

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY--TOWN PERSONNEL.
2. VACATIONS AND SICK LEAVE--TOWN PERSONNEL.
3. MISCELLANEOUS REGULATIONS--TOWN PERSONNEL.
4. TORT LIABILITY.
5. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
6. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1

SOCIAL SECURITY - TOWN 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.
- 4-106. Personnel excluded from coverage.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the town to provide for the employees and officials of the town, not excluded by law or by this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old-age and survivors insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the town shall take such action as may be required by applicable state and federal laws or regulations. (Code of 1977, § 1-801)

4-102. Necessary agreements to be executed.¹ 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. (Code of 1977, § 1-802)

¹See Ord. #432 (Dec. 1994) of record in the office of the recorder for amendments to the social security agreement by and between the Town of Selmer, Tennessee, and the State Old Age and Survivors Insurance Agency.

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in section 1-701, hereof, are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (Code of 1977, § 1-803)

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. (Code of 1977, § 1-804)

4-105. Records and reports to be made. The town shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (Code of 1977, § 1-805)

4-106. Personnel excluded from coverage.¹ There is hereby excluded from this chapter any authority to make any agreement with respect to emergency, part-time, and fee basis employees and elective "legislative," "executive," and "judicial" officials as of January 1, 1958, or any employee or official authorized to be covered by any other ordinance creating any other retirement system for any employee or official of the town, or any employee or official not authorized to be covered by applicable federal or state laws or regulations. Action under section 4-102, the mayor is directed to amend the Social Security agreement so as to extend the benefits of the System of Federal Old Age and Survivors Insurance to include the services of part-time employees as of January 1, 1978; and to exclude the services performed by election officials and election workers if the remuneration paid for such services is less than \$100.00 in a calendar year, to be effective not earlier than the last day of the calendar quarter in which a modification to the agreement is mailed to the Federal Social Security Administration, pursuant to Federal Law. (Code of 1977, § 1-806)

¹See Ord. #432 (Dec. 1994) of record in the office of the recorder for amendments to the social security agreement by and between the Town of Selmer, Tennessee, and the State Old Age and Survivors Insurance Agency.

CHAPTER 2

VACATIONS AND SICK LEAVE--TOWN PERSONNEL

SECTION

4-201. Applicability of chapter.

4-202. Vacation leave.

4-203. Sick leave.

4-204. Leave records.

4-201. Applicability of chapter. This chapter shall apply to all full-time municipal officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission. (Code of 1977, § 1-901)

4-202. Vacation leave. All officers and employees shall be given two (2) weeks of vacation leave with pay for each year of employment hereafter served. Such vacation leave shall be taken at a time approved by the mayor or such other officer as he may designate. At no time shall a person's total credit for vacation leave exceed four (4) weeks. (Code of 1977, § 1-902)

4-203. Sick leave. All officers and employees shall be given credit of one (1) working day of sick leave with pay for each month of employment hereafter served. Sick leave shall be taken only when approved by the mayor or by such other officer as he may designate. Sick leave, up to the number of days accrued, shall be approved for all officers and employees whose absence from duty is due to illness, bodily injury, exposure to contagious disease, or death to the officer or employee's husband, wife, mother, father, son, daughter, grandmother, grandfather, mother-in-law or father-in-law. However, the mayor may, in his discretion, require doctors' certificates or other satisfactory evidence that absences are properly chargeable as sick leave. The maximum credit for accrued sick leave under the provisions of this section shall be unlimited. (Code of 1977, § 1-903, as amended by Ord. # 323)

4-204. Leave records. The mayor shall cause to be kept, for each officer and employee, a record currently up to date at all times showing credits earned and leave taken under this chapter. (Code of 1977, § 1-904)

CHAPTER 3

MISCELLANEOUS REGULATIONS--TOWN PERSONNEL

SECTION

- 4-301. Business dealings.
- 4-302. Acceptance of gratuities.
- 4-303. Outside employment.
- 4-304. Political activity.
- 4-305. Use of town time, facilities, etc.
- 4-306. Use of position.
- 4-307. Strikes and unions.
- 4-308. Compliance with Civil Rights Act.

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. (Code of 1977, § 1-1001)

4-302. Acceptance of gratuities. No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the municipality for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to town business. (Code of 1977, § 1-1002)

4-303. Outside employment. No full-time officer or employee of the town shall accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the Town of Selmer. (Code of 1977, § 1-1003)

4-304. Political activity. Town officers and employees may individually exercise their right to vote and privately express their political views as citizens. However, no town officer or employee shall solicit political campaign contributions or engage in or actively participate in any municipal political campaign. These restrictions shall not apply to elective officials. (Code of 1977, § 1-1004)

4-305. Use of town time, facilities, etc. No town officer or employee shall use or authorize the use of town 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 board of mayor and aldermen has authorized the use of such time facilities, equipment, or supplies, and the Town of Selmer is paid at such rates as are normally charged by private sources for comparable services. (Code of 1977, § 1-1005)

4-306. Use of position. No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the municipality, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (Code of 1977, § 1-1006)

4-307. Strikes and unions. No municipal officer or employee shall participate in any strike against the municipality, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (Code of 1977, § 1-1007)

4-308. Compliance with Civil Rights Act. (1) The Title VI Compliance Manual for the Town of Selmer shall be adopted in its entirety by reference.

(2) The following statement shall be deemed as the Town of Selmer's title VI policy statement: "It is the policy of the Town of Selmer to ensure that no citizen shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." (as added by Ord. #596, Aug. 2010)

CHAPTER 4

TORT LIABILITY

SECTION

4-401. Town exempt from "Tennessee Governmental Tort Liability Act."

