

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

1. SOCIAL SECURITY.
2. PERSONNEL REGULATIONS.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

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

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports to be made.
- 4-106. Exclusions.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the Town of Calhoun, to provide for all eligible employees and officials of the town, 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 town shall take such action as may be required by applicable state and federal laws or regulations. (1980 Code, § 1-701)

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, § 1-702)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1980 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. (1980 Code, § 1-704)

4-105. Records and reports to be made. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1980 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. (1980 Code, § 1-706)

CHAPTER 2

PERSONNEL REGULATIONS

SECTION

- 4-201. Business dealings.
- 4-202. Acceptance of gratuities.
- 4-203. Political activity.
- 4-204. Use of municipal time, facilities, etc.
- 4-205. Use of position.
- 4-206. Strikes and unions.

4-201. 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 municipality. (1980 Code, § 1-801)

4-202. 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. (1980 Code, § 1-802)

4-203. Political activity. Municipal officers and employees shall enjoy the same rights of other citizens of Tennessee 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; as long as the employee is off duty and out of uniform. Provided, however, municipal employees shall not be qualified to run for elected office in the board of commissioners. The restriction against running for office in the board of commissioners shall not apply to elective officials. (1980 Code, § 1-803, modified)

4-204. 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 commissioners has authorized the use of such time, facilities, equipment, or supplies, and the town is paid at such rates as are normally charged by private sources for comparable services. (1980 Code, § 1-804)

4-206. 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. (1980 Code, § 1-805)

4-207. 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. (1980 Code, § 1-806)

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-301. Creation.
- 4-302. Town's commitments.
- 4-303. Definitions.
- 4-304. Coverage.
- 4-305. Employer's rights and duties.
- 4-306. Employee's rights and duties.
- 4-307. Standards authorized.
- 4-308. Variances from standards authorized.
- 4-309. Abatement.
- 4-310. Inspection.
- 4-311. Administration.
- 4-312. Funding the program.
- 4-313. Compliance with other laws not an excuse for noncompliance and vice versa.

4-301. Creation. There is hereby created a safety and health program for the employees of the Town of Calhoun as follows. (1980 Code, § 1-601)

4-302. Town's commitments. The town, 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) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Make, keep, preserve and make available to the state commissioner of labor, his designated representative or persons within the agency to whom such responsibilities have been delegated, adequate records of all occupational accidents and personal injuries for proper evaluation and necessary corrective action as required.
- (4) Consult with the state commissioner of labor or his designated representative, with regard to the adequacy of the form and content of records.
- (5) Consult with the state commissioner of labor or the state commissioner of health, as appropriate, regarding safety and health problems of the agency which are considered to be unusual or peculiar to the town and are such that they cannot be achieved under a standard promulgated by the state.
- (6) Make an annual report to the state commissioner of labor to show accomplishments and progress of the total occupational safety and health program.

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

(8) 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. (1988 Code, § 1-602)

4-303. Definitions. For the purpose of the program established pursuant to this chapter, the following definitions shall apply:

(1) "Appointing authority." Any town official or group of officials having legally designated powers of appointment, employment, or removal for a specific department, commission, board, division or other agency of the town.

(2) "Commissioner of labor." The chief executive officer of the state 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.

(3) "Commissioner of health." The chief executive officer of the state department of health. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the commissioner of health.

(4) "Director of safety and health." The chief executive officer designated by the town to perform duties or to exercise powers assigned so as to plan, develop, and administer the town's safety and health program.

(5) "Employee." Any person performing services for the town and listed on town payrolls either as part-time, seasonal, or permanent, full-time employees; provided, however, such definition shall not include independent contractors, their agents, servants, and employees.

(6) "Employer." The town, and shall include each administrative department, commission, board, division or other agency of the town.

(7) "Establishment or workplace." A single physical location where business is conducted or where services or industrial operations are performed.

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

(9) "Inspectors." The individual(s) appointed and designated by the director of safety and health to conduct inspections provided for herein. If no such compliance inspector(s) are appointed, the inspections shall be conducted by the director of safety and health.

