TITLE 4

MUNICIPAL PERSONNEL

CHAPTER
1. GENERAL PERSONNEL ADMINISTRATION.
2. SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. EMPLOYEES INDEMNIFICATION.
5. ELIGIBILITY FOR SERVICE AND CONTINUATION OF HEALTH AND LIFE INSURANCE.
6. ELECTIVE OFFICES WITH THE CITY OF LEBANON.

CHAPTER 1

GENERAL PERSONNEL ADMINISTRATION

SECTION
4-101. Purpose.
4-102. Coverage.
4-103. Administration.
4-104. Personnel rules and regulations.
4-105. Right to contract for special services.
4-106. Discrimination.
4-107. Reports to be submitted to city council.

4-101. Purpose. The purpose of this chapter is to establish a system of personnel administration in the City of Lebanon that is based on merit and fitness. The system shall provide means to select, develop, and maintain an effective municipal work force through the impartial application of personnel policies and procedures free of personal and political considerations and regardless of race, sex, age, creed, national origin or handicapping condition. (Ord. 90-783, § 1)

4-102. Coverage. All offices and positions of the municipal government are divided into the classified service and exempt service. The classified service shall include all regular full-time and regular part-time positions in the city's service unless specifically placed in the exempt service. All offices and positions of the municipal government placed in the exempt service are as follows:

(1) All elected officials.
(2) Officials appointed by mayor or city council.

1Ord. 90-783 repealed in its entirety chapter 8, title 1 of the 1968 municipal code and replaced it with the contents of this chapter.
(3) Members of appointed boards and commissions.
(4) Consultants, advisers, and legal counsel rendering temporary professional service.
(5) Independent contractors.
(6) Persons employed by the municipality for not more than three (3) months during a fiscal year.
(7) Part-time employees paid by the hour or the day, and not considered regular.
(8) Volunteer personnel appointed without compensation.

All employment positions of the municipal government expressly exempted from coverage by this section shall be subject to the provisions of the city charter. (Ord. 90-783, § 1)

4-103. Administration. The personnel system shall be administered by the personnel director, who shall have the following duties and responsibilities:

(1) Exercise leadership in developing an effective personnel administration system subject to provisions in this chapter, other ordinances, the city charter, and federal and state laws relating to personnel administration.
(2) Establish uniform policies and procedures for the recruitment, hiring, and discipline of all employees of the city subject to those policies as set forth in this chapter, the city charter and the municipal code.
(3) Fix and establish the number of employees under the direction of the city council in the various departments and offices and determine the duties, authority, responsibility, and compensation in accordance with the personnel policies adopted by the city council.
(4) Foster and develop programs for the improvement of employee effectiveness, including training, safety, and health.
(5) Maintain records of all employees subject to the provisions of this chapter of the city code which shall include each employee's class, title, pay rates, and other relevant data.
(6) Make periodic reports to the mayor and any requested reports to the city council regarding administration of the personnel system.
(7) Recommend to the city council a position classification plan, and install and maintain such a plan upon approval by the city council.
(8) Prepare and recommend to the city council a pay plan for all city employees.
(9) Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the employment needs of the city.
(10) Perform such other duties and exercise such other authority in personnel administration as may be prescribed by law and the city council. (Ord. 90-783, § 1)
4-104. **Personnel rules and regulations.** The personnel director shall develop rules and regulations and personnel policies and publish an employee's handbook, necessary for the effective administration of the personnel system. The rules, regulations and policy shall be presented to the city council for adoption. Amendments to the rules and regulations shall be made in this same manner.1 (Ord. 90-783, § 1)

4-105. **Right to contract for special services.** The city council may direct the personnel director to contract with any competent agency for the performance of such technical services in connection with the establishment of the personnel system or with its operation as may be deemed necessary. (Ord. 90-783, § 1)

4-106. **Discrimination.** No person in the classified service or seeking admission thereto, shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of political opinions or affiliations, or because of race, color, creed, national origin, sex, ancestry, age, religious belief or handicapping condition. (Ord. 90-783, § 1)

4-107. **Reports to be submitted to city council.** (1) Report on changes in personnel. The commissioner or chief of each department shall, on the first meeting of the city council of each month, submit a written report which shall contain any changes in the number of personnel in said department including the names of any persons who have been hired or terminated. The written report will include the number of regular hours and overtime worked by each employee in a department in the preceding month. It will also include the percent of overtime worked by each employee and department in the preceding month and year-to-date. Overtime shall be kept to a minimum and shall be allowed only in case of emergency or when authorized by the city council. The written report shall also reflect, by line item and total, what percentage of the department's budget has been used through the preceding month and any amount by which the year-to-date differs from the projected budget.

