

## 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 city to provide for the employees and officials of the city, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1982 Code, § 1-901)

**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. (1982 Code, § 1-902)

**4-103. Withholdings from salaries or wages.** Withholdings from the salaries or wages of employees and officials for the purpose provided in § 4-101 of this chapter, hereof, 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. (1982 Code, § 1-903)

**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. (1982 Code, § 1-904)

**4-105. Records to be kept and reports made.** The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1982 Code, § 1-905)

**4-106. Personnel excluded from coverage.** 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 also excluded from this chapter any authority to make any agreement with respect to elective officials engaged in rendering legislative services, or any employee or official not authorized to be covered by applicable federal or state laws or regulations. (1982 Code, § 1-906)

## CHAPTER 2

### PERSONNEL SYSTEM

#### SECTION

- 4-201. General provisions.
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- 4-215. Political activity.
- 4-216. Discrimination.
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**4-201. General provisions.** (1) This chapter shall be known as the "Personnel System Chapter."

(2) A personnel system for the City of Sweetwater is hereby established for the purpose of providing a personnel policy for entry into and continuance in the service of the city.

(3) It is hereby the declared personnel policy of the City of Sweetwater, Tennessee, that:

(a) Employment in the city government shall be based on merit, efficiency and fitness, free of personal and political considerations;

(b) Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the municipal government;

(c) Every effort shall be made to stimulate high morale by fair administration of this chapter consistent with the best interests of the public and the city;

(4) No provision of this chapter shall be implemented and no persons shall be employed or salaries or wages changed unless the necessary appropriations are provided in the annual budget on adoption or by amendment. (as replaced by Ord. #792, Sept. 2006)

**4-202. Definitions.** As used in this chapter, the following quoted words and terms shall have the meanings set forth hereinafter:

(1) "Governing body" shall mean the mayor and board of commissioners vested with power to enact ordinances and resolutions for the City of Sweetwater, Tennessee.

(2) "Human resource officer" shall mean the city recorder, to include such employee of that office as shall be designated such by the city recorder.

(3) "Mayor" shall mean the lawfully elected Mayor of the City of Sweetwater, Tennessee.

(4) "Municipality" or "city" shall mean the City of Sweetwater, Tennessee.

(5) "Personnel commissioner" shall mean that member of the Board of Commissioners for the City of Sweetwater so designated by the board of commissioners at its biennial reorganization or from time to time as necessary. (as added by Ord. #792, Sept. 2006)

**4-203. Coverage.** (1) All offices and positions of the city are divided into the classified service and exempt service. The classified service, hereinafter referred to as the "classified service," shall include all offices and positions in the city service not specifically placed in the exempt service by this chapter. Offices and positions in the city service specifically placed in the exempt service shall be as follows:

(a) All officials elected by popular vote and persons appointed to fill vacancies in any such elective offices including those officials elected by the mayor and board of commissioners;

(b) Members of appointive boards, commissions or committees;

(c) Persons employed to render the city expert, professional, technical or other services of occasional character;

(d) Volunteer personnel and all other personnel appointed to serve without compensation, except that volunteer firefighters shall be considered to be in the "classified service";

(e) City attorney and city judge;

(f) Persons employed by the city for not more than three (3) months during a fiscal year for special purposes and/or seasonal work;

(g) Part time employees paid by the hour or the day, or those persons involved with the city in an internship status.

(h) Employees who are hired to meet the immediate requirements of an emergency condition, such as fire, flood, earthquake, riots, etc., which threatens life or property;

(i) Persons serving the city as independent contractors;

(g) Persons retained as consultants on a fee basis;

(k) Officers and employees of the city school system, Sweetwater Utilities Board, Sweetwater Public Library, and Sweetwater Housing

Authority. (as added by Ord. #792, Sept. 2006, as amended by Ord. #813, Oct. 2007)

**4-204. Administration.** (1) The personnel commissioner shall have responsibility for the personnel program as set forth in this chapter subject to the powers vested in the governing body by the charter. He specifically shall:

- (a) Be responsible for effective personnel administration;
- (b) Recommend a position classification plan to the governing body and implement and maintain such plan as approved;
- (c) Recommend a compensation plan for all city employees and implement and maintain such plan as approved;
- (d) Investigate periodically the operation and effect of the personnel provisions of this chapter and the rules adopted pursuant thereto and annually report, prior to the end of each fiscal year, his findings and recommendations to the governing body for action;
- (e) Perform such other duties and exercise such other power in personnel administration as may be set forth in this chapter or hereafter approved by the governing body.

