

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

1. SOCIAL SECURITY--TOWN PERSONNEL.
2. VACATION AND SICK LEAVE.
3. MISCELLANEOUS PERSONNEL REGULATIONS.
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
5. TRAVEL REIMBURSEMENT REGULATIONS.

**CHAPTER 1****SOCIAL SECURITY--TOWN PERSONNEL****SECTION**

- 4-101. Policy and purpose as to coverage.
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**4-101. Policy and purpose as to coverage.** It is hereby declared to be the policy and purpose of the Town of Tazewell, Tennessee to extend, as of the date hereinafter set forth, to the employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance, as authorized by the Federal Social Security Act and Amendments thereto, including Public Law 734-81st Congress. In pursuance of said policy and for that purpose, the said town shall take such action as may be required by applicable state and federal laws or regulations. (1969 Code, § 1-701)

**4-102. Necessary agreements to be executed.** The mayor of the Town of Tazewell, Tennessee, is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the director of old age insurance agency, State of Tennessee, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1969 Code, § 1-702)

**4-103. Withholdings from salaries or wages.** Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable federal or state laws or regulations, and shall be paid over to the federal or state agency designated by said laws or regulations. (1969 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 which shall be paid over to the state or federal agency designated by said laws or regulations. (1969 Code, § 1-704)

**4-105. Records and reports to be made.** The Town of Tazewell shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1969 Code, § 1-705)

**4-106. Exclusions.** There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the said town or any employee, official or position not authorized to be covered under applicable state or federal laws or regulations.

Furthermore, there is excluded from this chapter any authority to make any agreement with respect to any employee or official in the following classification of positions.

- (1) Employees engaged in rendering services in part-time positions. (a position not requiring at least 600 hours of service each year.)
- (2) Full-time employees engaged in rendering services in positions the compensation for which is on a fee basis.
- (3) Part-time employees engaged in rendering services in positions the compensation for which is on a fee basis.
- (4) Elective officials engaged in rendering "executive" services.
- (5) Elective officials engaged in rendering "legislative" services.
- (6) Elective officials engaged in rendering "judicial" services.

The mayor is authorized and directed to execute an amendment to said agreement of 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 § 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 effective in and after a calendar year in which a State's

Modification is mailed, or delivered by other means, to the appropriate federal official. (1969 Code, § 1-706, as amended by Ord. #170, April 1995)

**4-107. When coverage effective.** The coverage afforded by this chapter shall be effective the 1st day of January, 1975. (1969 Code, § 1-707)

**4-108. Tennessee Consolidated Retirement System.** Effective on July 01, 1997, employees of the Town of Tazewell are covered under the Tennessee Consolidated Retirement System with the same qualifications set forth in §§ 4-103, 4-104, 1-105, 4-106 of this chapter of the code. (as added by Ord. #211, Sept. 2003)

## CHAPTER 2

### VACATION AND SICK LEAVE

#### SECTION

- 4-201. Applicability of chapter.
- 4-202. Vacation leave.
- 4-203. [Deleted.]
- 4-204. Leave records.
- 4-205. Official holidays of the town.

**4-201. Applicability of chapter.** This chapter shall apply to all full-time municipal officers and employees employed by the board of mayor and aldermen. (1969 Code, § 1-801)

**4-202. Vacation leave.** All officers and employees shall be given one (1) week (forty (40) hours) of vacation leave with pay per year after one (1) year, two (2) weeks (eighty (80) hours) of vacation leave after five (5) years, and three (3) weeks (one hundred twenty (120) hours) of vacation leave after ten (10) years. Such vacation leave shall be taken at a time approved by the mayor or such other officer as he/she may designate. No two (2) weeks can be taken consecutively. Employees with one (1) year and up to nine (9) years of employment can accrue up to eighty (80) hours of vacation leave and employees with ten (10) or more years of employment can accrue one hundred twenty (120) hours of vacation leave. The employee may elect to receive compensation in lieu of time taken for up to forty (40) hours during the anniversary year. Upon separation, employees are entitled to be reimbursed for any unused vacation leave, not to exceed the maximum accrual allowed for the years of service completed. (1969 Code, § 1-802, modified, as replaced by Ord. #322, April 2019 *Ch 9\_08-11-20*)

