

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 of Elizabethton to provide for the employees and officials of the city, not excluded by law or this chapter, 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, § 1-501)

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, § 1-502)

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. (1982 Code, § 1-503)

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, § 1-504)

4-105. Records and reports. The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1982 Code, § 1-505)

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 further excluded from this chapter any authority to make any agreement with respect to any elective official engaged in rendering legislative services. (1982 Code, § 1-506)

4-107. Provisions to be retroactive. It being immediately necessary for the preservation of the public peace, health, and safety, this chapter shall take effect and be in full force retroactive to January 1, 1951. (1982 Code, § 1-507)

CHAPTER 2

PERSONNEL RULES AND REGULATIONS

SECTION

4-201. Rules and regulations adopted by reference.

4-202. Administration.

4-203. Personnel rules and regulations.

4-201. Rules and regulations adopted by reference. (1) The "2005 Edition of the Personnel Rules and Regulations, for the City of Elizabethton, Tennessee," which is attached hereto,¹ made a part hereof, annexed herewith, and incorporated herein by reference, which rules and regulations contain the personnel rules and regulations of the City of Elizabethton, Tennessee, containing ten (10) sections, which have been considered and approved by the Personnel Advisory Board of the City of Elizabethton, Tennessee, and read and considered by the City Council of the City of Elizabethton, Tennessee, be and the same hereby is adopted and declared to be the Personnel Rules and Regulations for the City of Elizabethton, Tennessee.

(2) That the document entitled "2005 Edition of the Personnel Rules and Regulations for the City of Elizabethton, Tennessee," be and the same hereby is incorporated verbatim in this ordinance for the purpose of passing and adopting said rules and regulations as the same is written and prepared. (1982 Code, § 1-1001, as amended by Ord. #31-2, March 1995; Ord. #35-19, Nov. 1999; Ord. #37-15, July 2001; Ord. #40-1, Jan. 2004; Ord. #40-6, April 2004; Ord. #41-13, July 2005; Ord. #41-14, Aug. 2005, and 44-9, June 2008)

4-202. Administration. The personnel system shall be administered by the city manager, who shall have the following duties and responsibilities:

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

(2) Establish policies and procedures for the recruitment, appointment, and discipline of all employees of the city subject to those policies as set forth in this ordinance, the city charter and the municipal code.

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

¹See the attachment to Ord. #31-2, and all ordinances amending Personnel Rules and Regulations, of record in the city clerk's office.

(4) Foster and develop programs for the improvement of employee effectiveness, including training, safety, and health.

(5) Maintain records of all employees subject to the provisions of this chapter of the city code which shall include each employee's class, title, pay rates, and other relevant data.

(6) Make periodic reports to the city council regarding the administration of the personnel system.

(7) Recommend to the city council a position classification plan, and install and maintain such a plan upon approval by the city council.

(8) Prepare and recommend to the city council a pay plan for all city government employees.

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

(10) Be responsible for certification of payrolls.

(11) Perform such other duties and exercise such other authority in personnel administration as may be prescribed by law and the city council. (1982 Code, § 1-1002)

4-203. Personnel rules and regulations. The city manager shall develop rules and regulations necessary for the effective administration of the personnel system. The city council shall consider for adoption the rules presented to them by the city manager. Amendments to the rules and regulations shall be made in accordance with Section X, A, of the 2005 Edition of the Personnel Rules and Regulations for the City of Elizabethton, Tennessee. (1982 Code, § 1-1003, as amended by Ord. #35-19, Nov. 1999; Ord. #37-15, July 2001; Ord. #40-1, Jan. 2004; and Ord. #41-14, Aug. 2005)

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-301. Purpose and coverage.
- 4-302. Definitions.
- 4-303. Employer's rights and duties.
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- 4-305. Administration.
- 4-306. Standards authorized.
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4-301. Purpose and coverage. The purpose of this plan is to provide guidelines and procedures for implementing the occupational safety and health program for the employees of the City of Elizabethton. This plan is applicable to all employees, part-time or full-time, seasonal or permanent. The City of Elizabethton in electing to update 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) Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- (3) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities and have been delegated, including the director of the division of occupational safety and health, 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 or his designated representative with regard to the adequacy of the form and content of such records.
- (5) Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be

usual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the state.