(2) The human resources officer shall have the following duties and responsibilities:

- (a) Administer the personnel program as set forth in this chapter and the personnel rules and regulations adopted pursuant hereto;
- (b) Perform all lawful and necessary duties essential to the effective administration of the personnel system;
- (c) Recommend to the personnel commissioner rules, revisions and amendments thereto for approval of the governing body and administer such rules;
- (d) Maintain personnel records to include for each employee or officer the class, title, pay and other relevant data for such position as well as such records as are required by law;
- (e) To administer all employee insurance, benefit and pension programs;
- (f) Perform such other duties and responsibilities as may be assigned by the governing body not inconsistent with this chapter. (as added by Ord. #792, Sept. 2006)

**4-205. Personnel rules.** (1) The personnel commissioner, in consultation with the human resources officer and recorder, shall be responsible for preparation of such personnel rules and amendments thereto as may be necessary to carry out the provisions of this chapter, to be submitted to the governing body for adoption by the governing body by resolution. Within forty-five (45) days from the date of proposal, the governing body shall act upon such resolution after at least one (1) public hearing on such rules or amendments thereto during that forty-five (45) day period.

(2) The personnel rules shall establish regulations, procedures and policies governing the personnel system including but not limited to the following:

- (a) Administration of all positions in the classified service;
- (b) Administration of a plan of compensation;
- (c) Announcement of vacancies and acceptance of applications for employment;
- (d) Preparation, announcement and conduct of examinations should they be deemed necessary;
- (e) Hiring and appointment of persons to fill vacancies and the making of provisional, temporary, casual and emergency appointments;
- (f) Transfer, promotion and reinstatement of employees in the classified service;
- (g) Disciplinary action, demotion, suspension and separation from the service of employees by resignation, layoff, separation, dismissal and for incapacity to perform required duties;
- (h) Standardization of hours of work, attendance and leave regulations, and working conditions;
- (i) Development of employee morale, welfare and training programs;
- (j) A uniform system of procedure for the handling of all grievances and appeals;
- (k) Vacations, holidays, paid and unpaid leaves, and other fringe benefits;
- (l) Promotional policies and procedures;
- (m) Establishment, maintenance and use of adequate and necessary personnel records and forms;
- (n) Such other matters as may be necessary and proper to carry out the intent and purpose of this chapter. (as added by Ord. #792, Sept. 2006)

**4-206. Classification.** The personnel commissioner, in consultation with the human resource officer and the recorder, shall make an analysis of the duties, authority and responsibility of all positions in the classified service and shall recommend to the governing body for adoption by resolution as set out in § 4-205(1) of this chapter a description of each position as a general guideline for use in evaluating applications for employment, promotions or transfers. (as added by Ord. #792, Sept. 2006)

**4-207. Compensation.** (1) The personnel commissioner, in consultation with the human resource officer and the recorder, shall develop a uniform and equitable compensation plan consisting of minimum, intermediate and maximum rates of pay for each position for use by the city in planning and budgeting. Salary ranges for each position shall be based on the ranges of pay

for other positions, requisite qualifications, general rates of pay for comparable work in other private and public employment in the area, cost of living data, and other benefits received by employees, the financial policy of the city, and other economic considerations. The pay plan of the city shall then be submitted to the governing body for adoption by resolution as provided in § 4-205(1).

(2) The compensation plan may be amended from time to time in accordance with the procedure set forth in § 4-205(1). (as added by Ord. #792, Sept. 2006)

**4-208. Appointments.** Appointments to positions in the classified service shall be as provided in the personnel rules and regulations adopted pursuant to this chapter. (as added by Ord. #792, Sept. 2006)

**4-209. Applications.** Applications for employment shall only be available and accepted when vacancies exist in the city work force and are taken as provided in the personnel rules and regulations. (as added by Ord. #792, Sept. 2006)

**4-210. Status of present employees.** Any person holding a position included in the classified service on the date that this chapter becomes operational shall assume regular status in the classified service as defined herein on such effective date and shall thereafter be subject in all respects to the provisions of this chapter and the personnel rules and regulations adopted pursuant hereto. (as added by Ord. #792, Sept. 2006)

**4-211. Promotions.** Vacancies in positions may be filled by promotion whenever in the judgment and discretion of the department commissioner or mayor it is in the best interest of the city to do so. It shall be in the discretion of the commissioner of the department where the vacancy exists whether to promote, transfer or fill by new hire. For purposes of this chapter, the mayor shall be considered the department head for city hall employees. (as added by Ord. #792, Sept. 2006)

