

## TITLE 4

### MUNICIPAL PERSONNEL<sup>1</sup>

#### CHAPTER

1. SOCIAL SECURITY.
2. PERSONNEL REGULATIONS.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. INFECTIOUS DISEASE CONTROL POLICY.
5. TRAVEL REIMBURSEMENT REGULATIONS.

#### CHAPTER 1

#### SOCIAL SECURITY

#### SECTION

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports to be made.
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**4-101. Policy and purpose as to coverage.** It is hereby declared to be the policy and purpose of this municipality to provide for all eligible employees and officials of the municipality, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the municipality shall take such action as may be required by applicable state and federal laws or regulations. (1970 Code, § 1-801)

**4-102. Necessary agreements to be executed.** The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1970 Code, § 1-802)

**4-103. Withholdings from salaries or wages.** Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at

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<sup>1</sup>Charter reference

Administration: art. VIII.

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. (1970 Code, § 1-803)

**4-104. Appropriations for employer's contributions.** There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1970 Code, § 1-804)

**4-105. Records and reports to be made.** The municipality shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1970 Code, § 1-805)

**4-106. Exclusion of coverage due to another retirement system.** There is hereby excluded from this chapter any authority to make any agreement with respect to any position or employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the town. (1970 Code, § 1-806)

## CHAPTER 2

### PERSONNEL REGULATIONS<sup>1</sup>

#### SECTION

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- 4-226. [Repealed].
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- 4-228. Dismissal.
- 4-229. Computer/internet use.

**4-201. Purpose.** It is the town's declared purpose to establish a system of personnel administration that is based on merit and fitness. The system shall provide means to select, develop, and maintain an effective municipal work force through impartially applying personnel policies and procedures free of personal

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<sup>1</sup>Charter reference  
Personnel rules: art. VIII, § 2.

and political considerations and regardless of race, color, gender, age, creed, national origin, or disability.

**4-202. At will employer.** The Town of Decatur, Tennessee is an at-will employer. Nothing in this chapter may be construed as creating a property right or contract right to any job for any employee.

**4-203. Coverage.** The following personnel are not covered by this policy, unless otherwise provided:

- (1) All elected officials.
- (2) Members of appointed boards and commissions.
- (3) Consultants, advisers, and legal counsel rendering temporary professional service.
- (4) The city attorney.
- (5) Independent contractors and/or contract employees.
- (6) Volunteer personnel.

All other employees of the municipal government are covered by this personnel policy.

**4-204. Employees.** (1) Full-time. Full-time employees are individuals employed by the municipal government who normally work 40 hours per week.

(2) Part-time. Part-time employees are individuals who may not work on a daily basis or work on a daily basis fewer than 8 hours a day and may work fewer than 40 hours per week or who are temporary and/or seasonal employees.

**4-205. Hiring procedures.** (1) Policy statement. The primary objective of this hiring policy is to insure compliance with the law and to obtain qualified personnel to serve the citizens of the municipality. The municipality shall make reasonable accommodations in all hiring procedures for all persons with disabilities.

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

(3) Interviews. All appointments will be preceded by an interview with the officials and personnel appointed by the mayor.

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

made in the physical agility exam for applicants with disabilities making a request for accommodations.

(5) Appointments, etc. All appointments shall be made in accordance with lawful provisions of the municipal charter if there are applicable provisions in the charter.

**4-206. Holidays.** Generally, full-time employees are allowed a day off with pay on the following holidays:

- (1) New Years Day.
- (2) Dr. Martin Luther King Jr. Day.
- (3) Presidents Day.
- (4) Memorial Day.
- (5) Independence Day.
- (6) Labor Day.
- (7) Veterans Day.
- (8) Thanksgiving Day.
- (9) Christmas Eve.
- (10) Christmas Day.

Employees must be in a pay status on the work day before and on the work day after the holiday, unless otherwise excused by the supervisor, to receive compensation for the holiday.

Any employee required to work on a regular holiday shall be granted those hours off on an alternate day approved by the supervisor or an additional time and one half rate for the hours worked. (as amended by Ord. #169, May 2009)

**4-207. Vacation leave.** Employees shall accrue leave as of the first day of each month as follows:

Less than one (1) year shall accrue no vacation leave. On the first day of an employee's first year anniversary month, employee shall receive forty (40) hours leave and then accrue vacation based on the regular schedule listed below. An exception to this first year accrual shall be current full-time employees with less than one (1) year of service, as of the passage date of the ordinance comprising this section, who shall receive eighty (80) hours leave on the first day of their one (1) year anniversary month and then accrue vacation based on ten (10) days per year (6.67 hours per month).