(6) Assist the Commissioner of Labor and Workforce Development, or his monitoring activities to determine program effectiveness and compliance with the occupational safety and health standards.

(7) Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the occupational safety and health program.

(8) Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health. (1982 Code, § 1-401, as replaced by Ord. #39-13, July 2003)

4-302. Definitions. For the purposes of this program, the following definitions apply:

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

(2) "Employer" means the City of Elizabethton, Tennessee and includes each administrative department, board, commission, division, or other agency of the City of Elizabethton, Tennessee.

(3) "Director of occupational safety and health" or "director" means the city manager or the person designated by the city manager, to perform duties or to exercise powers assigned so as to plan, develop, and administer the occupational safety and health program for the employees of the City of Elizabethton, Tennessee.

(4) "Inspector(s)" means the individual(s) appointed or designated by the director of occupational safety and health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the director of occupational safety and health.

(5) "Appointing authority" means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal therefrom for a specific department, board, commission, division, or other agency of this employer.

(6) "Employee" means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as volunteers provided such persons received remuneration of any

kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.

(7) "Person" means one or more individual, partnership, association, corporation, business trust, or legal representative of any organized group of persons.

(8) "Standard" means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.

(9) "Imminent danger" means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.

(10) "Establishment" or "work-site" means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.

(11) "Serious injury" or "harm" means that type of harm that would cause permanent or prolonged impairment of the body in that:

(a) A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or

(b) A part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

(12) "Act" or "TOSHA Act" shall mean the Tennessee Occupational Safety and Health Act of 1972.

(13) "Governing body" means the Elizabethton City Council.

(14) "Chief executive officer" means the chief administrative official, city manager. (1982 Code, § 1-402, as replaced by Ord. #39-13, July 2003)

4-303. Employer's rights and duties. Rights and duties of the employer shall include, but are not limited to, the following provisions:

(1) Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

(2) Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.

(3) Employer shall refrain from any unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employers place(s) of business. Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.

(4) Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.

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

(6) Employer is entitled to protection of its legally privileged communication.

(7) Employer shall inspect all work sites to insure the provisions of this program are complied with and carried out.

(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 and of corrective action being taken.

Employer shall notify all employees of their rights and duties under this program. (1982 Code, § 1-403, as replaced by Ord. #39-13, July 2003)

4-304. Employees' rights and duties. 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 and all rules, regulations, and orders issued pursuant to this program and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.

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

(3) Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.

(4) Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this program may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.

(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 provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.

(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 and to consult with the director or inspector at the time of the physical inspection of the work-site.

(7) Any employee may bring to the attention of the director any violation or suspected violations of the standards or any other health or safety hazards.

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

(9) Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (8) of this section may file a complaint alleging such discrimination with the director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

(10) Nothing in this or any other provisions of this program shall be deemed to authorize or require any employee to undergo 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, or when a medical examination may be reasonably required for performance of a specific job.

(11) Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the director within twenty-four (24) hours after the occurrence. (1982 Code, § 1-404, as replaced by Ord. #39-13, July 2003)

4-305. Administration. (1) The director of occupational safety and health is designated to perform duties or to exercise powers assigned so as to administer this occupational safety and health program.

(a) The director may designate person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this program.

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

(c) The director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this program.

(d) The director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this program.

(e) The director shall prepare the report to the Commission of Labor and Workforce Development required by § 4-301(7) of this plan.

(f) The director shall make or cause to be made periodic and follow-up inspections of all facilities and work-sites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.

(g) The director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.

(h) The director shall maintain or cause to be maintained records required under § 4-308 of this plan.

(i) The director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees insure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours.

(2) The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this occupational safety and health program within their respective areas.

(a) The administrative or operational head shall follow the directions of the director on all issues involving occupational safety and health of employees as set forth in this plan.

