

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

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

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**4-101. Policy declared.** It is hereby declared to be the policy and purpose of the City of Belle Meade, Tennessee, to extend, at the earliest date, to 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 city shall take such action as may be required by applicable state and federal laws or regulations. The benefits of the aforesaid federal old-age and survivors insurance shall be made retroactive to January 1, 1951, to all persons then and thereafter employed by the City of Belle Meade and covered by an agreement now in effect between the City of Belle Meade and the State of Tennessee. (Ord. 52-1, § 1, as amended by ord. 53-4, § 1. 1987 Code, § 1-501)

**4-102. Agreements.** The mayor of the City of Belle Meade, Tennessee, 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. (Ord. 52-1, § 2, as amended by ord. 53-4, § 2. 1987 Code, § 1-502)

**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. (Ord. 52-1, § 3, as amended by ord. 53-4, § 3. 1987 Code, § 1-503)

**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. (Ord. 52-1, § 4. 1987 Code, § 1-504)

**4-105. Records and reports.** The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (Ord. 52-1, § 5. 1987 Code, § 1-505)

**4-106. Emergency, fee-based, part-time employees, etc.** There is hereby excluded from this chapter any authority to make any agreement with respect to emergency, part-time, and fee-based employees, and elective officials engaged in rendering legislative and judicial services, or any employee or official not authorized to be covered by applicable federal or state laws or regulations.

Further, acting under § 4-102, the mayor is hereby directed to amend the social security agreement so as to extend the benefits of the system of federal old-age, survivors, disability hospital insurance to include the services of employees in part-time positions as of January 1, 1988.

This does not apply to services performed after July 1, 1991 that are covered under the section 210(a)(7)(F) of the Social Security Act. (Ord. 52-1, § 6, as amended by ord. 61-4, § 1. 1987 Code, § 1-506, as amended by ord. 92-2)

## CHAPTER 2

### MISCELLANEOUS REGULATIONS--CITY PERSONNEL

#### SECTION

- 4-201. Business dealings.
- 4-202. Acceptance of gratuities.
- 4-203. Outside employment.
- 4-204. Political activity.
- 4-205. Use of municipal time, facilities, etc.
- 4-206. Use of position.
- 4-207. Strikes and unions.
- 4-208. Code of ethics.

**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 city. (1987 Code, § 1-701)

**4-202. Acceptance of gratuities.** No municipal 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. (1987 Code, § 1-702)

**4-203. Outside employment.** No full-time officer or employee of the city shall accept any outside employment without written authorization from the city manager. The city manager 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 city. (1987 Code, § 1-703)

**4-204. 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; provided the city is not required to pay the employee's salary for work not performed for the city. Provided, however, municipal employees shall not be qualified to run for elected office in the board of commissioners. This restriction shall not apply to elective officials. (1987 Code, § 1-704, modified)

**4-205. 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 city 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. (1987 Code, § 1-705)

**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 city nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1987 Code, § 1-706)

**4-207. 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. (1987 Code, § 1-707)

**4-208. Codes of ethics.**<sup>1</sup> (1) Applicability. This section is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities.

(2) Definition of "personal interest."

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<sup>1</sup>State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the Tennessee Code Annotated (T.C.A.) sections indicated:

Campaign finance-T.C.A. Title 2, Chapter 10.

Conflict of interests-T.C.A. §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements-T.C.A. § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials-T.C.A. §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office)-T.C.A. § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information-T.C.A. § 39-16-401 and the following sections.

Ouster law-T.C.A. § 8-47-101 and the following sections.

(a) For purposes of sections (3) and (4), "personal interest" means:

(i) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes or conflicts of interests; or

(ii) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

(iii) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

(b) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

(c) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter.

(3) Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself<sup>1</sup> from voting on the measure.

(4) Disclosure of personal interest in nonvoting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter.

(5) Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

(a) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

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<sup>1</sup>Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability

(b) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business.

(6) Use of information. (a) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(b) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity.

(7) Use of municipal time, facilities, etc. (a) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(b) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality.

(8) Use of position or authority. (a) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(b) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality.

(9) Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy.

(10) Ethics complaints. (a) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(b) Investigation of complaints:

(i) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(ii) The city attorney may request that the governing body hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(iii) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.

(c) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(d) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics.

