

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

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**CHAPTER 1****SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES****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 Huntingdon to provide for all eligible employees and officials of the town, 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 town shall take such action as may be required by applicable state and federal laws or regulations.

(1) For the purpose of this section, the following are specifically designated as "eligible employees and officials of the town":

- (a) The duly elected and serving mayor.
- (b) All duly elected and serving councilmembers.
- (c) The duly appointed and serving town recorder.
- (d) The duly appointed and serving town judge.

(e) All regular or probationary employees of the Town of Huntingdon, either full-time, part-time, temporary or seasonal, but specifically excluding the volunteer firefighters not otherwise regular employees of the town.

(2) For the purpose of this section, the law offices of the appointed town attorney are excluded from "eligible employees and officials of the town" in that this appointment is deemed as a contractual service by the legal firm, for which a monthly retainer fee is paid, rather than an the appointment of an individual attorney. (1978 Code, § 1-701)

**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. (1978 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, and shall be paid over to the state or federal agency designated by said laws or regulations. (1978 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, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1978 Code, § 1-704)

**4-105. Records to be kept and reports made.** The town shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1978 Code, § 1-705)

**4-106. Exclusions.** The mayor thereof be duly authorized and directed to amend the Social Security Agreement by and between the Town of Huntingdon and the State Old Age & Survivors Insurance Agency, to exclude from its coverage group under the Federal System of Old Age, Survivors, Disability, Health Insurance, the services of election workers and election officials if the remuneration paid for such services in a calendar year is less than \$1,000.00 on or after January 1st, 1995, ending on or before December 31st, 1999, and, the adjusted amount thereafter determined under Section 218(c)(8)(B) of the Social Security Act, for any calendar year commencing on or after January 1st, 2000. (Ord. #354, Nov. 1994)

## CHAPTER 2

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

#### SECTION

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**4-201. Authority and policy statements.** (1) Authority. These personnel regulations are promulgated pursuant to the authority contained in § 3.09 of the Charter of the Town of Huntingdon.

(2) General restrictions on terms of employment. The Town of Huntingdon, pursuant to the constitution, laws and judicial decisions of the State of Tennessee, is a "free-will" employer and, while due efforts shall be made to treat each and every employee, either regular full time, part time, probational, temporary or seasonal, on a fair and equitable basis, it reserves unto itself the full and unencumbered right in all cases where no specific written and duly executed contract to the contrary exists between the town and an employee, officer or official, to terminate any one or number of employees of said

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<sup>1</sup>Charter references

Employees--appointment, etc.: § 3.05.

Political activity of employees: §§ 3.10 and 3.11.

town where there is "due cause" in individual cases as set forth hereinbelow or other approved policies of the town, or where the need for an employee's services no longer exist, either through elimination or consolidation of job positions, or by reduction-in-force caused by budgetary limitations.

(3) Prohibited conduct or activities by employees or officials. (a) No town officer or employee shall accept any money or other consideration or favor from anyone other than the town 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 the town's business.

(b) No officer or employee shall use or authorize the use of time, facilities, equipment, or supplies of the town for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the town council has authorized the use of such time, facilities, equipment, or supplies, and the town is paid at such rates as are normally charged by private sources for comparable services.

(c) No town officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the town, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others.

(d) No town officer or employee shall participate in any strike against the town, nor shall he join, be a member of, or solicit any other town employee or officer to join any labor union which authorizes the use of strikes by government employees.

(e) No full time officer or employee of the town shall accept any outside employment without a written authorization from the mayor. The mayor shall not grant such authorizations if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his town employment, or is likely to cast discredit upon or create embarrassment for the town.

(f) Due to the nature of the town's governing body and the small number of employees, it is not considered to be in the best interest of the town nor its citizens for its employees to actively participate in the election campaigns of candidates for the offices of mayor or councilmember of the town.

(i) Actively is defined as canvassing or soliciting for votes for any such candidate on a public basis; to provide public advertising therefor, or to act as a public speaker at public functions in support thereof, etc.

(ii) This policy is in no way intended to infringe on the rights of any individual employee to privately express his support

or to exercise his prerogatives of voting for any candidate of his choice for these offices; however, due to the close working relationships and conditions of employment that must of necessity exist in a local governmental operation of limited size, such as the Town of Huntingdon, friction between employees and officials and interference with normal performance of official duties may reasonably be expected to arise in such cases and should be avoided as much as possible. (1978 Code, § 1-801)

**4-202. Functions and procedures.** (1) Personnel officer. The town recorder, in addition to his other duties, is designated as the personnel officer; however, nothing herein is to increase or diminish the rights or benefits or bestow rights not set forth as to the office of town recorder, as set forth in the Charter of the Town of Huntingdon. It shall be the duty of the personnel officer to assure the implementation of all policies and procedures pertaining to the personnel management of all employees of the Town of Huntingdon as required by action of the town council or other action of state or federal government which effects the personnel of the town or requires compliance by the town. He is responsible for administering the town's personnel management program and implementation of the employment policies as set forth hereinafter by the mayor and council, under the supervision thereof.

(2) Personnel office. The Department of Finance and Administration, Town of Huntingdon, is hereby designated as the "Personnel Office" of the town, and shall provide such logistical support as necessary to this office.

(3) Personnel management specialist. One (1) staff position in the Department of Finance and Administration shall be established and designated as the "Personnel Management Specialist." This individual shall be responsible for the day-to-day administration and maintenance of the town's personnel related activities, to include creation and maintenance of individual personnel files; administering the payroll and related collection of withholding tax, social security, etc. He or she shall also be responsible for the administering of the town's employee group insurance plan, retirement plan, workers compensation/injury/accident reporting activity, and such other personnel or employee related activities as may be required by, and under the supervision of, the personnel officer. (1978 Code, § 1-802)

**4-203. Employee application and processing.** The Town of Huntingdon is an "Equal Opportunity Employer" and an "Affirmative Action Employer." All hiring procedures shall be governed by these programs as promulgated by separate regulations of the town. It is and shall be the policy of the Town of Huntingdon that all persons seeking employment with and/or employed by said town, shall have equal employment opportunity regardless of race, religion, creed, color, sex, national origin, ethnic derivation, age or non-restrictive handicap, and that all recruitment, hiring and promotion for all

job classifications shall be without regard thereto, and based solely on the basis of valid job requirement and the related qualifications, capabilities and suitability of the employee, but subject to applicant's legal eligibility for employment pursuant to the U.S. Immigration Reform and Control Act of 1986. The town does recognize satisfactory prior employment performance, and will give preference to interdepartmental transfers or departmental promotion to qualified employees in filling a vacancy. In keeping therewith the following procedures will be followed:

(1) Applications. The town does not accept applications for non-advertised positions, nor does it maintain a file of applications for prior actions. When a position vacancy occurs the responsible department/activity supervisor shall notify the personnel officer and provide him with the prerequisites of the position. The personnel officer shall prepare the proper advertisement which shall be placed in the town's official newspaper at least one (1) time, and also notify the local job services office. Normally, the cut-off date for accepting applications will be at least 7 days subsequent to the last date of publication in the official newspaper. The personnel office will assist in providing and collecting all applications.

(2) Screening and interview. When all applications have been received and tabulated, they shall be forwarded to the appropriate department/activity supervisor for review, pre-employment screening and interviews. It shall be the responsibility of the departmental interviewer to ascertain the qualifications and suitability of the applicant, and to insure that the applicant is aware of the specific duties and responsibilities of the position being applied for, as well as the compensation therefor, and for the proper completion of the "Interview Report" form. The proper initial screening and interview cannot be over-emphasized if the town is to obtain and retain efficient and conscientious employees. The responsibility for this program rest primarily with the interviewer and the direct supervisors.

(3) Approval of non-supervisory employees. Applicants for non-supervisory positions are recommended by the departmental supervisor and approved by the mayor. At the conclusion of the interview, the interviewer shall complete the appropriate sections of the application/interview form, and inform the applicant that final approval must be made by the mayor, and further, that any initial employment will be on a probationary status for a period of three (3) months.

(4) Approval of supervisory employees. Applicants for the positions of superintendent or administrative heads of all line departments shall be screened, interviewed and recommended by the mayor and approved by the town council.

(5) In-processing by personnel. No potential employee shall commence work until he or she has been processed by the personnel office, and the required documentation completed.

(6) Probationary status. Each applicant selected for employment by the town must be made fully aware that his or her initial employment shall be probationary in nature for a period of three (3) months only. This shall serve as an observation and evaluation period. At the end of this probation period the appropriate supervisor shall render the prescribed "Evaluation Report." If the employee's performance of duty, attitude, job behavior, etc., are satisfactory, the supervisor may recommend the employee for regular employment status with the prescribed wage/salary adjustment. However, should the employee prove to be unsatisfactory, for whatever reason, he or she should be advised of such and terminated not later than the end of the three (3) months probation period. It is incumbent upon the supervisor to closely observe and monitor the employee's activity during the probationary period, and to provide counselling where appropriate. Should a probationary employee prove to be unsatisfactory, and counselling and guidance prove ineffective, the employee must be terminated prior to the end of the probationary period.

(7) Preemployment physical examination. Each applicant selected for employment, whether full time, part time or seasonal, shall be required to pass a preemployment physical examination to determine his or her physical ability to perform the required tasks. (1978 Code, § 1-803)

**4-204. Personnel manning authorizations.** (1) General. Each position of employment within each department or activity of the Town of Huntingdon shall be specifically designated within each department, to include the job title, initial grade/step level for each position. These positions shall be consolidated into the Authorized Manning Levels which shall be attached as Appendix 2 to the annual line item budget for each fiscal year, and approved by the council for the ensuing fiscal year. Unless amended by proper authority, this document will govern all authorized positions of employment of the town for the fiscal year.

(2) Grade levels. The initial (entry) level for each position shall be recommended by the mayor and reviewed and approved by the council concurrent with the annual budget documents. It shall be binding on the town council to review the assigned grade levels for each position not less than once each fiscal year, normally in conjunction with the annual budget preparation reviews.

(3) Classification of employees. (a) Full-time employees. All employees who are regular, year-around employees who work more than 30 hours in a seven day work week.

(b) Part-time employees. All employees who normally work less than 30 hours or less in a seven day work week, but who work on a regular basis.

(c) Seasonal employees. All employees who work 30 hours or more per seven day work week, but who are employed for a specific period of time during each fiscal year.

(d) Temporary employees. All employees who are hired to perform a specific task, regardless of the hours worked or the period of time. (1978 Code, § 1-804)

**4-205. Classification and method of payment.** (1) Pay grades and steps. There shall be two designators utilized to determine the pay grade and step of each employee: one (1) numerical digit to designate the grade level, and one (1) numerical digit to designate the step level within that grade, as follows:

(a) Only those designated officials or employees excepted from the fair labor standards practices pursuant to section 1-1503, hereinafter, shall be designated as "salary rate" (SR) personnel, and their status indicated by SR plus the appropriate grade and step digits. For example, a salary rate official or employee in grade level 10, step 5, should be designated as SR10-5.

(b) All other employees shall normally be employed at a specific hourly wage; shall be designated as Wage Rate (WR) employees, and their status indicated by WR plus the appropriate grade and step digits. For example, a wage rate employee in grade level 4, step 2, shall be designated as WR4-2.

(2) Salary and wage charts. During the budget preparation process for each fiscal year a "Salary and Wage Chart" shall be prepared which will indicate the salary or wage for each grade and each step therein. These charts, as approved by the town council, shall be included as Appendix 1 to the line item budgets and shall govern the salary and wages for the ensuing fiscal year.

(3) Annual increases in salaries and wages. During the budget preparation process for each fiscal year the town council shall review the estimated revenues; the general increase in the cost-of-living index, and other factors, to determine if a general increase in employee salary and wages is justified and economically feasible. Should the town council approve such a general increase in salaries and wages, these changes shall be reflected in the "Salary and Wage Charts" for the ensuing year, and shall also be published as the "Authorized Current Manning Levels," which shall be included as Appendix 3 to the line item budgets.

(4) Individual grade adjustments. At such time as a department supervisor believes that either an increase in the grade level of one of the employees in his or her department is justified by an increase in duties or responsibilities, or a decrease justified for disciplinary reasons, he or she will cause an "Employee Evaluation Report" to be prepared and submitted with his or her recommendations to the mayor for review and approval.

(5) Promotional adjustments. Any employee who is promoted to a higher grade level shall be placed in the appropriate step of the higher level to insure that the employee is not subject to a loss in net pay due to such change of grade classification.

