

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. MISCELLANEOUS PERSONNEL REGULATIONS.
2. TRAVEL REIMBURSEMENT REGULATIONS.
3. ALCOHOL AND DRUG POLICY.
4. PERSONNEL HANDBOOK.
5. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

CHAPTER 1

MISCELLANEOUS PERSONNEL REGULATIONS¹

SECTION

- 4-101. Business dealings.
- 4-102. Political activity.
- 4-103. Strikes and unions.
- 4-104. Insurance for early retirees.

4-101. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the town. (1995 Code, § 4-201)

4-102. Political activity. Municipal officers and employees may individually exercise their right to vote and privately express their political views as citizens. However, no municipal officer or employee shall solicit political campaign contributions or engage in or actively participate in any municipal political campaign. The prohibition applies only when the employee is on duty. These restrictions shall not apply to elective officials or to off-duty law enforcement officers acting as private citizens. (1995 Code, § 4-204, modified)

4-103. Strikes and unions. No municipal officer or employee shall participate in any strike against the town, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (1995 Code, § 4-207)

¹Municipal code reference
Code of ethics: §§ 1-405, 1-407, 1-409, 1-410.

4-104. Insurance for early retirees. (1) Any employee who has attained the age of sixty-two (62) years of age and having attained twenty (20) years of service with the town may opt to take early retirement and have their medical and hospitalization insurance paid on themselves only until they reach the age of sixty-five (65) years.

(2) Payments made on behalf of the employee as a retirement incentive shall not constitute wages or payments in lieu of wages and shall not be subject to withholding for, or payment of, pension contributions. (1995 Code, § 4-209, modified)

CHAPTER 2

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-201. Purpose.
- 4-202. Enforcement.
- 4-203. Travel policy.
- 4-204. Travel reimbursement rate schedule.
- 4-205. Administrative procedures.

4-201. Purpose. The purpose of this chapter and referenced regulations is to bring the town into compliance with *Tennessee Code Annotated*, § 6-54-901 to 907. This law 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. (Ord. #07/08-16, March 2008)

4-202. Enforcement. Town Administrator (TA) of the town or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #07/08-16, March 2008)

4-203. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" 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 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 TA. 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 are not 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 TA 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 town business for which travel was authorized; and

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

The TA may make exceptions for unusual circumstances.

(c) Expenses considered excessive won't 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 call, public carrier travel, conference fee, 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 are not ordinarily considered eligible expenses for reimbursement. (Ord. #07/08-16, March 2008)

4-204. Travel reimbursement rate schedule. Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The town's travel reimbursement rates will automatically change when the state 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. #07/08-16, March 2008)

4-205. Administrative procedures. The town 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. A copy of the administrative procedures is on file in the office of the town recorder and in the town's personnel handbook. (Ord. #07/08-16, March 2008)

CHAPTER 3

ALCOHOL AND DRUG POLICY

SECTION

- 4-301. Purpose.
- 4-302. Policy.
- 4-303. General procedures.
- 4-304. Opportunity to contest or explain test results.
- 4-305. Confidentiality.
- 4-306. Job applicant drug testing.
- 4-307. Employee drug testing.
- 4-308. Alcohol testing.
- 4-309. Refusal to submit.
- 4-310. Important information for job applicants and employees.
- 4-311. Substance abuse testing for job applicants and employees will include a urinalysis screen for the following drugs.

4-301. Purpose. The Town of Dandridge is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any town employee illegally uses drugs on or off the job, comes to work under their influence, possesses, distributes or sells drugs in the workplace, or abuses alcohol on the job. (Ord. #17/18-03, Jan. 2018)

4-302. Policy. The Town of Dandridge has established the following policy, pursuant to *Tennessee Code Annotated*, § 50-0-100 *et. seq.*:

(1) It is a violation of town policy for any employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job.

(2) It is a violation of town policy for any employee to report to work under the influence of or while possessing in his or her body, blood or urine, illegal drugs in any detectable amount.

(3) It is a violation of town policy for any employee to report to work under the influence of or impaired by alcohol.

(4) It is a violation of the town policy for any employee to use prescription drugs illegally, i.e., to use prescription drugs that have not been legally obtained or in a manner or for a purpose other than as prescribed. However, nothing in this policy precludes the appropriate use of legally prescribed medications.