(11) Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #97-5, July 1997, as replaced by Ord. #2007-4, June 2007)

## CHAPTER 3

### OCCUPATIONAL SAFETY AND HEALTH PROGRAM

#### SECTION

4-301. Created.

4-302. Designation of director; elements of plan.

4-303. Effective date.

**4-301. Created.** There is hereby created a safety and health program for employees of the City of Belle Meade which shall be known as the occupational safety and health program for the employees of the City of Belle Meade. (Ord. 73-4, § 1. 1987 Code, § 1-601)

**4-302. Designation of director; elements of plan.** The city manager is hereby authorized to designate himself, or such other person as he may consider competent to serve, as the director of the occupational safety and health program for the employees of the City of Belle Meade. Said director shall be authorized to establish a safety and health program which shall comply in all respects with the requirements of the Tennessee Occupational Safety and Health Act of 1972, same being Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972, and said director is hereby authorized to implement a plan which shall encompass the issues and standards which have been promulgated by applicable state law, rules, and regulations. The plan shall be at least as effective as the federal or state standards relating to the same matters and shall include the following: (1) The director or his authorized representatives shall have the right to enter at any reasonable time any establishment, construction site, work place, environment, or area where work is performed in the City of Belle Meade, and to inspect and investigate any such place of employment and all pertinent conditions, processes, machines, devices, equipment, and materials, and activities being conducted therein, and to question privately any supervisor or employee.

(2) The director may issue subpoenas to require the attendance and testimony of witnesses and the production of evidence under oath for the purpose of confirming or supplementing the findings of the director.

(3) The director shall provide for the education and training of personnel for the administration of the program, and he shall provide for the education and training of all employees of the city to the extent that same may be necessary in order to enable said employees to recognize and report safety and health problems as same are defined in the applicable standards.

(4) All employees of the city shall be informed of the policies and standards set forth by the Tennessee Occupational Safety and Health Act.

(5) All employees of the city shall be informed of safety hazards, the dangers of exposure to toxic or harmful materials, and of such other imminent danger situations as may occur in the course of their employment.

(6) The director or his authorized representative shall, upon any allegation or report of imminent danger, immediately ascertain whether there is a reasonable basis for the allegation or complaint. He shall make a preliminary determination of the merit of the complaint and if he finds same to have merit he shall have authority to order the immediate cessation of the activity or the evacuation of the environment wherein he finds the imminent danger to be present.

(7) The director shall provide that any employee may participate in an investigation or inspection which involves a safety and/or health hazard which exists or may exist in his work area.

(8) The director shall establish a safety and health training program designed to instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment.

(9) The safety director shall, in the eventuality that there is a fatality or an accident resulting in the in-patient hospitalization of three (3) or more employees, ensure that the Commissioner of Labor receives notification of the occurrence within eight (8) hours.

(10) The director shall establish a procedure for requesting variances from the Tennessee Department of Labor in the event an operation within the city does not meet the standards established by the Occupational Safety and Health Act and in the further event that immediate action to alleviate the discrepancy is not possible.

(11) The director shall establish and maintain a system for collecting and reporting data concerning safety and health as is required under the Tennessee Occupational Safety and Health Act.

(12) The director shall apply this program to all employees of the City of Belle Meade.

(13) The director shall make an annual report to the Commissioner of Labor for the State of Tennessee showing the accomplishments and progress of the City of Belle Meade in its occupational safety and health program.

(14) The director shall provide a means whereby any employee may submit a report concerning any activity or condition which he believes to be a health hazard to the director without fear of jeopardizing said employee's job or opportunity for future promotion. All of said reports shall be preserved and the action thereon shall be noted and signed by the director or his representative.

(15) In implementing the plan the director shall adopt therein all the words and phrases designated as "definitions" in the Tennessee Occupational Safety and Health Act, and all regulations and standards promulgated thereunder.

