

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

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2. VACATIONS AND SICK LEAVE--CITY PERSONNEL.
3. MISCELLANEOUS REGULATIONS--CITY PERSONNEL.
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**CHAPTER 1****SOCIAL SECURITY--CITY PERSONNEL****SECTION**

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**4-101. Policy and purpose as to coverage.** It is hereby declared to be the policy and purpose this municipality to provide for all eligible employees and officials of the municipality, 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 municipality shall take such action as may be required by applicable state and federal laws or regulations. (1974 Code, § 1-701)

**4-102. Necessary agreements to be executed.** The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1974 Code, § 1-702)

**4-103. Withholdings from salaries or wages.** Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1974 Code, § 1-703)

**4-104. Appropriations for employer's contributions.** There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1974 Code, § 1-704)

**4-105. Records and reports to be made.** The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1974 Code, § 1-705)

## CHAPTER 2

### VACATIONS AND SICK LEAVE--CITY PERSONNEL

#### SECTION

- 4-201. Applicability of chapter.
- 4-202. Vacation leave.
- 4-203. Sick leave.
- 4-204. Leave records.
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**4-201. Applicability of chapter.** This chapter shall apply to all full-time municipal officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission. (1974 Code, § 1-801)

**4-202. Vacation leave.** (1) Vacation leave will be granted to regular employees, but may not be taken until the employee has completed one year of service. Vacation leave is to be taken following the period of time in which it is earned. Four (4) weeks may be carried forward into the next year. Time is earned beginning with the date of regular employment to the anniversary date each year.

(2) Vacation time will be calculated according to the following schedule:

1 yr.	5 days
2 yrs.	10 days
more than 2 yrs.	10 days

(3)(a) For leave purposes, the service an individual has to his/her credit includes all time spent as a full-time employee of the municipality.

(b) Vacations will be scheduled in advance for the mutual convenience of the employee and the City of Algood government so proper adjustments can be made in the work schedules. Department heads preparing vacation schedules will give choice of dates based on seniority of the personnel in their departments, and no employee may begin his/her annual leave until his/her request has been approved by the department head.

(c) For vacation purposes, annual leave cannot be taken in less than whole-day increments.

(d) Legal holidays falling within a vacation period are not to be counted as vacation days. There shall be no pay in lieu of vacation. When an employee is on "leave without pay" for 15 days during any

calendar month, no annual leave accumulates. Employees may not borrow against future annual vacation or transfer earned leave to another employee.

(e) Service in the Tennessee National Guard, state militia, or military reserves may be charged as annual vacation at the option of the employee. Employees electing to coincide vacation time with military leave shall receive full pay for the amount of specified vacation leave.

**4-203. Sick leave.** All officers and employees shall be given a credit of one (1) working day of sick leave with pay for each month of employment hereafter served. Sick leave shall be taken only when approved by the mayor or by such other officer as he may designate. Sick leave, up to the number of days accrued, shall be approved for all officers and employees whose absence from duty is due to illness, bodily injury, exposure to contagious disease, or death in the immediate family of the officer or employee. However, the mayor may, in his discretion, require doctors' certificates or other satisfactory evidence that absences are properly chargeable as sick leave. The maximum credit for accrued sick leave under the provisions of this section shall be ninety (90) days. (1974 Code, § 1-803)

**4-204. Leave records.** The mayor shall cause to be kept, for each officer and employee, a record currently up to date at all times showing credits earned and leave taken under this chapter. (1974 Code, § 1-804)

**4-205. Vacation leave for separated employees.** All employees who work more than two (2) years shall be given 3/4 day a month each month he worked that particular year. Also, all employees with more than one year shall be given three (3) hours per month for each month he worked that particular year. (Ord. #216A, July 1976)

## CHAPTER 3

### MISCELLANEOUS REGULATIONS--CITY PERSONNEL

#### SECTION

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

**4-301. Business dealings.** Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the municipality. (1974 Code, § 1-901)

**4-302. Acceptance of gratuities.** No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the municipality for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to municipal business. (1974 Code, § 1-902)

**4-303. Outside employment.** No full-time officer or employee of the municipality shall accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the municipality. (1974 Code, § 1-903)

