

TITLE 4

MUNICIPAL PERSONNEL¹

CHAPTER

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CHAPTER 1

SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES

SECTION

- 4-101. Declaration of policy.
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¹See Ordinance No. 1110 (March 1994) of record in the office of the recorder which is an ordinance revising the Classification/Compensation Plan. (As amended by Ord. #1291, June 1998)

See Ordinance No. 1365, Aug. 2000 for the adoption of the "City of McMinnville, Tennessee-Personnel Rules and Regulations Manual."

Municipal code reference

Energy Operations Plan: title 20, chapter 5.

4-101. Declaration of policy. It is hereby declared to be the policy and purpose of the city to extend, at the earliest date, to the employees and officials thereof, not excluded by law or 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 such policy, and for the purpose, the city shall take such action as may be required by applicable state or federal laws or regulations. (1982 Code, § 1-901)

4-102. Execution of agreements. The mayor is hereby authorized and directed to execute all 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 § 4-101. (1982 Code, § 1-902)

4-103. Withholdings from salaries or wages. Withholdings from salaries or wages of employees and officials for the purpose provided in § 4-101, 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 such laws or regulations. (1982 Code, § 1-903)

4-104. City'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 for the purpose stated in § 4-101, which shall be paid over to the state or federal agency designated by such laws or regulations. (1982 Code, § 1-904)

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 relating to federal old-age and survivors' insurance. (1982 Code, § 1-905)

CHAPTER 2

PERSONNEL RULES AND REGULATIONS MANUAL AUGUST 2000¹

SECTION

- 4-201. Manual adopted.
- 4-202. Designation of manual.
- 4-203. Revisions to manual.
- 4-204. Severability.
- 4-205. Provisions to supersede former rules.

4-201. Manual adopted. "Personnel Rules and Regulations Manual August 2000 Edition" which is shown as Exhibit A to this ordinance² and incorporated into this chapter and made a part hereof by reference is enacted and is made the official personnel rules and regulations for the City of McMinnville, Tennessee, which manual embodies and contains rules, regulations, policies, instructions, and the like, all of which are enacted, adopted, and ordained as the official personnel rules and regulations of the City of McMinnville, Tennessee, until repealed, modified, amended, or invalidated.

I. All full-time employees employed on the date the personnel rules and regulations, August 2000 edition, takes effect will be eligible to participate in the city's matching funds for supplemental retirement. Any full-time employee hired after the date of passage of this ordinance will be required to be an employee continuously for a minimum of one (1) year before becoming eligible to participate in the city's matching funds for supplemental retirement. (1982 Code, § 1-1101, as replaced by Ord. #1172, Nov. 1995, and Ord. #1365, Aug. 2000)

¹This chapter was originally titled "Personnel Rules" (1982 Code) and was replaced by Ord. #1172 (Nov. 1995) and amended by Ord. #1211 (Aug. 1996). Ord. #1365 (Aug. 2000) replaced Ord. #1172 and any amendments thereto by adopting a new "Personnel Rules and Regulations Manual August 2000."

²Ord. #1365, Aug. 2000 with Exhibit A and any amendments thereto are of record in the office of the recorder.

4-202. Designation of manual. The Personnel Rules and Regulations Manual August 2000 edition as set out in Exhibit A² hereto shall be designated as the City of McMinnville, Tennessee, Personnel Rules and Regulations Manual August 2000 Edition. (1982 Code, § 1-1102, as replaced by Ord. #1172, Nov. 1995, and Ord. #1365, Aug. 2000)

4-203. Revisions to manual. The personnel rules and regulations contained in said manual may be changed, altered, amended, deleted, modified, revoked, rescinded, or repealed by the Board of Mayor and Aldermen of the City of McMinnville. (1982 Code, § 1-1103, as amended by Ord. #1083, Sept. 1993, and replaced by Ord. #1172, Nov. 1995, and Ord. #1365, Aug. 2000)

4-204. Severability. The provisions of the said personnel rules and regulations manual are hereby declared to be severable; and if any rule, section, or subsection, provision, exception, sentence, clause, phrase, or parts of these rules and regulations be held by any court to be invalid or unconstitutional, the same shall not invalidate or impair the validity, force, and effect of any other rule, section, or subsection, provisions, exception, sentence, clause, phrase, or parts of these rules and regulations unless it clearly appears that such other part or parts is wholly or necessarily dependent for its operation upon the part or parts so held invalid or unconstitutional, the remainder of these rules and regulations shall continue in full force and effect, it being the corporate intent, now hereby declared, that these rules and regulations would have passed even if such unconstitutional or void matter had not been included herein. (1982 Code, § 1-1104, as replaced by Ord. #1172, Nov. 1995, and Ord. #1365, Aug. 2000)