(6) Pay periods. All employees will normally be paid on a weekly basis. The seven day pay week will end at 12:00 midnight each Thursday. Payroll checks will be issued each Friday, normally not later than 2:00 P.M. Should Friday fall on an approved holiday, the payroll check shall be issued the preceding work day. The annual salaries of salary rate employees shall be divided into weekly equivalents for the purpose of computing weekly payrolls. (1978 Code, § 1-805)

**4-206. Work schedules.** (1) Hours of work. Each department head shall establish the work hours for his or her particular department or activity which will most efficiently provide services for the citizens of the town, subject to the review and approval of the mayor. The Department of Finance and Administration will be open for the transaction of public business from 8:00 A.M. to 4:00 P.M. Mondays through Thursdays, and from 8:00 A.M. to 5:00 P.M. on Fridays, excluding authorized holidays.

(2) Overtime work. The accountability and payment for all overtime worked by employees of the town shall be governed by Title 1, Chapter 8, Fair Labor Standards Practices., of the HMC. Departmental/activity supervisors shall insure that all overtime work is held to the absolute minimum consistent with the health, safety and welfare of the town.

(3) Budgetary limitations. Each department or activity supervisor shall be responsible for insuring that the expenditures for salaries and wages, including overtime, do not exceed the budget appropriations therefor without the prior review by the director of finance and approval by the mayor. (1978 Code, § 1-806)

**4-207. Holidays authorized.** Effective from and after January 1st., 1985, the employees of the town shall be authorized the same annual holidays as those authorized for the employees of Carroll County, Tennessee. The following are the currently authorized (12) holidays:

New Years Day (Jan 1st)	Labor Day (1st Mon in Sep)
M.L. King's Birthday (Jan 15th)	Columbus Day (2nd Mon in Oct)
Washington's Birthday (3d Mon Feb)	Election Day (Nov Gen Elections)
Good Friday (Apr)	Veterans Day (2nd Mon in Nov)
Memorial Day (Last Mon in May)	Thanksgiving Day (Last Thu in Nov)
Independence Day (Jul 4th)	Christmas Day (Dec 25th)

(1978 Code, § 1-807)

**4-208. Annual leave policy.** An annual leave program is provided as a privilege but not a right of the town's employees. Abuse of the system may have detrimental effect on the program.

(1) Eligibility to accrue annual leave. It is recognized that the overall efficiency of operation is enhanced through a system of leave periods which provided the employee with a regular time of rest and relaxation away from the work place. Eligibility of the town's employees for this annual leave program is as follows:

(a) Regular employees: All regular, full-time employees of the town shall be eligible for annual leave which shall be eligible for annual leave which shall accrue at the rate of one (1) day of annual leave for each full month of service (12 days per fiscal year). Bonus days will be awarded in recognition of longevity, as follows:

Employees with between 10 and 15 years service....3 bonus days  
 Employees with between 15 and 20 years service....6 bonus days  
 Employees with over 20 years of service receive.....9 bonus days

(The employee is entitled only to the bonus leave days for the total years of service, for example, an employee with 22 years of service is only entitled to 9 bonus days, not 3 + 6 + 9.)

(b) Part-time, seasonal or temporary employees are not authorized annual leave.

(c) Probationary employees are not authorized to accrue annual leave; however, when such employee completes his or her probationary service and is classified as a regular, full-time employee, their annual leave shall be computed retroactively to their initial date of employment.

(2) Accrual of annual leave. Earned days of annual leave will be computed on a monthly basis, at the end of the qualifying month. For accounting purposes, annual leave is to be based on the town's fiscal year (1 July - 30 June).

(a) Bonus leave days shall be computed once annually, and shall accrue to the employee on the annual anniversary date of his or her employment, upon completion of the full year of qualifying service.

(3) Maximum accumulation of annual leave. As stated above, the purpose of providing employees annual leave is to allow them time away from their usual work routines; therefore, the number of annual leave days which may be carried forward into a new fiscal year shall be thirty (30) days. At the end of each fiscal year, which is each June 30th, all annual leave days in excess of thirty (30) days shall either be forfeited or transferred to his or her sick leave account as provided below.

(4) Payment for accrued annual leave. Upon termination of employment an employee, who does not otherwise forfeit his or her accrued annual leave benefits, will be paid for all his or her accrued annual leave, to the maximum number of days authorized, at his or her prevailing salary or wage. Withholding and social security, plus other payroll deductions or any refunds due the town from prior payments shall be applied to these payments.

(5) Annual leave may not be advanced. Annual leave cannot be granted in advance of its being earned.

(6) Scheduling of annual leave. Any employee may request to use his or her accrued annual leave at any time he or she prefers by application to his supervisor. Such request shall normally be approved, subject always to the superior right of the supervisor to plan the work under his control and to authorize absence only at such time as the employee can best be spared; however, every effort shall be made to grant annual leave at the times requested.

(7) Accounting for annual leave. (a) Each employee shall be provided an individual annual leave account record, on which all annual leave accrued and taken shall be recorded. This record shall be maintained by the personnel office, and shall be the only official copy. Supervisors may maintain "convenience" records if they wish; however, in all cases the official copy is the primary record. This leave account record shall become a permanent part of the employee's personnel file.

(b) Only scheduled work days shall be charged in calculating the amount of annual leave taken. Thus, Saturdays, Sundays and official holidays will not be counted when they fall within a leave period, unless they are considered a normal work day for a particular employee. In these cases the employee's normal "off days" will not be counted during leave periods.

(c) The use of annual leave by regular firefighters working two 24-hour shifts per seven (7) day work cycle shall be charged two and one-half (2 1/2) days of accrued annual leave for each full work day (24 hours) off. Such use must be accounted for in one-half (1/2) day increments only.

(8) Request and authorization of annual leave. All requests and authorization for annual leave shall be made on the forms provided for that purpose by the personnel office. The supervisor shall ascertain that the employee has sufficient accrued leave to cover the requested period and may then approve the leave. Upon the employee's return to work, the leave form is to be brought to the personnel office for completion and posting of the leave data. Subsequently, the original (white) copy is removed from the leave book; posted to the employee's leave records, and filed in his or her personnel file. The pink copy is removed and given to the employee, and the yellow copy remains in the department's leave book. Department or activity supervisor's request for leave shall be approved by the mayor. (1978 Code, § 1-808, as amended by Ord. #359, Feb. 1995)

**4-209. Sick leave policy.** A sick leave program is provided as privilege but not a right of the town's employees. Abuse of the sick leave system can have a detrimental effect on the program.

(1) Eligibility to accrue annual sick leave.

(a) All regular full-time employees shall be authorized sick leave at the rate of one (1) day sick leave per calendar month.

(b) Part-time, seasonal or temporary employees are not authorized sick leave; however, in exceptional cases they may, on an individual basis, be granted minimal time-off with pay if approved by the mayor.

(c) Probationary employees do not accrue sick leave during their probationary period; however, when such employment becomes regular, full-time employment their annual sick leave shall be computed retroactively to their initial date of employment.

(2) Accrual of annual sick leave. Earned days of annual sick leave shall be computed monthly, at the end of the earned month.

(3) Maximum accumulation of annual sick leave. There will be no limit on the number of days of sick leave an employee may accrue.

(4) Payment of sick leave upon retirement. A regular, full-time official or employee may use a maximum of 150 days of accrued annual sick leave for pay purposes upon approved retirement only, either at age 65 or by disability. The exchange rate for pay purposes shall be one (1) day's pay for two (2) days of accrued sick leave, not to exceed 75 days for payment. Withholding tax and social security, plus other payroll deductions or any refunds due the town from prior payments shall be applied to these payments.

(5) Annual sick leave may not be advanced. Annual sick leave may not be granted in advance of its being earned.

(6) Use of sick leave. Eligible employees may be granted the use of annual sick leave for the following purposes:

(a) Personal illness.

(b) Disability due to accident.

(c) Exposure to contagious disease.

(d) Maternity - pre and post natal.

(e) Medical or dental appointments requiring an absence from work.

(f) The verifiable illness of one of the following relative of the employee:

(i) Spouse;

(ii) Child;

(iii) Parents, foster parents or parents-in-law.

(7) Application, approval and accounting for sick leave. The request for, granting of, and accounting for sick leave shall be in the same manner as proscribed for annual leave in § 4-208(6),(7), and (8), above.

(8) Sick leave charged as annual or special leave. In applicable circumstances, where the employee has no accrued sick leave, such absence may be charged to annual leave if available. If neither sick or annual leave is available, such absence may be charged to special leave (leave without pay).

(9) Documentation required for sick leave. Any employee using more than three (3) consecutive days of sick leave may be required to provide a certification of the medical necessity for their absence from a medical doctor or other competent medical professional. In any case where it is evident that an employee is abusing his or her sick leave privilege, such as a consistent pattern of using sick leave on Fridays and/or Mondays, the department supervisor shall have the right and duty to require such employee to provide suitable documented evidence of their illness or injury. Further, in such cases, the mayor shall have the right to suspend and/or revoke their sick leave privileges after having duly counselled the employee of the consequences of his or her abuse of sick leave privileges. A medical doctor's certificate shall be required in all cases of sick leave for pre-natal or post-natal care, setting forth the required period of absence.

(10) Sick leave bank. The sick leave bank allows employees facing a "medical emergency" to benefit from other employees voluntarily depositing leave time into the bank. Donations of time into the leave bank are strictly voluntary and shall be made on an annual basis. The balance of time for the bank shall be reviewed by the review committee on July 1st each year to determine if additional days are required for the current fiscal year. The following guidelines shall be used to establish and maintain the sick leave bank that shall become effective with the passage of this section.

(a) Employees wishing to participate in the sick leave bank shall make an initial donation of a minimum of twenty-four (24) hours sick leave to the bank upon joining and a donation of eight (8) hours sick leave shall be contributed by each participating employee each fiscal year thereafter if determined necessary by the review committee. Upon the donation of the hours to the sick leave bank, the time is pooled with other hours donated into the bank and at the time of the donation the employee shall relinquish all contractual rights as to the time that has been donated.

(b) Participating employees must have a minimum of one year of service with the town to donate time into the bank.

(c) Only bank members shall be eligible to apply for withdrawals from the sick bank. Employees shall not be eligible to apply for an allocation until thirty (30) days after his/her initial donation.

(d) Employees shall not be eligible to apply for withdrawals until he/she has exhausted all of their own sick and annual leave.

(e) The maximum withdrawal to be made from the leave bank is 160 hours per fiscal year per employee.

(f) Written request with supporting doctor's statement and further documentation as deemed necessary shall be reviewed for approval or denial by the review committee composed of the director of public safety, director of public works, director of The Dixie, and the town

recorder. Applications may be denied due to incomplete or inaccurate information or lack of supporting doctor's statement.

(g) Amounts paid by the employer under the plan must be treated as wages for employment tax purposes and are included in the gross income of the employee receiving such leave. An employee making the withdrawal shall be paid at the employee's normal rate of compensation.

(h) All requests for withdrawals from eligible employees shall be submitted to the review committee in writing. The requesting employee must have exhausted all of their annual and sick leave prior to any withdrawal from the sick leave bank.

(i) Approval for the request shall be based on the following conditions: a serious medical condition of the employee or the employee's child, parent, spouse, legal dependent for whom the employee is the primary caregiver, or person living in the employee's household for whom the employee is the primary caregiver. A serious medical condition shall be defined as an illness, injury, impairment, or physical or mental condition involving either inpatient care or continuing treatment by a health care provider. Examples of serious health conditions include but are not limited to heart attacks, heart conditions requiring heart bypass or valve operations, most cancers, back conditions requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, severe arthritis, etc. (1978 Code, § 1-809, as amended by Ord. #428, April 25, 2000, and Ord. #508, March 2008)

**4-210. Bereavement leave policy.** A regular, full-time employee may be granted up to three (3) days of bereavement leave upon the death of a spouse, child, siblings, parent, foster parent or parent-in-law. This is a non-accruable, non-chargeable leave with pay. (1978 Code, § 1-810)

**4-211. Military leave policy.** Employees of the Town of Huntingdon shall be granted military leave for periods of active duty in conformance with Tennessee Code Annotated, § 8-33-101 et. seq., and U. S. Code Title 38, 2021 et seq., and 2024 (2)(g). (1978 Code, § 1-811)

**4-212. Special leave policy.** Special leave is an authorized leave of absence without pay. It may be granted to an eligible employee upon proper application and review and approval of the mayor for a period not to exceed one (1) calendar year.

(1) Eligible employees. All regular full-time employees are eligible to apply for special leave.

(2) Ineligible employees. All probationary, part-time, seasonal or temporary employees are not eligible to apply for special leave.

(3) Limitations. Special leave may only be used after any accrued annual or sick leave for which the employee may otherwise be eligible has been exhausted.

(4) Authorized purposes. Typical purposes for which special leave may be granted are:

(a) Extended illness which cannot be covered by annual or sick leave days.

(b) Inability to perform duty due to service-connected injury or temporary disability and while drawing workers compensation.

(c) Personal education or training.

(d) For rest/recreational purposes in extenuating circumstances.

