

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

1. SOCIAL SECURITY.
2. PERSONNEL POLICIES.
3. INFECTIOUS DISEASE CONTROL POLICY.
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

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

- 4-101. Policy and purpose.
- 4-102. Agreements authorized.
- 4-103. Withholdings.
- 4-104. Appropriations.
- 4-105. Records, reports.
- 4-106. Exclusions.
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**4-101. Policy and purpose.** It is hereby declared to be the policy and purpose of this city to extend to its employees and officials thereof not excluded by law or this section, 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. Pursuant to such policy and purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1998 Code, § 4-101)

**4-102. Agreements authorized.** The mayor of the city is hereby authorized and directed to execute all 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 § 4-101. (1998 Code, § 4-102)

**4-103. Withholdings.** Withholdings from salaries or wages of employees and officials for the purpose provided in § 4-101 are hereby authorized to be made in such 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. (1998 Code, § 4-103)

**4-104. Appropriations.** 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. (1998 Code, § 4-104)

**4-105. Records, reports.** The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1998 Code, § 4-105)

**4-106. Exclusions.** There is hereby exempted from this division:

(1) Any authority to make any agreement with respect to any position or any employee or official not covered or authorized to be covered by any other retirement system for any employee or official of the city.

(2) Any authority to make any agreement with respect to any position or any employee or official whose compensation is on a fee basis.

(3) Any position or any employee or official not authorized to be covered by applicable state or federal laws or regulations. (1998 Code, § 4-106)

**4-107. Election officials and election workers.** The mayor is hereby directed to execute an amendment to the Social Security Agreement between the Director of Old Age and Survivors Insurance and the City of Bolivar, Tennessee, so as to exclude services of election officials and election workers if the remuneration paid in a calendar year is less than one hundred dollars (\$100.00), to be effective not earlier than the last day of the calendar quarter in which a modification to the agreement is mailed to the Federal Social Security Administration, pursuant to provisions of federal law. (1998 Code, § 4-107)

**CHAPTER 2****PERSONNEL POLICIES<sup>1</sup>****SECTION**

- 4-201. Equal opportunity.
- 4-202. At-will employment.
- 4-203. Conduct of employees.
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- 4-230. Bond of city employees; exceptions.
- 4-231. Tenure of appointed personnel.
- 4-232. Compensation.

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<sup>1</sup>Charter references

Appointment, suspension, and removal of employees: § 3.07.

Other officers and employees: § 3.06.

Political activity prohibited: § 3.10.

Restrictions on interest of officers: § 3.11.

**4-201. Equal opportunity.** Equal employment opportunity is the city's overall personnel practice and procedure. The City of Bolivar depends heavily on the full and effective utilization of qualified persons in all job classifications without regard to an individual's race, color, religion, sex, natural origin, age, or handicap. The city has an enduring obligation to employ and develop the best people that can be found, basing the judgment on their job related qualifications. (1998 Code, § 4-201)

**4-202. At-will employment.** It is the policy of the City of Bolivar that all employment shall be "at will," except those employees that are exempted by charter or code, and shall be terminable "at will" by the employer or employee at any time with or without cause. All new employees may be asked to sign a disclaimer statement confirming that employment is "at-will." (1998 Code, § 4-202)

**4-203. Conduct of employees.** City employees are prohibited from engaging in any conduct which could reflect unfavorably upon the City of Bolivar. Employees must avoid any action which might result in or create a bad impression or may subject the city to any form of public criticism or embarrassment. (1998 Code, § 4-203)

**4-204. Operation of city vehicles.** City of Bolivar employees who drive city vehicles will at all times operate them in a safe manner, adhering to all city, state, and federal traffic laws. No employee will operate a city vehicle unless he possesses a valid Tennessee driver's license. City vehicles are not to be used for personal purposes at any time without prior approval of the mayor. The employee is solely responsible and will be held accountable as to the use and operation of the vehicle assigned and shall never operate a city vehicle while under the influence of alcohol or drugs. (1998 Code, § 4-204)

**4-205. Pay.** Pay days will occur on the fifteenth and thirtieth of each month. Each pay check will be payment for the work period just completed. You will receive your pay check from your supervisor. Attached to each pay check is an itemized statement of gross pay, various deductions, net pay, and many other items of importance.

The deductions from your pay check will be of two (2) types.

(1) Regular deductions that are mandatory:

(a) The amount of federal income tax withheld from your gross earnings depends on your salary and how many dependents you claim each year;

(b) FICA, which is Social Security Tax, is deducted from your gross salary at a fixed rate. (For every dollar deducted for your Social Security Account, the city matches it with another dollar or more.)