(2) Failure to submit reports or carry out city council policies or legislation. Failure to submit the above reports and failure of a commissioner or chief of a department to carry out the lawful policies implemented and legislation enacted by the city council shall be considered grounds for removal from office under Article III, Section 14 of the Charter of the City of Lebanon, Tennessee. (Ord. 91-842)

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4-201. **Policy and purpose as to coverage.** It is hereby declared to be the policy and purpose of the City of Lebanon to provide for all eligible employees and officials of the city, 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 city shall take such action as may be required by applicable state and federal laws or regulations. (1968 code, § 1-701)

4-202. **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. (1968 code, § 1-702)

4-203. **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 those laws or regulations. (1968 code, § 1-703)

4-204. **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. (1968 code, § 1-704)

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4-205. **Records and reports.** The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1968 code, § 1-705)

4-206. **Exclusions.** There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the city.

There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official whose compensation is on a fee basis, or any position or any employee or official not authorized to be covered by applicable state or federal laws or regulations. (1968 code, § 1-706)
CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

4-301. Title.
4-302. Purpose.
4-303. Coverage.
4-304. Standards authorized.
4-305. Variances from standards authorized.
4-306. Administration.
4-307. Funding the program.
4-308 – 4-314. [Deleted.]

4-301. Title. This section shall provide authority for reestablishing and administering the Occupational Safety and Health Program Plan for the employees of the City of Lebanon. (Ord. 73-386, § 1, as replaced by Ord. #03-2478, July 2003)

4-302. Purpose. This City of Lebanon in electing to update their established program plan will continue to maintain an effective occupational safety and health program for its employees and shall:

1. Provide a safe and healthful place and condition of employment that includes:
   a. Top Management Commitment and Employee Involvement;
   b. Continually analyze the worksite to identify all hazards and potential hazards;
   c. Develop and maintain methods for preventing or controlling existing or potential hazards; and
   d. Train managers, supervisors, and employees to understand and deal with worksite hazards.

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

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

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

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

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (Ord. 73-386, § 1, as replaced by Ord. #03-2478, July 2003)

4-303. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the City of Lebanon shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Lebanon whether part-time or full-time, seasonal or permanent. (Ord. 73-386, § 1, as replaced by Ord. #03-2478, July 2003)

4-304. Standards authorized. The occupational safety and health standards adopted by the City of Lebanon 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 (T.C.A. Title 50, Chapter 3). (Ord. 73-386, § 1, as replaced by Ord. #03-2478, July 2003)

4-305. Variances from standards authorized. The City of Lebanon may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, Chapter 0800-1-2, as authorized by T.C.A., Title 50. Prior to requesting such temporary variance, the City of Lebanon shall notify or serve notice to employees, their designated representatives, or interested parties and the City Council and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the City of Lebanon shall be deemed sufficient notice to employees. (Ord. 73-386, § 1, as replaced by Ord. #03-2478, July 2003)

4-306. Administration. For the purposes of this Ordinance, the Director of Personnel 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 City of Lebanon’s program. The Director shall develop a plan of operation for the program and said plan shall become a part of this Ordinance when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee
Occupational Safety and Health Plan. (Ord. 73-386, § 1, as amended by ord. 76-431, § 2, and replaced by Ord. #03-2478, July 2003)

4-307. **Funding the program.** Sufficient funds for administering and staffing the program pursuant to this Ordinance shall be made available as authorized by the City of Lebanon. (Ord. 73-386, § 1, as replaced by Ord. #03-2478, July 2003)

4-308 – 4-314. **[Deleted.]** These sections were deleted by Ord. #03-2478, July 2003.
CHAPTER 4

EMPLOYEE INDEMNIFICATION

SECTION
4-401. Definition of "employee." The word "employee" as used herein shall mean and include any elected or appointed official, officer, employee or member of any board or commission of the City of Lebanon, whether said person works full-time or part-time. (Ord. 88-600)

4-402. Legal defense authorized. The City of Lebanon does hereby authorize the city attorney to furnish a legal defense to any employee sued for damages for an act of omission or commission arising out of the performance of his or her official duties, while said employee is engaged in the course of his or her employment for the City of Lebanon, provided the employee notifies the city attorney and the city council within a reasonable time after a lawsuit is served upon the employee. The employee must make a formal request for defense counsel and defense counsel shall be provided at the expense of the City of Lebanon, so long as there is no insurance coverage protecting the employee from the claim. (Ord. 88-600)