(b) The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the director within the abatement period. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the director along with his findings

and/or recommendations in accordance with Appendix V¹ of this plan. (1982 Code, § 1-405, as replaced by Ord. #39-13, July 2003)

4-306. Standards authorized. The standards adopted under this program are the applicable standards developed under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 or which may, in the future, be developed and promulgated. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees. (1982 Code, § 1-406, as replaced by Ord. #39-13, July 2003)

4-307. Variance procedure. The director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

(1) The application for a variance shall be prepared in writing and shall contain:

(a) A specification of the standard or portion thereof from which the variance is sought.

(b) A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.

(c) A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.

(d) A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.

(e) A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.

¹Appendix V is of record in the city clerk's office.

(2) The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.

(3) The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:

(a) The employer

(i) Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.

(ii) Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.

(iii) Has an effective program for coming into compliance with the standard as quickly as possible.

(b) The employee is engaged in an experimental program as described in subsection (b), section 13 of the Act.

(4) A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.

(5) Upon receipt of an application for an order granting a variance, the commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.

(6) The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (1)(e) of this section). (1982 Code, § 1-407, as replaced by Ord. #39-13, July 2003)

4-308. Record keeping and reporting. (1) Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet, Record Keeping Requirements Under The Occupational Safety and Health Act of 1970 (Revised 2003) or as may be prescribed by the Tennessee Department of Labor and Workforce Development.

(2) The position responsible for record keeping is shown on the Safety and Health Organizational Chart, Appendix V¹ to this plan.

(3) Details of how reports of occupational accidents, injuries, and illnesses will reach the record keeper are specified by Accident Reporting Procedures, Appendix V¹ to this plan. (1982 Code, § 1-408, as replaced by Ord. #39-13, July 2003)

¹Appendix V is of record in the city clerk's office.

4-309. Employee complaint procedure. If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the director of occupational safety and health.

(1) The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see § 4-301(8) of this plan).

(2) Upon receipt of the complaint letter, the director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.

(3) If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the chief executive officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.

(4) The chief executive officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.

(5) After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related correspondence with the director and the chief executive officer or the representative of the governing body.

(6) Copies of all complaint and answers thereto will be filed by the director who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request. (1982 Code, § 1-409, as replaced by Ord. #39-13, July 2003)

4-310. Education and training. (1) Director and/or compliance inspector(s):

(a) Arrangements will be made for the director and/or compliance inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies.

(b) Reference materials, manuals, equipment, etc., deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

(2) All employees (including managers and supervisory personnel):

A suitable safety and health training program for employees will be established. This program will, as a minimum:

(a) Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employees work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury (such as falls, electrocution, crushing injuries (e.g., trench cave-ins), and being struck by material or equipment).

(b) Instruct employees who are required to handle poisons, acids, caustics, explosives, and other harmful or dangerous substances (including carbon monoxide and chlorine) in the safe handling and use of such items and make them aware of the potential hazards, proper handling procedures, personal protective measures, personal hygiene, etc., which may be required.

(c) Instruct employees who may be exposed to environments where harmful plants or animals are present of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.

(d) Instruct employees required to handle or use flammable liquids, gases, or toxic materials in their safe handling and use and make employees aware of specific requirements contained in Subparts H and M and other applicable subparts of TOSHA Act standards (1910 and/or 1926).

(e) Instruct employees on hazards and dangers of confined or enclosed spaces.

(i) Confined or enclosed space means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4') in depth such as pits, tubs, vaults, and vessels.

(ii) Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal

protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.

(iii) The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment. (1982 Code, § 1-410, as replaced by Ord. #39-13, July 2003)

4-311. General inspection procedures. It is the intention of the governing body and responsible officials to have an occupational safety and health program that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful work-sites. Inspections made on a pre-designated basis may not yield the desired results. Inspection will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

(1) In order to carry out the purposes of this program, the director and/or compliance inspector(s), if appointed, is authorized:

(a) To enter at any reasonable time, any establishment, facility, or work-site where work is being performed by an employee when such establishment, facility, or work-site is under the jurisdiction of the employer and;

(b) To inspect and investigate during regular working hours and at other reasonable times, 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 working therein.

