

TITLE 4 MUNICIPAL PERSONNEL

CHAPTER

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CHAPTER 1 VACATION AND SICK LEAVE

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4-101. Applicability of chapter. This chapter shall apply to all full-time city officers, fire and police department employees working on shifts, and all other employees except those operating under the jurisdiction of a separate board or commission.

The intent of this chapter is to recognize and fairly administer the vacation, sick leave, bereavement leave and holiday schedules of employees who normally are scheduled to work eight (8) hour shifts, ten (10) hour shifts, twelve (12) hour shifts and twenty-four (24) hour shifts. (Ord. #1469, Dec. 2019, § 4-201)

4-102. Vacation leave.

- 1) Regular, full-time employees will accrue vacation in accordance with the following schedule:

8-Hour Shift Employees

1-4 years	10 shifts (80 hours)
5-9 years	15 shifts (120 hours)
10-14 years	20 shifts (160 hours)
15-19 years	25 shifts (200 hours)
20 years or more	30 shifts (240 hours)

10-Hour Shift Employees

1-4 years	8 shifts (80 hours)
5-9 years	12 shifts (120 hours)
10-14 years	16 shifts (160 hours)

15-19 years	20 shifts (200 hours)
20 years or more	24 shifts (240 hours)

12-Hour Shift Employees

1-4 years	7 shifts (84 hours)
5-9 years	10 shifts (120 hours)
10-14 years	13 shifts (156 hours)
15-19 years	17 shifts (204 hours)
20 years or more	20 shifts (240 hours)

24-Hour Shift Employees

1-4 years	5 shifts (120 hours)
5-9 years	7 shifts (168 hours)
10-14 years	9 shifts (216 hours)
15-19 years	11 shifts (264 hours)
20 years or more	13 shifts (312 hours)

- 2) All employees may carry vacation hours over from year to year with the following caps:

8-Hour Shift Employees	30 shifts (240 hours)
10-Hour Shift Employees	24 shifts (240 hours)
12-Hour Shift Employees	20 shifts (240 hours)
24-Hour Shift Employees	14 shifts (336 hours)

- 3) Vacation leave is granted at the convenience of the City of Dickson. Leave requests will be honored to the extent possible. However, department heads may deny vacation if it will create a hardship on the department. (Ord. #1469, Dec. 2019, § 4-202)

4-103. Sick leave.

- 1) All full-time regular employees will be credited with twelve (12) shifts of sick leave each year to be accrued monthly equivalent to the employee's normal scheduled work shift.
- 2) Sick leave may be accrued up to a maximum of one hundred twenty (120) shifts for eight (8) hour shift employees, one hundred twenty (120) shifts for ten (10) hour shift employees, one hundred twenty (120) shifts for twelve (12) hour shift employees and fifty-eight (58) shifts for twenty-four (24) hour shift employees.
- 3) An employee may be allowed to use accumulated sick leave for early retirement; however, accumulated sick leave has no value should the employee cease to be employed.
- 4) Employees are required to notify their department heads as early as possible on the first day of the sick leave absence. Department heads, at their discretion, may require that the employee furnish a physician's certification stating the nature of the illness or injury prior to returning to work.
- 5) If an employee has adequate accumulated sick leave, he may use up to twelve (12) shifts for eight (8) hour shift employees; twelve (12) shifts for ten (10) hour shift employees;

twelve (12) shifts for twelve (12) hour shift employees; and, six (6) shifts for twenty-four (24) hour shift employees to provide caregiver services for a sick family member, which includes the employee's spouse/domestic partner, children/step-children/foster children, grandchildren/step-grandchildren/foster grandchildren, parent/step-parent/foster parent or sibling/step-sibling/foster sibling. (Ord. #1469, Dec. 2019, § 4-203)

4-104. Bereavement leave.

- 1) Bereavement leave will be granted for three (3) scheduled work shifts for employees who normally work eight (8) hour, ten (10) hour and twelve (12) hour shifts and one (1) scheduled work shift for employees who normally work twenty-four (24) hour shifts in the event of the death of an employee's spouse/domestic partner, child/step-child/foster child or his/her spouse/domestic partner, parent/step-parent/foster parent, grandparent/step-grandparent, grandchild/step-grandchild/foster grandchild, sibling/step-sibling or parent-in-law without reducing the employee's accrued leave.
- 2) With department head approval, up to an additional three (3) scheduled work shifts for employees who normally work eight (8) hour, ten (10) hour and twelve (12) hour shifts and one (1) scheduled work shift for employees who normally work twenty-four (24) hour shifts may be granted to provide additional bereavement leave.
- 3) With department head approval, an employee may take up to four (4) hours off without loss of pay for any funeral for a person outside the above-defined qualifying immediate family members that he/she feels obligated to attend. (Ord. #1469, Dec. 2019§ 4-204)

4-105. Leave records and charges for leave. The mayor shall cause to be kept, for each officer and employee, a current record showing credits earned and leave taken under this chapter. (1995 Code, § 4-205)

4-106. Holidays.

- 1) All full-time employees are allowed a day off with pay on the following eleven (11) days:

New Year's Day	January 1 st
Martin Luther King Day	3 rd Monday in January
Presidents Day	3 rd Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	First Monday in September
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Eve	December 24 th
Christmas Day	December 25 th
- 2) If a holiday falls on Sunday, it will be observed on the following Monday. If the holiday falls on Saturday, it will be observed on the preceding Friday.
- 3) When one of the aforementioned holidays falls within the employee's normal work schedule, all non-exempt personnel who are off duty shall be compensated at their normal

rate of pay for the number of hours regularly scheduled to be worked. Off-duty holiday hours shall not be counted toward determining overtime pay as defined in this chapter.

