

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

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3. MISCELLANEOUS PERSONNEL REGULATIONS.
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CHAPTER 1

SOCIAL SECURITY

SECTION

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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 Lake City, Tennessee to provide for all eligible employees and officials of the city, 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. 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. (1968 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. (1968 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. (1968 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. (1968 Code, § 1-704)

4-105. Records and reports to be made. The municipality shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1968 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 city. (1968 Code, § 1-706)

CHAPTER 2**VACATION AND SICK LEAVE****SECTION**

- 4-201. Applicability of chapter.
- 4-202. Vacation leave.
- 4-203. Sick leave, accumulative leave and personal leave.
- 4-204. Leave records.
- 4-205. Paid holidays.
- 4-206. Occupational disability leave and compensation.

4-201. Applicability of chapter. This chapter shall apply to all full-time municipal officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission. (1968 Code, § 1-801)

4-202. Vacation leave. All regular 40 hour week employees shall be granted vacation time based upon the following schedule:

1 thru 4 years	80 hours
5 thru 9 years	120 hours
10 years or more	160 hours

All regular 48 hour week employees shall be granted vacation time based upon the following schedule:

1 thru 4 years	96 hours
5 thru 9 years	144 hours
10 years or more	192 hours

All employees that work a 24-hour duty shift and are off 48 hours shall be granted vacation time based upon the following schedule:

1 thru 4 years	112 hours
5 thru 9 years	168 hours
10 years or more	224 hours

All vacation leave shall be taken at a time approved by the department supervisor(s) and shall be scheduled two weeks in advance unless an emergency exists. A new employee must have completed one (1) full year of service before he/she is eligible for any vacation. Vacation leave must be taken within one year after it is earned, except the following hours may be carried forward to the next year:

40 hour employee	40 hours
48 hour employee	48 hours
48 hour shift	56 hours

At no time shall any employee carry forward more than one (1) week of vacation to the next calendar.

All employees must use one week of vacation per year. Eligible employees may be granted pay in lieu of vacation for all but one week of vacation providing the department head and the mayor agree that it would be in the best interest of the employee and the city. (1968 Code, § 1-802, as amended by Ord. #416, Nov. 2003)

4-203. Sick leave, accumulative leave and personal leave. For each calendar month of full and continuous employment by the city, each employee shall be entitled to full pay for one (1) day of sick leave, not to exceed eight hours. This sick leave shall be cumulative for an indefinite period of time. Said employee must notify his/her supervisor or office personnel prior to exercising his or her sick leave. Each calendar year an employee will be entitled to use up to three (3) days in no less than two hour increments, without a written statement from a licensed physician. Only one day or eight hours will be charged for employees working a 12 or a 24 hour shift. Any sick leave granted or paid beyond the three days per calendar year will require a written statement from a licensed physician or surgeon as to the illness of the employee.

When an employee is on sick leave without a written statement from a licensed physician or surgeon the following rules will apply:

First day without written statement from a licensed physician or surgeon will result in a verbal reprimand with memo to employee personnel file.

Second day without written statement from a licensed physician or surgeon will result in a written reprimand. Any employee who receives two written reprimands within one year will receive three days off without pay.

Third day off without written statement from a licensed physician will be subject to termination.

Where payment is due an employee under the workmen's compensation law, the amount received from workmen's compensation shall be deducted from the allowances provided for above.

A total of three (3) personal days can be taken with pay in event a death occurs in the immediate family. Immediate family members consist of mother, father, wife or husband, brother, sister, children, mother-in-law or father-in-law. (1968 Code, § 1-803, as amended by Ord. #415, Nov. 2003)

4-204. Leave records. The recorder shall cause to be kept, for each officer and employee, a record currently up to date at all times showing credits earned and leave taken.

Sick leave records shall be recorded as follows:

All 24 hour shifts of leave shall be recorded as 3 eight hour days of sick leave.

All 12 hour shifts of leave shall be recorded as 1 1/2 days of sick leave.

All 8 hour shifts of leave shall be recorded as 1 day of sick leave. (1968 Code, § 1-804)

4-205. Paid holidays. All regular employees shall be paid for the following holidays: New Year's Day, Good Friday, Memorial Day, Fourth of July, Labor Day, the fourth Thursday and Friday in November, and Christmas Day. When such holidays fall on Saturday, they shall be observed on the preceding Friday; when they fall on Sunday, they shall be observed on the following Monday. If it is necessary for any employee to work on these holidays, compensation shall be given in lieu of the holiday.