(5) Accounting for special leave. As special leave is a leave of absence without pay, and authorized only when the employee has no accumulated annual or sick leave, all calendar days are counted in the one (1) calendar year limitation of the special leave. (1978 Code, § 1-812)

**4-213. Terminal leave policy.** (1) Annual leave. Upon separation from employment by the town other than for reasons of gross misconduct, an employee is eligible to utilize his or her accumulated annual leave as a terminal leave up to a maximum of forty-two (42) days - the maximum which could be accumulated as of June 30th.

(2) Sick leave. Accumulated sick leave may be used for terminal leave purposes upon approved retirement, by either age or disability, at the exchange rate of one (1) day terminal leave for two (2) days of sick leave with a maximum of 75 days of terminal leave. (1978 Code, § 1-813)

**4-214. Family and medical leave policy.** (1) Purpose. To provide a family and medical leave policy for the Town of Huntingdon in compliance with U. S. Public Law 103-3, titled Family and Medical Leave Act of 1993 (FMLA).

(2) Definitions. (a) Eligible employee: Eligible employees are those who have been employed for at least 12 months, and who have provided at least 1,250 hours of service during the 12 months before leave is requested.

(b) Parent: Mother or father of an employee, or an adult who had day-to-day responsibility for caring for the employee during his or her childhood years in place of the natural parents.

(c) Son/daughter/child: Biological, adopted, or foster child, legal ward, or child of a person standing in loco parentis, who is under the age of 18 years. Children who are 18 years or older qualify, if he or she is incapable of self care because of mental or physical disability.

(d) Serious health condition: An illness, injury, impairment, or physical or mental condition involving either inpatient care or continuing treatment by a health care provider. Examples of serious health conditions include but are not limited to heart attacks, heart conditions

requiring heart bypass or valve operations, most cancers, back conditions requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, severe arthritis, etc.

(3) Leave provisions. (a) An eligible employee may take up to 12 weeks of unpaid leave [See sub-section (4) below] in a 12 month period for the birth of a child or the placement of a child for adoption or foster care. Leave may also be taken to care for a child, spouse, or a parent who has a serious health condition.

(b) The right to take leave applies equally to male and female employees who are eligible.

(c) Unpaid leave [See sub-section (4) below] for the purposes of care for a newborn child or a newly placed adopted or foster care child must be taken before the end of the first 12 months following the date of birth or placement.

(d) An expectant mother may take unpaid medical leave [See sub-section (4) below] upon the birth of the child, or prior to the birth of her child for necessary medical care and if her condition renders her unable to work. Similarly, for adoption or foster care, leave may be taken upon the placement of the child or leave may begin prior to the placement if absence from work is required for the placement to proceed.

(e) An employee may take unpaid leave [See sub-section(4) below] to care for a parent or spouse of any age who, because of a serious mental or physical condition, is in the hospital or other health care facility. An employee may also take leave to care for a spouse or parent of any age who is unable to care for his or her own basic hygiene, nutritional needs, or safety. Examples include a parent or spouse whose daily living activities are impaired by such conditions as Alzheimer's disease, stroke, or who is recovering from a major surgery, or who is in the final stages of terminal illness.

(f) Eligible employees, who are unable to perform the functions of the position held because of a serious health condition, may request up to 12 weeks unpaid leave [See sub-section(4) below]. The term serious health condition is intended to cover conditions or illnesses that affect an employee's health to the extent that he or she must be absent from work on a recurring basis or for more than a few days for treatment or recovery.

(g) Employees requesting medical leave due to their own illness or injury shall use any balance of accrued sick leave and accrued annual leave prior to unpaid leave beginning. The combination of sick leave, annual leave, floating holidays, and unpaid leave shall not exceed 12 weeks.

(h) During periods of unpaid leave, an employee will not accrue any additional seniority, annual or sick leave, or similar employment benefits.

(i) If spouses are employed by the town and wish to take leave for the care of a new child or a sick parent, their aggregate leave is limited to 12 weeks. For example, if the father takes 8 weeks of leave to care for a child, the mother would be entitled to 4 weeks leave, for a total of 12 weeks of leave.

(4) Required use of annual or sick leave. (a) In all cases where the employee requests the use of unpaid family leave, he or she shall be required to use all accrued annual leave prior to beginning unpaid family leave.

(b) In those cases where the employee requests family leave for care of a family member for whom the employee would normally be authorized to use sick leave pursuant to § 4-209(6), below, such employee shall be required to use all accrued sick leave prior to beginning unpaid family leave.

(5) Notification and scheduling. (a) An eligible employee must provide the town at least 30 days advance notice of the need for family leave for birth adoption or planned medical treatment, when the need for leave is foreseeable. This 30-day advance notice is not required in cases of medical emergency or other unforeseen events, such as premature birth, or sudden changes in a patient's condition that require a change in the scheduled medical treatment.

(b) Parents who are awaiting the adoption of a child and are given little notice of the availability of the child may also be exempt from this 30-day notice.

(6) Certification. (a) The town reserves the right to verify an employee's request for family/medical leave through any appropriate means.

(b) If an employee requests leave because of a serious health condition, or to care for an eligible family member with a serious health condition, the town requires that the request be supported by certification issued by the health care provider of the eligible employee or the family member, as appropriate. If the town has reason to question the original certification, the town may, at its expense, require a second opinion from a different health care provider chosen by the town, who may not be employed by the town on a regular basis. If a resolution of the conflict cannot be obtained by a second opinion, a third opinion may be obtained from another provider and that opinion will be final and binding.

(c) This certification must contain the date on which the serious health condition began, its probable duration, and appropriate medical facts within the knowledge of the health care provider regarding the condition. The certification must also state the employee's need to care for the son, daughter, spouse or parent and must include an estimate of the amount of time that the employee is needed to care for the family member.

(d) Medical certifications given will be treated as confidential and privileged information.

(e) An employee will be required to report weekly on each Friday, or the prior work day should Friday fall on an approved town holiday, to the town the status and the intention of the employee to return to work.

(f) Employees who have taken unpaid leave under this policy must furnish the town with a medical certification from the employee's health care provider that the employee is able to resume work before his or her return is approved.

(7) Maintenance of health and COBRA benefits during unpaid leave.

(a) The town will maintain health insurance benefits paid by the town for the employee during periods of unpaid leave without interruption. Any payment for optional family coverages, premiums, or other payroll deductible insurance policies, must be paid in advance by the employee or the benefits may not be continued.

(b) The town has the right to recover from the employee all health insurance premiums paid during the unpaid leave period if the employee fails to return to work after leave. Employees who fail to return to work because they are unable to perform the functions of their job due of their own serious health condition or because of the continued necessity of caring for a seriously ill family member may be exempt from the recapture provision, upon review of the individual circumstances and approval of same by the town council.

(c) Leave taken under this policy does not constitute a qualifying event that entitles an employee to COBRA insurance coverage. However, the qualifying event triggering COBRA coverage may occur when it becomes clearly known that an employee will not be returning to work, and therefore ceases to be entitled to leave under this policy.

(8) Reduced and intermittent leave. (a) Leave taken under this policy can be taken intermittently or on a reduced leave schedule when medically necessary as certified by the health care provider. Intermittent or reduced leave schedules for routine care of a new child can be taken only with approval of the town. The schedule must be mutually agreed upon by the employee and the town.

(b) Employees on intermittent or reduced leave schedules may be temporarily transferred by the town to an equivalent alternate position that may better accommodate the intermittent or reduced leave schedule.

(c) Intermittent or reduced leave may be spread over a period of time longer than 12 weeks, but will not exceed the equivalent of 12 workweeks total leave in a one fiscal year period.

(9) Restoration. (a) Employees who are granted leave under this policy will be reinstated to the same or equivalent position as that held prior to the commencement of their leave.

(b) Certain highly compensated key employees, who are salaried and among the 10% highest paid employees, may be denied restoration if:

(i) The town shows that such denial is necessary to prevent "substantial and grievous economic injury" to the town's operations; if

(ii) The town notifies the employee that it intends to deny restoration on such basis at the time the town determines that such injury would occur; if

(iii) After the leave has commenced the employee elects not to return to work within a reasonable period of time after receiving such notice, and if

(iv) Any denial of right to restoration has been approved by a majority vote of the membership of the town council in regular or called session.

(10) The 12-month FMLA period. The 12-month period during which an employee is entitled to 12 workweeks of FMLA leave shall coincide with the town's fiscal year, which begins July 1st each year.

(11) Effective date. This policy shall be in full force and effect from and after August 5th, 1993. (1978 Code, § 1-814)

**4-215. Employee absence for jury duty.** It is recognized that all citizens have an obligation to perform jury duty when called and selected. The policy of the Town of Huntingdon shall be to encourage its employees to discharge this civic duty whenever possible. All employees of the town who are absent from their work place to attend to bona-fide jury duties may be paid at their normal salary or wage rates for hours they are absent from their work places, unless they elect to use their annual leave days; however, all compensation received by such employee shall be turned over to the town and paid into the general fund of the town unless the employee is on annual leave. (1978 Code, § 1-815)

**4-216. Employee group insurance plan.** The Town of Huntingdon currently provides eligible employees a group medical and life insurance plan without cost to the employee.

(1) Eligible employees. All regular full-time employees who work at least thirty (30) hours per work week for the town are eligible.

(2) Ineligible employees. All probationary, part-time, seasonal or temporary employees are ineligible.

(3) Dependent's benefits. The employee's eligible dependents will become automatically insured for dependent's medical benefits authorized in the

plan when the employee becomes eligible himself unless the employee states in writing, on the proscribed form, that he or she does not desire the coverage for dependents. The premiums for dependent coverage are paid by the employee through pay-roll deductions.

(4) Insurance plan handbook. Each employee upon his initial enrollment into the plan will be furnished a handbook on the town's group insurance plan which provides detailed information. All employees are encouraged to read this handbook carefully. The requirements imposed by the insurance carrier must be adhered to in order for the employee to receive full claim payments. All questions should be referred to the personnel office.

(5) Filing of insurance claims. It is the responsibility of the employee to notify the insurance office of the medical facility where he or she is receiving covered treatment of his or her medical coverage and present the employee identification card at the time of treatment or admission. It is the responsibility of the employee and the medical facility to file for all insurance claims. The personnel office does not file claims for the employees.

(6) Continuance of medical coverage. Under certain circumstances a terminated employee, or a covered divorced spouse, or a covered dependent may continue the employees or dependent coverage beyond the termination date for various periods up to 36 months by signing certain agreement forms and paying the required premiums. Effected employees should inquire at the personnel office not later than 90 days prior to anticipated termination for more detailed information.

(7) Schedule of benefits. Complete details of benefits available under the group plan, including major medical coverage, are contained in the employee medical plan handbook. (1978 Code, § 1-816)

#### **4-217. Employee workers compensation insurance plan.**

(1) Coverage. All employees, regular, part-time, probational, seasonal or temporary, of the Town of Huntingdon, including volunteer firefighters while on active service, are provided coverage for sickness or injury incurred as a result of, or during service for the town, as provided for by the appropriate laws governing workers compensation as established by the State of Tennessee.

(2) Reporting of injuries. All work related injuries should be reported to the personnel office within 24 hours of injury, but in no case later than 30 days, and the proper OSHA report forms completed in detail.

(3) Reporting of sickness. All work related sickness should be reported to the personnel office within 24 hours of the employee becoming aware of the possibility of the sickness being work related, but in no event more than 30 days. If the employee is physically unable to render this report, the next of kin or other responsible person should report the sickness.

(4) Claims. All claims of any nature concerning workers compensation will be filed at the personnel office. A delay in the reporting of the work related injury or sickness could result in a loss of benefits to the employee concerned.

(5) Dual payments. As workers compensation is made available to the employees to preclude a loss of pay while they are unable to work due to a work related injury or illness, it is not intended that the employee receive workers compensation and also his full salary or wages from the town. An employee who is absent from work due to work related injury or illness; is drawing workers compensation, and has accrued annual or sick leave, will be permitted to use such leave for pay purposes at the rate of one day annual or sick leave for every 3 days of absence while on workers compensation. (1978 Code, § 1-817)

**4-218. Employee retirement plan.** The Town of Huntingdon provides its eligible employees a purchase money pension plan without cost to the employee. A copy of the retirement plan manual is on file in the personnel office and all employees are encouraged to ask questions concerning their participation.

(1) Eligible employees. All regular full-time employees are eligible to enter into the employee's retirement plan after attaining the age of 24 years, and completion of thirty (30) months of continuous qualifying service.

(2) Vested interest. Upon becoming a participant in the retirement plan, the participant's interest in the employer contributions account shall be subject to the percentage indicated in the following schedule:

<u>Years of Vesting Service</u>	<u>Portion of Employer Contributions Account Vested in the Participant</u>
Less than 5 years	0%
5 years but less than 6	25%
6 years but less than 7	30%
7 years but less than 8	35%
8 years but less than 9	40%
9 years but less than 10	45%
10 years but less than 11	50%
11 years but less than 12	60%
12 years but less than 13	70%
13 years but less than 14	80%
14 years but less than 15	90%
15 years or more	100%

100% vested interest can also be attained prior to fifteen (15) years of vesting service by reaching age 65, by disability or by death (see plan.)

