

TITLE 4

MUNICIPAL PERSONNEL¹

CHAPTER

1. MISCELLANEOUS.
2. SOCIAL SECURITY.
3. SICK LEAVE.
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
5. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 4-101. Deferred profit sharing plan and trust.
- 4-102. Indemnification of city employees.
- 4-103. Mandating retirement of city police officers and police chief.

4-101. Deferred profit sharing plan and trust. A new plan known as the "deferred profit sharing plan and trust" is adopted effective July 1, 1985.

Any existing retirement policies which may be in conflict with this plan are repealed.

The board of commissioners in office from time to time and the city clerk are hereby appointed trustees for administering the plan.

A fiduciary fund (trustee account) shall be established and all transactions shall be posted through such account.

The city manager is hereby directed to budget monies for the plan. (1986 Code, § 1-103)

4-102. Indemnification of city employees. The City of Berry Hill is authorized to indemnify an employee or official of the city from a judgment against him to an amount as provided herein if:

- (1) The judgment results from an act or omission arising out of the performance of his official duties and while engaged in the course of his employment or duties with the City of Berry Hill and does not result from willful, wanton, or malicious wrong doings, violations of rules and regulations

¹The Personnel Rules and Regulations Employee Handbook, of the City of Berry Hill, Tennessee, is available in the office of the city recorder.

of the city or state as applied to the city, violations of criminal statutes, or violations of orders or directives of his superiors; and

(2) The City of Berry Hill has been timely notified of a pending action and the City of Berry Hill has furnished legal counsel for his defense or had the opportunity to participate in the defense.

Provided, however, indemnification shall not be provided in cases where the City of Berry Hill has not been allowed to participate through legal counsel in the proceedings nor will indemnification be permitted in cases where agreed judgments are entered or taken without the approval of the city.

Indemnification in all cases shall be limited to \$75,000.00 per case regardless of the number of parties.

The city manager may authorize indemnification after consultation with the city attorney and in cases where it is denied the board of commissioners shall hear and decide the question on application of any party in interest who applies to be heard within 20 days after notice of the decision of the city manager. (Ord. #87-239, March 1988)

4-103. Mandatory retirement of city police officers and police chief. (1) Any police officer or Chief of Police of the City of Berry Hill, Tennessee shall be retired upon the last day of the fiscal year during which such person has attained sixty (60) years of age.

(2) Any police officer may continue in service to sixty-five (65) years of age upon application to and approval by the city manager. In the case of the chief of police, approval is required from the city manager and the Berry Hill Board of Commissioners.

(3) Retirement benefits accumulated by the police officer shall not be increased, altered or vested by virtue of an officer reaching the age of mandatory retirement; and, benefits available to a person upon retirement, if any, shall be those that the officer would otherwise be entitled to or which the officer had earned and had accredited upon reaching the age of mandatory retirement and shall not be affected by this section. (Ord. #96-284, March 1997)

CHAPTER 2

SOCIAL SECURITY

SECTION

- 4-201. Policy and purpose as to coverage.
- 4-202. Necessary agreements to be executed.
- 4-203. Withholdings from salaries or wages.
- 4-204. Appropriations for employer's contributions.
- 4-205. Records and reports.
- 4-206. Exclusions.
- 4-207. When effective.

4-201. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the city to extend as of the earliest date hereinafter set forth, to the employees and officials thereof, who are members of the city's pension plan, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1986 Code, § 1-701)

4-202. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the Director of Old Age and Survivors Insurance Agency, State of Tennessee, as agent or agency, to secure coverage of employees and officials as provided in § 4-201. (1986 Code, § 1-702)

4-203. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in § 4-201 of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable federal or state laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1986 Code, § 1-703)

4-204. 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, which shall be paid over to the state or federal agency designated by said laws or regulations. (1986 Code, § 1-704)

4-205. Records and reports. The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1986 Code, § 1-705)

4-206. 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 or resolution, creating any other retirement system for any employee or official of the city, or any employee, official or position not authorized to be covered under applicable state or federal laws or regulations. (1986 Code, § 1-706)

4-207. When effective. This chapter shall take effect from and after November 25, 1974. (1986 Code, § 1-707)

CHAPTER 3**SICK LEAVE****SECTION**

4-301. Accumulated sick leave.

