

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

1. SOCIAL SECURITY.
2. PERSONNEL POLICIES AND PROCEDURES.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. TRAVEL AND EXPENSE REGULATIONS.

CHAPTER 1**SOCIAL SECURITY****SECTION**

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- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
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4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the Town of Mount Carmel, Tennessee, to provide for all eligible employees and officials of the town, 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 Town of Mount Carmel shall take such action as may be required by applicable state and federal laws or regulations. (1990 Code, § 4-101)

4-102. Necessary agreements to be executed. The mayor of the Town of Mount Carmel 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. (1990 Code, § 4-102)

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. (1990 Code, § 4-103)

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. (1990 Code, § 4-104)

4-105. Records to be kept and reports made. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1990 Code, § 4-105)

4-106. Exclusions. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of said town or any employee, official, or position not authorized to be covered under applicable state or federal laws or regulations. (1990 Code, § 4-106)

CHAPTER 2

PERSONNEL POLICIES AND PROCEDURES

SECTION

- 4-201. Personnel policies and procedures adopted.
- 4-202. Anti-nepotism policy.
- 4-203. Employment or promotion of family members.
- 4-204. Workplace harassment.

4-201. Personnel policies and procedures adopted. (1) The board of mayor and alderman has adopted the "Personnel Policies and Procedures of the Town of Mount Carmel, Tennessee," a copy of which is attached as Appendix B to this municipal code. Such policies and procedures may be amended by ordinance from time to time as deemed necessary by the board.

(2) The head of each department of the Town of Mount Carmel shall employ, promote, discipline, suspend and discharge all employees within their respective departments in accordance with the personnel policies and procedures adopted by the board of mayor and aldermen. (Ord. #226, Sept. 2001, as amended by Ord. #16-432, Jan. 2106)

4-202. Anti-nepotism policy. No member of an immediate family, including spouse, mother or stepmother, father or stepfather, children, sister, brother, grandparents, current mother-in-law or current father-in-law, step-grandparents, grandparents-in-law, and grandchildren, shall be employed in such capacity as to have one directly supervised by the other. This does not preclude employment of immediate family member under other lines of supervision. (Ord. #266, Dec. 2003)

4-203. Employment or promotion of family members. That in carrying out the mayor's duties pursuant to Tennessee Code Annotated, § 6-3-106(b)(2)(A), in employing, promoting, disciplining, suspending and discharging all employees and department heads, in accordance with the personnel policies and procedures adopted by the board of mayor and aldermen, the mayor shall submit the employment or promotion, but not the discipline, suspension and discharge, of a member of the immediate family of an existing employee for confirmation by the board of mayor and aldermen. In confirming or denying the employment or promotion; the board shall consider the specific benefit to the town; the specific qualifications of the candidate for employment or promotion; the line of supervision; and any other similar factor affecting the interest of the town. (Ord. #266, Dec. 2003)

4-204. Workplace harassment. The Town of Mount Carmel strictly prohibits harassment on the basis of race, color, religion, gender, national origin,

age, or disability as such actions constitute discrimination. No town employee shall engage in harassment of any form.

Harassment is defined as unwelcomed or unsolicited speech or conduct based upon race, sex, creed, religion, national origin, age, color, or handicapping condition as defined by the Americans With Disabilities Act that creates a hostile work environment or circumstances involving quid pro quo.

Sexual harassment as defined by the Equal Employment Opportunity Commission is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Any town employee who believes he or she may have a complaint of harassment may follow the town's grievance procedure found in chapter V, "Employee Complaints and Grievances," of the town's personnel policy or should file the complaint within seven (7) days of the occurrence directly with the mayor or their immediate supervisor. The town will conduct an investigation into any allegation of harassment. An administrative official of the town will advise the employee of the outcome of the investigation. The mayor will take any action he deems necessary to preserve the integrity of the organization and to ensure the efficiency and effectiveness of the town's operations.

Employees witnessing harassment shall also report such conduct to their immediate supervisor or the mayor. Retaliation toward any employee exercising his or her right and duty to address perceived harassment will not be tolerated. (as added by Ord. #11-365, Oct. 2011)

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM¹

SECTION

- 4-301. Title.
- 4-302. Purpose.
- 4-303. Coverage.
- 4-304. Standards authorized.
- 4-305. Variances from standards authorized.
- 4-306. Administration.
- 4-307. Funding the program plan.
- 4-308. Severability.
- 4-309. Amendments, etc.

