

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

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CHAPTER 1

SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES

SECTION

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4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this city to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1995 Code, § 4-101)

4-102. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1995 Code, § 4-103)

4-103. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1995 Code, § 4-104)

4-104. Records and reports to be made. The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1995 Code, § 4-105)

4-105. Effective date of coverage. The coverage herein provided for shall be effective as of January 1, 1953, with respect to governmental personnel and effective as of October 1, 1952, with respect to personnel in the electric and gas distribution systems. (1995 Code, § 4-106)

CHAPTER 2

PERSONNEL SYSTEM

SECTION

4-201. General provisions.

4-202. Definitions.

4-203. Coverage.

4-204. Personnel rules.

4-201. General provisions. (1) This chapter shall be known as the "Personnel System Chapter."

(2) A personnel system for the City of Fayetteville, 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, free of personal and political considerations.

(3) It is hereby the declared personnel policy of the City of Fayetteville, Tennessee, that:

(a) Employment in the city government shall be based on merit, efficiency, and fitness, free of personal and political considerations;

(b) 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;

(c) Positions having similar duties and responsibilities shall be classified and compensated for on a uniform basis;

(d) Appointments, promotions, and other personnel actions requiring the application of the merit principle shall be based on systematic tests and evaluation;

(e) 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;

(f) Tenure and compensation of employees covered by this chapter shall be subject to good behavior, satisfactory performance of work, necessity for the performance of work, and authorization of available funds.

(4) No provision of this chapter shall be implemented, and no persons shall be employed, or salaries or wages changed, unless the necessary appropriations are provided in the annual budget on adoption or by amendment. (1995 Code, § 4-201)

4-202. Definitions. As used in this chapter, the following quoted words and terms shall have the meanings enumerated hereinafter:

(1) "Municipality" or "city" shall mean the City of Fayetteville.

- (2) "Chief executive" shall mean the Mayor of the City of Fayetteville.
- (3) "Governing body" shall mean the board of mayor and aldermen vested with power to enact ordinances and resolutions for the City of Fayetteville.
- (4) All those definitions as listed in rule II of the personnel rules and regulations. (1995 Code, § 4-202)

4-203. Coverage. All offices and positions of the city are divided into the classified service and the exempt service. The exempt service shall include the following:

- (1) All elected officials and persons appointed to fill vacancies in elective offices.
- (2) The chief administrative officer.
- (3) All members of appointive boards, commissions, or committees.
- (4) City judge.
- (5) City attorney.
- (6) Consultants, advisors, and counsel rendering temporary professional service.
- (7) Independent contractors.
- (8) Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood, or earthquake which threatens life or property.
- (9) Seasonal employees who are employed by the city for not more than three (3) months during the fiscal year.
- (10) Volunteer personnel, such as volunteer firemen and reserve police officers; and all other personnel appointed to serve with or without compensation.

The classified service shall include all other full-time positions in the city service which are not specially placed in the exempt service in this section. (1995 Code, § 4-203, modified)

4-204. Personnel rules. The city administrator shall be responsible for the preparation of such personnel rules and amendments thereto as may be necessary to carry out the provisions of this chapter, which rules and amendments may be adopted by resolution of the board of mayor and aldermen and shall be effective immediately upon such adoption. (1995 Code, § 4-204)

CHAPTER 3**MISCELLANEOUS PERSONNEL REGULATIONS****SECTION**

4-301. Business dealings.

4-301. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his duties, it shall be unlawful for any city officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the city. (1995 Code, § 4-301)

CHAPTER 4

RETIREES' HEALTH INSURANCE SUPPLEMENT FUND

SECTION

4-401. Health insurance for retired employees.

4-401. Health insurance for retired employees. (1) To obtain health insurance through the City of Fayetteville retirees' health insurance program, a retiree must be eligible for retirement under the TCRS and meet at least one (1) of the following sets of conditions:

(a) Be fifty-five (55) years of age with a minimum of twenty (20) years of employment with the city and participation in the health insurance program for at least twelve (12) consecutive months immediately prior to retirement.

