

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES.
2. VACATIONS, SICK LEAVE, AND HOLIDAYS.
3. MISCELLANEOUS PERSONNEL REGULATIONS.
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
5. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1

SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES

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.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Milan, 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. (1973 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. (1973 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. (1973 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. (1973 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. (1973 Code, § 1-705)

CHAPTER 2

VACATIONS, SICK LEAVE, AND HOLIDAYS

SECTION

- 4-201. Applicability of chapter.
- 4-202. Vacation leave.
- 4-203. Sick leave.
- 4-204. Leave records.
- 4-205. Holidays.

4-201. Applicability of chapter. This chapter shall apply to all full-time city officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission. (1973 Code, § 1-801)

4-202. Vacation leave. (1) All officers and employees shall be given one (1) week vacation leave with pay for the first year of employment. Such vacation leave shall be taken after anniversary date of employment, at a time approved by the mayor or such other officer as he may designate. All officers and employees shall be given two (2) weeks annual vacation leave with pay after the second year of anniversary employment date, at a time approved by the mayor or such other officer as he may designate. Vacation leave shall be noncumulative and must be taken annually as herein provided, or forfeited.

Subject to all other provisions of this section, both hereinabove and hereafter provided, all officers and full-time employees shall be given three (3) weeks vacation leave with pay, after the fifth (5th) year of anniversary employment date, at a time approved by the mayor, or such other officer, as he may designate.

(2) Voluntary or involuntary termination of employment during any year before taking vacation leave prior to anniversary date, shall operate as a waiver or forfeiture thereof.

(3) An employee shall not receive cash remuneration in lieu of vacation leave if two weeks proper termination notice is not given to department head. (1973 Code, § 1-802)

4-203. Sick leave. All officers and employees shall be given a credit of one (1) working day of sick leave with pay for each month of employment served. Sick leave shall be taken only when approved by the mayor or by such other officer as he may designate. Sick leave, up to the number of days accrued, shall be approved for all officers and employees whose absence from duty is due to illness, bodily injury, or exposure to contagious disease of the officer or employee. However, the mayor may, in his discretion, require doctors' certificates or other satisfactory evidence that absences are properly chargeable

as sick leave. The maximum credit for accrued sick leave under the provisions of this section shall be sixty (60) days. (1973 Code, § 1-803, modified)

4-204. Leave records. The mayor shall cause to be kept, for each officer and employee, a record currently up to date at all time showing credit earned and leave taken under this chapter. (1973 Code, § 1-804)

4-205. Holidays. City employees shall have the following seven (7) holidays: January 1, Memorial Day and the birthday of the employee, July 4, Labor Day, Thanksgiving Day, and Christmas Day. When any employee is required to work on a holiday he shall be allowed double compensation or compensatory time off. (1973 Code, § 1-805)

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 city time, facilities, etc.
- 4-306. Use of position.
- 4-307. Strikes and unions.

4-301. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his city duties, it shall be unlawful for any city officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the city. (1973 Code, § 1-901)

4-302. Acceptance of gratuities. No city officer or employee shall accept any money or other consideration or favor from anyone other than the city 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 city business. (1973 Code, § 1-902)

4-303. Outside employment. No full-time officer or employee of the city 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 city employment, or is likely to cast discredit upon or create embarrassment for the city. (1973 Code, § 1-903)

4-304. Political activity. City officers and employees may individually exercise their right to vote and privately express their political views as citizens. However, no city officer or employee shall solicit political campaign contributions or engage in or actively participate in any city political campaign. These restrictions shall not apply to elective officials or to off-duty law enforcement officers acting as private citizens. (1973 Code, § 1-904, modified)

4-305. Use of city time, facilities, etc. No city officer or employee shall use or authorize the use of city 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 city is paid at such rates as are normally charged by private sources for comparable services. (1973 Code, § 1-905)

4-306. Use of position. No city officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the city, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1973 Code, § 1-906)

4-307. Strikes and unions. No city officer or employee shall participate in any strike against the city, nor shall he join, be a member of, or solicit any other city officer or employee to join any labor union which authorizes the use of strikes by government employees. (1973 Code, § 1-907)

CHAPTER 4

OCCUPATIONAL SAFETY AND HEALTH PROGRAM¹

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.--4-415. [Deleted.]

