

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

1. SOCIAL SECURITY.
2. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
3. MISCELLANEOUS PROVISIONS.
4. TRAVEL POLICY.

**CHAPTER 1****SOCIAL SECURITY****SECTION**

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records to be kept and reports to be made.
- 4-106. Exclusions.

**4-101. Policy and purpose as to coverage.** It is hereby declared to be the policy and purpose of the Town of Arlington, to provide for all eligible employees and officials in the town, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the town shall take such action as may be required by applicable state and federal laws or regulations. (1994 Code, § 1-601)

**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. (1994 Code, § 1-602)

**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. (1994 Code, § 1-603)

**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. (1994 Code, § 1-604)

**4-105. Records to be kept 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. (1994 Code, § 1-605)

**4-106. Exclusions.** There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the Town of Arlington, or any employee, official, or position not authorized to be covered under applicable state or federal laws or regulations. (1994 Code, § 1-606)

## CHAPTER 2

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

#### SECTION

- 4-201. Title.
- 4-202. Purpose.
- 4-203. Coverage.
- 4-204. Standards authorized.
- 4-205. Variances from standards authorized.
- 4-206. Administration.
- 4-207. Funding the program.

**4-201. Title.** This chapter shall provide authority for establishing and administering the Occupational Safety and Health Program Plan for the employees of the Town of Arlington. (Ord. #2003-04, June. 2003)

**4-202. Purpose.** The Town of Arlington, in electing to update their established program plan will maintain an effective occupational safety and health program for its employees and shall:

(1) Provide a safe and healthful place and condition of employment that includes:

- (a) Top management commitment and employee involvement;
- (b) Continually analyze the worksite to identify all hazards and potential hazards;
- (c) Develop and maintain methods for preventing or controlling existing or potential hazards; and
- (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.

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

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

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

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<sup>1</sup>The Occupational Safety and Health Program for the Town of Arlington, including all Appendices is included in this municipal code as Appendix A.

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

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (Ord. #2003-04, June. 2003)

**4-203. Coverage.** The provisions of the Occupational Safety and Health Program Plan for the employees of the Town of Arlington shall apply to all employees of each administrative department, commission, board, division, or other agency of the Town of Arlington whether part-time or full-time, seasonal or permanent. (Ord. #2003-04, June. 2003)

**4-204. Standards authorized.** The occupational safety and health standards adopted by the Town of Arlington 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. #2003-04, June. 2003)

**4-205. Variances from standards authorized.** The Town of Arlington may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the Town of Arlington 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 Town of Arlington shall be deemed sufficient notice to employees. (Ord. #2003-04, June. 2003)

**4-206. Administration.** For the purposes of this chapter, Ben Wolfe, fire chief, is designated as the director of occupational safety and health to

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 50, chapter 3.

perform duties and to exercise powers assigned so as to plan, develop, and administer the town safety program. The director shall develop a plan of operation for the program and said plan shall become a 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. (Ord. #2003-04, June. 2003)

**4-207. 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. (Ord. #2003-04, June. 2003)

## CHAPTER 3

### MISCELLANEOUS PROVISIONS

#### SECTION

- 4-301. Pecuniary interests.
- 4-302. Political activity.
- 4-303. Strikes and unions.
- 4-304. Holiday leave.
- 4-305. Vacation leave.
- 4-306. Sick leave.
- 4-307. Employment prohibitions.

**4-301. Pecuniary interests.** (1) No officer or employee shall have any financial interests in the profits of any contracts, service or other work performed by the town; nor shall personally profit directly or indirectly from any contract, purchase, sale of service between the town and any person or company; or personally or as an agent provide any surety, bail or bond required by law or subject to approval by the town board.

(2) No officer or employee shall accept any free or preferred services, benefits or concessions from any person or company for the performance of an act required or expected from him 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 town business. (1994 Code, § 1-801)

**4-302. Political activity.** Employees in the classified service may individually exercise their right to vote and privately express their political views as citizens. However, no employee shall actively participate in the town political campaign while on duty. (1994 Code, § 1-802)

**4-303. Strikes and unions.** No employee shall participate in any strike against the town, or join, or be a member of, or solicit any employee to join any labor union which authorizes strikes by town employees. (1994 Code, § 1-803)

**4-304. Holiday leave.** The following days shall be observed as legal holidays by employees: New Year's Day, Martin Luther King's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, employee's birthday, Thanksgiving (2 days) and Christmas (2 days). Additional holidays may be granted by the town board from time to time as they deem advisable. When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday shall be observed as designated by the mayor. Where possible, every employee shall be given approved holidays. When an employee must work on one of these holidays due to his regular work schedule,

he shall receive equivalent time off or, if necessary, double pay for time worked. When an employee's regular day off is on one of these holidays, he shall receive equivalent time off or, if necessary, regular pay for the holiday. In all cases, the department head shall attempt to arrange working schedules to permit time off for the holidays in preference to extra pay. This section shall not apply to firemen whose regular working shifts exceed eight (8) hours; such firemen shall be paid at the rate of one-half (1/2) working shift for each holiday within the working cycle in which they occur whether or not he is scheduled to work. (1994 Code, § 1-804, as amended by Ord. #2008-10, Dec. 2008, and Ord. #2009-02, April 2009)