(2) Voluntary deductions requiring your authorization:

- (a) One-half (1/2) of your family coverage for health, accident, life, and dental insurance premiums;
- (b) Special life and accident insurance policy;
- (c) Uniform expense. (1998 Code, § 4-205)

**4-206. Overtime pay.** An exemption from overtime pay requirements is provided for an employee classified in an executive, administrative, or professional capacity. Seasonal employees such as recreation workers and volunteers such as volunteer firemen are also exempted from FLSA overtime regulations.

All other employees shall be paid or given comp time at time and one-half for all hours worked over the allowable hours during their designated work period. The work period for firemen is a twenty eight (28) day period with two hundred twelve (212) hours being allowed before overtime is mandatory. All other employees are on a seven (7) day work period. The policemen are allowed to work forty-three (43) hours per week before overtime pay is required and employees in all other departments are paid overtime after working forty (40) hours per week.

For any employee to be paid or receive comp time at time and one-half regular pay they must have worked on the job over their required number of hours for their work period. This provision requires that an employee cannot use annual leave, sick leave, holiday time or any other type of leave toward work time when determining overtime at time and one-half. When any leave time is used in conjunction with work time which results in overtime hours the employee will be paid at their regular rate of pay for these hours. (1998 Code, § 4-206)

**4-207. Pay increases.** Salary has been determined within the city classification compensation plan. Each position in the city has a job description with a salary range established indicating minimum to maximum salary rates. Each position range is divided into pay steps. Eligibility for merit increases occurs each year until you reach the top of your salary scale. After an employee has reached the top of his salary scale he will receive one third of one percent (1/3 of 1%) percent for each year of service up to six percent (6%). If you are promoted to a higher paying classification, you may be eligible for a pay increase at that time. (1998 Code, § 4-207)

**4-208. Hours of work.** The regular work day for most employees shall be eight (8) hours and a work week shall be five (5) days or forty (40) hours. Your hours of work and work days may not be the same as other city employees. Many departments require irregular work schedules because of the nature of their work. Some public safety personnel will be scheduled on a twenty-four (24) hour shift, and will be guided by special regulations concerning this type of scheduling. Some public service employees cannot be relieved of their duties

during their meal period and are considered to be at work even if they are able to eat a meal during their work shift.

All city employees are expected to report to work punctually and with regular attendance. Employees delayed or prevented from coming to work are expected to notify their supervisor or department head before their scheduled starting time. Excessive absenteeism and tardiness will lead to corrective action. Discipline of absenteeism and tardiness shall be the responsibility of the department head. An employee who is absent without notifying his supervisor on three (3) separate occasions or absent three (3) consecutive work days will be terminated. (1998 Code, § 4-208)

**4-209. Absence due to inclement weather.** Ordinarily, inclement weather does not warrant the closing of city offices. Loss of work time for this reason is charged against the employee's annual leave, comp time or holiday accumulation. If the employee has no annual leave, comp time or holiday time, then the time absent is charged as leave without pay. In the event the mayor or his designee determines that conditions warrant the closing of some city offices the employees affected receive regular compensation and leave time is not affected. (1998 Code, § 4-209)

**4-210. Elections.** Any person entitled to vote in an election in this state may be absent for this purpose if on duty while election polls are open. Employees will only be absent the necessary time to vote and not to exceed two (2) hours. The employer may specify the time the employee may be absent and the employee will receive regular compensation with leave time not affected. (1998 Code, § 4-210)

**4-211. Annual leave.** All permanent employees will accrue annual leave upon the completion of each calendar month of service. Annual leave may not be taken until earned. It is earned as soon as the employee completes the major fraction of the month. Employees will accrue annual leave at increasing rates with respect to their years of full-time service as follows:

<u>YEARS OF SERVICE</u>	<u>ANNUAL DAYS PER MONTH</u>	<u>MAXIMUM ACCRUAL</u>
1 to 10 Years	1 (8 hours)	24
10 to 20 Years	1½ (12 hours)	30
Over 20 Years	2 (16 hours)	36

At the end of any month an employee who has accumulated the maximum number of allowable annual leave days must transfer any additional days to his sick leave account. The employee may request leave less than one (1) day when the need arises for you to attend to personal matters. This time off will be charged against your accrued annual leave.

Upon separation an employee is paid for any unused annual leave accumulation unless terminated from the city for gross misconduct. Cases of gross misconduct will be determined by the mayor. Additional leave is not accrued when an employee is on terminal leave.