(2) If an imminent danger situation is found, alleged, or otherwise brought to the attention of the director or inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with § 4-312 of this plan before inspecting the remaining portions of the establishment, facility, or work-site.

(3) An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the director or inspector during the physical inspection of any work-site 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 conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.

(6) Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.

(7) Advance notice of inspections. (a) Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create a misleading impression of conditions in an establishment.

(b) There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.

(8) The director need not personally make an inspection of each and every work-site once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:

(a) Inspections conducted by supervisors or other personnel are at least as effective as those made by the director.

(b) Records are made of the inspections and of any discrepancies found and are forwarded to the director.

(9) The director shall maintain records of inspections to include identification of work-site inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Said inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative. (1982 Code, § 1-411, as replaced by Ord. #39-13, July 2003)

4-312. Imminent danger procedures. (1) Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:

(a) The director shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.

(b) If the alleged imminent danger situation is determined to have merit by the director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.

(c) As soon as it is concluded from such inspection that conditions or practices exist which constitute an imminent danger, the director or compliance inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the work-site shall be requested to remove employees from the area, if deemed necessary.

(d) The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall

be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the director or compliance inspector and to the mutual satisfaction of all parties involved.

(e) The imminent danger shall be deemed abated if: The imminence of the danger has been eliminated by removal of employees from the area of danger. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.

(f) A written report shall be made by or to the director describing in detail the imminent danger and its abatement. This report will be maintained by the director in accordance with § 4-311(9) of this plan.

(2) Refusal to abate. (a) Any refusal to abate an imminent danger situation shall be reported to the director and/or chief executive officer immediately.

(b) The director and/or chief executive officer shall take whatever action may be necessary to achieve abatement. (1982 Code, § 1-412, as replaced by Ord. #39-13, July 2003)

4-313. Abatement orders and hearings. (1) Whenever, as a result of an inspection or investigation, the director or compliance inspector(s) finds that a work-site is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the work-site within a reasonable period of time, the director shall:

(a) Issue an abatement order to the head of the work-site.

(b) Post, or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.

(2) Abatement orders shall contain the following information:

(a) The standard, rule, or regulation which was found to be violated.

(b) A description of the nature and location of the violation.

(c) A description of what is required to abate or correct the violation.

(d) A reasonable period of time during which the violation must be abated or corrected.

(3) At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the director shall, within three (3) working days, issue an abatement

order and such subsequent order shall be binding on all parties and shall be final. (1982 Code, § 1-413, as replaced by Ord. #39-13, July 2003)

4-314. Penalties. (1) No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this program.

(2) Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:

- (a) Oral reprimand.
- (b) Written reprimand.
- (c) Suspension for three (3) or more working days.
- (d) Termination of employment. (1982 Code, § 1-414, as replaced by Ord. #39-13, July 2003)

4-315. Confidentiality of privileged information. All information obtained by or reported to the director pursuant to this plan of operation or the legislation (ordinance, or executive order) enabling this occupational safety and health program which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this program or when relevant in any proceeding under this program. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972. (as added by Ord. #39-13, July 2003)

4-316. Compliance with other laws not excused. (1) Compliance with any other law, statute, ordinance, or executive order, as applicable, which regulates safety and health in employment and places of employment shall not excuse the employer, the employee, or any other person from compliance with the provisions of this program.

(2) Compliance with any provisions of this program or any standard, rule, regulation, or order issued pursuant to this program shall not excuse the employer, the employee, or any other person from compliance with the law, statute, ordinance, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, ordinance, or executive order, as applicable, is specifically repealed. (as added by Ord. #39-13, July 2003)

CHAPTER 4

INFECTIOUS DISEASE CONTROL POLICY

SECTION

- 4-401. Purpose.
- 4-402. Coverage.
- 4-403. Administration.
- 4-404. Definitions.
- 4-405. Policy statement.
- 4-406. General guidelines.
- 4-407. Hepatitis B vaccinations.
- 4-408. Reporting potential exposure.
- 4-409. Hepatitis B virus post-exposure management.
- 4-410. Human immunodeficiency virus post-exposure management.
- 4-411. Disability benefits.
- 4-412. Training regular employees.
- 4-413. Training high risk employees.
- 4-414. Training new employees.
- 4-415. Records and reports.
- 4-416. Legal rights of victims of communicable diseases.