(b) Be any age with a minimum of thirty (30) years of employment with the city and participation in the health insurance program for at least twelve (12) consecutive months immediately prior to retirement.

(c) Have a minimum of ten (10) years of continuous employment with the city, be covered through the TCRS as a disability retirement and participation in the city's health insurance program for at least twelve (12) consecutive months immediately prior to retirement.

(2) Premium supplement covers all eligible employees retiring after July 1, 1994, through the TCRS subject to the following:

(a) For those retirees who qualify by meeting the requirements of subsections (1)(c) above, the city will pay one hundred percent (100%) of the retiree's individual health coverage monthly premium for a period of twenty-four (24) months from the time of retirement. If, at the end of twenty-four (24) month period, the retiree has a pending appeal with the Social Security Administration, the city will pay one hundred percent (100%) of the retiree's individual health coverage monthly premium until the date of the completion of the appeal.

(b) For those retirees who qualify by meeting the requirements of only subsection (c) above, the city will pay one hundred percent (100%) of the retiree's individual health coverage monthly premium for a period of twenty-four (24) months from the time of retirement. If, at the end of the twenty-four (24) period, the retiree has a pending appeal with the Social Security Administration, the city will pay one hundred percent (100%) of the retiree's individual health coverage monthly premium until the date of the completion of the appeal.

(c) The policy of the city's contribution to the retirees' health insurance premium shall remain in effect until the end of the fiscal year

in which the policy is passed and shall only be continued thereafter through annual appropriations within the budget each year.

(d) If the city terminates the health insurance program for retirees after the current fiscal year, each participating retiree shall receive notice of such termination at least six (6) months prior to the date such termination will be effective.

(e) If the city otherwise alters the health insurance program for retirees after the current fiscal year, including but not limited to making an adjustment in the percentage of the premium the city will pay on behalf of each retiree, each participating retiree shall receive notice of such alteration at least one (1) month prior to the date such alteration will be effective.

(f) The retired employee's life insurance policy shall be continued with coverage of ten thousand dollars (\$10,000.00) in the event of the death of the retiree subject to the provisions set forth in (2)(c) above or until such time the retiree is no longer eligible through the insurance carrier.

(3) Retirees may decline the health insurance coverage provided by the city and receive a stipend for life insurance coverage in lieu thereof, subject to the following:

(a) Coverage will be provided for the same duration of time as provided in subsections (2)(a) and (2)(b) above.

(b) Payment will be provided directly to an insurance company chosen by the retiree.

(c) Payment shall not exceed one hundred dollars (\$100.00) per month.

(d) A retiree eligible for this coverage shall meet the same requirements as outlined above for health insurance eligibility.

(e) A retiree receiving health insurance at the time of passage of this section may choose this option in place of his or her current benefit.

(4) Family coverage shall be available only if the retiree maintained such coverage for at least twelve (12) consecutive months immediately prior to retirement. Family members may continue coverage upon the death of the retiree provided the premium is paid by the family members as stated herein and allowed by the insurance carrier through the Consolidated Omnibus Budget Reconciliation Act.

(5) Each participating retiree is responsible for the payment of one hundred percent (100%) of family premiums. Premiums are due on the first day of the month. Any participating retiree who fails to pay the premium shall be given written notice that coverage will be terminated within five (5) business days of the date of the written notice. Failure to make such payment within the five (5) business day period following written notice shall result in complete and permanent cancellation of the coverage.

(6) Should the city's health insurance carrier discontinue coverage for retirees, the city will make every reasonable effort to obtain other health insurance coverage; however, the city is under no obligation to provide health insurance coverage and may terminate the program at any time. (1995 Code, § 4-401, modified)

CHAPTER 5

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-501. Purpose.
- 4-502. Enforcement.
- 4-503. Travel policy.
- 4-504. Travel reimbursement rate schedules.
- 4-505. Administrative procedures.
- 4-506. Travel reconciliation.
- 4-507. Disciplinary action.