- 4) All non-exempt personnel who are not scheduled to work during one of the aforementioned holidays shall be compensated at their normal rate of pay for the number of hours normally scheduled to be worked or may, with their department head's approval, choose another day within the same pay period that they are scheduled to work to be off duty with normal compensation. Off-duty holiday hours shall not be counted toward determining overtime pay as defined in this chapter.
- 5) All non-exempt personnel who are on duty during one of the aforementioned holidays shall be compensated at their normal rate of pay for the number of hours worked, plus an additional amount commensurate with their normal rate of pay for each hour worked during the holiday period. Hours worked on a holiday shall be counted toward determining overtime pay as defined in this chapter. Holiday compensation shall not be calculated at the overtime rate of pay. (Ord. #1422, March 2018, as amended by Ord. #1470, Dec. 2019, § 4-206)

4-107. Overtime.

- 1) Overtime pay shall be paid at the rate of not less than one and one-half (1-1/2) times the non-exempt employee's rate of pay. In the event that an employee elects to receive compensatory time, then the rate shall be at the same rate as overtime, one (1) hour worked shall equal one and one half (1-1/2) hours of paid time off unless taken in the same forty (40) hour work week, or twenty-eight (28) day work cycle.
- 2) Non-exempt employees who work an eight (8) hour shift or ten (10) hour shift shall be eligible for (employee's choice of) overtime or compensation time for every hour worked over forty (40) hours in a work week.
- 3) The City of Dickson's forty (40) hour work week shall begin at 12:00 A.M. on Thursday and end at 1:59 P.M. the following Wednesday.
- 4) Non-exempt employees who work a twelve (12) hour shift shall be eligible for (employee's choice of) overtime or compensation time for every hour worked over one hundred seventy-one (171) hours in a twenty-eight (28) day pay cycle.
- 5) Non-exempt employees who work a twenty-four (24) hour shift shall be eligible for (employee's choice of) overtime or compensation time for every hour worked over two hundred twelve (212) hours worked during a twenty-eight (28) day work period.
- 6) The City of Dickson's twenty-eight (28) day pay cycle shall be administered as prescribed in 29 CFR § 553.201, statutory provisions: section 7(K).
- 7) Vacation time, sick leave, holiday leave, compensatory leave and any other paid time off shall not be considered hours worked for the purpose of overtime however, employees called in on emergency calls after regular hours of on scheduled days off shall be

compensated for those hours worked at their overtime rate. (Ord. #1395, Sept. 2016, § 4-207)

CHAPTER 2 PERSONNEL SYSTEM

SECTION

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4-201. Title. This chapter shall be known as the "Personnel Merit System Ordinance" or "Personnel Ordinance." (1995 Code, § 4-301)

4-202. Purpose. A personnel merit system for the City of Dickson is hereby established for the purpose of providing a personnel policy under which entry into and continuance in the

service of the city shall be on the basis of merit, efficiency, and fitness and free of personal and political considerations. (1995 Code, § 4-302)

4-203. General policy declared. It is hereby the declared personnel policy of the city that:

- 1) Employment in the city government shall be based on merit, efficiency, and fitness and free of personal and political considerations.
- 2) Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the municipal government.
- 3) Positions having similar duties and responsibilities shall be classified and compensated for on a uniform basis.
- 4) Appointments, promotions, and other personnel actions requiring the application of the merit principle shall be based on systematic tests and evaluation.
- 5) Every effort shall be made to stimulate high morale by fair administration of this chapter and by every consideration of the rights and interests of employees, consistent with the best interests of the public and the city.
- 6) Tenure of employees covered by this chapter shall be subject to good behavior, satisfactory performance of work, necessity for the performance of work, and availability of funds.
- 7) When an employee terminates his employment with the city and if rehired he loses all previous benefits he had and is treated as a new hire. (1995 Code, § 4-303)

4-204. Definitions. As used in this chapter, the following quoted words and terms shall have the meanings enumerated hereinafter.

- 1) “Appointing authority” shall mean that individual or entity that possesses hire-fire authority over an employee.
- 2) “Chief executive” shall mean the Mayor of the City of Dickson.
- 3) “Governing body” shall mean the city council vested with power to enact ordinances and resolutions for the City of Dickson.
- 4) “Municipality” or “city” shall mean the City of Dickson, Tennessee. (1995 Code, § 4-304)

4-205. Classification. All offices and positions of the city are divided into the classified service and the unclassified status. The classified service shall include all regular full-time and regular part-time positions in the city service which are not specifically placed in the unclassified

service by this chapter. All offices and positions of the city specifically placed in the unclassified service shall be as follows:

- 1) All officials elected by popular vote and persons appointed to fill vacancies in any such elective offices.
- 2) The mayor and direct assistant(s) thereto.
- 3) Members of appointive boards, commissions, or committees.
- 4) Employees of a utility under an appointive board or commission, unless the utility board or commission requests that they be covered.
- 5) Persons employed to render the city expert, professional, technical, or other services of an occasional character.
- 6) Volunteer personnel, such as volunteer firemen, and all other personnel appointed to serve without compensation.
- 7) City attorney and assistant city attorneys.
- 8) Housing authority personnel.
- 9) Persons employed by the city for not more than six (6) months during a fiscal year for special purposes and seasonal work.
- 10) Part-time employees paid by the hour or day.
- 11) Employees who are hired to meet the immediate requirements of an emergency condition, such as fire, flood, earthquake, riots, etc., which threatens life or property.
- 12) Persons serving the city as independent contractors.
- 13) Persons retained as consultants.
- 14) Persons jointly employed by the city and some other governmental agency.
- 15) City judge. (1995 Code, § 4-305)

4-206. Application of remainder of chapter. The following sections of this chapter shall apply only to the classified service unless otherwise specifically provided. (1995 Code, § 4-306)

4-207. Mayor's duties. The mayor shall have the basic responsibility for the personnel program as set forth in this chapter. He specifically shall:

- 1) Be responsible for effective personnel administration;
- 2) Appoint a personnel officer, to be approved by the city council, who shall be responsible for the administration and technical direction of the city's personnel program; or he may, upon approval of the city council, assign and combine the powers and responsibilities of the personnel officer with that of another office or act in the capacity of personnel officer in the absence of such an appointment, assignment, and combination of powers and responsibilities;
- 3) Appoint, remove, suspend, reprimand, and otherwise discipline, upon the approval of the city council and subject to the policies as set forth in this chapter, provisions of the charter, and those in state law, department heads and other major officers of the city whose appointments and terminations are not otherwise provided for in the charter and who would not be employees of the boards or commissions. When the necessities of the situation dictate, the mayor may demote, dismiss, reduce in pay, reprimand, or suspend without pay any employee in the classified service in accordance with § 4-220 and subject to the review appeal process.
- 4) Authorize the head of the department or office (hereinafter "appointing authority") responsible to him to appoint, remove, suspend, reprimand, and otherwise discipline subordinates in such departments and offices upon confirmation of the mayor along with department heads;
- 5) Fix and establish the number of employees in the various city departments and offices and determine the duties, authority, responsibility, and compensation in accordance with the policies as set forth in this chapter and subject to the approval of the city council and budget limitations; and
- 6) Perform such other duties and exercise such other power in personnel administration as may be prescribed by law and this chapter. (1995 Code, § 4-307)

4-208. Duties of personnel officer. The duties and responsibilities of the personnel officer or other officer designated under the preceding section to handle such responsibilities shall be to:

- 1) Administer under the direction of the mayor the personnel program as set forth in this chapter and the personnel rules and regulations;
- 2) Perform all lawful and necessary duties essential to the effective administration of the personnel system and serve as a secretary to the personnel board (but shall have no vote);
- 3) Recommend to the mayor rules and revisions and amendments thereto for the consideration of the city council;
- 4) Recommend to the mayor a position classification plan for approval by the city council, and install and maintain such a plan;

- 5) Prepare and recommend to the mayor a pay plan for all city employees for the city council approval;
- 6) Establish and maintain a roster of all persons in the municipal service setting forth each officer and employee, class title of his position, salary, and changes in class title, status, and such other data as may be deemed desirable or useful;
- 7) Develop and administer such recruiting and examining programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the city;
- 8) Be responsible for certification of all payrolls;
- 9) Develop and coordinate training, evaluation, and educational programs for city employees;
- 10) Investigate periodically the operation and effect of the personnel provisions of this chapter and the rules, and at least annually report his findings and recommendations to the mayor;
- 11) Maintain adequate personnel records to include for each employee the class, title, pay, and other relevant data;
- 12) Advise the mayor on manpower utilization;
- 13) Foster and develop programs for the improvement of personnel effectiveness, including training, safety, health, counseling, and welfare;
- 14) Encourage and exercise leadership in the development of an effective personnel system for the city; and
- 15) Perform such other duties as may be assigned by the mayor not inconsistent with this chapter. (1995 Code, § 4-308)

2-209. Personnel board. The Finance and Management Committee will serve as the Personnel Board and shall have the following duties and powers:

- 1) Hear appeals of any employee relative to disciplinary action and other matters in which the employee feels grieved as provided herein, after such action or matter has been reviewed by the appointing authority, city administrator, and mayor. The board may revoke, modify, or sustain the action being appealed. The personnel board shall have the right of subpoena, the power to examine witnesses under oath, the power to compel the attendance of witnesses, and the power to require the production of evidence by subpoena. During such review, both the appealing employee and the appointing authority or other persons whose action is being reviewed shall have the right to be heard publicly, employ counsel of their choice to represent them at their own expenses, and to present evidentiary facts. At the hearing of such appeals or grievances technical rules of evidence shall not apply. All appeals shall be concluded as expeditiously as possible and in accordance with the

requirements and procedures as set forth in the personnel rules adopted pursuant to the chapter.

- 2) Represent the public interest in the improvement of personnel administration in the city service.
- 3) Advise the city council and mayor on questions concerning the implementation of general personnel policies and administration. (1995 Code, § 4-309)

4-210. Adoption and amendment of personnel rules. The mayor, in consultation with the personnel officer, shall be responsible for preparation of such personnel rules and amendments thereto as may be necessary to carry out the provisions of this chapter. The city council shall adopt such rules by ordinance. (1995 Code, § 4-310)

4-211. Contents of personnel rules. The personnel rules shall establish regulations, specific procedures, and policies governing the personnel system, including, but no limited to, the following:

- 1) Administration of a position classification plan covering all positions in the classified service, including employment standards and qualifications for each class;
- 2) Administration of a plan of compensation directly correlated with the position classification plan, providing a rate or range of pay for each class;
- 3) The announcement of vacancies and the acceptance of applications for employment;
- 4) Preparation, announcement, and conducting of examinations;
- 5) Establishment and use of employment lists containing names of persons eligible for appointment;
- 6) Certification and appointment of persons from employment lists to fill vacancies, and the making of provisional, temporary, casual, and emergency appointments;
- 7) Evaluation of the work of employees including those serving a probationary period;
- 8) Transfer, promotion, and reinstatement of employees in the competitive service;
- 9) Disciplinary action, demotion, suspension, and separation from the service of employees by resignation, layoff, separation, dismissal, and for incapacity to perform required duties;
- 10) Standardization of hours of work, attendance and leave regulations, and working conditions;
- 11) Development of employee morale, welfare, and training programs;
- 12) A uniform system of procedure for the handling of all grievances and appeals;
- 13) Vacations, holidays, paid and unpaid leaves, and other fringe benefits;

- 14) Promotional policies and procedures;
- 15) Establishment, maintenance, and use of adequate and necessary personnel records and forms; and
- 16) Such other matters as may be necessary and proper to carry out the intent and purpose of this chapter. (1995 Code, § 4-311)

4-212. Classification plan. The personnel officer shall make an analysis of the duties, authority, and responsibility of all positions in the classified service and shall recommend to the mayor for adoption by the city council a position classification plan. Each position in the classified service shall be assigned to a job classification on the basis of its kind and level of its duties and responsibilities, to the end that all positions in the same class shall be sufficiently alike to permit use of a single descriptive class title, the same qualifications, requirements, the same tests of competence, and the same pay scale. A job class may contain one (1) position or more than one (1) position.