**4-212. Demotions, suspensions and dismissals.** All city employees are subject to action to demote, dismiss, reduce in pay, or suspend without pay as set forth in the personnel rules and regulations adopted pursuant to this chapter. The city specifically reserves its legal status as an at-will employer and nothing in this chapter nor any rule, procedure or other material adopted hereunder is intended nor to be construed as waiving or limiting the city's at-will employer status. (as added by Ord. #792, Sept. 2006)

**4-213. Reductions in workforce.** Nothing herein nor in the personnel rules and regulations adopted pursuant hereto shall be construed as affecting the power of the governing body to abolish, alter or amend positions in the

classified or exempt service or devise a general plan to reduce salaries, wages or benefits. (as added by Ord. #792, Sept. 2006)

**4-214. Appeals.** The personnel rules and regulations shall establish an appeal procedure for reviewing disciplinary actions or grievances as required or permitted by law. (as added by Ord. #792, Sept. 2006)

**4-215. Political activity.** Municipal officers and employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities provided such activity occurs while the employee is off duty and out of uniform. Provided however, municipal employees shall not be qualified to run for elected office as mayor or commissioner for the City of Sweetwater without first resigning their position of employment upon qualifying and any elected official shall be out of office for one (1) year before being appointed to a paying position within the city. (as added by Ord. #792, Sept. 2006)

**4-216. 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 race, color, creed, national origin, sex, ancestry, age or religious belief. (as added by Ord. #792, Sept. 2006)

**4-217. Severability.** Each section, subsection, paragraph, sentence and clause of this chapter is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence or clause shall not affect the validity of any other portion of these rules, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted so as to leave the remaining portions of the chapter intact and controlling. (as added by Ord. #792, Sept. 2006)

### CHAPTER 3

#### OCCUPATIONAL SAFETY AND HEALTH PROGRAM<sup>1</sup>

##### 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 plan.

**4-301. Title.** This chapter shall be known as "The Occupational Safety and Health Program Plan" for the employees of the City of Sweetwater. (Ord. #759, § July 2003, as replaced by Ord. #908, Nov. 2013)

**4-302. Purpose.** The City of Sweetwater in electing to update the established program plan will maintain an effective and comprehensive safety and health program plan 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 the 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) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the 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.

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<sup>1</sup>The Occupational Safety and Health Program for the City of Sweetwater, including Appendices I through IV are included in this municipal code as Appendix 2.

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

(5) Consult with the 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 plan, 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 plan. (Ord. #759, § July 2003, as replaced by Ord. #908, Nov. 2013)

**4-303. Coverage.** The provisions of the Occupational Safety and Health Program for the employees of the City of Sweetwater shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (Ord. #759, § July 2003, as replaced by Ord. #908, Nov. 2013)

**4-304. Standards authorized.** The Occupational Safety and Health standards adopted by the City of Sweetwater 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.<sup>1</sup> (Ord. #759, § July 2003, as replaced by Ord. #908, Nov. 2013)

**4-305. Variances from standards authorized.** Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may 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 and Health, Variances from Occupational Safety and Health Standards, chapter 0800-01-02, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our 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 shall be deemed sufficient notice to employees. (Ord. #759, § July 2003, as replaced by Ord. #908, Nov. 2013)

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 50, chapter 3.

**4-306. Administration.** For the purposes of this chapter, the safety director is designated as the safety director of occupational safety and health to perform duties and to exercise powers assigned to plan, develop, and administer this program plan. The safety director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Safety and Health Provisions for the Public Sector, chapter 0800-01-05, as authorized by Tennessee Code Annotated, title 50. (Ord. #759, § July 2003, as replaced by Ord. #908, Nov. 2013)

**4-307. Funding the program plan.** Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the City of Sweetwater. (Ord. #759, § July 2003, as replaced by Ord. #908, Nov. 2013)

## CHAPTER 4

### TRAVEL REIMBURSEMENT REGULATIONS

#### SECTION

- 4-401. Policy statement.
- 4-402. Procedure.
- 4-403. General information.
- 4-404. Responsibility.

**4-401. Policy statement.** In order to best utilize the resources available to the city, employees are expected to minimize the costs of necessary business travel. This policy sets out regulations and restrictions governing travel expense for all officials and employees of the City of Sweetwater. (Ord. #655, March 1994)

**4-402. Procedure.** City employees shall use the most economical means available when traveling at city expense; shall thoroughly document all expenses incurred; and shall complete all necessary travel requests and reports according to the following guidelines:

(1) Transportation/public transportation. The city will pay the actual costs of coach or regular fare for public transportation by air, train, or bus.

