

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. PERSONNEL RULES AND REGULATIONS.
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CHAPTER 1

PERSONNEL RULES AND REGULATIONS

SECTION

- 4-101. Rules and regulations adopted by reference.
- 4-102. Administration.
- 4-103. Personnel rules and regulations.

4-101. Rules and regulations adopted by reference. (1) The 2017 Edition of the Personnel Rules and Regulations for the City of Elizabethton, Tennessee, which is attached hereto,¹ made a part hereof, annexed herewith, and incorporated herein by reference, which rules and regulations contain the Personnel Rules and Regulations of the City of Elizabethton, Tennessee, containing eleven (11) sections with three (3) appendices, which have been considered and approved by the Personnel Advisory Board of the City of Elizabethton, Tennessee, and read and considered by the City Council of the City of Elizabethton, Tennessee, be and the same is hereby adopted and declared to be the Personnel Rules and Regulations for the City of Elizabethton, Tennessee.

(2) That the document entitled "2017 Edition of the Personnel Rules and Regulations of the City of Elizabethton, Tennessee" be and the same hereby is incorporated verbatim in this section for the purpose of passing and adopting said rules and regulations as the same is written and prepared. (2000 Code, § 4-201, as replaced by Ord. #53-21, Sept 2017 *Ch1_12-13-18*)

¹Ordinances amending Personnel Rules and Regulations are of record in the city clerk's office.

4-102. Administration.¹ The personnel system shall be administered by the city manager, who shall have the following duties and responsibilities:

(1) Exercise leadership in developing an effective personnel administration system subject to provisions in this chapter, other ordinances, the city charter, and federal and state laws relating to personnel administration.

(2) Establish policies and procedures for the recruitment, appointment, and discipline of all employees of the city subject to those policies as set forth in this chapter, the city charter and the municipal code.

(3) Fix and establish the number of employees in the various city government departments and offices, and determine the duties, authority, responsibility and compensation in accordance with the policies as set forth in the city charter and code, and subject to the approval of the city council and budget limitations.

(4) Foster and develop programs for the improvement of employee effectiveness, including training, safety, and health.

(5) Maintain records of all employees subject to the provisions of this chapter of the city code which shall include each employee's class, title, pay rates, and other relevant data.

(6) Make periodic reports to the city council regarding the administration of the personnel system.

(7) Recommend to the city council a position classification plan, and install and maintain such a plan upon approval by the city council.

(8) Prepare and recommend to the city council a pay plan for all city government employees.

(9) Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the employment needs of the city government.

(10) Be responsible for certification of payrolls.

(11) Perform such other duties and exercise such other authority in personnel administration as may be prescribed by law and the city council.

(2000 Code, § 4-202)

4-103. Personnel rules and regulations. The city manager shall develop rules and regulations necessary for the effective administration of the personnel system. The Personnel Advisory Board shall consider for adoption the rules presented to them by the city manager and, if approved, recommend the rules and regulations to the Elizabethton City Council.² (2000 Code, § 4-203, as replaced by Ord. #53-21, Sept. 2017 *Ch1_12-13-18*)

¹Charter reference

Administration of personnel system: § 6-35-404.

²The Personnel Rules and Regulations are of record in the city clerk's office.

CHAPTER 2

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

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4-201. Purpose and coverage. The purpose of this plan is to provide guidelines and procedures for implementing the occupational safety and health program plan for the employees of the City of Elizabethton.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The City of Elizabethton in electing to update and maintain an effective occupational safety and health program plan for its employees:

- (1) Provide a safe and healthful place and condition of employment.
- (2) Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- (3) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Safety Director of the Division of Occupational Safety and Health, 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 or his designated representative with regard to the adequacy of the form and content of such records.

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

(6) Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine program plan effectiveness and compliance with the occupational safety and health standards.

(7) Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the occupational safety and health program plan.

(8) Provide reasonable opportunity for and encourage 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 which may be injurious to employees' safety and health. (Ord. #49-11, May 2013)

4-202. Definitions. For the purposes of this program plan, the following definitions apply:

(1) "Commissioner of Labor and Workforce Development" means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.

(2) "Employer" means the City of Elizabethton and includes each administrative department, board, commission, division, or other agency of the City of Elizabethton.

