

**TITLE 4****MUNICIPAL PERSONNEL****CHAPTER**

1. SOCIAL SECURITY.
2. PERSONNEL REGULATIONS.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. WORKERS' COMPENSATION.

**CHAPTER 1****SOCIAL SECURITY****SECTION**

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports.
- 4-106. Exclusion of coverage due to another retirement system.
- 4-107. Exclusion of coverage due to lack of authorization.

**4-101. Policy and purpose as to coverage.** It is hereby declared to be the policy and purpose of this municipality to extend, at the earliest date, to employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old-age and survivors insurance as authorized by the Federal Social Security Act, being 41 U.S.C. §§ 401 *et seq.*, and amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1999 Code, § 4-101, modified)

**4-102. Necessary agreements to be executed.** The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1999 Code, § 4-102)

**4-103. Withholdings from salaries or wages.** Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations,

and shall be paid over to the state or federal agency designated by said laws or regulations. (1999 Code, § 4-103)

**4-104. Appropriations for employer's contributions.** There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1999 Code, § 4-104)

**4-105. Records and reports.** The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1999 Code, § 4-105)

**4-106. Exclusion of coverage due to another retirement system.** There is excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the city. (1999 Code, § 4-106)

**4-107. Exclusion of coverage due to lack of authorization.** There is excluded from this chapter any authority to make any agreement with respect to any position, or any employee or official, compensation for which is on a fee basis, or any position, or any employee or official not authorized to be covered by applicable state or federal laws or regulations.

There is hereby excluded from this chapter any authority to make any agreement with respect to employees rendering services of an emergency nature, employees and officials engaged in rendering services in part-time positions, and elective officials rendering services in legislative, executive, and judicial positions. Acting under § 4-102 of this chapter, the mayor is directed to make and enter into an amendment to said agreement so as to include under the benefits of federal old age, survivors, disability, health insurance employees rendering services in part-time positions effective January 1, 1983, i.e., to the barred period under the federal statute of limitations, to employees and officials rendering services in executive, legislative and judicial positions as of October 1, 1986, and to include under coverage in the federal system all employees and officials performing services in a position under the Tennessee Consolidated Retirement System, but who are ineligible to become a member of such system, effective September 1, 1986. The coverage of ineligible will continue in the event an ineligible later becomes eligible for membership in the retirement system. (1999 Code, § 4-107)

**CHAPTER 2****PERSONNEL REGULATIONS**<sup>1</sup>**SECTION**

4-201. Personnel rules and procedures.

**4-201. Personnel rules and procedures.**<sup>2</sup> The city manager shall have the responsibility for the establishment and administration of personnel rules and procedures. The city council shall adopt said personnel rules and procedures and subsequent amendments by resolution. The rules shall have the force and effect of law. (1999 Code, § 4-201)

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<sup>1</sup>Charter reference: art. VIII.

<sup>2</sup>A copy of the City of Maryville Personnel Rules and Procedures is available in the office of the city recorder.

## CHAPTER 3

### OCCUPATIONAL SAFETY AND HEALTH PROGRAM

#### SECTION

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

**4-301. Program created.** This chapter shall provide authority for establishing and administering the occupational safety and health program plan for the employees of the City of Maryville. (1999 Code, § 4-301)

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

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

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (1999 Code, § 4-302)

**4-303. Coverage.** The provisions of the occupational safety and health program plan for the employees of the City of Maryville shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Maryville whether part-time or full-time, seasonal or permanent. (1999 Code, § 4-303)

**4-304. Standards authorized.** The occupational safety and health standards adopted by the City of Maryville 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 § 6 of the Tennessee Occupational Safety and Health Act of 1972 (*Tennessee Code Annotated*, title 50, chapter 3). (1999 Code, § 4-304)

**4-305. Variances from standards authorized.** The City of Maryville may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, chapter 0800-1-2, as authorized by *Tennessee Code Annotated*, title 50. Prior to requesting such temporary variance, the City of Maryville 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 risk manager shall be deemed sufficient notice to employees. (1999 Code, § 4-305)

**4-306. Administration.** For the purposes of this chapter, the risk manager 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 risk manager shall develop a plan of operation for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972, being *Tennessee Code Annotated*, §§ 50-3-101, and Part IV of the Tennessee Occupational Safety and Health Plan. (1999 Code, § 4-306)

**4-307. Funding the program.** Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the annual budget of the City of Maryville. (1999 Code, § 4-307)

## CHAPTER 4

### WORKERS' COMPENSATION

#### SECTION

4-401. State law applicable.

4-402. Employees covered.

4-403. Budget and appropriation.

**4-401. State law applicable.** The city is authorized to accept, and does accept, the provisions of the Workers' Compensation Law of the State of Tennessee, pursuant to the provisions of *Tennessee Code Annotated*, §§ 50-6-101 to 50-6-410. (1999 Code, § 4-401)

**4-402. Employees covered.** The acceptance of the provisions of the Workers' Compensation Law of the State of Tennessee by the city shall apply to all full-time employees of the municipality. (1999 Code, § 4-402)

**4-403. Budget and appropriation.** When the municipal budget is prepared and appropriations are made to cover the costs of operating the municipal government for each subsequent fiscal year, there shall be included in the budget and appropriations the cost of continuing in force the workers' compensation coverage. (1999 Code, § 4-403)