

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

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2. VACATION AND SICK LEAVE.
3. PERSONNEL SYSTEM.
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
5. INFECTIOUS DISEASE CONTROL POLICY.

**CHAPTER 1****SOCIAL SECURITY****SECTION**

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**4-101. Policy and purpose as to coverage.** It is hereby declared to be the policy and purpose of this city to provide for all eligible employees and officials of the City of Dickson, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1980 Code, § 1-801)

**4-102. Necessary agreements to be executed.** The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1980 Code, § 1-802)

**4-103. Withholdings from salaries or wages.** Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations,

and shall be paid over to the state or federal agency designated by said laws or regulations. (1980 Code, § 1-803)

**4-104. Appropriations for employer's contributions.** There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1980 Code, § 1-804)

**4-105. Records and reports to be made.** The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1980 Code, § 1-805)

**4-106. Exclusion of coverage due to another retirement system.** There is excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the city. (1980 Code, § 1-806)

**4-107. Exclusion of services performed by election workers and election officials.** The mayor is authorized and directed to execute an amendment to said agreement of July 1, 1952 to exclude from coverage under the Federal System of Old Age, Survivors, Disability, Health Insurance, the services of an election worker and an election official if the remuneration paid for such services in a calendar year is less than \$1,000 on or after January 1, 1995, ending on or before December 31, 1999 and, the adjusted amount determined under section 218 (c)(8)(B) of the Social Security Act for any calendar year, commencing on or after January 1, 2000, with respect to services performed during any such calendar year. This exclusion to be effect in and after a calendar year in which a state's modification is mailed, or delivered by other means, to the appropriate federal official. (Ord. #893, Feb. 1995)

## CHAPTER 2

### VACATION AND SICK LEAVE

#### SECTION

- 4-201. Applicability of chapter.
- 4-202. Vacation leave.
- 4-203. Sick leave.
- 4-204. Bereavement leave.
- 4-205. Leave records and charges for leave.
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- 4-207. Overtime.

**4-201. Applicability of chapter.** This chapter shall apply to all full-time city officers, fire and police department employees working on shifts, and all other employees except those operating under the jurisdiction of a separate board or commission.

The intent of this chapter is to recognize and fairly administer the vacation, sick leave and holiday schedules of both 8 hour (1 day) and 24 hour (1 shift) employees. (1980 Code, § 1-901)

**4-202. Vacation leave.** (1) All officers and employees shall be given vacation leave as follows:

	<u>8 Hour Policy</u>	<u>24 Hour Policy</u>
1-4 years	10 days (80 hours)	5 shifts (120 hours)
5-9 years	15 days (120 hours)	7 shifts (168 hours)
10-14 years	20 days (160 hours)	9 shifts (216 hours)
15-19 years	25 days (200 hours)	11 shifts (264 hours)
20 years and over	30 days (240 hours)	13 shifts (312 hours)

(2) All employees may carry vacation hours over from year to year. However, eight (8) hour employees may not accumulate more than two hundred forty (240) hours (30 days), and twenty-four (24) hour employees may not accumulate more than 336 hours (14 shifts).

(3) Vacation leave is granted at the convenience of the City of Dickson. Leave requests will be honored to the extent possible. However, department heads may deny vacation if it will create a hardship on the department. (1980 Code, § 1-902)

**4-203. Sick leave.** (1) Eight (8) hour shift employees will be granted eight (8) hours (1 day) per month sick leave. Twenty-four (24) hour shift employees will be granted twelve (12) hours per month sick leave.

(2) Employees may carry sick leave over from year to year, but may not accumulate more than one hundred twenty (120) days (960 hours) for eight (8) hour employees and fifty-eight (58) shifts (1,392 hours) for twenty-four (24) hour employees. An employee may be allowed to use accumulated sick leave for early retirement. However, accumulated sick leave has no value should the employee cease to be employed.

(3) Employees are required to notify their department heads as early as possible on the first day of the sick leave absence. Department heads, at their discretion, may require that the employee furnish a physician's certification stating the nature of the illness or injury prior to returning to work.

(4) If an employee has accumulated sick leave, he/she can use up to twelve (12) days (96) hours for eight (8) hour employees, or six (6) shifts (144 hours) for twenty-four (24) hour employees, for being off with a sick family member, which includes spouse, children, grandchildren, father, mother, brother or sister. The days for this purpose reduce his/her total personal sick leave days unused. (1980 Code, § 1-903)

**4-204. Bereavement leave.** (1) Bereavement leave will be granted for three (3) days (24 hours) for eight (8) hour employees and one (1) shift (24 hours) for twenty-four (24) hour employees, in the event of the death of an employee's spouse, child, parents, grandparents, grandchildren, siblings or parents-in-law without reducing employees leave balance.

(2) An additional three days (24 hours) may be granted eight (8) hour employees and an additional one (1) shift (24 hours) may be granted to twenty-four (24) hour employees to provide additional bereavement leave. This additional leave is subject to department head approval.

(3) With department head approval, an employee may take up to four (4) hours off without loss of pay for any funeral they feel obligated to attend. (1980 Code, § 1-904)

**4-205. Leave records and charges for leave.** The mayor shall cause to be kept, for each officer and employee, a current record showing credits earned and leave taken under this chapter. (1980 Code, § 1-905)

**4-206. Holidays.** (1) All full time employees are allowed a day off with pay on the following eleven days:

New Year's Day	January 1st
Martin Luther King Day	3rd Monday in January
President's Day	3rd Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September

Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Eve	December 24th
Christmas Day	December 25th

(2) 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.

(3) All non-exempt police department employees who are off-duty on the holiday will be compensated at the rate of eight (8) hours at time and a half. On-duty police department personnel will receive an additional eight (8) hours compensation.

All non-exempt fire department employees who are off duty on the holiday will be compensated at the rate of twelve (12) hours at time and a half. On-duty fire department personnel will receive up to an additional twenty-four (24) hour compensation.

All other non-exempt employees who are off duty will be compensated for eight (8) hours. On-duty personnel will receive an additional eight (8) hours pay. (1980 Code, § 1-906)

**4-207. Overtime.** (1) Overtime pay must be paid at the rate of not less than one and one-half (1 1/2) times the nonexempt employees rate of pay.

(2) Eight (8) hour employees are to be paid overtime or given compensatory time for each hour worked in excess of eight (8) hours per day and for hours worked on regular days off.

(3) The department of water and wastewater and the street division of the department of public works shall work shifts as designated by the department head. During mid-year the department head may establish 10-hour workdays for field crews at his/her discretion. When a holiday falls during a workweek and 10-hour workdays are in effect, all employees will revert to 8-hour workdays that week. Employees who are scheduled on the 10-hour workday schedule shall be governed by the Fair Labor Standards Act and be paid overtime after working 40 hours.

(4) Twenty-four (24) hour employees must be paid or given compensatory time for hours worked beyond two hundred twelve (212) hours during the twenty-eight (28) day work period.

(5) For the purposes of calculating overtime or compensatory time, vacation, sick leave and compensatory time are substitutable for hours worked. (1980 Code, § 1-907, as amended by Ord. #935, Aug. 1996, and replaced by Ord. #1058, April 2000)

## CHAPTER 3

### PERSONNEL SYSTEM

#### SECTION

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- 4-327. [Repealed.]
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- 4-338. Construction and application to other laws.