**4-304. Political activity.** Municipal officers and employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities; provided the city is not required to pay the employee's salary for work not performed for the municipality. Provided, however, municipal employees shall not be qualified to run for elected office in the city council. This restriction

shall not apply to elective officials or to off-duty law enforcement officers acting as private citizens. (1974 Code, § 1-904, modified)

**4-305. Use of municipal time, facilities, etc.** No municipal officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the governing body has authorized the use of such time, facilities, equipment, or supplies, and the municipality is paid at such rates as are normally charged by private sources for comparable services. (1974 Code, § 1-905)

**4-306. Use of position.** No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the municipality, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1974 Code, § 1-906)

**4-307. Strikes and unions.** No municipal officer or employee shall participate in any strike against the municipality, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (1974 Code, § 1-907)

## CHAPTER 4

### OCCUPATIONAL SAFETY AND HEALTH PROGRAM

#### SECTION

- 4-401. Purpose.
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- 4-403. Coverage.
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- 4-406. Standards authorized.
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- 4-410. Penalties.
- 4-411. Record keeping and reporting.
- 4-412. Administration.
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**4-401. Purpose.** The City of Algood, in electing to establish and maintain an effective occupational safety and health program for its employees shall:

- (1) Provide a safe and healthful place and condition of employment.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees as soon as the city can investigate the availability and the most economical cost of the aforesaid.
- (3) Make, keep, preserve and make available to the state commissioner of labor, his designated representative or persons within the agency to whom such responsibilities have been delegated, adequate records of all occupational accidents and personal injuries for proper evaluation and necessary corrective action as required. However, these provisions shall not take effect until and after the city has received, reviewed and approved record keeping forms, procedures and guidelines provided by the state, and thereafter these provisions shall not take effect until after the city has had a reasonable period of time to set up and provide for the orderly implementation and use of such records and procedures.
- (4) Consult with the state commissioner of labor with regard to the adequacy of the form and content of records.
- (5) Consult with the state commissioner of labor or the state commissioner of health, as appropriate, regarding safety and health problems of the agency which are considered to be unusual or peculiar to the city and are

such that they cannot be achieved under a standard promulgated by the state and approved by the city.

(6) Make an annual report to the state commissioner of labor to show accomplishments and progress of the total occupational safety and health program as soon as reasonably possible after the city has implemented the provisions of paragraph (3) hereinabove set forth.

(7) 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.

(8) 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. (1974 Code, § 1-1001)

**4-402. Definitions.** For the purpose of this program:

(1) "Commissioner of Labor" means the chief executive officer of Tennessee Department of Labor. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the commissioner of labor.

(2) "Commissioner of Health" means the chief executive officer of the Tennessee Department of Health. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the commissioner of health.

(3) "Employer" means the City of Algood, and shall include each administrative department, commission, board, division or other agency of the city.

(4) "Director of Personnel" means the chief executive officer designated by the City of Algood to perform duties or to exercise powers assigned so as to plan, develop and administer the city's safety and health program.

(5) "Appointing Authority" means any city official or group of officials having legally designated powers of appointment, employment, or removal for a specific department or commission.

(6) "Employee" means any person performing services for the City of Algood listed on city's payrolls either as part-time or permanent, full-time employees; provided, however, that such definition shall not include independent contractors, their agents, servants, and employees.

(7) "Person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives or any organized group of persons.

(8) "Standard" means an occupational safety and health standard promulgated by the Tennessee state commissioner of labor or the state



commissioner of health which requires conditions or the adoption or the use of one or more practices, means, methods, operations or processes necessary or appropriate to provide safe and healthful employment and places of employment.

(9) "Issue" means a category of like industrial, occupational or hazard groupings which affects the safety and health of employment or place of employment, and is suggested by the groupings in Code of Federal Regulations, Title 29, Chapter XVII, Part 1910.