Only scheduled work days shall be charged in calculating the amount of annual leave used. The employee may request to use their annual leave at any time; however, their requests for annual leave should be made to their supervisor several work days in advance of the time they desire. It is possible that your department's work load may be too heavy for the time they request, resulting in a change of their leave. (1998 Code, § 4-211)

**4-212. Annual leave--accumulation.** (1) Earned annual leave, not used during the year in which it is earned, may be accumulated subject to the following limitations:

(a) Accumulated annual leave shall not exceed:

(i) Fifteen (15) days with one (1) to ten (10) years of service;

(ii) Eighteen (18) days with ten (10) to twenty (20) years of service; and

(iii) Twenty-one (21) days with over twenty (20) years of service.

(b) Annual leave accrued in excess of the above schedule must be used within the calendar year or it shall be forfeited.

(2) As used in this section, "working day" shall consist of eight (8) hours. (1998 Code, § 4-212)

**4-213. Annual leave--administrator to keep records, prescribe forms.** The city administrator shall keep a record, currently up-to-date at all times, of credits earned and annual leave taken by city officers and employees, and for this purpose he/she may prescribe, with the approval of the mayor, forms and procedures for obtaining such information currently. (1998 Code, § 4-213, modified)

**4-214. Sick leave.** All permanent employees will accrue sick leave at a rate of one (1) day (eight (8) hours) per month. The employee will be paid on a regular pay basis when they are absent from work due to illness or injury while on sick leave. Sick leave may not be taken before it is earned.

Sick leave may be used only:

(1) When the employee is sick or disabled.

(2) When the employee has an appointment with a doctor or dentist.

(3) When the employee is restricted to their home because of exposure to a contagious disease.

(4) When there is sickness due to pregnancy. Sick leave may be used during a maternity absence until thirty (30) work days after delivery. Use of sick leave is subject to ordinary rules.

(5) When there is illness or a death in your immediate family. (This includes the employee's spouse, children, and parents).

(6) When there is illness or death of other family members. (This includes the employee's grandparents, grandchildren, their brothers and sisters, their father and mother-in-law, their brothers and sisters-in-law). Sick leave is limited to three (3) days when used in this manner.

Any employee may be required to present evidence in the form of personal affidavits, physician's certificates, and/or other testimonials at the request of an appointing authority to support the reason for any absence during the time which sick leave was taken.

Only scheduled work days are charged in calculating the amount of sick leave used. Official holidays within a sick leave period are charged as holidays. Sick leave may not be used as terminal leave.

Upon retirement any member of the retirement system who has unused accumulated sick leave shall be credited with such sick leave as creditable service. (1998 Code, § 4-214)

**4-215. Holidays.** The following days have been designated by the city as legal holidays :

New Year's Day	January 1
Martin Luther King, Jr. Day	3rd Monday in January
President's Day	3rd Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day and day after	4th Thursday in November
Christmas Days (3)	December 25 + 2 days to be determined by the city administrator

When a holiday falls on Saturday, the Friday preceding the holiday is substituted and when it falls on Sunday, the Monday following the holiday is substituted.

Due to a variety of city services some work schedules make it necessary for employees to work on holidays. If an employee is required to work on a holiday, he will receive comp time on a hour-for-hour basis up to eight (8) hours at a later date. All holiday time earned must be taken off by the end of the calendar year. (1998 Code, § 4-215, modified)



**4-216. Compensatory time.** An employee may be given comp time in lieu of monetary compensation for working overtime hours. All comp time must be given at time and one-half for all hours worked overtime. If any type of leave time is used which results in overtime hours the employee will only receive comp time equal to overtime hours. The use of comp time is subject to the same approval as annual leave.

All compensatory time must be taken before the end of each month. No comp time is allowed to be accrued over into the next month. (1998 Code, § 4-216)

**4-217. Military leave.** The city will grant special military leave to all full time employees who are members of the Tennessee National Guard or members of the components of the armed forces of the United States for annual field training for a period not to exceed two weeks in any one calendar year. You will receive full pay and no deduction of accrued annual leave will be made during this period of military service. (1998 Code, § 4-217)

**4-218. Civil leave.** The city will grant civil leave to employees who are selected for jury duty or directed to serve as a government witness. When on civil leave employees will retain their regular pay and any compensation received by the employee for jury duty or government witness fees must be given to the city. Civil leave will only be granted for time actually served. If not chosen for jury duty on a particular day or dismissed early, employee is to report for work for the remainder of the work day. An employee may use annual leave or compensatory time in lieu of civil leave and retain any fees he is paid. If an employee is subpoenaed in private litigation to testify not in an official capacity, some type of leave other than civil leave must be taken. Any time spent on civil leave does not count toward hours worked in computation of overtime pay. (1998 Code, § 4-218)