**4-203. [Deleted.]** (1969 Code, § 1-803, as replaced by Ord. #242, Sept. 2008, and deleted by Ord. #270, Jan. 2012)

**4-204. Leave records.** The mayor shall cause to be kept, for each officer and employee, a record currently up to date at all times showing credit earned and leave taken under this chapter. (1969 Code, § 1-804)

**4-205. Official holidays of the town.** The town will observe the following dates as the official holidays of the town and these dates will be observed by all employees with pay:

- (1) New Year's Day
- (2) Martin Luther King, Jr. Day
- (3) Presidents Day

- (4) Good Friday
- (5) Memorial Day
- (6) Juneteenth
- (7) Independence Day
- (8) Labor Day
- (9) Columbus Day
- (10) Veteran's Day
- (11) Thanksgiving Day
- (12) Day after Thanksgiving
- (13) Christmas Eve
- (14) Christmas Day
- (15) One-half (1/2) day on any weekday election. (as added by Ord. #195, March 2000, replaced by Ord. #322, April 2019 **Ch9\_08-11-20**, and amended by Ord. #341, Aug. 2022 **Ch10\_09-12-23**, and Ord. #342, Nov. 2022 **Ch\_09-12-23**)

## CHAPTER 3

### MISCELLANEOUS PERSONNEL REGULATIONS

#### SECTION

- 4-301. Business dealings.
- 4-302. Acceptance of gratuities.
- 4-303. Outside employment.
- 4-304. Political activity.
- 4-305. Use of municipal time, facilities, etc.
- 4-306. Use of position.
- 4-307. Strikes and unions.
- 4-308. Sexual harassment prohibited.
- 4-309. Sexual harassment defined.
- 4-310. Officers and employees to report sexual harassment.
- 4-311. Town to conduct investigation.
- 4-312. Violation.

**4-301. Business dealings.** Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the Town of Tazewell. (1969 Code, § 1-901)

**4-302. Acceptance of gratuities.** No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the town for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to town business. (1969 Code, § 1-902)

**4-303. Outside employment.** No full-time officer or employee of the Town of Tazewell shall accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the municipality. (1969 Code, § 1-903)

**4-304. Political activity.** Municipal officers and employees may individually exercise their right to vote and privately express their political views as citizens. However, no municipal officer or employee shall solicit political campaign contributions or engage in or actively participate in any

municipal political campaign. These restrictions shall not apply to elective officials or to off-duty law enforcement officers acting as private citizens. (1969 Code, § 1-904, modified)

**4-305. Use of municipal time, facilities, etc.** No municipal officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the board of mayor and aldermen has authorized the use of such time, facilities, equipment, or supplies, and the municipality is paid at such rates as are normally charged by private sources for comparable services. (1969 Code, § 1-905)

**4-306. Use of position.** No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the town, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1969 Code, § 1-906)

**4-307. Strikes and unions.** No municipal officer or employee shall participate in any strike against the town, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (1969 Code, § 1-907)

**4-308. Sexual harassment prohibited.** The Town of Tazewell, Tennessee forbids any officer or employee to commit or practice any form of sexual harassment against another officer or employee of the town "on" or "off" duty. (as added by Ord. #186, June 1997)

**4-309. Sexual harassment defined.** The definition of sexual harassment under this section shall be: "Sexual harassment" is unwanted sexual conduct, or conduct based upon sex, by an employee's supervisor(s) or fellow employees or others at the work place that adversely affects an employee's job or job performance. Examples of conduct that may constitute sexual harassment are: sexual advances, requests for sexual favors, propositions, physical touching, sexual provocative language, sexual jokes, and the display of sexually-oriented pictures or photographs. (as added by Ord. #186, June 1997)

**4-310. Officers and employees to report sexual harassment.** Any officer or employee who believes that they have been subjected to any type of sexual harassment should immediately report this to the mayor, any of the aldermen or the city recorder. The town will investigate the matter with all confidentiality as possible and there will be no retaliation against any employee

who makes a claim of sexual harassment or might be a witness to the harassment. (as added by Ord. #186, June 1997)

**4-311. Town to conduct investigation.** The Town of Tazewell, Tennessee will conduct an immediate investigation in an attempt to determine all the facts concerning any alleged harassment complaint made. In the investigation the town will make every effort to be impartial until all facts are determined. If the town determines that no harassment has occurred or there is not sufficient evidence that the harassment occurred, this finding will be communicated to the complainant along with the reasons for this determination. If the town determines that sexual harassment has occurred, corrective action is to be taken as soon as possible. (as added by Ord. #186, June 1997)