(3) Voluntary contributions. A participating employee may also make voluntary contributions to his or her retirement account in the plan through authorized payroll deductions. All such contributions are the sole property of

the employee and are accounted separately from the town's contribution to the plan.

(4) Withdrawals of entitlements. Due to the complexity of the eligibility, vesting, and procedures, this subject will not be covered in this regulation; however, employees should be referred to the retirement plan manual in the personnel office. (1978 Code, § 1-818)

**4-219. Counseling and evaluation.** (1) Counselling. (a) The most effective means of maintaining high levels of employee efficiency and morale is for the supervisor to be constant in his supervision and observation of the employee's performance of duty and his work habits; to allow an employee to exercise initiative and to apply the principles of counselling constructively, fairly and impartially. Counselling not only means to provide the proper instruction and direction to an employee who is performing marginally or unsatisfactorily, but also to offer words of encouragement and praise for work well done. In those cases where an employee has performed unusually well in a particularly difficult assignment, an appropriate letter of appreciation or commendation may be in order. How well an individual performs in his or her job is directly related to the manner as well as the amount of supervision afforded the employee. Therefore, the burden for assuring the town the best possible employee work force will fall on the supervisor concerned.

(b) The areas with which the supervisor will be most concerned is that of an employee who is not performing his or her job satisfactorily, or who has developed undesirable work habits and/or attitudes. It is again emphasized that such employees must be counselled promptly and adequately. On the first occasion the formal counselling may be verbal and the employee given a specific period of time in which to correct his or her deficiencies. Should the employee refuse to respond, all subsequent counselling shall make use of the "Employee Evaluation Report" or "Employee Warning" forms which are available from the personnel office. These reports will be read and acknowledged by the employee and forwarded to the personnel office for review by the mayor. As proof of constructive counselling is critical to the termination of an employee for cause, the importance of the proper use of these forms cannot be over-emphasized.

(c) The supervisor must be as alert to counsel an employee for performing unusually well, as he is to counsel critically.

(2) Performance evaluation. The initial employee performance evaluation form shall be completed by the department supervisor at the end of the initial probationary employment period and forwarded to the personnel officer with a recommendation for regular employment, or termination of same, stating the reasons therefor. Thereafter, each employee shall receive a performance evaluation and counselling on the anniversary date of his or her

employment. Such evaluations must be made fairly and objectively without personalities becoming involved. "Employee Performance Evaluation Report" forms will be made available from the personnel office.

(3) Performance evaluation. The department supervisor shall render an annual performance evaluation on each employee upon the anniversary of his or her employment; when a change in the employee's job classification or compensation is recommended, or when requested by the mayor or the personnel officer.

(4) Letters of appreciation. Letters of appreciation or commendation from whatever source shall be brought to the attention of the mayor and town council and filed in the employee's personnel file. (1978 Code, § 1-819)

**4-220. Suspension and termination.** Pursuant to § 3.08 of the town's charter, the mayor has the authority to make demotions, suspensions and removal of employees for reasonable cause; however, before removal or suspension, an employee shall be given a written notice, by certified U.S. mail or personally delivered by an official of the town, of intention to suspend or terminate him or her, containing a clear statement of the grounds for such proposed actions and notification that he or she may appeal to the town's Employee Appeal Board by filing, within ten (10) days, with the town recorder written notice of his or her intention to do so. [The "Employee Warning Report" form as provided by the personnel office may be used for this purpose.]

(1) Suspension. (a) Employees who fail to perform their duties at a satisfactory level, and who have received counselling and a "Employee Warning Report" issued thereto, and who have failed to respond to such counselling within a reasonable and stated period, shall be subject to suspension without pay for a period not to exceed ten (10) working days on the first offense, or

(b) Employees who are repeatedly late in reporting for work shall, after the proper counselling and warning, be suspended without pay for a period not to exceed ten (10) days on the first offense, or

(c) Employees who are insubordinate or refuse or are reluctant to follow instructions shall, after the proper counselling and warning, be suspended without pay for a period not to exceed ten (10) days on the first offense, or

(d) Employees who, by their actions or inactions, adversely affect the performance of his duties, or cause embarrassment to the town or otherwise bring discredit to his department and the town may be, after the proper counselling and warning, suspended without pay for a period not to exceed ten (10) days on the first offense.

(e) Employees who have served one (1) period of suspension (for not more than ten [10] days) may be suspended, after proper counselling and warning, without pay for the second time for the same general offense for not more than thirty (30) working days.

(f) Supervisors recommending such suspension shall complete and forward to the mayor for his review and approval the appropriate "Employee Warning Report" along with any other pertinent counselling reports. The "Employee Warning Report" must be completed in detail. The employee is required to sign this form.

(2) Termination. (a) Voluntary. (i) Any employee of the town who desired to terminate his employment with the town shall provide a minimum of three (3) calendar weeks notification of his or her intent to terminate, in writing, through his supervisor to the personnel office. This requirement will allow a period of time to secure a replacement for the employee and to process paperwork.

(ii) The department supervisor shall be responsible for completion of the "Termination Report" form, which shall be provided by the personnel office. Upon completion and review, this form shall become a permanent part of the employee's personnel file.

(iii) Any employee who terminates his or her employment without the required prior notice may forfeit all rights and claims to accrued benefits or to re-employment by the town.

(iv) Any employee who intends to terminate his employment through retirement shall indicate his intent in writing to the personnel office not later than ninety (90) days prior to the anticipated retirement date to allow time for the administrator of the retirement plan to obtain the necessary forms and file on behalf of the employee. Employees who fail to do so will risk a delay in the receipt of their retirement benefits.

(b) Involuntary termination - FOR CAUSE. (i) Any employee who, after the appropriate counselling, warnings and/or suspension, fails to perform his or her duties in an acceptable manner, or to correct his or her unacceptable actions or behavior, shall be subject to termination for cause.

(ii) Any employee who is guilty of impropriety or gross misconduct which will reflect unfavorably on the town and thereby renders his or her continued service in the town's employ unacceptable, shall be subject to immediate termination for cause.

(iii) Action for termination may be initiated by the supervisor, the personnel officer or the mayor, as may be appropriate, who shall be responsible for completion of the "Termination Report" and any required documentation which will be forwarded to the mayor for review and approval.

(iv) Any employee who is involuntarily terminated for due cause or gross misconduct is subject to forfeiture of all rights to benefits which may have accrued to him or her, including

unemployment compensation, but excluding any vested interest in the town pension plan which the employee may have.

(c) Involuntary termination - NOT FOR CAUSE. (i) In those cases where a regular full-time employee who is performing satisfactorily must be released from his employment by the town due to circumstances beyond his control, i.e., elimination of the position, budgetary limitations, reductions-in-force, etc., such employee shall retain his or her full rights to all benefits which may have accrued to him or her, and further, he or she shall be eligible for re-hire without loss of continuous service benefits if an appropriate vacancy occurs within one (1) year of the date of such termination. Such employee will be given preferred consideration before other non-prior service persons applying for such vacancy.

(ii) In these cases, the personnel office will initiate the appropriate "Termination Notice" which shall be forwarded to the department concerned for further action.

(d) Retirement. Eligible officials or employees who intend retirement, either by age or disability, shall provide a written notice to the personnel officer of their intent to retire not later than 60 days prior to their retirement date. (1978 Code, § 1-820)

**4-221. Council/employee relations committee.** Immediately upon passage of this amendment, and each subsequent municipal election, the mayor shall appoint, subject to the approval of the majority of the council, a standing council/employee relations committee, which shall be composed of three (3) serving councilmembers, whose appointments shall run concurrently with their terms of office, and the personnel officer, as a member ex officio. This committee is to meet with department supervisors and/or employees on a regular basis for the purpose of exchange of information and ideas to enhance the efficiency of the town's operations; to deal with any labor relations problems which may arise, and to keep the council informed. (1978 Code, § 1-821)

**4-222. Employee appeal board.** (1) Right of appeal. Pursuant to § 3.08 of the town's charter, any employee who has been informed of a demotion, suspension or termination action against him or her shall have the right to appeal the proposed actions to the Employee Appeal Board of the Town of Huntingdon by filing with the recorder within ten (10) days of his or her being formally notified of a proposed suspension or termination, a written statement of his or her intent to do so.

(a) Upon the filing of such an appeal, the recorder shall duly notify the employee appeal board, which shall set a time and place for a public hearing on the matter, to be held within 20 days thereafter. Four votes of the membership of the board shall be required to override the

demotion, suspension or termination, and the actions of the board shall be a final determination of the matter.

(b) Subject to the hearing of such appeals, the employee may, if not endangering the public welfare by doing so, remain on their regular job. Should it not be in the best interest of the town for the employee to remain on the work site during the appeal process, he or she may be placed on "administrative leave" with full pay and benefits pending the resolution of the appeal.

(2) Composition of the board. The duly elected and serving mayor and councilmembers of the Town of Huntingdon shall function as the "Employee Appeal Board" pursuant to § 3.08 of the town charter, and shall hear appeals in either regular or called sessions. The findings of the employee appeal board shall be final and are not subject to review by or appeal to any other agency, organization or judicial body. (1978 Code, § 1-822)

## 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 of plan.
- 4-307. Funding the program.

**4-301. Title.** This chapter shall be known as the Occupational Safety and Health Program of the Town of Huntingdon, and it is our intention that the program and its provisions shall be as effective as the program and its provisions under the Tennessee Occupational Safety and Health Act of 1972. (1978 Code, § 1-901, as replaced by Ord. #466, Aug. 2003)

**4-302. Purpose.** The Town Council of Huntingdon, in electing to update their established 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;
  - (d) Train department heads, supervisors and employees to understand and deal with workplace 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 Workforce Development to whom such responsibilities have been delegated, adequate records for 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 the records.
- (5) Consult with the State Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are

considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the State of Tennessee.

(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 about 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. (1978 Code, § 1-902, as amended by Ord. #360, Feb. 1995, and replaced by Ord. #466, Aug. 2003)

**4-303. Coverage.** The provisions of the occupational safety and health program plan for the employees of the Town of Huntingdon shall apply to all employees of each department of the Town of Huntingdon whether full-time or part-time, permanent or seasonal. (1978 Code, § 1-903, as replaced by Ord. #466, Aug. 2003)

**4-304. Standards authorized.** The occupational safety and health standards adopted by the Town of Huntingdon are the same, as but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated, title 50, chapter 3). (1978 Code, § 1-904, as replaced by Ord. #466, Aug. 2003)

**4-305. Variances from standards authorized.** The Town of Huntingdon 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 Workforce Development, Occupational Safety, Chapter 0800-1-1, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the director of public safety shall notify or serve notice to employees, their designated representative, 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 department supervisor shall be deemed sufficient notice to employees. (as added by Ord. #466, Aug. 2003)

**4-306. Administration of plan.** For the purposes of this chapter, the Director of Public Safety, Town of Huntingdon, 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 Occupational Safety and Health Plan of the Town of Huntingdon. The director shall develop a plan of

operation for the program and said plan shall become 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. #466, Aug. 2003)

**4-307. Funding the program.** Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the Town Council of Huntingdon. (as added by Ord. #466, Aug. 2003)

## CHAPTER 4

### INFECTIOUS DISEASE CONTROL PROGRAM

#### SECTION

- 4-401. References.
- 4-402. Adoption of policy.
- 4-403. Designation of officials.
- 4-404. Duties and responsibilities.
- 4-405. Funding

**4-401. References.** (1) Section 1910-1030, Title 29, Code of Federal Regulations (29 CFR 1910), which regulates the infectious disease right-to-know provisions of the Occupational Safety and Health Act (OSHA), which became effective March 6th, 1992.

(2) Infectious Disease Control Policy of the Town of Huntingdon, Tennessee, dated May 5th, 1992, as filed in the Office of the Town Recorder in the Huntingdon Municipal Building. (1978 Code, § 1-2001)

**4-402. Adoption of policy.** The "Infectious Disease Control Policy" as reviewed and approved by the Mayor of the Town of Huntingdon on May 5th, 1992, and attested by the town recorder, as referenced in § 4-401(2), above, shall be and is hereby approved as the official infectious disease control policy and procedure for said town. This authorization shall include all future amendments thereto as may be required by changes in federal and/or state laws and/or regulations. (1978 Code, § 1-2002)

**4-403. Designation of officials.** For the purpose of implementating and maintaining the infectious disease control program of the Town of Huntingdon, Tennessee, the Training Officer for the Huntingdon Police Department (presently Captain James D. Geurin), is hereby designated as the "Infectious Disease Control Coordinator (IDCC)" in and for the Town of Huntingdon. The IDCC shall be responsible to the Mayor, Town of Huntingdon, for the performance of his duties. (1978 Code, § 1-2003)

**4-404. Duties and responsibilities.** The duties and responsibilities of the IDCC shall include, but not be limited to, the following activities:

(1) Maintaining in a current state the written program for infectious disease control for the Town of Huntingdon.