4-205. Provisions to supercede former rules. The provisions in the personnel rules and regulations shall supersede all rules formerly in effect unless otherwise specified therein. (1982 Code, § 1-1105, as replaced by Ord. #1172, Nov. 1995, and Ord. #1365, Aug. 2000)

4-206--4-220. [Deleted.] These sections were deleted by Ord. #1365, Aug. 2000.

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM¹

SECTION

- 4-301. Title.
- 4-302. Purpose.
- 4-303. Coverage.
- 4-304. Standards authorized.
- 4-305. Variances from standards authorized.
- 4-306. Administration.
- 4-307. Funding the program.

4-301. Title. This chapter shall provide authority for establishing and administering the Occupational Safety and Health Program for the employees of the City of McMinnville. (1982 Code, § 1-1001, as replaced by Ord. #1367, Oct. 2000)

4-302. Purpose. The City of McMinnville, in electing to establish and maintain an effective occupational safety and health program for its employees, shall:

- I. Provide a safe and healthful place and condition of employment.
- II. Make, keep, preserve, and make available to the Commissioner of Labor of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor 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.
- III. 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. (1982 Code, § 1-1002, as replaced by Ord. #1367, Oct. 2000)

4-303. Coverage. The provisions of the Occupational Safety and Health Program for the employees of the City of McMinnville shall apply to all employees of each administrative department, commission, board, division, or other agency of the

¹See Ord. #1367, Exhibit A "plan of operation for the occupational safety and health program for the employees of the City of McMinnville," which is of record in the recorder's office.

City of McMinnville whether part-time or full-time, seasonal or permanent. (1982 Code, § 1-1003, as replaced by Ord. #1367, Oct. 2000)

4-304. Standards authorized. The occupational safety and health standards adopted by the board of mayor and aldermen are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated, Title 50, Chapter 5). (1982 Code, § 1-1004, as replaced by Ord. #1367, Oct. 2000)

4-305. Variances from standards authorized. The City of McMinnville may, upon written application to the Commissioner of Labor 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, Occupational Safety, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, Title 5. Prior to requesting such temporary variance, the safety director 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 safety director shall be deemed sufficient notice to employees. (as added by Ord. #1367, Oct. 2000)

4-306. Administration. For the purposes of this chapter, the city administrator shall appoint a person who shall be designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer the city's plan. The director shall develop a plan of operation for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan. (as added by Ord. #1367, Oct. 2000)

4-307. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the board of mayor and aldermen. (as added by Ord. #1367, Oct. 2000)

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. Records and reports.
- 4-415. Legal rights of victims of communicable diseases.

4-401. Purpose. It is the responsibility of the City of McMinnville 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 McMinnville, 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). (Ord. #1036, May 1992)

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) Police and security personnel;
- (2) Firefighters;
- (3) Sanitation and landfill workers; and

(4) Any other employee directly exposed to body fluids or deemed to be at high risk per this policy and an occupational exposure determination. (Ord. #1036, May 1992)

4-403. Administration. This infection disease control policy shall be administered by the city administrator or his/her designated representative who shall have the following duties and responsibilities:

- (1) Exercise leadership in implementation and maintenance of an effective infection disease 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 occupational exposure determination for all employee positions to determine a potential and/or possible exposure to blood or body fluids;
- (3) Maintain records of all employees and incidents subject to the provisions of this policy;
- (4) Conduct periodic inspections to determine compliance with the infection disease control policy by municipal employees which may include interviews and walkarounds;
- (5) Coordinate and document all relevant training activities in support of the infection disease control policy;
- (6) Prepare and recommend to the board of mayor and aldermen any amendments or changes to the infection disease control policy;
- (7) Perform such other duties and exercise such other authority as may be prescribed by the board of mayor and aldermen. (Ord. #1036, May 1992)

4-404. Definitions. (1) "Body fluids" - 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: such as 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 body fluids 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 body fluids to be protected as though such body fluid were HBV-or HIV-infected. (Ord. #1036, May 1992)

4-405. Policy statement. All blood and other body fluids are infectious for several blood-borne pathogens and 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 body fluids which contain visible blood. 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. (Ord. #1036, May 1992)

4-406. General guidelines. General guidelines which shall be used by all employees include:

(1) Think when responding to emergency calls and exercise common sense when there is potential exposure to blood or other body fluids 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 body fluids 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 employees 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 and shall be so constructed that they will not spill their contents if knocked over and will not themselves allow injuries when handled. The containers should not be over-filled as to allow used needles to protrude.