The benefits set out herein shall apply to all present and future regular employees of the City of Lake City. Part-time or temporary employees are not eligible for any fringe benefits. (Ord. #346, July 1993)

4-206. Occupational disability leave and compensation. The City of Lake City will abide by the most current Workman's Compensation laws and not pay any wages to the employee other than sick leave or vacation pay while employee is off from work. (1968 Code, § 1-806)

CHAPTER 3

MISCELLANEOUS PERSONNEL REGULATIONS

SECTION

- 4-301. Business dealings.
- 4-302. [Repealed.]
- 4-303. [Repealed.]
- 4-304. Political activity.
- 4-305. [Repealed.]
- 4-306. [Repealed.]
- 4-307. Strikes and unions.
- 4-308. Manner of paying personnel.
- 4-309. Hiring, dismissal and suspension of city employees.
- 4-310. Nepotism.

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 city. (1968 Code, § 1-901)

4-302. [Repealed.] (1968 Code, § 1-902, as repealed by Ord. #437, Dec. 2006)

4-303. [Repealed.] (1968 Code, § 1-903, as repealed by Ord. #437, Dec. 2006)

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. (1968 Code, § 1-904, modified)

4-305. [Repealed.] (1968 Code, § 1-905, as repealed by Ord. #437, Dec. 2006)

4-306. [Repealed.] (1968 Code, § 1-906, as repealed by Ord. #437, Dec. 2006)

4-307. Strikes and unions. No municipal officer or employee shall participate in any strike against the city, 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. (1968 Code, § 1-907)

4-308. Manner of paying personnel. (1) All wages, salaries, fees, and other emoluments owing to the officers and employees of the city shall be paid by check drawn upon the lawful depository of city funds.

(2) Subject to the provisions of title 4, chapter 1 and title 6, chapter 1, of the Lake City Municipal Code, the city recorder is hereby authorized and it is made his duty to draw and issue all checks for the payment of wages, salaries, fees, and other emoluments owing to the officers and employees of the city.

(3) All salaried officers and employees of the city shall be paid by check drawn and issued by the city recorder in such amounts and at such intervals as shall from time to time be lawfully determined and fixed by the board.

(4) All hourly wage employees of the city shall be paid by check drawn and issued by the city recorder, but no hourly payroll account or claim, or any part thereof, shall be paid unless such expenditure shall have been lawfully authorized by the board and approved by the head of the department for which the indebtedness was incurred. Whenever any claim for wages due shall be presented to the recorder he shall have power to require evidence that the amount claimed is justly due and is in conformity to law and ordinance, and for that purpose he may summons before him any officer, agent, or employee of any department of the municipality, of any other person, and examine him upon oath or affirmation relative thereto. The recorder and the head of the department concerned and their sureties shall be liable to the municipality for all loss or damage sustained by the city by reason of the corrupt approval of any such claim.

(5) All other officers and employees of the city shall be paid by check drawn and issued by the city recorder in such amounts and at such times as may be lawfully authorized and approved by the board.

(6) All checks drawn and issued by the recorder for the payment of wages, salaries, fees, and other emoluments to officers and employees of the city shall indicate on the face thereof that they have been drawn and issued for such purposes and shall be honored if signed by the recorder.

(7) The city recorder may designate his clerk to draw and issue checks for the payment of wages, salaries, fees, and other emoluments to city officers and employees with the same effect as if signed by the city recorder; such designation to be in writing, approved by the board, and filed with the mayor, the treasurer, and the depository of city funds. Any such designation may be revoked by the recorder by filing copies of the revocation with the mayor, the treasurer, and the depository of city funds.

(8) Overtime wages shall be paid to hourly employees for all hours worked in excess of eight (8) hours in one (1) day or forty (40) hours in one (1) week at the rate of one and one-half times the straight-time earnings but only when authorized by the superintendent or foreman and approved by the service

director or department chairman. In no case shall overtime wages be paid unless properly authorized. (1968 Code, § 1-908)

4-309. Hiring, dismissal and suspension of city employees. Except for police officers and paid firemen, who must serve a 60-day probationary period, all other employees shall serve a 30-day probationary period, including part-time employees. The service director is the designated individual to place employees on the payroll for probationary periods, however, in the absence of a service director, the department chairman or the mayor may place employees on the payroll. At no time shall any employee be hired without the mayor's approval. After an employee has served the probationary period stated above, he/she shall be considered for regular or part-time employment upon recommendation by the department superintendent, or chief of police who will submit an application along with the proper personnel records, to the board of mayor and council at a regular or special called meeting. Said employee can only be regularly hired by a majority vote of the board of mayor and council. Police officers must be at least 21 years of age; all other employees must be at least 18 years of age.