**4-312. Violation.** Any officer or employee found to be in violation of these sections of the Tazewell Municipal Code (§§ 4-309, 310, 311) may be subject to the penalties set forth by the board of mayor and aldermen to include written reprimand, suspension (with or without pay), reduction in rank or pay or dismissal. (as added by Ord. #186, June 1997)



## CHAPTER 4

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

#### 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 plan.
- 4-408.--4-409. Deleted.

**4-401. Title.** This chapter shall be known as the "Occupational Safety and Health Program Plan" for the employees of the Town of Tazewell. (1969 Code, § 1-1001, as replaced by Ord. #278, March 2013, and Ord. #333, Aug. 2020 *Ch9\_08-11-20*)

**4-402. Purpose.** The Town of Tazewell in electing to update the established program plan will maintain an effective and comprehensive occupational safety and health program plan for its employees and shall:

- (1) Provide a safe and healthful place and condition of employment that includes:
  - (a) Top management commitment and employee involvement;
  - (b) Continually analyze the worksite to identify all hazards and potential hazards;
  - (c) Develop and maintain methods for preventing or controlling the existing or potential hazards; and
  - (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

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<sup>1</sup>The Plan of Operation for the Occupational Safety and Health Program for the Town of Tazewell is included as Appendix A.

(4) Consult with the Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

(5) Consult with the Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

(6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program plan, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program plan. (1969 Code, § 1-1002, as replaced by Ord. #278, March 2013, and Ord. #333, Aug. 2020 ***Ch9\_08-11-20***)

**4-403. Coverage.** The provisions of the occupational safety and health program plan for the employees of the Town of Tazewell shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (1969 Code, § 1-1002, as replaced by Ord. #278, March 2013, and Ord. #333, Aug. 2020 ***Ch9\_08-11-20***)

**4-404. Standards authorized.** The occupational safety and health standards adopted by the Town of Tazewell 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). (1969 Code, § 1-1002, as replaced by Ord. #278, March 2013, and Ord. #333, Aug. 2020 ***Ch9\_08-11-20***)

**4-405. Variances from standards authorized.** Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, CHAPTER 0800-01-02, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees. (1969 Code, § 1-1003, as replaced by Ord. #278, March 2013, and Ord. #333, Aug. 2020 ***Ch9\_08-11-20***)

**4-406. Administration.** For the purposes of this chapter, the CITY RECORDER is designated as the safety director of occupational safety and health to perform duties and to exercise powers assigned to plan, develop, and administer this program plan. The safety director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 0800-01-05, as authorized by Tennessee Code Annotated, title 50. (as added by Ord. #186, June 1997, as replaced by Ord. #278, March 2013, and Ord. #333, Aug. 2020 *Ch9\_08-11-20*)

**4-407. Funding the program plan.** Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the Town of Tazewell. (as added by Ord. #186, June 1997, as replaced by Ord. #278, March 2013, and Ord. #333, Aug. 2020 *Ch9\_08-11-20*)

**4-408.--4-409. Deleted.** (as added by Ord. #186, June 1997, and deleted by Ord. #278, March 2013)

## CHAPTER 5

### TRAVEL REIMBURSEMENT REGULATIONS

#### SECTION

4-501. Enforcement.

4-502. Travel policy.

4-503. Travel reimbursement rate schedule.

4-504. Administrative procedures.

**4-501. Enforcement.** The city recorder or his or her designee shall be responsible for the enforcement of these regulations. (Ord. #164, July 1993)

**4-502. 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 town business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

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

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

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

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

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

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

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

(b) actual, reasonable, and necessary under the circumstances. The city recorder may make exceptions for unusual circumstances. Expenses considered excessive won't be allowed.

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

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

(9) Mileage and motel expenses incurred within the town aren't ordinarily considered eligible expenses for reimbursement. (Ord. #164, July 1993)

**4-503. Travel reimbursement rate schedules.** Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The town's travel reimbursement rates will automatically change when the State of Tennessee 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. #164, July 1993)

**4-504. Administrative procedures.** The town adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the 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. #164, July 1993)