere is detected during entry, each employee shall leave the space immediately, the space shall be evaluated to determine how the hazardous atmosphere developed; and measures shall be implemented to protect the employees from the hazardous atmosphere before any subsequent entry takes place.

(d) The town shall provide the following equipment, as needed, at no cost to the employees, and shall maintain the equipment properly, and ensure the equipment is used properly:

(i) Testing and monitoring equipment;

(ii) Ventilating equipment needed to obtain acceptable entry conditions;

(iii) Communications equipment needed for compliance;

(iv) Personal protective equipment;

(v) Lighting equipment needed to enable employees to see well enough to work safely and to exit the space quickly in an emergency;

(vi) Barriers and shields;

(vii) Equipment such as ladders, needed for safe entry and exit;

(viii) Rescue and emergency equipment;

(ix) Any other equipment needed for safe entry into and rescue from permit spaces.

(e) The town shall evaluate permit space conditions when entry operations begin by:

(i) Testing conditions in the permit space to determine if acceptable entry conditions exist before an entry is authorized to begin;

(ii) Testing or monitoring the permit space as necessary to determine if acceptable entry conditions are being maintained during the course of entry operations;

(f) When testing for atmospheric hazards, test first for oxygen, then for combustible gases and vapors, and then toxic gases and vapors.

(g) The town shall provide at least one attendant outside the permit space into which entry is authorized for the duration of the entry operations.

(h) When multiple spaces are to be monitored by a single attendant, the appropriate communication equipment shall be available to enable the attendant to respond to an emergency affecting one or more of the permit spaces being monitored without distraction from the attendant's responsibilities.

(i) If at any time there is a questionable action or non-movement by the worker inside, there will be a verbal check made. If there is no response, the worker will be removed immediately. EXCEPTION: If the worker is disabled due to falling or impact, he/she shall not be removed from the confined space unless there is immediate danger to his/her life.

(j) Chest harness with attached life-line shall be used by all workers entering the space with the free end of the line secured outside the entry opening. The attendant (standby worker) shall attempt to remove a disabled worker via his life-line. The attendant is not permitted to enter the workspace to perform rescue.

(k) When practical, confined spaces will be entered through side openings—those with 3 1/2 (1.07m) of the bottom. When entry must be made through a top opening, the safety belt shall be of the approved type that suspends a person upright and an approved hoisting device or similar apparatus shall be available for lifting workers out of the space.

(l) In any situation where the use of the harness equipment may endanger the worker, use of a hoisting device or safety belt and attachment life-line may be disconnected.

(m) When dangerous air contamination is attributable to flammable and/or explosive substance, lighting and electrical equipment shall be Class 1, Division 1 rated per National Electrical Code and no ignition source shall be introduced into the space.

(n) Continuous gas monitoring shall be performed during all confined space operations. If alarm conditions change adversely, entry personnel shall exit the confined space and a new confined space permit issued.

(o) A permit-required space may be reclassified as a non-permit space if:

(i) The permit space poses no potential or actual atmospheric hazards and if all hazards within the space are eliminated;

(ii) If testing and inspection during that entry demonstrates that the hazard within the space has been eliminated, the permit may be reclassified as a non-permit confined space for as long as the hazard remains eliminated.

(p) When there are changes in the use or configuration of a non-permit confined space that might increase the hazard to entrants, the employer shall re-evaluate that space and if necessary reclassify it as a permit-required confined space.

(q) A space classified as a permit-required confined space may be reclassified as a non-permit confined space if the permit required space poses no actual or potential atmospheric hazards and if all hazards within the space eliminated without entry into the space, the permit space may be reclassified as a non-permit confined space as long as the non-atmospheric hazards remain eliminated.

(r) When the town arranges to have employees, of another employer (contractor) perform work that involves permit space entry, the town shall:

(i) Inform the contractor that the workplace contains permit spaces and that permit space entry is allowed only through compliance with permit space entry program;

(ii) Apprise the contractor of the elements, including the hazards identified and the town experience with the space, that make the space in question permit required;

(iii) Apprise the contractor of any precautions or procedures that the host employer has implemented for the protection of employees in or near permit spaces where contractor personnel will be working;

(iv) Coordinate entry operations with contractor when both town employees and contractor personnel will be working in or near permit spaces;

(v) Debrief the contractor at the conclusion of the entry operations regarding the permit space program followed and regarding any hazard confronted or created in permit spaces during entry operations. (Ord. #277, June 1997)

4-606. Pre-entry. (1) Policy statement. Before entry is authorized, the supervisor shall document the completion of measures to insure safe permit space entry operations by specifying acceptable entry conditions, isolating the permit space, ventilating the space to eliminate or control atmospheric hazards,

providing barriers as necessary and verifying that conditions in the permit space are acceptable for entry.