(2) Making the initial exposure determination for all positions of employment which have a possible exposure to blood or potentially infectious material (at-risk positions), including all regular, seasonal, part-time and/or on-call positions and volunteer firefighters.

(3) Providing for the initial training of all present employees on the effects of infectious diseases and provide the initial series of free HBV vaccinations to designated at-risk employees.

(4) Training all newly hired employees of the effects of infectious diseases and provide free HBV vaccination to at-risk employees prior to said employee beginning work.

(5) Maintaining annual refresher training of all employees as required by the town's infectious disease control program.

(6) Establishing a follow-up procedure for employees who have an exposure incident.

(7) Maintaining annual training records necessary to identify the name and qualifications of the training personnel and document the attendance of all employees.

(8) Maintaining all records relative to the offer and/or provision of the Hepatitis B vaccinations to all at-risk employees, as required by the applicable OSHA regulations [29 CFR 1910.1030(h)], to include declination statements from employees who refuse the vaccinations.

(9) Establishing and maintaining an OSHA 200 log for all exposure incidents.

(10) Insuring that the supervisors of all departments or activities of the town provide adequate individual personal protective clothing and equipment to each employee, and that each public safety vehicle is adequately supplied with "on-board" equipment.

(11) Insuring that each department or activity post a copy of the town's infectious disease control policy on an employee bulletin board, and that the supervisor of said department or activity insure, by questioning of his or her employees, that all employees are aware of the location of the policy and its provisions as they pertain to that employee.

(12) Making a continuing review of the town's infectious disease control policy and procedures, and making recommendations to the mayor for any needed revisions.

(13) Promptly advising the mayor of any incident of exposure or possible exposure to infectious disease by any employee of the town.

(14) Performing all other functions necessary for the maintenance of a successful and effective infectious disease control program for the town. (1978 Code, § 1-2004)

**4-405. Funding.** It shall be the policy of the Town of Huntingdon to provide all required immunizations to its employees without cost to them. The funds for the initial and continuing immunization program will be allocated in the various departmental line item budgets. (1978 Code, § 1-2005)

## CHAPTER 5

### AMERICANS WITH DISABILITIES ACT PROGRAM

#### SECTION

- 4-501. References.
- 4-502. Statement of intent.
- 4-503. Administration.
- 4-504. Employment by local government.
- 4-505. Access to public services.
- 4-506. Grievance procedure.
- 4-507. Disabled resident access committee.
- 4-508. Dissemination of policy.

**4-501. References.** (1) 29 C.F.R. Part 1630 - Equal Employment Opportunity for Individuals with Disabilities.

(2) 29 C.F.R. Parts 1602 and 1627 - Recordkeeping and Reporting Under Title VII of the Civil Rights Act of 1964 and the Americans With Disabilities Act of 1990.

(3) 28 C.F.R. Part 35 - Nondiscrimination on the Basis of Disability in State and Local Government Services.

(4) Tennessee Code Annotated § 8-50-103. Employment of the Handicapped. (1978 Code, § 1-1901)

**4-502. Statement of intent.** As regards employment, it is the intent of the governing body of the Town of Huntingdon, Tennessee (the "town") to comply with all the relevant and applicable provisions of Title I, "Americans With Disabilities Act of 1990" (the "ADA"). The town will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability as defined by the ADA. The town will also make reasonable accommodation wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the duties and assignments connected with the job and provided that any accommodations made do not require significant difficulty or expense.

As regards access to public programs, services or facilities operated or sponsored by the town, it is the intent of the town to comply with all the applicable provisions of Title II of the Act to insure that no person shall be excluded from participation in or denied the benefits of these activities of the town on the basis of a disability, nor be subjected to discrimination by the town. (1978 Code, § 1-1902)

**4-503. Administration.** The administrative assistant in the office of the mayor, in addition to her normal duties, is hereby designated as the "ADA

Coordinator" for the Town of Huntingdon, and is the person directly responsible for the development, implementation and monitoring of the town's ADA compliance program, and shall have the complete support of said governing body in the operation of this program. The ADA coordinator will be responsible for the following functions:

- (1) Development of policy statements, guidelines, and internal and external communications about the requirements of the ADA and the town's compliance program.
- (2) Meeting with officials, supervisors, and employees of the town to discuss any problems or concerns that may arise in accommodating individuals with disabilities to ensure that the program is being followed.
- (3) Determining the need for remedial action and designing policies to correct deficiencies in the program.
- (4) Serving as liaison between the town and enforcement agencies, persons with disabilities, and organizations representing individuals with disabilities.
- (5) Keeping, management informed of the latest developments in hiring and employing persons with disabilities. (1978 Code, § 1-1903, as amended by Ord. #360, Feb. 1995)

**4-504. Employment by local government.** The town's policy of nondiscrimination applies to all personnel and employments, including hiring, upgrading, transfer, recruitment or recruitment advertising, layoff or termination, compensation of any kind, selection for training and educational programs.

(1) The town's personnel officer will review all personnel procedures to ensure that job applicants and employees with disabilities are given nondiscriminatory consideration when their job qualifications are assessed. All current regulations promulgated by the town shall be amended, as may be required, to bring them into compliance with Title I of the ADA.

(2) The ADA coordinator shall publish such policies and procedures as appropriate to ensure compliance with Title I of the ADA, subject to the review and approval of the mayor.

(3) Applicants and employees are assured that all information regarding a disability shall be kept confidential, in-so-far as the state's laws regarding open public records (the "sunshine" laws) will permit, except that:

(a) Appropriate officials, officers and supervisors may be informed regarding restrictions on the work or duties of disabled employees and any accommodations that have been made.

(b) If the person's condition may require emergency treatment, first aid and safety personnel may be informed.

(c) Government officials investigating compliance with federal laws may be informed.

(4) All employees with responsibilities which may require their having knowledge of another employee's disabilities shall be advised that they are to treat the knowledge with confidentiality.

(5) Any employee or job applicant who believes that he or she has been discriminated against on the basis of disability should immediately bring the problem to the attention of town officials. An employee may bring a complaint to the attention of his or her supervisor, the ADA coordinator, the Equal Employment Opportunity (EEO) coordinator, the personnel officer or the mayor. (1978 Code, § 1-1904)

**4-505. Access to public services.** The town shall, through its "self-evaluation plan", survey all of its programs, services and facilities to determine which programs, services and/or facilities are normally available to the general public. After this survey is completed it shall be reviewed by the responsible officials of the town and the "Disabled Resident Access Committee", as established herein, to insure that no person is denied access to such programs, services and/or facilities based solely on the disability of such person or persons. The ADA coordinator shall be the designated official to coordinate this compliance effort and to investigate complaints. (1978 Code, § 1-1905)

**4-506. Grievance procedure.** To create a method to handle complaints at the local level without federal intervention, a grievance procedure for the town shall be developed and published by the ADA coordinator to accept and resolve complaints concerning alleged violation of Title II of the ADA, subject to review and approval by the mayor. (1978 Code, § 1-1906)

**4-507. Disabled resident access committee.** There shall be and is hereby created a committee to be designated as the "Disable Resident Access Committee" for the purpose of hearing complaints, request or suggestions from disabled persons regarding access to and participation in public facilities, services, activities and functions operated or sponsored by the town.

(1) This committee shall be composed of nine (9) or more persons appointed by the town council. The members shall serve indefinite terms, subject to the will of said council. The committee shall be representative of the general population of the town; however, one (1) member shall be a representative of the town council, two (2) shall be disabled persons, two (2) shall be from the religious community, and two (2) from the educational community. The total membership shall include at least two (2) representatives from minorities.

(2) This committee shall hold its initial meeting within 30 days from its initial appointment and thereat elect a chairperson, vice-chairperson and secretary, and adopt such rules and by-laws as may be necessary to provide for the operation of the committee. Thereafter it shall meet in accordance with its own approved agenda.

(3) All meetings of this committee are subject to the "public meeting" laws of the State of Tennessee and the Huntingdon Municipal Code, and must be duly advertised meetings opened to the general public. Minutes of all proceedings of the committee must be maintained, and one (1) copy with all attachments, furnished the town recorder within ten (10) days of the reported meeting. The department of finance and administration shall provide any required administrative support to the committee.

(4) In considering complaints or grievances, the committee shall be generally guided by the town's grievance procedure as published by the ADA coordinator.

(5) The members of this committee shall serve without compensation; however, reimbursement for actual expenses incurred by members thereof in the performance of their official duties on behalf of the committee are authorized, subject to approval by the mayor. (1978 Code, § 1-1907)

**4-508. Dissemination of policy.** The town will make every effort to ensure that all interested parties are informed about and assist in the implementation of the ADA compliance program. All local recruitment and job referral agencies will be notified of the town's nondiscrimination policy. The town will also notify other entities and organizations with which the town deals about the town's obligation and commitment to comply with the nondiscrimination requirements of the ADA. The ADA coordinator shall issue such policy memorandums as may be required to establish specific procedure for dissemination of information relative to the ADA compliance program, subject to the approval of the mayor. (1978 Code, § 1-1908)

## CHAPTER 6

### COMPREHENSIVE TRAVEL REGULATIONS

#### SECTION

- 4-601. Authority.
- 4-602. General.
- 4-603. Official travel authorized.
- 4-604. Lodging expense.
- 4-605. Food expense.
- 4-606. Food expense for official functions.
- 4-607. Miscellaneous expense.
- 4-608. Advance travel payment.
- 4-609. Submission of travel voucher.
- 4-610. Limitation and penalty.

**4-601. Authority.** These comprehensive travel regulations are promulgated pursuant to § 2.03(b) of the Private Act Charter of the Town of Huntingdon. (1978 Code, § 1-2201)

**4-602. General.** The purpose of this chapter is to codify the existing comprehensive travel regulations as originally promulgated by Policy Memorandum, Department of Finance and Administration, dated May 1, 1983, and to provide current policy and procedure for the reimbursement of actual and necessary expenses incurred by the mayor, councilmembers, and employees or agents of the Town of Huntingdon incurred in the conduct of their official duties.

The director of finance & administration (DF&A) is authorized to publish such guidelines, travel request forms, travel voucher forms, etc., as may be required to implement the provisions of these regulations, subject to the review of the mayor. (1978 Code, § 1-2202)

**4-603. Official travel authorized.** Reimbursement for official travel by elected and/or appointed officials and employees of the Town of Huntingdon in conjunction with their official duties is authorized for such purposes as attendance at work-related conferences, workshops, seminars, professional meetings, training, etc., which are beneficial to the operation of the town's government.

(1) All official travel by non-supervisory employees must be previously approved by the department supervisor.

(2) All official travel by supervisory employees or by elected or appointed officials must be previously approved by the mayor.

(3) Approved travel shall be by official government owned vehicles (GOV) whenever possible. The use of privately owned vehicles (POV) for official use shall be limited to those instances where suitable GOV's are not available,

or have been deemed inappropriate by the departmental supervisor or the mayor. (See sub-paragraph (7), below.)

(4) Travel must be by the most direct route possible, and any individual traveling by an indirect route must assume any extra expense incurred thereby.

(5) Where more than one employee is traveling to the same destination for the same purpose (i.e. attendance at a seminar, training workshop, etc.), all such employees shall travel together.

(6) Where an official or employee of the town travels in a GOV belonging to another governmental entity, the town's official or employee is not entitled to travel reimbursement. Such official or employee may share the operating expenses, of such GOV: however, this will be treated as "miscellaneous expense" and not as mileage.

(7) The use of POV's for official purposes must be specifically approved in advance for the official or employee to be eligible for reimbursement for mileage.

(a) Where the use of POVs is for the convenience of the town the travel allowance for such use shall be computed at the rate of fifty-one cents (\$.51) per even mile, and may be claimed only by the owner/operator of POV. Where more than one (1) employee travel together via POV, only the owner/operator shall be eligible for reimbursement.

(b) In those instances where a GOV is available, but the official or employee wishes to use his or her POV for personal convenience, he or she may, subject to the prior approval of the department supervisor or mayor, be reimbursed for such use at the rate of twenty-five and one-half cents (\$.255) per even mile.

(c) All arrival and departure mileage must be recorded on the claim for reimbursement. Vicinity mileage must be reported on a separate line and not included with the point-to-point mileage.

(d) In any instance where the reported mileage claimed appears excessive the DF&A will cause inquiry to be made prior to approval of any reimbursement.

(e) In determining mileage for advance payment of travel allowance, the standard point-to-point mileage as indicated in the current issue of the Rand-McNally atlas shall be used.

(8) Rental cars - Charges for automobile rental shall not be allowable unless specific written authorization is secured in advance from the DF&A or the mayor. Charges for insurance coverages for rental automobiles are not reimbursable expenses.