4-401. Purpose. It is the responsibility of the City of Elizabethton 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 Elizabethton, 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). (1982 Code, § 8-501)

4-402. 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;
- (7) Any other employee deemed to be at high risk per this policy and an exposure determination. (1982 Code, § 8-502)

4-403. Administration. This infection control policy shall be administered by the personnel director who shall have the following duties and responsibility:

- (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 the 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 city council 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 city council. (1982 Code, § 8-503)

4-404. Definitions. (1) "Body fluid" - 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. (1982 Code, § 8-504)

4-405. 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. (1982 Code, § 8-505)

4-406. 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. Employee 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 who 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 properly dispose of the objects.

(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. (1982 Code, § 8-506)

4-407. Hepatitis B vaccinations. The City of Elizabethton shall offer the appropriate Hepatitis B Vaccination to employee at risk of exposure free of charge and in amounts 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. (1982 Code, § 8-507)

4-408. 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 (ie., 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. (1982 Code, § 8-508)

4-409. 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. (1982 Code, § 8-509)

4-410. 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. (1982 Code, § 8-510)

4-411. Disability benefits. Entitlement to disability benefits and 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 T.C.A. 50-6-303. (1982 Code, § 8-511)

4-412. 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 body fluids. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (1982 Code, § 8-512)

4-413. 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 as per this policy. (1982 Code, § 8-513)

4-414. 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. (1982 Code, § 8-514)

4-415. Records and reports. (1) Reports. Occupational injury and illness records shall be maintained by the appropriate department head. Statistics shall be maintain 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 (ie.

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. (1982 Code, § 8-515)

4-416. 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. (1982 Code, § 8-516)

CHAPTER 5**TRAVEL POLICY AND REIMBURSEMENT REGULATIONS****SECTION**

- 4-501. Travel requests.
- 4-502. Lodging.
- 4-503. Mileage.
- 4-504. Meals.
- 4-505. Parking.
- 4-506. Baggage and equipment handling fee.
- 4-507. Automobile rentals.
- 4-508. Air travel.
- 4-509. Phone call charges.
- 4-510. Conference or training registration.
- 4-511. City credit cards.
- 4-512. Special functions.
- 4-513. Disciplinary action.

4-501. Travel requests. An approved "authorization for travel" request form is required prior to travel. A "statement of travel expense claims" form must be filed within ten (10) days of the completion of the authorized travel. Expenses for travel required in the performance of duties and approved by the immediate supervisor and the city manager, or the city manager's designee, will be reimbursed in accordance with the rates hereinafter set forth. (Ord. #30-18, Oct. 1994, as replaced by Ord. #38-10, Aug. 2002)

4-502. Lodging. Lodging will be reimbursed at the actual expense of the room and room use tax, provided that the room is an economy, no frills room. Travelers should request a state rate if available at the hotel-motel. A tax exempt form should be given to the hotel-motel upon check-in and payment should be made either by a City of Elizabethton check or by a City of Elizabethton Credit Card in order to AVOID paying STATE AND LOCAL SALES TAX. (Motel occupancy tax is NOT exempt.) An original (not a copy) hotel-motel receipt is required for reimbursement. Employees are encouraged to stay at the location of the meeting for both individual convenience and safety. If a personal credit card is used, room sales tax WILL be charged by the hotel and will NOT be reimbursed to the employee. (Ord. #30-18, Oct. 1994, as replaced by Ord. #38-10, Aug. 2002)

4-503. Mileage. Employees are encouraged to reserve and use a city owned vehicle, if available, for all work -related travel. Mileage will only be paid if a city vehicle is NOT available and the city manager or designee approves use of a privately owned vehicle for travel. Mileage for personal vehicles will be reimbursed at the state rate in effect when the current year's budget is adopted.