4-301. Title. This chapter shall be known as "The Occupational Safety and Health Program Plan" for the employees of the Town of Mount Carmel. (Ord. #258, July 2003, as replaced by Ord. #13-387, March 2013)

4-302. Purpose. The Town of Mount Carmel in electing to update the established program plan will maintain an effective and comprehensive Occupational Safety and Health Program Plan 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 the 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) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and

¹The "Plan of Operation for the Occupational Safety and Health Program for the Employees of the Town of Mount Carmel" is attached as Appendix C to this municipal code.

personal injuries for proper evaluation and necessary corrective action as required.

(4) Consult with the Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

(5) Consult with the 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 plan, 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 plan. (Ord. #258, July 2003, as replaced by Ord. #13-387, March 2013)

4-303. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the Town of Mount Carmel shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (Ord. #258, July 2003, as replaced by Ord. #13-387, March 2013)

4-304. Standards authorized. The Occupational Safety and Health standards adopted by the Town of Mount Carmel are 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 (Ord. #258, July 2003, as replaced by Ord. #13-387, March 2013)

4-305. Variances from standards authorized. Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may 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, Variances from Occupational Safety and Health Standards, chapter 0800-01-02, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of

¹State law reference

Tennessee Code Annotated, title 50, chapter 3.

notice on the main bulletin board shall be deemed sufficient notice to employees. (Ord. #258, July 2003, as replaced by Ord. #13-387, March 2013)

4-306. Administration. For the purposes of this chapter, L. Paul Hale, Vice-Mayor, is designated as the Safety Director of Occupational Safety and Health to perform duties and to exercise powers assigned to plan, develop, and administer this program plan. The safety director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Safety and Health Provisions for the Public Sector, chapter 0800-01-05, as authorized by Tennessee Code Annotated, title 50. (Ord. #258, July 2003, as replaced by Ord. #13-387, March 2013)

4-307. Funding the program plan. Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the Town of Mount Carmel. (Ord. #258, July 2003, as replaced by Ord. #13-387, March 2013)

4-308. Severability. If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof. (as added by by Ord. #13-387, March 2013)

4-309. Amendments, etc. The ordinance comprising this chapter shall take effect from and after the date it shall have been passed, properly signed, certified, and has met all other legal requirements, and as otherwise provided by law, the general welfare of the Town of Mount Carmel requiring it. (as added by Ord. #13-387, March 2013)

CHAPTER 4

TRAVEL AND EXPENSE REGULATIONS

SECTION

- 4-401. Purpose.
- 4-402. Enforcement.
- 4-403. Travel policy.
- 4-404. Travel reimbursement rate schedules.
- 4-405. Administrative procedures.

4-401. Purpose. The purpose of this chapter and referenced regulations is to bring the town into compliance with Tennessee Code Annotated, § 6-54-901, which requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law" to provide consistent travel regulations and reimbursement. This chapter is expanded to cover regular town employees. It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on town business at town expense. (1990 Code, § 1-601, modified)

4-402. Enforcement. The Chief Administrative Officer (CAO) of the town or his or her designee shall be responsible for the enforcement of these travel regulations. (1990 Code, § 1-602)

4-403. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of the town or such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends or companions accompanying the authorized traveler on town business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the town. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions, and seminars; and other actual and necessary expenses related to official business as determined by the CAO. Under certain conditions entertainment expenses may be eligible for reimbursement.

(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel or advance billing directly to the town for registration fees, air fares, meals, lodging, conferences, and similar expenses. Travel advance requests will not be considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the town. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

(4) Travel advances are available only for special travel and only after completion and approval of the travel authorization form.

(5) A travel expense reimbursement form shall be used to document all expense claims.

(6) To qualify for reimbursement, travel expenses must be:

(a) Directly related to the conduct of the town business for which travel was authorized, and,

(b) Actual, reasonable, and necessary under the circumstances. The CAO may make exceptions for unusual circumstances. Expenses considered excessive by the CAO will not be allowed.

(7) Claims of five dollars (\$5.00) or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone calls, public carrier travel, conference fees, and other reimbursable costs.

(8) Any person attempting to defraud the town or misuse town travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the town will not ordinarily be considered eligible expenses for reimbursement. (1990 Code, § 1-603)

4-404. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the federal regulation rates. The town's travel reimbursement rates will automatically change when the federal rates are adjusted. The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (1990 Code, § 1-604)

4-405. Administrative procedures. The town adopts and incorporates by reference, as if fully set out herein, the administrative procedures submitted by the Municipal Technical Advisory Service to, and approved by, the Comptroller of the Treasury, State of Tennessee in June, 1993. A copy of the administrative procedures shall be kept on file in the office of the city recorder. (1990 Code, § 1-605)