(9) Taxi fares - If the official or employee travels by common carrier (i.e. bus, airplane, train, etc.) reasonable taxi fares will be allowed for necessary transportation. It is expected that bus or limousine service to and from airports and other terminals will be used when available and practicable. In traveling

between the place of lodging and the meeting or conference site, reasonable taxi fares and tips will be allowed.

(10) Tolls and ferry fees - Reasonable tolls and ferry fees will be allowed when necessary for cost effectiveness.

(11) Parking - reasonable parking charges will be allowed when required in conjunction with meetings, appointments, etc. (1978 Code, § 1-2203, as amended by Ord. #432, Aug. 2000, Ord. #453, March 2002, Ord. #511, Aug. 2008, and Ord. #517, Aug. 2009)

**4-604. Lodging expense.** Officials and employees are authorized reimbursement for actual expense for over-night lodging while on official travel beyond a sixty (60) mile radius of Huntingdon.

(1) In-route lodging shall be allowed for only one (1) night each way on trips over 500 miles one-way. Travel requiring over two (2) or more days travel time (1,000+ miles) shall normally be by common air carrier.

(2) Officials and employees are expected to be conservative in their choice of lodging. Normally, resort or convention hotels (such as the Opryland Hotel) will only be used when the required meeting or activity is located thereat, and there is no reasonable alternative.

(3) Reimbursement for an initial check-in service fee not to exceed five dollars (\$5.00) will be allowed.

(4) Receipts are required for all claims for reimbursement for lodging related expenses.

(5) Where two (2) or more officials or employees share the same lodging, the reimbursement may be pro-rated between them.

(6) When a spouse or other family member travels and shares lodging with an official or employee on official travel, the official or employee must defray any expense beyond that normally authorized the official or employee themselves. Public funds cannot be used to pay any expenses of such persons.

(7) The DF&A will not normally issue checks directly to the hotel or motel. The official or employee is responsible for arranging his or her own reservations and confirmations. (1978 Code, § 1-2204)

**4-605. Food expense.** Officials or employees are authorized reimbursement for meals on a per-diem basis while absent from town on official business. The basic per-diem rate shall be twenty six dollars (\$26.00) per day. Fractional days shall be pro-rated as follows:

Breakfast	\$ 6.00
Lunch	\$ 8.00
Dinner	\$12.00

(1) In those instances where the official or employee is required to attend a banquet or other such function as part of their official duties, and the cost of such exceeds the authorized per-diem rate, reimbursement may be authorized on an actual cost basis as substantiated by proper receipts or vouchers.

(a) Where the cost of such banquet or other such function is included in the registration fees for a conference, etc., reimbursement cannot be claimed for per-diem allowance for the same meal.

(2) Reimbursement for meals is on a per-diem basis; therefore, individual receipts are not required.

(3) Payment of per-diem for meals for fractional days of official travel away from Huntingdon shall be based on the following time schedule:

- Breakfast . . . . . Departure must be prior to 6:00 A.M.
- Lunch . . . . . Must be absent between 11:00 A.M. & 1:30 P.M.
- Dinner . . . . . Return must be after 6:30 P.M.

(For example, an employee who does not depart Huntingdon until 7:00 A.M. cannot claim reimbursement for the breakfast meal.)

(4) Officials or employees cannot be reimbursed for meals consumed in Huntingdon unless they are required to attend an official function where a meal is served. (1978 Code, § 1-2205)

**4-606. Food expense for official functions.** In recognition of the fact that appointed members of official boards, committees, commissions, etc., of the town normally give of their time and talents as a public service without compensation; the payment for expenses related to the provision of food at authorized meetings of such official bodies of the town is hereby authorized, subject to the approval by the mayor, when such meetings are scheduled during meal hours as a matter of public interest. The secretary of such body is authorized to have the supplies and/or meal charged directly to the "Town of Huntingdon, by the provider and submit invoice for same with the appropriate disbursement voucher to the DF&A. (1978 Code, § 1-2206)

**4-607. Miscellaneous expense.** (1) Charges for official long distance calls or telegrams are reimbursable provided a statement is furnished indicating the date, name and location called or wired and the purpose of the call or wire. Local calls on official business where charges are made (by hotel, etc.) are also reimbursable, but charges must show on lodging receipts.

(2) Purchase of gasoline and other supplies, including emergency repairs, for official vehicles are reimbursable. Receipts are required.

(3) Pre-registration fees for approved conferences, conventions, seminars, etc., including any incidental cost for supplies, materials, luncheons or banquets connected thereto, etc., which are known in advance, will be paid directly by check by DF&A upon submission of the appropriate disbursement vouchers; however, all such expenses, including pre-payments, are to be included on the final "travel voucher". (1978 Code, § 1-2207)

**4-608. Advance travel payment.** In order to prevent any financial hardship on an official or employee performing official travel on behalf of the Town of Huntingdon, the DF&A is authorized to make cash advance travel

payments to such officials or employees, in a sum not to exceed the estimated cost of the travel as determined by the DF&A.

(1) DF&A Form No. 100 "Request for Advance Travel/Per Diem Payment" (or any subsequent revision thereof) shall be used for this purpose. All requests must be properly completed, approved by the appropriate supervisor, and submitted to DF&A one (1) week prior to the departure date.

(2) Each official or employee receiving an advance travel payment must sign a payroll deduction authorization statement (which is incorporated as a part of DF&A Form No. 100) prior to any disbursement of funds.

(3) Data concerning all advance travel payments shall be included on the final "travel voucher". (1978 Code, § 1-2208)

**4-609. Submission of travel voucher.** Each official or employee who has performed official travel for which advance travel payments were made, or who is entitled to claim reimbursement for expenses incurred in performing authorized official travel shall, within one (1) week of completion of said travel, submit through his or her departmental supervisor to the DF&A a properly completed and executed "travel voucher". (DF&A Form No. 099, or any subsequent revision thereof.)

(1) The travel voucher must show all expenses related to the official travel, to include all advanced travel payments, pre-payment of registration fees or charges, mileage, lodging, per-diem and all other reimbursable expenses, and must be accompanied by receipts and other substantiating documents (except for the routine per-diem for normal meals) which itemize in detail the name and address of the business, the date, and the services or supplies provided, and the total cost.

(2) It is the intent of this section to require a final travel document which will substantiate all public funds expended for that specific official travel sufficient to provide an adequate "audit trail" for public funds utilized thereby.

(3) In a case where the official or employee received a cash advance travel payment, but did not expend all of these funds, the official or employee must include a sum equal to the overpayment with his or her final "travel voucher". (1978 Code, § 1-2209)

**4-610. Limitation and penalty.** No funds shall be requested nor disbursed for authorized official travel, per-diem and related expenses, except same be in conformance with the provisions of this chapter. Any official or employee of the town who willfully violates the provisions thereof, or files false official statements or claims for reimbursement shall be subject to appropriate punitive actions, including, but not limited to, suit in a court of competent jurisdiction to recover any unauthorized advance cash payments or reimbursements, and possible terminating of employment for cause. (1978 Code, § 1-2210)

## CHAPTER 7

### HAZARDOUS CHEMICAL POLICY AND PROCEDURE

#### SECTION

- 4-701. General.
- 4-702. References.
- 4-703. Definitions.
- 4-704. Responsibilities.
- 4-705. Hazard communication.
- 4-706. Hazard communication program.
- 4-707. Effective date.

**4-701. General.** It shall be the policy of the Town of Huntingdon, Tennessee (the "town"), to insure the health, safety and welfare of its' employees as related to the hazards involved in the utilization, storage, manufacturing or disposal of chemicals in the workplaces of the Town by the development and maintenance of a program of communication and training for all employees. (1978 Code, § 1-1601)

**4-702. References.** This regulation is based on the following federal and state regulations:

- (1) Federal Hazard Communication Standards (29 CFR 1910.1200) (the "Standard").
- (2) Tennessee Hazardous Chemical Right to Know Law of 1988 (Public Chapter 417). (1978 Code, § 1-1602)

**4-703. Definitions.** (1) "Hazardous chemical" - means any element, chemical compound or mixture of elements and/or compounds which is a physical hazard or health hazard as defined by the OSHA standard in 29 CFR Section 1910.1200(c) or a hazardous substance as defined by the OSHA Standard 29 CFR Section 1910.1200(d) (The "Standard").

(2) "Label" - means the required written, printed or graphic information displayed on or affixed to containers of hazardous chemicals.

(3) "Employee" - means any and all employees of the Town of Huntingdon, be they full time, part time or seasonal, whether compensated by salary, wage or fee.

(4) "Material safety data sheet (MSDS)" - means a document prepared by the manufacturer of a chemical in accordance with the requirements of the OSHA standard.

(5) "Mixture" - means any combination of two (2) or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction.

(6) "Work area" - means a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

(7) "Workplace" - means an establishment at one (1) geographical location containing one (1) or more work areas.

(8) "Workplace chemical list" - means the list of hazardous chemicals encountered in the workplace, compiled pursuant to the Tennessee Hazardous Chemical Right to Know Law.

(9) "Physical hazard" - means chemicals such as combustible liquids, compressed gas, explosive, flammable, an organic peroxide, and oxidizer, pyrophoric, unstable (reactive) or water-reactive.

(10) "Health hazard" - means chemicals which can cause acute or chronic health effects in exposed employees, including, but not limited to, carcinogens, toxic agents, etc. (1978 Code, § 1-1603)

**4-704. Responsibilities.** (1) The mayor, as the town's chief executive officer, is responsible for the implementation of the applicable federal and state regulations.

(2) The Hazardous Materials Officer of the Huntingdon Fire Department is designated as the person responsible for the implementation and monitoring of the over-all hazardous chemical right to know program of the Town.

(3) The department supervisor is designated as the person responsible for the implementation, monitoring and employee training for their respective department or agency. (1978 Code, § 1-1604)

**4-705. Hazard communication.** (1) Chemical list of all materials in the workplace. The department supervisor shall inventory and evaluate all chemicals used or produced within his or her respective department to determine if they are hazardous or not, utilizing the standard form entitled "Chemical List of all materials in the Workplace," which shall become a permanent part of the department's "Hazardous Chemical Handbook" (the "Handbook").

(2) Workplace chemical list. After a review and evaluation of those products contained on the "Chemical List of All Materials in the Workplace," those chemicals which have been determined hazardous, and which are used, stored or produced in sufficient volume or frequency of use by the employee to constitute a hazard to his or her health shall be listed on the "Workplace Chemical List," which shall become a permanent part of the department's Handbook.

(3) The hazardous materials officer shall assist in making any determination of hazardous chemicals when requested by the departmental supervisor.

(4) In the event an adequate determination cannot be made locally, the matter will be referred to the Tennessee Occupational Safety and Health Agency for resolution.

(5) The hazardous materials officer shall be responsible for insuring the timely submission of any required Tier Two (Emergency and Hazardous Chemical Inventory) reports to the appropriate state and county agency, and the annual revisions thereto, for hazardous chemicals normally used or stored in the workplace in excess of fifty-five (55) gallons or five hundred (500) pounds. A copy of this report must also be submitted to the Chief of the Huntingdon Fire Department. (NOTE that this report deals with the volume by percentage of the actual hazardous chemical in the total product, not the total volume of the product itself. For example, 1,000 gallons of a product that contains by volume one percent (1%) of a hazardous chemical has only 10 total gallons of the hazardous chemical - not 1,000 gallons.) (1978 Code, § 1-1605)

**4-706. Hazard communication program.** Each department supervisor shall be responsible for the communication and implementation of the following requirements of the program to the employees.

(1) Labels and other forms of warning. Labels and other graphic forms of warning for each incoming hazardous chemical will be inspected for compliance with section (f) of the standard, and to insure that proper forms of warning are posted. For hazardous chemicals produced within the workplace (such as carbon monoxide and welding products), warnings will be posted if the situation demands (volume, frequency, etc.).

(a) Place one (1) sign in accordance with the NFPA704M series on the outside of any building which contains a Class A explosive, Class B explosive, poison gas (poison A), water-reactive flammable solid (flammable solid W), or radioactive material as listed in Table 1 of Federal Department of Transportation (DOT) regulations at 49 CFR, Part 172, and further defined in federal DOT regulations at 49 CFR, Part 173, or any other hazardous chemical in excess of the amounts listed in Section 14(a) of the Standards.

(2) Material safety data sheets (MSDS). MSDS will be obtained for each hazardous chemical to which employees are or may be exposed (dependent upon type, volume, source, frequency of use, etc.), will be obtained and made readily available according to the requirements of section (g) of the standard. For new chemicals, MSDS will be obtained and made available prior to use. For hazardous chemicals produced internally (such as carbon monoxide and welding fumes), a MSDS may be used or developed. All incoming MSDS will be checked for accuracy. These MSDS will be a permanent part of the department's Handbook.

