

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

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CHAPTER 1

SOCIAL SECURITY--TOWN PERSONNEL

SECTION

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4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the Town of Halls, Tennessee, to extend at the earliest date, to employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the town shall take such action as may be required by applicable state and federal laws or regulations. (1980 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor of the Town of Halls, Tennessee, 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. (1980 Code, § 1-702)

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 such times as may be required by applicable state or federal laws or regulations. (1980 Code, § 1-703)

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; which shall be paid over to the state or federal agency designated by said laws or regulations. (1980 Code, § 1-704)

4-105. Records and reports to be made. The town shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1980 Code, § 1-705)

4-106. Exclusions. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the town.

Notwithstanding any provision(s) heretofore contained in the Social Security Agreement between said parties, it is now the intent and purpose of the Board of Mayor and Aldermen of the Town of Halls, Tennessee, to amend the Social Security Agreement by and between the Town of Halls, Tennessee, and the State Old Age and Survivors Insurance Agency, to exclude from its coverage group under the federal system of Old Age, Survivors, Disability, Health Insurance, the services of election officials/workers if the enumeration paid for such services in a calendar year is less the \$1,000 on or after January 1, 1995, ending on or before December 31, 1999, and the adjusted amount thereafter determined under Section 218(c)(3)(B) of the Social Security Act, for any calendar year commencing on or after January 1, 2000.

The mayor of the Town of Halls, Tennessee, 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. (1980 Code, § 1-706, as amended by Ord. #63, April 1995)

CHAPTER 2

VACATIONS AND SICK LEAVE--TOWN PERSONNEL

SECTION

- 4-201. Applicability of chapter.
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 4-203. Vacation leave.
 4-204. Sick leave.
 4-205. Leave records.

4-201. Applicability of chapter. This chapter shall apply to all full-time municipal officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission. (Ord. of March 12, 1984)

4-202. Holidays. The following days shall be observed as legal holidays by the town's employees: New Year's Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, and such other days as may be designated by the board of mayor and aldermen. When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday shall be observed as the official holiday for the town.

Where possible, every town employee shall be given approved holidays as set out in this section, and all employees will be paid for eight hours at their respective rate of pay even if the official holiday coincides with their regularly scheduled day off. Those employees who are regularly scheduled to work on the official holiday will receive payment for the holiday plus straight time for their time worked. For those employees who are scheduled to take the holiday, but then are required to work, they will receive payment for the holiday plus one and one-half times the time worked. (Ord. of March 12, 1984)

4-203. Vacation leave. All officers and employees who have been continuously employed for a period of one (1) year or longer shall be credited with earned vacation leave in accordance with the following schedule:

<u>Completed Service</u>	<u>Vacation Credit-Per Year</u>
After 1 year	5 working days
After 5 years	10 working days

The above schedule and credits are for uninterrupted service computed from the most recent date of continuous employment. Employees shall accrue vacation leave from their employment date, but shall not be entitled to take

vacation until they have completed one (1) year of service. Vacation leave may be taken as earned subject to the approval of the department head who shall schedule vacations so as to meet the operational requirements of the department. Employees may accrue vacation leave to a maximum of twenty (20) working days. The town will pay for vacation days earned but not taken. Vacation pay to employees who have voluntarily or involuntarily terminated their employment with the town shall not exceed their appropriate one year's vacation credit. (Ord. of March 12, 1984)

4-204. Sick leave. All officers and employees shall be given a credit of one (1) working day of sick leave with pay for each month of employment hereafter served. Sick leave, up to the number of days accrued, shall be approved for all officers and employees whose absence from duty is due to illness, bodily injury, exposure to contagious disease, or death in the immediate family of the officer or employee. Sick leave shall not be considered as a right which an officer or employee may use at his discretion, but rather as a privilege.

When an officer or employee is absent due to reasons as provided in this section, in order to be granted sick leave with pay, he shall notify his immediate supervisor prior to the beginning of the scheduled work day, of the reason for his absence. The mayor may, in his discretion, require doctors' certificates or other satisfactory evidence that absences are properly chargeable as sick leave.

The maximum credit for accrued sick leave under the provisions of this section shall be ninety (90) days. (Ord. of March 12, 1984)

4-205. Leave records. The mayor shall cause to be kept, for each officer and employee, a record currently up to date at all times showing credits earned and leave taken under this chapter. (Ord. of March 12, 1984)

CHAPTER 3

MISCELLANEOUS REGULATIONS

SECTION

- 4-301. Business dealings.
- 4-302. Acceptance of gratuities.
- 4-303. Outside employment.
- 4-304. Political activity.
- 4-305. Use of municipal time, facilities, etc.
- 4-306. Use of position.
- 4-307. Strikes and unions.

