

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY.
2. VACATION AND OTHER TIME OFF.
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CHAPTER 1

SOCIAL SECURITY

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 City of Parsons 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. (1970 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. (1970 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. (1970 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. (1970 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. (1970 Code, § 1-705)

4-106. Exclusions and amendments. There is hereby excluded from this chapter any authority to make any agreement with respect to any position, or any employee or official, not authorized to be covered by applicable state or federal laws or regulations. Acting under this chapter, the mayor is hereby directed to make and enter into an amendment to the social security agreement, so as to extend the benefits of the system of federal old age and survivors insurance to include employees and officials engaged in rendering "legislative" services, effective January 1, 1979; to include under coverage employees and officials the compensation for which is on a fee-basis, effective January 1, 1983; and to also exclude 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 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. (1970 Code, § 1-706, as amended by Ord. #102, June 1995)

CHAPTER 2

VACATION AND OTHER TIME OFF

SECTION

- 4-201. Applicability of chapter.
- 4-202. Vacation leave.
- 4-203. Payment for vacation leave on separation from employment.
- 4-204. Sick leave.
- 4-205. Definition of "immediate family" for sick leave purposes.
- 4-206. Reinstatement of sick leave on reemployment.
- 4-207. Bereavement leave.

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 separate board or commission. (1970 Code, § 1-801, as replaced by Ord. #247, Aug. 2006)

4-202. Vacation leave. After ninety (90) days of municipal employment all officers and employees shall accrue vacation leave at the rate specified in the table below:

Group #	Years of Municipal Service	Vacation Leave Per Year	Maximum Accrual Allowed
1	Ninety (90) days to three (3) years	5 days	10 days
2	After completion of three (3) years	10 days	15 days

Vacation leave is considered an important part of the benefits package provided to city employees for their service to the citizens of Parsons. Therefore, it is considered desirable for each employee to utilize their vacation leave to the fullest extent possible each year for their benefit and also for the good of the city. For this reason accumulation of vacation leave in excess of maximum allowed is not allowed. Vacation leave accrued in excess of maximum allowed will be forfeited and rolled into accumulated sick leave. Exceptions to this can only be granted on a case-by-case basis by the mayor and then only under exceptional circumstances that prevent the employee from taking accumulated vacation leave in the time allotted. (1970 Code, § 1-802, as replaced by Ord. #247, Aug. 2006)

4-203. Payment for vacation leave on separation from employment. Any employee terminating employment with the city under conditions other than discharge for misconduct may be paid any outstanding balance up to the allowed accrual with their last check. The amount paid will be based on the rate of pay in effect for the employee at the time of separation. This amount, of course, is subject to any outstanding debt owed to the city by the employee. (1970 Code, § 1-803, as replaced by Ord. #197, Feb. 2003, and Ord. #247, Aug. 2006)

4-204. Sick leave. All officers and full-time employees who have worked for the City of Parsons for more than ninety (90) days shall accrue one (1) day sick leave with pay per calendar quarter. Said sick leave shall accumulate on completion of a major part of any calendar quarter as long as the employee shall stay continuously employed by the city and said sick leave continues to accumulate quarterly as long as employee remains employed by the city. Sick leave is defined as absence due to verifiable illness, injury or medical needs of the employee and any member of the employee's immediate family. Absence from work due to sickness or injury will require competent medical evidence from a health care provider verifying the necessity to be off work due to an employee's medical condition. Sick leave requests for scheduled healthcare-related appointments for such things as non-work related physicals, procedures, surgery or office visits must be submitted in advance. Failure to secure required statements or verifications in a timely manner can result in denial of paid sick leave and said absence will be carried as unexcused leave without pay on the employee's record. Except as provided in § 4-206, any sick leave accumulated is forfeited on separation from employment. When a city employee retires from the city, any accumulated sick leave the employee has remaining on record may be added to the employee's length of service for computing of retirement amount. (1970 Code, § 1-804, as replaced by Ord. #247, Aug. 2006)

4-205. Definition of "immediate family" for sick leave purposes. Immediate family is defined as an employee's spouse, children, grandchildren, siblings, parents, parents-in-law, grandparents or grandparents-in-law. This can also include on a case-by-case basis any other related or non-related individual that can be verified by statement or general knowledge to have "stood in" for the parents of either the employee or employee's spouse for a significant portion of their life. Step-parents, step-grandparents, step-siblings, step-children and step-grandchildren are also included in this definition of immediate family. (as added by Ord. #247, Aug. 2006)

4-206. Reinstatement of sick leave on reemployment. Should a former employee be reemployed with the city after a break in service of less than three (3) years, he/she may be credited with any sick leave balance held at the

time of the previous separation if said separation was considered to have been in good standing and not related to misconduct. (as added by Ord. #247, Aug. 2006)

4-207. Bereavement leave. Each employee will be entitled to two (2) days bereavement, which will not be charged to any other leave account of the employee, for the death of a member of their immediate family as defined in § 4-205 of this chapter. This leave will be granted for the day of the funeral and either the day before or after the funeral as the employee desires. (as added by Ord. #247, Aug. 2006)

CHAPTER 3

PERSONNEL REGULATIONS

SECTION

- 4-301. Business dealings.
- 4-302. [Repealed.]
- 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. (1970 Code, § 1-901)

4-302. [Repealed.] (1970 Code, § 1-902, as repealed by Ord. #267, May 2007)

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. (1970 Code, § 1-903)

4-304. Political activity. City 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; provided the city is not required to pay the employee's salary for work not performed for the city. Provided, however, city employees shall not be qualified to run for elected office in the city council. This restriction shall not apply to elective officials. (1970 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 city council 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. (1970 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. (1970 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. (1970 Code, § 1-907)

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. (1970 Code, § 1-1101, as replaced by Ord. #208, Nov. 2003)

4-402. Purpose. The city, in electing to update their established program plan will maintain an effective occupational safety and health program 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 work site to identify all hazards and potential hazards;
 - (c) Develop and maintain methods for preventing or controlling existing or potential hazards; and
 - (d) Train managers, supervisors, and employees to understand and deal with work site hazards.
- (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 Commissioner of Labor and Workforce Development of the State of Tennessee, his designated representatives, or persons within the Tennessee 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.
- (4) Consult with the State Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.
- (5) Consult with the State 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, 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 the health standards, and provide for education and notification of all employees of the existence of this program. (1970 Code, § 1-1102, as replaced by Ord. #208, Nov. 2003)

4-403. Coverage. The provisions of the occupational safety and health program for the employees of the city shall apply to all employees of each administrative department, commission, board, division or other agency of the city whether part-time or full-time, seasonal or permanent. (1970 Code, § 1-1103, as replaced by Ord. #208, Nov. 2003)

4-404. Standards authorized. The occupational safety and health standards adopted by the city 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 5). (as added by Ord. #208, Nov. 2003)

4-405. Variances from standards authorized. The city may, upon written application of the Commissioner of Labor and Workforce Development 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 and Workforce Development Occupational Safety and Health, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 5. Prior to requesting such temporary variance, the city 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 mayor shall be deemed sufficient notice to employees. (as added by Ord. #208, Nov. 2003)

4-406. Administration. For the purposes of this chapter, the city's safety director 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 program. 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. (as added by Ord. #208, Nov. 2003)

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 council of the city. (as added by Ord. #208, Nov. 2003)