

TITLE 4

MUNICIPAL PERSONNEL¹

CHAPTER

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CHAPTER 1

SOCIAL SECURITY -- CITY PERSONNEL

SECTION

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- 4-103. Withholdings from salaries or wages.
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4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Munford, Tennessee, to provide for all eligible employees and officials of the city, 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. (1984 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments² 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. (1984 Code, § 1-702)

¹For additional employee regulations not included in this title, see the employee handbook, of record in the office of the recorder.

²Ord. #94-31 amended Section 218 agreement with the OASI agency to increase the exclusion rule to \$1,000.00. This ordinance is of record in the recorder's office.

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. (1984 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1984 Code, § 1-704)

4-105. Records and reports to be made. The recorder and treasurer shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1984 Code, § 1-705)

CHAPTER 2

PERSONNEL

SECTION

- 4-201. Purpose.
- 4-202. Administration.
- 4-203. Personnel rules and regulations.
- 4-204. Records.
- 4-205. Right to contract for special services.
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4-201. Purpose. The purpose of this chapter is to establish a system of personnel administration in the City of Munford that is based on merit and fitness. The system shall provide a means to select, develop, and maintain an effective municipal work force through impartially applying personnel policies and procedures free of personal and political considerations and regardless of race, color, gender, age, creed, national origin, or disability.

4-202. Administration. The personnel system shall be administered by the city manager, who shall have the following duties and responsibilities:

- (1) Exercise leadership in developing an effective personnel administration system subject to provisions in this chapter, other ordinances, the city charter, and federal and state laws relating to personnel administration;
- (2) Recommend to the board of mayor and aldermen policies and procedures for recruiting, appointing, and disciplining all employees of the municipality subject to those policies as set forth in this chapter, the city charter, and the municipal code.
- (3) 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 set forth in the city charter and municipal code, and subject to the approval of the board of mayor and aldermen and budget limitations;
- (4) Foster and develop programs for improving employee effectiveness, including training, safety, and health;
- (5) Maintain records of all employees, subject to the provisions of this chapter of the city code, which shall include each employee's class, title, pay rates, and other relevant data;
- (6) Make periodic reports to the board of mayor and aldermen regarding administering the personnel system;
- (7) Recommend to the board of mayor and aldermen a position classification plan and install and maintain such a plan upon approval by the board of mayor and aldermen;

- (8) Prepare and recommend to the board of mayor and aldermen a pay plan for all municipal government employees;
- (9) Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the employment needs of the municipal government; and,
- (10) Perform such other duties and exercise such other authority in personnel administration as may be prescribed by law.

4-203. Personnel rules and regulations. The city manager shall develop rules and regulations, necessary for effectively administering the personnel system. Such rules and regulations shall become effective after approval by the governing body. Amendments to the rules and regulations shall be made in accordance with the procedure below. Nothing in the personnel rules and regulations document shall be deemed to give employees any more property rights in their job than they already possess.

4-204. Records. The city manager shall maintain adequate records of the employment record of every employee as specified herein.

4-205. Right to contract for special services. The board of mayor and aldermen may direct the city manager to contract with any competent agency for performing such technical services in connection with the establishment of the personnel system or with its operation as may be deemed necessary.

4-206. Amendments. Amendments or revisions of these rules may be recommended for adoption by the city manager by resolution. Such amendments or revisions of these rules shall become effective after approval of the resolution by the governing body.

CHAPTER 3

CODE OF ETHICS¹

SECTION

- 4-301. Applicability.
- 4-302. Definition of personal interest.
- 4-303. Disclosure of personal interest by officials with vote.
- 4-304. Disclosure of personal interest in nonvoting matters.
- 4-305. Acceptance of gratuities, etc.
- 4-306. Use of information.
- 4-307. Use of city time, facilities, etc.
- 4-308. Use of position or authority.
- 4-309. Outside employment.
- 4-310. Ethics complaints.
- 4-311. Violations.

4-301. Applicability. This chapter is the code of ethics for personnel of the City of Munford. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city. The words "municipal" and "municipality" include these separate entities. (1984 Code, § 1-901, as replaced by Ord. #2007-04-01, April 2007)

4-302. Definition of personal interest. (1) For purposes of §§ 4-303 and 4-304, "personal interest" means:

¹State statutes dictate many of the ethics provisions that apply to city officials and employees.

Campaign finance - Tennessee Code Annotated, title 2, chapter 10.

Conflict of interest - Tennessee Code Annotated, § 6-54-107 and 8-50-501.

Consulting fee - §§ 2-10-122, 124.

Crimes involving public officials - Tennessee Code Annotated, §§ 39-16-101, 39-16-401.

Ouster law - § 8-47-101.