2 through 4 years ----- 6.67 hours per month (10 days per year)

5 through 7 years ----- 8 hours per month (12 days per year)

8 through 10 years ----- 10 hours per month (15 days per year)

11 years + ----- 10 hours month (15 days per year) plus .33 hours per month (1/2 day per year) for each additional year above 10 employed until the employee reaches the maximum accrual rate of 20 hours per month (30 days per year).

Employees shall be paid for any vacation accumulated and not taken if employment is terminated after one (1) year of employment.

In order to transition to the new accrual rates, employees of the town with over one (1) year employment will accrue a lump sum number of hours, based on the above listed rates, on January 1, 2010. Following this date, the new accrual method will be used.

The recorder shall maintain all vacation leave records for the employees of the town by using the computer system. Vacation hours can carry over to the maximum number of hours equal to the employee's annual vacation accrual rate. Vacation hour balance that exceeds that figure will be rolled into sick leave hours accrued. Employees shall be paid for any vacation accumulated and not taken if employment is terminated after six (6) months. (as amended by Ord. #169, May 2009, Ord. #170, Dec. 2009, Ord. #172, March 2010, and Ord. #175, Aug. 2010)

**4-208. Bereavement leave.** An employee may be absent for a death in their immediate family and continue to be paid for three (3) days. After three days bereavement time is charged to the employee's sick leave or annual leave. Immediate family shall be defined as spouse, children, brother, sister, mother, father, mother-in-law, father-in-law, grandparents, grandchildren.

**4-209. Sick leave.** All full-time employees shall accumulate eight (8) hours of sick leave per month with pay for each month of work completed for the municipality. This amount is accumulated up to sixteen hundred (1600) hours. Sick leave may be granted for any of the following reasons:

- (1) Personal illness or physical incapacity resulting from causes beyond the employee's control.
- (2) Medical, dental, optical or other professional treatments or examinations.
- (3) Illness in the employee's immediate family. (Immediate family to be defined as spouse, parents, and children.)

When an employee is sick or has a sickness in the immediate family, he or she shall call or have a member of his/her family call the town office and report that they are on sick leave; and upon their return to work, report to the office that they are back on duty. This is to insure that proper records can be kept.

If 3 consecutive days of sick leave are taken a doctor's certificate is required upon return to work.

Employees shall not be paid for unused sick leave upon the employee's termination, resignation or retirement. (as amended by Ord. #169, May 2009)

**4-210. Grievance policy.** The purpose of this section is to prescribe uniform disposition procedures of grievances presented by individual employees. A grievance is a written question, disagreement, or misunderstanding

concerning administrative order involving on the employee's work area, reasonable accommodations under Americans with Disabilities Act, physical facilities, unsafe equipment, or unsafe material used. The grievance must be submitted within five (5) working days of the incident causing the grievance.

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

Step 1. Discuss the problem with immediate supervisor. If satisfaction is not obtained, the grievance is advanced to the second step.

Step 2. Discuss the problem with the appropriate department head. If the grievance is not resolved, it is advanced to the third step along with all documentation.

Step 3. Discuss the problem with the board of mayor and aldermen of the municipality. The board of mayor and aldermen's decision is the last and final step in the process. The decision of the board of mayor and aldermen is final and binding to all parties involved.

**4-211. Discrimination prohibited.** The municipality is an equal opportunity employer. Except as otherwise permitted by law, the municipality will not discharge or fail or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of individual's race, color, religion, gender, or national origin, or because the individual is forty (40) or more years of age. The municipality will not discriminate against a qualified individual with a disability because of the disability in regard to job application procedures, hiring or discharge, employee compensation, job training, or other terms, conditions, and privileges of employment. (Title VII of Civil Rights Act of 1964 - 42 U.S.C. 2000e - 2000e-15; Equal Pay Act of 1963 - 29 U.S.C. 206(d); Age Discrimination in Employment Act - 29 U.S.C. 621, et seq.; Americans with Disabilities Act - 42 U.S.C. 506, et seq.)

**4-212. Workplace harassment/sexual harassment prohibited.** It is the policy of the Town of Decatur to promote a productive, safe and healthy work environment for all employees, customers, vendors, contractors and members of the general public and to provide for the efficient and effective operation of the local government's activities. The Town of Decatur will not tolerate verbal or physical conduct by an employee which harasses, disrupts or interferes with another's work performance or which creates an intimidating, offensive or hostile environment.