4-401. Title. This chapter shall be known as The Occupational Safety and Health Program Plan for the Employees of the City of Milan. (1973 Code, § 1-1301, as replaced by Ord. #2013-8, Sept. 2013)

4-402. Purpose. The City of Milan in electing to update the established program plan will maintain an effective and comprehensive occupational safety and health program plan for its employees 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.

¹The plan of operation for the City of Milan's Occupational Safety and Health Program 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. (1973 Code, § 1-1302, as replaced by Ord. #2013-8, Sept. 2013)

4-403. Coverage. The provisions of the occupational safety and health program plan for the employees of the City of Milan shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent.(1973 Code, § 1-1303, as replaced by Ord. #2013-8, Sept. 2013)

4-404. Standards authorized. The occupational safety and health standards adopted by the City of Milan 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 1972.¹ (1973 Code, § 1-1304, as replaced by Ord. #2013-8, Sept. 2013)

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. (1973 Code, § 1-1305, as replaced by Ord. #2013-8, Sept. 2013)

¹State law reference

Tennessee Code Annotated, title 50, chapter 3.

4-406. Administration. For the purposes of this chapter, Steven Dillard 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. (1973 Code, § 1-1306, as replaced by Ord. #2013-8, Sept. 2013)

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 City of Milan Board of Aldermen. (1973 Code, § 1-1309, as replaced by Ord. #2013-8, Sept. 2013)

4-408.--4-415. [Deleted.] (1973 Code, § 1-1308--1-1315, as deleted by Ord. #2013-8, Sept. 2013)

CHAPTER 5

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

4-501. Enforcement.

4-502. Travel policy.

4-503. Travel reimbursement rate schedule.

4-504. Administrative procedures.

4-505. Mayor and building inspector using their own car for city business.

4-501. 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. #71, Sept. 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 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. #71, Sept. 1993)

4-503. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the federal travel regulation rates. The city's travel reimbursement rates will automatically change when the federal 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. #71, Sept. 1993)

4-504. Administrative procedures. (1) Travel documentation. It is the responsibility of the authorized traveler to:

(a) Prepare and accurately describe the travel;

(b) Certify the accuracy of the reimbursement request;

(c) Note on the reimbursement form all direct payments and travel advances made by the city; and

(d) File the reimbursement form with the necessary supporting documents and original receipts.

(2) Vehicles. (a) Personal vehicle. Employees should use city vehicles when possible. Use of a private vehicle must be approved in advance by the CAO. The city will pay a mileage rate not to exceed the rate allowed by the federal reimbursement schedule. The miles for reimbursement shall be paid from origin to destination and back by the most direct route. Necessary vicinity travel related to official city business will be reimbursed. However, mileage in excess of the RandMcNally mileage must be documented as necessary and business related. If an indirect route is taken, the Rand-McNally table will be used to determine the mileage to be reimbursed.

If a privately owned automobile is used by two or more travelers on the same trip, only the traveler who owns or has custody of the automobile will be reimbursed for mileage. It's the responsibility of the

traveler to provide adequate insurance to hold harmless the city for any liability from the use of the private vehicle.

Travelers won't be reimbursed for automotive repair or breakdowns when using their personal vehicle.

(b) City vehicle. The city may require the employee to drive a city vehicle. If a city vehicle is provided, the traveler is responsible for seeing that the vehicle is used properly and only for acceptable business. The employee will be reimbursed for expenses directly related to the actual and normal use of the city vehicle when proper documentation is provided. Out-of-town repair cost to the city vehicle in excess of \$100 must be cleared with the proper city official before the repair is authorized.