4-301. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the municipality. (1980 Code, § 1-901)

4-302. Acceptance of gratuities. No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the municipality for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to town business. (1980 Code, § 1-902)

4-303. Outside employment. No full-time officer or employee of the municipality shall 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 officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the municipality. (1980 Code, § 1-903)

4-304. Political activity. Municipal officers and employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities; provided the town is not required to pay the employee's salary for work not performed for the town. Provided, however, municipal employees shall not be qualified to run for elected office in the board of mayor and aldermen. The restriction against running for office in the board of mayor and aldermen shall not apply to elective officials. (1980 Code, § 1-904, modified)

4-305. Use of municipal time, facilities, etc. No municipal officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the board of mayor and aldermen has authorized the use of such time, facilities, equipment, or supplies, and the municipality is paid at such rates as are normally charged by private sources for comparable services. (1980 Code, § 1-905)

4-306. Use of position. No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the municipality, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1980 Code, § 1-906)

4-307. 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. (1980 Code, § 1-907)

CHAPTER 4

PERSONNEL RULES AND REGULATIONS¹

SECTION

- 4-401. Purpose.
- 4-402. Administration.
- 4-403. Personnel rules and regulations.
- 4-404. Records.
- 4-405. Right to contract for special services.
- 4-406. Discrimination.
- 4-407. Amendments.

4-401. Purpose. The purpose of this chapter is to establish a system of personnel administration in the Town of Halls that is based on merit and fitness. The system shall provide means to select, develop, and maintain an effective municipal work force through the impartial application of personnel policies and procedures free of personal and political considerations and regardless of race, sex, age, creed, national origin or handicapped condition. (Ord. of Nov. 7, 1988)

4-402. Administration. The personnel system shall be administered by the mayor, 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 municipality 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 municipal 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 board of mayor and aldermen 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.

¹The Personnel Manual, Ord. of Nov. 7, 1988, and any amendments, is of record in the recorder's office.

(6) Make periodic reports to the board of mayor and aldermen regarding the administration of the personnel system.

(7) Recommend to the board of mayor and aldermen a position classification plan, and install and maintain such a plan upon approval by the board of mayor and alderman.

(8) Prepare and recommend to the board of mayor and aldermen a pay plan for all municipal 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 municipal 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 board of mayor and aldermen. (Ord. of Nov. 7, 1988)

4-403. Personnel rules and regulations. The mayor shall develop rules and regulations, in the form of an employee's handbook, necessary for the effective administration of the personnel system. The board of mayor and aldermen shall adopt the rules presented to them by the mayor. If the board of mayor and aldermen has taken no action within ninety (90) days after receipt of the draft personnel rules and regulations, they shall become effective as if they had been adopted, and shall have the full force and effect of law. Amendments to the rules and regulations shall be made in accordance with the procedure below. (Ord. of Nov. 7, 1988)

4-404. Records. The city recorder shall maintain adequate records of the employment record of every employee as specified herein. (Ord. of Nov. 7, 1988)

4-405. Right to contract for special services. The board of mayor and aldermen may direct the mayor to contract with any competent agency for the performance of such technical services in connection with the establishment of the personnel system or with its operation as may be deemed necessary. (Ord. of Nov. 7, 1988)

4-406. Discrimination. No person in the classified service or seeking admission thereto, shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of political opinions or affiliations, or because of race, color, creed, national origin, sex, ancestry, age, or religious belief. (Ord. of Nov. 7, 1988)

4-407. Amendments. Amendments or revisions of these rules may be recommended for adoption by the mayor. Such amendments or revisions of

these rules shall become effective after public hearing and approval by the governing body. (Ord. of Nov. 7, 1988)

CHAPTER 5

OCCUPATIONAL SAFETY AND HEALTH PROGRAM¹

SECTION

- 4-501. Title.
- 4-502. Purpose.
- 4-503. Coverage.
- 4-504. Standards authorized.
- 4-505. Variances from standards authorized.
- 4-506. Administration.
- 4-507. Funding the program.

4-501. Title. This chapter shall provide authority for establishing and administering the Occupational Safety and Health Program for the employees of the Town of Halls. (as added by Ord. #05-45, April 2005)

4-502. Purpose. The Town of Halls, in electing to update their established program plan will maintain an effective occupational safety and health program for its employees and shall:

- (1) Provide a safe and healthful place and condition of employment that includes:
 - (a) Top management commitment and employee involvement;
 - (b) Continually analyze the worksite to identify all hazards and potential hazards;
 - (c) Develop and maintain methods for preventing or controlling existing or potential hazards; and
 - (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- (4) Consult with the State Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

¹The Occupational Safety and Health Program for the Town of Halls, including all Appendices is included in this municipal code as Appendix A.

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

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (as added by Ord. #05-45, April 2005)

4-503. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the Town of Halls shall apply to all employees of each administrative department, commission, board, division, or other agency of the Town of Halls whether part-time or full-time, seasonal or permanent. (as added by Ord. #05-45, April 2005)

4-504. Standards authorized. The occupational safety and health standards adopted by the board of mayor and aldermen are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972.¹ (as added by Ord. #05-45, April 2005)

4-505. Variances from standards authorized. The board of mayor and aldermen may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the board of mayor and aldermen shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the board of mayor and aldermen shall be deemed sufficient notice to employees. (as added by Ord. #05-45, April 2005)

¹State law reference

Tennessee Code Annotated, title 50, chapter 3.

4-506. Administration. For the purposes of this chapter, the public works director is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer the safety program for the Town of Halls. The director shall develop a plan of operation for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and part IV of the Tennessee Occupational Safety and Health Plan. (as added by Ord. #05-45, April 2005)

4-507. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the board of mayor and aldermen. (as added by Ord. #05-45, April 2005)