

TITLE 4

MUNICIPAL PERSONNEL

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CHAPTER 1

SOCIAL SECURITY

SECTION

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4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this city to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1988 Code, § 1-601)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1988 Code, § 1-602)

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. (1988 Code, § 1-603)

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. (1988 Code, § 1-604)

4-105. Records and reports to be made. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1988 Code, § 1-605)

4-106. Exemption from coverage. There is hereby exempted from this chapter any authority to make any agreement with respect to any position, any employee or official not authorized to be covered by applicable state and federal laws or regulations. (1988 Code, § 1-606)

CHAPTER 2

PERSONNEL POLICY

SECTION

- 4-201. Purpose, at-will status, coverage.
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- 4-206. State and federal personnel mandates.
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- 4-208. Dismissal.
- 4-209. Policy changes.

4-201. Purpose, at-will status, coverage. (1) Purpose. The purpose of this chapter is to establish a system of personnel administration in the City of Madisonville, Tennessee.

(2) At-will employer. The City of Madisonville, Tennessee is an at-will employer. Nothing in this chapter may be construed as creating a property right or contract right to any job for any employee.¹

(3) Coverage. The following personnel are not covered by this policy, unless otherwise provided:

- (a) All elected officials.
- (b) Members of appointed boards and commissions.
- (c) Consultants, advisors, risk management advisor, and legal counsel rendering temporary professional service.
- (d) The city attorney.
- (e) Independent contractors and/or contract employees.
- (f) Volunteer personnel.
- (g) The city judge.

All other employees of the City of Madisonville's municipal government are covered by this personnel policy.

4-202. Definitions--employees. (1) Full-time. Full-time employees are individuals employed by the City of Madisonville who normally work 30 hours per week.

(2) Part-time. Part-time employees are individuals who may not work on a daily basis or work on a daily basis fewer than 8 hours a day and may work fewer than 30 hours per week or who are temporary and/or seasonal employees.

¹State law reference

Tennessee Code Annotated, § 6-54-123.

The benefits set out in this policy are intended to apply only to full-time employees. These rules and regulations are not intended to establish paid leave of any kind for part-time employees.

4-203. Hiring procedures. (1) Policy statement. The primary objective of this hiring policy is to insure compliance with the law and to obtain qualified personnel to serve the citizens of the City of Madisonville. The City of Madisonville shall make reasonable accommodations in all hiring procedures for all persons with disabilities.

(2) Application. All persons seeking appointment or employment with the City of Madisonville must complete a standard application form provided by the municipal government. Applications for employment shall be accepted in the city recorder's office during regular office hours only. Applications will remain on active status for six (6) months after accepted or until the job for which the application is submitted is filled, whichever period of time is less.

(3) Interviews. All appointments will be preceded by an interview with the department head and/or the alderman in charge of that department.

(4) Pre-appointment exams. For certain positions, the employee may be required to undergo a validated physical agility examination related to the essential functions of the job, validated written and/or oral tests related to the essential functions of the job, drug testing, and, upon a conditional offer of employment, a medical examination to determine the employee's ability to perform the essential functions of the job. Reasonable accommodations shall be made in the physical agility exam for applicants with disabilities making a request for accommodations.

(5) Appointments, etc. All appointments shall be made in accordance with lawful provisions of the City of Madisonville's charter. The City of Madisonville is an equal employment opportunity employer.

4-204. Benefits. (1) Holidays. (a) Except and in addition to such other holidays as may be from time to time declared by the city council, the following days shall be official holidays for full-time employees of the City of Madisonville:

- | | | |
|--------|-------------------------|-----------------------------|
| (i) | New Year's Day | January 1 st |
| (ii) | Martin Luther King Day | Third Monday in January |
| (iii) | Good Friday | Friday before Easter Sunday |
| (iv) | Memorial Day | Last Monday in May |
| (v) | Independence Day | July 4 th |
| (vi) | Labor Day | First Monday in September |
| (vii) | Veteran's Day | November 11 |
| (viii) | Thanksgiving Day | Fourth Thursday in November |
| (ix) | Fri. after Thanksgiving | Fourth Friday in November |
| (x) | Christmas Eve | December 24 |

- (xi) Christmas Day December 25
- (xii) Day after Christmas December 26
- (xiii) Employee's Birthday When it occurs

(b) When a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday, and when a holiday falls on a Sunday, the following Monday shall be observed as the holiday.

(c) All full-time employees of the City of Madisonville shall be compensated for any holiday granted in this chapter or otherwise designated by the city council by receiving eight (8) hours of (bonus) pay for each of the above holidays whether on duty or not. However, in the interest of continuing essential municipal services, any city employee may be required to work on any holiday. Working on any holiday is a condition of employment for all city employees. Employees who are required to work on any holiday shall be paid at a rate of pay that is dependent on their total time worked during that pay period.

(d) No employee shall be authorized to work on a holiday without the prior command or approval of the head of the department for whom the employee works. However, the city council may from time to time prescribe such other rules, regulations and limitations on overtime work as it desires.

(e) Any employee who is absent without leave on any working day immediately preceding or immediately following any holiday shall not be entitled to be paid for such holiday.

(2) Vacation leave. (a) All full-time employees of the City of Madisonville shall accrue vacation leave upon the completion of each calendar year of service. Vacation leave will begin to accrue as of the first full month of employment, but cannot be taken until the employee has completed twelve full months of employment. As the number of years of service increases, the amount of leave granted increases and may accumulate to the maximum accrual as shown in the table below:

Years of Service	Annual Vacation Leave Time
1 year	5 working days
2 years	10 working days
5 years and over	15 working days

For vacation leave purposes, the term "working day" as it applies herein shall be computed on an eight (8) hours basis.

Vacation leave exceeding the maximum accrual limit of thirty (30) days shall be forfeited.