4-501. Purpose. The purpose of this chapter and referenced regulations is to bring the city into compliance with *Tennessee Code Annotated*, §§ 6-54-901 to 6-54-907. This law requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular city employees. It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (1995 Code, § 4-501)

4-502. Enforcement. The Chief Administrative Officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (1995 Code, § 4-502)

4-503. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions and seminars; and other

actual and necessary expenses related to official business as determined by the CAO.

(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the city for registration fees, air fares, meals, lodging, conferences and similar expenses.

Travel advance requests are not considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

(4) Travel advances are available only for special travel and only after completion and approval of the travel authorization form.

(5) The travel expense reimbursement form will be used to document all expense claims.

(6) To qualify for reimbursement, travel expenses must be:

(a) Directly related to the conduct of the city business for which travel was authorized; and

(b) Actual, reasonable and necessary under the circumstances.

The CAO may make exceptions for unusual circumstances. Expenses considered excessive will not be allowed.

(7) Claims of five dollars (\$5.00) or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone calls, public carrier travel, conference fee and other reimbursable costs or per diem rates will be reimbursed.

(8) Any person attempting to defraud the city or misuse city travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the city are not ordinarily considered eligible expenses for reimbursement. (1995 Code, § 4-503, modified)

4-504. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the federal travel regulation rates. The city's travel reimbursement rates will automatically change when the federal rates are adjusted. The municipality may pay directly to the provider for expenses such as meals, lodging and registration fees for conferences, conventions, seminars and other education programs. (1995 Code, § 4-504)

4-505. Administrative procedures. (1) Travel requests. To ensure reimbursement for official travel, an approved travel authorization form is required. Lack of pre-approval does not prohibit reimbursement, but it does assure reimbursement within the limits of the city travel policy. All costs associated with the travel should be reasonably estimated and shown on the travel authorization form. An approved authorization form is needed before advanced expenses are paid or travel advances are authorized. This form must

be submitted one (1) week prior to the travel time. A copy of the conference program should be attached to the form. If the program is not available prior to the travel, submit it with the reimbursement form.

(2) Travel documentation. (a) It is the responsibility of the authorized traveler to:

- (i) Prepare and accurately describe the travel;
- (ii) Certify the accuracy of the reimbursement request;
- (iii) Note on the reimbursement form all direct payments and travel advances made by the city; and
- (iv) File the reimbursement form with the necessary supporting documents and original receipts.

The reimbursement form must be filed with the city administrator within ten (10) days of return or at the end of the month, whichever comes first.

(3) Transportation. (a) All potential costs should be considered when selecting the modes of transportation. For example, airline travel may be cheaper than automobile when time away from work and increased meal and lodging costs are considered. When time is important, or when the trip is so long that other modes of transportation are not cost beneficial, air travel is encouraged.

If the traveler goes outside the state by means other than air, the reimbursement will be limited to air fare at tourist or economy class, ordinary expenses during the meeting dates, and one (1) day's meals and motel before and after the meeting. The traveler will be required to take annual leave or comp time for any additional time taken beyond the day before and the day after the meeting dates.

(b) Exceptions. When the traveler extends the trip with personal time to take advantage of discount fares, the reimbursement will be limited to the lesser of the:

- (i) Actual expenses incurred; or
- (ii) Amount that would have been incurred for the business portion only. The calculations for the business portion of the trip must be made using the least expensive rates available.

(c) Air travel. All expenses and savings associated with extending the trip must be submitted with the expense reimbursement form.

- (i) When possible, the traveler should make full use of discounts for advance airline reservations and advance registration. The traveler should request conference, government, or weekend rates, whichever is cheaper, when making lodging or rental car reservations. The city will pay for tourist or economy class air travel. The traveler should get the cheapest reasonable fare and take advantage of discount fares. Airline travel can be paid by direct billing to the city.