(3) "Safety director of occupational safety and health" or "safety director" means the person designated by the establishing ordinance, or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the occupational safety and health program plan for the employees of the City of Elizabethton which shall be city manager of the City of Elizabethton or his designee.

(4) "Inspector(s)" means the individual(s) appointed or designated by the safety director of occupational safety and health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the safety director of occupational safety and health.

(5) "Appointing authority" means any official or group of officials of the employer having legally designated powers of appointment, employment, or

removal therefrom for a specific department, board, commission, division, or other agency of this employer.

(6) "Employee" means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as "volunteers" provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.

(7) "Person" means one (1) or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.

(8) "Standard" means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with section VI(6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one (1) or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.

(9) "Imminent danger" means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.

(10) "Establishment" or "worksite" means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.

(11) "Serious injury" or "harm" means that type of harm that would cause permanent or prolonged impairment of the body in that:

(a) A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced); or

(b) A part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

(12) "Act" or "TOSH Act" shall mean the Tennessee Occupational Safety and Health Act of 1972.

(13) "Governing body" means the county quarterly court, board of aldermen, board of commissioners, city or town council, board of governors, etc.,

whichever may be applicable to the local government, government agency, or utility to which this plan applies.

(14) "Chief executive officer" means the chief administrative official, county judge, county chairman, county mayor, mayor, city manager, general manager, etc., as may be applicable. (Ord. #49-11, May 2013)

4-203. Employer's rights and duties. Rights and duties of the employer shall include, but are not limited to, the following provisions:

(1) Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

(2) Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to section VI(6) of the Tennessee Occupational Safety and Health Act of 1972.

(3) Employer shall refrain from an unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employers place(s) of business. Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.

(4) Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under section 6 of the Tennessee Occupational Safety and Health Act of 1972.

(5) Employer is entitled to request an order granting a variance from an occupational safety and health standard.

(6) Employer is entitled to protection of its legally privileged communication.

(7) Employer shall inspect all work sites to insure the provisions of this program plan are complied with and carried out.

(8) Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.

(9) Employer shall notify all employees of their rights and duties under this program plan. (Ord. #49-11, May 2013)

4-204. Employees' rights and duties. Rights and duties of employees shall include, but are not limited to, the following provisions:

(1) Each employee shall comply with Occupational Safety and Health Act standards and rules, regulations, and orders issued pursuant to this program plan and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.

(2) Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provisions of the TOSH Act or any standard or regulation promulgated under the Act.

(3) Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.

(4) Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this program plan may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.

(5) Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.

(6) Subject to regulations issued pursuant to this program plan, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the safety director or inspector at the time of the physical inspection of the worksite.

(7) Any employee may bring to the attention of the safety director any violation or suspected violations of the standards or any other health or safety hazards.

(8) No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this program plan.

(9) Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (8) of this section may file a complaint alleging such discrimination with the safety director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

(10) Nothing in this or any other provisions of this program plan shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others or when a medical examination may be reasonably required for performance of a specific job.

(11) Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the safety director within twenty-four (24) hours after the occurrence. (Ord. #49-11, May 2013)

4-205. Administration. (1) The safety director of occupational safety and health is designated to perform duties or to exercise powers assigned so as to administer this occupational safety and health program plan.

(a) The safety director may designate person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this program plan.

(b) The safety director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the safety director.

(c) The safety director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this program plan.

(d) The safety director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this program plan.

(e) The safety director shall prepare the report to the Commissioner of Labor and Workforce Development required by § 4-201(g) of this plan.

(f) The safety director shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.

(g) The safety director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.

(h) The safety director shall maintain or cause to be maintained records required under § 4-208 of this plan.

(i) The safety director shall, in the eventuality that there is a fatality, insure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours. All work-related inpatient hospitalizations, amputations, and loss of an eye must be reported to TOSHA within twenty-four (24) hours.

(2) The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this occupational safety and health program plan within their respective areas.

(a) The administrative or operational head shall follow the directions of the safety director on all issues involving occupational safety and health of employees as set forth in this plan.

(b) The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or

request a review of the order with the safety director within the abatement period.

(c) The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.