(2) General guidelines. (a) Equipment preparation prior to isolation of the equipment requiring an entry is required. Every effort must be made to clean and purge the area of any hazardous contents. This should be done until atmospheric testing indicates levels are below any concentration which could cause physical or health hazard.

(b) Equipment isolation is to be accomplished by utilization of appropriate lock-out/tag-out and line breaking procedures.

(c) Testing before entry for oxygen levels, flammability, and/or any contaminants that might have a potential to be present is required. The test must be performed by qualified personnel using equipment that has been checked for proper functions.

(d) Testing must be done throughout the entire portion of the space that work will occupy during the entry. This testing must be done without the use of a ventilation system. The atmosphere must be tested at various levels, since some gases and vapors are lighter or heavier than air which can result in a layering effect.

(e) The following conditions must be met before the atmosphere is considered safe:

(i) The "LFL" reading between 0 and 10 percent.

(ii) An oxygen level between 19.5 percent and 23.5 percent.

(iii) An airborne combustible dust at a concentration that obscures vision at a distance greater than 5 feet.

(iv) An atmospheric concentration of a substance less than the permissible exposure limit.

(f) Entry into the confined space is prohibited until these conditions are all met, or until special protective measures are provided.

(g) Testing must be performed just prior to commencement of the entry and before re-entry if the workers have left the site for an extended time period (15-20 minutes). (Ord. #277, June 1997)

4-607. Permit system. (1) Policy statement. Before entry into a confined space is authorized, an entry form must be completed, documenting compliance with the standard and authorizing entry into the space. The entry permit shall identify the space; the purpose of entry; the date and duration of entry; authorized entrants; attendants; entry supervisor; the hazards of the permit space and measures too isolate/eliminate the hazards. The permit shall also contain the results of initial and periodic tests accompanied by the names of the testers.

The permit shall also contain the rescue and emergency services that can be summoned and the means for summoning, in addition to a list of personal protective and communication equipment.

(2) General guidelines. (a) Before entry is authorized, the town must document the completion of an entry permit. Before entry begins, the entry supervisor identified on the permit must sign the entry permit to authorize entry.

(b) The complete permit shall be made available at the time of entry, to all authorized entrants, by posting it at the entry portal.

(c) The duration of the permit may not exceed the time required to complete the assigned task or job identified on the permit.

(d) The entry supervisor shall terminate or cancel the permit when:

(i) The entry operations covered by the permit have been completed; or

(ii) A condition that is not allowed under the permit arises in or near the permit space. (Ord. #277, June 1997)

4-608. Sewer system entry. (1) Policy statement. Though sewer entry differs from other permit entries, because of the difficulty in completely isolating the space, the provision of the standard continues to apply.

(2) General guidelines. (a) Only employees who are thoroughly trained in the town sewer entry procedures can be named entrants.

(b) Entrants must be trained in the use of atmospheric monitoring equipment.

(c) The confined space administrator shall develop and maintain liaison with local weather bureau and fire and emergency services so that sewer work can be delayed or interrupted whenever sewer lines might be flooded by rain or fire suppression activities, or when flammable or other hazardous materials are released into sewers during emergencies by industrial or transportation accidents.

(d) Because conditions are subject to change, employees who enter sewer systems must conduct continuous atmospheric monitoring of the space at the employee's work location. (Ord. #277, June 1997)

4-609. Training. (1) Policy statement. All employees of the town, who may encounter confined spaces in the course of their work, must be made aware of the appropriate procedures and controls for entry and that unauthorized entry into such spaces is forbidden. They must be made to realize that an unauthorized entry could be fatal; and that their senses may be unable to detect and evaluate the severity of atmospheric hazards.

(2) General guidelines. (a) The town shall provide training so that all employees acquire the understanding, knowledge and skills necessary for the safe performance of the duties assigned them. Training shall contain hazard recognition, use of personal protective equipment, self rescue techniques, any special work practices or procedures needed to perform

work in the confined space safely, lock-out/tag-out procedures for equipment and use of atmospheric equipment.

(b) Training shall be provided to each effected employee before the employee is first assigned duties under this policy; before there is a change in assigned duties; whenever there is a change in permit space operations that present a hazard about which an employee has not been previously trained and whenever the town has reason to believe either that there are deviations from the permit space entry procedures or that there are inadequacies in the employee's knowledge or use of the procedures.