(3) Employee information and training. (a) Information and training as required by section (h) of the standard will be provided to all new employees on all existing hazards at the time of initial employment, or whenever a new hazard is introduced into the work areas. A copy of the federal standard and the Tennessee Right to Know Law shall also be a permanent part of the department's Handbook.

(b) Required information will be obtained from sources which include those listed in Appendix C of the standard.

(c) Employees will be trained to be able to recall fundamental health and physical hazards associated with the specific chemicals to which they are exposed.

(d) The trainers are the department supervisors or a designated, qualified representative.

(e) The departmental training programs will include such aids and methods as formal training sessions, guest speakers, training films, video tapes and other graphic aids such as workplace posters, etc., to insure all employees are knowledgeable of the chemical hazards of the workplace and the proper methods of handling such hazards.

(f) The departmental supervisor shall be responsible for establishing and maintaining sufficient records to attest to the state of training of his or her employees. These records shall be filed in the department's Handbook. Copies of any individual training records or certificates may be forwarded to the Department of Finance and Administration for inclusion in the employee's personnel records. (1978 Code, § 1-1606)

**4-707. Effective date.** This regulation confirms the policy memorandum dated April 1st, 1988. It is understood that a regulation of this nature cannot conceivably cover every chemical or other hazard which may arise in the workplace; therefore, a logical, common-sense approach to safety on the job must be taken by every supervisor and every employee. (1978 Code, § 1-1607)

## CHAPTER 8

### FAIR LABOR STANDARDS PRACTICES

#### SECTION

- 4-801. Policy statement.
- 4-802. Definitions.
- 4-803. Covered employees.
- 4-804. Work periods established.
- 4-805. Annual starting date for work periods established.
- 4-806. Holiday pay.
- 4-807. Use of compensatory time.
- 4-808. Pay days established.
- 4-809. Records required.
- 4-810. Employees to be informed.

**4-801. Policy statement.** The Council of the Town of Huntingdon has determined that it shall be the policy of the said town to incorporate into its personnel management procedures and program, the provisions of the "Fair Labor Standards Act" of the U. S. Department of Commerce, as said act pertains to basic minimum wage and payment of overtime. Such policy is hereby established by this chapter. (1978 Code, § 1-1501)

**4-802. Definitions.** The following terms and definitions shall pertain to the application of the FLSA to the personnel management program of the Town of Huntingdon:

- (1) "Employ" - To suffer or permit to work.
- (2) "Employer" - The Town of Huntingdon, to include its departments, agencies and activities.
- (3) "Employees" - All persons employed by the Town of Huntingdon, but not including elected or appointed officials thereof.
- (4) "Public agencies" - The Government of the United States; the State of Tennessee, the County of Carroll, and the Town of Huntingdon, and their political sub-divisions.
- (5) "Firefighters" - Employees of the Huntingdon Fire Department who have been trained and have responsibility for the prevention or control of fires and having responsibility for incidental functions, such as housekeeping, equipment, maintenance and inspection.
- (6) "Volunteer firefighter" - A duly authorized member of the reserve component of the Huntingdon Fire Department who receives compensation while serving periods of active duty with said department, either for firefighting or training purposes.
- (7) "Volunteer" - A person who performs work on a volunteer basis, other than in or for the department or activity in which he or she is normally

employed, without any expressed or implied compensation agreement, and who is paid no more than \$2.50 per call.

(8) "Law enforcement personnel" - Duly authorized employees of the Huntingdon Police Department who are empowered to enforce laws; have the power of arrest and have undergone or are undergoing on-the-job training or similar instruction as a law enforcement officer. Not covered by this term are civilian dispatchers, support clerical staff, parking checkers, building security guards, or maintenance personnel.

(9) "General services employees" - All employees of the town other than firefighters and law enforcement officers.

(10) "Work hours" - In general, includes all the time an employee is required to be on duty on the employer's premises or at a prescribed workplace, and all time when the employee is suffered or permitted to work for the town. Annual, sick, military or special leave and holidays are not counted as hours worked, even though pay may be granted for these days.

(11) "Workday" - A regularly recurring period of 24 hours commencing at 00:01 o'clock A.M. each morning and ending at 12:00 o'clock midnight the same day.

(12) "Workweek" - A regularly recurring period of 168 hours in the form of 7 consecutive workdays, which shall commence at 00:01 o'clock A.M. on each Friday and end at 12:00 o'clock midnight on the following Thursday.

(13) "Work period" - An elected and regularly recurring period for public safety operations, which consist of 4 consecutive 7 day work weeks, or a 28 calendar workday cycle. A work year shall contain 14 consecutive work periods which shall commence on the first Friday of January of each year.

(14) "Compensable hours" - Includes all times during which the employee is on duty and available to perform his or her assigned tasks, but not necessarily including all hours involved in travel or over-night stays away from town for purposes of training or conferences.

(15) "Wages" - Compensation paid to an employee in the form of money for hours worked.

(16) "Salary" - Compensation paid to an employee in the form of money per work period, i.e. monthly salary.

(17) "Minimum wage" - As of 1 January, 1986, \$3.35 per hour worked.

(18) "Tour of duty" - With respect to the firefighters of the Huntingdon Fire Department, and the law enforcement personnel of the Huntingdon Police Department, an established work period of 28 consecutive workdays (one work period).

(19) "Regular rate of pay" - The rate per hour paid for normal non-overtime work, not to include the monetary value of town paid employee benefits. (For monthly salaried employees, multiply the monthly salary by 12 (months); then divide by 52 (weeks), then divide by the authorized work hours in the work week, which is 40 hours for all general services departments and the police department, and 48 hours for the fire department.)

(20) "Overtime" - All hours worked in excess of 40 hours in a 7 day work week for general services employees; in excess of 171 hours in a 28 day work period for law enforcement personnel, and in excess of 212 hours for firefighting personnel (excluding volunteer firefighters).

(21) "Comp time" - "Compensatory time" and "compensatory time off" are defined as hours when an employee is not working and which are paid for at the employee's regular rate of pay. These hours are not counted as hours worked in the week in which they are paid.

(22) "Child labor" - Use of children under the age of 18 years of age as an employee. (The employment of persons under the age of 18 by the Town of Huntingdon is not authorized, except for participation in state or federally funded summer youth work programs.)

(23) "On-call pay" - Compensation paid to an employee who is "on call," but is not confined to his or her home or any particular place, and is required only to leave work where he or she may be reached, or who may be furnished a communications paging device by his or her department. (1978 Code, § 1-1502)

**4-803. Covered employees.** All employees of the Town of Huntingdon are subject to the regulatory provisions of the FLSA, with the following exceptions:

- (1) All elected officials (mayor and councilmembers).
- (2) All elected or appointed officers (attorney, judge, recorder/director of finance and director of public safety).
- (3) Deleted. This subsection deleted by Ord. #339, § 2, May 1994. (1978 Code, § 1-1503)

**4-804. Work periods established.** The work periods herein established shall vary by department or activity as follows:

(1) General services employees: The work period for all general services employees of the town shall be a seven (7) day work period which shall begin at 00:01 o'clock A.M. on each Friday morning and end at 12:00 o'clock midnight the following Thursday. All hours worked in excess of 40 hours during this work period constitute overtime and will be paid at the rate of one and one-half (1-1/2) times the basic hourly wage or its equivalent at the end of the work period.

(2) Fire department: The work period or tour of duty for firefighting personnel shall be a 28 consecutive calendar day work period which shall contain a total of 212 regular work hours (an average of 53 work hours per 7 day work cycle).

- (a) As a minimum requirement, all hours worked in excess of 212 hours for a 28 day work period are over-time hours and must be paid at the rate of one and one-half (1-1/2) times the basic hourly rate. Any over-time payment due an employee which was not paid on the weekly payroll will be due and payable at the end of the 28 day work period.

(b) Over-time is totaled over the 28 day work period. For example, a firefighter who works 56 hours one work week and 50 hours the second work week, and 53 hours the third and fourth weeks of the work period would not, under the FLSA, be due any "mandatory" over-time payment for this work period, as the total hours worked during the work period would be 212 hours.

(c) Volunteer firefighters are exempt from the provisions of this practice, and shall be paid on a "per call" basis, using a "ticket system" whereby the fire chief shall issue a ticket for each time the volunteer is called out for a fire call, a drill, training etc. The allowable amounts for these tickets shall be established by actions of the town council as spread upon the minutes of the appropriate public meeting.

(i) The pay period for volunteer firefighters shall be the calendar month, and their pay check shall normally be issued at the monthly fire training period for the prior month. The fire chief shall submit to the Department of Finance such documentation for payment as the director may from time to time require.

(ii) Employees, regular or part-time, of the Town of Huntingdon who also serve as volunteer firefighters shall be paid at the same rate as the non-employee volunteer firefighters for fire calls, drills, etc., and not at their regular town salary/wage rate, which shall be paid in addition to their regular salary or wages, when the response to a fire call is during their normal working hours.

(iii) Non-employee volunteer firefighters shall not be used as a temporary replacement for an absent regular fire department employee without the expressed approval of the mayor for each separate instance of such use. When allowed, they shall be paid at the prevailing federal minimum wage rate, and said payment shall be charged to the regular department payroll and not to volunteer firefighter expense.

(iv) Regular firefighter employees of the town who wish to respond to fire-calls while off-duty and not on stand-by shall not be construed as "volunteer firefighters", but shall remain classified as regular employees; however, if the individual firefighter voluntarily consents to respond to such calls and receive the minimum wage for such hours worked and he or she agrees to same in writing, such shall be allowable. It should be noted that all such hours worked must be added to the firefighter's regular work hours for the purpose of computing the total number of hours worked in a regular 28 day work period.

(d) Regardless of the "mandatory" payment of overtime required pursuant to sub-sections (2)(a) and (b), above, it shall be the policy of the Town of Huntingdon to pay all regular firefighters time-and-a-half (1 ½)

for all hours worked in excess of forty-eight (48) hours in the established seven (7) day work cycle.

(3) Police department: The work period, or "tour of duty," for the sworn officers of the police department will be a 28 consecutive calendar day work period which shall contain a total of 171 regular work hours. (An average of 42.75 work hours per 7 day work cycle.)

(a) As a minimum requirement, all hours worked in excess of 171 hours during the 28 day work period are over-time and will be paid at the rate of one and one-half (1-1/2) times the basic hourly rate. Any over-time due an employee which was not paid on the weekly payroll will be due and payable at the end of the 28 day work period.

(b) Over-time may be totaled over the 28 day work period. For example, a police officer who works 46 hours the first week, 40 hours the second week and 43 hours the third and fourth weeks of the work period would have worked a total of 172 hours during this work period. It is mandatory under the FLSA that this employee be paid, at the least, the 1 hour of overtime at the rate of time and a half.

(c) Support, clerical or maintenance personnel of the police department shall, for the purposes of this regulation, be considered as general services employees of the town, pursuant to § 4-804(1), above.

(d) Regardless of the "mandatory" payment of overtime required pursuant to subsections (3)(a) and (b) above, it shall be the policy of the town to pay all regular sworn police officers who are on a regular forty (40) hour shift time-and-a-half (1 1/2) for all hours worked in excess of forty (40) hours in the established seven (7) day work cycle. It shall also be the policy of the town to pay all regular sworn police officers who are on a regular forty-two (42) hour shift time-and-a-half (1 1/2) for all hours worked in excess of forty-two (42) hours in the established seven (7) day work cycle.

(e) Due the irregularity of total hours worked by regular, sworn police officers an individual officer could work thirty-six (36) hours, forty (40) hours or forty-eight (48) hours during the established seven (7) day work cycle. Should this officer be paid strictly by the accountable hours worked during the seven (7) day work cycle, he would receive a fluctuating pay check each week. This type weekly pay is not conducive to the general health and welfare of the police department, and is detrimental to morale; therefore the town will offer all such employees a "level pay" plan whereby the employee will be paid for forty (40) or forty-two (42) hours, depending on the employee's regular number of hours in a work week, for each seven (7) day work cycle regardless of the hours actually worked. It is anticipated that the payments will "even-out" over a period of time; however, the payroll section will audit each effected employee's pay records on a quarterly basis and make such adjustments as necessary to balance the employee's pay account. Any employee who

wishes to take part in this plan shall be required to execute the appropriate document requesting this service, and acknowledging that should he terminate his employment while he has a debit balance in his pay account, the debit will be recovered at the time of termination.

(4) On-call or stand-by work: Any employee who has been designated as being "on-call" or "stand-by" by his or her department to respond to emergency service calls, but who is not required to remain at his or her home, office, or any other particular place, but is only required to leave work where he or she may be reached, or who is provided with a communications pager and is otherwise free to pursue his or her personal business within contact range, is not considered to be "working" as defined hereinabove, and will be eligible for compensation only for those times when actually responding to, or returning from a service call. Should these creditable work hours result in the employee exceeding the "normal" work hours for the pay period, such compensation must be at time-and-a-half.