(d) The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the safety director along with his findings and/or recommendations in accordance with § 4-220 of this plan. (Ord. #49-11, May 2013, as amended by Ord. #57-8, March 2021 *Ch2 3-11-21*)

4-206. Standards authorized. The standards adopted under this program plan are the applicable standards developed and promulgated under section VI(6) of the Tennessee Occupational Safety and Health Act of 1972. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees. Note: 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; and the Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, chapter 0800-01-1 through chapter 0800-01-11 are the standards and rules invoked. (Ord. #49-11, May 2013)

4-207. Variance procedure. The safety director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The safety director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

(1) The application for a variance shall be prepared in writing and shall contain:

(a) A specification of the standard or portion thereof from which the variance is sought.

(b) A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.

(c) A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.

(d) A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.

(e) A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.

(2) The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.

(3) The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:

(a) The employer:

(i) Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.

(ii) Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.

(iii) Has an effective program plan for coming into compliance with the standard as quickly as possible.

(b) The employee is engaged in an experimental program plan as described in subsection (b), section 13 of the Act.

(4) A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.

(5) Upon receipt of an application for an order granting a variance, the commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.

(6) The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (1)(e) of this section. (Ord. #49-11, May 2013)

4-208. Recordkeeping and reporting. Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet. You can get a copy of the forms for recordkeeping from the internet. Go to www.osha.gov and click on recordkeeping forms located on the home page.

The position responsible for recordkeeping is shown on the Safety and Health Organizational Chart, Appendix IV (§ 4-220) to this plan.

Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by Accident Reporting Procedures, Appendix IV to this plan. The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Occupational Safety and Health Recordkeeping and Reporting, chapter 0800-01-03, as authorized by Tennessee Code Annotated, title 50. (Ord. #49-11, May 2013)

4-209. Employee complaint procedure. If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the safety director of occupational safety and health.

(1) The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (1)(h) of this plan).

(2) Upon receipt of the complaint letter, the safety director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the safety director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.

(3) If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the chief executive officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.

(4) The chief executive officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.

(5) After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall

include copies of all related correspondence with the safety director and the chief executive officer or the representative of the governing body.

(6) Copies of all complaint and answers thereto will be filed by the safety director who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request. (Ord. #49-11, May 2013)

4-210. Education and training. (1) Safety director and/or compliance inspector(s).

(a) Arrangements will be made for the safety director and/or compliance inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies. A list of seminars can be obtained.

(b) Access will be made to reference materials such as 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; The Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, and other equipment/supplies, deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

(2) All employees (including supervisory personnel). A suitable safety and health training program for employees will be established. This program will, as a minimum:

(a) Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employee's work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury.

(b) Instruct employees who are required to handle or use poisons, acids, caustics, toxicants, flammable liquids, or gases including explosives, and other harmful substances in the proper handling procedures and use of such items and make them aware of the personal protective measures, person hygiene, etc., which may be required.

(c) Instruct employees who may be exposed to environments where harmful plants or animals are present, of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.

(d) Instruct all employees of the common deadly hazards and how to avoid them, such as falls equipment turnover; electrocution; struck by/caught in; trench cave in; heat stress and drowning.

(e) Instruct employees on hazards and dangers of confined or enclosed spaces.

(i) Confined or enclosed space means space having a limited means of egress and which is subject to the accumulation

of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4') in depth such as pits, tubs, vaults, and vessels.

(ii) Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.

(iii) The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment. (Ord. #49-11, May 2013)

4-211. General inspection procedures. It is the intention of the governing body and responsible officials to have an occupational safety and health program plan that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

(1) In order to carry out the purposes of this chapter, the safety director and/or compliance inspector(s), if appointed, is authorized:

(a) To enter at any reasonable time, any establishment, facility, worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer; and

(b) To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.

(2) If an imminent danger situation is found, alleged, or otherwise brought to the attention of the safety director or inspector during a routine inspection, he shall immediately inspect the imminent danger situation in

accordance with this section of this plan before inspecting the remaining portions of the establishment, facility, or worksite.

(3) An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the safety director or inspector during the physical inspection of any worksite for the purpose of aiding such inspection.

(4) The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.

(5) The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.

(6) Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.

(7) Advance notice of inspections. (a) Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create misleading impression of conditions in an establishment.