(c) Training shall establish employee proficiency in the duties required and shall introduce new and revised procedures as necessary for compliance with the program.

(d) The town will certify that the training has been accomplished. The certification shall contain each employee's name, the signature or initials of the trainers, and dates of training. The certification shall be available for inspection by employees and their authorized representatives.

(e) Any employee required or permitted to pre-check or enter an enclosed/confined space shall have successfully completed, as a minimum, the training as required by this section of the procedures.

(f) Employees shall not perform any entry space tasks until the employee has been certified as posing the appropriate skills.

(i) Authorized entrants must be trained to recognize confined space hazards, including the information on the mode of exposure, signs or symptoms, and consequences of exposure, proper use of personal protective equipment, use of communication equipment, and procedures for exiting a permit space.

(ii) Attendants must be trained to remain outside permit spaces during operations; perform non-entry rescues; recognize exiting and potential hazards; use of communication devices; when to order evacuation of a permit space; and when to summon rescue and other emergency services.

(iii) Entry supervisor must be trained to recognize space hazards; verification of emergency plans, testing, permits, procedures and equipment; when to terminate entry and when to cancel permits. (Ord. #277, June 1997)

4-610. Rescue and emergency. (1) Policy statement. It is the responsibility of the town to ensure that rescue services personnel are provided with and trained in the proper use of personal protective and rescue equipment, first aid and CPR.

(2) General guidelines. (a) In the event of emergency or situation requiring emergency medical attention, the town will utilize the emergency services of:

- (i) City police department.
- (ii) City fire department.
- (iii) County ambulance service.
- (iv) County sheriff's department.

(b) The designated attendant shall be the individual responsible for monitoring activities inside and outside the confined space and summoning emergency and rescue services. If necessary, the attendant shall perform non-entry rescue as appropriate.

(c) Each member of the rescue and emergency services shall be trained to use properly, the personal protective equipment and rescue equipment necessary for making rescues from permit spaces.

(d) Each member must be trained in basic first aid and in CPR.

(e) Each member of the rescue service shall practice making permit space rescue at least once every 12 months, by means of simulated rescue operations in which they remove dummies, manikins or actual persons from the actual permit spaces or from representative permit space. Each member must be trained in basic first aid and in CPR. At least one member of the rescue service holding current certification in first aid and in CPR shall be available.

(f) When retrieving injured or unconscious worker, members of the rescue unit shall use a chest or full body harness, with retrieval lines attached at the center of the entrants back. The other end of the retrieval line shall be attached at the mechanical device in such a manner that the rescue can begin as soon as the rescuer becomes aware.

(g) A mechanical retrieval device shall be available to retrieve personnel from vertical type permit spaces more than 5 feet deep.

(h) Material Safety Data Sheets (MSDS) maintained by the town shall be made available to medical facilities treating entrants exposed to hazardous material. (Ord. #277, June 1997)

CHAPTER 7

TRAVEL REIMBURSEMENT

SECTION

- 4-701. Purpose.
- 4-702. Enforcement.
- 4-703. Travel policy.
- 4-704. Travel reimbursement rate schedules.
- 4-705. Administrative procedures.

4-701. Purpose. The purpose of this chapter and referenced regulations is to bring the town into compliance with Public Acts 1993, Chapter 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 town employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on town business at town expense. (as added by Ord. #288, § 1, June 1998)

4-702. Enforcement. The board of mayor and aldermen, or other person or body designated by the board shall be responsible for the enforcement of these travel regulations. (as added by Ord. #288, § 1, June 1998)

4-703. 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 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 board. 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, 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 town. It will be the responsibility of the board 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 board 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 town or misuse town travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the town aren't ordinarily considered eligible expenses for reimbursement (as added by Ord. #288, § 1, June 1998)

4-704. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the State of Tennessee 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. (as added by Ord. #288, § 1, June 1998)

4-705. Administrative procedures. The town 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, in June 1993. A copy of the administrative procedures is on file in the office of the town recorder. (as added by Ord. #288, § 1, June 1998)

CHAPTER 8

GRIEVANCE POLICY

SECTION

4-801. Purpose.

4-802. Requests for accommodation.

4-803. Duty of employee to inform supervisors of grievance.

4-804. Employee rights in grievance process.

4-805. Records.

4-806. Right to contact elected officials.