(16) The director shall submit said plan to the Tennessee Department of Labor for approval on or before July 1, 1973. (Ord. 73-4, § 2. 1987 Code, § 1-602, as amended by Ord. #2002-6, June 2002)

**4-303. Effective date.** Said plan, upon its approval by the Tennessee Department of Labor, shall become effective in the City of Belle Meade and at that time shall become a part of this chapter as fully and completely as if set out herein verbatim. (Ord. 73-4, § 3. 1987 Code, § 1-603)

## CHAPTER 4

### INFECTIOUS DISEASE CONTROL POLICY

#### SECTION

- 4-401. Purpose.
- 4-402. Coverage.
- 4-403. Administration.
- 4-404. Definitions.
- 4-405. Policy statements.
- 4-406. General guidelines.
- 4-407. Hepatitis B Vaccinations.
- 4-408. Reporting potential exposure.
- 4-409. Hepatitis B virus post-exposure management.
- 4-410. Human immunodeficiency virus post-exposure management.
- 4-411. Disability benefits.
- 4-412. Training regular employees.
- 4-413. Training high risk employees.
- 4-414. Training new employees.
- 4-415. Records and reports.
- 4-416. Legal rights of victims of communicable disease.

**4-401. Purpose.** It is the responsibility of the City of Belle Meade, to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the City of Belle Meade employees may come in contact with life-threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB). (1987 Code, § 1-801, as added by ord. No. 92-4, § I)

**4-402. Coverage.** Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood-borne infections due to their routinely increased exposure to body fluids from potentially infected individuals. Those high risk occupations include but are not limited to:

- (1) Paramedics and Emergency Medical Technicians;
- (2) Occupational Nurses;

- (3) Housekeeping and Laundry Workers;
- (4) Police and Security personnel;
- (5) Firefighters;
- (6) Sanitation and Landfill Workers; and
- (7) Any other employees deemed to be at high risk per this policy and an exposure determination. (1987 Code, § 1-802, as added by ord. No. 92-4, § I)

**4-403. Administration.** This infection control policy shall be administered by the city manager or his/her designated representative who shall have the following duties and responsibility:

- (1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the city charter, and federal and state law relating to OSHA regulations;
- (2) Make an exposure determination for all employee positions to determine a possible exposure to blood or body fluids;
- (3) Maintain records of all employees and incidents subject to the provisions of the chapter;
- (4) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;
- (5) Coordinate and document all relevant training activities in support of the infection control policy;
- (6) Prepare and recommend to the board of commissioners any amendments or changes to the infection control policy;
- (7) Identify, any and all housekeeping operations involving substantial risk of direct exposure to body fluids and shall address the proper precautions to be taken while cleaning rooms and blood spills; and
- (8) Perform such other duties and exercise such other authority as may be prescribed by the board of commissioners. (1987 Code, § 1-803, as added by ord. No. 92-4, § I)

**4-404. Definitions.** (1) "Body fluid" - fluids that have been recognized by the Center for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.

(2) "Exposure" - the contact with blood or other body fluids to which universal precautions apply through contact with open wounds, non-intact skin, or mucous membranes during the performance of an individual's normal job duties.

(3) "Hepatitis B Virus (HBV)" - a serious blood-borne virus with potential for life-threatening complications. Possible complications include: massive hepatic necrosis, cirrhosis of the liver, chronic active hepatitis, and hepatocellular carcinoma.

(4) "Human Immunodeficiency Virus (HIV)" - the virus that causes acquired immunodeficiency syndrome (AIDS). HIV is transmitted through sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

(5) "Tuberculosis (TB)" - an acute or chronic communicable disease that usually affects the respiratory system, but may involve any system in the body.

(6) "Universal precautions" - refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with body fluids to be protected as though such body fluid were HBV or HIV infected. (1987 Code, § 1-804, as added by ord. No. 92-4, § I)

**4-405. Policy statement.** All blood and body fluids are potentially infectious for several blood-borne pathogens. Some body fluids can also transmit infections. For this reason, the Center for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens. Universal precautions apply to blood, tissues, and other body fluids which contain visible blood. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood. (1987 Code, § 1-805, as added by ord. No. 92-4, § II)

**4-406. General guidelines.** General guidelines which shall be used by everyone include:

(1) Think when responding to emergency calls and exercise common sense when there is potential exposure to blood or body fluids which require universal precautions.

(2) Keep all open cuts and abrasions covered with adhesive bandages which repel liquids.

(3) Soap and water kill many bacteria and viruses on contact. If hands are contaminated with blood or body fluids to which universal precautions apply, then wash immediately and thoroughly. Hands shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or handwashing facilities are not available, then use a waterless antiseptic hand cleaner according to the manufacturers recommendation for the product.