(ii) Mileage credits for frequent flyer programs accrue to the individual traveler. However, the city will not reimburse for additional expenses – such as circuitous routing, extended stays, layovers to schedule a particular carrier, upgrading from economy to first class – for travelers to accumulate additional mileage or for other personal reasons.

(iii) The city will not reimburse travel by private aircraft unless authorized in advance by the CAO.

(d) Rail or bus. The city will pay for actual cost of ticket.

(e) Vehicles. Automobile transportation may be used when a common carrier cannot be scheduled, when it is more economical, when a common carrier is not practical, or when expenses can be reduced by two (2) or more city employees traveling together.

(i) Personal vehicle. Employees should use city vehicles when possible. Use of a private vehicle must be approved in advance by the CAO. The city will pay a mileage rate not to exceed the rate allowed by the federal schedule. The miles for reimbursement shall be paid from work office to destination and back by the most direct route or from employee's home if this distance is shorter. Necessary vicinity travel related to official city business may be reimbursed. However, mileage in excess of the Rand McNally (www.randmcnally.com) mileage must be documented as necessary and business-related. If an indirect route is taken, the Rand-McNally mileage table will be used to determine the mileage to be reimbursed.

If a privately owned automobile is used by two (2) or more travelers on the same trip, only the traveler who owns or has custody of the automobile will be reimbursed for mileage. It is the responsibility of the traveler to provide adequate insurance to hold harmless the city for any liability from the use of the private vehicle.

In no event will mileage reimbursement, plus vicinity travel and associated automobile costs, exceed the lowest reasonable available air fare and associated air fare travel costs.

Travelers will not be reimbursed for automotive repair or breakdowns when using their personal vehicle.

(ii) City vehicle. The city may require the employee to drive a city vehicle. If a city vehicle is provided, the traveler is responsible for seeing that the vehicle is used properly and only for acceptable business. The employee will be reimbursed for expenses directly related to the actual and normal use of the city vehicle when proper documentation is provided. Fuelman is the city's preferred gas and diesel provider when out of town. Many service stations display the Fuelman sign. Check the internet for the

Fuelman stations before leaving on the trip. The station attendant can be checked before refueling. The amount used is discounted and saves city budgets. Out-of-town repair costs to the city vehicle in excess of one hundred dollars (\$100.00) must be cleared with the CAO before the repair is authorized.

(iii) Rental cars. Use of a rental car is not permitted unless it's less expensive or otherwise more practical than public transportation. Approval of car rental is generally required in advance by the CAO. Always request the government or weekend rate, whichever is cheaper. Anyone who uses a rental car for out-of-state travel must obtain liability coverage from the vendor.

(A) Fines for traffic or parking violations will not be reimbursed by the city.

(B) Reasonable tolls will be allowed when the most direct travel route requires them.

(f) Taxi, limousine and other transportation fares. When an individual travels by common carrier, reasonable fares will be allowed for necessary ground transportation. Bus or limousine service to and from airports should be used when available and practical. The city will reimburse mileage for travel to and from the local airport and parking fees, provided such costs do not exceed normal taxi/limousine fares to and from the airport. Receipts are required.

For travel between lodging quarters and meetings, conferences, or meals, reasonable taxi fares will be allowed. Remember, original receipts are required for claims of five dollars (\$5.00) or more or per diem rates will be paid.

Transportation to and from shopping, entertainment, or other personal trips is the choice of the traveler and not reimbursable.

Reimbursement claims for taxis, limousines, or other ground transportation must be listed separately on the expense form, claiming the destination and amount of each fare.

(4) Lodging. The amount allocated for lodging shall not ordinarily exceed the maximum per diem rates authorized by the federal rate schedule.

(a) If the city reimburses using the federal rates, the Government Services Administration provides guidelines for determining the maximum that can be reimbursed for lodging. These amounts are available on line at <http://www.gsa.gov>. The rates are the maximum reimbursable rates for hotel rooms plus appropriate taxes.