(5) The city will provide gloves of appropriate material, (usually intact latex or intact vinyl) 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 body

fluids to which universal precautions apply. The use of gloves is particularly important in the following circumstances:

- (a) While handling an individual where exposure is possible (especially if the individual has active bleeding or abraded or non-intact skin);
- (b) While cleaning or handling contaminated items or equipment;
- (c) While cleaning up an area that has been contaminated with one of the above;
- (d) If the employee has cuts, abraded skin, chapped hands, dermatitis or the like;
- (e) During all cleaning of body fluids and decontaminating procedures;
- (f) During invasive procedures.

Gloves shall not be used if they are peeling, cracked, or discolored, or if they have punctures, tears, or other evidence of deterioration. Employees shall not wash or disinfect surgical or examination gloves for reuse.

General purpose utility (rubber) gloves worn by maintenance, housekeeping, laundry personnel may be decontaminated and reused.

(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 to provide or could potentially provide emergency treatment. Pocket masks, resuscitation bags, or other ventilation devices shall be provided in strategic locations as well as to employees in high risk occupation (as defined by this policy) where the need for resuscitation is likely. This will minimize the need for emergency mouth-to-mouth resuscitation.

(7) Masks or protective eyewear or face shields shall be worn during procedures that are likely to generate droplets of blood or other body fluids 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 body fluids to skin or clothing. Gowns shall be made of, or lined with, fluid-proof or fluid-resistant material and shall protect all areas of exposed skin.

(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 waste" dumpster. NOTE: Sharp objects must be placed in an impervious container and then taken to a hospital for disposal.

(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. Biological hazard tags shall be used to identify the actual or potential presence of a biological hazard and to identify equipment, containers, or rooms that contain or are contaminated with hazardous biological agents. 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) The tag's major message shall be presented in either pictographs, written text or both.

(d) The signal word and the major message shall be understandable to all employees who may be exposed to the identified hazard.

(e) Tags shall be affixed as close as safely possible to their respective hazards by a positive means such as string, wire, or adhesive that prevents their loss or unintentional removal.

(f) All employees shall be informed of the meaning of the various tags used throughout the work place and what special precautions are necessary.

(13) Linen soiled with body fluids 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 body fluids.

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (Ord. #1036, May 1992)

4-407. Hepatitis B vaccinations. The City of McMinnville shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and 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 through the Infectious Disease Control Coordinator. (Ord. #1036, May 1992)

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 (i.e., 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 as soon as possible.

(2) Complete the appropriate accident reports and any other specific form required by the Infectious Disease Control Coordinator.

(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 source 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. (Ord. #1036, May 1992)

4-409. Hepatitis B virus post-exposure management. For an exposure to a source individual found to be positive for HBsAg or who refuses testing, the employee 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 employee'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. (Ord. #1036, May 1992)

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 exposed employee 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 employee 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 six (6) weeks, twelve (12) weeks, and six (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 twelve (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. (Ord. #1036, May 1992)

4-411. Disability benefits. Entitlement to disability benefits and any 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 and any amendments thereto. (Ord. #1036, May 1992)

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. (Ord. #1036, May 1992)

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 materials or infectious waste. Where tags are used, training shall cover precautions to be used in handling contaminated material as per this policy. Employees shall receive training about procedures to be used if they are exposed to needle sticks or to body fluids. (Ord. #1036, May 1992)

4-414. Records and reports. (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintained on the OSHA-200 form. 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 form.

(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 (i.e. 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. (Ord. #1036, May 1992)

4-415. 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 the 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 as well as civil and/or criminal prosecution. (Ord. #1036, May 1992)

CHAPTER 5

TRAVEL AND EXPENSE POLICY

SECTION

- 4-501. Coverage.
- 4-502. Travel and expense policy.
- 4-503. Vehicle use policy.