**4-301. Title.** This chapter shall be known as the "Personnel Merit System Ordinance" or "Personnel Ordinance." (1980 Code, § 1-1101)

**4-302. Purpose.** A personnel merit system for the City of Dickson is hereby established for the purpose of providing a personnel policy under which entry into and continuance in the service of the city shall be on the basis of merit, efficiency, and fitness and free of personal and political considerations. (1980 Code, § 1-1102)

**4-303. General policy declared.** It is hereby the declared personnel policy of the city that:

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

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

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

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

(5) Every effort shall be made to stimulate high morale by fair administration of this chapter and by every consideration of the rights and interests of employees, consistent with the best interests of the public and the city.

(6) Tenure of employees covered by this chapter shall be subject to good behavior, satisfactory performance of work, necessity for the performance of work, and availability of funds.

(7) When an employee terminates his employment with the city and if rehired he loses all previous benefits he had and is treated as a new hire. (1980 Code, § 1-1103)

**4-304. Definitions.** As used in this chapter, the following quoted words and terms shall have the meanings enumerated hereinafter:

(1) "Municipality" or "city" shall mean the City of Dickson, Tennessee.

(2) "Chief executive" shall mean the Mayor of the City of Dickson.

(3) "Governing body" shall mean the city council vested with power to enact ordinances and resolutions for the City of Dickson.

(4) "Appointing authority" shall mean that individual or entity that possesses hire-fire authority over an employee. (1980 Code, § 1-1104, as replaced by Ord. #943, Oct. 1996)

**4-305. Classification.** All offices and positions of the city are divided into the classified service and the unclassified status. The classified service

shall include all regular full-time and regular part-time positions in the city service which are not specifically placed in the unclassified service by this chapter. All offices and positions of the city specifically placed in the unclassified service shall be as follows:

- (1) All officials elected by popular vote and persons appointed to fill vacancies in any such elective offices.
- (2) The mayor and direct assistant(s) thereto.
- (3) Members of appointive boards, commissions, or committees.
- (4) Employees of a utility under an appointive board or commission, unless the utility board or commission requests that they be covered.
- (5) Persons employed to render the city expert, professional, technical, or other services of an occasional character.
- (6) Volunteer personnel, such as volunteer firemen, and all other personnel appointed to serve without compensation.
- (7) City attorney and assistant city attorneys.
- (8) Housing authority personnel.
- (9) Persons employed by the city for not more than six (6) months during a fiscal year for special purposes and seasonal work.
- (10) Part-time employees paid by the hour or day.
- (11) Employees who are hired to meet the immediate requirements of an emergency condition, such as fire, flood, earthquake, riots, etc., which threatens life or property.
- (12) Persons serving the city as independent contractors.
- (13) Persons retained as consultants.
- (14) Persons jointly employed by the city and some other governmental agency.
- (15) City judge. (1980 Code, § 1-1105, as replaced by Ord. #920, May 1996)

**4-306. Application of remainder of chapter.** The following sections of this chapter shall apply only to the classified service unless otherwise specifically provided. (1980 Code, § 1-1106)

**4-307. Mayor's duties.** The mayor shall have the basic responsibility for the personnel program as set forth in this chapter. He specifically shall:

- (1) Be responsible for effective personnel administration;
- (2) Appoint a personnel officer, to be approved by the city council, who shall be responsible for the administration and technical direction of the city's personnel program; or he may, upon approval of the city council, assign and combine the powers and responsibilities of the personnel officer with that of another office or act in the capacity of personnel officer in the absence of such an appointment, assignment, and combination of powers and responsibilities;
- (3) Appoint, remove, suspend, reprimand, and otherwise discipline, upon the approval of the city council and subject to the policies as set forth in

this chapter, provisions of the charter, and those in state law, department heads and other major officers of the city whose appointments and terminations are not otherwise provided for in the charter and who would not be employees of the boards or commissions. When the necessities of the situation dictate, the mayor may demote, dismiss, reduce in pay, reprimand, or suspend without pay any employee in the classified service in accordance with § 4-321 and subject to the review appeal process.

(4) Authorize the head of the department or office (hereinafter "appointing authority") responsible to him to appoint, remove, suspend, reprimand, and otherwise discipline subordinates in such departments and offices upon confirmation of the mayor along with department heads;

(5) Fix and establish the number of employees in the various city departments and offices and determine the duties, authority, responsibility, and compensation in accordance with the policies as set forth in this chapter and subject to the approval of the city council and budget limitations; and

(6) Perform such other duties and exercise such other power in personnel administration as may be prescribed by law and this chapter. (1980 Code, § 1-1107, as replaced by Ord. #921, May 1996)

**4-308. Duties of personnel officer.** The duties and responsibilities of the personnel officer or other officer designated under the preceding section to handle such responsibilities shall be to:

(1) Administer under the direction of the mayor the personnel program as set forth in this chapter and the personnel rules and regulations;

(2) Perform all lawful and necessary duties essential to the effective administration of the personnel system and serve as a secretary to the personnel board (but shall have no vote);

(3) Recommend to the mayor rules and revisions and amendments thereto for the consideration of the city council;

(4) Recommend to the mayor a position classification plan for approval by the city council, and install and maintain such a plan;

(5) Prepare and recommend to the mayor a pay plan for all city employees for the city council approval;

(6) Establish and maintain a roster of all persons in the municipal service setting forth each officer and employee, class title of his position, salary, and changes in class title, status, and such other data as may be deemed desirable or useful;

(7) Develop and administer such recruiting and examining programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the city;

(8) Be responsible for certification of all payrolls;

(9) Develop and coordinate training, evaluation, and educational programs for city employees;

(10) Investigate periodically the operation and effect of the personnel provisions of this chapter and the rules, and at least annually report his findings and recommendations to the mayor;

(11) Maintain adequate personnel records to include for each employee the class, title, pay, and other relevant data;

(12) Advise the mayor on manpower utilization;

(13) Foster and develop programs for the improvement of personnel effectiveness, including training, safety, health, counseling, and welfare;

(14) Encourage and exercise leadership in the development of an effective personnel system for the city; and

(15) Perform such other duties as may be assigned by the mayor not inconsistent with this chapter. (1980 Code, § 1-1109)

**4-309. Personnel board.** The finance and management committee will serve as the personnel board and shall have the following duties and powers:

(1) Hear appeals of any employee relative to disciplinary action and other matters in which the employee feels grieved as provided herein, after such action or matter has been reviewed by the appointing authority, city administrator, and mayor. The board may revoke, modify, or sustain the action being appealed. The personnel board shall have the right of subpoena, the power to examine witnesses under oath, the power to compel the attendance of witnesses, and the power to require the production of evidence by subpoena. During such review, both the appealing employee and the appointing authority or other persons whose action is being reviewed shall have the right to be heard publicly, employ counsel of their choice to represent them at their own expense, and to present evidentiary facts. At the hearing of such appeals or grievances technical rules of evidence shall not apply. All appeals shall be concluded as expeditiously as possible and in accordance with the requirements and procedures as set forth in the personnel rules adopted pursuant to this chapter.