Vacation leave shall be taken at a time approved by the employee's supervisor. Upon separation, employees are entitled to be reimbursed for any unused vacation leave, not to exceed the maximum accrual allowed for the years of service completed.

(3) Sick leave. All full-time employees shall accumulate eight (8) hours of sick leave with pay for each month of work completed for the City of Madisonville. Sick leave shall be considered a benefit and privilege and not a right for employees to use at their discretion. Employees shall, therefore, utilize their accumulated sick leave allowance for absences due to personal illness or physical incapacity, personal illness or physical incapacity within the immediate family of the employee. Sick leave may be granted for any of the following reasons:

(a) Personal illness or physical incapacity resulting from causes beyond the employee's control.

(b) Exposure to contagious disease so that employee's presence at work might jeopardize the health of other employees.

(c) Medical, dental, optical or other professional treatments or examinations.

(d) Acute illness of a member of the employee's immediate family (i.e., spouse, parents, children).

Employees will be compensated at the end of the calendar year for all unused sick leave. Unused sick leave hours will be computed and checks will be issued during the month of December of each year. The rate of compensation will be the employee's regular rate of pay at the time checks are issued. Employees shall be paid for unused sick leave upon the employee's termination, resignation, or retirement.

(4) Bereavement leave. In the case of the death in the employee's immediate family, the employee will be given up to three (3) working days paid leave which will not be charged to vacation time. Immediate family shall be defined as spouse, parent, child, brother, sister, mother-in-law, father-in-law, grandparent or grandchild of the employee and legal guardian or dependents. Any extended family member of the employee, i.e., aunt, uncle, cousin, etc., shall be given one (1) working day paid leave.

(5) Leave without pay. A regular or part-time employee who is in good standing may be granted a leave without pay for a period not to exceed ninety (90) calendar days in any one calendar year upon the approval of the City of Madisonville's Board of Aldermen.

4-205. Grievance policy. The purpose of this section is to prescribe uniform disposition procedures of grievances presented by individual employees. A grievance is a written question, disagreement, or misunderstanding concerning administrative orders involving only the employee's work area, reasonable accommodations under Americans with Disabilities Act, physical

facilities, unsafe equipment, or unsafe material used. The grievance must be submitted within five (5) working days of the incident causing the grievance.

Employees must remember that there is no grievance until the department head or other appropriate person has been made aware of the dissatisfaction by written notice. Once this is done, the following steps are to be taken:

- Step 1. Discuss the problem with the immediate supervisor. If satisfaction is not obtained, the grievance is advanced to the second step.
- Step 2. Discuss the problem with the appropriate department head. If the grievance is not resolved, it is advanced to the third step along with all documentation.
- Step 3. Discuss the problem with the alderman and department head for the department. The alderman and department head's decision is the last and final step in the process. The decision of the alderman and department head is final and binding to all parties involved.

4-206. State and federal personnel mandates. (1) Discrimination prohibited. The City of Madisonville is an equal opportunity employer. Except as otherwise permitted by law, the City of Madisonville will not discharge or fail or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, religion, gender, or national origin, or because the individual is forty (40) or more years of age. The municipality will not discriminate against a qualified individual with a disability because of the disability in regard to job application procedures, hiring or discharge, employee compensation, job training, or other terms, conditions, and privileges of employment. (Title VII of Civil Rights Act of 1964-42 U.S.C. §§ 2000e-2000e-15; Equal Pay Act of 1963-29 U.S.C. § 206(d); Age Discrimination in Employment Act - 29 U.S.C. §§ 621 et seq.; Americans With Disabilities Act - 42 U.S.C. §§ 506 et seq.)

(2) Sexual harassment prohibited. Sexual harassment by any employee or elected or appointed official of the City of Madisonville will not be tolerated. Sexual harassment is unwanted sexual conduct, or conduct based upon sex, by an employee's supervisor(s) or fellow employees or others at the work place that creates a hostile work environment, makes decisions contingent on sexual favors, or adversely affects an employee's job performance. Examples of conduct that may constitute sexual harassment are: sexual advances, requests for sexual favors, propositions, physical touching, sexually provocative language, sexual jokes, and display of sexually-oriented pictures or photographs.

Any employee who believes that he or she has been subjected to sexual harassment should immediately report this to the supervisor, department head,

or alderman for their department. Within the limits of the Tennessee Open Records Law, the City of Madisonville will handle the matter with as much confidentiality as possible. There will be no retaliation against an employee who makes a claim of sexual harassment or who is a witness to the harassment.

The City of Madisonville will conduct an immediate investigation in an attempt to determine all the facts concerning the alleged harassment. If the City of Madisonville determines that sexual harassment has occurred, corrective action will be taken. The City of Madisonville will attempt to make the corrective action reflect the severity of the conduct. If it is determined that no harassment has occurred, this will be communicated to the employee who made the complaint, along with the reasons for the determination.

(3) Occupational safety and health. The City of Madisonville shall provide job safety and health protection for all employees in accordance with the Occupation Safety and Health Administration (OSHA) Legislation (29 U.S.C. §§ 656 *et seq.*) and the Tennessee OSHA Law. (Tennessee Code Annotated, § 50-3-101, *et seq.*)

(4) Overtime compensation. The Fair Labor Standards Act (FLSA) shall govern the overtime compensation of the City of Madisonville employees (29 CFR §§ 553.1 *et seq.*).