4-501. Coverage. The mayor, aldermen, members of boards and committees appointed by the mayor or board of aldermen, and other city employees may be reimbursed for reasonable and necessary expenses incurred in the conduct of official business. (Ord. #1081, Sept. 1993)

4-502. Travel and expense policy. The travel and expense policy adopted by the board of mayor and aldermen as set out in the appendix of this municipal code, and made a part of this chapter by reference, and any amendments thereto, will govern the reimbursement of expenses incurred by these municipal officials, board, committee members and city employees. (Ord. #1081, Sept. 1993)

4-503. Vehicle use policy. The Vehicle Use Policy, Resolution No. 1041, adopted by the Board of Mayor and Aldermen on May 20, 1991, and any amendments to that written policy, will govern the use of vehicles by these municipal officials and board and committee members. (Ord. #1081, Sept. 1993)

CHAPTER 6

DRUG-FREE WORKPLACE POLICY¹

SECTION

- 4-601. Manufacture, distribution, etc. of illegal drugs, alcohol, or controlled substances prohibited.
- 4-602. Employees under the influence of alcohol prohibited.
- 4-603. Supervisor to determine if an employee may continue work.
- 4-604. Property subject to inspection.
- 4-605. Employee to abide with policy.
- 4-606. Violation of chapter.
- 4-607. Manufacture, distribution, etc. of controlled substances prohibited while off-duty.
- 4-608. Definitions.
- 4-609. Policy to be posted.
- 4-610. City administrator to establish a drug-free awareness program.

4-601. Manufacture, distribution, etc. of illegal drugs, alcohol, or controlled substances prohibited. The unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs, alcohol, or any other controlled substance is strictly prohibited in the city's workplace, on city property, in city vehicles or while conducting city business off city premises. (Ord. #1058, Nov. 1992)

4-602. Employees under the influence of alcohol prohibited. Being under the influence of alcohol by any employee while performing city business or while in the city's workplace or vehicle is strictly prohibited. "Under the influence" means, for the purpose of this policy, that the employee is affected by a drug or alcohol or the

¹Municipal code reference

See chapter 8 of this title for the Controlled Substance and Alcohol Testing Policy.

combination of a drug and alcohol in any detectable manner. (Ord. #1058, Nov. 1992)

4-603. Supervisor to determine if an employee may continue work. An employee may continue to work, even though under the influence of a legal drug, if the employee's supervisor has determined, after consulting with medical experts, that the employee does not pose a threat to his or her own safety or the safety of co-workers, members of the public, consumers of city services, etc. and that, the safe or efficient operation of the city's facilities, vehicles, equipment, etc. and the employee's job performance are not significantly affected by the legal drug. Otherwise, the employee may be required to take a leave of absence or comply with other appropriate action as determined by the employee's supervisor. "Legal drug" includes prescribed drugs and over-the-counter drugs which have been legally obtained for user and are being used for the purpose for which they were prescribed and manufactured. Employees who are required to take a legal drug shall notify their immediate supervisors of the type and quantity of the medication and/or drug being used. (Ord. #1058, Nov. 1992)

4-604. Property subject to inspection. All property belonging to the City of McMinnville may be subject to inspection at any time without notice as there may be no expectation of privacy in such property.

(1) The term "property" includes, but is not limited to, vehicles, desks, containers, files, and storage lockers.

(2) Employees assigned lockers (that are locked by the employee) are also subject to inspection by the employee's supervisor after reasonable advance notice (unless waived by the affected employee) and in the presence of the employee. Searches and seizures of an employee's locker may be made without permission if such search or seizure does not violate the State or Federal Constitution or general law. (Ord. #1058, Nov. 1992)

4-605. Employee to abide with policy. As a condition of continued employment with the city, all employees must abide by the terms of the city drug-free workplace policy and notify their immediate supervisor of any criminal drug statute convictions for a violation occurring in the city's workplace within five days after such conviction. The city, in turn, shall inform the granting or contracting agency within ten days of such notification by the affected employee. (Ord. #1058, Nov. 1992)

4-606. Violation of chapter. Failure to comply with the provisions or intent of this general order may be used as grounds for disciplinary action up to and including termination, or for requiring the employee to participate satisfactorily in an approved drug abuse assistance or rehabilitation program at the employee's own expense before returning to his or her position at the city. The employee shall be responsible for providing certification to the city that he or she satisfactorily

completed the said program and that the program has been approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency. (Ord. #1058, Nov. 1992)

4-607. Manufacture, distribution, etc. of controlled substances prohibited while off-duty. The unlawful manufacture, distribution, dispensation, possession, or use of controlled substances while off-duty and off city premises may also result in disciplinary action up to and including discharge, as these actions can affect on-the-job performance and the confidence of the public in the city's ability to meet its responsibilities. (Ord. #1058, Nov. 1992)

4-608. Definitions. The terms or words, "conviction", "criminal drug statute", and "controlled substance" are defined as follows:

(1) The term "conviction" is as defined at 41 USCS Section 706(4) and means a finding of guilt (including a plea of nole contenders) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes. A drug related charge disposed of under pre-trial diversion shall be considered a conviction under this policy.

