

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

1. SOCIAL SECURITY--CITY PERSONNEL.
2. VACATION AND SICK LEAVE.
3. PERSONNEL REGULATIONS.
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

CHAPTER 1**SOCIAL SECURITY--CITY PERSONNEL****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 and reports to be made.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Lewisburg to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1985 Code, § 1-1001)

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. (1985 Code, § 1-1002)

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 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. (1985 Code, § 1-1003)

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. (1985 Code, § 1-1004)

4-105. Records and reports to be made. The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1985 Code, § 1-1005)

CHAPTER 2

VACATIONS AND SICK LEAVE

SECTION

4-201. Vacations and sick leave.

4-201. Vacations and sick leave. The city council may from time to time, by resolution, adopt a vacation and sick leave plan. (1985 Code, § 1-1101)

CHAPTER 3

PERSONNEL REGULATIONS

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. Fidelity bond required of certain personnel.
- 4-308. At-will employment.
- 4-309. Termination.
- 4-310. Indemnification of city officials and employees.

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. (1985 Code, § 1-1201)

4-302. Acceptance of gratuities. No city officer or employee shall accept any money or other consideration or favor from anyone other than the city 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 city business. (1985 Code, § 1-1202)

4-303. Outside employment. No full-time officer or employee of the municipality shall accept any outside employment without written authorization from the city manager. The city manager 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. (1985 Code, § 1-1203, modified)

4-304. Political activity. City 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 city. Provided, however, city employees shall not be qualified to run for mayor or city councilman. (1985 Code, § 1-1204, modified)

4-305. Use of municipal time, facilities, etc. No city 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. (1985 Code, § 1-1205)

4-306. Use of position. No city officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the city, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1985 Code, § 1-1206)

4-307. Fidelity bond required of certain personnel. The fidelity bond required by article VI, § 3, of the charter shall be in the form of a blanket bond in the amount of twenty thousand dollars (\$20,000.00). (1985 Code, § 1-1207)

4-308. At-will employment. All city employees are at-will employees of the city and as at-will employees their employment does not vest in them any right for continued employment by the city. Employees may be terminated at any time with or without cause.

4-309. Termination. Employees terminating their employment shall be paid their accrued salary and vacation days through their termination date. No employee shall receive or have any right to compensation at any time.

4-310. Indemnification of city officials and employees. (1) Subject to the provisions of the Tennessee Governmental Tort Liability Act, the city shall indemnify to the fullest extent permitted by law, city officials and employees, including those appointees serving on city boards and commissions, against any loss or liability arising out of any actual or alleged error, misstatement, act of omission, neglect or breach of duty arising from the performance of those functions and responsibilities that come within the scope of their official duties undertaken on behalf of the city. Such indemnification shall include, but not be limited to, claims, loss, damages, judgments, settlements, court costs, reasonable attorney's fees and expenses of litigation.

(2) The indemnification provided for in this section shall not extend to any claim, loss, damages, judgments, settlements, court costs, attorney's fees or expenses which:

(a) Arise from actions which were willful, wanton, malicious, criminal or performed for personal gain, or constituted medical malpractice by a health care provider; or

(b) Arise from acts of fraud, corruption or dishonesty; or

(c) Exceed the applicable limits of liability provided by the Tennessee Governmental Tort Liability Act; or

(d) Constitute punitive damages.

(3) Indemnification shall be provided only if the city has received timely notice of the claim and has been afforded a reasonable opportunity to provide legal counsel for the defense thereof.

(4) The city reserves all of its rights, privileges and immunities under the Tennessee Governmental Tort Liability Act and other applicable laws, and nothing herein shall be construed as a waiver of the city's sovereign immunity in whole or in part. (as added by Ord. #14-04, July 2014)

CHAPTER 4

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-401. Title.
- 4-402. Purpose.
- 4-403. Coverage.
- 4-404. Standards authorized.
- 4-405. Variances from standards authorized.
- 4-406. Administration.
- 4-407. Funding the program.

4-401. Title. This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of the City of Lewisburg, Tennessee. (1985 Code, § 1-1301, as replaced by Ord. #02-09, Oct. 2002, Ord. #10-16, Nov. 2010, and Ord. #16-01, March 2016)

4-402. Purpose. The City of Lewisburg in electing to update the established program plan will maintain an effective and comprehensive occupational 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.

(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. (1985 Code, § 1-1302, as replaced by Ord. #02-09, Oct. 2002, Ord. #10-16, Nov. 2010, and Ord. #16-01, March 2016)

4-403. Coverage. The provisions of the occupational safety and health program plan for the employees of the City of Lewisburg shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (1985 Code, § 1-1303, as replaced by Ord. #02-09, Oct. 2002, Ord. #10-16, Nov. 2010, and Ord. #16-01, March 2016)

4-404. Standards authorized. The occupational safety and health standards adopted by the City of Lewisburg are the same as, but not limited to, the State of Tennessee occupational safety and health standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated, title 50, chapter 3). (1985 Code, § 1-1304, modified, as replaced by Ord. #02-09, Oct. 2002, Ord. #10-16, Nov. 2010, and Ord. #16-01, March 2016)

4-405. 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. (1985 Code, § 1-1305, as replaced by Ord. #02-09, Oct. 2002, Ord. #10-16, Nov. 2010, and Ord. #16-01, March 2016)

4-406. Administration. For the purposes of this chapter, the city manager 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. (1985 Code, § 1-1306, modified, as replaced by Ord. #02-09, Oct. 2002, Ord. #10-16, Nov. 2010, and Ord. #16-01, March 2016)

4-407. Funding the program. Sufficient funds for administering and staffing the program plan pursuant to this ordinance shall be made available as authorized by the city council. (1985 Code, § 1-1307, as replaced by Ord. #02-09, Oct. 2002, Ord. #10-16, Nov. 2010, and Ord. #16-01, March 2016)