4-403. Conflict of interest. In those civil actions brought against an employee wherein the City of Lebanon or one (1) or more of its employees are defendants; and the city attorney determines that a conflict of interest exists between the city and its employee, or among the various employees involved in the cause of action, to the extent that representation of the employee by the city attorney would violate Cannon 5 of the Code of Professional Responsibility, as adopted by Rule 8 of the Tennessee Supreme Court Rule; and if the employee would otherwise be entitled to a defense as provided in this chapter, the employee shall be entitled to employ legal counsel of his or her choice, subject to the approval of the city council. (Ord. 88-600)

4-404. Payment of judgments, costs, etc. Where there is a judgment in favor of the employee; or where damages are awarded in a final judgment or settlement against an employee, and it is determined that the incident is based upon an act or acts of an employee working inside of his or her scope of
employment, acting in good faith, and where said employee is not in violation of the policies of the City of Lebanon; the city council shall have the authority, upon proper motion before the city council, to pay all reasonable compensation for legal counsel, court costs and other expenses incident to the litigation, and to pay any damages which may have been awarded against the employee, subject to the limitations as further defined herein. (Ord. 88-600)

4-405. Scope of indemnification. The City of Lebanon is authorized to indemnify an employee from a judgment against said employee provided:

(1) The judgment arises out of an act or omission arising out to the performance of the official duties of said employee, and said judgment arose out of the course and scope of the employment of the employee so long as said official duties of the employee were not in violation of the policies of the City of Lebanon; and

(2) So long as the city attorney or another attorney selected as provided herein has furnished a legal defense concerning said claim and the employee has cooperated in said defense. (Ord. 88-600)

4-406. Limits of indemnification. An employee of the City of Lebanon shall be indemnified for a judgment or claim against the employee under the provisions described herein, but in no event shall such indemnity exceed the amounts described in Tennessee Code Annotated, § 29-20-403(b)(B), which provide for limitations as follows: the indemnity shall not exceed the sum of One Hundred Thirty Thousand and 00/100 ($130,000.00) Dollars for bodily injury or death of any one (1) persons and any one (1) accident, occurrence or act, and shall not exceed the sum of Three Hundred Fifty Thousand ($350,000.00) Dollars for bodily injury or death of all persons in any one (1) accident, occurrence or act, and in the cases arising out of the ownership, maintenance and use of automobiles, said indemnification sum shall not exceed Fifty Thousand ($50,000.00) Dollars for injury or destruction of property of others in any one (1) accident, occurrence or act. (Ord. 88-600)

4-407. Authority of indemnification. The indemnification power stated herein is pursuant to Tennessee Code Annotated, § 29-20-310(d), however, said authority under this chapter shall apply only to those cases where said judgment or claim is not covered by an insurance policy. (Ord. 88-600)
CHAPTER 5

ELIGIBILITY FOR SERVICE RETIREMENT AND CONTINUATION OF HEALTH AND LIFE INSURANCE

SECTION

4-501. Eligibility for service and continuation of health and life insurance benefits.

4-502. Additional eligibility requirements.

4-501. Eligibility for service and continuation of health and life insurance benefits. An employee or elected official of the City of Lebanon becomes eligible for service retirement and continuation of health and life insurance benefits in one of the following four (4) ways:

1. Upon completion of thirty (30) years of service under the rules of the Tennessee Consolidated Retirement System, the last ten (10) consecutive years being with the City of Lebanon; or

2. Attainment of the age of sixty (60) and completion of ten (10) years of service under the rules of the Tennessee Consolidated Retirement System, the last ten (10) consecutive years being with the City of Lebanon; or

3. Being an elected city official who has served two (2) or more consecutive terms of office with the City of Lebanon upon attaining sixty-two (62) years of age will be eligible for and provided coverage upon making application for coverage. (Ord. #92-911, Jan. 1992, as replaced by Ord. #02-2372, June 2002)

4-502. Additional eligibility requirements. Subject to the provisions of § 4-501, the eligible employee must be currently working and currently insured with the city's group health and life insurance plans on the date of retirement. Section 4-502 does not apply to elected city officials. (as added by Ord. #02-2372, June 2002)
CHAPTER 6

ELECTIVE OFFICES WITH THE
CITY OF LEBANON

SECTION
4-601. City employees may qualify to run and hold an elective office of the City of Lebanon.

4-601. City employees may qualify to run and hold an elective office of the City of Lebanon. (8) Lebanon City employees shall have equal rights as are afforded to all citizens, regardless of where they are employed, by the First Amendment of the United States Constitution to qualify to run for or hold an elective office.

(9) Individuals holding elective office for the City of Lebanon may not concurrently be employed by the city.

(10) Upon notification by the election commission of a certificate of election of a municipal employees election to a municipal office, the municipal position as an employee shall be automatically terminated. (as added by Ord. #01-2262, Jan. 2002)