(5) Military leave/veteran's re-employment. All employees who are members of reserve components of the armed forces, including the National Guard, are entitled to leave while engaged in "duty or training in the service of this state, or of the United States, under competent orders," and they must be given such leave with pay not exceeding 15 working days in any one calendar year. Also, any employee of the City of Madisonville who leaves his/her job, voluntarily or involuntarily, to enter active duty in the armed forces may return to the job in accordance with Veteran's Re-employment Rights (38 U.S.C. § 202-2016) and the Tennessee Military Leave Act, Tennessee Code Annotated, § 8-33-101, *et seq.*

(6) Family and medical leave. If the municipality has 50 or more employees on the payroll an eligible employee (one who has been employed at least 12 months and worked at least 1250 hours in the preceding 12 months) will be provided 12 calendar weeks of unpaid leave for medical conditions of the employee or his/her family members in accordance with the Family and Medical Leave Act (P.L. 103-3).

(7) Commercial driver's license. All employees that drive

(a) A vehicle with a gross weight of more than 26,000 pounds;
 (b) A trailer with a gross weight of more than 10,000 pounds;
 (c) A vehicle designed to transport more than 15 passengers, including the driver; and

(d) Any size vehicle hauling hazardous waste requiring placards are required to have a Tennessee Commercial Driver's License in accordance with Tennessee Code Annotated, § 55-50-10, *et seq.* Fire

truck, police vehicle, and emergency medical vehicle operators are exempt from the CDL requirements.

(8) Employee drug testing. All employees in safety-sensitive positions (such as gas employees, equipment/vehicle operators that require a commercial driver's license, etc.) are subject to alcohol and drug testing in accordance with the Department of Transportation (DOT) Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143, Title V) and the Natural Gas Pipeline Safety Act (49 CFR Part 199). Other employees may be subject to drug testing in accordance with the drug testing policy of the City of Madisonville. The City of Madisonville's procedures for drug testing can be found in Ordinance/Resolution number 6-98-C, March 5, 2001.

(9) Residence requirements. No person "currently employed" by the City of Madisonville can be dismissed or penalized "solely on the basis of non-residence." Tennessee Code Annotated, § 8-50-107. However, all future employees shall be required to live within a five-mile radius of the City of Madisonville.

(10) Employee right to contact elected officials. No employee shall be disciplined or discriminated against for communicating with an electing official. However an employee may be reprimanded for making untrue allegations concerning any job-related matter. Tennessee Code Annotated, §§ 8-50-601 through 8-50-604.

(11) Civil leave. Civil leave with pay shall be granted to employees for the following reasons:

(a) Jury duty. Tennessee Code Annotated, § 22-4-108.

(b) To answer a subpoena to testify for the municipality.

(12) Voting. When elections are held in the state, leave for the purpose of voting, if requested, shall be in accordance with Tennessee Code Annotated, § 2-1-106.

(13) Political activity. Employees have the same rights as other citizens to be a candidate for state or local political office (except for membership on the municipal governing body) and to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. No employee may campaign on municipal time or in municipal uniform nor use municipal equipment or supplies in any campaign or election. Tennessee Code Annotated, § 7-1-1501.

(14) Travel policy. All employees, including elected and appointed officials, are required to comply with the municipality's travel policy, ordinance number 02-12-96, as required by Tennessee Code Annotated, § 6-54-901.

4-207. [Repealed.] (as repealed by Ord. #07-114-0, June 2007)

4-208. Dismissal. (1) At-will. Employees may be dismissed for cause, for no cause, or for any cause as long as it does not violate federal and/or state law or the municipal charter.

(2) Name clearing hearing. A name-clearing hearing will be given to any terminated, demoted, or suspended employee that requests one. This hearing will not be conducted to provide an employee any property rights. The purpose of the hearing is solely to let the employee clear his/her name. The request for a hearing must be in writing, addressed to the mayor. The request will be presented at the next regular board meeting if the request is given at least one (1) week before the scheduled meeting. The board has the right to postpone the hearing until the next board meeting at the board's option.

4-209. Policy changes. Nothing in this chapter may be construed as creating a property right or contract right to the job for any employee. The provisions of this personnel policy may be unilaterally changed by ordinance of the governing body from time to time as the need arises.

CHAPTER 3

DRUG AND ALCOHOL TESTING POLICY

SECTION

- 4-301. Purpose.
- 4-302. Scope.
- 4-303. Consent form.
- 4-304. Compliance with substance abuse policy.
- 4-305. General rules.
- 4-306. Drug testing.
- 4-307. Prohibited drugs.
- 4-308. Drug testing collection procedures.
- 4-309. Drug testing laboratory standards and procedures.
- 4-310. Reporting and reviewing.
- 4-311. Alcohol testing.
- 4-312. Alcohol testing procedures.
- 4-313. Education and training.
- 4-314. Consequences of a confirmed positive drug and/or alcohol test result and/or verified positive drug and/or alcohol test result.
- 4-315. Voluntary disclosure of drug and/or alcohol use.
- 4-316. Exceptions.
- 4-317. Modification of policy.

4-301. Purpose. The City of Madisonville recognizes that the use and abuse of drugs and alcohol in today's society is a serious problem that may involve the workplace. It is the intent of the City of Madisonville to provide all employees with a safe and secure workplace in which each person can perform his/her duties in an environment that promotes individual health and workplace efficiency. Employees of the City of Madisonville are public employees and must foster the public trust by preserving employee reputation for integrity, honesty, and responsibility.

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the City of Madisonville has adopted this drug and alcohol testing policy effective _____ 2006. This policy complies with the Federal Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol- and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require alcohol and drug testing for persons required to have a commercial driver's license (CDL); division of transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass

transit industries. In the case of this policy, the Omnibus Transportation Employee Testing Act of 1991 is most significant with its additional requirement of using the "spit specimen" approach to drug testing, which provides an extra safeguard for employees. The types of tests required are pre-employment, transfer, reasonable suspicion, post-accident (post-incident), random, return-to-duty, and follow-up.