**4-305. Vacation leave.** Vacation leave shall be granted to all full-time employees at the rate of one (1) working day for each completed month of service and may be accrued to a maximum of twenty (20) working days. Employees shall accrue vacation leave from their employment date, but shall not be entitled to take such leave until they have completed their probationary period. Vacation leave may be taken as earned subject to approval of the department head who shall schedule vacations so as to meet the operational requirements of the department. Terminated employees will receive payment for accrued vacation as of the date of termination not to exceed ten (10) days. Vacation shall be charged in not less than one-half (½) day increments. This section shall not apply to firemen whose regular working shifts exceed eight (8) hours; such firemen shall be granted one half (½) working shift per month; the maximum accrual shall be ten (10) regular working shifts; and payment of accrued vacation to a terminated fireman shall not exceed five (5) regular working shifts. (1994 Code, § 1-805)

**4-306. Sick leave.** (1) Sick leave with pay shall be granted to all full-time employees at the rate of one (1) working day for each completed month of service and may be accrued to a maximum of ninety (90) days. Employees shall accrue sick leave from their employment date, but shall not be entitled to take such leave until they have completed their probationary period. No payment will be made for accrued sick leave upon separation. Sick leave with pay may be granted for the following reasons: personal illness or physical incapacity resulting from causes beyond the employee's control; illness of a member of the employee's immediate family that requires the employee's personal care and attention; enforced quarantine of the employee in accordance with community health regulations; to keep a doctor's appointment; or for a death in the immediate family.

(2) Sick leave shall not be considered a right which an employee may use at his discretion, but rather a privilege. Sick leave can be taken only by the employee who has accrued it. No accrued sick leave may be given or transferred to another employee.

(3) In order to be granted sick leave with pay, an employee must meet the following conditions; his immediate supervisor must be notified prior to the beginning of the scheduled work day of the reason of absence; submit, if required

by the mayor, a medical certificate signed by a licensed physician certifying that the employee has been incapacitated for work for the period of absence, the nature of the employee's sickness or injury, and that he is again physically able to perform his duties. A medical statement may be required if the period of absence is three (3) consecutive working days or longer.

(4) Sick leave may be taken as necessary, but may not be extended or overdrawn beyond the accrual at the time of absence. Provided, however, that at the request of the employee, any accrued vacation balance may be applied and extend as though it were sick leave. Sick leave shall be charged in not less than one-half ( $\frac{1}{2}$ ) day increments. This section shall not apply to firemen whose regular working shifts exceed eight (8) hours; such firemen shall be granted one half ( $\frac{1}{2}$ ) working shift per month and the maximum accrual shall be forty five (45) regular working shifts. (1994 Code, § 1-806)

**4-307. Employment prohibitions.** (1) No person shall be appointed to or promoted to, or demoted or dismissed from any position in the classified service, or in any way be favored or discriminated against with respect to employment in the classified service because of race, religion, national origin, political affiliation, handicap, sex or age.

(2) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position, or demotion, or dismissal from a position in the classified service.

(3) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or to attempt to secure for any person an appointment to a position in the classified service, or any increase in wages or other advantage in employment in such position, for the purpose of influencing the vote or political action of any person, or for any other consideration.

(4) No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment or promotion, or any advantage in, a position in the classified service. Any officer or employee who violates any of the provisions of this section shall forfeit his office or position. (1994 Code, § 1-807)



## CHAPTER 4

### TRAVEL POLICY

#### SECTION

- 4-401. Enforcement.
- 4-402. Policy.
- 4-403. Reimbursement rate schedule.
- 4-404. Administrative procedures.

**4-401. Enforcement.** The mayor of the town or his or her designee shall be responsible for the enforcement of these travel regulations. (1994 Code, § 1-901)

**4-402. Policy.** (1) In the interpretation and application of this ordinance, the term "traveler" or "authorized traveler" 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 ordinance. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on town business, unless the person(s) otherwise qualifies as an authorized traveler under this ordinance.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the town. 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 (or alderman in charge of finance in mayor's case). 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 town 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 town. It will be the responsibility of the mayor or his designee to initiate action to recover any undocumented travel advances. The alderman in charge of finance shall initiate action to recover undocumented travel advances drawn by the mayor.

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

(5) The 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 town business for which travel was authorized, and
  - (b) Actual, reasonable, and necessary under the circumstances.
- The mayor may make exceptions for unusual circumstances. Approval by the alderman in charge of the finance committee is required for mayor's expenses considered unusual.

Expenses considered excessive won't be allowed.

(7) Claims 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 town or misuse town travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the town aren't ordinarily considered eligible expenses for reimbursement. (1994 Code, § 1-902)

**4-403. Reimbursement rate schedule.**

- (1) Personal vehicle (Current federal rate)
- (2) Meals per day (Current federal rate)

For portion of day as follows:

Breakfast	\$ 6.50
Lunch	8.00
Dinner	17.50

- (3) Lodging
  - (a) Cost of single rate in officially designated hotel.
  - (b) As approved by mayor or his/her designee (alderman in charge of finance in case of mayor). (1994 Code, § 1-903, as amended by Ord. #2001-03, March 2001)

**4-404. Administrative procedures.** The town adopts and incorporates by reference as if fully set out herein--the administrative procedures for travel contained in the personnel rules and regulations. A copy is on file in the office of the town recorder. (1994 Code, § 1-904)