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

(3) Advise the city council and mayor on questions concerning implementation of general personnel policies and administration. (1980 Code, § 1-1109, as replaced by Ord. #922, May 1996)

**4-310. Adoption and amendment of personnel rules.** The mayor, in consultation with the personnel officer, shall be responsible for preparation of such personnel rules and amendments thereto as may be necessary to carry out the provisions of this chapter. The city council shall adopt such rules by ordinance. (1980 Code, § 1-1110, as replaced by Ord. #923, May 1996)

**4-311. Contents of personnel rules.** The personnel rules shall establish regulations, specific procedures, and policies governing the personnel system including but no limited to the following:

- (1) Administration of a position classification plan covering all positions in the classified service, including employment standards and qualifications for each class;
- (2) Administration of a plan of compensation directly correlated with the position classification plan, providing a rate or range of pay for each class;
- (3) The announcement of vacancies and the acceptance of applications for employment;
- (4) Preparation, announcement, and conducting of examinations;
- (5) Establishment and use of employment lists containing names of persons eligible for appointment;
- (6) Certification and appointment of persons from employment lists to fill vacancies, and the making of provisional, temporary, casual, and emergency appointments;
- (7) Evaluation of the work of employees including those serving a probationary period;
- (8) Transfer, promotion, and reinstatement of employees in the competitive service;
- (9) Disciplinary action, demotion, suspension, and separation from the service of employees by resignation, layoff, separation, dismissal, and for incapacity to perform required duties;
- (10) Standardization of hours of work, attendance and leave regulations, and working conditions;
- (11) Development of employee morale, welfare, and training programs;
- (12) A uniform system of procedure for the handling of all grievances and appeals;
- (13) Vacations, holidays, paid and unpaid leaves, and other fringe benefits;
- (14) Promotional policies and procedures;
- (15) Establishment, maintenance, and use of adequate and necessary personnel records and forms; and
- (16) Such other matters as may be necessary and proper to carry out the intent and purpose of this chapter. (1980 Code, § 1-1111)

**4-312. Classification plan.** The personnel officer shall make an analysis of the duties, authority, and responsibility of all positions in the classified service and shall recommend to the mayor for adoption by the city council a position classification plan. Each position in the classified service shall be assigned to a job classification on the basis of its kind and level of its duties and responsibilities, to the end that all positions in the same class shall be sufficiently alike to permit use of a single descriptive class title, the same qualifications, requirements, the same tests of competence, and the same pay scale. A job class may contain one position or more than one position.

The city council shall by resolution, approve a classification plan in accordance with the provisions as set out in § 4-310. The personnel officer shall thereafter allocate each position to its appropriate class.

The class to which each position is initially allocated following adoption of the provisions of this chapter shall be the class in which the employee shall have status conferred on him by § 4-319.

The initial class plan shall be revised from time to time as changing conditions require, upon recommendation of the personnel officer to the mayor, and with the approval of the city council by resolution, in accordance with the provision as set out in § 4-310. Such revisions may consist of the adoption of new classes or the abolishment, consolidation, division, or amendment of existing classes. Nothing herein shall be construed as affecting the power of the city council to abolish positions in the classified service. (1980 Code, § 1-1112, as replaced by Ord. #924, May 1996)

**4-313. Compensation plan.** The personnel officer, under the direction of the mayor shall develop a uniform and equitable pay plan consisting of minimum, intermediate, and maximum rates of pay for each class of positions. Salary ranges for each class shall be coordinated with the position classification plan and shall be based on the ranges of pay for other classes, requisite qualifications, general rates of pay for comparable work in other public and private employment in the area, cost of living data, maintenance or other benefits received by employees, the financial policy of the city, and other economic considerations. The pay plan and the rules for its administration shall then be submitted to the city council for adoption.

The city council shall:

- (1) Adopt the plan of compensation, or
- (2) Adopt the same without modifying the plan except by uniform modification of all classes, or
- (3) Reject the plan.

Adoption shall be by resolution. When a plan of compensation is rejected by the city council, it shall be returned to the mayor. The personnel officer shall thereupon formulate another plan of compensation in accordance with the first paragraph of this section. Upon approval of the plan by the city council, it shall be the plan of compensation under which all members of the classified service must be paid.

The pay plan may be amended from time to time as circumstances require in accordance with the provisions as set out in the first and second paragraphs of this section.

On the effective date of a new or revised pay plan, the pay of employees receiving less than the minimum rate for their class shall be increased to the minimum rate of the salary range. Employees receiving more than the maximum rate of their class shall continue to receive that higher rate. Employees whose salary rates fall at any step in the range for the position shall

continue at that rate. Rates at other than an established step of the salary range shall be increased to the next higher step. (1980 Code, § 1-1113, as replaced by Ord. #925, May 1996)

**4-314. Appointments.** Appointments to positions in the classified service shall be made in accordance with this chapter and the personnel rules. Appointments and promotions shall be based on merit, efficiency, and fitness to be ascertained so far as practicable by competitive evaluation. Examination when used and conducted to aid in the selection techniques shall test fairly the qualifications of candidates in relation to class specifications. Such tests may include written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, or any combination of these or other tests as approved by the mayor. Physical and medical tests may be given as a part of any examination. The mayor may include, in addition to competitive tests, a qualifying test or tests; and set minimum standards therefor. The personnel rules and regulations shall include, but not be limited to, the following appointment procedures:

(1) An orderly and systematic method of recruitment to insure that all those employed will be hired on the basis of merit, efficiency, and fitness without in any way being favored or discriminated against because of race, color, ancestry, sex, national origin, religious belief, or any personal or political opinions or affiliations, and to provide for the establishment of qualified lists for employment purposes;

(2) In the absence of an appropriate certified employment list of qualified candidates, a provisional appointment may be made by the appointing authority, provided that employment lists shall be established for any such position within six (6) months. A provisional employee may serve only until the personnel official shall certify to the appointing authority a qualified candidate or candidates, and may be removed at any time without charges, right of appeal and hearing. No person shall be employed by the city under provisional appointment for a total of more than six (6) months, except during the period of suspension of an employee or pending final action on proceedings to review suspension, demotion, or dismissal of an employee (such vacancy created may be filled by the appointing authority only by provisional appointment subject to the provisions of this chapter and the personnel rules); and

(3) In the event of emergency, the appointing authority may appoint such persons as are required to meet the situation, but such appointment shall not exceed thirty (30) days in any twelve (12) month fiscal year. (1980 Code, § 1-1114)

**4-315. Public safety eligibility lists.** (1) The chief of police and fire chief shall establish and maintain such employment lists of the various classes of positions in the city service as are necessary to meet the needs of the service.

Eligibility lists, in the order of their priority shall be re-employment lists, promotional eligibility lists, and original appointment eligibility lists.

(2) Re-employment lists. Re-employment lists shall be created as follows: names of persons being placed upon re-employment lists shall be in order of total cumulative time served in probationary and regular status, and shall remain on such lists for a period of one year unless a person no longer seeks employment with the city, or the personnel official determines that the person has ceased to have the qualifications for the class of positions.

The names of probationary and regular employees laid off in good standing for lack of funds or work shall, at the request of the employee, be placed upon re-employment lists for classes which, in the opinion of the personnel official, require basically the same qualifications, duties, and responsibilities as those of the class of positions from which lay-off was made.