It is the policy of the City of Madisonville that the use of drugs by its employees and impairment in the workplace due to drugs and/or alcohol are prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to termination of employment. Prohibited and/or illegal conduct includes but is not limited to:

- (1) Being on duty or performing work in or on city property while under the influence of prohibited drugs and/or alcohol.
- (2) Engaging in the manufacture, sale, distribution, use, or unauthorized possession of drugs at any time and of alcohol while on duty or while in or on city property.
- (3) Refusing or failing a drug and/or alcohol test administered under this policy.
- (4) Providing an adulterated, altered, or substituted specimen for testing.
- (5) Use of alcohol within four hours prior to reporting for duty on schedule or use of alcohol while on-call for duty, and
- (6) Use of alcohol or drugs within eight hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures.

This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical, or emotional ability of the employee to safely and efficiently perform his/her duties. It is the employee's responsibility to inform proper supervisory personnel of his/her use of any legally prescribed medication which may impair the employee's ability to perform his/her duties before the employee goes on duty or performs any work.

In order to educate the employees about the dangers of drug and/or alcohol abuse, the city shall sponsor an information and education program for all employees and supervisors. Information will be provided on the signs and symptoms of drug and/or alcohol abuse, the effects of drug and/or alcohol abuse on an individual's health, work, and personal life, the city's policy regarding drugs and/or alcohol; and the availability of counseling. The city recorder has been designated as the municipal official responsible for answering questions regarding this policy and its implementation.

All City of Madisonville property may be subject to inspection at any time without notice. There should be no expectation of privacy in such property. Property includes, but is not limited to, vehicles, desks, containers, files, and lockers. Employee-assigned lockers that are locked by the employee are also

subject to inspection by the employee's supervisor in the presence of the employee after reasonable advance notice to the employee, unless such notice is waived by the city recorder. (Ord. #6-98-C, June 1998, as replaced by Ord. #06-98-13, June 2006)

4-302. Scope. Certain aspects of this policy apply to all full-time, part-time, temporary, and volunteer employees of the City of Madisonville. The policy also applies to applicants for positions requiring a CDL and other safety sensitive positions who have been given a conditional offer of employment from the City of Madisonville. (Ord. #6-98-C, June 1998, as replaced by Ord. #06-98-13, June 2006)

4-303. Consent form. Before a drug and/or alcohol test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the medical review officer (MRO), city recorder, or his/her designee. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the city's drug and alcohol testing policy.

The consent form shall set forth the following information:

- (1) The procedure for confirming and verifying an initial positive test result;
- (2) The consequence of a verified positive test result, and
- (3) The consequences of refusing to undergo a drug and/or alcohol test.

The consent form also provides authorization for certified or licensed attending medical personnel to take and have analyzed appropriate specimens to determine if drugs or alcohol were present in the employee's system. (Ord. #6-98-C, June 1998, as replaced by Ord. #06-98-13, June 2006)

4-304. Compliance with substance abuse policy. Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The submission by an applicant or employee of a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or for termination. (Ord. #6-98-C, June 1998, as replaced by Ord. #06-98-13, June 2006)

4-305. General rules. These are the general rules governing the City of Madisonville's alcohol testing program:

- (1) City employees shall not take or be under the influence of any drugs unless prescribed by the employee's licensed physician. Employees who are required to take prescription and/or over-the-counter medications which may

adversely effect the employee's ability to perform his/her duties in a safe manner shall notify the proper supervisory personnel before the employees go on duty.

(2) City employees are prohibited from engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal drugs at any time and of alcohol while on duty or while in or on city property.

(3) All City of Madisonville property is subject to inspection at any time without notice. There should be no expectation of privacy in or on such property. Property includes, but is not limited to, vehicles, desks, containers, files, and lockers. Employee-assigned lockers that are locked by the employee are also subject to inspection by the employee's supervisor in the presence of the employee after reasonable advance notice to the employee, unless such notice is waived by the city recorder.

(4) Any employee convicted of violating a criminal drug statute shall inform the director of his/her department of such conviction (including pleas of guilty and nolo contendere) within five days of the conviction occurring. Failure to so inform the city subjects the employee to disciplinary action up to and including termination for the first offense. The city will notify the federal contracting officer pursuant to applicable provisions of the Drug-Free Workplace Act and the Omnibus Transportation Employee Testing Act. (Ord. #6-98-C, June 1998, as replaced by Ord. #06-98-13, June 2006)

4-306. Drug testing. Any applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to drug testing under six separate conditions:

(1) Pre-employment. All employment applications for safety sensitive positions who have received a conditional offer of employment with the City of Madisonville must take a drug test before receiving a final offer of employment. Safety sensitive positions include police officers, firefighters, positions requiring a commercial drivers license, public works positions involving the operation of heavy equipment, water/wastewater plant operators, all positions involving the construction and maintenance of electrical lines, teachers and other positions having responsibility for the safety and care of children.

Employees transferring to a "safety sensitive" position, as that term is defined in the preceding paragraph, shall undergo drug testing and/or another position within the city that requires a commercial driver's license (CDL) shall undergo drug.

(2) Post-accident/post-incident testing. Following any workplace accident (incident) determined by supervisory personnel of the City of Madisonville to have resulted in significant property or environmental damage or in significant personal injury, including but not limited to a fatality or human injury requiring inpatient hospitalization, each employee whose performance either contributed to the accident (incident) or cannot be discounted as a

contributing factor to the accident (incident) or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) drug test.

Post-accident (post-incident) testing shall be carried out within 32 hours following the accident (incident). Urine collection for post-accident (post-incident) testing shall be monitored or observed by same-gender collection personnel at the established collection sites.

In instances where post-accident (post-incident) testing is to be performed, the City of Madisonville reserves the right to direct the medical review officer (MRO) to instruct the designated laboratory to perform testing on submitted urine specimens for possible illegal/illegitimate substances.

Any testing for additional substances listed under the Tennessee Drug Control Act of 1989 as amended shall be performed at the urinary cutoff level that is normally used for those specific substances by the laboratory selected.