(5) Violations of this policy are subject to disciplinary action up to and including termination.

It is the responsibility of the town's supervisors to counsel employees whenever they see changes in performance or behavior that suggest an employee

has a drug problem. Although it is not the supervisor's job to diagnose personal problems, the supervisor should encourage such employees to seek help and advise them about viable resources for getting help. Everyone shares responsibility for maintaining a safe work environment, and co-workers should encourage anyone who has a drug problem to seek help.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs and the abuse of alcohol are incompatible with employment at the Town of Dandridge.

As a condition of employment, employees must abide by the terms of this policy and must notify the town in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.

The town offers resource information on various means of employee assistance in our community, including but not limited to drug and alcohol abuse programs. Employees are encouraged to use this resource file; which is located at town hall with the HR clerk. In addition, we will distribute this information to employees for their confidential use. (Ord. #17/18-03, Jan. 2018)

4-303. General procedures. Any employee reporting to work visibly impaired will be deemed unable to perform required duties and will not be allowed to work. If possible, the employee's supervisor will first seek another supervisor's opinion to confirm the employee's status. Next, the supervisor will consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. If, in the opinion of the supervisor, the employee is considered impaired, the employee will be sent home or to a medical facility by a safe transportation alternative--depending on the determination of the observed impairment-- and accompanied by the supervisor or another employee, if necessary. A drug or alcohol test may be in order. An impaired employee will not be allowed to drive. (Ord. #17/18-03, Jan. 2018)

4-304. Opportunity to contest or explain test results. Employees and job applicants who have a positive confirmed drug or alcohol test result may explain or contest the result to the medical review officer within five (5) working days after receiving written notification of the test result from the medical review officer; if an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the company; a person may contest the drug test result pursuant to rules adopted by the Tennessee Department of Labor. (Ord. #17/18-03, Jan. 2018)

4-305. Confidentiality. The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained, except as otherwise provided by law. (Ord. #17/18-03, Jan. 2018)

4-306. Job applicant drug testing. All job applicants of the Town of Dandridge will undergo testing for substance abuse as a condition of employment. Any applicant with a confirmed positive test result will be denied employment.

Applicants will be required to submit voluntarily to a urinalysis test at a laboratory chosen by the town, and by signing a consent agreement, will release the town from liability.

If the physician, official or lab personnel has reasonable suspicion to believe that the job applicant has tampered with the specimen, the applicant will not be considered for employment.

The town will not discriminate against applicants for employment because of a past history of drug or alcohol abuse. It is the current illegal use of drugs and/or abuse of alcohol, preventing employees from performing their jobs properly, that the town will not tolerate. (Ord. #17/18-03, Jan. 2018)

4-307. Employee drug testing. The Town of Dandridge has adopted testing practices to identify employees who illegally use drugs on or off the job or who abuse alcohol on the job. It shall be a condition of employment for all employees to submit to substance abuse testing under the following circumstances:

(1) When there is reasonable suspicion to believe that an employee is illegally using drugs or abusing alcohol. "Reasonable suspicion" is based on a belief that an employee is using or has used drugs or alcohol in violation of the employer's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon, but not limited to, the following:

(a) Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse;

(b) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;

(c) A report of substance abuse provided by a reliable and credible source;

(d) Evidence that an individual has tampered with any substance abuse test during his or her employment with the current employer;

(e) Information that an employee has caused or contributed to an accident while at work; or

(f) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.

(2) When employees have caused or contributed to an on-the-job injury that resulted in a loss of work-time, which means any period of time during which an employee stops performing the normal duties of employment and leaves the place of employment to seek care from a licensed medical provider. An employer may send employees for a substance abuse test if they are involved in on-the-job accidents where personal injury or damage to town property occurs.

(3) As part of a follow-up program to treatment for drug abuse.