(4) All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments. To prevent needle stick

injuries, needles shall not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades and other sharp items shall be placed in puncture resistant containers for disposal. The puncture resistant container shall be located as close as practical to the use area.

(5) The city will provide gloves of appropriate material, quality and size for each affected employee. The gloves are to be worn when there is contact (or when there is a potential contact) with blood or body fluids to which universal precautions apply:

- (a) While handling an individual where exposure is possible;
- (b) While cleaning or handling contaminated items or equipment;
- (c) While cleaning up an area that has been contaminated with one of the above;

Gloves shall not be used if they are peeling, cracked, or discolored, or if they have punctures, tears, or other evidence of deterioration. Employee shall not wash or disinfect surgical or examination gloves for reuse.

(6) Resuscitation equipment shall be used when necessary. (No transmission of HBV or HIV infection during mouth-to-mouth resuscitation has been documented.) However, because of the risk of salivary transmission of other infectious diseases and the theoretical risk of HIV or HBV transmission during artificial resuscitation, bags shall be used. Pocket mouth-to-mouth resuscitation masks designed to isolate emergency response personnel from contact with a victims' blood and blood contaminated saliva, respiratory secretion, and vomitus, are available to all personnel who provide or potentially provide emergency treatment.

(7) Masks or protective eyewear or face shields shall be worn during procedures that are likely to generate droplets of blood or other body fluids to prevent exposure to mucous membranes of the mouth, nose, and eyes. They are not required for routine care.

(8) Gowns, aprons, or lab coats shall be worn during procedures that are likely to generate splashes of blood or other body fluids.

(9) Areas and equipment contaminated with blood shall be cleaned as soon as possible. A household (chlorine) bleach solution (1 part chlorine to 10 parts water) shall be applied to the contaminated surface as a disinfectant leaving it on for at least 30 seconds. A solution must be changed and re-mixed every 24 hours to be effective.

(10) Contaminated clothing (or other articles) shall be handled carefully and washed as soon as possible. Laundry and dish washing cycles at 120° are adequate for decontamination.

(11) Place all disposable equipment (gloves, masks, gowns, etc...) in a clearly marked plastic bag. Place the bag in a second clearly marked bag (double bag). Seal and dispose of by placing in a designated "hazardous" dumpster.

NOTE: Sharp objects must be placed in an impervious container and then taken to a hospital for disposal.

(12) Tags shall be used as a means of preventing accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations which are out of the ordinary, unexpected or not readily apparent. Tags shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed.

All required tags shall meet the following criteria:

(a) Tags shall contain a signal word and a major message. The signal word shall be "BIOHAZARD", or the biological hazard symbol. The major message shall indicate the specific hazardous condition or the instruction to be communicated to employees.

(b) The signal word shall be readable at a minimum distance of five (5) feet or such greater distance as warranted by the hazard.

(c) All employees shall be informed of the meaning of the various tags used throughout the workplace and what special precautions are necessary.

(13) Linen soiled with body fluids shall be handled as little as possible and with minimum agitation to prevent contamination of the person handling the linen.

All soiled linen shall be bagged at the location where it was used. It shall not be sorted or rinsed in the area. Soiled linen shall be placed and transported in bags that prevent leakage.

The employee responsible for transporting soiled linen should always wear protective gloves to prevent possible contamination. After removing the gloves, hands or other skin surfaces shall be washed thoroughly and immediately after contact with body fluids.

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (1987 Code, § 1-806, as added by ord. No. 92-4, § II)

**4-407. Hepatitis B vaccinations.** The City of Belle Meade shall offer the appropriate Hepatitis B Vaccination to employees at risk of exposure free of charge and in amounts at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the infectious disease control coordinator. Employees receiving the Hepatitis B vaccination series must also receive a titer test, which determines the effectiveness of the vaccine. (1987 Code, § 1-807, as added by ord. No. 92-4, § III; as amended by Ord. #2002-7, June 2002)

**4-408. Reporting potential exposure.** City employees shall observe the following procedures for reporting a job exposure incident that may put them

at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc...):

(1) Notify the infectious disease control coordinator of the contact incident and details thereof.

(2) Complete the appropriate accident reports and any other specific form required.

(3) Arrangements will be made for the person to be seen by a physician as with any job-related injury.