The names of probationary and regular employees who have resigned in good standing may, upon the approval of the mayor be placed upon re-employment lists, in accordance with the provisions of this section, for classes which, in the opinion of the personnel official, require basically the same qualifications, duties, and responsibilities as those of the class of positions from which resignation was made.

(3) Promotional and original appointment lists. Promotional eligibility lists, and original appointment eligibility lists shall be created in accordance with the provisions of § 4-314 and this section, and as follows: names of applicants shall be placed upon the appropriate eligibility lists in the relative order of their final rating (with the exception of the re-employment lists as provided in subsection (2) above). Eligible applicants obtaining the same score shall be considered to have the same rank on the eligibility list, all other things being equal.

(4) Administering lists. Policy and procedures for administering eligibility lists shall be provided in the personnel rules and shall cover the duration, cancellation, replacement, and consolidation of such lists and the removal or suspension of the names of eligibles therefrom. (1980 Code, § 1-1115, as amended by Ord. #1075, Nov. 2000)

**4-316. Certification.** When an appointment is to be made to fill a vacant position in the classified service, the personnel officer, upon requisition, shall first certify to the appointing authority a list of the top three (3) qualified candidates on the appropriate re-employment list in the order that their names appear on such list (rule of three). When more than one vacancy is to be filled, the number of names submitted shall equal the number of vacancies plus two. The appointing authority shall then fill the position or positions from those available persons on the re-employment list in the order that their names appear on such list. If no appropriate re-employment list exists, the personnel official shall then certify to the appointing authority a list of the top three (3) qualified candidates ranked highest on the appropriate promotion list. The

appointing authority shall then fill the position or positions from those candidates available in the highest qualified rating. In the event there is no appropriate promotion list of qualified candidates available, the personnel officer shall certify a list of the top three (3) qualified candidates ranked highest on the appropriate employment list. The appointing authority shall then fill the position or positions from those candidates available in the highest qualified rating. In the absence of an appropriate certified employment list of qualified candidates, a provisional appointment may be made by the appointing authority as provided elsewhere in this chapter, or the vacancy or vacancies may be filled in any other manner as provided in this chapter and the rules. No appointment, except a temporary or provisional appointment, shall be made without such certification or prior authorization. (1980 Code, § 1-1116, as replaced by Ord. #926, May 1996)

**4-317. Veteran's preference.** The personnel rules and regulations shall provide for the allowance of veteran's preference points in accordance with the city charter and state and federal law requirements. (1980 Code, § 1-1117)

**4-318. Probationary period.** The personnel rules and regulations shall provide that all regular appointments, including promotional appointments, shall be for a probationary period of six (6) months. During the probationary period, an employee may be rejected at any time without charges, right of appeal, and hearing. An employee rejected during the probationary period from a position to which he has been promoted shall be re-instated to a position in the class from which he was promoted unless he is discharged as provided in this chapter and the personnel rules. (1980 Code, § 1-1118)

**4-319. Status of present employees.** Any person holding a position included in the classified service who, on the date that the provisions of this chapter become operational, shall have served continuously in such position or in some other position in the classified service for a period equal to the probationary period, shall assume regular status in the classified service in the position held on such effective date without qualifying tests, and shall thereafter be subject in all respects to the provisions of this chapter and the personnel rules and regulations. Other persons holding positions in the classified service shall be regarded as probationers who are serving out the remainder of their probationary periods before obtaining regular status, and may be certified in the same manner when they satisfactorily complete the regular work test period. The probationary period shall be computed from the date of appointment or employment. (1980 Code, § 1-1119)

**4-320. Promotions.** Vacancies in positions above the entrance shall be filled by promotion whenever in the judgment of the mayor it is in the best interest of the city to do so. Promotions shall be on a competitive basis and shall

give appropriate consideration to the applicants' qualifications and seniority. (1980 Code, § 1-1120)

**4-321. Disciplinary actions.** (1) The appointing authority may immediately demote, dismiss, reduce the pay, suspend reprimand, or otherwise discipline any employee for failure in performance of duties or failure in personal conduct. The appointing authority shall provide the employee with written notice of any disciplinary action as soon as is practicable, but in no event later than five (5) working days following the decision unless exigent circumstances exist. Such notice shall include the effective date, reasons for the action, and appeal rights available to the employee. An employee has the right to appeal an adverse decision by the city council to Chancery Court or Circuit Court pursuant to Tennessee Code Annotated § 27-8-104(a), which provides "The judges of the interior courts of law have the power, in all civil cases, to issue writs of certiorari to remove any cause of transcript thereof from any inferior jurisdiction, on sufficient cause, supported by oath or affirmation."

(2) Failure in performance of duties. An employee whose work is unsatisfactory over a period of time shall be notified by the supervisor or the appointing authority in what way the employee's work is deficient and what must be done if the work is to be satisfactory. An employee who is suspended, demoted, dismissed, reprimanded, receives a reduction in pay, or other disciplinary action for unsatisfactory performance of duties shall receive at least two (2) warnings from the supervisor, appointing authority, city administrator and mayor before such disciplinary action is taken. At least one of the two warnings shall be given to the employee in writing, and the final warning must be issued by the appointing authority serving notice upon the employee that corrective action must be taken immediately in order to avoid disciplinary action. The supervisor and the appointing authority must record the dates of their discussions with the employee, the performance of deficiencies discussed and the corrective actions recommended, and must file the information in the employee's personnel folder.

The recommended corrective action may include up to a supervisor's referral to the employee assistance program for assessment and recommendations for problem resolution.

(3) Failure in personal conduct. An employee may be demoted, dismissed, incur a pay reduction, suspended, reprimanded, or otherwise disciplined for causes related to personal conduct detrimental to city service, The following causes relating to failure in personal conduct are representative of those considered to be adequate grounds for immediate suspension, demotion or dismissal, pay reduction, reprimand, or other disciplinary action:

- (a) fraud in securing appointment,

- (b) conduct unbecoming an employee
- (c) conviction of a felony or of a misdemeanor which would adversely affect performance of duties, or enter a plea of "no contest" to either,
- (d) misappropriation of city funds or property;
- (e) falsification of city records for personal profit or to grant special privileges;
- (f) reporting to work under the influence of alcohol or narcotic drugs or partaking of such things while on duty or while on public property, except in that prescribed medication may be taken within the limits set by a physician so long as medically necessary;
- (g) willful damage or destruction of property;
- (h) willful acts that would endanger the lives and property of others;
- (i) incompatible outside employment or conflict of interest;
- (j) violation of political activity restrictions specified in section 4-324 of the City of Dickson Municipal Code.

(4) Immediate disciplinary suspension. An employee may be suspended without notice by the appointing authority for causes related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. An employee who is suspended for disciplinary reasons shall be relieved temporarily of all duties and responsibilities and shall receive no compensation for the period of suspension. The appointing authority shall notify the city administrator immediately. A written summary giving the circumstances and facts leading to the suspension shall be prepared; one copy shall be delivered to the employee by certified mail, and one copy shall be filed in the employee's personnel folder.

(5) Non-disciplinary suspension. During the investigation, hearing or trial of an employee on any criminal charge or during the course of any civil action involving an employee, the appointing authority may suspend the employee without pay for the duration of the proceedings as a non-disciplinary action. However, the investigation, hearing, trial or civil action must involve matters that may form the basis for disciplinary suspension to be allowed.