(2) The term "criminal drug statute" is as defined at 41 USCS Section 706(5) and means a state or federal criminal statute involving manufacture, distribution, dispensation, use, or possession or any controlled substance.

(3) The term "controlled substance" is as defined at 41 USCS Section 706(3) and means a controlled substance in schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C.S. 812), and/or as defined under Tennessee state law. (Ord. #1058, Nov. 1992)

4-609. Policy to be posted. Notice of the city's aforesaid drug-free workplace policy shall be posted on all designated employee bulletin boards and a statement notifying all city employees that the unlawful manufacture, distribution, dispensation, possession, sale or use of a controlled substance is strictly prohibited in the workplace and the specific actions that will be taken against employees for violations of such prohibition shall be sent to each employee in their pay envelope. (Ord. #1058, Nov. 1992)

4-610. City administrator to establish a drug-free awareness program. The city administrator be and is hereby authorized to establish a drug-free awareness program to inform employees about

(1) the dangers of drug abuse in the workplace;
(2) the city's policy of maintaining a drug-free workplace;
(3) any available drug counseling, rehabilitation, and employee assistance programs; and

(4) the penalties that may be imposed upon employees for drug abuse violations. (Ord. #1058, Nov. 1992)

CHAPTER 7

PERMIT REQUIRED CONFINED SPACE PROGRAM

SECTION

4-701. Employees to be protected and exercise caution.

4-702. Available in recorder's office.

4-701. Employees to be protected and exercise caution. Employees required to enter confined spaces, which includes public works, water and wastewater, and emergency medical rescue personnel, should at all times have access to proper protective equipment, and should exercise great caution in situations when entering such spaces as defined by the standard. (Ord. #1146, § 1, Feb. 1995)

4-702. Available in recorder's office. The attached Permit-Required Confined Space Program (marked Exhibit "A" and incorporated into this chapter by reference)¹ be and is hereby adopted and shall be the official policy of the City of McMinnville, Tennessee, regarding permit-required confined space entry. A copy of the policy shall be kept in the city recorder's office and distributed to all employees in high risk occupations. (Ord. #1146, § 2, Feb. 1995)

¹See Ord. #1146 of record in the office of the recorder.

CHAPTER 8

CONTROLLED SUBSTANCES AND ALCOHOL TESTING POLICY¹

SECTION

- 4-801. Policy adopted.
- 4-802. Designation of policy.
- 4-803. Revisions to policy.
- 4-804. Severability.
- 4-805. Federal regulations to prevail.
- 4-806. Provisions of controlled substances and alcohol testing policy are supplemental.

4-801. Policy adopted. The Controlled Substances and Alcohol Testing Policy prepared for the City of McMinnville, Tennessee, to comply with the regulatory requirements promulgated by the Federal Highway Administration (FHWA) and the Federal Department of Transportation (DOT) for alcohol and controlled substances testing for employees in safety-sensitive positions as required by the Omnibus Transportation Employee Testing Act of 1991, embodying and containing rules, regulations, prohibitions, policies, procedures, instructions, etc. in words and figures of the Controlled Substances and Alcohol Testing Policy attached hereto as Exhibit 1 to this ordinance² and made a part of this chapter by reference as fully as if copied herein verbatim be and is hereby adopted. (Ord. #1184, § 1, Dec. 1995)

4-802. Designation of policy. The Controlled Substances and Alcohol Testing Policy shall be designated as the "City of McMinnville, Tennessee -

¹This chapter was amended by Ord. #1184A, Feb. 2001, and Ord. #1419, July 2002 by extending the policy "to include all City of McMinnville personnel, and to all pre-employment, reasonable suspicion, random, post accident, return to duty and follow-up alcohol and control substance testing regardless of department.

These ordinances are of record in the recorder's office.