(2) Transportation/automobile. (a) If a city vehicle is used, the city will pay only the cost of actual expenses for gasoline, oil, and emergency repairs. If a private vehicle is used, the city will reimburse 26 cents per mile or the state rate, whichever is greater, by the most direct route to and from a meeting to a maximum of the cost of the most economical air for the same trip.

(b) If a private vehicle is used by two or more official travelers on the same trip, only the traveler owning or having custody of the vehicle will be reimbursed for mileage in accordance with the rate outlined above.

In no event shall reimbursement for use of a private vehicle, meals, and lodging while in transit to and from destination exceed the cost of economy class air fare.

Additional travel days required due to automobile travel rather than air travel, when automobile travel is selected as a matter of personal preference by traveler rather than by the city, shall be taken as annual leave or other appropriate leave.

The city will reimburse for car rental, including mileage, when any employee can justify the necessity for a vehicle. The employee should include this expense in estimating the cost of the trip beforehand, and be prepared to justify the need for a car at the location. Liability coverage listing the City of Sweetwater as insured must be obtained from the

vendor for any use of rental vehicles. Whenever possible, public transportation should be utilized in lieu of rental vehicles.

Employees will not be reimbursed for any fines for traffic violations or parking tickets. Costs incurred to private vehicles due to accidents, or the cost of repairs due to breakdowns of private vehicles will not be reimbursed to employees.

The spouse of an employee may travel in a city vehicle on approved city travel, although the city will not pay other expenses of the spouse.

City vehicles are available and should be used in lieu of private vehicles whenever practical. City vehicles shall not be utilized when the employee intends to combine business travel with annual leave away from the city. Arrangements for city vehicles can be made through the corresponding department head/commissioner.

(3) Lodging. Reimbursement for lodging will be based upon the locality, purpose for travel, and availability of accommodations. Reasonableness and economy should be exercised by the traveler in all instances.

(a) The city will not reimburse for suites or resort accommodations unless the expense is approved in advance of the trip.

(b) The city will pay lodging expenses at the single room rate, except when two or more city personnel share a room. In that case, the city will pay the cost of the room.

The employee will reimburse the city for the difference in cost between a single room rate and a double room rate if the employee shares the room with his or her spouse. The amount to be reimbursed by the employee will be limited to the difference in the room rates and will not include any related taxes or other charges on a pro-rata basis.

(4) Meals. An employee shall be provided a meal per diem of \$35.00 (which includes tips) per day for each full day while attending a conference or training seminar or while on other official city business travel. For travel involving less than a full day, meals shall be reimbursed as follows:

Breakfast	\$ 8.00
Lunch	\$10.00
Dinner	\$17.00

(a) Meal allowances will not be provided when meal events are included in conference registrations or are otherwise provided at no cost to the employee.

(i) If any meal is part of the official program at a conference or a seminar, the city will reimburse an employee for the actual cost.

(ii) Meals for hosts and guests transacting and/or discussing city business is an allowable expense.

(b) Receipts for meals shall not be required except if a part of the official program when the city will reimburse for actual cost.

(5) Conference expenses. The city will pay for all actual charges pertaining to an approved conference, meeting, or seminar, including registration fees and dues.

(6) Miscellaneous expenses. The city will reimburse actual charges for intra-city taxi, airport bus or limousine fares, tolls and parking, baggage handling, and business telephone calls. The actual cost of one phone call per day (unless emergency) of reasonable length, to family will be paid by the city. (Ord. #655, March 1994)

**4-403. General information.** (1) Advance travel funds must be requested in writing by the department head seven days prior to any travel for any employee in the department with date and time of departure and expected return.

(2) The city will pay travel expenses upon receipt of the completed "travel expense report" supported by paid receipts for transportation, lodging, registration fees, and other miscellaneous expenses authorized for reimbursement.

(3) For the city to be able to take advantage of its sales tax exempt status as a municipal organization, a direct payment must be made from the city to the vendor of travel or lodging services. Therefore, prepayment of these expenses should be made whenever possible.

(4) Before departure, employees will provide to their department an address and phone number where they can be contacted if the need arises while they are away. (Ord. #655, March 1994)

**4-404. Responsibility.** All department heads are responsible for the dissemination and administration of this policy within their departments and for monitoring travel expenses of their employees.