If actual odometer mileage is not kept by the traveler, mileage will be estimated using a computerized mapping program maintained in the finance department. Reimbursement rate for 2006-07 is \$0.42 per mile. For longer trips, mileage will not be paid that exceeds the cost of air transportation and associated taxi services to the same location. (Ord. #30-18, Oct. 1994, as replaced by Ord. #38-10, Aug. 2002, and amended by Ord. #41-12, July 2005, and Ord. #42-14, Aug. 2006)

4-504. Meals. Due to IRS regulation, meals are NOT paid unless a trip involves OVERNIGHT travel. A meal allowance will be paid, based on either the Level I or Level II state cost of living area of the travel destination. Out of state travel will be paid at the Level I rate.

Level I locations are defined as:

Shelby County	Montgomery Bell State Park	Fall Creek Falls State Park
Paris Landing State Park	Davidson County	Gatlinburg
Pickwick State Park	Natchez Trace State Park	

Level II locations are all other locations in Tennessee. Reimbursement rates for 2007-08 are:

LOCATION

	<u>Breakfast</u>	<u>Lunch</u>	<u>Dinner</u>	<u>Incidentals</u>	<u>Full Day</u>
Level I	\$8.00	\$12.00	\$19.00	\$5.00	\$44.00
Level II	\$6.00	\$10.00	\$16.00	\$5.00	\$37.00

Partial per diem will be paid based upon departure and return times as follows for over night trips:

<u>Meal</u>	<u>If depart prior to</u>	<u>If return after</u>
Breakfast	7:00 A.M.	8:00 A.M.
Lunch	11:00 A.M.	1:30 P.M.
Dinner	5:00 P.M.	6:30 P.M.

(Ord. #30-18, Oct. 1994, as replaced by Ord. #38-10, Aug. 2002, and amended by Ord. #41-12, July 2005, replaced by Ord. #44-3, March 2008)

4-505. Parking. Parking will be reimbursed at the actual cost with receipt. Without receipt, maximum reimbursement for parking is \$8.00 per day. Valet parking will be at employee's expense. (Ord. #30-18, Oct. 1994, as replaced by Ord. #38-10, Aug. 2002, and amended by Ord. #41-12, July 2005)

4-506. Baggage and equipment handling fee. The maximum handling fee that will be reimbursed is \$6.00 PER HOTEL. (Ord. #30-18, Oct. 1994, as replaced by Ord. #38-10, Aug. 2002)

4-507. Automobile rentals. Automobile rentals are ONLY AUTHORIZED BY THE CITY MANAGER IN UNUSUAL CIRCUMSTANCES. If used in conjunction with air travel, it must be demonstrated that automobile rental is more economical to the city than using taxi or bus services and MUST BE PRE-APPROVED BY THE CITY MANAGER. (Ord. #30-18, Oct. 1994, as replaced by Ord. #38-10, Aug. 2002)

4-508. Air travel. Air travel will be utilized when it is more economical to the city than providing a city vehicle. Air travel should be scheduled as far in advance as possible to get maximum use of early scheduling discounts. Any and all frequent flyer miles accumulated are the property of the city and will be applied to future official city travel. (Ord. #30-18, Oct. 1994, as replaced by Ord. #38-10, Aug. 2002)

4-509. Phone call charges. Only official business phone calls will be reimbursed by the city. Any and all personal phone calls are the responsibility of the individual making the call. (Ord. #30-18, Oct. 1994, as replaced by Ord. #38-10, Aug. 2002)

4-510. Conference or training registration. All registration fees, materials and supplies will be reimbursed provided they were listed on the travel request for pre-approved travel. Meals included in registration do NOT impact per diem rates. (as added by Ord. #38-10, Aug. 2002)

4-511. City credit cards. If requested, city credit cards will be issued in accordance with the credit card policy for official travel. The credit card MUST be returned to finance and ALL travel documents filed for reimbursement within ten (10) days of completion of travel. (as added by Ord. #38-10, Aug. 2002)

4-512. Special functions. The city manager MAY approve payment of special functions, such as banquets and other work related social events, if they are requested in advance. Special function attendance does NOT affect per diem rate payment. (as added by Ord. #38-10, Aug. 2002)

4-513. Disciplinary action. Violation of the travel rules or travel fraud can result in disciplinary action up to and including termination of employment for city employees, in addition to criminal prosecution. Violation of travel rules or travel fraud can result in removal from office and criminal prosecution of city officials. (as added by Ord. #38-10, Aug. 2002)

CHAPTER 6

RETIREMENT MEMENTOS

SECTION

4-601. Award of items to certain retiring police officers.