Full recovery of pay and benefits for the period of non-disciplinary suspension will be authorized by the city administrator, if the suspension is terminated with full reinstatement of the employee.

(6) Dismissal. All dismissals shall be preceded by an automatic three (3) day suspension without pay pending completion of an investigation by the appointing authority. If the appointing authority determines that a dismissal action is appropriate, such dismissal shall be effective at the end of the three (3) day suspension. If a dismissal is made at the end of this period, a written summary giving the circumstances and facts leading to the dismissal shall be prepared. A copy of the summary shall be delivered to the employee by certified mail and one copy shall be filed in the employee's personnel folder.

(7) Nothing in this section is intended or shall be construed to create an employment contract. All employees of the City of Dickson are employees at will subject to the appeal procedure specified in section 4-323. For good cause in the interest of the public, the procedures specified in this section may be suspended to allow for immediate disciplinary action so long as the appeal procedure specified in section 4-323 remains available. (1980 Code, § 1-1121, as replaced by Ord. #927, May 1996, and amended by Ord. #976, July 1997)

**4-322. Reductions in work force.** Nothing herein shall be construed as affecting the power of the city council to abolish positions in the classified service. Employees transferred, demoted, or laid off because of the abolishment of positions shall have the right of appeal and hearing in such cases. Seniority shall be observed in affecting such reduction in personnel and the order of lay-off shall be in the reverse order of total cumulative time served in the classified service upon the effective date of the lay-off. Lay-off shall be made within classes of positions, and all provisional employees in the affected class or classes shall be laid off prior to the lay-off of any probationary or regular employee. For the purpose of determining order of lay-off, total cumulative time shall include time served on military leave of absence. (1980 Code, § 1-1122)

**4-323. Appeals.** This chapter and the rules and regulations adopted thereunder hereby grant to any employee of the City of Dickson the right to appeal any personnel related action taken on behalf of a supervisor or member of management including any action or interpretation of the rules and regulations applicable to rights and responsibilities of the employee and/or the city as outlined in the employee handbook and the municipal code governing personnel related issues and compliance.

Step 1: Any personnel related issue, concern or decision that an employee fees is unfair or unjust must first be brought to the attention of the immediate supervisor or department head within twenty (20) consecutive workdays of the event or action. The department head or supervisor will have ten (10) working days from the receipt of the complaint and the basis on which it is being lodged in which to respond. In the event the problem lies with the immediate supervisor or department head, the employee may begin at Step 2.

Step 2: If the personnel related issue, concern or decision has not been answered to the satisfaction of the employee, the employee must present the issue to the city administrator in writing within ten (10) working days of being informed of the unsatisfactory decision or act rendered by the immediate supervisor or department head. The city administrator will have up to ten (10) days from receipt of the written appeal to investigate the issue, conduct any interviews or hearings deemed appropriate, and render a decision of the findings in writing to the aggrieved employee. If the employee finds the decision of the

city administrator unsatisfactory, the employee may begin the appeal process at Step 3

Step 3: If the personnel related issue, concern or decision has not been answered to the satisfaction of the employee by following the procedures outlined in Step 1 and Step 2 of the appeal process, the employee may appeal the decision or act to the mayor by presenting a request for a review of the facts in writing within ten (10) working days of receipt of the city administrator's decision. The mayor will have ten (10) working days from the receipt of the written request to conduct any interviews deemed appropriate with the aggrieved employee or witnesses, review supporting documentation of the appeal, and review the rules and regulations governing personnel related actions as they apply to the city and its employees before rendering a decision. The decision rendered by the mayor will be reduced to writing and considered final and binding. (1980 Code, § 1-1123, as replaced by Ord. #928, May 1996, and Ord. #1090, June 2001)

**4-324. Political activity.** (1) Definitions. As used in this part, unless the context otherwise requires:

(a) "Election" includes all elections, local, municipal, primary, general, state, federal and special and any election in the state or any county, municipality or other political subdivision thereof, but does not include referenda or issues submitted to a vote of the people, political convention or caucus,

(b) "Public funds" and "public lands, offices, buildings, vehicles and facilities" include those owned and supported principally by public money.

(2) Interference with election or nomination. (a) It is unlawful for any public officer or employee to use such person's official position, authority or influence to interfere with an election or nomination for office or directly or indirectly attempt to intimidate, coerce or command any other officer or employee to vote for or against any measure, party or person, or knowingly receive or pay assessments of any kind or character for political purposes or for election expenses from any other officer or employee.

(b) It is the intent of this section to prohibit any political intimidation or coercion of any public officer or employee.

(3) Soliciting contributions for political purposes. (a) It is unlawful for any employee knowingly to solicit directly or indirectly any contribution of money, thing of value, facilities or services of any person who has received contracts, compensation, employment, loans, grants or benefits, or any person whose organization, agency or firm has received such financed by public funds, state, federal or local, for political purposes or campaign expense.

(b) (1) As used in this subsection, unless the context otherwise requires, contribution means any advance, conveyance, deposit, distribution, transfer of funds, loan, loan guaranty, payment, gift, pledge or subscription, of money or thing of value, including, but not limited to, use of a facility or provision of personal services, for use on behalf of any candidate for political office, or for any political purpose or campaign expense.

(2) It is unlawful knowingly to solicit, accept, or collect, directly or indirectly, any contribution from a public officer or employee if the solicitor or the solicitor's principal is, directly or indirectly, in a supervisory capacity over such employee or is otherwise able to control the retention, promotion, demotion, or terms or conditions of employment of such officer or employee.

(3) The provisions of this subsection shall not be construed to prevent voluntary contributions from political action committees and associations of employees.

(4) Promises of benefits for political activity. It is unlawful for any employee, directly or indirectly, to promise employment, position, work, compensation, contracts, loans, grants, appropriations or other benefits provided principally from public funds as a consideration, favor or reward for any political activity, support or opposition to any candidate, party or measure in any election.

(5) Deprivation, attempts to deprive, or threats to deprive persons of benefits. It is unlawful for any employee, directly or indirectly, to deprive, attempt to deprive, or threaten to deprive any person of employment, position, work, compensation, contracts, loans, grants, appropriations or benefits provided principally from public funds for any political activity, support or opposition to any candidate, party or measure in any election.

(6) Use of city-owned property for campaign advertising or activities,

(a) It is unlawful for any employee to display campaign literature, banners, placards, streamers, stickers, signs or other items of campaign or political advertising on behalf of any party, committee or agency or candidate for political office, on the premises of any building or land owned by the city, or to use any of the facilities of the city, including equipment and vehicles, for such purposes.

(b) It is unlawful to use public buildings or facilities for meetings or preparation of campaign activity in support of any particular candidate, party or measure unless reasonably equal opportunity is provided for presentation of all sides or views, or reasonably equal access to the buildings or facilities is provided all sides.

(7) Political activity interfering with city business. (a) It is unlawful for any person employed by the city to engage actively in a political campaign on behalf of any party, committee, organization, agency or political candidate, or to attend political meetings or rallies or to

otherwise use such person's official position or employment to interfere with or affect the result of any regular or special primary election or to perform political duties or functions of any kind not directly a part of such person's employment, during those hours of the day when such person is required by law or administrative regulation to be conducting the business of the city,

(b)(1) Nothing in this section shall be construed to deprive any employee from voting for the party or candidate of such person's choice or to deprive such person of the right to express such person's personal opinion concerning any political subject, party or candidate.