All employees who travel on city business are responsible for compliance with the requirements of this policy, and for the exercise of sound judgment in their travel expenditures. Violation of travel rules can result in disciplinary action of employees and officials. Travel fraud can result in criminal prosecution of employees and/or officials. (Ord. #655, March 1994)

## CHAPTER 5

### INFECTIOUS DISEASE CONTROL POLICY

#### SECTION

- 4-501. Purpose.
- 4-502. Coverage.
- 4-503. Administration.
- 4-504. Definitions.
- 4-505. Policy statement.
- 4-506. General guidelines.
- 4-507. Hepatitis B vaccinations.
- 4-508. Reporting potential exposure.
- 4-509. Hepatitis B virus post-exposure management.
- 4-510. Human immunodeficiency virus post-exposure management.
- 4-511. Disability benefits.
- 4-512. Training regular employees.
- 4-513. Training high risk employees.
- 4-514. Training new employees.
- 4-515. Records and reports.
- 4-516. Legal rights of victims of communicable diseases.

**4-501. Purpose.** It is the responsibility of the City of Sweetwater to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the City of Sweetwater, employees may come in contact with life-threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB).

**4-502. Coverage.** Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to body fluids from potentially infected individuals. Those high risk occupations include but are not limited to:

- (1) Paramedics and emergency medical technicians;
- (2) Occupational nurses;
- (3) Housekeeping and laundry workers;

- (4) Police and security personnel;
- (5) Firefighters;
- (6) Sanitation and landfill workers; and
- (7) Any other employee deemed to be at high risk per this policy and an exposure determination.

**4-503. Administration.** This infection control policy shall be administered by the mayor or his/her designated representative who shall have the following duties and responsibilities:

- (1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the city charter, and federal and state law relating to OSHA regulations;
- (2) Make an exposure determination for all employee positions to determine a possible exposure to blood or other potentially infectious materials;
- (3) Maintain records of all employees and incidents subject to the provisions of this chapter;
- (4) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;
- (5) Coordinate and document all relevant training activities in support of the infection control policy;
- (6) Prepare and recommend to the mayor and board of commissioners any amendments or changes to the infection control policy;
- (7) Identify any and all housekeeping operations involving substantial risk of direct exposure to potentially infectious materials and shall address the proper precautions to be taken while cleaning rooms and blood spills; and
- (8) Perform such other duties and exercise such other authority as may be prescribed by the mayor and board of commissioners.

**4-504. Definitions.** (1) "Body fluids" - fluids that have been recognized by the Center for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.

(2) "Exposure" - the contact with blood or other potentially infectious materials to which universal precautions apply through contact with open wounds, non-intact skin, or mucous membranes during the performance of an individual's normal job duties.

(3) "Hepatitis B Virus (HBV)" - a serious blood-borne virus with potential for life-threatening complications. Possible complications include: massive hepatic necrosis, cirrhosis of the liver, chronic active hepatitis, and hepatocellular carcinoma.

(4) "Human Immunodeficiency Virus (HIV)" - the virus that causes acquired immunodeficiency syndrome (AIDS). HIV is transmitted through

sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

(5) "Tuberculosis (TB)" - an acute or chronic communicable disease that usually affects the respiratory system, but may involve any system in the body.

(6) "Universal precautions" - refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with potentially infectious materials to be protected as though such body fluid were HBV or HIV infected.

**4-505. Policy statement.** All blood and other potentially infectious materials are infectious for several blood-borne pathogens. Some body fluids can also transmit infections. For this reason, the Center for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens. Universal precautions apply to blood, tissues, and other potentially infectious materials. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood.

**4-506. General guidelines.** General guidelines which shall be used by everyone include:

(1) Think when responding to emergency calls and exercise common sense when there is potential exposure to blood or other potentially infectious materials which require universal precautions.

(2) Keep all open cuts and abrasions covered with adhesive bandages which repel liquids.

(3) Soap and water kill many bacteria and viruses on contact. If hands are contaminated with blood or other potentially infectious materials to which universal precautions apply, then wash immediately and thoroughly. Hands shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or handwashing facilities are not available, then use a waterless antiseptic hand cleaner according to the manufacturers recommendation for the product.

(4) All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades and other sharp

items shall be placed in puncture resistant containers for disposal. The puncture resistant container shall be located as close as practical to the use area.

(5) The city will provide gloves of appropriate material, quality and size for each affected employee. The gloves are to be worn when there is contact (or when there is a potential contact) with blood or other potentially infectious materials to which universal precautions apply:

- (a) While handling an individual where exposure is possible;
- (b) While cleaning or handling contaminated items or equipment;
- (c) While cleaning up an area that has been contaminated with one of the above;

Gloves shall not be used if they are peeling, cracked, or discolored, or if they have punctures, tears, or other evidence of deterioration. Employees shall not wash or disinfect surgical or examination gloves for reuse.