4-401. Town exempt from "Tennessee Governmental Tort Liability Act."
The Town of Selmer hereby exempts itself from the provisions of title 23, chapter 33, Tennessee Code Annotated, being the Tennessee Governmental Tort Liability Act, in accordance with and as authorized by section 29-20-103, Tennessee Code Annotated. (Code of 1977, § 1-1101)

CHAPTER 5

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-501. Title.
- 4-502. Purpose.
- 4-503. Coverage.
- 4-504. Standards authorized.
- 4-505. Variances from standards authorized.
- 4-506. Administration.
- 4-507. Funding the program.

4-501. Title. This chapter shall provide authority for establishing and administering the Occupational Safety and Health Program Plan for the employees of the Town of Selmer. (Code of 1977, § 1-1301, as replaced by Ord. #501, Oct. 2003)

4-502. Purpose. The Town of Selmer, in electing to update their established program plan will maintain an effective occupational safety and health program for its employees and shall:

- (1) Provide a safe and healthful place and condition of employment that includes:
 - (a) Top management commitment and employee involvement;
 - (b) Continually analyze the worksite to identify all hazards and potential hazards;
 - (c) Develop and maintain methods for preventing or controlling existing or potential hazards; and
 - (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- (4) Consult with the State Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.
- (5) Consult with the State Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are

considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (Code of 1977, § 1-1302, as replaced by Ord. #501, Oct. 2003)

4-503. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the Town of Selmer shall apply to all employees of each administrative department, commission, board, division, or other agency of the Town of Selmer whether part-time or full-time, seasonal or permanent. (Code of 1977, § 1-1303, as replaced by Ord. #501, Oct. 2003)

4-404. Standards authorized. The occupational safety and health standards adopted by the Town of Selmer 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 1972.¹ (as added by Ord. #501, Oct. 2003)

4-405. Variances from standards authorized. The Town of Selmer may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the Town of Selmer shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the city shall be deemed sufficient notice to employees. (as added by Ord. #501, Oct. 2003)

4-406. Administration. For the purposes of this chapter, David Dillingham is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer Town of Selmer. The director shall develop a plan of operation for

¹State law reference

Tennessee Code Annotated, title 50, chapter 3.

the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and part IV of the Tennessee Occupational Safety and Health Plan. (as added by Ord. #501, Oct. 2003)

4-407. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the Town of Selmer. (as added by Ord. #501, Oct. 2003)

CHAPTER 6

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-601. Purpose.
- 4-602. Enforcement.
- 4-603. Authorized traveler.
- 4-604. Reimbursable expenses.
- 4-605. Personal vehicle.
- 4-606. Travel advance.
- 4-607. Reimbursement documentation.
- 4-608. Reimbursement forms.
- 4-609. Reimbursement.
- 4-610. Misuse.

4-601. Purpose. The purpose of this chapter is to bring the city into compliance with Public Acts 1993, Chapter 433. This act requires Tennessee municipalities to adopt travel and expenses regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law." (as added by ord. #424, Nov. 1993)

4-602. Enforcement. The mayor or his or her designee shall be responsible for the enforcement of these travel regulations. (as added by ord. #424, Nov. 1993)

4-603. Authorized traveler. In the interpretation and application of these regulations the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under these regulations. (as added by ord. #424, Nov. 1993)

4-604 Reimbursable expenses. Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. Reimbursable expenses shall include expenses for transportation; conventions; lodging; meals; registration fees for conferences,

conventions, and seminars; and other actual and necessary expenses related to official business as determined by the mayor.

Entertainment expenses to be eligible for reimbursement must be authorized by the mayor. (as added by ord. #424, Nov. 1993)

4-605. Personal vehicle. Employees should use city vehicles when possible. When personal vehicles must be used, the city will pay a mileage rate for the uses of the vehicle. Miles for reimbursement will be the most direct route from origin to destination and back and necessary vicinity related travel.

It shall be the responsibility of the traveler to provide adequate insurance to hold harmless the city for liability from the use of the private vehicle.

Travelers shall not be reimbursed for automotive repair or breakdowns when using their personal vehicles.

Mileage within the city is not normally considered eligible expenses for reimbursement.

Fines for traffic violations shall not be reimbursed by the city. (as added by ord. #424, Nov. 1993)

4-606. Travel advance. For special travel, authorized travelers can request a travel advance by completing Authorization For Travel.

Travel advance forms are not considered documentation of travel expenses. If travel advances exceed documented, the traveler must immediately reimburse the city. (as added by ord. #424, Nov. 1993)

4-607. Reimbursement documentation. All request for reimbursement must be supported by receipts from the vendor. Reasonable tips and gratuities included on the receipt by the vendor are reimbursable. (as added by ord. #424, Nov. 1993)

4-608. Reimbursement forms. Prior to reimbursement the authorized traveler must complete and sign the city's approved expense reimbursement form.

If the city provided a travel advance, the traveler should include that information on the expense form. In the case of advances, the form should have a reconciliation summary, reflecting total claimed expenses with advances indicated. The balance due the traveler or the refund due the city should be clearly shown below the total claim on the form or in a cover memo attached to the front of the form. (as added by ord. #424, Nov. 1993)

4-609. Reimbursement. The rate for reimbursement for the use of a personal vehicle by an authorized traveler shall be the same rate paid to state employees authorized by the travel regulations of the State of Tennessee.

All other travel expenses to qualify for reimbursement must be directly related to the conduct of the city business for which travel was authorized and be actual, reasonable and necessary.

Expenses considered excessive shall not be reimbursed. (as added by ord. #424, Nov. 1993, as amended by Ord. #530, May 2006)

4-610. Misuse. Fraudulent use of city travel funds is subject to legal action for recovery.

Violation of travel rules can result in disciplinary action for employees. Travel fraud can result in criminal prosecution of officials and/or employees. (as added by ord. #424, Nov. 1993)