(2) Elected officials, employees on leave or during those hours not required by law or administrative regulation to be conducting the business of the city, persons duly qualified as candidates for public office are expressly excluded from the provisions of this section.

(3) No rule or regulation which has been promulgated or shall be promulgated shall be more restrictive of the political activity of employees on leave or during those hours not required by law or administrative regulation to be conducting the business of the city than those restrictions already set forth in this section.

(8) Law enforcement. No law enforcement officer shall engage in political activity, support or opposition to any candidate, party or measure in any election when on duty or acting in such officer's official capacity. When off duty and acting as a private citizen, no officer shall be prohibited from engaging in political activity or denied the right to refrain from engaging in such activity.

(9) Candidates for public office. Every employee of the city shall enjoy the same rights of other citizens of the city to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities, provided the city is not required to pay the employee's salary for work not performed for the city, however, an employee of the city shall not be qualified to run for a City of Dickson elected office.

(10) Absences. Any time off from work used by the employee for participation in political activities, shall be limited to earned days off, vacation days, or by any other arrangements worked out between the employee and the city. (1980 Code, § 1-1124, as replaced by Ord. #929, June 1996)

**4-325. [Repealed.]** (1980 Code, § 1-1126, as renumbered by Ord. #918, April 1996, and repealed by Ord. #1239, June 2007)

**4-326. [Repealed.]** (1980 Code, § 1-1127, as renumbered by Ord. #918, April 1996, and repealed by Ord. #1239, June 2007)

**4-327. [Repealed.]** (1980 Code, § 1-1128, as renumbered by Ord. #918, April 1996, and repealed by Ord. #1239, June 2007)

**4-328. [Repealed.]** (1980 Code, § 1-1129, as renumbered by Ord. #918, April 1996, and repealed by Ord. #1239, June 2007)

**4-329. Interruptions in service.** No city officer or employee, classified or unclassified, shall participate in any activity that interrupts service to the City of Dickson, including but not limited to strikes and collective bargaining. (1980 Code, § 1-1130, as renumbered by Ord. #918, April 1996; and replaced by Ord. #930, May 1996)

**4-330. Records.** The personnel officer shall maintain, as a minimum, adequate records of the proceedings of the personnel board, of official ordinances and resolutions affecting personnel administration, of personnel rules and regulations, of the examination record of every applicant, and of the employment record of every employee. (1980 Code, § 1-1131, as renumbered by Ord. #918, April 1996; and replaced by Ord. #931, May 1996)

**4-331. Right to contract for special services.** The city council may contract with any competent agency for the performance by such agency of such technical services in connection with the establishment of the personnel system or with its operations as may be deemed necessary. Such contract may include the delegation to such an agency of the duties herein imposed upon the personnel official but shall not include the delegation of the powers and duties herein vested in the city council. Examples of such responsibilities and duties that may be contracted by the city council are as follows:

- (1) The preparation of personnel rules and regulations and subsequent revisions and amendments thereof;
- (2) The preparation of a position classification plan, and subsequent revisions and amendments thereof;
- (3) The preparation of a compensation plan, and subsequent revisions and amendments thereof;
- (4) The preparation, conduct, and grading of competitive examinations;
- (5) Special and technical services of an advisory or informational character on matters relating to personnel administration. (1980 Code, § 1-1132, as renumbered by Ord. #918, April 1996)

**4-332. Discrimination.** No person in the classified service or seeking admission thereto shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of political opinions or affiliations, or because of race, color, creed, national origin, sex, ancestry, age, or religious belief. (1980 Code, § 1-1133, as renumbered by Ord. #918, April 1996)

**4-333. Review of actions of personnel officer.** It shall be the duty of the mayor to review and/or modify any action taken by the personnel officer while carrying out the intent of this chapter and/or while acting in the capacity of authorized representative. (1980 Code, § 1-1134, as renumbered by Ord. #918, April 1996)

**4-334. Jury duty/court duty.** The employer will continue to pay normal compensation or wages while the employee performs these civic duties. (1980 Code, § 1-1135, as renumbered by Ord. #918, April 1996)

**4-335. Leaves of absence.** Leaves of absence without pay for personal or medical reasons may be granted by the department superintendent/chief for up to thirty (30) days. An additional sixty (60) days may be granted by the mayor only. An extension of time for health reasons only may be requested and approved by the appropriate council committee and mayor. (1980 Code, § 1-1136, as renumbered by Ord. #918, April 1996)

**4-336. Nepotism.** Relatives, to include sons, daughters, sisters, brothers, aunts, uncles, grandsons, granddaughters, step-children and in-laws, may work for the city as long as this relationship is brought to the attention of the appropriate council committee and mayor and approved. (1980 Code, § 1-1137, as renumbered by Ord. #918, April 1996)

**4-337. Workman's compensation.** Employees with accumulated sick leave may elect to receive the workman's compensation check only or supplement workman's compensation with an equivalent amount of sick leave in order to maintain regular earnings.

If an employee elects to supplement workman's compensation, the number of sick leave hours deducted will be calculated by multiplying the hourly rate times the number of hours in the pay period less the actual amount of the workman's compensation check divided by the hourly rate.

If the employee has no accumulated leave, they are not entitled to any supplement. (1980 Code, § 1-1138, as renumbered by Ord. #918, April 1996)

**4-338. Construction and application to other laws.** Nothing in this section is intended or shall be construed to be inconsistent with applicable federal and state laws and constitutions. (As added by Ord. #932, May 1996)

## CHAPTER 4

### OCCUPATIONAL SAFETY AND HEALTH PROGRAM<sup>1</sup>

#### SECTION

- 4-401. Purpose and coverage.
- 4-402. Definitions.
- 4-403. Employer's rights and duties.
- 4-404. Employee's rights and duties.
- 4-405. Administration.
- 4-406. Standards authorized.
- 4-407. Variance procedure.
- 4-408. Recordkeeping and reporting.
- 4-409. Employee complaint procedure.
- 4-410. Education and training.
- 4-411. General inspection procedures.
- 4-412. Imminent danger procedures.
- 4-413. Abatement orders and hearings.
- 4-414. Penalties.
- 4-415. Confidentiality of privileged information.
- 4-416. Compliance with other laws not excused.

**4-401. Purpose and coverage.** The purpose of this plan is to provide guidelines and procedures for implementing the occupational safety and health program for the employees of the City of Dickson.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The City of Dickson in electing to establish and maintain an effective occupational safety and health program for its employees:

- (1) Provide a safe and healthful place and condition of employment.
- (2) Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- (3) Make, keep, preserve, and make available to the commissioner of labor, his designated representatives, or persons within the Department of Labor to whom such responsibilities have been delegated, including the safety director of the division of occupational safety and health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

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<sup>1</sup>The Occupational Safety and Health Program Appendices I through V are included in this municipal code as Appendix A.

(4) Consult with the commissioner of labor or his designated representative with regard to the adequacy of the form and content of such records.

(5) Consult with the commissioner of labor regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the state.