(1) No employee or non-employee shall be allowed to harass any other employee or non-employee by exhibiting behavior including, but not limited to, the following:

(a) Verbal harassment. Verbal threats toward persons or property; the use of vulgar or profane language directed towards others; disparaging or derogatory comments or slur; offensive flirtations or propositions; verbal intimidation; exaggerated criticism or name-calling; spreading untrue or malicious gossip about others.

(b) Physical harassment. Any physical assault, such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person.

(c) Visual harassment. Displaying derogatory or offensive posters, cartoons, publications or drawings.

(2) Under no circumstances are the following items permitted on local government property, including local government-owned parking areas, except when issued or sanctioned by the local government for use in performance of the employee's job:

(a) All types of firearms, switchblade knives, and knives with a blade longer than four inches (4");

(b) Dangerous chemicals;

(c) Explosives or blasting caps;

(d) Chains; or

(e) Other objects carried for the purposes of injury or intimidation.

(3) Charges of violence and harassment may be reported to any supervisory employee of the town including the town recorder and the mayor. The personnel manager is charged with investigating all cases of workplace violence and harassment. Depending on the severity of the charges or whether a crime is committed, the mayor may request that the police chief provide assistance to the personnel manager or assume responsibility for the investigation. All employees are required to assist in the course of the investigation by providing testimony, statements and evidence, as required. Failure to cooperate may result in disciplinary action.

(4) Copies of the investigative report with recommendations for appropriate action will be turned over to the mayor as appropriate for further action. Disciplinary action may be taken against any employee who commits acts of workplace violence and harassment.

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



Any employee who believes that he or she has been subjected to sexual harassment should immediately report this to the supervisor or a member of the board of mayor and aldermen. Within the limits of the Tennessee Open Records Law, the municipality will handle the matter with as much confidentiality as possible. There will be no retaliation against an employee who makes a claim of sexual harassment or who is a witness to the harassment.

The municipality will conduct an immediate investigation in an attempt to determine all the facts concerning the alleged harassment. If the municipality determines that sexual harassment has occurred, corrective action will be taken. The municipality will attempt to make the corrective action reflect the severity of the conduct. If it is determined that no harassment has occurred, this will be communicated to the employee who made the complaint, along with the reasons for the determination. (as amended by Ord. #169, May 2009)

**4-213. Overtime compensation.** The Fair Labor Standards Act (FLSA) shall govern the overtime compensation of municipal employees (29 C.F.R. 553.1, et seq.). Non-public safety personnel shall be compensated for overtime on all hours actually worked over forty (40) during a work week. However, employees shall be paid a minimum of two (2) hours overtime when called back to work outside of their regularly scheduled work hours regardless of their total hours actually worked during the work week. Fire and police hourly personnel are subject to overtime compensation when hours actually worked exceed the thresholds established in the work periods approved by the town. (as amended by Ord. #169, May 2009)

**4-214. Military leave/veterans' re-employment.** All employees who are members of reserve components of the armed forces, including the national guard, are entitled to leave while engaged in "duty or training in the service of this state, or of the United States, under competent order," and they must be given such leave with pay not exceeding twenty (20) working days in any one calendar year.<sup>1</sup> Also, any employee of the municipality who leaves his/her job, voluntarily or involuntarily, to enter active duty in the armed forces may return to the job in accordance with Veterans' Re-employment Rights (38 U.S.C. 202-2016) and the Tennessee Military Leave Act.<sup>2</sup> (as amended by Ord. #169, May 2009)

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<sup>1</sup>State law reference  
Tennessee Code Annotated, § 8-33-109.

<sup>2</sup>State Law reference  
Tennessee Code Annotated, § 8-33-101, et seq.

**4-215. Family and medical leave.** If the municipality has 50 or more employees on the payroll an eligible employee (one who has been employed at least 12 months and worked at least 1250 hours in the preceding 12 months) will be provided 12 calendar weeks of unpaid leave for medical conditions of the employee or his/her family members in accordance with the Family and Medical Leave Act (P.L. 103-3)

**4-216. Commercial driver's license.** All employees that drive

- (1) A vehicle with a gross weight of more than 26,000 pounds;
- (2) A trailer with a gross weight of more than 10,000 pounds;
- (3) A vehicle designed to transport more than 15 passengers, including the driver; and
- (4) Any size vehicle hauling hazardous waste requiring placards are required to have a Tennessee Commercial Driver's License in accordance with Tennessee Code Annotated, § 55-50-101, et seq.