**4-219. Insurance.** The City of Bolivar provides employees and their families with an excellent plan of group insurance. The plans include life insurance, accident insurance, dental insurance, medical and major medical benefits. Employees are enrolled immediately upon employment and usually, the first day of the month following a thirty (30) day waiting period, is the effective date of coverage. (1998 Code, § 4-219)

**4-220. Health insurance.** At the present time the city provides for health insurance which offers employees and their families programs with modern hospital, surgical, maternity, dental and major medical benefits. Coverage under the medical and major medical programs will pay eighty percent (80%) of expenses in excess of the deductible amount. The major medical portion covers almost all types of medical expenses with a maximum of two hundred fifty thousand dollars (\$250,000.00). Major medical provides benefits for medical

expenses in excess of those covered under other provisions of the plan, and it provides for many items of medical expenses not covered under other provisions of the plan, including expenses not related to hospitalization. (1998 Code, § 4-220)

**4-221 Expense.** The City of Bolivar pays the entire amount of the cost of the overall group insurance plan offered to you as an employee and pays one half (1/2) of the cost of the protection of the employees' family. (1998 Code, § 4-221)

**4-222. Health and safety.** The City of Bolivar is concerned for their employee's health and safety in the performance of their jobs. It is required that employees observe all safety rules and habits each department endorses. These are designed for the benefit and protection of the employees. If an employee has an accident while on the job, there are two (2) immediate responsibilities:

- (1) Seek immediate first aid or emergency care.
- (2) See that your supervisor is notified of your accident and your condition.

All injuries incurred on the job must be reported to the supervisor and proper forms completed immediately. (1998 Code, § 4-222)

**4-223. Workers' compensation.** The City of Bolivar provides a workers' compensation plan for all employees. For any time loss due to an injury received by an employee while engaged in the city's scheduled work, and injury is compensable under the worker's compensation act. The City of Bolivar from the first date of absence until attainment of worker's compensation eligibility, shall pay employees at their regular rate of pay. Absences during which workers' compensation payments are made, employees shall be paid the difference between the amount of worker's compensation being paid and their regular salary. At no time will the employees income exceed one hundred percent (100%) of regular salary. This policy will be in effect for a period of one (1) year after which the employee will be dropped from the payroll and will only receive pay from workers' compensation.

The following policies will be in effect:

- (1) The City of Bolivar may require the employee to furnish a physician's certificate as evidence of the disability from a physician designated by management.
- (2) No deduction from employee's accrued sick leave time will be required for absences due to work related illness or injury on the job.
- (3) If employee fails to report work related accidents or illness to their supervisor within two (2) hours of occurrence, the city will not be responsible for financial obligations. (1998 Code, § 4-223)

**4-224. Uniform allowance.** Members of the police department are given one hundred dollar (\$100.00) allowance each six (6) months to defray the cost of their uniforms. The fire department employees are furnished uniforms upon the approval of the fire chief. Street, sanitation, utility workers and other employees may elect to wear uniforms and the city will pay one half (½) of the cleaning and rental. (1998 Code, § 4-224)

**4-225. Educational assistance.** The city shall reimburse regular, full-time employees for tuition and academic fees incurred by them when they successfully complete courses designed to improve their performance in their current positions, or to prepare them for additional responsibility. To qualify for reimbursement participants must submit proof of payment and attendance. Prior to beginning course work each participant must receive the department head's recommendation as well as approval from the mayor. (1998 Code, § 4-225)

**4-226. Retirement.** Retirement from the City of Bolivar service offers excellent retirement benefits. A regular employee automatically becomes a member of the Tennessee Consolidated Retirement System after a six (6) month waiting period. Temporary and part-time employees of the city are ineligible for membership. The City of Bolivar has elected to pay the entire amount of retirement contributions to the State of Tennessee. This is approximately 10% of the employee's salary. Upon termination of employment only people employed before July, 1984 will receive any refunds. All employees joining the retirement system prior to July 1, 1979, attain vested rights after four (4) years of service. Employees joining on or after July 1, 1979 attain vested rights after ten (10) years of membership service. Prior to becoming vested, employees are not eligible for any retirement benefits. If employees are eligible to receive them, social security benefits are in addition to those funds received from state retirement. (1998 Code, § 4-226)