4-801. Purpose. The purpose of this policy is to set forth the principles of the Town of Woodbury for employees who may feel that they have been treated unfairly and to prescribe uniform procedures for the individual employee to have his/her grievance hear. (as added by Ord. #319, Feb. 2001)

4-802. Requests for accommodation. When a request for an accommodation is denied, a disabled employee may also file a grievance in accordance with this policy or the grievance procedures adopted pursuant to ADA. Employees will be treated fairly in all respects. Those who feel they have been subjected to unfair treatment have the right to present their grievance to the proper person for prompt consideration and a fair decision. (as added by Ord. #319, Feb. 2001)

4-803. Duty of employee to inform supervisors of grievance. Employees must remember that there is no grievance until the department head or other appropriate person has been made aware of the dissatisfaction. Once this is done, the following steps are to be taken:

(1) If any employee has a grievance concerning any aspect of their employment, the employee should first discuss that grievance with their immediate supervisor.

(2) If the employee is not satisfied with the results of the immediate supervisor's actions, then the next step should be to present the grievance in writing to their department head.

(3) If the employee is still not satisfied with the actions taken by any of the persons here before mentioned, then the employee shall be entitled to a hearing before the mayor. At such hearing, the mayor shall have the written record of the grievance and findings of supervisors and department heads, and may require the attendance of anyone whom he deems necessary.

(4) If the employee is not satisfied with the actions taken at that meeting, then the final step in the appeal process shall be a hearing before the mayor and board of aldermen. The decision of the mayor and board of aldermen shall be final. (as added by Ord. #319, Feb. 2001)

4-804. Employee rights in grievance process. An employee with a grievance shall be notified in writing of the right to:

- (1) A grievance or appeals hearing as specified in this policy;
- (2) Receive written notification of the reason for the action that led to the grievance;
- (3) Be represented at all stages of the grievance proceedings by legal counsel retained at the employee's expense;
- (4) Present witnesses in his/her own behalf and cross-examine witnesses in support of the city's action;
- (5) Examine and copy all documents that will be used by the municipality as justification for its actions; and
- (6) Be free from threats, coercion, intimidation, or discrimination from other employees because he/she has made complaints, testified, or assisted in any manner in the above-stated grievance and appeals procedures. (as added by Ord. #319, Feb. 2001)

4-805. Records. Records shall be made of all proceedings pertaining to the grievance actions, and these records shall be maintained in the city's permanent file by the recorder's office. (as added by Ord. #319, Feb. 2001)

4-806. Right to contact elected officials. It is not the intent of these policies and procedures to restrict in any way the employee's right to contact an elected official. (as added by Ord. #319, Feb. 2001)

CHAPTER 9

SEXUAL HARASSMENT PROHIBITED

SECTION

- 4-901. Purpose.
- 4-902. Sexual harassment defined.
- 4-903. Initiating a sexual harassment complaint.
- 4-904. The complaint.
- 4-905. Investigating and reporting sexual harassment complaints.

4-901. Purpose. The city may be held liable for the actions of all employees. The city will take immediate and positive steps to stop such harassment when and if it occurs. The city may be responsible for acts of sexual harassment in the work place when the city (or its agents or supervisory employees) know or should have known of the conduct, unless it can be shown that the city took immediate and appropriate corrective action. The municipality may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace, where the municipal government (or its agents or supervisory employees) know or should have known of the conduct and failed to take immediate and appropriate action.

This policy applies to all officers and employees of the Town of Woodbury, including but not limited to full and part-time employees, elected officials, permanent and temporary employees, employees covered or exempt from the personal rules or regulations of the city, and employees working under contract for the town. The following rules shall be strictly enforced. (as added by Ord. #319, Feb. 2001)

4-902. Sexual harassment defined. The following actions constitute an unlawful employment practice and are absolutely prohibited by the city when they affect employment decisions, create a hostile job environment, cause distractions, or unreasonably interfere with work performance. They are:

- (1) Sexual harassment or unwelcome sexual advances;
- (2) Request for sexual favors;
- (3) Verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, or propositioning;
- (4) Explicit or implied job threats or promises in return for submission to sexual favors;
- (5) Inappropriate sex-oriented comments on appearance;
- (6) Embarrassing sex-oriented stories;
- (7) Displaying sexually explicit or pornographic material, no matter how the material is displayed; and/or
- (8) Sexual assault on the job by supervisors, fellow employees, or, on occasion, non-employees.