The city council shall by resolution, approve a classification plan in accordance with the provisions as set out in § 4-209. The personnel officer shall thereafter allocate each position to its appropriate class.

The class to which each position is initially allocated following adoption of the provisions of this chapter shall be the class in which the employee shall have status conferred on him by § 4-218. The initial class plan shall be revised from time to time as changing conditions require, upon recommendation of the personnel officer to the mayor, and with the approval of the city council by resolution, in accordance with the provision as set out in § 4-209. Such revisions may consist of the adoption of new classes or the abolishment, consolidation, division, or amendment of existing classes. Nothing herein shall be construed as affecting the power of the city council to abolish positions in the classified service. (1995 Code, § 4-312)

4-213. Compensation plan. The personnel officer, under the direction of the mayor shall develop a uniform and equitable pay plan consisting of minimum, intermediate, and maximum rates of pay for each class of positions. Salary ranges for each class shall be coordinated with the position classification plan and shall be based on the ranges of pay for other classes, requisite qualifications, general rates of pay for comparable work in other public and private employment in the area, cost of living data, maintenance or other benefits received by employees, the financial policy of the city, and other economic considerations. The pay plan and the rules for its administration shall then be submitted to the city council for adoption.

The city council shall:

- a) Adopt the plan of compensation;
- b) Adopt the same without modifying the plan except by uniform modification of all classes; or

- c) Reject the plan.

Adoption shall be by resolution. When a plan of compensation is rejected by the city council, it shall be returned to the mayor. The personnel officer shall thereupon formulate another plan of compensation in accordance with the first paragraph of this section. Upon approval of the plan by the city council, it shall be the plan of compensation under which all members of the classified service must be paid.

The pay plan may be amended from time to time as circumstances require in accordance with the provisions as set out in the first and second paragraphs of this section.

On the effective date of a new or revised pay plan, the pay of employees receiving less than the minimum rate for their class shall be increased to the minimum rate of the salary range. Employees receiving more than the maximum rate of their class shall continue to receive that higher rate. Employees whose salary rates fall at any step in the range for the position shall continue at that rate. Rates at other than an established step of the salary range shall be increased to the next higher step. (1995 Code, § 4-313)

4-214. Appointments. Appointments to positions in the classified service shall be made in accordance with this chapter and the personnel rules. Appointments and promotions shall be based on merit, efficiency, and fitness to be ascertained so far as practicable by competitive evaluation. Examination when used and conducted to aid in the selection techniques shall test fairly the qualifications of candidates in relation to class specifications. Such tests may include written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, or any combination of these or other tests as approved by the mayor. Physical and medical tests may be given as a part of any examination. The mayor may include, in addition to competitive tests, a qualifying test or tests; and set minimum standards therefore. The personnel rules and regulations shall include, but not be limited to, the following appointment procedures:

- 1) An orderly and systematic method of recruitment to insure that all those employed will be hired on the basis of merit, efficiency, and fitness without in any way being favored or discriminated against because of race, color, ancestry, sex, national origin, religious belief, or any personal or political opinions or affiliations, and to provide for the establishment of qualified lists for employment purposes;
- 2) In the absence of an appropriate certified employment list of qualified candidates, a provisional appointment may be made by the appointing authority, provided that employment lists shall be established for any such position within six (6) months. A provisional employee may serve only until the personnel official shall certify to the appointing authority a qualified candidate or candidates, and may be removed at any time without charges, right of appeal and hearing. No person shall be employed by the city under provisional appointment for a total of more than six (6) months, except during the period of suspension of an employee or pending final action on proceedings to review suspension, demotion, or dismissal of an employee (such vacancy created may be filled by the

appointing authority only by provisional appointment subject to the provisions of this chapter and the personnel rules); and

- 3) In the event of emergency, the appointing authority may appoint such persons as are required to meet the situation, but such appointment shall not exceed thirty (30) days in any twelve (12) month fiscal year. (1995 Code, § 4-314)

4-215. Public safety eligibility lists.

- a) An orderly and systematic method of recruitment to ensure that all those employed will be hired on the basis of merit, efficiency, and fitness without in any way being favored or discriminated against because of race, color, ancestry, sex, national origin, religious belief, or any personal or political opinions or affiliations, and to provide for the establishment of qualified lists for employment purposes;
- b) In the absence of an appropriate certified employment list of qualified candidates, a provisional appointment may be made by the appointing authority, provided that employment lists shall be established for any such position within six (6) months. A provisional employee may serve only until the personnel official shall certify to the appointing authority a qualified candidate or candidates, and may be removed at any time without charges, right of appeal and hearing. No person shall be employed by the city under provisional appointment for a total of more than six (6) months, except during the period of suspension of an employee or pending final action on proceedings to review suspension, demotion, or dismissal of an employee (such vacancy created may be filled by the appointing authority only by provisional appointment subject to the provisions of this chapter and the personnel rules); and
- c) In the event of emergency, the appointing authority may appoint such persons as are required to meet the situation, but such appointment shall not exceed thirty (30) days in any twelve (12) month fiscal year.

Eligibility lists, in the order of their priority, shall be re-employment lists, promotional eligibility lists, and original appointment eligibility lists:

- 1) Re-employment lists. Re-employment lists shall be created as follows: names of persons being placed upon re-employment lists shall be in order of total cumulative time served in probationary and regular status, and shall remain on such lists for a period of one (1) year unless a person no longer seeks employment with the city, or the personnel official determines that the person has ceased to have the qualifications for the class of positions.