(b) There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.

(8) The safety director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:

(a) Inspections conducted by supervisors or other personnel are at least as effective as those made by the safety director.

(b) Records are made of the inspections, any discrepancies found and corrective actions taken. This information is forwarded to the safety director.

(9) The safety director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Those inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative. (Ord. #49-11, May 2013)

4-212. Imminent danger procedures. (1) Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:

(a) The safety director shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.

(b) If the alleged imminent danger situation is determined to have merit by the safety director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.

(c) As soon as it is concluded from such inspection that conditions or practices exist which constitutes an imminent danger, the safety director or compliance inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.

(d) The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the safety director or compliance inspector and to the mutual satisfaction of all parties involved.

(e) The imminent danger shall be deemed abated if:

(i) The imminence of the danger has been eliminated by removal of employees from the area of danger.

(ii) Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.

(f) A written report shall be made by or to the safety director describing in detail the imminent danger and its abatement. This report will be maintained by the safety director in accordance with § 4-211(1) of this plan.

(2) Refusal to abate. (a) Any refusal to abate an imminent danger situation shall be reported to the safety director and chief executive officer immediately.

(b) The safety director and/or chief executive officer shall take whatever action may be necessary to achieve abatement. (Ord. #49-11, May 2013)

4-213. Abatement orders and hearings. (1) Whenever, as a result of an inspection or investigation, the safety director or compliance inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the safety director shall:

(a) Issue an abatement order to the head of the worksite.

(b) Post or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.

(2) Abatement orders shall contain the following information:

(a) The standard, rule, or regulation which was found to be violated.

- (b) A description of the nature and location of the violation.
- (c) A description of what is required to abate or correct the violation.
- (d) A reasonable period of time during which the violation must be abated or corrected.

(3) At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the safety director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the safety director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the safety director shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final. (Ord. #49-11, May 2013)

4-214. Confidentiality of privileged information. All information obtained by or reported to the safety director pursuant to this plan of operation or the legislation (ordinance, or executive order) enabling this occupational safety and health program plan which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this program plan or when relevant in any proceeding under this program plan. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972. (Ord. #49-11, May 2013)

4-215. Discrimination investigations and sanctions. The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Discrimination Against Employees Exercising Rights under the Occupational Safety and Health Act of 1972 0800-01-08, as authorized by Tennessee Code Annotated, title 50. The agency agrees that any employee who believes they have been discriminated against or discharged in violation of Tennessee Code Annotated, § 50-3-409 can file a complaint with their agency/safety safety director within thirty (30) days, after the alleged discrimination occurred. Also, the agency agrees the employee has a right to file their complaint with the Commissioner of Labor and Workforce Development within the same thirty (30) day period. The Commissioner of Labor and Workforce Development may investigate such complaints, make recommendations, and/or issue a written notification of a violation. (Ord. #49-11, May 2013)

4-216. Compliance with other laws not excused. (1) Compliance with any other law, statute, ordinance, or executive order, which regulates safety and health in employment and places of employment, shall not excuse the employer,

the employee, or any other person from compliance with the provisions of this program plan.

(2) Compliance with any provisions of this program plan or any standard, rule, regulation, or order issued pursuant to this program plan shall not excuse the employer, the employee, or any other person from compliance with the law, statute, ordinance, or executive order, as applicable regulating and promoting safety and health unless such law, statute, ordinance, or executive order, as applicable, is specifically repealed. (Ord. #49-11, May 2013)

4-217. Appendix I--Work locations.

Organizational Chart	
Location	No. of Employees
Elizabethton City Hall 136 South Sycamore Street Elizabethton, TN 37643	33
Elizabethton/Carter County Public Library 201 North Sycamore Street Elizabethton, TN 37643	11
Elizabethton Police--Criminal Investigation Dept. 201 North Sycamore Street (basement of public library) Elizabethton, TN 37643	6
Elizabethton Police Department 525 East F Street Elizabethton, TN 37643	41
Elizabethton Fire Dept. Station #1 121 South Sycamore Street Elizabethton, TN 37643	15
Elizabethton Fire Dept. Station #2 Corner of West G and Hunter Street Elizabethton, TN 37643	9
Elizabethton Fire Dept. Station #3 185 Buck Vanhuss Drive Elizabethton, TN 37643	9
Elizabethton City Garage 729 South Sycamore Street Elizabethton, TN 37643	
Fleet maintenance	4
Water administration	3
Street and sanitation	24
Water resources construction	25