(6) Assist the commissioner of labor or his monitoring activities to determine program effectiveness and compliance with the occupational safety and health standards.

(7) Make a report to the commissioner of labor annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the occupational and health program.

(8) Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health. (1980 Code, § 1-1001, as replaced by Ord. #1076, Nov. 2000)

**4-402. Definitions.** For the purposes of this program, the following definitions apply:

(1) "Act" or "TOSHAct" shall mean the Tennessee Occupational Safety and Health Act of 1972.

(2) "Appointing authority" means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal therefrom for a specific department, board, commission, division, or other agency of this employer.

(3) "Chief executive officer" means the chief administrative official, county judge, county chairman, mayor, city manager, general manager, etc., as may be applicable.

(4) "Commissioner of labor" means the chief executive officer of the Tennessee Department of Labor. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the commissioner of labor.

(5) "Director of occupational safety and health" or "safety director" means the person designated by the establishing ordinance, or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the occupational safety and health program for the employees of City of Dickson.

(6) "Employee" means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as "volunteers" provided such persons received remuneration of any

kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.

(7) "Employer" means the City of Dickson and includes each administrative department, board, commission, division, or other agency of the City of Dickson.

(8) "Establishment" or "worksite" means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.

(9) "Governing body" means the county quarterly court, board of aldermen, board of commissioners, city or town council, board of governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.

(10) "Imminent danger" means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.

(11) "Inspector(s)" means the individual(s) appointed or designated by the safety director of occupational safety and health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the director of occupational safety and health.

(12) "Person" means one (1) or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.

(13) "Serious injury or harm" means that type of harm that would cause permanent or prolonged impairment of the body in that:

(a) A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced); or

(b) A part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

(14) "Standard" means an occupational safety and health standard promulgated by the commissioner of labor in accordance with section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one (1) or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and

places of employment. (1980 Code, § 1-1002, as replaced by Ord. #1076, Nov. 2000)

**4-403. Employer's rights and duties.** Rights and duties of the employer shall include, but are not limited to, the following provisions:

(1) Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

(2) Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.

(3) Employer shall refrain from and unreasonable restraint on the right of the commissioner of labor to inspect the employer's place(s) of business. Employer shall assist the commissioner of labor in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.

(4) Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under section 6 of the Tennessee Occupational Safety and Health Act of 1972.

(5) Employer is entitled to request an order granting a variance from an occupational safety and health standard.

(6) Employer is entitled to protection of its legally privileged communication.

(7) Employer shall inspect all worksites to insure the provisions of this program are complied with and carried out.

(8) Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.

(9) Employer shall notify all employees of their rights and duties under this program. (1980 Code, § 1-1002, as replaced by Ord. #1076, Nov. 2000)

**4-404. Employee's rights and duties.** Rights and duties of employees shall include, but are not limited to, the following provisions:

(1) Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this program and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.

(2) Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSHAct or any standard or regulation promulgated under the Act.

(3) Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.

(4) Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this program may file a petition with the commissioner of labor or whoever is responsible for the promulgation of the standard or the granting of the variance.

(5) Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.

(6) Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the safety director or inspector at the time of the physical inspection of the worksite.

(7) Any employee may bring to the attention of the safety director any violation or suspected violations of the standards or any other health or safety hazards.

(8) No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this program.

(9) Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (8) of this section may file a complaint alleging such discrimination with the safety director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the commissioner of labor alleging such discrimination.

(10) Nothing in this or any other provisions of this program shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety or others or when a medical examination may be reasonably required for performance of a specific job.

(11) Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the safety director within twenty-four (24) hours after the occurrence. (1980 Code, § 1-1003, as replaced by Ord. #1076, Nov. 2000)

**4-405. Administration.** (1) The director of occupational safety and health is designated to perform duties or to exercise powers assigned so as to administer this occupational safety and health program.

(a) The safety director may designate person or persons as he deems necessary to carry out his powers, duties, responsibilities under this program.

(b) The safety director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the safety director.

(c) The safety director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this program.

(d) The safety director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this program.

(e) The safety director shall prepare the report to the commissioner of labor required by § 4-401(7) of this plan.

(f) The safety director shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.

(g) The safety director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.

(h) The safety director shall maintain or cause to be maintained records required under § 4-408 of this plan.

(i) The safety director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three (3) or more employees, insure that the commissioner of labor receives notification of the occurrence within eight (8) hours.

(2) The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this occupational safety and health program within their respective areas.

(a) The administrative or operational head shall follow the directions of the safety director on all issues involving occupational safety and health of employees as set forth in this plan.

(b) The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the safety director within the abatement period.

(c) The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to

become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.

(d) The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the safety director along with his findings and/or recommendations in accordance with Appendix V<sup>1</sup> of this plan. (as added by Ord. #1076, Nov. 2000)

**4-406. Standards authorized.** (1) The occupational safety and health standards adopted by the City of Dickson 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 3).

(2) Variances from standards authorized. The City of Dickson 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 50. Prior to requesting such temporary variance, the City of Dickson shall notify or serve notice to employees, their 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 city administrator shall be deemed sufficient notice to employees. (as added by Ord. #1076, Nov. 2000, and replaced by Ord. #1118, May 2002, and Ord. #1290, Dec. 2010)

**4-407. Variance procedure.** The safety director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The safety director should definitely believe that a variance is needed before the application for a variance is submitted to the commissioner of labor.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

(1) The application for a variance shall be prepared in writing and shall contain:

(a) A specification of the standard or portion thereof from which the variance is sought.

(b) A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.

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<sup>1</sup>Included in this municipal code in Appendix A, V.

(c) A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.

(d) A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.

(e) A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the commissioner of labor for a hearing.

(2) The application for a variance should be sent to the commissioner of labor by registered or certified mail.

(3) The commissioner of labor will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:

(a) The employer:

(i) Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.

(ii) Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.

(iii) Has an effective program for coming into compliance with the standard as quickly as possible.

(b) The employee is engaged in an experimental program as described in subsection (b), section 13 of the Act.

(4) A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.

(5) Upon receipt of an application for an order granting a variance, the commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.

(6) The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (1)(e) of this section). (as added by Ord. #1076, Nov. 2000)

**4-408. Recordkeeping and reporting.** (1) Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with

instructions and on forms prescribed in the booklet, Recordkeeping Requirements Under the Occupational Safety and Health Act of 1970 (Revised 1978) or as may be prescribed by the Tennessee Department of Labor.

(2) The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix I<sup>1</sup> to this plan.

(3) Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix V<sup>2</sup> to this plan. (as added by Ord. #1076, Nov. 2000)

**4-409. Employee complaint procedure.** If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the director of occupational safety and health.

(1) The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see § 4-401(8) of this plan).

(2) Upon receipt of the complaint letter, the safety director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the safety director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.

(3) If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the chief executive officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.

(4) The chief executive officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly

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<sup>1</sup>Included in this municipal code as Appendix A, I.

<sup>2</sup>Included in this municipal code as Appendix A, V.

scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.

(5) After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the commissioner of labor. Any complaint filed with the commissioner of labor in such cases shall include copies of all related correspondence with the safety director and the chief executive officer or the representative of the governing body.