(4) Routine fitness-for-duty drug or alcohol testing. A covered employer must require an employee to submit to a drug or alcohol test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination where the examinations are required by; law, regulation, are part of the covered employer's established policy, or one that is scheduled routinely for all members of an employment classification group. (Ord. #17/18-03, Jan. 2018)

4-308. Alcohol testing. The consumption or possession of alcoholic beverages on the town's premises is prohibited. An employee whose normal faculties are impaired due to alcoholic beverages, or whose blood alcohol level tests eight tenths (.08%) by weight for non-safety sensitive positions, or four tenths (.04%) for safety sensitive positions, while on duty/town business shall be guilty of misconduct, and shall be subject to discipline up to and including termination. (Ord. #17/18-03, Jan. 2018)

4-309. Refusal to submit. Failure to submit to a required substance abuse test also is misconduct and also shall be subject to discipline up to and including termination. (Ord. #17/18-03, Jan. 2018)

4-310. Important information for job applicants and employees. When an employee or job applicant submits to a drug and/or alcohol test, they will be given a form by the specimen collector that contains a list of common medications and substances which may alter or affect the outcome of a drug or alcohol test. This form will also have a space for the donor to provide any information that he/she considers relevant to the test, including the identification of currently or recently used prescription or non-prescription medication or other relevant information. The information form should be kept by the job applicant or employee for their personal use. If the job applicant or employee has a positive confirmed test result, a medical review officer will attempt to contact the individual in order to privately discuss the findings with that person. The job applicant or employee should keep the form as a "reminder"

to discuss this information at that time. The medical review officer will take this information into account when interpreting any positive confirmed test results. The information provided shall be treated as confidential and will not be given to the employer. Employees and job applicants have the right to consult with a medical review officer for technical information regarding prescription and non-prescription medicine.

It is the responsibility of every employee or job applicant to notify the testing laboratory of any administrative or civil action brought pursuant to *Tennessee Code Annotated*, § 50-9-100 *et. seq.*, drug-free workplace programs.

The provisions of this policy are subject to any applicable collective bargaining agreement or contract and include the right of appeal to the applicable court. (Ord. #17/18-03, Jan. 2018)

4-311. Substance abuse testing for job applicants and employees will include a urinalysis screen for the following drugs.

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| Alcohol: | Not required for job applicant testing. |
| Any "alcoholic beverage": | All liquid medications containing ethyl alcohol (ethanol). Please read the label for content. For example; Vicks Nyquil™ is twenty-five percent (25%) (fifty (50) proof) ethyl alcohol, Comtrex™ is twenty percent (20%) (forty (40) proof), Contac Severe Cold Formula Night Strength™ is twenty-five percent (25%) (fifty (50) proof), and Listerine™ is twenty-six and nine-tenths percent (26.9%) (fifty-four (54) proof). |
| Amphetamines: | "speed," "uppers," etc. |
| Cannabinoids: | THC, marijuana, hashish, "pot," "grass," "hash," etc. |
| Cocaine: | "Coke/ "crack," etc. |
| Phencyclidine: | PCP, "angel dust." |
| Opiates: | Narcotics, heroin, codeine, morphine, "smack, dope, etc." |

(Ord. #17/18-03, Jan. 2018)

CHAPTER 4

PERSONNEL HANDBOOK¹

SECTION

4-401. Personnel regulations.

4-401. Personnel regulations. Ordinance #12/13-05 (Dec. 2012) shall be known as the "Town of Dandridge Personnel Handbook." (modified)

¹The Town of Dandridge Personnel Handbook and related schedules and forms (and amending resolutions) may be viewed in the office of the recorder.

CHAPTER 5

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

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

4-501. Purpose. The Town of Dandridge, 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/her 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. (Ord. #12/13-10, June 2013)

4-502. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the Town of Dandridge shall apply to all employees of each administrative department, commission, board, division, or other agency of the Town of Dandridge whether part-time or full-time, seasonal or permanent. (Ord. #12/13-10, June 2013)

4-503. Standards authorized. The occupational safety and health standards adopted by the Town of Dandridge 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 (*Tennessee Code Annotated*, title 50, chapter 3). (Ord. #12/13-10, June 2013)

4-504. Variances from standards authorized. The Town of Dandridge 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, chapter 0800-1-2, as authorized by *Tennessee Code Annotated*, title 50. Prior to requesting such temporary variance, the Town of Dandridge 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 a main bulletin board as designated by the Town of Dandridge shall be deemed sufficient notice to employees. (Ord. #12/13-10, June 2013)

4-505. Administration. For the purposes of this chapter, the town recorder 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 for the Town of Dandridge. 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. #12/13-10, June 2013)

4-506. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the Town of Dandridge. (Ord. #12/13-10, June 2013)