(b) Original lodging receipts must be submitted with the reimbursement form. Photocopies are not acceptable; however, fax copies will be accepted with approval of the CAO.

(c) If a traveler exceeds the maximum lodging per diem, excess costs are the responsibility of the traveler.

(d) If the best rate is secured, and it still exceeds the maximum lodging per diem, the CAO may authorize a higher reimbursement amount.

Even if it costs more, travelers may be allowed to stay at the officially designated hotel of the meeting; however, more moderately priced accommodations must be requested whenever possible. It will be the traveler's responsibility to provide documentation of the "officially designated meeting site" room rates, if these rates are higher than the normal reimbursable amounts.

(e) If two (2) or more city employees travel together and share a room, the lodging reimbursement rate will be the maximum of two (2) single rooms. If an employee shares a room with a non-employee, the actual cost will be allowed up to the maximum reimbursable amount. The receipt for the entire amount must be submitted with the expense form.

(5) Meals and incidentals. Receipts are not required for meals and incidentals under five dollars (\$5.00). The authorized traveler may be reimbursed the daily amount based on the rate schedule and the authorized length of stay. The per diem meal amounts are expected to cover meals, and incidental expenses.

Whether meals may be claimed depends on when the traveler leaves and returns to the official station. The traveler's official station is home or work, whichever produces the least cost to the city. When partial day travel is involved, the current per diem allowance is determined as follows:

Meal	If departure before	If return after
Breakfast	7:00 A.M.	8:00 A.M.
Lunch	11:00 A.M.	1:30 P.M.
Dinner	5:00 P.M.	6:30 P.M.

The hour and date of departure and return must be shown on the expense reimbursement form.

The excess cost of an official banquet may be allowed provided proper documentation or explanation is submitted with the expense reimbursement form. If a meal is included as part of a conference or seminar registration, or is included with the air fare, then the allowance for that meal should be subtracted from the total allowance for the day. For example, if a dinner is included as part of the conference fee, the maximum meal allowance for the day should be reduced by the allowed dinner amount.

(6) Miscellaneous expenses. (a) Registration fees for approved conferences, conventions, seminars, meetings and other educational programs will be allowed and will generally include the cost of official banquets, meals, lodging and registration fees. Registration fees should

be specified on the original travel request form and can include a request for pre-registration fee payment.

(b) A four dollar (\$4.00) allowance will be reimbursable for hotel/motel check-in and baggage handling expenses.

(c) Laundry and valet service are considered personal expenses and are not reimbursable.

(d) Tips for meals, cab fares, and other transportation, must be documented on the travel form. Receipts are not mandatory; however, where practical, tip receipts should be requested. Tips may not exceed normal and customary for the area. (Generally twenty percent (20%) or less is standard.)

(e) For travel outside the United States, all expenses claimed must be converted to U.S. dollars. The conversion rate and computation should be shown on each receipt.

(7) Entertainment. The city may pay for certain entertainment expenses provided that this:

(a) Entertainment is appropriate in the conduct of city business;

(b) Entertainment is approved by the CAO;

(c) Group or individuals involved are identified; and

(d) Documentation is attached to the expense form to support the entertainment expense claims.

To request reimbursement for authorized entertainment expenses, be sure to include with the expense reimbursement form:

(i) Required receipts. All requests must be supported by original receipts from the vendor (restaurant, caterer, ticket office, etc.). Reasonable tips and gratuities included on the receipt by the vendor are reimbursable.

(ii) A disclosure and explanation statement, explaining the purpose of the entertainment and identifying the group and the number of people entertained (or individual names listed if not a recognized group).

(iii) Excessive charges will be reviewed on a case-by-case bases.

If the CAO is the person filing the claim, then it must be approved by the mayor before the finance officer authorizes payment. (1995 Code, § 4-505)

4-506. Travel reconciliation. (1) Within ten (10) days of return from travel, or by the end of the month whichever is less, the traveler must complete and file the expense reimbursement form. It must be certified by the traveler that the amount due is true and accurate. Original lodging, travel, taxi, parking and other receipts must be attached.