(a) Post-accident (post-incident) testing for ambulatory employees. Following all workplace accidents (incidents) where drug testing is to be performed, unless otherwise specified by the department head, any affected employees who are ambulatory will be taken by a supervisor or designated personnel of the City of Madisonville to the designated urine specimen collection site within 32 hours following the accident. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to the testing site within 32 hours. No employee shall consume drugs prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in providing specimens for drug testing shall be considered a refusal to cooperate with the substance abuse program of the City of Madisonville and shall result in administrative action up to and including termination of employment.

(b) Post-accident (post-incident) testing for injured employees. Any affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for drug testing by qualified, licensed attending medical personnel and consent to the testing of the specimens. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) of the City of Madisonville appropriate and necessary information or records that would indicate only whether or not specified prohibited drugs (and what amounts) were found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the City of Madisonville or upon hiring following the implementation date.

(3) Testing based on reasonable suspicion. A drug test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of drugs and/or alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used drugs. This belief should be based on recent, physical, behavioral, or performance indicators of possible drug use. One supervisor who has received drug detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the City of Madisonville making a determination to subject any employee to drug testing based on reasonable suspicion shall document their specific reasons and observations in writing to the city recorder within 24 hours of the decision to test and before the results of the urine drug tests are received by the department.

Post-accident (post-incident) urinary testing may be impossible for unconscious, seriously-injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if drugs were present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within 32 hours must be fully documented by the attending medical personnel.

(4) Random testing. Only employees of the City of Madisonville holding safety sensitive positions are subject to random alcohol and drug testing. "Safety sensitive positions" include police officers, firefighters, positions requiring a commercial driver's license, public works equipment operators, water/wastewater plant operators, all positions involving the construction and maintenance of electrical lines, teachers and other positions having responsibility for the safety and care of children. It is the policy of the City of Madisonville to annually random test for drugs at least 50 percent of the total number of drivers possessing or obtaining a commercial driver's license (CDL).

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random urine drug testing and the actual presentation for specimen collection.

Random donor selection dates will be unannounced with unpredictable frequency. Some may be tested more than once each year while others may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to produce a specimen on the date random testing occurs, the City of Madisonville may omit that employee from that random testing or await the employee's return to work.

(5) Return-to-duty and follow-up. Any employee of the City of Madisonville who has violated the prohibited drug conduct standards must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns

to duty. Follow-up testing may be extended for up to 60 months following return to duty.

The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly.

Testing will also be performed on any employee returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing. (Ord. #6-98-C, June 1998, as replaced by Ord. #06-98-13, June 2006)

4-307. Prohibited drugs. All drug results will be reported to the medical review officer (MRO). If verified by the MRO, they will be reported to the city recorder. The following is a list of drugs for which tests will be routinely conducted.

- (1) Amphetamines,
- (2) Marijuana,
- (3) Cocaine,
- (4) Opiates,
- (5) Phencyclidine (PCP),
- (6) Alcohol, and
- (7) Depressants.

The city may test for any additional substances listed under the Tennessee Drug Control Act of 1989. (Ord. #6-98-C, June 1998, as replaced by Ord. #06-98-13, June 2006)

4-308. Drug testing collection procedures. Testing will be accomplished as non-intrusively as possible. Affected employee, except in cases of random testing, will be taken by a supervisor or designated personnel of the City of Madisonville to a drug test collection facility selected by the City of Madisonville, where a urine sample will be taken from the employee in privacy. The urine sample will be immediately sealed by personnel overseeing the specimen collection after first being examined by these personnel for signs of alteration, adulteration, or substitution. The sample will be placed in a secure mailing container. The employee will be asked to complete a chain-of-custody form to accompany the sample to a laboratory selected by the City of Madisonville to perform the analysis on collected urine samples. (Ord. #6-98-C, June 1998, as replaced by Ord. #06-98-13, June 2006)

4-309. Drug testing laboratory standards and procedures. All collected urine samples will be sent to a laboratory that is certified and monitored by the federal Department of Health and Human Services (DHHS).

As specified earlier, in the event of an accident (incident) occurring after regular work hours, the supervisor or designated personnel shall take the employee(s) to the testing site within 32 hours where proper collection procedures will be administered.

The Omnibus Act requires that drug testing procedures include split specimen procedures; each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to the laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of drugs, the employee has 72 hours to request sending the split specimen to another federal Department of Health and Human Services (DHHS) certified laboratory for analysis. The employee will be required to pay for his or her split specimen test(s).

For the employee's protection, the results of the analysis will be confidential except for the testing laboratory. After the MRO has evaluated a positive test result, the employee will be notified, and the MRO will notify the city recorder who will notify the immediate supervisor. (Ord. #6-98-C, June 1998, as replaced by Ord. #06-98-13, June 2006)

4-310. Reporting and reviewing. The City of Madisonville shall designate a medical review officer (MRO) to receive, report, and file testing information transmitted by the laboratory. This person shall be a licensed physician with knowledge of substance abuse disorders.

(1) The laboratory shall report test results only to the designated MRO, who will review them in accordance with accepted guidelines and the procedures adopted by the City of Madisonville.

(2) Reports from the laboratory to the MRO shall be in writing or by fax. The MRO may talk with the employee by telephone upon exchange of acceptable identification.

(3) The testing laboratory, collection site personnel, and MRO shall maintain security over all the testing data and limit access to such information to the following: the respective department head, the city recorder, and the employee.

(4) Neither the City of Madisonville, the laboratory, nor the MRO shall disclose any drug test results to any other person except upon written authorization from the affected employee, unless such results are necessary in the process of resolution of accident (incident) investigations, requested by court order, or required to be released to parties (i.e., DOT, the Tennessee Department of Labor, etc.) having legitimate right-to-know as determined by the city attorney. (Ord. #6-98-C, June 1998, as replaced by Ord. #06-98-13, June 2006)

4-311. Alcohol testing. An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test.