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to human immunodeficiency virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided. (1987 Code, § 1-808, as added by ord. No. 92-4, § III)

**4-409. Hepatitis B virus post-exposure management.** For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

For exposure from an HBsAg-positive source to workers who have previously received the vaccine, the exposed worker should be tested for antibodies to hepatitis B surface antigen (anti-HBs), and given one dose of vaccine and one dose of HBIG if the antibody level in the worker's blood sample is inadequate (i.e., 10 SRU by RIA, negative by EIA).

If the source individual is negative for HBsAg and the worker has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized. (1987 Code, § 1-809, as added by ord. No. 92-4, § III)

**4-410. Human immunodeficiency virus post-exposure management.** For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within 12 weeks after the exposure. Such an illness, particularly one characterized by fever, rash, or lymphadenopathy, may be indicative of recent HIV infection.

Following the initial test at the time of exposure, seronegative workers should be retested 6 weeks, 12 weeks, and 6 months after exposure to determine whether transmission has occurred. During this follow-up period, (especially the first 6 - 12 weeks after exposure) exposed workers should follow the U.S. Public Health service recommendation for preventing transmission of HIV. These include refraining from blood donations and using appropriate protection during sexual intercourse. During all phases of follow-up, it is vital that worker confidentiality be protected.

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing 12 weeks later may be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the city to all workers who may be concerned they have been infected with HIV through an occupational exposure. (1987 Code, § 1-810, as added by ord. No. 92-4, § III)

**4-411. Disability benefits.** Entitlement to disability benefits and other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker's Compensations Bureau in accordance with the provisions of Tennessee Code Annotated, § 50-6-303. (1987 Code, § 1-811, as added by ord. No. 92-4, § III)

**4-412. Training regular employees.** On an annual basis, all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or body fluids. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (1987 Code, § 1-812, as added by ord. No. 92-4, IV)

**4-413. Training high risk employees.** In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal, protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated material as per this policy. (1987 Code, § 1-813, as added by ord. No. 92-4, § IV)

**4-414. Training new employees.** During the new employee's orientation to his/her job, all new employees will be trained on the effects of infectious disease prior to putting them to work. (1987 Code, § 1-814, as added by ord. No. 92-4, § IV)

**4-415. Records and reports.** (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintained on the OSHA-300 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-300.

(2) Needle sticks. Needle sticks, like any other puncture wound, are considered injuries for recordkeeping purposes due to the instantaneous nature of the event. Therefore, any needle stick requiring medical treatment (i.e. gamma globulin, hepatitis B immune globulin, hepatitis B vaccine, etc...) shall be recorded.

(3) Prescription medication. Likewise, the use of prescription medication (beyond a single dose for minor injury or discomfort) is considered medical treatment. Since these types of treatment are considered necessary, and must be administered by physician or licensed medical personnel, such injuries cannot be considered minor and must be reported.

(4) Employee interviews. Should the city be inspected by the U.S. Department of Labor Office of Health Compliance, the Compliance Safety and Health Officer may wish to interview employees. Employees are expected to cooperate fully with the Compliance Officers. (1987 Code, § 1-815, as added by ord. No. 92-4, § V, as amended by Ord. #2002-7, June 2002)

**4-416. Legal rights of victims of communicable diseases.** Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

(1) Officers assume that a certain degree of risk exists in law enforcement and emergency service work and accept those risks with their individual appointments. This holds true with any potential risks of contacting a communicable disease as surely as it does with the risks of confronting an armed criminal.

(2) Any officer who refuses to take proper action in regard to victims of a communicable disease, when appropriate protective equipment is available, shall be subject to disciplinary measures along with civil and/or criminal prosecution.

(3) Whenever an officer mentions in a report that an individual has or may have a communicable disease, he shall write "contains confidential medical information" across the top margin of the first page of the report.

(4) The officer's supervisor shall ensure that the above statement is on all reports requiring that statement at the time the report is reviewed and initiated by the supervisor.

(5) The supervisor disseminating newspaper releases shall make certain the confidential information is not given out to the news media.

(6) All requests (including subpoenas) for copies of reports marked "contains confidential medical information" shall be referred to the city attorney when the incident involves an indictable or juvenile offense.

(7) Prior approval shall be obtained from the city attorney before advising a victim of sexual assault that the suspect has, or is suspected of having a communicable disease.

(8) All circumstance, not covered in this policy, that may arise concerning releasing confidential information regarding a victim, or suspected victim, of a communicable disease shall be referred directly to the appropriate department head or city attorney.