Fire truck, police vehicle, and emergency medical vehicle operators are exempt from the CDL requirements. All employees that drive town vehicles may be required to show proof of driver's license when appropriate. (as amended by Ord. #169, May 2009)

**4-217. Employee drug testing.** All employees in safety-sensitive positions (such as gas employees, equipment/vehicle operators that require a Commercial Driver's License, etc.) are subject to alcohol and drug testing in accordance with the Department of Transportation (DOT) Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143, Title V) and the Natural Gas Pipeline Safety Act (49 CFR Part 199). Other employees may be subject to drug testing in accordance with the drug testing policy of the municipality if applicable.

**4-218. Residence requirements.** No person "currently employed" by the municipality can be dismissed or penalized "solely on the basis of non-residence."<sup>1</sup> However, all future employees shall be required to live within Meigs County.

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<sup>1</sup>State law reference  
Tennessee Code Annotated, § 8-50-107.

**4-219. Employee right to contact elected officials.** No employee shall be disciplined or discriminated against for communicating with an elected official. However an employee may be reprimanded for making untrue allegations concerning any job-related matter.<sup>1</sup>

**4-220. Civil leave.** Civil leave with pay shall be granted to employees for the following reasons:

- (1) Jury duty.<sup>2</sup>
- (2) To answer a subpoena to testify for the municipality.

**4-221. Voting.** When elections are held in the state, leave for the purpose of voting, if requested, shall be in accordance with Tennessee Code Annotated, § 2-1-106.

**4-222. Political activity.** Employees have the same rights as other citizens to be a candidate for state or local political office (except for membership on the municipal governing body) and to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. No employee may campaign on municipal time or in municipal uniform nor use municipal equipment or supplies in any campaign or election.<sup>3</sup>

**4-223. Travel policy.** The purpose of this section and referenced regulations is to bring the town into compliance with Tennessee Code Annotated, §§ 6-54-901--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 section 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.

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<sup>1</sup>State law reference  
Tennessee Code Annotated, § 8-50-601 – 604.

<sup>2</sup>State law reference  
Tennessee Code Annotated, § 22-4-108.

<sup>3</sup>State law reference  
Tennessee Code Annotated, § 7-51-1501.

(1) Enforcement. The town recorder of the town or his or her designee shall be responsible for the enforcement of these travel regulations.

(2) Travel policy. (a) In the interpretation and application of this section, 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 section. "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 section.

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

(c) 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, conference 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 CAO to initiate action to recover any undocumented travel advances.

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

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

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

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

(ii) Actual, reasonable and necessary under the circumstances. The CAO may make exceptions for unusual circumstances.

Expenses considered excessive will not be allowed.

(g) 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.

(h) 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.

(i) Mileage and motel expenses incurred within the town are not ordinarily considered eligible expenses for reimbursement.

(3) Travel reimbursement rate schedules. 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.

(4) 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.

This section shall take affect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after the date of adoption. (as replaced by Ord. #169, May 2009)

**4-224. Outside employment**. No full-time employee of the municipality may accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the employee's duties, or is incompatible with his/her municipal employment, or is likely to cast discredit upon or create embarrassment for the municipality.

**4-225. [Repealed]**. (as repealed by Ord. #152, Oct. 2006)

**4-226. [Repealed]**. (as repealed by Ord. #152, Oct. 2006)

**4-227. Strikes and unions**. No municipal officer or employee shall participate in any strike against the municipality, 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. (1970 Code, § 1-907)

**4-228. Dismissal**. (1) At will. Employees may be dismissed for cause, for no cause, or for any cause as long as it does not violate federal and/or state law or the municipal charter.

(2) Name-clearing hearing. A name-clearing hearing will be given to any terminated, demoted, or suspended employee that requests one. This

hearing will not be conducted to provide an employee any property rights. The purpose of the hearing is solely to let the employee clear his/her name.

**4-229. Computer/internet use.** It is every employee's duty to use the town's computer resources and communication devices responsibly, professionally, ethically and lawfully. These policies are not intended to, and do not, grant users any contractual rights. The term "computer resources" refers to the town's computers, electronic equipment, and its entire computer network.