Organizational Chart	
Location	No. of Employees
Elizabethton Electric Department 400 Hatcher Lane Elizabethton, TN 37643	50
Elizabethton Parks and Recreation 300 West Mill Street Elizabethton, TN 37643	6
Elizabethton Parks and Recreation--Maintenance 208 North Holly Lane Elizabethton, TN 37643	11
Elizabethton Pool--Parks and Recreation 1499 West Elk Avenue Elizabethton, TN 37643	15 (Seasonal/temp)
Water Resources Facilities/Engineering 217 Sycamore Shoals Drive Elizabethton, TN 37643	18
Water Treatment Plant--Valley Forge 124 Journey's End Road Elizabethton, TN 37643	2
Water Treatment Plant--Hampton 202 Main Street Hampton, TN 37658	1
Water Treatment Plant--Big Springs 213 Water Plant Road Elizabethton, TN 37643	2
TOTAL EMPLOYEES	283
TOTAL NUMBER OF EMPLOYEES	<u>283</u>

(Ord. #49-11, May 2013, as replaced by Ord. #57-8, March 2021 **Ch2_3-11-21**)

4-218. Appendix II--Notice to all employees.

NOTICE TO ALL EMPLOYEES OF THE CITY OF ELIZABETHTON, TENNESSEE.

The Tennessee Occupational Safety and Health Act of 1972 provide job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as state standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this program plan which are applicable to his or her own actions and conduct.

Each employee shall be notified by the placing upon bulletin boards or other places of common passage of any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

Any employee who may be adversely affected by a standard or variance issued pursuant to this program plan may file a petition with the safety director or personnel director.

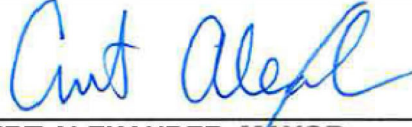
Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this program plan, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this program plan.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before the City of Elizabethton Personnel Advisory Board for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program Plan for the Employees of the City of Elizabethton is available for inspection by any employee at city hall during regular office hours.



CURT ALEXANDER, MAYOR

DATED: 5-9-13

(Ord. #49-11, May 2013)

4-219. Appendix III--Program plan budget.

Statement of Financial Resource Availability

Be assured that the City of Elizabethton has sufficient financial resources available or will make sufficient financial resources available as may be required in order to administer and staff its Occupational Safety and Health Program Plan and to comply with standards. (Ord. #49-11, May 2013)

4-220. Appendix IV--Accident reporting procedures.

- (1-15) Employees shall report all accidents, injuries, or illnesses directly to the Safety Director as soon as possible, but not later than twenty-four (24) hours after the occurrence. Such reports may be verbal or in writing. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Safety Director and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The Safety Director will insure completion of required reports and records in accordance with § 4-208 of the basic plan.
- (16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after the occurrence. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Safety Director and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the Safety Director and/or record

keeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.

- (51-250) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after the occurrence. The supervisor will provide the Safety Director and/or record keeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Safety Director and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Safety Director or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Safety Director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the record keeper.
- (251-Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Safety Director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor or the administrative head of the accident within seventy-two (72) hours after the accident occurred (four (4) hours in the event of accidents involving a fatality or the hospitalization of three (3) or more employees).

Since Workers Compensation Form 6A or OSHA No. 301 Form must be completed; all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from employer's mailing address and state whether accident occurred on premises owned or operated by the employer.

2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report. (Ord. #49-11, May 2013)

4-221. Violations and penalty. (1) No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this program plan.

(2) Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one (1) of the following ways as appropriate and warranted:

- (a) Oral reprimand;
- (b) Written reprimand;
- (c) Suspension for three (3) or more working days;
- (d) Termination of employment. (Ord. #49-11, May 2013)

CHAPTER 3

TRAVEL POLICY AND REIMBURSEMENT REGULATIONS

SECTION

- 4-301. Travel requests.
- 4-302. Lodging.
- 4-303. Mileage.
- 4-304. Meals.
- 4-305. Parking.
- 4-306. Baggage and equipment handling fee.
- 4-307. Automobile rentals.
- 4-308. Air travel.
- 4-309. Phone call charges.
- 4-310. Conference or training registration.
- 4-311. City credit cards and cash advances.
- 4-312. Special functions.
- 4-313. Disciplinary action.

