

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

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CHAPTER 1

PERSONNEL POLICIES AND PROCEDURES

SECTION

4-101. Personnel rules and regulations.

4-101. Personnel rules and regulations.¹ The city, by ordinance or resolution, may establish a system of personnel rules and regulations.

¹Ord. #2015-003, Personnel Policies and Procedures (and any amendments), is available in the office of the recorder.

CHAPTER 2

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

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4-201. Creation and title. There is hereby created a safety and health program for the employees of the City of Eagleville as follows. This section shall provide authority for establishing and administering the occupational safety and health program for the employees of Eagleville. (2004 Code, § 4-301)

4-202. City's commitments. The City of Eagleville, in electing to establish and maintain an effective occupational safety and health program for its employees, shall:

- (1) Provide a safe and healthful place and condition of employment.
- (2) Acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees.
- (3) Make, keep, preserve, and make available to the state commissioner of labor, his designated representative or persons within the agency to whom such responsibilities have been delegated, adequate records of all occupational accidents and personal injuries for proper evaluation and necessary corrective action as required.
- (4) Consult with the state commissioner of labor or his designated representative with regard to the adequacy of the form and content of records.
- (5) Consult with the state commissioner of labor or the state commissioner of public health, as appropriate, regarding safety and health problems of the agency which are considered to be unusual or peculiar to the city and are such that they cannot be achieved under a standard promulgated by the state.

(6) Make an annual report to the state commissioner of labor to show accomplishments and progress of the total occupational safety and health program.

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

(8) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (2004 Code, § 4-302)

4-203. Definitions. For the purpose of the program established pursuant to this chapter, the following definitions shall apply:

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

(2) "Commissioner of labor" means the chief executive officer of Tennessee Department of Labor. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the commissioner of labor.

(3) "Commissioner of public health" means the chief executive officer of the Tennessee Department of Health. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the commissioner of public health.

(4) "Director of safety and health" means the city manager designated by the city to perform duties or to exercise powers assigned so as to plan, develop, and administer the city's safety and health program.

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

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

(7) "Employer" means the city, and shall include each administrative department, commission, board, division, or other agency of the city.

(8) "Establishment or workplace" means a single physical location where business is conducted or where services or industrial operations are performed.

(9) "Inspector(s)" means the individual(s) appointed and designated by the director of safety and health to conduct inspections provided for herein. If

no such compliance inspector(s) is appointed, the inspections shall be conducted by the director of safety and health.

(10) "Person" means one (1) or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(11) "Standard" means an occupational safety and health standard promulgated by the Tennessee State Commissioner of Labor or the state commissioner of public health which requires conditions or the adoption or the use of one (1) or more practices, means, methods, operations, or processes necessary or appropriate to provide safe and healthful employment and places of employment. (2004 Code, § 4-303, modified)

4-204. Coverage. The provisions of the program shall apply to employees of each administrative department, commission, board, division, or other agency of the city. (2004 Code, § 4-304)

4-205. Employer's rights and duties. Rights and duties of the employer shall include, but are not limited to, the following provisions:

(1) Employer shall furnish to each of his employees conditions of employment and a place of employment free from known and recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

(2) Employer shall comply with occupational safety and health standards or regulations promulgated pursuant to the State Occupational Safety and Health Act of 1972.

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

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

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

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

(7) Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard of corrective action being taken by the city. (2004 Code, § 4-305)

4-206. Employees' rights and duties. Rights and duties of employees shall include, but are not limited to, the following provisions:

(1) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

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

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

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

(5) Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and the corrective action being taken.

(6) Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection.

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

(8) Nothing in this section or any other provision of this program shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others, and except when such medical examination is reasonably required for performance of a specified job. (2004 Code, § 4-306)

4-207. Standards authorized. The standards adopted by the City of Eagleville are the State of Tennessee safety and health standards developed under section 6 of the state Occupational Safety and Health Act of 1972.¹ (2004 Code, § 4-307)

4-208. Variances from standards authorized. The City of Eagleville may upon written application to the state commissioner of labor or the state commissioner of public health request an order granting a temporary variance from any approved standards. Prior to requesting such temporary variance, the

¹State law reference

Tennessee Code Annotated, title 50, chapter 3.

employer shall notify or serve notice to employees or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the city shall be deemed sufficient notice to employees. (2004 Code, § 4-308)

4-209. Abatement. The program will provide for administrative procedures for abating hazard. (2004 Code, § 4-309)

4-210. Inspection. (1) In order to carry out the purpose of this program resolution, the safety and health inspectors are authorized:

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

(b) To inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.

(2) The City of Eagleville shall establish and maintain a system for collecting, maintaining, and reporting safety and health data.