The names of probationary and regular employees laid off in good standing for lack of funds or work shall, at the request of the employee, be placed upon re-employment lists for classes which, in the opinion of the personnel official, require basically the same qualifications, duties, and responsibilities as those of the class of positions from which lay-off was made.

The names of probationary and regular employees who have resigned in good standing may, upon the approval of the mayor be placed upon re-employment lists, in accordance with the provisions of this section, for classes which, in the opinion of the personnel official, require basically the same qualifications, duties, and responsibilities as those of the class of positions from which resignation was made.

- 2) Promotional and original appointment lists. Promotional eligibility lists and original appointment eligibility lists shall be created in accordance with the provisions of § 4-313 and this section, and as follows: names of applicants shall be placed upon the appropriate eligibility lists in the relative order of their final rating (with the exception of the re-employment lists as provided in subsection (2) above). Eligible applicants obtaining the same score shall be considered to have the same rank on the eligibility list, all other things being equal.
- 3) Administering lists. Policy and procedures for administering eligibility lists shall be provided in the personnel rules and shall cover the duration, cancellation, replacement, and consolidation of such lists and the removal or suspension of the names of eligibles therefrom. (Ord. #1075, Nov. 2000, § 4-315)

4-216. Certification

When an appointment is to be made to fill a vacant position in the classified service, the personnel officer, upon requisition, shall first certify to the appointing authority a list of the top three (3) qualified candidates on the appropriate re-employment list in the order that their names appear on such list (rule of three (3)). When more than one (1) vacancy is to be filled, the number of names submitted shall equal the number of vacancies plus two (2). The appointing authority shall then fill the position or positions from those available persons on the re-employment list in the order that their names appear on such list. If no appropriate re-employment list exists, the personnel official shall then certify to the appointing authority a list of the top three (3) qualified candidates ranked highest on the appropriate promotion list. The appointing authority shall then fill the position or positions from those candidates available in the highest qualified rating. In the event there is no appropriate promotion list of qualified candidates available, the personnel officer shall certify a list of the top three (3) qualified candidates ranked highest on the appropriate employment list. The appointing authority shall then fill the position or positions from those candidates available in the highest qualified rating. In the absence of an appropriate certified employment list of qualified candidates, a provisional appointment may be made by the appointing authority as provided elsewhere in this chapter, or the vacancy or vacancies may be filled in any other manner as provided in this chapter and the rules. No appointment, except a temporary or provisional appointment, shall be made without such certification or prior authorization. (1995 Code, § 4-316)

4-217. Veteran's preference. The personnel rules and regulations shall provide for the allowance of veteran's preference points in accordance with the city charter and state and federal law requirements. (1995 Code, § 4-317)

4-218. Probationary period. The personnel rules and regulations shall provide that all regular appointments, including promotional appointments, shall be for a probationary period of six

(6) months. During the probationary period, an employee may be rejected at any time without charges, right of appeal, and hearing. An employee rejected during the probationary period from a position to which he has been promoted shall be re-instated to a position in the class from which he was promoted unless he is discharged as provided in this chapter and the personnel rules. (1995 Code, § 4-318)

4-219. Status of present employees. Any person holding a position included in the classified service who, on the date that the provisions of this chapter become operational, shall have served continuously in such position or in some other position in the classified service for a period equal to the probationary period, shall assume regular status in the classified service in the position held on such effective date without qualifying tests, and shall thereafter be subject in all respects to the provisions of this chapter and the personnel rules and regulations. Other persons holding positions in the classified service shall be regarded as probationers who are serving out the remainder of their probationary periods before obtaining regular status, and may be certified in the same manner when they satisfactorily complete the regular work test period. The probationary period shall be computed from the date of appointment or employment. (1995 Code, § 4-319)

4-220. Promotions. Vacancies in positions above the entrance shall be filled by promotion whenever in the judgment of the mayor it is in the best interest of the city to do so. Promotions shall be on a competitive basis and shall give appropriate consideration to the applicants' qualifications and seniority. (1995 Code, § 4-320)

4-221. Disciplinary actions.

- 1) The appointing authority may immediately demote, dismiss, reduce the pay, suspend, reprimand, or otherwise discipline any employee for failure in performance of duties or failure in personal conduct. The appointing authority shall provide the employee with written notice of any disciplinary action as soon as is practicable, but in no event later than five (5) working days unless extenuating circumstances exist. Such notice shall include the effective date, reasons for the action, and appeal rights available to the employee.
- 2) Failure in performance of duties. An employee whose work is unsatisfactory over a period of time shall be notified by the supervisor or the appointing authority in what way the employee's work is deficient and what must be done if the work is to be satisfactory. An employee who is suspended, demoted, dismissed, reprimanded, receives a reduction in pay, or other disciplinary action for unsatisfactory performance of duties shall receive at least two (2) warnings one (1) verbal and one (1) written, from the supervisor, appointing authority, city administrator and mayor before such disciplinary action is taken. Each warning shall serve notice upon the employee that corrective action must be taken immediately in order to avoid further disciplinary action. The supervisor and the appointing authority must record the dates of their discussions with the employee, the performance of deficiencies discussed and the corrective actions recommended and must file the information in the employee's personnel folder. The recommended corrective action may include up to a supervisor's referral to the employee assistance program for assessment and recommendations for problem resolution.