4-301. Travel requests. An approved "authorization for travel" request form is required prior to travel. A "statement of travel expense claims" form must be filed within ten (10) days of the completion of the authorized travel. Expenses for travel required in the performance of duties and approved by the immediate supervisor and the city manager, or the city manager's designee, will be reimbursed in accordance with the rates hereinafter set forth. (2000 Code, § 4-501)

4-302. Lodging. Lodging will be reimbursed at the actual expense of the room, including the motel occupancy tax, or the maximum lodging in-state travel reimbursement rates established by the State of Tennessee, Department of Finance and Administration, in effect on the dates of travel, whichever is less. All City of Elizabethton travelers should request a state rate, if available, at the hotel/motel place of lodging.

A tax exempt form should be given to the hotel/motel clerk upon check-in and payment should be made either by a City of Elizabethton check or by a City of Elizabethton credit card in order to avoid paying state and local sales tax. The motel occupancy tax is not exempt.

An original (not a copy) hotel/motel receipt is required for reimbursement. City of Elizabethton employees are encouraged to stay at the location of their meeting for both individual convenience and safety purposes. If a personal credit card is used to pay for the hotel/motel, then the state and local sales tax will be charged by the hotel/motel and will not be reimbursed to the city employee. (Ord. #51-17, Aug. 2015)

4-303. Mileage. Employees are encouraged to reserve and use a city owned vehicle, if available, for all work-related travel. Mileage will only be paid if a city vehicle is not available and the city manager or their designee approves the use of a privately owned vehicle for travel. If the actual odometer mileage is not kept by the traveler, the mileage will be estimated using a computerized mapping program maintained in the finance department.

The reimbursement rate effective August 1, 2015, is forty-seven cents (\$0.47) per mile. All future mileage reimbursement for the use of an employee's personal vehicle shall be at the rate adopted by the State of Tennessee pursuant to the Department of Finance and Administration Comprehensive Travel Regulations in effect on the dates of the employee's travel. For longer trips, mileage will not be paid that exceeds the cost of air transportation and associated taxi services to the same location. (Ord. #51-18, Aug. 2015)

4-304. Meals. Due to IRS regulations, meals are not paid unless a trip involves overnight travel. A meal allowance will be paid, based on the State of Tennessee, Department of Finance and Administration, Standard Reimbursement Rates for in-state travel at the rates in effect on the actual dates of travel.

All out-of-state travel shall be reimbursed at the out-of-state reimbursement rates established by the State of Tennessee, Department of Finance and Administration, standard reimbursement rates in effect on the actual date of travel. The State of Tennessee, Department of Finance and Administration, currently asks employees to utilize the U.S. General Services Administration Continental United States (CONUS) rates provided by the federal government.

A partial per diem will be paid based upon departure and return times as follows for overnight trips:

<u>Meal</u>	<u>If depart prior to</u>	<u>If return after</u>
Breakfast	7:00 A.M.	8:00 A.M.
Lunch	11:00 A.M.	1:30 P.M.
Dinner	5:00 P.M.	6:30 P.M.

TRAVEL PER DIEM REIMBURSEMENT RATES

RATES EFFECTIVE ON AND AFTER AUGUST 23, 2015

MEALS - FULL DAY ALLOWANCE AMOUNTS

Memphis	\$61.00
Nashville	\$66.00
Franklin	\$56.00
Brentwood	\$56.00
Knoxville	\$56.00

Chattanooga	\$56.00
Pigeon Forge	\$46.00
Gatlinburg	\$46.00
Murfreesboro	\$46.00

BREAKDOWN OF MEAL ALLOWANCE

<u>Total</u>	<u>Breakfast</u>	<u>Lunch</u>	<u>Dinner</u>	<u>IE</u>
\$66.00	\$11.00	\$16.00	\$34.00	\$5.00
\$61.00	\$10.00	\$15.00	\$31.00	\$5.00
\$56.00	\$9.00	\$13.00	\$29.00	\$5.00
\$46.00	\$7.00	\$11.00	\$23.00	\$5.00