(6) Resuscitation equipment shall be used when necessary. (No transmission of HBV or HIV infection during mouth-to-mouth resuscitation has been documented.) However, because of the risk of salivary transmission of other infectious diseases and the theoretical risk of HIV or HBV transmission during artificial resuscitation, bags shall be used. Pocket mouth-to-mouth resuscitation masks designed to isolate emergency response personnel from contact with a victims' blood and blood contaminated saliva, respiratory secretion, and vomitus, are available to all personnel to provide or potentially provide emergency treatment.

(7) Masks or protective eyewear or face shields shall be worn during procedures that are likely to generate droplets of blood or other potentially infectious materials to prevent exposure to mucous membranes of the mouth, nose, and eyes. They are not required for routine care.

(8) Gowns, aprons, or lab coats shall be worn during procedures that are likely to generate splashes of blood or other potentially infectious materials.

(9) Areas and equipment contaminated with blood shall be cleaned as soon as possible. A household (chlorine) bleach solution (1 part chlorine to 10 parts water) shall be applied to the contaminated surface as a disinfectant leaving it on for a least 30 seconds. A solution must be changed and re-mixed every 24 hours to be effective.

(10) Contaminated clothing (or other articles) shall be handled carefully and washed as soon as possible. Laundry and dish washing cycles at 120° are adequate for decontamination.

(11) Place all disposable equipment (gloves, masks, gowns, etc...) in a clearly marked plastic bag. Place the bag in a second clearly marked bag (double bag). Seal and dispose of by placing in a designated "hazardous" dumpster. NOTE: Sharp objects must be placed in an impervious container and shall be properly disposed of.

(12) Tags shall be used as a means of preventing accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations which are out of the ordinary, unexpected or not readily apparent. Tags shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed.

All required tags shall meet the following criteria:

(a) Tags shall contain a signal word and a major message. The signal word shall be "BIOHAZARD", or the biological hazard symbol. The major message shall indicate the specific hazardous condition or the instruction to be communicated to employees.

(b) The signal word shall be readable at a minimum distance of five (5) feet or such greater distance as warranted by the hazard.

(c) All employees shall be informed of the meaning of the various tags used throughout the workplace and what special precautions are necessary.

(13) Linen soiled with blood or other potentially infectious materials shall be handled as little as possible and with minimum agitation to prevent contamination of the person handling the linen. All soiled linen shall be bagged at the location where it was used. It shall not be sorted or rinsed in the area. Soiled linen shall be placed and transported in bags that prevent leakage.

The employee responsible for transported soiled linen should always wear protective gloves to prevent possible contamination. After removing the gloves, hands or other skin surfaces shall be washed thoroughly and immediately after contact with potentially infectious materials.

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up.

**4-507. Hepatitis B vaccinations.** The City of Sweetwater- shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the Infectious Disease Control Coordinator.

**4-508. Reporting potential exposure.** City employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc.):

(1) Notify the Infectious Disease Control Coordinator of the contact incident and details thereof.

(2) Complete the appropriate accident reports and any other specific form required.

(3) Arrangements will be made for the person to be seen by a physician as with any job-related injury.

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to human immunodeficiency virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided.

**4-509. Hepatitis B virus post-exposure management.** For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

For exposure from an HBsAg-positive source to workers who have previously received the vaccine, the exposed worker should be tested for antibodies to hepatitis B surface antigen (anti-HBs), and given one dose of vaccine and one dose of HBIG if the antibody level in the worker's blood sample is inadequate (ie., 10 SRU by RIA, negative by EIA).

If the source individual is negative for HBsAg and the worker has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized.

**4-510. Human immunodeficiency virus post-exposure management.** For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within 12 weeks after the exposure. Such an illness, particularly one characterized by fever, rash, or lymphadenopathy, may be indicative of recent HIV infection.

Following the initial test at the time of exposure, seronegative workers should be retested 6 weeks, 12 weeks, and 6 months after exposure to determine whether transmission has occurred. During this follow-up period (especially the first 6 - 12 weeks after exposure) exposed workers should follow the U.S. Public Health service recommendation for preventing transmission of HIV. These include refraining from blood donations and using appropriate protection during sexual intercourse. During all phases of follow-up, it is vital that worker confidentiality be protected.