Fines for traffic or parking violations won't be reimbursed by the city.

Reasonable tolls will be allowed when the most direct travel route requires them.

Reimbursement claims for taxis, limousines, or other ground transportation must be listed separately on the expense form, claiming the destination and amount of each fare.

(3) Lodging. The amount allocated for lodging shall not ordinarily exceed the maximum per diem rates authorized by the federal rate schedule.

(a) Original lodging receipts must be submitted with the reimbursement form. Photocopies aren't acceptable.

(b) If a traveler exceeds the maximum lodging per diem, excess costs are the responsibility of the traveler.

(c) If the best rate is secured, and it still exceeds the maximum lodging per diem, the CAO may authorize a higher reimbursement amount.

Even if it costs more, travelers may be allowed to stay at the officially designated hotel of the meeting; however, more moderately priced accommodations must be requested whenever possible. It will be the traveler's responsibility to provide documentation of the "officially designated meeting site" room rates, if these rates are higher than the normal reimbursable amounts.

(4) Meals and incidentals. Receipts are required for meals and incidentals. The authorized traveler may be reimbursed up to the daily amount based on the rate schedule and the authorized length of stay.

Whether meals may be claimed depends on when the traveler leaves and returns to the official station. The traveler's official station is home or work, whichever produces the least cost to the city. When partial day travel is involved, the current per diem allowance is determined as follows:

| <u>MEAL</u> | <u>IF DEPARTURE BEFORE</u> | <u>IF RETURN AFTER</u> |
|-------------|----------------------------|------------------------|
| Breakfast | 7:00 A.M. | 8:00 A.M. |
| Lunch | 11:00 A.M. | 1:30 P.M. |
| Dinner | 5:00 P.M. | 6:30 P.M. |

(5) Miscellaneous expenses. (a) Registration fees for approved conferences, conventions, seminars, meetings, and other educational programs will be allowed and will generally include the cost of official banquets, meals, lodging, and registration fees.

(b) The traveler may be reimbursed for personal phone calls while on official travel, but the amount will be limited to \$5.00 per day.

(c) A \$4.00 allowance will be reimbursable for hotel/motel check-in and baggage handling expenses.

(d) Laundry, valet service, tips and gratuities are considered personal expenses and aren't reimbursable.

(6) Entertainment. The city may pay for certain entertainment expenses provided that:

(a) The entertainment is appropriate in the conduct of city business;

(b) The entertainment is approved by the CAO;

(c) The group or individuals involved are identified; and

(d) Documentation is attached to the expense form to support the entertainment expense claims.

(7) Travel reconciliation. (a) If the city provided a travel advance or made advanced payment, the traveler should include that information on the expense form. In the case of advances, the form should have a reconciliation summary, reflecting total claimed expenses with advances and city prepayments indicated. The balance due to the traveler or the refund due the city should be clearly shown below the total claim on the form or in a cover memo attached to the front of the form.

(b) If the traveler received a travel advance and spent less than the advance, the traveler should attach a check made payable to the city for that difference.

(c) The CAO will address special circumstances and issues not covered in this section on a case-by-case basis.

(8) Disciplinary action. Violation of the travel rules can result in disciplinary action for employees. Travel fraud can result in criminal prosecution of officials and/or employees. (Ord. #71, Sept. 1993)

4-505. Mayor and building inspector using their own car for city business. The building inspector shall be given the state rate of reimbursement

for mileage turned in and approved by the mayor on a monthly expense report for inspection within the boundaries of the City of Milan.

Required trips outside the city and regular routine of inspection will be governed by the ordinance on travel reimbursement for city officials and city employees conducting official business.

The mayor, who is responsible for operation of the city seven days a week, and supplies his own vehicle shall be provided gas and servicing for the vehicle by the city.

He also will be reimbursed under the ordinance on travel reimbursement for city officials and city employees conducting official business. No reimbursement for mileage will be provided within the city or county for his or her vehicle. (Ord. #72, Sept. 1993)