Employees and applicants may be required to submit to alcohol testing under six separate conditions:

(1) Post-accident/post-incident testing. Following any workplace accident (incident) determined by supervisory personnel of the City of

Madisonville to have resulted in significant property or environmental damage or in significant personnel injury, including but not limited to a fatality or human injury requiring in-patient hospitalization, each employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) alcohol test.

Post-accident (post-incident) testing shall be carried out within two hours following the accident (incident).

(a) Post-accident (post-incident) testing for ambulatory employees. Following all workplace accidents (incidents) where alcohol testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the City of Madisonville to the designated breath alcohol test site for a breath alcohol test within two hours following the accident. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to the testing site within two hours. No employee shall consume alcohol prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident (post-incident) testing. An unreasonable delay in appearing for alcohol testing shall be considered a refusal to cooperate with the substance abuse program of the City of Madisonville and shall result in administrative action up to and including termination of employment.

(b) Post-accident (post-incident) testing for injured employees. An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for alcohol testing by qualified, licensed attending medical personnel and consent to specimen testing. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) of the City of Madisonville appropriate and necessary information or records that would indicate only whether or not specified prohibited alcohol (and what amount) was found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the City of Madisonville or upon hiring following the implementation date.

(2) Testing based on reasonable suspicion. An alcohol test is required for each employee where there is a reasonable suspicion to believe the employee is using or is under the influence of alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used alcohol. This belief should be based on recent, physical, behavioral, or performance

indicators of possible alcohol use. One supervisor who has received alcohol detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the City of Madisonville making a determination to subject any employee to alcohol testing based on reasonable suspicion shall document their specific reasons and observations in writing to the city recorder within eight hours of the decision to test and before the results of the tests are received by the department.

(3) Random testing. Only employees of the City of Madisonville holding safety sensitive positions are subject to random alcohol and drug testing. Safety sensitive positions include police officers, firefighters, positions requiring a commercial drivers license, public works equipment operators, water/wastewater plant operators, all positions involving the construction and maintenance of electrical lines, teachers and other positions having responsibility for the safety and care of children. It is the policy of the City of Madisonville to annually random drug test for drugs at least 50 percent of the total number of drivers possessing or obtaining a commercial driver's license (CDL).

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random urine drug testing and the actual presentation of the specimen collection.

Random donor selection dates will be unannounced with unpredictable frequency. Some may be tested more than once a year while others may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to produce a specimen on the date random testing occurs, the City of Madisonville may omit that employee from that random testing and await for the employee's return to work.

(4) Return-to-duty and follow-up. Any employee of the City of Madisonville who has violated the prohibited alcohol conduct standards must submit to a return-to-duty test. Follow-up tests will be unannounced and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly.

Testing will also be performed on any employee returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing. (Ord. #6-98-C, June 1998, as replaced by Ord. #06-98-13, June 2006)

4-312. Alcohol testing procedures. All breath alcohol testing conducted for the City of Madisonville shall be performed using evidential

breath testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA).

Alcohol testing is to be performed by a qualified technician as follows:

(1) Step One: An initial breath alcohol test will be performed using a breath alcohol analysis device approved by the National Highway Traffic Safety Administration (NHTSA). If the measured result is less than 0.02 percent breath alcohol level (BAL), the test shall be considered negative. If the result is greater or equal to 0.04 percent BAL, the result shall be recorded and witnessed, and the test shall proceed to Step Two.

(2) Step Two: Fifteen minutes shall be allowed to pass following the completion of Step One, above. Before the confirmation test or Step Two is administered for each employee, the breath alcohol technician shall insure that the evidential breath testing device registers 0.00 on an air blank. If the reading is greater than 0.00, the breath alcohol technician shall conduct one more air blank. If the reading is greater than 0.00, testing shall not proceed using that instrument; however, testing may proceed on another instrument. Then Step One shall be repeated using a new mouthpiece and either the same or equivalent but different breath analysis device.

The breath alcohol level detected in Step Two shall be recorded and witnessed.

If the lower of the breath alcohol measurements in Step One and Step Two is 0.04 percent or greater, the employee shall be considered to have failed the breath alcohol test. Failure of the breath alcohol test shall result in administrative action by proper officials of the City of Madisonville up to and including termination of employment.

Any breath level found upon analysis to be between 0.02 percent BAL and 0.04 percent BAL shall result in the employee's removal from duty without pay for a minimum of 24 hours. In this situation, the employee must be retested by breath analysis and found to have a BAL of up to 0.02 percent before returning to duty with the City of Madisonville.

All breath alcohol test results shall be recorded by the technician and shall be witnessed by the tested employee and by a supervisory employee of the City of Madisonville, when possible.

The completed breath alcohol test form shall be submitted to the city recorder. (Ord. #6-98-C, June 1998, as replaced by Ord. #06-98-13, June 2006)

4-313. Education and training. (1) Supervisory personnel who will determine reasonable suspicion testing. Training supervisory personnel who will determine whether an employee must be tested based on reasonable cause will include at the minimum two 60-minute periods of training on the specific contemporaneous, physical, behavioral, and performance indicators of both probable drug use and alcohol use. One 60-minute period will be for drugs and one will be for alcohol.

The City of Madisonville will sponsor a drug-free awareness program for all employees.