(10) "Establishment" or "workplace" means a single physical location where business is conducted or where services or industrial operations are performed. (1974 Code, § 1-1002)

**4-403. Coverage.** The provisions of the program shall apply to employees of each administrative department, commission, board, division or other agency of the City of Algood. (1974 Code, § 1-1003)

**4-404. Employer's rights and duties.** The rights and duties of the employer shall include, but are not limited to the following provisions:

(1) Employer shall furnish to each of his employees conditions of employment and a place of employment free from known and recognized hazards that are causing or are likely to cause death or serious injury or harm to employees; provided however, that employer shall have a reasonable period of time to correct any such hazards.

(2) Employer shall comply with approved occupational safety and health standards or regulations promulgated pursuant to the State Occupational Safety and Health Act of 1972.

(3) Employer shall assist the state commissioner of labor and state commissioner of health, upon reasonable notice from the said commissioners, in the performance of their monitoring duties by supplying necessary information to the commissioners or to their respective assistants or deputies.

(4) Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearings on proposed standards, or by requesting the development of standards on a given issue.

(5) Employer is entitled to request an order granting a variance from an occupation safety and health standard.

(6) Employer is entitled to protection of his trade secrets and other legally privileged communications.

(7) Employer shall inspect all installations, departments, bureaus and offices to insure the provisions of this program are complied with and carried out as soon as reasonably possible after this chapter has been fully implemented.

(8) Employer shall notify and inform any employee, who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard, of corrective action being taken by the city. (1974 Code, § 1-1004)

**4-405. Employee's rights and duties.** The rights and duties of employees shall include, but are not limited to the following provisions:

(1) Each employee shall comply with occupational safety and health standards of all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

(2) Each employee shall be notified by the placing upon bulletin boards, or other places of common passage, of any application for a temporary order granting a variance from any standard or regulation.

(3) Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

(4) Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the director of personnel.

(5) Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and the corrective action being taken as soon as reasonably possible after this chapter has been fully implemented.

(6) Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection.

(7) No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under or relating to this program.

(8) Any employee who believes that he or she has been discriminated against or discharged in violation of any of these sections may, within thirty (30) days after such violation occurs, file a complaint with the director of personnel of the City of Algood.

(9) Nothing in this section or any other provision of this program shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others. (1974 Code, § 1-1005)

**4-406. Standards authorized** The standards adopted by the City of Algood are the State of Tennessee Safety and Health Standards developed

under Section 6 of the State Occupational Safety and Health Act of 1972 and approved by the city. (1974 Code, § 1-1006)

**4-407. Variances from standards authorized.** The City of Algood may, upon written application to the state commissioner of labor or the state commissioner of health, request an order granting a temporary variance from any approved standards. Prior to requesting such temporary variance, the employer shall notify or serve notice to employees 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. (1974 Code, § 1-1007)

**4-408. Inspection.** (1) In order to carry out the purposes of this program, the director of personnel, or his authorized representative, is authorized:

(a) To enter at any reasonable time any establishment, construction site, plant, or other area, workplace, or environment where work is performed by an employee of the City of Algood; and

(b) To inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent or employee.

(2) The director of personnel may issue subpoenas pursuant to his duties set forth herein, to require the attendance and testimony of witnesses and the production of evidence under oath.

(3) An administrative representative of the city and a representative authorized by the employees may be given an opportunity to consult with or to accompany the compliance inspector (director of personnel) during the physical inspection of any work place for the purpose of aiding such inspection.

(4) The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.

(5) The inspection shall be such as to preclude unreasonable disruptions of the operations of the work place or establishment.

(6) Interviews of employees during the course of the inspection, when accompanied by an employee representative, may be made when such interviews are essential to the investigation techniques.

(7) Inspections may be accomplished without advance notice, but the director of personnel may authorize the giving to any supervisor or employee advance notice of an inspection. (1974 Code, § 1-1008)

**4-409. Citation.** (1) If, upon an inspection or investigation, the director of personnel, or his designated deputy or authorized representative should he have one, finds that any work place is not in compliance with any standard, rule, regulation or order, he shall, with reasonable promptness, issue to the administrative officer responsible for the work place a written citation that states the nature and location of the violation; the standard, rule, regulation or order violated; the abatement and correction requirements; and a period of time during which the work place must accomplish such abatement and correction. A copy of each citation shall immediately be posted at or near each location referred to in the citation and remain posted until the alleged violation has been corrected or vacated.