(6) Copies of all complaint and answers thereto will be filed by the safety director who shall make them available to the commissioner of labor or his designated representative upon request. (as added by Ord. #1076, Nov. 2000)

**4-410. Education and training.** (1) Safety director and/or compliance inspector(s). (a) Arrangements will be made for the safety director and/or compliance inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies.

(b) Reference materials, manuals, equipment, etc., deemed necessary for use in conducting compliance inspections, conducting local training, writing technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

(2) All employees (including supervisory personnel). A suitable safety and health training program for employees will be established. This program will, as a minimum:

(a) Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employee's work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury.

(b) Instruct employees who are required to handle poisons, acids, caustics, explosives, and other harmful or dangerous substances in the safe handling and use of such items and make them aware of the potential hazards, proper handling procedures, personal protective measures, person hygiene, etc., which may be required.

(c) Instruct employees who may be exposed to environments where harmful plants or animals are present of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.

(d) Instruct employees required to handle or use flammable liquids, gases, or toxic materials in their safe handling and use and make employees aware of specific requirements contained in subparts H and M and other applicable subparts of TOSHAct standards (1910 and/or 1926).

(e) Instruct employees on hazards and dangers of confined or enclosed spaces.

(i) "Confined or enclosed space" means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4') in depth such as pits, tubs, vaults, and vessels.

(ii) Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.

(iii) The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment. (as added by Ord. #1076, Nov. 2000)

**4-411. General inspection procedures.** It is the intention of the governing body and responsible officials to have an occupational safety and health program that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

(1) In order to carry out the purposes of this program, the safety director and/or compliance inspector(s), if appointed, is authorized:

(a) To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer; and

(b) To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.

(2) If an imminent danger situation is found, alleged, or otherwise brought to the attention of the safety director or inspector during a routine

inspection, he shall immediately inspect the imminent danger situation in accordance with § 4-412 of this plan before inspecting the remaining portions of the establishment, facility, or worksite.

(3) An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the safety director or inspector during the physical inspection of any worksite for the purpose of aiding such inspection.

(4) The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.

(5) The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation (s) of the workplace.

(6) Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.

(7) Advance notice of inspections. (a) Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create misleading impression of conditions in an establishment.

(b) There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.

(8) The safety director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:

(a) Inspections conducted by supervisors or other personnel are at least as effective as those made by the safety director.

(b) Records are made of the inspections and of any discrepancies found and are forwarded to the safety director.

(i) The safety director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Said inspection records shall be subject to review by the commissioner of labor or his authorized representative. (as added by Ord. #1076, Nov. 2000)

**4-412. Imminent danger procedures.** (1) Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:

(a) The safety director shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.

(b) If the alleged imminent danger situation is determined to have merit by the safety director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.

(c) As soon as it is concluded from such inspection that conditions or practices exist which constitutes an imminent danger, the safety director or compliance inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.

(d) The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the safety director or compliance inspector and to the mutual satisfaction of all parties involved.

(e) The imminent danger shall be deemed abated if:

(i) The imminence of the danger has been eliminated by removal of employees from the area of danger.

(ii) Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.

(f) A written report shall be made by or to the safety director describing in detail the imminent danger and its abatement. This report will be maintained by the safety director in accordance with § 4-411(9) of this plan.

(2) Refusal to abate. (a) Any refusal to abate an imminent danger situation shall be reported to the safety director and chief executive officer immediately.

(b) The safety director and/or chief executive officer shall take whatever action may be necessary to achieve abatement. (as added by Ord. #1076, Nov. 2000)

**4-413. Abatement orders and hearings.** (1) Whenever, as a result of an inspection or investigation, the safety director or compliance inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the safety director shall:

(a) Issue an abatement order to the head of the worksite.

(b) Post, or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.

(2) Abatement orders shall contain the following information:

(a) The standard, rule, or regulation which was found to be violated.

- (b) A description of the nature and location of the violation.
- (c) A description of what is required to abate or correct the violation.
- (d) A reasonable period of time during which the violation must be abated or corrected.

(3) At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the safety director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the safety director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the safety director shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final. (as added by Ord. #1076, Nov. 2000)

**4-414. Penalties.** (1) No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this program.

(2) Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one (1) of the following ways as appropriate and warranted:

- (a) Oral reprimand.
- (b) Written reprimand.
- (c) Suspension for three (3) or more working days.
- (d) Termination of employment. (as added by Ord. #1076, Nov.

2000)

**4-415. Confidentiality of privileged information.** All information obtained by or reported to the safety director pursuant to this plan of operation or the legislation (ordinance or executive order) enabling this occupational safety and health program which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this program or when relevant in any proceeding under this program. Such information may also be disclosed to the commissioner of labor or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972. (as added by Ord. #1076, Nov. 2000)

**4-416. Compliance with other laws not excused.** (1) Compliance with any other law, statute, ordinance, or executive order, as applicable, which

regulates safety and health in employment and places of employment shall not excuse the employer, the employee, or any other person from compliance with the provisions of this program.

(2) Compliance with any provisions of this program or any standard, rule, regulation, or order issued pursuant to this program shall not excuse the employer, the employee, or any other person from compliance with and law, statute, ordinance, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, ordinance, or executive order, as applicable, is specifically repealed. (as added by Ord. #1076, 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.
- 4-517. Amendments.

**4-501. Purpose.** It is the responsibility of the City of Dickson 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 City of Dickson, 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). (1980 Code, § 1-1401(1))

**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 body fluids 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. (1980 Code, § 1-1401(2))

**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 city 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 body fluids;
- (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 city council any amendments or changes to the infection control policy;
- (7) Identify any and all housekeeping operations involving substantial risk of direct exposure to body fluids 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 city council. (1980 Code, § 1-1401(3))

**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 body fluids 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 body fluids to be protected as though such body fluid were HBV or HIV infected. (1980 Code, § 1-1401(4))

**4-505. Policy statement.** All blood and body fluids are potentially infectious for several blood-borne pathogens and some body fluids can 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 body fluids which contain visible blood. 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. (1980 Code, § 1-1402(1))

**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 body fluids 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 body fluids 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 city 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 body fluids 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 body fluids 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 body fluids.

(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 then taken to a hospital for disposal.

(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 body fluids 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 body fluids.

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (1980 Code, § 1-1402(2))

**4-507. Hepatitis B vaccinations.** The City of Dickson 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. (1980 Code, § 1-1403(1))

**4-508. Reporting potential exposure.** City 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. (1980 Code, § 1-1403(2))

**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. (1980 Code, § 1-1403(3))

**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 6-12 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 city to all workers who may be concerned they have been infected with HIV through an occupational exposure. (1980 Code, § 1-1403(4))

**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. (1980 Code, § 1-1403(5))

**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 body fluids. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (1980 Code, § 1-1404(1))

**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. (1980 Code, § 1-1404(2))

**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. (1980 Code, § 1-1404(3))

**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 city 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. (1980 Code, § 1-1405)

**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 city attorney when the incident involves an indictable or juvenile offense.

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

(8) All circumstances, 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 city 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. (1980 Code, § 1-1406)

**4-517. Amendments.** Amendments or revisions of these rules may be recommended for adoption by any elected official or by department heads. Such amendments or revisions of these rules shall be by ordinance and shall become effective after public hearing and approval by the governing body. (1980 Code, § 1-1407)