(1) Computer use policy overview. The computer resources are the property of the town and should be used for legitimate business purposes. While personal use of town computer resources including Internet and electronic mail is not forbidden, it is discouraged. Personal use shall be minimal and shall not interfere with the performance of job duties and responsibilities. Users are permitted access to the computer resources to assist them in performing their jobs. Use of the computer resources is a privilege that may be restricted or revoked at any time. All information contained in the computer resources and all documents generated therefrom are for the exclusive use of the town in connection with the conduct of its business and are the sole property of the town.

(2) Waiver of privacy rights. Users expressly waive any right of privacy in anything they create, store, send or receive using the computer resources. Users consent to allowing the town to access and review all materials users create, store, send or receive using the computer resources.

(3) Inappropriate or unlawful material. Material that is, or could reasonably be regarded as, derogatory or discriminatory on the basis of race, sex, religion, national origin, age, or disability, or is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory or otherwise unlawful, may not be sent, by e-mail or other forms of electronic communication (such as bulletin board systems, news groups and chat groups) or displayed on or stored in the computer resources. Any such material received by electronic transmission from a source outside of the town should be deleted immediately.

(4) Misuse of software. Without prior authorization and proper licensing, users may not do any of the following:

- (a) Copy software for use on their home computers;
- (b) Provide copies of software to any third person;
- (c) Install software or hardware on any computer resources;
- (d) Download any software from the Internet or other online service to any computer resources;
- (e) Modify, revise, transform, recast or adapt any software on any computer resources.

(5) Compliance with laws and licenses. In their use of computer resources, users must comply with all software licenses and copyrights and all state, federal and international laws governing intellectual property and online activities.

(6) Communication of trade secrets. Unless expressly authorized by the town, sending, transmitting or otherwise disseminating proprietary data, trade secrets or other confidential information of the town is strictly prohibited.

(7) Use of encryption software. Users may not install or use encryption software on any computers without first obtaining written permission from the town.

(8) Monitoring usage. The town has the right, but not the duty, to monitor any and all aspects of the computer resources, including monitoring sites visited by employees on the Internet, monitoring chat groups and news-groups, reviewing material downloaded or uploaded by users to the Internet, and reviewing e-mail sent and received by others.

(9) Public records. All employee correspondence in the form of electronic mail may be considered a public record and may be subject to public inspection under the Tennessee Public Records Law. (as added by Ord. #169, May 2009)

### CHAPTER 3

#### OCCUPATIONAL SAFETY AND HEALTH PROGRAM

##### SECTION

4-301. Title.

4-302. Purpose.

4-303. Coverage.

4-304. Standards authorized.

4-305. Variances from standards authorized.

4-306. Administration.

4-307. Funding the program.

**4-301. Title.** This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of the Town of Decatur. (Ord. #133, June 2003, as replaced by Ord. #189, June 2013)

**4-302. Purpose.** The Town of Decatur, in electing to update the established program plan, will maintain an effective and comprehensive occupational safety and health program plan for its employees and shall:

(1) Provide a safe and healthful place and condition of employment that includes:

(a) Top management commitment and employee involvement;

(b) Continually analyze the worksite to identify all hazards and potential hazards;

(c) Develop and maintain methods for preventing or controlling the existing or potential hazards; and

(d) Train managers, supervisors, and employees to understand and deal with worksite hazards.

(2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.

(3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

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

(5) Consult with the Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.



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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program plan. (Ord. #133, June 2003, as replaced by Ord. #189, June 2013)

**4-303. Coverage.** The provisions of the Occupational Safety and Health Program Plan for the employees of the Town of Decatur 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. #133, June 2003, as replaced by Ord. #189, June 2013)

**4-304. Standards authorized.** The occupational safety and health standards adopted by the Town of Decatur 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. #133, June 2003, as replaced by Ord. #189, June 2013)

**4-305. Variances from standards authorized.** Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Variances from Occupational Safety and Health Standards, chapter 0800-01-02, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees. (Ord. #133, June 2003, as replaced by Ord. #189, June 2013)

**4-306. Administration.** For the purposes of this chapter, Shane Allen is designated as the safety director of occupational safety and health to perform duties and to exercise powers assigned to plan, develop, and administer this

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 50, chapter 3.

program plan. The safety director shall develop a plan of operation<sup>1</sup> 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. #133, June 2003, as replaced by Ord. #189, June 2013)

**4-307. Funding the program.** Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the Town of Decatur. (Ord. #133, June 2003, as replaced by Ord. #189, June 2013)

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<sup>1</sup>The plan of operation is of record in the office of the recorder.