**4-227. Retirement credit for military service.** The Tennessee Consolidated Retirement System provides credit for an employee's period of military service up to four (4) years "during an armed conflict," if the employee joins, or returns to, city service. The employee is eligible only if they join, or return to, city service within two (2) years of their military separation or within seven years if they attend school after their separation for the purpose of improving job efficiency. (1998 Code, § 4-227)

**4-228. Retirement cost-of-living increases.** When an employee retires, they can expect to have their retirement income adjusted each year if the cost-of-living rises. When the Consumer Price Index indicates a decline in the cost-of-living, their income will remain unadjusted. (1998 Code, § 4-228)

**4-229. Retirement options.** An employee's retirement system offers them more than a regular retirement income; it provides options to an employee or their designated beneficiary. The retirement handbook explains these options for the benefit of the employee and their family. (1998 Code, § 4-229)

**4-230. Bond of city employees; exceptions.** The city administrator shall secure and maintain a five thousand dollar (\$5,000.00) blanket coverage fidelity or faithful performance bond covering all city employees except himself, the mayor, employees of the electric department and city council members. Said bond shall be paid for by the city and shall be with a surety company authorized to do business in the State of Tennessee.<sup>1</sup> (1998 Code, § 4-230, modified)

**4-231. Tenure of appointed personnel.** The tenure of all public appointive officers and employees shall be subject to their good behavior, satisfactory performance of work, necessity for the performance of their work, and the availability of public funds with which to pay them. (1998 Code, § 4-231)

**4-232. Compensation.** All public officers and employees of the city shall be paid in accordance with such schedules as shall from time to time be ordained or otherwise established by the city council.<sup>2</sup> (1998 Code, § 4-232)

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<sup>1</sup>Municipal code reference

Bond of city administrator: § 1-302.

Bond of mayor: § 1-201.

<sup>2</sup>Charter reference

Compensation of mayor and councilmen: § 2.03.

## CHAPTER 3

### INFECTIOUS DISEASE CONTROL POLICY

#### SECTION

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**4-301. Purpose.** It is the responsibility of the City of Bolivar to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the City of Bolivar, employees may come in contact with life threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB). (1998 Code, § 4-301)

**4-302. Coverage.** Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to body fluids from potentially infected individuals. Those high risk occupations include:

- (1) Police personnel;
- (2) Firefighters, including volunteer firemen;
- (3) Sanitation and landfill workers; and

(4) Any other employee deemed to be at high risk per this policy and an exposure determination. (1998 Code, § 4-302)

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

(1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the city charter, and federal and state law relating to OSHA regulations;

(2) Make an exposure determination for all employee positions to determine a possible exposure to blood or body fluids;

(3) Maintain records of all employees and incidents subject to the provisions of the chapter;

(4) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;

(5) Coordinate and document all relevant training activities in support of the infection control policy;

(6) Prepare and recommend to the mayor and councilmen any amendments or changes to the infection control policy;

(7) Identify any and all housekeeping operations involving substantial risk of direct exposure to body fluids and shall address the proper precautions to be taken while cleaning rooms and blood spills; and

(8) Perform such other duties and exercise such other authority as may be prescribed by the board of mayor and councilmen. (1998 Code, § 4-303)

**4-304. Definitions.** (1) "Body fluids." Fluids that have been recognized by the Centers for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.

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

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

(4) "Human Immunodeficiency Virus (HIV)." The virus that causes Acquired Immunodeficiency Syndrome (AIDS). HIV is transmitted through sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

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

(6) "Universal precautions." Refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with body fluids to be protected as though such body fluid were HBV or HIV infected. (1998 Code, § 4-304)

**4-305. Policy statement.** All blood and body fluids are potentially infectious for several blood-borne pathogens and some body fluids can transmit infections. For this reason, the Centers for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood borne pathogens. Universal precautions apply to blood, tissues, and other body fluids which contain visible blood. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood. (1998 Code, § 4-305)

**4-306. General guidelines.** General guidelines which shall be used by everyone include:

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

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

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

(4) All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades and other sharp items shall be placed in puncture resistant containers for disposal. The puncture resistant container shall be located as close as practical to the use area.

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

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

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

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

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

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

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

(10) Place all disposable equipment (gloves, masks, gowns, etc.) in a clearly marked plastic bag. Place the bag in a second clearly marked bag (double bag). Seal and dispose of by placing in a designated "hazardous" dumpster. NOTE: Sharp object must be placed in an impervious container and then taken to a hospital for disposal.