²See Ord. #1184 (Dec. 1995) of record in the office of the recorder.

Controlled Substances and Alcohol Testing Policy for Employees in Safety-Sensitive Positions Which Require a Commercial Driver's License." (Ord. #1184, § 2, Dec. 1995, modified)

4-803. Revisions to policy. The Controlled Substances and Alcohol Testing Policy may be changed, altered, amended, deleted, modified, revoked, rescinded or repealed by the Board of Mayor and Aldermen of the City of McMinnville, Tennessee. (Ord. #1184, § 3, Dec. 1995, modified)

4-804. Severability. The provisions of the Controlled Substances and Alcohol Policy are hereby declared to be severable; and if any rule, section or subsection, provision, exception, sentence, clause, phrase or parts of the Controlled Substances and Alcohol Testing Policy be held by any court to be invalid or unconstitutional, the same shall not invalidate or impair the validity, force and effect of any other rule, section or subsection, provisions, exception, sentence, clause, phrase, or parts of the Controlled Substances and Alcohol Testing Policy unless it clearly appears that such other part or parts is wholly or necessarily dependent for its operation upon the part or parts so held invalid or unconstitutional, the remainder of the Controlled Substances and Alcohol Testing Policy shall continue in full force and effect, it being the corporate intent, now hereby declared, that the Controlled Substances and Alcohol Testing Policy would have passed even if such unconstitutional or void matter had not been included herein. (Ord. #1184, § 4, Dec. 1995)

4-805. Federal regulations to prevail. In the event of any conflict that may arise between the provisions of the city's Controlled Substances and Alcohol Testing Policy and the regulations promulgated by the FHWA or the DOT in accordance with the Omnibus Transportation Employee Testing Act of 1991, the provisions of the applicable federal regulations shall prevail. (Ord. #1184, § 5, Dec. 1995)

4-806. Provisions of controlled substances and alcohol testing policy are supplemental. The provisions of the Controlled Substances and Alcohol Testing are intended to supplement the City of McMinnville's Drug-Free Workplace Policy as adopted by the Board of Mayor and Aldermen of the City of McMinnville, by Ordinance No. 1058, passed on second and final reading on November 2, 1992, and the said Drug-Free Workplace Policy shall remain in full force and effect, unless subsequently amended by the board. (Ord. #1184, § 6, Dec. 1995)

CHAPTER 9

ELECTRONIC SYSTEMS AND TOOLS POLICY

SECTION

- 4-901. Purpose.
- 4-902. Applicability.
- 4-903. Definition.
- 4-904. Ownership.
- 4-905. Confidentiality.
- 4-906. Uses of electronic systems and information.
- 4-907. Internet access.
- 4-908. Unauthorized access.
- 4-909. Employee responsibility.
- 4-910. Monitoring of electronic mail and internet use.
- 4-911. Access to electronic system.
- 4-912. Violation of policy.

4-901. Purpose. To establish the proper use of electronic equipment, systems and/or tools provided by the City of McMinnville to its employees for the purpose of performing job functions including communication, information exchange and research. (Ord. #1311, Feb. 1999)

4-902. Applicability. The provisions of this policy apply to all employees of the City of McMinnville, including full-time, part-time and temporary employees. (Ord. #1311, Feb. 1999)

4-903. Definition. Electronic systems are all hardware, software, and tools owned by the City of McMinnville and available for official use by City of McMinnville employees including; but not limited to, computers, electronic mail (e-mail), voice mail, calendaring systems such as the internet. (Ord. #1311, Feb. 1999)

4-904. Ownership. All electronic systems, hardware, software, temporary or permanent files and any related systems or devices are the property of the City of McMinnville. These include but are not limited to computers, network equipment, software, voice mail, documents, spreadsheets, calendar entries, appointments, tasks, and notes which reside in part or in whole on any city electronic system or equipment.

Supervisors have the authority to inspect the contents of any equipment, file(s), calendars, or electronic mail of their subordinates in the normal course of their supervisory responsibilities. Reasons for review include: system, hardware or software problems; general system failure; a lawsuit against the city; suspicion of a crime or violation of policy; or a need to perform work or provide a service when the employee is unavailable.