Sexual harassment include conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women. (as added by Ord. #319, Feb. 2001)

4-903. Initiating a sexual harassment complaint. An employee who feels he/she is subjected to sexual harassment should immediately contact a person (listed below) with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

- (1) The employee's immediate supervisor,
- (2) The employee's department head,
- (3) A city council member,
- (4) The city recorder, or
- (5) The mayor. (as added by Ord. #319, Feb. 2001)

4-904. The complaint. Employees have the right to circumvent the employee chain-of-command when selecting the person to complain to about sexual harassment. The employee should be prepared to provide the following information:

- (1) His/her name, department, and position title;
- (2) The name of the person or people committing the sexual harassment, including their title(s), if known;
- (3) The specific nature of the sexual harassment, how long it has gone on, any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment.
- (4) Witnesses to the harassment; and
- (5) Whether the employee has previously reported the harassment, and, if so, when and to whom. (as added by Ord. #319, Feb. 2001)

4-905. Investigating and reporting sexual harassment complaints.

(1) Investigating. The mayor is the person the city designates as the investigator or sexual harassment complaints against employees. In the event the sexual harassment complaint is against the mayor, the investigator shall be a municipal employee appointed by the board of aldermen.

(2) Reporting. When an allegation of sexual harassment is made by any employee, the person to whom the complaint is made shall:

- (a) Immediately prepare a report of the complaint according to the preceding section and submit it to the department head.
- (b) Make and keep a written record of the investigation at the time the verbal interview is in progress, including notes on:
 - (i) Verbal responses made to the investigator by the person complaining of sexual harassment,
 - (ii) Witnesses interviewed during the investigation,

- (iii) The person against whom the complaint of sexual harassment was made, and
 - (iv) Any other person contacted by the investigator in connection with the investigation.
- (3) Findings. Within 5 days of receiving the complaint, prepare and present the findings to the mayor in a report, which will include:
- (a) The written statement of the person complaining of sexual harassment,
 - (b) The written statements of witnesses,
 - (c) The written statement of the person against whom the complaint of sexual harassment was made, and
 - (d) All the investigator's notes connected to the investigation.
- (4) Action of complaints of sexual harassment. Upon receiving an investigation report of sexual harassment complaint, the mayor shall immediately review the report. If the mayor determines that the report is not complete in some respect, he/she may question the person complaining of sexual harassment, the person against whom the complaint has been made, witnesses to the conduct in question or any other person who may have knowledge about the harassment.

Based upon the report and his/her own investigation (where a separate investigation is made), the mayor shall, within a reasonable time, determine whether the conduct in question constitutes sexual harassment. In making that determination the mayor shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct, the context in which the alleged actions occurred, and the behavior of the person complaining. Whether sexual harassment took place will be determined on a case-by-case basis.

If the mayor determines that the harassment complaint is founded, he/she shall take immediate and appropriate disciplinary action against the person committing the offense, consistent with his/her authority under the municipal charter, ordinances, resolutions, or rules governing his/her authority to discipline employees. If the mayor feels that the harassment warrants disciplinary action stronger than he/she is authorized to impose by the charter, ordinances, resolutions, or rules governing employee discipline, he/she shall make that determination known, along with the report of the investigation, to the Board of Aldermen of Woodbury. If the governing body determines that the sexual harassment complaint is founded, it may discipline the employee consistent with its authority under the municipal charter, ordinances, resolutions, or rules governing employee discipline.

The disciplinary action shall be consistent with the nature and severity of the offense, the employee's rank, and any other factors the board of aldermen believes relate to fair and efficient administration of the town. This includes, but is not limited to the effect of the offense on employee morale, public perception of the offense, and the light in which it casts on the town. The disciplinary action may include demotion, suspension, dismissal, warning, or

reprimand. Determining the level of disciplinary action shall also be made on a case-by-case basis. A written record shall be kept of disciplinary actions, including verbal reprimands.

In all events, an employee found to have committed sexual harassment shall be warned not to retaliate in any way against the person making the complaint, witnesses, or any other person connected with the investigation.

In cases where sexual harassment is committed by a non-employee against a city employee in the workplace, the mayor shall take whatever lawful action necessary against the non-employee to bring the sexual harassment to an end.

(5) Obligation of employees. Employees are not only encouraged to report instances of sexual harassment, they are obligated to report them. Employees are also obligated to cooperate in every harassment investigation. The obligation includes but is not necessarily limited to, coming forward with evidence (both favorable and unfavorable) about a person accused of such conduct, fully and truthfully making written reports, or verbally answering questions when required to do so by an investigator. Employees are also obligated to refrain from making bad faith accusations of sexual harassment.