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

All required tags shall meet the following criteria:



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

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

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

(12) Linen soiled with body fluids shall be handled as little as possible and with minimum agitation to prevent contamination of the person handling the linen. All soiled linen shall be bagged at the location where it was used. It shall not be sorted or rinsed in the area. Soiled linen shall be placed and transported in bags that prevent leakage.

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

(13) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (1998 Code, § 4-306)

**4-307. Hepatitis B vaccinations.** The City of Bolivar shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts at times prescribed by standard medical practices. The vaccinations shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the safety director. (1998 Code, § 4-307)

**4-308. Reporting potential exposure.** City employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc.):

(1) Notify the safety director of the contact incident and details thereof.

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

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

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to human immunodeficiency virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test

counseling and referral for treatment should also be provided. (1998 Code, § 4-308)

**4-309. Hepatitis B virus post-exposure management.** For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

For exposure from an HBsAg-positive source to workers who have previously received the vaccine, the exposed worker should be tested for antibodies to hepatitis B surface antigen (anti-HBs), and given one (1) dose of vaccine and one dose of HBIG if the antibody level in the worker's blood sample is inadequate (ie., 10 SRU by RIA, negative by EIA).

If the source individual is negative for HBsAg and the worker has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized. (1998 Code, § 4-309)

**4-310. Human immunodeficiency virus post-exposure management.** For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within twelve (12) weeks after the exposure. Such an illness, particularly one characterized by fever, rash, or lymphadenopathy, may be indicative of recent HIV infection.

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

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing twelve (12) weeks later may be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made

available by the city to all workers who may be concerned they have been infected with HIV through an occupational exposure. (1998 Code, § 4-310)

**4-311. Disability benefits.** Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Workers' Compensations Bureau in accordance with the provisions of Tennessee Code Annotated § 50-6-303. (1998 Code, § 4-311)

**4-312. Training regular employees.** On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or body fluids. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (1998 Code, § 4-312)

**4-313. Training high risk employees.** In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated as per this policy. (1998 Code, § 4-313)

**4-314. Training new employees.** During the new employee's orientation to his/her job, all new employees will be trained on the effects of infectious disease prior to putting them to work. (1998 Code, § 4-314)

**3-315. Records and reports.** (1) Reports. Occupational injury and illness records shall be maintained by the safety director. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200 report.

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

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

(4) Employee interviews. Should the city be inspected by the U.S. Department of Labor Office of Health Compliance, the compliance safety and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers. (1998 Code, § 4-315)

**4-316. Legal rights of victims of communicable diseases.** Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

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

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

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

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

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

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

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

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

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

(10) Whenever an employee finds it necessary to notify another employee, police officer, firefighter, emergency service officer, or health care provider that a victim has or is suspected of having a communicable disease,

that information shall be conveyed in a dignified, discrete and confidential manner. The person to whom the information is being conveyed should be reminded that the information is confidential and that it should not be treated as public information.

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil and/or criminal prosecution. (1998 Code, § 4-316)

**4-317. Amendments.** amendments or revisions of these rules may be recommended for adoption by any elected official or by department heads. Such amendments or revisions of these rules shall be by chapter and shall become effective after public hearing and approval by the governing body. (1998 Code, § 4-317)

## CHAPTER 4

### OCCUPATIONAL SAFETY AND HEALTH PROGRAM

#### 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 section shall be known as "The Occupational Safety and Health Program Plan" for the employees of the City of Bolivar. (Ord. #13-001, April 2013)

**4-402. Purpose.** The City of Bolivar 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) Continual analysis of the worksites 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 personal injuries for proper evaluation and necessary corrective action as required.

(4) 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.

(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. #13-001, April 2013)

**4-403. Coverage.** The provisions of the occupational safety and health program plan for the employees of the City of Bolivar 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. #13-001, April 2013)

**4-404. Standards authorized.** The occupational safety and health standards adopted by the City of Bolivar 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.<sup>1</sup> (Ord. #13-001, April 2013)

**4-405. 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 Occupation 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 notice on the main bulletin board shall be deemed sufficient notice to employees. (Ord. #13-001, April 2013)

**4-406. Administration.** For the purposes of this chapter, the City of Bolivar Police Chief is designated as the safety director of occupational safety and health to perform duties and to exercise powers assigned to plan, develop,

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 50, chapter 3.

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. #13-001, April 2013)

**4-407. Funding the program.** Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the City of Bolivar. (Ord. #13-001, April 2013)