Employees shall give their department head all passwords necessary to access their computers, systems and equipment. (Ord. #1311, Feb. 1999)

4-905. Confidentiality. Employees who use electronic systems and/or tools provided by the City of McMinnville cannot be guaranteed absolute privacy. Any and all opinions made using these systems whether implied or expressed are those of the individual and not necessarily of the City of McMinnville or management. (Ord. #1311, Feb. 1999)

4-906. Uses of electronic systems and information. Electronic systems, hardware, software, tools and information are provided for the purpose of conducting business for the city.

(1) Allowable uses of electronic systems and information include the following, to the extent that these uses are for the purpose of conducting City of McMinnville business:

- (a) To facilitate performance of job functions.
- (b) To facilitate the communication of information in a timely manner.
- (c) To coordinate meetings of individuals, locations, and city resources.
- (d) To communicate with departments throughout the city.
- (e) To communicate with outside organizations as required in order to perform an employee's job functions.

(2) Prohibited uses of electronic systems and information include, but are not limited to, the following:

- (a) Illegal activities.
- (b) Threats, harassment, slander, or defamation.
- (c) Obscene messages or offensive graphical language.
- (d) Political endorsements.
- (e) Commercial activities.
- (f) Using non-business software including games or entertainment software.

(3) Unauthorized uses of electronic systems and information requiring the employee's department head written approval include, but are not limited to, the following:

- (a) Using hardware, related computer equipment and software not purchased and/or owned by the city.
- (b) Listening to voice mail or reading electronic mail of another employee without prior written approval of the employee's department head or city administrator. An employee's supervisor may inspect the contents of voice mail or electronic mail pursuant to paragraph 2, under section "Ownership" of this policy.

(c) Using any city software or system to conduct non-city business or for personal purposes. (Ord. #1311, Feb. 1999)

4-907. Internet access. Internet access will be allowed only to employees who have written approval from their department head.

(1) Internet access shall be strictly limited to city-related business activities.

(2) Time is to be limited on the Internet to that necessary to conduct city-related business. (Ord. #1311, Feb. 1999)

4-908. Unauthorized access. All suspected intrusions via the Internet or by unauthorized employees are to be reported to the department head immediately. (Ord. #1311, Feb. 1999)

4-909. Employee responsibility. The city imposes certain responsibilities and obligations on employees when using city equipment. The following serves as a guide for employees when using e-mail.

(1) Employees are expected to maintain the confidentiality of city information when using the city's computer system to transmit messages. Employees should protect their individual user ID and passwords from unauthorized use.

(2) Because the security of electronic messages cannot be guaranteed, employees should be aware that making a message "confidential" or "private" in the computer system must be done with the expectation that others may have access to all messages, including those marked as "confidential" or "private." Thus, in certain cases, e-mail may not be the proper means of communication.

(3) Employees are expected to demonstrate courtesy and good judgment in the messages they choose to transmit via e-mail. In general, e-mail is most appropriate for short informal messages that include some detail intended for the receiver to keep, for example, to communicate a schedule of events. Telephone or voice mail are recommended for shorter, less detailed communication; hard copy letters or memoranda are recommended for longer, formal communications.

(4) When using the city's computer system, employees are expected to demonstrate the same high standards that apply to other forms of city communication. Employees are prohibited from sending messages containing offensive, abusive, threatening, or other inappropriate language.

(5) Messages that are no longer needed should be deleted from the system on a regular basis. (Ord. #1311, Feb. 1999)

4-910. Monitoring of electronic mail and Internet use. Electronic messages transmitted or received (whether current or deleted) information used or downloaded from the city's computer system, the Internet, or other sources, may be subject to review and investigation. The city may override any applicable password if necessary. Supervisors are responsible for monitoring performance of employees using e-mail or Internet. E-mail correspondence may be disclosable under the Freedom of Information Act (FOIA) and/or Tennessee Public Records Law

(Tennessee Code Annotated, § 10-7-512). (Ord. #1311, Feb. 1999, as amended by Ord. #1361, Sept. 2000)

4-911. Access to electronic system. All systems may be required to have only "password" access and any employee using the system shall be required to have a "password" to use the system. The system shall be restricted to all other personnel. (Ord. #1311, Feb. 1999)

4-912. Violations of policy. Violations of this policy will be reviewed on a case-by-case basis and can result in disciplinary action as listed in Article VII--Disciplinary Actions, § 2., Types of disciplinary actions in the City of McMinnville's Personnel Rules and Regulations.

Copies of this policy shall be provided to each city department head, personnel office and shall be posted on the various department's bulletin boards for a period of ten (10) days before becoming effective. (Ord. #1311, Feb. 1999)