Disciplinary action may be taken against employees who fail to report instances of sexual harassment, fail or refuse to cooperate in the sexual harassment investigation, or file a complaint of sexual harassment in bad faith. (as added by Ord. #319, Feb. 2001)

CHAPTER 10**DRUG AND ALCOHOL TESTING POLICY****SECTION**

- 4-1001. Purpose.
- 4-1002. Scope.
- 4-1003. Consent form.
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- 4-1005. General rules.
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- 4-1010. Voluntary disclosure or drug and/or alcohol use.
- 4-1011. Exceptions.
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4-1001. Purpose. The Town of Woodbury 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 Town of Woodbury 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 Town of Woodbury 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 Town of Woodbury has adopted this drug and alcohol testing policy effective March 5, 2002. This policy complies with the: 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, 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 which may be required are:

pre-employment, transfer, reasonable suspicion, post-accident (post-incident), random, return-to-duty, and follow-up.

It is the policy of the Town of Woodbury that the use of drugs by its employees and impairment in the workforce 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 in 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 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 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/town 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's/town's policy regarding drugs and/or alcohol; and the availability of counseling. The personnel director has been designated as the municipal official responsible for answering questions regarding this policy and its implementation.

All Town of Woodbury 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. (as replaced by Ord. #328, March 2002)

4-1002. Scope. Certain aspects of this policy may apply to full-time, part-time, temporary, and volunteer employees of the Town of Woodbury. The policy also implies to applicants for positions requiring a CDL and other safety

sensitive positions who have been given a conditional offer of employment from the Town of Woodbury. (as added by Ord. #328, March 2002)

4-1003. 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), (personnel director, etc.), 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/town'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. (as added by Ord. #328, March 2002)

4-1004. 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. (as added by Ord. #328, March 2002)

4-1005. General rules. These are the general rules governing the Town of Woodbury's drug and alcohol testing program:

(1) City/town 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/town 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/town property.

(3) All Town of Woodbury property is subject to inspection at any time without notice. There should be no expectation of privacy in or on such property. Town of Woodbury 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 director of his/her department of such conviction (including pleas of guilty and nolo contendere) within five days of the conviction occurring. Failure

to so inform the city subjects the employee to disciplinary action up to and including termination for the first 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. (as added by Ord. #328, March 2002)

4-1006. 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 separate conditions:

(1) Types of tests. (a) Pre-employment. All applicants for employee status for positions requiring a CDL, who have received a conditional offer of employment with the Town of Woodbury, must take a drug test before receiving a final offer of employment.

(b) Transfer. Employees transferring to another position within the city/town that requires a commercial driver's license (CDL) shall undergo drug testing.

(c) Post-accident/post-incident testing. Following any workplace accident (incident) determined by supervisory personnel of the Town of Woodbury to have resulted in significant property or environmental damage or in significant 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 drug 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) drug test.

Post-accident (post-incident) testing shall be carried out within 32 hours following the accident (incident). (Note - DOT regulations allow up to 32 hours for drug tests. A lesser time provision is optional.) Urine collection for post-accident (post-incident) testing shall be monitored or observed by same-gender collection personnel at the established collection site(s).

In instances where post-accident (post-incident) testing is to be performed, the Town of Woodbury 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, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the Town of Woodbury to the designated urine specimen collection site within 32 hours following the accident. (Note - DOT regulations allow up to 32 hours for drug tests. A lesser time provision is optional). In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to the (testing site) within 32 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(s) 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 Town of Woodbury and shall result in administrative action up to and including 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 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 Town of Woodbury 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 Town of Woodbury 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 32 hours must be fully documented by the attending medical personnel.

(d) Testing based on reasonable suspicion. A drug test is required for each 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 Town of Woodbury 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 (personnel director) within 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 Town of Woodbury possessing or wishing to obtain a commercial driver's license (CDL) are subject to random urine drug testing. It is the policy of the Town of Woodbury to annually random test for drugs, at least 50 percent of the total number of drivers possessing or obtaining a commercial driver's license (CDL).

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random urine drug testing and the actual presentation for specimen collection.

Random donor selection dates will be unannounced with unpredictable frequency. Some may be tested more than once each year while other 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 Town of Woodbury may omit that employee from that random testing or await the employee's return to work.

(f) Return-to-duty and follow-up. Any employee of the Town of Woodbury who has violated the prohibited drug conduct standards and is allowed to return to work, must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly.

Testing will also be performed on any employee possessing a CDL returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

(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 (personnel director). 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, and
- (g) Depressants.

The city/town 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 Town of Woodbury to a drug test collection facility selected by the Town of Woodbury (see Appendix B),¹ 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 Town of Woodbury 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) (see Appendix C).¹

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 the (testing site) within 32 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 bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to a

¹Appendices to this chapter can be found at the end of this municipal code under the Appendix tab as Appendix 1.