If the city provided a travel advance or made advanced payment, the traveler should include that information on the expense form. In the case of

advances, the form should have a reconciliation summary, reflecting total claimed expenses with advances and city pre-payments indicated. The balance due the traveler or the refund due the city should be clearly shown below the total claim on the form or in a cover memo attached to the front of the form.

(2) If the traveler received a travel advance and spent less than the advance, the traveler should attach a check made payable to the city for that difference.

(3) The CAO will address special circumstances and issues not covered in this chapter on a case-by-case basis. (1995 Code, § 4-506)

4-507. Disciplinary action. Violation of the travel rules can result in disciplinary action for employees. Travel fraud can result in criminal prosecution. (1995 Code, § 4-507)

CHAPTER 6**LIFE INSURANCE PROGRAM****SECTION**

4-601. Qualifications; premium supplement.

4-601. Qualifications; premium supplement. Retirees desiring life insurance will be managed, controlled and expended in the following manner:

(1) All retirees to obtain life insurance through the City of Fayetteville Life Insurance Program must be eligible for retirement under the TCRS and meet at least one of the following conditions:

(a) Fifty-five (55) years of age and at least twenty (20) years of service with the city and covered under the life insurance program for at least one full year immediately prior to retirement.

(b) Sixty (60) years of age and at least ten (10) years of service with the city and covered under the life insurance program for at least three full years immediately prior to retirement.

(c) At least thirty (30) years of service with the city and be covered under the life insurance program for at least one full year immediately prior to retirement.

Should the city's life insurance carrier discontinue coverage for retirees, the city will make every reasonable effort to find coverage, however, the city is under no obligation to provide coverage to the retiree. Should the city be unable to provide coverage through an "A" rated insurance company the city may terminate the program.

(2) Premium supplement covers all eligible employees retiring after July 1, 1995, subject to the following:

(a) The city will pay the premium (through the Retirees Health Insurance Supplement Fund) not to exceed the premium for regular employees from the time of retirement until age sixty-five (65) or time of death.

(b) The policy of the city's contribution to the retiree's insurance premium shall remain in effect until such time as the initial contribution and accumulated interest thereon is exhausted at which time it will terminate unless additional funding is provided by future boards of mayor and aldermen of the city. The retiree will receive six (6) months' notice of cancellation of the city's contribution. (1995 Code, § 4-601)

CHAPTER 7

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-701. Title.
- 4-702. Purpose.
- 4-703. Coverage.
- 4-704. Standards authorized.
- 4-705. Variances from standards authorized.
- 4-706. Administration.
- 4-707. Funding the program.

4-701. Title. This section shall provide authority for establishing and administering the Occupational Safety and Health Program for the employees of the City of Fayetteville. (1995 Code, § 4-701)

4-702. Purpose. The City of Fayetteville Board of Mayor and Aldermen, in electing to establish and maintain an effective occupational safety and health program for its employees, shall:

- (1) Provide a safe and healthful place and condition of employment.
- (2) 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.
- (3) 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. (1995 Code, § 4-702)

4-703. Coverage. The provisions of the Occupational Safety and Health Program for the employees of the City of Fayetteville shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Fayetteville whether part-time or full-time, seasonal or permanent. (1995 Code, § 4-703)

4-704. Standards authorized. The occupational safety and health standards adopted by the City of Fayetteville 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). (1995 Code, § 4-704, modified)

4-705. Variations from standards authorized. The city administrator 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 50. Prior to requesting such temporary variance, the city administrator shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the city administrator shall be deemed sufficient notice to employees. (1995 Code, § 4-705, modified)

4-706. Administration. For the purposes of this chapter, the city administrator is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer the City of Fayetteville program. The director shall develop a plan of operation¹ 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. (1995 Code, § 4-706)

4-707. 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. (1995 Code, § 4-707)

¹The plan of operation is of record in the office of the administrator.