4-601. Award of items to certain retiring police officers.

Notwithstanding any other provision of this chapter:

(1) The chief of police shall be authorized, but is not required to award any sworn officer over the age of fifty (50) retiring in good standing having a minimum of twenty-five (25) years of service with the Elizabethton Police Department that officer's service weapon and/or badge, or an equivalent item, or any other de minimus item as a memento of the officer's service. The decision to award any such item shall be in the sole discretion of the chief of police. An officer receiving any such item shall acknowledge receipt and ownership of the item or items in writing, and shall release the city from any liability from use or ownership of the item or items, including having any firearm registered in the officer's name. The chief of police shall report the award of such items to the city manager, and shall retain a record of any such items awarded to retiring officers.

(2) Any award made prior to September 1, 2006, of a weapon and/or badge to a sworn police officer over age fifty (50) retiring after twenty-five (25) years of service with the Elizabethton Police Department shall be deemed as a lawful transfer of that item to the retiring employee, which shall vest ownership of the item with that retiring employee. The chief of police shall forward a record of such items previously awarded to the city manager, and shall retain a record of any such items previously awarded.

(3) The award of any service weapon, badge or other de minimus item shall not confer upon the recipient any police powers or other authority. (as added by Ord. #42-20, Dec. 2006)

CHAPTER 7

CODE OF ETHICS¹

SECTION

- 4-701. Applicability.
- 4-702. Definition of "personal interest."
- 4-703. Disclosure of personal interest by official with vote.
- 4-704. Disclosure of personal interest in non-voting matters.
- 4-705. Acceptance of gratuities, etc.
- 4-706. Use of information.
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- 4-710. Ethics complaints.
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¹State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the Tennessee Code Annotated (T.C.A.) sections indicated:

Campaign finance: Tennessee Code Annotated, title 2, ch. 10.

Conflict of interests: Tennessee Code Annotated, §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements: Tennessee Code Annotated, § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials: Tennessee Code Annotated, §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office): Tennessee Code Annotated, § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information: Tennessee Code Annotated, § 39-16-401 and the following sections.

Ouster law: Tennessee Code Annotated, § 8-47-101 and the following sections.

4-701. Applicability. This chapter is the code of ethics for personnel of the City of Elizabethton. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #43-4, March 2007)

4-702. Definition of "personal interest." (1) For purposes of §§ 4-703 and 4-704, "personal interest" means:

(a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or

(b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

(c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), step-parent(s), grandparent(s), sibling(s), child(ren), or step-child(ren).

(2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #43-4, March 2007)

4-703. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure. (as added by Ord. #43-4, March 2007)

4-704. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the city clerk. In addition, the

¹Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #43-4, March 2007)

4-705. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #43-4, March 2007)

4-706. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #43-4, March 2007)

4-707. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the city council to be in the best interests of the City of Elizabethton. (as added by Ord. #43-4, March 2007)

4-708. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the City of Elizabethton.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the City of Elizabethton. (as added by Ord. #43-4, March 2007)

4-709. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the City of Elizabethton's charter or any ordinance or policy. (as added by Ord. #43-4, March 2007)

4-710. Ethics complaints. (1) The city attorney is designated as the ethics officer of the City of Elizabethton. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law. (as added by Ord. #43-4, March 2007)

(2) (a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The city attorney may request the city council to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the Elizabethton City Council, the city council shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the city council determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the city council.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #43-4, March 2007)

4-711. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the charter of the City of Elizabethton or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #43-4, March 2007)