(9) Victims of a communicable disease and their families have a right to conduct their lives without fear of discrimination. An employee shall not make public, directly or indirectly, the identity of a victim or suspected victim of a communicable disease.

(10) Whenever an employee finds it necessary to notify another employee, police officer, firefighter, emergency service officer, or health care provider that a victim has or is suspected of having a communicable disease, that information shall be conveyed in a dignified, discrete and confidential manner. The person to whom the information is being conveyed should be reminded that the information is confidential and that it should not be treated as public information.

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil and/or criminal prosecution. (1987 Code, § 1-816, as added by ord. No. 92-4, § VI)

## CHAPTER 5

### TRAVEL REIMBURSEMENT REGULATIONS

#### SECTION

- 4-501. Purpose.
- 4-502. Enforcement.
- 4-503. Travel policy.
- 4-504. Travel reimbursement rate schedule.
- 4-505. Administrative procedures.

**4-501. Purpose.** The purpose of this chapter and referenced regulations is to bring the city into compliance with Public Acts 1993, Chapter 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."

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. (1987 Code, § 1-901, as added by Ord. #93-2, July 1993)

**4-502. Enforcement.** The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (1987 Code, § 1-902, as added by Ord. #93-2, July 1993)

**4-503. Travel policy.** (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" 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 city. Reimbursement 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 town 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:

- Directly related to the conduct of the city business for which travel was authorized, and
- 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 reimbursement 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. (1987 Code, § 1-903, as added by Ord. #93-2, July 1993)

**4-504. 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. This and all other travel related expenditures shall be reimbursed according to the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993.

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. (1987 Code, § 1-904, as added by Ord. #93-2, July 1993, and amended by Ord. #96-2, May 1996, and Ord. #2009-1, March 2009)

**4-505. Administrative procedures.** The city adopts and incorporates by reference - except as may appear 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 manager. (1987 Code, § 1-905, as added by Ord. #93-2, July 1993, and amended by Ord. #96-2, May 1996)

## CHAPTER 6

### EDUCATIONAL ASSISTANCE PROGRAM

#### SECTION

- 4-601. Administration.
- 4-602. Requirements.
- 4-603. Eligibility.
- 4-604. Reimbursement for eligible employees (other than the city manager).
- 4-605. Reimbursement for the city manager.
- 4-606. Budget.
- 4-607. Level of reimbursement.
- 4-608. Repayment.
- 4-609. Qualified educational assistance.
- 4-610. Other program requirements.
- 4-611. Exceptions.
- 4-612. Program year.
- 4-613. Contributions.
- 4-614. Termination of program.
- 4-615. Notification.

**4-601. Administration.** The program shall be administered by the city manager in the case of all employees other than the city manager, and by the mayor in the case of the city manager (the "program administrator"). The program administrator, or his or her designated representative, is authorized and empowered to issue uniform rules and adopt forms to be used in carrying out the purposes of the program. The program administrator, in his or her sole and absolute discretion, shall determine all questions arising out of or related to the interpretation of the terms and conditions of the program. (as added by Ord. #2002-10, Oct. 2002)

**4-602. Requirements.** Educational assistance will be provided for courses of study that are

- (1) Pertinent to the employee's functions or skills in performing his or her duties with the city; and
- (2) Determined by the program administrator to be appropriate for the employee and for reimbursement. (as added by Ord. #2002-10, Oct. 2002)

**4-603. Eligibility.** All employees of the city are eligible to participate in the program if:

- (1) They are classified as being employed on a full-time basis;
- (2) They have completed two full years of service with the City;
- (3) Their most recent performance review resulted in a rating of satisfactory or above;

(4) They are not receiving any reimbursement for qualified educational assistance (defined below) from any other sources; and

(5) They meet the educational, professional, and other prerequisites established for the course of study in question by the applicable educational institution. (as added by Ord. #2002-10, Oct. 2002)

**4-604. Reimbursement for eligible employees (other than the city manager).** In order for an eligible employee (other than the city manager) to obtain reimbursement for qualified educational assistance costs, the employee must submit in advance a written request for approval of a proposed course to his or her supervisor on such form(s) as may be required by the city. The supervisor will determine initially whether the course is job-related and provide such determination to the city manager together with a recommendation regarding reimbursement. The city manager, in her capacity as the program administrator, will then determine (in consultation with the supervisor) whether the course is job-related and whether the costs are eligible for reimbursement as qualified educational assistance, and, if these questions are resolved in the affirmative, the proposed course of study will be approved. (as added by Ord. #2002-10, Oct. 2002)