- 3) Failure in personal conduct. An employee may be demoted, dismissed, incur a pay reduction, suspended, reprimanded, or otherwise disciplined for causes related to personal conduct detrimental to city service. The causes relating to failure in personal conduct are representative of those considered to be adequate grounds for immediate suspension, demotion or dismissal, pay reduction, reprimand, or other disciplinary action.
- 4) Immediate disciplinary suspension. An employee may be suspended without notice by the appointing authority for causes related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. An employee who is suspended for disciplinary reasons shall be relieved temporarily of all duties and responsibilities and shall receive no compensation for the period of suspension. The appointing authority shall notify the city administrator immediately. A written summary giving the circumstances and facts leading to the suspension shall be prepared; one (1) copy shall be delivered to the employee by certified mail, and one (1) copy shall be filed in the employee's personnel folder.
- 5) Non-disciplinary suspension. During the investigation, hearing or trial of an employee on any criminal charge or during the course of any civil action involving an employee, the appointing authority may suspend the employee without pay for the duration of the proceedings as a non-disciplinary action. However, the investigation, hearing, trial or civil action must involve matters that may form the basis for disciplinary suspension to be allowed. Full recovery of pay and benefits for the period of non-disciplinary suspension will be authorized by the city administrator, if the suspension is terminated with full reinstatement of the employee.
- 6) Dismissal. All dismissals shall be preceded by an automatic three day suspension without pay pending completion of an investigation by the appointing authority. If the appointing authority determines that a dismissal action is appropriate, such dismissal shall be effective at the end of the three (3) day suspension. If a dismissal is made at the end of this period, a written summary giving the circumstances and facts leading to the dismissal shall be prepared. A copy of the summary shall be delivered to the employee by certified mail and one (1) copy shall be filed in the employee's personnel folder.
- 7) Nothing in this section is intended or shall be construed to create an employment contract. All employees of the City of Dickson are employees at will subject to the appeal procedure specified in § 4-222. For good cause in the interest of the public, the procedures specified in this section may be suspended to allow for immediate disciplinary action so long as the appeal procedure specified in § 4-222 remains available. (1995 Code, § 4-321, modified)

4-222. Reductions in work force. Nothing herein shall be construed as affecting the power of the city council to abolish positions in the classified service. Employees transferred, demoted, or laid off because of the abolishment of positions shall have the right of appeal and hearing in such cases. Seniority shall be observed in affecting such reduction in personnel and the order of lay-off shall be in the reverse order of total cumulative time served in the classified service upon the effective date of the lay-off. Lay-off shall be made within classes of positions, and all

provisional employees in the affected class or classes shall be laid off prior to the lay-off of any probationary or regular employee. For the purpose of determining order of lay-off, total cumulative time shall include time served on military leave of absence. (1995 Code, § 4-322)

4-223. Appeals. This chapter and the rules and regulations adopted thereunder hereby grant to any employee of the City of Dickson the right to appeal any personnel related action taken on behalf of a supervisor or member of management including any action or interpretation of the rules and regulations applicable to rights and responsibilities of the employee and/or the city as outlined in the employee handbook and the municipal code governing personnel related issues and compliance.

Step 1: Any personnel related issue, concern or decision that an employee believes is unfair or unjust must first be brought to the attention of the immediate supervisor or department head within twenty (20) consecutive workdays of the event or action. The department head or supervisor will have ten (10) working days from the receipt of the complaint and the basis on which it is being lodged in which to respond. In the event the problem lies with the immediate supervisor or department head, the employee may begin at Step 2.

Step 2: If the personnel related issue, concern or decision has not been answered to the satisfaction of the employee, the employee must present the issue to the city administrator in writing within ten (10) working days of being informed of the unsatisfactory decision or act rendered by the immediate supervisor or department head. The city administrator will have up to ten (10) days from receipt of the written appeal to investigate the issue, conduct any interviews or hearings deemed appropriate, and render a decision of the findings in writing to the aggrieved employee. If the employee finds the decision of the city administrator unsatisfactory, the employee may begin the appeal process at Step 3.

Step 3: If the personnel related issue, concern or decision has not been answered to the satisfaction of the employee by following the procedures outlined in Step 1 and Step 2 of the appeal process, the employee may appeal the decision or act to the mayor by presenting a request for a review of the facts in writing within ten (10) working days of receipt of the city administrator's decision. The mayor will have ten (10) working days from the receipt of the written request to conduct any interviews deemed appropriate with the aggrieved employee or witnesses, review supporting documentation of the appeal, and review the rules and regulations governing personnel related actions as they apply to the city and its employees before rendering a decision. The decision rendered by the mayor will be reduced to writing and considered final and binding. (Ord. #1090, June 2001, § 4-323)

4-224. Political activity.

1) Definitions. As used in this part, unless the context otherwise requires:

- a) "Election" includes all elections, local, municipal, primary, general, state, federal and special and any election in the state or any county, municipality or other political subdivision thereof, but does not include referenda or issues submitted to a vote of the people, political convention or caucus,

- b) Public funds” and “public lands, offices, buildings, vehicles and facilities” include those owned and supported principally by public money.
- 2) Interference with election or nomination.
- a. It is unlawful for any public officer or employee to use such person’s official position, authority or influence to interfere with an election or nomination for office or directly or indirectly attempt to intimidate, coerce or command any other officer or employee to vote for or against any measure, party or person, or knowingly receive or pay assessments of any kind or character for political purposes or for election expenses from any other officer or employee.
 - b. It is the intent of this section to prohibit any political intimidation or coercion of any public officer or employee.
- 3) Soliciting contributions for political purposes.
- a) It is unlawful for any employee knowingly to solicit directly or indirectly any contribution of money, thing of value, facilities or services of any person who has received contracts, compensation, employment, loans, grants or benefits, or any person whose organization, agency or firm has received such financed by public funds, state, federal or local, for political purposes or campaign expense.
 - b) As used in this subsection, unless the context otherwise requires, contribution means any advance, conveyance, deposit, distribution, transfer of funds, loan, loan guaranty, payment, gift, pledge or subscription, of money or thing of value, including, but not limited to, use of a facility or provision of personal services, for use on behalf of any candidate for political office, or for any political purpose or campaign expense.
 - c) It is unlawful knowingly to solicit, accept, or collect, directly or indirectly, any contribution from a public officer or employee if the solicitor or the solicitor’s principal is, directly or indirectly, in a supervisory capacity over such employee or is otherwise able to control the retention, promotion, demotion, or terms or conditions of employment of such officer or employee.
 - d) The provisions of this subsection shall not be construed to prevent voluntary contributions from political action committees and associations of employees.
- 4) Promises of benefits for political activity. It is unlawful for any employee, directly or indirectly, to promise employment, position, work, compensation, contracts, loans, grants, appropriations or other benefits provided principally from public funds as a consideration, favor or reward for any political activity, support or opposition to any candidate, party or measure in any election.
- 5) Deprivation, attempts to deprive, or threats to deprive persons of benefits. It is unlawful for any employee, directly or indirectly, to deprive, attempt to deprive, or threaten to