4-301. Accumulated sick leave. Employees may accumulate sick days without limitation, and any sick days forfeited in the calendar year of 1994 will be credited to an employees leave record. Employees not using a sick day in a calendar year will receive two extra vacation days in the next calendar year. Sick leave days remaining unused at retirement for any employee sixty-two years of age or older and fully vested in the city retirement plan, will be redeemed at twenty-five percent of the value on the date of retirement. (Ord. #95-269, June 1995)

CHAPTER 4

OCCUPATIONAL SAFETY AND HEALTH PROGRAM¹

SECTION

- 4-401. Title.
- 4-402. Purpose.
- 4-403. Coverage.
- 4-404. Standards authorized.
- 4-405. Variances from standards authorized.
- 4-406. Administration.
- 4-407. Funding the program.

4-401. Title. This chapter shall provide authority for establishing and administering the Occupational Safety and Health Program for the employees of the City of Berry Hill. (Ord. #2002-332, § Oct. 2002)

4-402. Purpose. The City of Berry Hill, 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) Make, keep, preserve, and make available to the Commissioner of Labor of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor 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.
- (3) 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. (Ord. #2002-332, § Oct. 2002)

4-403. Coverage. The provisions of the Occupational Safety and Health Program for the employees of the City of Berry Hill shall apply to all employees of each administrative department, commission, board, division, or other agency

¹Tennessee Code Annotated, title 50, chapter 3.

The Occupational Safety and Health Program for the City of Berry Hill, including Appendices I through IV is included in this municipal code as Appendix 2.

of the City of Berry Hill whether part-time or full-time, seasonal or permanent. (Ord. #2002-332, § Oct. 2002)

4-404. Standards authorized. The occupational safety and health standards adopted by the City of Berry Hill 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 (Ord. #2002-332, § Oct. 2002)

4-405. Variances from standards authorized. The City of Berry Hill may, upon written application to the Commissioner of Labor 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, Occupational Safety, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the City of Berry Hill 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 Berry Hill City Manager shall be deemed sufficient notice to employees. (Ord. #2002-332, § Oct. 2002)

4-406. Administration. For the purposes of this chapter, the Berry Hill City Manager is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer the occupational safety and health program for the employees of the City of Berry Hill. The director shall develop a plan of operation for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and part IV of the Tennessee Occupational Safety and Health Plan. (Ord. #2002-332, § Oct. 2002)

4-407. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the Occupational Safety and Health Program for the employees of the City of Berry Hill. (Ord. #2002-332, § Oct. 2002)

¹State law reference

Tennessee Code Annotated, title 50, chapter 3.

CHAPTER 5

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

4-501. Purpose.

4-502. Enforcement.

4-503. Travel policy.

4-504. Travel reimbursement rate schedule.

4-505. Administrative procedures.

4-501. Purpose. The purpose of this chapter and referenced regulations is to bring the city into compliance with Public Acts 1993, Chapter 433. This act requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular city employees. It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (Ord. #95-266, April 1995)

4-502. Enforcement. The city manager of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #95-266, April 1995)

4-503. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. 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

city manager. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the city for registration fees, air fares, meals, lodging, conferences, and similar expenses.

Travel advance requests aren't considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city. It will be the responsibility of the city manager to initiate action to recover any undocumented travel advances.

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

(5) The travel expense reimbursement form will be used to document all expense claims.

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

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

(b) actual, reasonable, and necessary under the circumstances.

The city manager may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

(7) Claims of \$5 or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.

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

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (Ord. #95-266, April 1995)

4-504. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the federal travel regulation rates. The city'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. (Ord. #95-266, April 1995)

4-505. Administrative procedures. The city adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the city recorder.

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or the date of passage. (Ord. #95-266, April 1995)