

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

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CHAPTER 1

MUNICIPAL PERSONNEL

SECTION

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4-101. Purpose. The purpose of this chapter is to establish a system of personnel administration in the City of Millington that is based on merit and fitness. The system shall provide a means to select, develop, and maintain an effective municipal work force through impartially applying personnel policies and procedures free of personal and political considerations and regardless of race, color, gender, age, creed, national origin, or disability.

4-102. Coverage. All offices and positions of the municipal government are divided into the classified service and the 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) City attorney;
- (3) Members of appointed boards and commissions;
- (4) Consultants, advisers, and legal counsel rendering temporary professional service;
- (5) Independent contractors;
- (6) People employed by the municipality for not more than three months during a fiscal year;

(7) Part-time employees paid by the hour of the day, and not considered regular;

(8) Volunteer personnel appointed without compensation; and

(9) City judge.

All employment positions of the municipal government not expressly exempt from coverage by this section shall be subject to the provisions of the city charter.

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

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

(2) Recommend to the board of mayor and aldermen policies and procedures for recruiting, appointing, and disciplining all employees of the municipality subject to those policies as set forth in this chapter, the city charter, and the municipal code;

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

(4) Foster and develop programs for improving 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 board of mayor and aldermen regarding administering the personnel system;

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

(8) Prepare and recommend to the board of mayor and aldermen a pay plan for all municipal government employees;

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

(10) Be responsible for certification of payrolls; and

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

4-104. Personnel rules and regulations. The mayor shall develop rules and regulations, in the form of an employee handbook necessary for effectively administering the personnel system. The board of mayor and

aldermen shall adopt the rules presented to them by the mayor. If the board of mayor and aldermen has taken no action within 120 days after receiving the draft personnel rules and regulations, they shall become effective as if they had been adopted, and shall have the full force and effect of law.

Amendments to the rules and regulations shall be made in accordance with the procedure below. Nothing in the personnel rules and regulations document shall be deemed to give employees any more property rights in their job than may already be given by the city charter. The city reserves the right to alter or change any or all of these rules without prior notice to employees.

4-105. Records. The mayor shall maintain adequate records of the employment record of every employee as specified herein.

4-106. Right to contract for special services. The board of mayor and aldermen may direct the mayor to contract with any competent agency for performing such technical services in connection with the establishment of the personnel system or with its operation as may be deemed necessary.

4-107. Discrimination. No person in the classified service or seeking admission thereto shall be employed, promoted, demoted, discharged, or in any way favored or discriminated against because of political opinions or affiliations, race, color, creed, national origin, gender, age, religious belief, or disability.

4-108. Amendments. Amendments or revisions of these rules may be recommended for adoption by the board of mayor and aldermen. Such amendments or revisions of these rules shall become effective after approval by the governing body.

CHAPTER 2

PAYMENT OF EXPENSES OF MUNICIPAL OFFICERS AND EMPLOYEES

SECTION

- 4-201. Purpose.
- 4-202. Enforcement.
- 4-203. Travel policy.
- 4-204. Travel reimbursement rate schedules.
- 4-205. Direct payment authorized.
- 4-206. Administrative procedures adopted.

4-201. Purpose. The purpose of this chapter and referenced regulations is to bring the City of Millington into compliance with Public Acts 1993, Chapter 433. This act requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular city employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (1981 Code, § 1-1301)

4-202. Enforcement. The mayor of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (1981 Code, § 1-1302, modified)

4-203. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

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

mayor. Under certain conditions, entertainment expenses may be eligible for reimbursement.

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

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

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

(5) The city's approved travel expense reimbursement form will be used to document all expense claims.

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

(a) Directly related to the conduct of the city business for which travel was authorized, and

(b) Actual, reasonable, and necessary under the circumstances.

The mayor may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

(7) Claims of \$5 or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.

(8) Any person attempting to defraud the city or misuse city travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (1981 Code, § 1-1303, modified)

4-204. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the federal travel regulation rates. The city's travel reimbursement rates will automatically change when the federal rates are adjusted. (1981 Code, § 1-1304)

4-205. Direct payment authorized. The city may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (1981 Code, § 1-1305)

4-206. Administrative procedures adopted. The city adopts and incorporates the administrative procedures set out in Resolution 36-1993, which are substantially in the form of the administrative procedures submitted by Municipal Technical Advisory Service ("MTAS") to, and approved by letter from

the Comptroller of the Treasury, State of Tennessee, in June 23, 1993. A copy of the administrative procedures shall be kept on file in the office of the city clerk. (1981 Code, § 1-1306)

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

4-301. Creation of program.

4-301. Creation of program. There hereby is created an occupational safety and health program for the employees of the City of Millington as follows:

(1) Coverage. The provisions of the occupational safety and health program for the employees of the City of Millington shall apply to all employees of each administrative department, commission, board, division, or other agency of the city, whether part-time or full-time, seasonal or permanent.

(2) Standards authorized. The occupational safety and health standards adopted by the City of Millington 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).

(3) Variances from standards authorized. The City of Millington may, upon written application to the Commissioner of Labor of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with LJRules of Tennessee Department of Labor, Occupational Safety, chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the City of Millington shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the city shall be deemed sufficient notice to employees.

(4) Administration. For the purposes of this chapter, the Fire Chief of the City of Millington, who at the time of adoption of this chapter is Chief Charles Carter, 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 program herein adopted. The director shall develop a plan of operation for the program of 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.

(5) Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the board of mayor and aldermen of the city. (as added by Ord. #2003-1, Jan. 2003)