deprive any person of employment, position, work, compensation, contracts, loans, grants, appropriations or benefits provided principally from public funds for any political activity, support or opposition to any candidate, party or measure in any election.

- 6) Use of city-owned property for campaign advertising or activities.
 - a) It is unlawful for any employee to display campaign literature, banners, placards, streamers, stickers, signs or other items of campaign or political advertising on behalf of any party, committee or agency or candidate for political office, on the premises of any building or land owned by the city, or to use any of the facilities of the city, including equipment and vehicles, for such purposes.
 - b) It is unlawful to use public buildings or facilities for meetings or preparation of campaign activity in support of any particular candidate, party or measure unless reasonably equal opportunity is provided for presentation of all sides or views, or reasonably equal access to the buildings or facilities is provided all sides.
- 7) Political activity interfering with city business.
 - a) It is unlawful for any person employed by the city to engage actively in a political campaign on behalf of any party, committee, organization, agency or political candidate, or to attend political meetings or rallies or to otherwise use such person's official position or employment to interfere with or affect the result of any regular or special primary election or to perform political duties or functions of any kind not directly a part of such person's employment, during those hours of the day when such person is required by law or administrative regulation to be conducting the business of the city.
 - b) Nothing in this section shall be construed to deprive any employee from voting for the party or candidate of such person's choice or to deprive such person of the right to express such person's personal opinion concerning any political subject, party or candidate.
 - c) Elected officials, employees on leave or during those hours not required by law or administrative regulation to be conducting the business of the city, persons duly qualified as candidates for public office are expressly excluded from the provisions of this section.
 - d) No rule or regulation which has been promulgated or shall be promulgated shall be more restrictive of the political activity of employees on leave or during those hours not required by law or administrative regulation to be conducting the business of the city than those restrictions already set forth in this section.
 - e) Law enforcement. No law enforcement officer shall engage in political activity, support or opposition to any candidate, party or measure in any election when on duty or acting in such officer's official capacity. When off duty and acting as a private citizen, no officer shall be prohibited from engaging in political activity or denied the right to refrain from engaging in such activity.
 - f) Candidates for public office. Every employee of the city shall enjoy the same rights of other citizens of the city to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities, provided the city is not required to pay

the employee's salary for work not performed for the city, however, an employee of the city shall not be qualified to run for a City of Dickson elected office.

- g) Absences. Any time off from work used by the employee for participation in political activities, shall be limited to earned days off, vacation days, or by any other arrangements worked out between the employee and the city. (1995 Code, § 4-324)

4-225. Interruption in service. No city officer or employee, classified or unclassified, shall participate in any activity that interrupts service to the City of Dickson, including but not limited to strikes and collective bargaining. (1995 Code, § 4-329)

4-226. Records. The personnel officer shall maintain, as a minimum, adequate records of the proceedings of the personnel board, of official ordinances and resolutions affecting personnel administration, of personnel rules and regulations, of the examination record of every applicant, and of the employment record of every employee. (1995 Code, § 4-330)

4-227. Right to contract for special services. The city council may contract with any competent agency for the performance by such agency of such technical services in connection with the establishment of the personnel system or with its operations as may be deemed necessary. Such contract may include the delegation to such an agency of the duties herein imposed upon the personnel official but shall not include the delegation of the powers and duties herein vested in the city council. Examples of such responsibilities and duties that may be contracted by the city council are as follows:

- 1) The preparation of personnel rules and regulations and subsequent revisions and amendments thereof;
- 2) The preparation of a position classification plan, and subsequent revisions and amendments thereof;
- 3) The preparation of a compensation plan, and subsequent revisions and amendments thereof;
- 4) The preparation, conduct, and grading of competitive examinations; and
- 5) Special and technical services of an advisory or informational character on matters relating to personnel administration. (1995 Code, § 4-331)

4-228. Discrimination. No person in the classified service or seeking admission thereto shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of political opinions or affiliations, or because of race, color, creed, national origin, sex, ancestry, age, or religious belief. (1995 Code, § 4-332)

4-229. Review of actions of personnel officer. It shall be the duty of the mayor to review and/or modify any action taken by the personnel officer while carrying out the intent of this chapter and/or while acting in the capacity of authorized representative. (1995 Code, § 4-333)

4-230. Jury duty/court duty. The employer will continue to pay normal compensation or wages while the employee performs these civic duties. (1995 Code, § 4-334)

4-231. Leaves of absence. Leaves of absence without pay for personal or medical reasons may be granted by the department superintendent/chief for up to thirty (30) days. An additional sixty (60) days may be granted by the mayor only. An extension of time for health reasons only may be requested and approved by the appropriate council committee and mayor. (1995 Code, § 4-335)

4-232. Nepotism. Relatives, to include sons, daughters, sisters, brothers, aunts, uncles, grandsons, granddaughters, step-children and in-laws, may work for the city as long as this relationship is brought to the attention of the appropriate council committee and mayor and approved. (1995 Code, § 4-336)

4-233. Workers' compensation. Employees with accumulated sick leave may elect to receive the workers' compensation check only or supplement workers' compensation with an equivalent amount of sick leave in order to maintain regular earnings.