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 72 hours to request sending the split specimen to another federal Department 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 (personnel director).

(5) **Reporting and reviewing.** The Town of Woodbury 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 (see Appendix C).¹

(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 Town of Woodbury.

(b) Reports from the laboratory to the MRO shall be in writing or by fax. 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 (personnel director), and the employee.

(d) Neither the Town of Woodbury, 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. (as added by Ord. #328, March 2002)

4-1007. 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

¹Appendices to this chapter can be found at the end of this municipal code under the Appendix tab as Appendix 1.

of the Town of Woodbury to have resulted in significant property or environmental damage or in significant 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 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 Town of Woodbury to the designated breath alcohol test site for a breath alcohol test within two hours following the accident. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to the (testing site) within two 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 Town of Woodbury and shall result in administrative action up to and including termination of employment.

(ii) Post-accident (post-incident) testing for injured employees. An affected employee who is serious 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 Town of Woodbury, 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 Town of Woodbury, 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 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 Town of Woodbury 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 (personnel director) within eight 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 Town of Woodbury possessing or wishing to obtain a commercial driver's license (CDL) are subject to random alcohol testing. It is the policy of the Town of Woodbury to annually random test for alcohol at least 25 percent of the total number of drivers possessing or obtaining a commercial driver's license (CDL).

A minimum of 15 minutes and a maximum of two 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 Town of Woodbury may omit that employee from that random testing or await the employee's return to work.

(d) Return-to-duty and follow-up. Any employee of the Town of Woodbury who has violated the prohibited alcohol conduct standards must submit to a return-to-duty test. Follow-up tests will be

unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly.

Testing will also be performed on any employee with a CDL returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

(2) Alcohol testing procedures. All breath alcohol testing conducted for the Town of Woodbury shall be performed using evidential breath testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA). (Note - A city's/town's own public safety department cannot do this testing unless the test is required because of a traffic accident (incident).)

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 minutes shall be allowed to pass following the completion of Step One above. Before the confirmation test of 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 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 administrative action by proper officials of the Town of Woodbury up to and including termination of employment.

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 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 Town of Woodbury.

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 Town of Woodbury, when possible.

The completed breath alcohol test form shall be submitted to the (personnel director). (as added by Ord. #328, March 2002)

4-1008. 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 at the minimum two 60-minute periods of training on the specific, contemporaneous, physical, behavioral, and performance indicators of both probable drug use and alcohol use. One 60-minute period will be for drugs and one will be for alcohol.

The Town of Woodbury 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 Town of Woodbury's 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. (as added by Ord. #328, March 2002)

4-1009. 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 Town of Woodbury if their initial positive pre-employment 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 may be subject to disciplinary action up to and including termination. The city may consider the following factors in determining the appropriate disciplinary response: the employee's work history, length of employment, current work assignment, current job performance, and existence of past disciplinary actions. However, the city/town reserves the right to allow employees to participate in an education and/or treatment program approved by the city/town employee assistance program as an alternative to or in addition to disciplinary action. If such a program is offered and accepted by

the employee, then the employee must satisfactorily participate in and complete the program as a condition of continued 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/town's employee assistance program or other program sanctioned by the city/town, and thereafter refrain from violating the city's/town's policy on drug and alcohol abuse. However, voluntary identification will not prohibit disciplinary action for the violation of city/town personnel policy and regulations, nor will it relieve the employee of any requirements for return to duty testing.

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

(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. (as added by Ord. #328, March 2002)

4-1010. Voluntary disclosure of drug and alcohol use. In the event that an employee of the Town of Woodbury 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 Town of Woodbury. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment.

Affected employees of the Town of Woodbury may be allowed up to 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 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 30-day treatment period.

Voluntary disclosure must occur before an employee is notified of or otherwise become 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 Town of Woodbury. 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 (personnel director) of the Town of Woodbury 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 administrative action up to and including termination of employment.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the Town of Woodbury. Voluntary disclosure provisions do not apply to applicants. Employees found positive during drug and/or alcohol testing under this policy are subject to administrative action up to and including termination of employment as specified elsewhere in this policy. (as added by Ord. #328, March 2002)

4-1011. 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. (as added by Ord. #328, March 2002)

4-1012. Modification of policy. This statement of policy may be revised by the Town of Woodbury 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 Town of Woodbury. (as added by Ord. #328, March 2002)

4-1013. 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 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 commercial driver's license (CDL) 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 CDL.