## CHAPTER 4

### INFECTIOUS DISEASE CONTROL POLICY

#### SECTION

- 4-401. Purpose.
- 4-402. Coverage.
- 4-403. Administration.
- 4-404. Definitions.
- 4-405. Policy statement.
- 4-406. General guidelines.
- 4-407. Hepatitis B vaccinations.
- 4-408. Reporting potential exposure.
- 4-409. Hepatitis B virus post-exposure management.
- 4-410. Human immunodeficiency virus post-exposure management.
- 4-411. Disability benefits.
- 4-412. Training regular employees.
- 4-413. Training high risk employees.
- 4-414. Training new employees.
- 4-415. Records and reports.
- 4-416. Legal rights of victims of communicable diseases.

**4-401. Purpose.** It is the responsibility of the Town of Decatur 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 Town of Decatur, 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).

**4-402. 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 but are not limited to:

- (1) Paramedics and emergency medical technicians;
- (2) Occupational nurses;
- (3) Housekeeping and laundry workers;

- (4) Police and security personnel;
- (5) Firefighters;
- (6) Sanitation and landfill workers; and
- (7) Any other employee deemed to be at high risk per this policy and an exposure determination.

**4-403. 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 other potentially infectious materials;
- (3) Maintain records of all employees and incidents subject to the provisions of this 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 board of mayor and aldermen any amendments or changes to the infection control policy;
- (7) Identify any and all housekeeping operations involving substantial risk of direct exposure to potentially infectious materials 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 aldermen.

**4-404. Definitions.** (1) "Body fluids" - fluids that have been recognized by the Center 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 potentially infectious materials 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 potentially infectious materials to be protected as though such body fluid were HBV or HIV infected.

**4-405. Policy statement.** All blood and other potentially infectious materials are infectious for several blood-borne pathogens. Some body fluids can also transmit infections. For this reason, the Center 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 potentially infectious materials. 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.

**4-406. 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 other potentially infectious materials 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 other potentially infectious materials 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 town 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 other potentially infectious materials 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. Employees 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 to 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 potentially infectious materials to prevent exposure to mucous membranes of the mouth, nose, and eyes. They are not required for routine care.

(8) Gowns, aprons, or lab coats shall be worn during procedures that are likely to generate splashes of blood or other potentially infectious materials.

(9) 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 30 seconds. A solution must be changed and re-mixed every 24 hours to be effective.

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

(11) 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 objects must be placed in an impervious container and shall be properly disposed of.

(12) 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 (5) feet 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.

(13) Linen soiled with blood or other potentially infectious materials 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 transported 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 potentially infectious materials.

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up.

**4-407. Hepatitis B vaccinations.** The Town of Decatur shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and at times prescribed by standard medical practices. The vaccination 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 Infectious Disease Control Coordinator.

**4-408. Reporting potential exposure.** Town 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 Infectious Disease Control Coordinator 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.

**4-409. 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 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.

**4-410. 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 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 6 weeks, 12 weeks, and 6 months after exposure to determine whether transmission has occurred. During this follow-up period (especially the first 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 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 town to all workers who may be concerned they have been infected with HIV through an occupational exposure.

**4-411. 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 Worker's Compensations Bureau in accordance with the provisions of Tennessee Code Annotated, § 50-6-303.

**4-412. 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 potentially infectious materials. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents.

**4-413. 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 material as per this policy.

**4-414. Training new employees.** During the new employee's orientation to his/her job, all new employee will be trained on the effects of infectious disease prior to putting them to work.

**4-415. Records and reports.** (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. 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.

(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 (i.e. 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 town 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.

**4-416. 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 the report 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.

## CHAPTER 5

### TRAVEL REIMBURSEMENT REGULATIONS

#### SECTION

- 4-501. Enforcement.
- 4-502. Travel policy.
- 4-503. Travel reimbursement rate schedules.
- 4-504. Administrative procedures.

**4-501. Enforcement.** The mayor (CAO) of the town or his or her designee shall be responsible for the enforcement of these regulations.

**4-502. 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 town business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

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

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

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

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

(5) 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 CAO 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 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 aren't ordinarily considered eligible expenses for reimbursement.

**4-503. Travel reimbursement rate schedules.** Authorized travelers shall be reimbursed according to the state of Tennessee travel regulation rates; with receipts. 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.

**4-504. 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, in June 1993. A copy of the administrative procedures is on file in the office of the city recorder.<sup>1</sup>

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1993.

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 6-54-904 requires a city to notify the comptroller in writing that it has adopted the MTAS administrative procedures, including the date of such adoption.