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

(4) After the provisions of this chapter have been enacted, the City of Eagleville shall report within forty-eight (48) hours, either orally or in writing, to the commissioner of labor any accident which is fatal to one (1) or more employees or which results in the hospitalization of five (5) or more employees. (2004 Code, § 4-310)

4-211. Administration. For the purposes of this chapter, the city manager or his designee is authorized to perform all duties and exercise all powers to plan, develop, and administer the city's occupational safety and health program.

4-212. Funding the program. Sufficient funds for administering the program pursuant to this chapter shall be made available as authorized by the budgeting authority. (2004 Code, § 4-312)

4-213. Compliance with other laws, etc., no excuse for noncompliance with program and vice versa. (1) Compliance with other law, statute, or city ordinance which regulates safety and health in employment and places of employment shall not excuse the city, any city employee, or any other person from compliance with the provisions of this program.

(2) Compliance with any provisions of this program pursuant to this chapter or any standard or regulation promulgated pursuant to this program shall not excuse the city, any city employee, or any other person from compliance with any state law or city ordinance regulating and promoting safety and health unless such law or ordinance is specifically repealed. (2004 Code, § 4-313)

CHAPTER 3

INFECTIOUS DISEASE CONTROL POLICY

SECTION

- 4-301. Purpose.
- 4-302. Coverage.
- 4-303. Administration.
- 4-304. Definitions.
- 4-305. Policy statement.
- 4-306. General guidelines.
- 4-307. Hepatitis B vaccinations.
- 4-308. Reporting potential exposure.
- 4-309. Hepatitis B virus post-exposure management.
- 4-310. Human immunodeficiency virus post-exposure management.
- 4-311. Disability benefits.
- 4-312. Training regular employees.
- 4-313. Training high risk employees.
- 4-314. Training new employees.
- 4-315. Records and reports.
- 4-316. Legal rights of victims of communicable diseases.

4-301. Purpose. It is the responsibility of the City of Eagleville 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 Eagleville, 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).

4-302. 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 employee deemed to be at high risk per this policy and an exposure determination.

4-303. Administration. This infection control policy shall be administered by the city manager or his/her designated representative who shall have the following duties and responsibilities:

- (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 other potentially infectious materials;
- (3) Maintain records of all employees and incidents subject to the provisions of this 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 city council any amendments or changes to the infection control policy;
- (7) Identify any and all housekeeping operations involving substantial risk of direct exposure to potentially infectious materials 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 city council.

4-304. Definitions. (1) "Body fluids" - 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 potentially infectious materials 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 potentially infectious materials to be protected as though such body fluid were HBV or HIV infected.

4-305. Policy statement. All blood and other potentially infectious materials are infectious for several blood-borne pathogens. Some body fluids can also transmit infections. For this reason, the Centers 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 potentially infectious materials. 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.

4-306. 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 other potentially infectious materials 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 other potentially infectious materials 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 other potentially infectious materials 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. Employees 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 victim's blood and blood contaminated saliva, respiratory secretion, and vomitus, are available to all personnel to 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 potentially infectious materials 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 potentially infectious materials.

(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 a least thirty (30) seconds. A solution must be changed and re-mixed every twenty-four (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 one hundred twenty degrees (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 shall be properly disposed of.

(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 feet (5') 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 blood or other potentially infectious materials 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 transported 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 potentially infectious materials.

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up.

4-307. Hepatitis B vaccinations. The City of Eagleville shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and 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.

4-308. 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.

4-309. 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 (ie., 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.

4-310. 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 twelve (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 six (6) weeks, twelve (12) weeks, and six (6) months after exposure to determine whether transmission has occurred. During this follow-up period (especially the first six to twelve (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 twelve (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.

4-311. Disability benefits. Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Workers' Compensation Bureau in accordance with the provisions of Tennessee Code Annotated, § 50-6-303.

4-312. 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 potentially infectious materials. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents.

4-313. 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.

4-314. Training new employees. During the new employee's orientation to his/her job, all new employee will be trained on the effects of infectious disease prior to putting them to work.

4-315. 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-200 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-200.

(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.

4-316. 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.

CHAPTER 4**TRAVEL REIMBURSEMENT REGULATIONS****SECTION**

4-401. Travel policy.

4-401. Travel policy. (1) The city will reimburse officials and employees of the city, including members of the city council and members of municipal boards and committees appointed by the mayor or city council, for travel and expenses incurred while on official business for the city in accordance with the adopted Eagleville Travel Policy.

(2) Any reimbursement of travel and expenses shall be subject to and in accordance with the travel policy.

(3) The city manager or his designee shall prescribe forms on which travel expenses will be reported, shall examine such travel expense report to determine if all expenses so listed as reimbursable are legally reimbursable expenditures within the travel policy, and, if such listed expenses are reimbursable, to cause such reimbursement to be paid to the traveler.