(a) Any financial, ownership, or employment interest in the subject of a vote by the city board not otherwise regulated by state statutes on conflicts of interests; or

(b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

(c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

(2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (1984 Code, § 1-902, as replaced by Ord. #2007-04-01, April 2007)

4-303. Disclosure of personal interest by officials with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure. (1984 Code, § 1-903, as replaced by Ord. #2007-04-01, April 2007)

4-304. Disclosure of personal interest in nonvoting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (1984 Code, § 1-904, modified, as replaced by Ord. #2007-04-01, April 2007)

4-305. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, or other consideration or favor of any kind from anyone other than the city:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

¹Note: Masculine pronouns include the feminine.

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing city business. (1984 Code, § 1-905, as replaced by Ord. #2007-04-01, April 2007)

4-306. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (1984 Code, § 1-906, as replaced by Ord. #2007-04-01, April 2007)

4-307. Use of city time, facilities, etc. (1) An official or employee may not use or authorize the use of city time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of city time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the city. (1984 Code, § 1-907, as replaced by Ord. #2007-04-01, April 2007)

4-308. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the city.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the city. (as added by Ord. #2007-04-01, April 2007)

4-309. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the city position or conflicts with any provision of the city's charter or any ordinance or policy. (as added by Ord. #2007-04-01, April 2007)

4-310. Ethics complaints. (1) The city attorney is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires

information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The city attorney may request that the governing body hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of city's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #2007-04-01, April 2007)

4-311. Violations. An elected official or appointed member of a separate city board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #2007-04-01, April 2007)

CHAPTER 4

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

4-401. Title.

4-402. Purpose.

4-403. Coverage.

4-404. Standards authorized.

4-405. Variances from standards authorized.

4-406. Administration.

4-407. Funding the program.

4-401. Title. This chapter shall provide authority for establishing and administering the occupational safety and health program for the employees of the City of Munford, Tennessee. (Ord. #95-21, Oct. 1995, as replaced by Ord. #2003-06-01, June 2003)

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

- (1) Provide a safe and healthful place and condition of employment.
- (2) Make, keep, preserve, and make available to the Commissioner of Labor of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- (3) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards and provide for education and notification of all employees of the existence of this program. (Ord. #95-21, Oct. 1995, as replaced by Ord. #2003-06-01, June 2003)

4-403. Coverage. The provisions of the occupational safety and health program for the employees of the City of Munford, Tennessee shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Munford, Tennessee whether part-time or full-time, seasonal or permanent. (Ord. #95-21, Oct. 1995, as replaced by Ord. #2003-06-01, June 2003)

4-404. Standards authorized. The occupational safety and health standards adopted by the City of Munford, Tennessee 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). (Ord. #95-21, Oct. 1995, as replaced by Ord. #2003-06-01, June 2003)

4-405. Variances from standards authorized. The City of Munford, Tennessee 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 Munford, Tennessee shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the City of Munford, Tennessee shall be deemed sufficient notice to employees. (Ord. #95-21, Oct. 1995, as replaced by Ord. #2003-06-01, June 2003)

4-406. Administration. (1) For the purposes of this chapter, the chairman of the safety committee is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer the safety plan for the City of Munford, Tennessee. The director shall develop a plan of operation for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan.

(2) 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 and Workforce Development receive notification of the occurrence within (8) hours. All work-related impatient hospitalization, amputations, and loss of an eye must be reported to TOSHA within twenty-four (24) hours. (Ord. #95-21, Oct. 1995, as replaced by Ord. #2003-06-01, June 2003, and amended by Ord. #2016-06-01, July 2016)

4-407. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the City of Munford, Tennessee. (Ord. #95-21, Oct. 1995, as replaced by Ord. #2003-06-01, June 2003)

CHAPTER 5

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-501. Purpose.
- 4-502. Enforcement.
- 4-503. Travel policy.
- 4-504. Travel reimbursement rate schedule.
- 4-505. Administrative procedures.

4-501. Purpose. The purpose of this chapter and referenced regulations is to bring the city into compliance with Public Acts 1993, Chapter 433. This act requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular city employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (Ord. #93-9, Aug. 1993)

4-502. Enforcement. The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #93-9, Aug. 1993)

4-503. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions, and seminars; and other actual and necessary expenses related to official business as determined by the CAO. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the city for registration fees, air fares, meals, lodging, conferences, and similar expenses.

Travel advance requests aren't considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

(4) Travel advances are available only for special travel and only after completion and approval of the travel authorization form.

(5) The travel expense reimbursement form will be used to document all expense claims.

(6) To qualify for reimbursement, travel expenses must be:

(a) Directly related to the conduct of the city business for which travel was authorized, and

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

The CAO may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

(7) Claims of \$5 or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.

(8) Any person attempting to defraud the city or misuse city travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (Ord. #93-9, Aug. 1993)

4-504. Travel reimbursement rate schedule. Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The city's travel reimbursement rates will automatically change when the state rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #93-9, Aug. 1993)

4-505. Administrative procedures. The city adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the city recorder.

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1993. (Ord. #93-9, Aug. 1993)