(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) "Commercial driver's license (CDL)." A motor vehicle driver's license required to operate a commercial motor vehicle (CMV).

(10) "Commercial motor vehicle (CMV)." Any vehicle or combination of vehicles meeting the following criteria: weighing more than 26,000 pounds; designed to transport more than 15 passengers; transporting hazardous materials required by law to be placarded, regardless of weight; and/or classified as a school bus.

(11) "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 date of alcohol concentration.

(12) "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 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.

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

(14) "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.

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

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

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

(18) "EAP." Employee Assistance Program.

(19) "Employee." An individual currently employed by the Town of Woodbury.

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

(21) "FHWA." Federal Highway Administration.

(22) "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.

(23) "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.

(24) "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.

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

(26) "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.

(27) "Safety-sensitive drivers." Employees in the aviation, motor carrier, railroad, and mass transit industries.

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

(29) "Substance abuse professional." A licensed physician (medical 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. (as added by Ord. #328, March 2002)

CHAPTER 11

RESPIRATORY PROTECTION PROGRAM

SECTION

4-1101. Purpose.

4-1102. Scope.

4-1103. Responsibility.

4-1104. Procedures.

4-1105. Training and education.

4-1101. Purpose. The Federal Occupational Safety and Health Administration (OSHA) 29 CFR 1910.134 requires employers to have a written respiratory protection program. The purpose of this program is to ensure the protection of all employees from respiratory hazards caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays or vapors. (as added by Ord. #327, Nov. 2001)

4-1102. Scope. This program covers all employees involved with the purchase, installation, operation and maintenance of respirator equipment and related material. (as added by Ord. #327, Nov. 2001)

4-1103. Responsibility. Department heads are responsible for implementing this program with their department. The city's safety director will be available to assist in the assessment of respiratory hazards and types of respirators applicable to the existing hazards. The safety director will be responsible for training and records of personnel required to use respiratory protection. (as added by Ord. #327, Nov. 2001)

4-1104. Procedures. The following procedures and controls will be implemented and maintained in each department, which require the use of a respirator:

(1) Engineering controls will be used as far as feasible to prevent air contamination.

(2) When engineering controls are not feasible, appropriate respirators shall be used pursuant to the following requirements:

(a) Respirators applicable and suitable for the purpose intended shall be provided by the City of Woodbury.

(b) Employees shall be instructed and trained in the proper use and limitations of respirators.

(c) Respirators shall be selected on the basis of hazards to which workers are exposed.

(d) Employees will use the provided respirator protection in accordance with instructions and training received.

(e) Respirators shall be stored in a convenient, clean and sanitary location.

(f) All respirators shall be inspected, cleaned and disinfected monthly. If respirators are worn by more than one worker they shall be cleaned and disinfected after each use. [See Appendix B, Respirator inspection and maintenance].¹

(g) Selection of respirators shall meet the guidelines of the American National Standard Institute (ANSI) Z88-1969.

(h) Compressed air shall be of high purity. Compressed oxygen, liquid air and liquid oxygen are not authorized for use by employees except under direct supervision of their department manager and approval by the safety director.

(i) Respirators will be used at all times in areas determined to contain atmospheric conditions that require respirator protection. [See Appendix A, Hazard Assessment].¹

(j) Chlorine atmosphere requires the use of a self contained breathing apparatus (SCBA). Only licensed water plant operators are authorized to use SCBA, and they will always work with a minimum of two persons with SCBA.

(k) Employees in routine work areas such as spray paint rooms will use respirators as conditions exist for their use.

(3) Each department will make a hazard assessment to identify hazards or potential hazards employees may encounter. [See Appendix A, Hazard Assessment].¹ (as added by Ord. #327, Nov. 2001)

4-1105. Training and education. Employees who are required to use respirators shall be trained in at least the following:

(1) Nature of hazards or potential hazards they face.

(2) Possible consequences that may occur if exposed to the hazard without protection.

(3) The capability and limitations of respirators.

(4) Discussion of parts of the respirator and the function and possible malfunction.

(5) Discussion of users, responsibility for inspection, maintenance and cleaning.

(6) Instruction of proper storage, cleaning, and maintenance of respirators.

¹Appendices to this chapter can be found at the end of this municipal code under the Appendix tab as Appendix 2.

- (7) Methods to assure a proper fit and function.
- (8) A respirator will be available to users during training for inspection, donning and fit testing.
- (9) A record of employee's names, dates and types of initial training and subsequent refresher training shall be maintained. (as added by Ord. #327, Nov. 2001)