CHAPTER 5

DEFENSE AND INDEMNIFICATION OF CITY OFFICIALS AND EMPLOYEES

SECTION

- 4-501. Definitions.
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- 4-503. Exclusions - determination of representation.
- 4-504. Payment of claims - conditions of representation.
- 4-505. Refusal to cooperate.
- 4-506. Conflict with provisions of insurance policies.
- 4-507. Pending claims.
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4-501. Definitions. For the purpose of this chapter, the following words shall have the following meanings unless the context indicates otherwise:

(1) "Claim" means a claim, civil action or proceeding filed against such official or employee, in his or her official or individual capacity or both, on account of an act or omission arising out of the scope of his or her employment as an official or employee of the city.

(2) "Employee" means any person who is or has been employed in the service of the city.

(3) "Official" means any person who is serving or has been served as an elected or appointed city officer and any person who is serving or has served as an appointed member of any city board, commission, agency or committee. (2004 Code, § 4-601)

4-502. Legal representation. Subject to the conditions and requirements of this chapter, the city shall, upon request of any present or former official or employee, provide to the official or employee such legal representation as may be reasonably necessary to defend any claim filed against the official or employee, arising out of the performance, purported performance or failure of performance, in good faith, of duties for or employment with the city. This legal representation shall be provided by the city attorney or the city attorney's designee, except as may be provided under an insurance policy or self insurance or joint insurance program and subject to the terms of the city attorney's employment agreement with the city. (2004 Code, § 4-602)

4-503. Exclusions - determination of representation. This chapter shall not apply to any dishonest, fraudulent, willful misconduct, criminal or malicious act of the person requesting defense and indemnification, to any act outside the scope of service or employment, to any lawsuit brought by or on behalf of the city, to any matter which would create a conflict of interest

between the city and the person or persons involved, or to any accident, occurrence or circumstance in which the city or an official or employee is insured against loss or damages under the terms of a city insurance policy or self insurance or a joint insurance program.

The city attorney or his designee shall determine whether an official or employee was performing duties for or employment with the city in good faith, and whether an official or employee committed a dishonest, fraudulent, criminal or malicious act. The official or employee may appeal such determination to the city council. (2004 Code, § 4-603)

4-504. Payment of claims - conditions of representation. At the request of an official or employee, the city attorney, his designee or other attorney or attorneys hired as an independent contractor to handle the matter shall investigate and defend a claim which is covered by this chapter. If that claim is deemed by the city attorney, his designee or other attorney or attorneys hired as an independent contractor to handle the matter, to be a proper claim against the official or employee, the claim shall be paid by the city as long as the following requirements are met.

(1) As soon as practicable after receipt of notice of a claim, the official or employee shall give the city attorney written notice of the claim, specifying the names of the officials or employees involved, the date, time, place and circumstances surrounding the incident or conduct giving rise to the claim, the names and addresses of all persons allegedly injured, the names and addresses of owners of allegedly damaged property, and the names and addresses of all witnesses.

(2) The official or employee shall cooperate with the city attorney, his designee or other attorney or attorneys hired as an independent contractor to handle the matter, and, upon request, shall assist in making settlements of any lawsuits and in enforcing any claim for subrogation against any persons or organizations that may be liable to the city because of any damages or losses arising from the incident or conduct.

(3) The official or employee shall attend interviews, depositions, hearings and trials as requested, and assist in securing and giving evidence and obtaining the attendance of witnesses.

If the city attorney, his designee or other attorney or attorneys hired as an independent contractor to handle the matter, determines that a claim against an official or employee is not covered by this chapter and a court of competent jurisdiction, in a final judgment, finds that the claim is covered by this chapter, the city shall pay the claim and reasonable attorney's fees. (2004 Code, § 4-604)

4-505. Refusal to cooperate. If any official or employee fails or refuses to meet the requirements of § 4-504 herein or elects to provide his or her own representation on any claim, this chapter shall be inapplicable and of no force and effect with respect to that claim. (2004 Code, § 4-605)

4-506. Conflict with provisions of insurance policies. Nothing contained in this chapter shall be construed to modify or amend any provision of any insurance policy or any coverage through a self insurance or joint insurance program. If there is a conflict between this chapter and the provisions of any such policies or coverage, the provisions of any such policies or coverage shall control. (2004 Code, § 4-606)

4-507. Pending claims. This chapter shall apply to any pending claim against an official or employee and to any claim hereafter filed irrespective of the date of the events or circumstances giving rise to the claim. (2004 Code, § 4-607)

4-508. Other indemnification. In any other action or proceeding, including proceeding which took place before the passage of this chapter, the city may provide for the defense or pay the defense costs of a present or former city official, if the city attorney determines that such representation or defense costs were incurred while the official or employee was performing, purporting to perform or failing to perform, in good faith, duties for or employment with the city and such actions or failure to act did not fall under the exclusions of § 4-503 of this chapter. Such past costs may be paid only on presentation of canceled checks drawn on the account of the official. (2004 Code, § 4-608)