(10) "Person." One or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(11) "Standard." An occupational safety and health standard promulgated by the state commissioner of labor or the state commissioner of health which requires conditions or the adoption or the use of one or more practices, means, methods, operations or processes necessary or appropriate to provide safe and healthful employment and places of employment. (1980 Code, § 1-603)

4-304. Coverage. The provisions of the program shall apply to employees of each administrative department, commission, board, division or other agency of the town. (1980 Code, § 1-604)

4-305. 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 of its employees conditions of employment and a place of employment free from known and 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 or regulations promulgated pursuant to the State Occupational Safety and Health Act of 1972.

(3) Employer shall assist the state commissioner of labor and state commissioner of health in the performance of their monitoring duties by supplying necessary information to the commissioners or to their respective assistants or deputies.

(4) Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearings on proposed standards, or by requesting the development of standards on a given issue.

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

(6) Employer shall inspect all installations, departments, bureaus, and offices to insure the provisions of this program are complied with and carried out.

(7) 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, of corrective action being taken by the town. (1980 Code, § 1-605)

4-306. 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 standards and all rules, regulations, and orders issued pursuant to this program which are applicable to such employee's own actions and conduct.

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

(3) Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

(4) Any employee may bring to the attention of the person in charge of the program any violation of the standards or other health or safety hazard.

(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 an applicable standard shall be notified by the employer and informed of such exposure and the 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.

(7) No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under or relating to this program. Any such charges of discrimination are subject to investigation by the commissioner of labor.

(8) Nothing in this section or any other provision of this program shall be deemed to authorize or require 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 of others, and except when such medical examination is reasonably required for performance of a specified job. (1980 Code, § 1-606)

4-307. Standards authorized. The standards adopted by the town are the state safety and health standards developed under section 6 of the state's Occupational Safety and Health Act of 1972. (1980 Code, § 1-607)

4-308. Variances from standards authorized. The town may, upon written application to the state commissioner of labor or the state commissioner of health, request an order granting a temporary variance from any approved standards. Prior to requesting such temporary variance, the employer shall notify or serve notice to employees or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the town shall be deemed sufficient notice to employees. (1980 Code, § 1-608)

4-309. Abatement. The program will provide for administrative procedures for abating hazards. (1980 Code, § 1-609)

4-310. Inspection. (1) In order to carry out the purposes of this program the safety and health inspectors are authorized:

(a) To enter at any reasonable time any establishment, construction site, plant, or other area, workplace, or environment where work is performed by an employee of the town; and

(b) To inspect and investigate during regular working hours and at other reasonable times, and 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) The town shall establish and maintain a system for collecting, maintaining and reporting safety and health data.

(3) The program shall comply with the record keeping regulations pursuant to the Tennessee Occupational and Safety Act of 1972.

(4) After the provisions of this chapter have been enacted, the town shall report within forty-eight (48) hours, either orally or in writing, to the commissioner of labor any accident which is fatal to one or more employees or which results in the hospitalization of five (5) or more employees. (1980 Code, § 1-610)

4-311. Administration. For the purposes of this chapter, the mayor has the authority to designate the director of safety and health program to perform duties or to exercise powers assigned so as to plan, develop, and administer the town's occupational safety and health program. (1980 Code, § 1-611)

4-312. Funding the program. Sufficient funds for administering the program pursuant to this chapter shall be made available as authorized by the budgeting authority. (1980 Code, § 1-612)

4-313. Compliance with other laws not an excuse for noncompliance and vice versa. (1) Compliance with any other law, statute or town ordinance which regulates safety and health in employment and places of employment shall not excuse the town or any town employee, or any other person from compliance with the provisions of this program.

(2) Compliance with any provision of the program pursuant to this chapter or any standard or regulation promulgated pursuant to this program shall not excuse the town or any town employee, or any other person from compliance with any state law or town ordinance regulating and promoting safety and health unless such law or ordinance is specifically repealed. (1980 Code, § 1-613)