**4-605. Reimbursement for the city manager.** In order for the city manager to obtain a reimbursement for qualified educational assistance costs, the city manager must submit a written request for approval in advance of a proposed course to the mayor on such form(s) as may be required by the city. The mayor, acting in this instance as the program administrator, will determine whether the course is job-related and whether the costs are eligible for reimbursement as qualified educational assistance. If these questions are resolved in the affirmative, the proposed course of study will be approved. (as added by Ord. #2002-10, Oct. 2002)

**4-606. Budget.** Qualified educational assistance must come from the department's current operating budget for training. (as added by Ord. #2002-10, Oct. 2002)

**4-607. Level of reimbursement.** All requests for reimbursement must be accompanied by tuition statements and/or receipts from an accredited educational institution or professional organization along with a copy of the final grade report. Qualified educational assistance costs will be reimbursed upon completion of the pre-approved course based upon the grade received for the course as follows:

(1) For a grade of "A" or "B" (or their equivalent), 100% of reimbursable costs;

(2) For a grade of "C" (or its equivalent), 60% of reimbursable costs.

(3) No reimbursements is provided for a grade lower than "C" (or its equivalent).

(4) For pass/fail courses, the amount of assistance is 75% of reimbursable costs. (as added by Ord. #2002-10, Oct. 2002)

**4-608. Repayment.** If an employee voluntarily separates from the city within one year of receiving educational training or expense reimbursement, the employee shall have 50 percent of the reimbursed amount deducted from his/her final paycheck. As a condition of participation in the program, the employee will be required to consent in writing to such deduction. (as added by Ord. #2002-10, Oct. 2002)

**4-609. Qualified educational assistance.** The following items related to a pre-approved course are reimbursable by the city as qualified educational assistance: tuition, fees, and similar payments, books, supplies, and equipment. However, tools or supplies (other than textbooks) that an employee may retain after the course has ended are not reimbursable under this program. Meals, lodging, and transportation do not in any case constitute qualified educational assistance. Also, qualified educational assistance does not include any payment for, or the provision of, any benefits with respect to, any course or other education involving sports, games, or hobbies unless they are required as part of a degree program. The terms "sports, games, or hobbies" do not include education that instructs employees how to maintain and improve health so long as such education does not involve the use of athletic facilities or equipment and is not recreational in nature. (as added by Ord. #2002-10, Oct. 2002)

**4-610. Other program requirements.** Class attendance and completion of study assignments are to be accomplished outside the employee's regular working hours. It is expected that educational activities will not interfere with the employee's work. If the course schedule interferes with regular work hours, employees must request and be granted an adjustment in work schedule from their supervisor; which request will not be granted if it would pose an undue hardship on the city or other employees. The supervisor has sole discretion in determining whether an adjustment to a work schedule poses an undue hardship; provided that, in the case of any request by the city manager, the mayor will have this discretion. (as added by Ord. #2002-10, Oct. 2002)

**4-611. Exceptions.** Any exceptions to the requirements under this program will be handled on a case-by-case basis with the final decision to be determined by the program administrator. (as added by Ord. #2002-10, Oct. 2002)

**4-612. Program year.** The program year shall mean the 12-month period that ends on December 31 of each year, provided that the initial plan year shall begin on November 1, 2002, and end on December 31, 2002. (as added by Ord. #2002-10, Oct. 2002)

**4-613. Contributions.** Employees are not required or permitted to contribute to the program. (as added by Ord. #2002-10, Oct. 2002)

**4-614. Termination of program.** The city intends to continue the program indefinitely. However, this program shall be subject to termination at any time by the board of commissioners. Any employee enrolled in an approved course at the time of termination shall be reimbursed in accordance with the terms of the program for all qualified education assistance costs incurred to the date of termination. (as added by Ord. #2002-10, Oct. 2002)

**4-615. Notification.** The company shall communicate in writing the terms and conditions of the program to all employees and shall provide each eligible employee receiving educational assistance with a copy of the program. (as added by Ord. #2002-10, Oct. 2002)