(2) At any time within ten (10) days after receipt of such citation anyone affected may advise the director of personnel of objections to the terms and conditions of the citation. Upon receipt of such objections and after a hearing, the director of personnel shall thereafter issue an order affirming, modifying, or vacating the citation, and such order shall be final. (1974 Code, § 1-1009)

**4-410. Penalties.** (1) The City of Algood shall not issue any penalties either civil or criminal, against any public official, employee, or any other person, administrative department, board, commission, division, or other agency of the City of Algood for failure to comply with the safety and health standards.

(2) Any employee who wilfully and repeatedly violates or causes to be violated a safety standard, rule, regulation, or order shall be subject to disciplinary action by the appointing authority. The appointing authority has the power to administer discipline and it shall be his duty to take action in one of the following ways:

- (a) Oral reprimand;
- (b) Written reprimand;
- (c) Suspension;
- (d) Termination.

(3) The employee being disciplined shall have the right of appeal to the director of personnel. (1974 Code, § 1-1010)

**4-411. Record keeping and reporting.** (1) The City of Algood shall establish and maintain a system for collecting, maintaining and reporting safety and health data as soon as reasonably possible after implementing the provisions of § 4-401(3).

(2) Such occupational safety and health records shall be maintained for a period of five (5) years following the end of the year to which they relate.

(3) After this chapter has been enacted, the City of Algood shall report, within forty-eight (48) hours and to the commissioner of labor, any accident

which is fatal to one or more employees or which results in twenty-four (24) hours or more hospitalization of five (5) or more employees.

(4) The City of Algood shall make an annual report, after this chapter has been fully implemented, to the commissioner of labor showing the accomplishments and progress of the city's occupational safety and health program. (1974 Code, § 1-1011)

**4-412. Administration.** For the purpose of this chapter, the mayor is hereby designated as the director of personnel and is likewise designated as the chief executive officer to perform duties or to exercise powers assigned so as to plan, develop, and administer the city occupational safety and health program.

(1) Upon authorization from the city council, the director of personnel may designate, appoint, or employ persons as he deems necessary to carry out his powers, duties and responsibilities under the program.

(2) The director of personnel, to the extent possible, shall recommend the employment of measures to coordinate the activities of all city departments to promote efficiency and to minimize inconvenience under the program.

(3) The director of personnel may delegate the power to make inspections, provided that the procedures employed are as effective as those employed by the director.

(4) The director of personnel shall develop a plan, pursuant to the city's occupational safety and health program, including the selection of applicable standards promulgated by the state commissioner of labor and the state commissioner of health, and such plan shall be submitted for approval and adoption by the mayor and city council. Any subsequent changes or modifications in the plan shall also be submitted to the mayor and the city council for approval and adoption.

(5) The city recorder shall, upon adoption of this chapter, immediately register the city occupational safety and health plan with the state commissioner of labor, by sending to the commissioner of labor by certified mail a written statement which includes:

(a) A statement that the City of Algood has elected to develop its own program of compliance;

(b) A statement that such program has been developed and has been reduced to writing;

(c) A statement of where such writing may be inspected;

(d) A statement that city employees have been informed of the program and have access to such writing;

(e) An assurance that the city's program incorporates standards developed pursuant to the State Occupational Safety and Health Act;

(f) A description of the methods of inspection provided for herein and an assurance that such program includes provisions for

inspection and record keeping as effective as the provisions of the Tennessee Occupational Safety and Health Act of 1972. (1974 Code, § 1-1012)

**4-413. Confidentiality of trade secrets or privileged information.**

(1) Compliance with any other law or statute which regulates safety and health in employment and places of employment shall not excuse the City of Algood or any city employee, or any other person from compliance with the provisions of this program.

(2) Compliance with any provision of this program or any standard or regulation promulgated pursuant to this program shall not excuse the City of Algood or any city employee, or any other person from compliance with any state law or city ordinance regulating and promoting safety and health unless such law or ordinance is specifically repealed. (1974 Code, § 1-1013)