If an employee elects to supplement workers' compensation, the number of sick leave hours deducted will be calculated by multiplying the hourly rate times the number of hours in the pay period less the actual amount of the workers' compensation check divided by the hourly rate. If the employee has no accumulated leave, they are not entitled to any supplement. (1995 Code, § 4-337)

4-234. Construction and application to other laws. Nothing in this section is intended or shall be construed to be inconsistent with applicable federal and state laws and constitutions. (1995 Code, § 4-338)

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 plan.

4-301. Title. This section shall be known as “The Occupational Safety and Health Program Plan” for the employees of the City of Dickson. (Ord. #1417, Jan. 2018)

4-302. Purpose. The City of Dickson, in electing to update the established program plan, will maintain an effective and comprehensive occupational safety and health program plan for its employees and shall:

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

- 1) Top management commitment and employee involvement;
- 2) Continually analyze the worksite to identify all hazards and potential hazards;
- 3) Develop and maintain methods for preventing or controlling the existing or potential hazards; and
- 4) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- 5) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- 6) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- 7) Consult with the Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.
- 8) Consult with the Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

- 9) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program plan, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.
- 10) Provide for education and teaming of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program plan. (Ord. #1417, Jan. 2018)

¹The Occupational Safety and Health Program Appendices I through V are included in this municipal code as Appendix A.

4-303. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the City of Dickson shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent (Ord. #1417, Jan. 2018)

4-304. Standards authorized. The Occupational Safety and Health standards adopted by the City of Dickson are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated, title 50, chapter 3). (Ord. #1417, Jan. 2018)

4-305. Variances from standards authorized. Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, the City of Dickson may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Variances from Occupational Safety and Health Standards, chapter 0800-01-02, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the City of Dickson will notify or serve notice to its employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees. (Ord. #1417, Jan. 2018)

4-306. Administration. For the purposes of this chapter, Cameron Smith is designated as the Safety Director of Occupational Safety and Health to perform duties and to exercise powers assigned to plan, develop, and administer this program plan. The Safety Director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Safety and Health Provisions for the Public Sector, chapter 0800-01-05, as authorized by Tennessee Code Annotated, title 50. (Ord. #1417, Jan. 2018, as amended by Ord. #1453, July 2019, as amended by Ord #1576, Dec 2025))

4-307. Funding the program plan. Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the City of Dickson. (Ord. #1417, Jan. 2018)

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.
- 4-417. Amendments.

4-401. Purpose. It is the responsibility of the City of Dickson 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 Dickson, 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). (1995 Code, § 4-501)

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; and
- 7) Any other employee deemed to be at high risk per this policy and an exposure determination. (1995 Code, § 4-502)

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

- 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 body fluids;
- 3) Maintain records of all employees and incidents subject to the provisions of this 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 body fluids 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. (1995 Code, § 4-503)

4-404. Definitions.

- 1) “Body fluids.” Fluids that have been recognized by the Centers 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 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. (1995 Code, § 4-504)

4-405. Policy statement. All blood and body fluids are potentially infectious for several blood-borne pathogens and some body fluids can transmit infections. For this reason, the Centers 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. (1995 Code, § 4-505)

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 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 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 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 body fluids to which universal precautions apply:
 - a. While handling an individual where exposure is possible;
 - b. While cleaning or handling contaminated items or equipment; or
 - c. While cleaning up an area that has been contaminated with one of the above.
- 6) 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.
- 7) 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 victim's blood and blood contaminated saliva, respiratory secretion, and vomitus, are available to all personnel to provide or potentially provide emergency treatment.
- 8) 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.
- 9) Gowns, aprons, or lab coats shall be worn during procedures that are likely to generate splashes of blood or other body fluids.
- 10) Areas and equipment contaminated with blood shall be cleaned as soon as possible. A household (chlorine) bleach solution (one (1) part chlorine to ten (10) parts water) shall be applied to the contaminated surface as a disinfectant leaving it on for a least thirty (30) seconds. A solution must be changed and re-mixed every twenty-four (24) hours to be effective.
- 11) Contaminated clothing (or other articles) shall be handled carefully and washed as soon as possible. Laundry and dish washing cycles at one hundred twenty degrees (120°) are adequate for decontamination.
- 12) 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 then taken to a hospital for disposal.

- 13) 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 feet (5') 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.

- 14) 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.

- 15) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (1995 Code, § 4-506)

4-407. Hepatitis B vaccinations. The City of Dickson 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. (1995 Code, § 4-507)

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 (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.
- 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. (1995 Code, § 4-508)

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 (1) dose of vaccine and one (1) dose of HBIG if the antibody level in the worker's blood sample is inadequate (i.e., ten (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. (1995 Code, § 4-509)

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 twelve (12) weeks after the exposure. Such an illness, particularly one (1) 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 six to twelve (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 six to twelve (6-12) 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. (1995 Code, § 5-510)

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

Workers' Compensations Bureau in accordance with the provisions of Tennessee Code Annotated, § 50-6-303. (1995 Code, § 5-511)

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. (1995 Code, § 4-512)

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 material as per this policy. (1995 Code, § 4-513)

4-414. Training new employees. During the new employee's orientation to his job, all new employee will be trained on the effects of infectious disease prior to putting them to work. (1995 Code, § 4-514)

4-415. 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 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 (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. (1995 Code, § 4-515)

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 circumstances not covered in this policy that might 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. (1995 Code, § 4-516)

4-417. Amendments. Amendments or revisions of these rules may be recommended for adoption by any elected official or by department heads. Such amendments or revisions of these rules shall be by ordinance and shall become effective after public hearing and approval by the governing body. (1995 Code, § 4-517)