MILEAGE

\$0.47 cents per mile. (Ord. #41-17, Aug. 2015)

4-305. Parking. Parking will be reimbursed at the actual cost with receipt. Without receipt, maximum reimbursement for parking is eight dollars (\$8.00) per day. Valet parking will be at employee's expense. (2000 Code, § 4-505)

4-306. Baggage and equipment handling fee. The maximum handling fee that will be reimbursed is six dollars (\$6.00) per hotel. (2000 Code, § 4-506)

4-307. Automobile rentals. Automobile rentals are only authorized by the city manager in unusual circumstances. If used in conjunction with air travel, it must be demonstrated that automobile rental is more economical to the city than using taxi or bus services and must be pre-approved by the city manager. (2000 Code, § 4-507)

4-308. Air travel. Air travel will be utilized when it is more economical to the city than providing a city vehicle. Air travel should be scheduled as far in advance as possible to get maximum use of early scheduling discounts. Any and all frequent flyer miles accumulated are the property of the city and will be applied to future official city travel. (2000 Code, § 4-508)

4-309. Phone call charges. Only official business phone calls will be reimbursed by the city. Any and all personal phone calls are the responsibility of the individual making the call. (2000 Code, § 4-509)

4-310. Conference or training registration. All registration fees, materials and supplies will be reimbursed provided they were listed on the

travel request for pre-approved travel. Meals included in registration do not impact per diem rates. (2000 Code, § 4-510)

4-311. City credit cards and cash advances. (1) If requested, city credit cards will be issued in accordance with the credit card policy for official travel. The credit card must be returned to the finance department and all travel documents filed for reimbursement within ten (10) days of completion of travel.

(2) In accordance with the meal allowance for overnight travel, a cash advance may be requested for the meal per diem instead of using a credit card and should be included on the travel authorization form. The amount should be based on the allocated amount(s) according to the travel departure and return times listed on the travel form for Level 1 or Level 2 locations in order for a check to be processed prior to departure.

Per diem is not provided for a single travel day to and from conferences, meetings and etc., when the employee does not stay overnight. (Ord. #51-16, Aug. 2015)

4-312. Special functions. The city manager may approve payment of special functions, such as banquets and other work-related social events, if they are requested in advance. Special function attendance does not affect per diem rate payment. (2000 Code, § 4-512)

4-313. Disciplinary action. Violation of the travel rules or travel fraud can result in disciplinary action up to and including termination of employment for city employees, in addition to criminal prosecution. Violation of travel rules or travel fraud can result in removal from office and criminal prosecution of city officials. (2000 Code, § 4-513)

CHAPTER 4

RETIREMENT MEMENTOS

SECTION

4-401. Award of items to certain retiring police officers.

4-401. Award of items to certain retiring police officers.

Notwithstanding any other provision of this chapter:

(1) The chief of police shall be authorized, but is not required to award any sworn officer over the age of fifty (50) retiring in good standing having a minimum of twenty-five (25) years of service with the Elizabethton Police Department that officer's service weapon and/or badge, or an equivalent item, or any other de minimus item as a memento of the officer's service. The decision to award any such item shall be in the sole discretion of the chief of police. An officer receiving any such item shall acknowledge receipt and ownership of the item or items in writing, and shall release the city from any liability from use or ownership of the item or items, including having any firearm registered in the officer's name. The chief of police shall report the award of such items to the city manager, and shall retain a record of any such items awarded to retiring officers.

(2) Any award made prior to September 1, 2006, of a weapon and/or badge to a sworn police officer over age fifty (50) retiring after twenty-five (25) years of service with the Elizabethton Police Department shall be deemed as a lawful transfer of that item to the retiring employee, which shall vest ownership of the item with that retiring employee. The chief of police shall forward a record of such items previously awarded to the city manager, and shall retain a record of any such items previously awarded.

(3) The award of any service weapon, badge or other de minimus item shall not confer upon the recipient any police powers or other authority. (2000 Code, § 4-601)