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing 12 weeks later may be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the city to all workers who may be concerned they have been infected with HIV through an occupational exposure.

**4-511. Disability benefits.** Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker's Compensations Bureau in accordance with the provisions of Tennessee Code Annotated, § 50-6-303.

**4-512. Training regular employees.** On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or potentially infectious materials. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents.

**4-513. Training high risk employees.** In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated material as per this policy.

**4-514. Training new employees.** During the new employee's orientation to his/her job, all new employee will be trained on the effects of infectious disease prior to putting them to work.

**4-515. Records and reports.** (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200.

(2) Needle sticks. Needle sticks, like any other puncture wound, are considered injuries for recordkeeping purposes due to the instantaneous nature of the event. Therefore, any needle stick requiring medical treatment (i.e. gamma globulin, hepatitis B immune globulin, hepatitis B vaccine, etc...) shall be recorded.

(3) Prescription medication. Likewise, the use of prescription medication (beyond a single dose for minor injury or discomfort) is considered medical treatment. Since these types of treatment are considered necessary, and must be administered by physician or licensed medical personnel, such injuries cannot be considered minor and must be reported.

(4) Employee interviews. Should the city be inspected by the U.S. Department of Labor Office of Health Compliance, the compliance safety and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers.

**4-516. Legal rights of victims of communicable diseases.** Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

(1) Officers assume that a certain degree of risk exists in law enforcement and emergency service work and accept those risks with their individual appointments. This holds true with any potential risks of contacting a communicable disease as surely as it does with the risks of confronting an armed criminal.

(2) Any officer who refuses to take proper action in regard to victims of a communicable disease, when appropriate protective equipment is available, shall be subject to disciplinary measures along with civil and, or criminal prosecution.

(3) Whenever an officer mentions in a report that an individual has or may have a communicable disease, he shall write "contains confidential medical information" across the top margin of the first page of the report.

(4) The officer's supervisor shall ensure that the above statement is on all reports requiring that statement at the time the report is reviewed and initiated by the supervisor.

(5) The supervisor disseminating newspaper releases shall make certain the confidential information is not given out to the news media.

(6) All requests (including subpoenas) for copies of reports marked "contains confidential medical information" shall be referred to the city attorney when the incident involves an indictable or juvenile offense.

(7) Prior approval shall be obtained from the city attorney before advising a victim of sexual assault that the suspect has, or is suspected of having a communicable disease.

(8) All circumstance, not covered in this policy, that may arise concerning releasing confidential information regarding a victim, or suspected victim, of a communicable disease shall be referred directly to the appropriate department head or city attorney.

(9) Victims of a communicable disease and their families have a right to conduct their lives without fear of discrimination. An employee shall not

make public, directly or indirectly, the identity of a victim or suspected victim of a communicable disease.

(10) Whenever an employee finds it necessary to notify another employee, police officer, firefighter, emergency service officer, or health care provider that a victim has or is suspected of having a communicable disease, that information shall be conveyed in a dignified, discrete and confidential manner. The person to whom the information is being conveyed should be reminded that the information is confidential and that it should not be treated as public information.

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil/and/or criminal prosecution.

## CHAPTER 6

### SEXUAL HARASSMENT

#### SECTION

- 4-601. Purpose and scope.
- 4-602. Definitions.
- 4-603. Complaints.
- 4-604. Reporting and investigating complaints.
- 4-605. Action on complaints.
- 4-606. Obligation of employees.

**4-601. Purpose and scope.** The city will not tolerate sexual harassment of its employees and will take immediate positive steps to stop such harassment when it occurs. The procedure set forth herein is considered immediate and corrective action when utilized by employees or others for calling such conduct to the attention of appropriate city personnel. This policy and procedure applies to all officers and employees of the City of Sweetwater, including but not limited to full time and part time employees, elected officials, permanent and temporary employees, employees covered by or exempt from the personnel rules and regulations of the city, and employees working under contract for the city. It is the policy of the city that they shall be strictly enforced. (as added by Ord. #794, July 2006)

**4-602. Definitions.** The following actions constitute an unlawful employment practice and are absolutely prohibited by the city when they affect employment decisions, create a hostile job environment, cause distractions, or unreasonably interfere with work performance.

- (1) Sexual harassment or unwelcome sexual advances;
- (2) Requests for sexual favors;
- (3) Verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting or propositioning;
- (4) Explicit or implied job threats or promises in return for submission to sexual favors;
- (5) Inappropriate sex-oriented comments on appearance;
- (6) Embarrassing sex-oriented stories;
- (7) Displaying sexually explicit or pornographic material, no matter how the material is displayed;
- (8) Sexual assault on the job by supervisors, fellow employees, or non-employees.

Sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women. (as added by Ord. #794, July 2006)

**4-603. Complaints.** (1) An employee who feels he/she is subjected to sexual harassment should immediately contact a person listed below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

- (a) The employee's immediate supervisor.
- (b) The employee's department head.
- (c) The recorder.
- (d) The mayor and/or respective commissioner.
- (e) The mayor and board of commissioners.

(2) Employees have the right to circumvent the employee chain of command when selecting the person to complain to about sexual harassment.

(3) The employee making a complaint should be prepared to provide the following information:

- (a) Name, department and position title;
- (b) Name of the person or people committing the sexual harassment, including their titles, if known;
- (c) The specific nature of the sexual harassment, how long it has gone on, any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment;
- (d) Any witnesses to the harassment; and,
- (e) Whether the employee has previously reported the harassment and, if so, when and to whom. (as added by Ord. #794, July 2006)

**4-604. Reporting and investigating complaints.** (1) The city recorder is the person the city designates as the investigator of sexual harassment complaints against employees. In the event the sexual harassment complaint is against the city recorder, the investigator shall be a municipal employee appointed by the mayor and board of commissioners.

(2) When an allegation of sexual harassment is made by any employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the city recorder, or in the event the complaint is against the city recorder to the mayor and board of commissioners.

(3) Upon receipt of a complaint authorized herein, the city recorder or appropriate authority shall:

- (a) Make such investigation as shall be appropriate under the circumstances in a timely and immediate fashion;
- (b) Make and keep a written record of the investigation at the time the verbal interview is in progress, including notes on:
  - (i) Verbal responses made to the investigator by the person complaining of sexual harassment,

- (ii) Witnesses interviewed during the investigation,
  - (iii) The person against whom the complaint of sexual harassment was made, and
  - (iv) Any other person contacted by the investigator in connection with the investigation.
- (c) Within ten (10) days of receiving the complaint prepare a report, which will include:
- (i) The written statement of the person complaining of sexual harassment;
  - (ii) The written statements of witnesses;
  - (iii) The written statement of the person against whom the complaint of sexual harassment was made; and
  - (iv) All the investigator's notes connected to the investigation. (as added by Ord. #794, July 2006)

**4-605. Action on complaints.** (1) Based upon the investigation, the recorder shall determine whether the conduct in question constitutes sexual harassment. In making that determination, the recorder shall look at the record as a whole and at the totality of the circumstances, including the nature of the conduct, the context in which the alleged actions took place, and the behavior of the person complaining. Whether sexual harassment took place will be determined on a case-by-case basis.

(2) If the recorder determines that the harassment complaint is founded, he shall make that determination known, along with the report of the investigation, to the mayor and board of commissioners. If the mayor and board of commissioners determines that the sexual harassment complaint is founded it may discipline the employee consistent with its authority under the city charter, ordinances, resolutions or rules governing employee discipline.

(3) The disciplinary action shall be consistent with the nature and severity of the offense and any other factors the mayor and board of commissioners believes relate to fair and efficient administration of the municipal government. This includes, but is not limited to, the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the city. The disciplinary action may include demotion, suspension, dismissal, warning or reprimand. Determining the level of disciplinary action shall also be made on a case-by-case basis. A written record shall be kept of imposed disciplinary actions, including verbal reprimands.

(4) In all events, any employee against whom there has been a finding of sexual harassment shall be warned not to retaliate in any way against the person making the complaint, witnesses, or any other person connected with the investigation. Such retaliation shall be grounds for independent disciplinary action.

(5) In cases where sexual harassment is committed by a non-employee against a municipal government employee in the workplace, the recorder shall

take whatever lawful action is necessary against the non-employee to bring the sexual harassment to an immediate end. (as added by Ord. #794, July 2006)

**4-606. Obligation of employees.** (1) All employees are not only encouraged to report instances of sexual harassment, they are obligated to report them. Employees are also obligated to cooperate in every harassment investigation. This obligation includes, but is not necessarily limited to, coming forward with evidence about a person accused of such conduct, fully and truthfully making written reports, or verbally answering questions when required to do so by an investigator. Employees are also obligated to refrain from making bad faith accusations of sexual harassment.

(2) Disciplinary action may be taken against employees who fail to report instances of sexual harassment, fail or refuse to cooperate in the sexual harassment investigation, or file a false complaint of sexual harassment in bad faith. (as added by Ord. #794, July 2006)