(5) Employees at their own option but with the approval of their departmental or activity supervisor may substitute during scheduled hours for other employees employed in the same capacity. In the case of such substitution, the hours involved are credited to the scheduled employee and not to the substitute employee. The supervisor need not maintain a record that the substitution has taken place. (1978 Code, § 4-805, as amended by Ord. #359, Feb. 1995, and Ord. #482, June 2005)

**4-805. Annual starting date for work periods established.** The beginning date for the first work period for each calendar year shall be the first Friday in January of each year.

(1) For the general departments or activities the work period of 7 days shall start at 12:01 A.M. each Friday and end at 12 mid-night the following Thursday.

(2) For the fire and police departments, the 28 day work period, for calendar year 1986, shall commence on January 3, 1986, and every four weeks thereafter. There will be 13, 28 day work period in the work year. (1978 Code, § 1-1505)

**4-806. Holiday pay.** The following policy will govern the payment for hours worked on a holiday authorized by the town:

(1) When a general service employee is required by his or her supervisor to work on a holiday, he or she will be paid at a double-time rate for such hours worked.

(2) As pertains to employees on shift work in the fire and police departments, when a holiday falls on the employee's regular day off as indicated by an approved work schedule, he or she will be paid an amount equal to an additional 8 hours wages at straight time as holiday pay.

(3) When an employee is on authorized leave of absence and a holiday falls within that leave period, the holiday is not chargeable as leave time, nor will that employee be entitled to receive any holiday pay for that day.

(4) Part-time, on-call and/or temporary employees are not entitled to holiday pay.

(5) To avoid further confusion as to which day the holiday pay will apply to for pay and accounting purposes for regular sworn police officers and/or regular firefighters who work a shift which falls partly on the holiday and partly on the preceding or following day; the total holiday pay will be applied to the work day during which the employee's shift begins. For example; a police officer begins his shift at 7:00 P.M. on a Thursday and ends his shift at 3:00 A.M. the next morning - Friday. Friday being the approved observed holiday, the authorized eight (8) hours of holiday pay will be credited to Thursday. (1978 Code, § 1-1506, as amended by Ord. #359, Feb. 1995)

**4-807. Use of compensatory time.** Covered employees of the Town of Huntingdon may be given compensatory time off in lieu of immediate overtime pay in cash, at a rate of not less than one and one-half hours off for each hour of overtime worked, but only pursuant to an agreement or understanding arrived at between the employee and his departmental/activity supervisor before performance of the work.

(1) The use of compensatory time will be held to the minimum requirements of each department of activity.

(2) The employee shall be permitted and encouraged to use accrued compensatory time within 6 months after it is accrued, if to do so will not unduly disrupt the operations of his or her department or activity.

(3) The maximum time which may be accrued by any effected employee shall be eighty (80) hours of actual work hours (120 days of compensatory time).

(4) An employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation in cash for any additional overtime hours of work.

(5) Payment for accrued compensatory time upon termination of employment shall be calculated at the average regular rate of pay for the final 3 years of employment, or the final regular rate received by the employee, whichever is the higher.

(6) The accrual of authorized compensatory time shall be computed on the basis of a 40 hour, 7 day work period for general service employees; of a 171 hour, 28 day work period for law enforcement employees, and of a 212 hour, 28 day work period for firefighter employees.

(7) The provision of this section do not apply to those officers, officials or executive employees enumerated in § 4-803(1) and (2) above. (1978 Code, § 1-1507)

**4-808. Pay days established.** The department of finance and administration will dispense payroll checks each Friday, or the preceding day should Friday fall on a holiday, for the work week ending at 12:00 midnight the preceding Thursday. NOTE: In the case of employees working on shift on a Thursday night, the work hours must be divided between two work weeks, as

the calculation of work hours "cuts-off" as of midnight Thursday. (1978 Code, § 1-1508)

**4-809. Records required.** The department of finance and administration shall develop and provide the necessary time sheets and payroll records to adequately verify and insure compliance with the policy herein established, and for the establishment and maintenance of all documentation required by the FLSA, or other state or federal agencies.

(1) Each department will be provided with the employee information posters, as are required by the FLSA, which must be permanently displayed on the departmental/activity employee bulletin boards.

(2) Each departmental or activity supervisor shall be responsible for the maintenance of adequate work/time records for each employee in his or her department to insure that all time worked by each employee is accounted for daily. A copy of these records are to be submitted to the department of finance and administration at the end of the last work period in June and December of each year for records retention required by the FLSA.

(3) Personnel and payroll records required by the FLSA necessitate that the town prepare and maintain certain minimum personnel data on all employees - regular, part-time or seasonal and including volunteer firefighters. This data will normally be obtained at the time of the employee's in-processing. (1978 Code, § 1-1509)

**4-810. Employees to be informed.** Each department or activity supervisor shall insure that all employees are made aware of the policies established hereby. The personnel officer will provide an extract copy of this chapter which shall be posted on the employee bulletin board in each department or activity. (1978 Code, § 1-1510)

## CHAPTER 9

### SEXUAL HARASSMENT POLICY

#### SECTION

- 4-901. Statement of policy.
- 4-902. Definitions.
- 4-903. Types of sexual harassment.
- 4-904. Reporting of sexual harassment or discrimination.
- 4-905. Investigation of complaints.
- 4-906. Corrective action.
- 4-907. Right of appeal.
- 4-908. Training.

**4-901. Statement of policy.** It shall be the policy of the Town of Huntingdon that all of its employees shall be afforded a workplace that is free of sexual harassment and/or sexual discrimination, not only for the protection of these persons, but also to protect the taxpayers of the town against costly liability damages which may arise out of sexual harassment/discrimination suits. Supervisors at all levels must take a leadership role in recognizing that neither sexual harassment nor sexual discrimination in the workplace is something to be condoned or taken lightly, and must communicate this policy and attitude to everyone in his or her department or activity. (Ord. #353, Oct. 1994)

**4-902. Definitions.** (1) The Equal Employment Opportunity Commission (EEOC) of the federal government defines "sexual harassment" as: unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (a) Submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- (b) Submission to or rejection of the conduct by an individual is used as the basis for employment decisions affecting the individual; or
- (c) The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(2) "Sexual discrimination in the workplace" may be defined as any action or proposed action whereby the employee's sex is the basis for job assignment, job preference, favorable treatment, benefits, etc., rather than his or her suitability, qualifications and ability. It is to be noted that sexual discrimination does not necessarily involve sexual harassment, and, further, that both male and female employees may be subject to sexual discrimination.

(3) "Employee" shall include all officials, officers and employees of all classification of the Town of Huntingdon, Tennessee. (Ord. #353, Oct. 1994)

**4-903. Types of sexual harassment.** Sexual harassment is somewhat more difficult to define than sexual discrimination; however, the EEOC notes that there are two (2) types of sexual harassment: quid pro quo and hostile work environment harassment.

(1) The first two (2) items in the above definition [§ 4-902(1)] constitute quid pro quo (Latin for "something for something") harassment. The classic example of quid pro quo harassment is the supervisor who request sex or sexual favors from a subordinate in return for job benefits.

(2) The third item in the above definition [§ 4-902(1)] constitutes hostile work environment harassment. This type of harassment does not necessarily have to involve supervisors, but might involve only fellow employees. Conduct such as derogatory sexual comments, constant flirting, repeatedly requesting dates, sexual jokes, displaying nude pictures, and physical touching can constitute hostile environment harassment. (Ord. #353, Oct. 1994)

**4-904. Reporting of sexual harassment or discrimination.**

(1) Any employee who has a legitimate complaint concerning any form of sexual harassment and/or sexual discrimination related to his or her employment by the Town of Huntingdon is urged to report the incident immediately to his or her department or activity supervisor, or, if this is not an appropriate action, directly to the personnel officer and/or the mayor.

(2) There will be no retaliation in any form or manner against an employee who makes a legitimate claim of sexual harassment and/or discrimination; who is a witness to same, or who provides evidence to the investigating committee; however, any employee who is found to have willfully and knowingly filed a false and malicious claim may be subject to appropriate disciplinary action.

(3) Any employee who has filed such a claim shall be fully informed of the investigation and its findings and results. (Ord. #353, Oct. 1994)

**4-905. Investigation of complaints.** (1) Upon the receipt of a legitimate complaint of alleged sexual harassment and/or sexual discrimination, the mayor shall, within ten (10) days, appoint an investigating committee which shall conduct a full and fair investigation of the complaint(s) and submit, within thirty (30) days, a complete, written report of their findings and recommendations. If requested, the town attorney shall make him or herself available to provide legal guidance to the investigating committee. All reports of such incidents would be made promptly by the employee(s) concern to facilitate a timely investigation.

(2) The following basic guide lines should be used at every stage of the complaint investigation and reporting process:

(a) Take every complaint seriously. Sexual harassment is a serious complaint with serious consequences for all concerned.

- (b) Take action immediately - don't delay. Delays may send the message that the town does not take the complaint seriously.
- (c) Keep information as confidential as possible; however, no guarantee of complete confidentiality should be made. This might be impossible to keep as the investigation progresses.
- (d) Review and analyze all the information obtained.
- (e) Be objective in taking statements.
- (f) Do not take sides and make it clear that the outcome of the investigation will be based on the available facts.
- (g) Document every step of the complaint investigation.
- (h) Upon completion of the investigation, provide the mayor with a detailed report of findings and recommendations, including sworn statements and other pertinent evidence. (Ord. #353, Oct. 1994)

**4-906. Corrective action.** (1) Upon receipt and review of the investigating committee's report of findings and recommendations the mayor shall promptly take such action as may be necessary and appropriate to discipline those employees found guilty of sexual harassment and/or sexual discrimination. This disciplinary action may take any form from verbal reprimand to termination with prejudice.

(2) If it is found that no harassment or discrimination has occurred or that there is not sufficient evidence that such actions occurred, this will be communicated to the employee who made the complaint, along with the reasons for this determination.

(3) If it is found that a false and malicious claim has been filed, the employee who filed such claim may thereupon be subject to disciplinary action. (Ord. #353, Oct. 1994)

**4-907. Right of Appeal.** Pursuant to Huntingdon Municipal Code, § 4-222 any employee who has been informed of a demotion, suspension or termination action against him/her shall have the right to appeal the proposed action(s) to the Employee Appeal Board of the town by filing a written appeal with the town recorder within ten (10) days of being formally notified of such proposed actions. Upon filing of such an appeal, no further formal action shall be taken as regards the proposed disciplinary action until the Employee Appeal Board shall have acted upon said appeal and rendered a report of its findings and recommendations. [See HMC § 4-222, for further information as to the employee remaining on the job pending the outcome of such an appeal.] (Ord. #353, Oct. 1994)

**4-908. Training.** All employees shall be informed of the contents of this policy and procedure immediately upon its passage. It shall be incorporated in every department or activity's training program a minimum of annually, and all new employees shall be briefed upon their hire. Each department or activity

supervisor is assigned the responsibility for enforcement of this policy within his or her department or activity. (Ord. #353, Oct. 1994)

## CHAPTER 10

### CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY AND PROCEDURES FOR PERSONNEL SUBJECT TO COMMERCIAL DRIVERS LICENSE

#### SECTION

4-1001. Purpose.

4-1002. Adoption of the policy attached and made a part thereof.

4-1003. Appointment of program administrator.

4-1004. Duties and responsibilities.

**4-1001. Purpose.** To establish policy and procedures for the testing of controlled substances and alcohol use for Town of Huntingdon personnel who operate commercial vehicles and are subject to the commercial drivers' license requirements set forth by the Department of Transportation and Federal Highway Administration; to designate a program administrator for the town; and to authorize the implementation and management of the policy and procedures. (Ord. #393, Oct. 1997)

**4-1002. Adoption of the policy attached and made a part thereof.** The copy of the policy which is hereto attached<sup>1</sup> and made a part of this chapter as though the same were copied fully herein, "Town of Huntingdon Controlled Substances and Alcohol Use and Testing, Policy and Procedures," in accordance with U. S. Department of Transportation Federal Highway Administration Regulations (49 CFR Parts 382 and 40), shall be and is hereby adopted by reference for the use and reference for policy and procedures for personnel of the Town of Huntingdon who are subject to the commercial drivers' license requirements. (Ord. #393, Oct. 1997)

**4-1003. Appointment of program administrator.** The Town Recorder of the Town of Huntingdon shall be and is hereby appointed "Program Administrator" for said town, and shall discharge those duties normally associated with such office. (Ord. #393, Oct. 1997)

**4-1004. Duties and responsibilities.** The program administrator shall be and is hereby authorized and directed to coordinate with the town's consortium company, and provide oversight and management for the town's policy and procedures for drug and alcohol testing of commercial drivers license

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<sup>1</sup>The attachment referred to in Ord. #393 is of record in the recorder's office.

employees, which shall be subject to the review and approval by said town council. (Ord. #393, Oct. 1997)