(2) Distribution of information. The minimal distribution of information for all employees will include the display and distribution of:

(a) Informational material on the effects of drug and alcohol abuse;

(b) An existing community services hotline number, available drug counseling, rehabilitation, and employee assistance programs for employee assistance;

(c) The City of Madisonville policy regarding the use of prohibited drugs and/or alcohol; and

(d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace. (Ord. #6-98-C, June 1998, as replaced by Ord. #06-98-13, June 2006)

4-314. Consequences of a confirmed positive drug and/or alcohol test result and/or verified positive drug and/or alcohol test result. Job applicants will be denied employment with the City of Madisonville if their initial positive pre-employment drug and alcohol test results have been confirmed positive.

If a current employee's positive drug and alcohol test result has been confirmed, the employee is subject to immediate removal from any safety sensitive function and may be subject to disciplinary action up to and including termination. Factors to be considered in determining the appropriate disciplinary response include the employee's work history, length of employment, current work assignment, current job performance, and existence of past disciplinary actions. However, the city reserves the right to allow employees to participate in an education and/or treatment program approved by the city employee assistance program as an alternative to or in addition to disciplinary action. If such a program is offered and accepted by the employee, then the employee must satisfactorily participate in and complete the program as a condition of continued employment.

No disciplinary action may be taken pursuant to this drug policy against employees who voluntarily identify themselves as drug users, obtain counseling and rehabilitation through the city's employee assistance program or other program sanctioned by the city, and thereafter refrain from violating the city's policy on drug and alcohol abuse. However, voluntary identification will not prohibit disciplinary action for the violation of city personnel policy and regulations, nor until it relieve the employee of any requirements for return to duty testing.

Refusing to submit to an alcohol or controlled substances test means that an employee

(1) Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part;

(2) Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part; or

(3) Engages in conduct that clearly obstructs the testing process. In either case the physician or breath alcohol technician shall provide a written statement to the city indicating a refusal to test. (Ord. #6-98-C, June 1998, as replaced by Ord. #06-98-13, June 2006)

4-315. Voluntary disclosure of drug and/or alcohol use. In the event that an employee of the City of Madisonville is dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, the employee should voluntarily discuss his/her problem with the respective department head in private.

Such voluntary desire for help with a substance abuse problem will be honored by the City of Madisonville. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment. Any costs associated with this treatment will be at the employee's expense.

Affected employees of the City of Madisonville are entitled to up to 30 consecutive calendar days for initial substance abuse treatment as follows:

(1) The employee must use all vacation, sick, and compensatory time available.

(2) In the event accumulated vacation, sick, and compensatory time is insufficient to provide the medically prescribed and needed treatment up to a maximum of 30 consecutive calendar days, the employee will be provided paid leave for the difference between the amount of accumulated leave and the number of days prescribed and needed for treatment up to the maximum 30-day treatment period.

Voluntary disclosure must occur before an employee is notified of or otherwise becomes subject to a pending drug and/or alcohol test.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the substance abuse professional (SAP) of the City of Madisonville. The SAP will recommend conditions of reinstatement of the employee that will include after-care and return-to-duty and/or random drug and alcohol testing requirements. The respective department head and City Recorder of the City of Madisonville will consider each case individually and set forth final conditions of reinstatement to active duty. These conditions of reinstatement must be met by the employee. Failure of the employee to complete treatment or follow after-care conditions, or subsequent failure of any

drug or alcohol test under this policy will result in administrative action up to and including termination of employment.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the City of Madisonville. Voluntary disclosure provisions do not apply to applicants. Employees found positive during drug and/or alcohol testing under this policy are subject to administrative action up to and including termination of employment as specified elsewhere in this policy. (Ord. #6-98-C, June 1998, as replaced by Ord. #06-98-13, June 2006)

4-316. Exceptions. This policy does not apply to possession, use, or provision of alcohol and/or drugs by employees in the context of authorized work assignments (i.e., undercover police enforcement, intoxilyzer demonstration). In all such cases, it is the individual employee's responsibility to ensure that job performance is not adversely affected by the possession, use, or provision of alcohol. (Ord. #6-98-C, June 1998, as replaced by Ord. #06-98-13, June 2006)

4-317. Modification of policy. This statement of policy may be revised by the City of Madisonville at any time to comply with applicable federal and state regulations that may be implemented, to comply with judicial rulings, or to meet any changes in the work environment or changes in the drug and alcohol testing policy of the City of Madisonville. (Ord. #6-98-C, June 1998, as replaced by Ord. #06-98-13, June 2006, as replaced by Ord. #06-98-13, June 2006)

CHAPTER 4

TRAVEL POLICY

SECTION

- 4-401. Policy statement.
- 4-402. Procedures.
- 4-403. General information.
- 4-404. Responsibility

4-401. Policy statement. In order to best utilize the resources available to the city, employees are expected to minimize the costs of necessary business travel. This policy sets out regulations and restrictions governing travel expense for all officials and employees of the City of Madisonville. (Ord. #02-12-96, Nov. 1995)

4-402. Procedures. City employees shall use the most economical means available when traveling at city expense; shall thoroughly document all expenses incurred; and shall complete all necessary travel requests and reports according to the following guidelines:

(1) **Transportation.** (a) Public transportation. The city will pay the actual costs of coach or regular fare for public transportation by air, train, or bus.

(b) Automobile. If a city vehicle is used, the city will pay only the cost of actual expenses for gasoline, oil, and emergency repairs. If a private vehicle is used, the city will reimburse 28 cents per mile or the state rate, whichever is greater, by the most direct route to and from a meeting to a maximum of the cost of the most economical air for the same trip.

If a private vehicle is used by two or more official travelers on the same trip, only the traveler owning or having custody of the vehicle will be reimbursed for mileage in accordance with the rate outlined above.

In no event shall reimbursement for use of a private vehicle, meals, and lodging while in transit to and from destination exceed the cost of economy class air fare.

Additional travel days required due to automobile travel rather than air travel, when automobile travel is selected as a matter of personal preference by traveler rather than by the city, shall be taken as annual leave or other appropriate leave.