In addition to the above, a superintendent or foreman or the chief of police, with the approval of the department chairman, may hire temporary employees for a particular job or for a department in case of sickness or absenteeism when such employment is not expected to exceed thirty (30) days.

No one shall be employed as a regular employee of the City of Lake City while serving as a regular or full-time employee with another employer.

In the absence of a service director, the superintendent, foreman, or chief of police, with the approval of the department chairman or mayor, may suspend an employee for any of the following reasons: unsatisfactory work, failure to carry out orders, unauthorized absenteeism, reporting to work while under the influence of alcohol or drugs, consuming alcohol or drugs while on the job, or noncompliance with the Lake City Municipal Code. The reason for such action must be in writing and be presented to the board of mayor and council at the next board meeting. Said employee may request a hearing before the board of mayor and council within thirty (30) days. If said employee does not request a hearing, he shall be terminated. The board of mayor and council may suspend or dismiss an employee for any of the above reasons or for any reason it deems reasonable and necessary. (1968 Code, § 1-909)

4-310. Nepotism. (1) Prohibited. Any relative whether a relative by blood or marriage, of a councilman or mayor, city manager, city recorder, city attorney or city service director shall not be considered or hired for any full-time or regular part-time employment with the City of Lake City. Any person already in the employment of the city upon the effective date of this section shall not be allowed to transfer to any position in which a relative, as defined in this

section, would have a direct reporting or supervisory relationship with the employee.

(2) Definitions. (a) The term "relative" shall include the job applicant's or employee's spouse, child, step-child, parent, step-mother, mother-in-law, step-father, father-in-law, brother, step-brother, sister, step-sister, brother-in-law, sister-in-law.

(b) The term "reporting or supervisory relationship" means a relationship in which there is a superior and a subordinate, and the supervisor has the authority to assign work to, and require from the subordinate, and to make other decisions and recommendations related to the work environment of the subordinate. (1968 Code, § 1-910)

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 section shall provide authority for establishing and administering the occupational safety and health program plan for the employees of the City of Lake City. (1968 Code, § 1-1101, as replaced by Ord. #413, Sept. 2003)

4-402. Purpose. The City of Lake 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) Continual analysis of the worksite to identify all hazards and potential hazards;
 - (c) Development and maintenance of methods for preventing or controlling existing or potential hazards; and
 - (d) Training of 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) 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. (1968 Code, § 1-1102, as replaced by Ord. #413, Sept.2003)

4-403. Coverage. The provisions of the occupational safety and health program plan for the employees of the City of Lake City shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Lake City whether part-time for full-time, seasonal or permanent. (1968 Code, § 1-1102, as replaced by Ord. #413, Sept. 2003)

4-404. Standards authorized. The occupational safety and health standards adopted by the City of Lake 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 3). (1968 Code, § 1-1102, as replaced by Ord. #413, Sept. 2003)

4-405. Variances from standards authorized. The City of Lake 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, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the City of Lake 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 city manager or city recorder shall be deemed sufficient notice to employees. (1968 Code, § 1-1102, as replaced by Ord. #413, Sept. 2003)

4-406. Administration. For the purposes of this chapter, the public works director or his or her designee, 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 OSHA 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. #413, Sept. 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 city council. (as added by Ord. #413, Sept. 2003)

CHAPTER 5

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

4-501. Title.

4-502. Travel regulations.

4-503. Travel reimbursement rate schedules.

4-504. Administrative procedures.

4-501. Title. This chapter shall be known as and may be cited as the City of Lake City Travel Policy chapter. The purpose of this chapter and referenced regulations is to bring the city into compliance with Pub. Acts 1993, ch. 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." This chapter is intended 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. #347, July 1993)

4-502. Travel regulations. The chief administrative officer of the city or his or her designee shall be responsible for the enforcement of these travel regulations.

(1) 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 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 five dollars (\$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. #347, July 1993)

4-503. Travel reimbursement rate schedules. 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. #347, July 1993)

4-504. 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. (Ord. #347, July 1993)