The city will reimburse for car rental, including mileage, when any employee can justify the necessity for a vehicle. The employee should include this expense in estimating the cost of the trip beforehand, and be prepared to justify the need for a car at the location. Liability coverage listing the City of Madisonville as insured must be obtained from the

vendor for any use of rental vehicles. Whenever possible, public transportation should be utilized in lieu of rental vehicles.

Employees will not be reimbursed for any fines for traffic violations or parking tickets. Costs incurred to private vehicles due to accidents, or the cost of repairs due to breakdowns of private vehicles will not be reimbursed to employees.

The spouse of an employee may travel in a city vehicle on approved city travel, although the city will not pay other expenses of the spouse.

City vehicles are available and should be used in lieu of private vehicles whenever practical. City vehicles shall not be utilized when the employee intends to combine business travel with annual leave away from the city. Arrangements for city vehicles can be made through the corresponding department head/commissioner.

(2) Lodging. Reimbursement for lodging will be based upon the locality, purpose for travel, and availability of accommodations. Reasonableness and economy should be exercised by the traveler in all instances.

The city will not reimburse for suites or resort accommodations unless the expense is approved in advance of the trip.

The city will pay lodging expenses at the single room rate, except when two or more city personnel share a room. In that case, the city will pay the cost of the room.

The employee will reimburse the city for the difference in cost between a single room rate and a double room rate if the employee shares the room with his or her spouse. The amount to be reimbursed by the employee will be limited to the difference in the room rates and will not include any related taxes or other charges on a pro-rata basis.

(3) Meals. An employee or authorized travelers shall be reimbursed according to the state travel regulation rates. The city's travel reimbursement rates will automatically change when the state rates are adjusted.

Meal allowances will not be provided when meal events are included in conference registrations or are otherwise provided at no cost to the employee or authorized traveler.

If any meal is part of the official program at a conference or a seminar, the city will reimburse an employee or authorized traveler for the actual cost.

Meals for hosts and guests transacting and/or discussing city business is an allowable expense.

Receipts for meals shall not be required except if a part of the official program when the city will reimburse for actual cost.

(4) Conference expenses. The city will pay for all actual charges pertaining to an approved conference, meeting, or seminar, including registration fees and dues.

(5) Miscellaneous expenses. The city will reimburse actual charges for intra-city taxi, airport bus or limousine fares, tolls and parking, baggage

handling, and business telephone calls. The actual cost of one phone call per day (unless emergency) of reasonable length, to family will be paid by the city. (Ord. #02-12-96, Nov. 1995, as amended by Ord. #18-282-O, Oct. 2018)

4-403. General information. Advance travel funds must be requested in writing by the department head seven days prior to any travel for any employee in the department with date and time of departure and expected return.

The city will pay travel expenses upon receipt of the completed "Travel Expense Report" supported by paid receipts for transportation, lodging, registration fees, and other miscellaneous expenses authorized for reimbursement.

For the city to be able to take advantage of its sales tax exempt status as a municipal organization, a direct payment must be made from the city to the vendor of travel or lodging services. Therefore, prepayment of these expenses should be made whenever possible.

Before departure, employees will provide to their department an address and phone number where they can be contacted if the need arises while they are away. (Ord. #02-12-96, Nov. 1995)

4-404. Responsibility. All department heads are responsible for the dissemination and administration of this policy within their departments and for monitoring travel expenses of their employees.

All employees who travel on city business are responsible for compliance with the requirements of this policy, and for the exercise of sound judgment in their travel expenditures. Violation of travel rules can result in disciplinary action of employees and officials. Travel fraud can result in criminal prosecution of employees and/or officials. (Ord. #02-12-96, Nov. 1995)

CHAPTER 5

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-501. Title.
- 4-502. Purpose.
- 4-503. Coverage.
- 4-504. Standards authorized.
- 4-505. Variances from standards authorized.
- 4-506. Administration.
- 4-507. Funding the program.

4-501. Title. This chapter shall provide authority for establishing and administering the occupational safety and health program for the employees of the City of Madisonville. (as added by Ord. #04-62-0, Nov. 2004)

4-502. Purpose. The City of Madisonville, in electing to update their established program plan will maintain an effective occupational safety and health program for its employees and shall:

- (1) Provide a safe and healthful place and condition of employment that includes:
 - (a) Top management commitment and employee involvement;
 - (b) Continually analyze the worksite to identify all hazards and potential hazards;
 - (c) Develop and maintain methods for preventing or controlling existing or potential hazards; and
 - (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- (4) Consult with the State Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.
- (5) Consult with the State Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (as added by Ord. #04-62-0, Nov. 2004)

4-503. Coverage. The provisions of the occupational safety and health program for the employees of the City of Madisonville shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Madisonville whether part-time or full-time, seasonal or permanent. (as added by Ord. #04-62-0, Nov. 2004)

4-504. Standards authorized. The occupational safety and health standards adopted by the City of Madisonville are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972.¹ (as added by Ord. #04-62-0, Nov. 2004)

4-505. Variances from standards authorized. The City of Madisonville may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 5. Prior to requesting such temporary variance, the City of Madisonville shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the City of Madisonville shall be deemed sufficient notice to employees. (as added by Ord. #04-62-0, Nov. 2004)

4-506. Administration. For the purposes of this chapter, the director of occupational safety and health is to perform duties and to exercise powers assigned so as to plan, develop, and administer the occupational safety and health program for the employees of the City of Madisonville. The director shall develop a plan of operation for the program and said plan shall become a part

¹State law reference

Tennessee Code Annotated, title 50, chapter 5.

of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and part IV of the Tennessee Occupational Safety and Health Plan. (as added by Ord. #04-62-0, Nov. 2004)

4-507. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the Board of Aldermen of the City of Madisonville. (as added by Ord. #04-62-0, Nov. 2004)