

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

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CHAPTER 1**SOCIAL SECURITY****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 municipality to extend, at the earliest date, to the employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734 - 81st Congress. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state or federal laws or regulations. (1971 Code, § 1-1001)

4-102. Necessary agreements to be executed. The mayor is 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. (1971 Code, § 1-1002)

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. (1971 Code, § 1-1003)

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, which shall be paid over to the state or federal agency designated by said laws or regulations. (1971 Code, § 1-1004)

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. (1971 Code, § 1-1005)

4-106. 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 positions, 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:

- (1) of an emergency nature;
- (2) in part-time positions; and
- (3) elective officials in "legislative," "executive" and "judicial" positions,

as a classification of employees and officials, to conform with provisions of the Agreement of July 1, 1951. The Mayor is hereby directed to amend the social security agreement with the State to extend the benefits of the Federal System of Old Age, Survivors, Disability and Health Insurance to include the services of employees in part-time positions and extend coverage to "ineligibles," as a part of or as an addition to the absolute coverage group, in positions under the Tennessee Consolidated Retirement System or any other retirement system or plan, but the employee is ineligible for membership therein, to be effective January 1, 1983. It is agreed and understood that coverage of "ineligibles" will continue in the event an "ineligible" later becomes eligible for membership in the Retirement System or plan. (1971 Code, § 1-1006)

CHAPTER 2

VACATIONS

SECTION

- 4-201. Scope.
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- 4-206. Effect of military leave.
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- 4-209. Time of vacation leave.
- 4-210. Accumulation of vacation leave.
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4-201. Scope. This chapter shall apply to all full-time municipal officers and employees except employees of the department of education who are employed on a ten-month basis in each year. (1971 Code, § 1-1301)

4-202. Computation of vacation leave. Vacation leave shall be accrued monthly as determined by the following schedules:

<u>Employees hired before April 12, 1994</u>	<u>Maximum Accumulation</u>
1 year through 5 years	6.666hrs per month, 80hrs per year
6 years but less than 16 years	13.333hrs per month, 160hrs per year
16 years and over	16.666hrs per month, 200hrs per year

<u>Employees hired after April 12, 1994</u>	<u>Maximum Accumulation</u>
1 year through 5 years	6.666 years per month, 80hrs per year
6 years but less than 16 years	10hrs per month, 120hrs per year
16 years and over	13.333hrs per month, 160hrs per year

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<u>Employees hired before April 12, 1994</u>	<u>Maximum Accumulation</u>
1 year through 5 years	8.833hrs per month, 106hrs per year
6 years but less than 16 years	17.666hrs per month, 212hrs per year
16 years and over	22.08hrs per month, 265hrs per year

<u>Employees hired before April 12, 1994</u>	<u>Maximum Accumulation</u>
1 year through 5 years	8.833hrs per month, 106hrs per year
6 years but less than 16 years	13.25hrs per month, 159hrs per year

16 years and over 17.666hrs per month, 212hrs per year
(1971 Code, § 1-1302, as replaced by Ord. #02-030, Dec. 2002)

4-203. Vacation buy back. Employees with more than five years of consecutive service shall be given the opportunity to sell back accumulated vacation leave as follows:

<u>Weeks of Vacation</u>	<u>Buy Back weeks</u>
3	1 week
4	2 weeks
5	2 weeks

(Ord. #939, April 1994, as replaced by Ord. #02-030, Dec. 2002)

4-204. [Repealed.] (Ord. #939, April 1994, as repealed by Ord. #02-030, Dec. 2002)

4-205. [Repealed.] (1971 Code, § 1-1305, as repealed by Ord. #02-030, Dec. 2002)

4-206. Effect of military leave. Each eligible employee who is reinstated as an employee after his release from active service in the armed forces of the United States within the period established for reemployment after his discharge shall have credit for such service for vacation leave benefits as if such service had been an employee of the city.

The annual active duty, required for any employee who is a member of the reserves of the armed forces of the United States, shall not affect the amount of his vacation leave. (1971 Code, § 1-1306)

4-207. Effect of termination of employment. An employee will be paid for any allowed accrued leave on balance at the time of such employee's termination. (1971 Code, § 1-1307, as replaced by Ord. #02-030, Dec. 2002, as replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-208. Effect of sick leave. Absence from duty due to illness for which an employee continues to receive pay will not affect the employee's eligibility for vacation leave nor the amount of his vacation leave. (1971 Code, § 1-1308, as amended by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-209. Time of vacation leave. Vacation leave shall be taken at a time approved by the city manager or such other officer as he may designate. (1971 Code, § 1-1309)

4-210. Accumulation of vacation leave. Employees will be allowed to carry over one week of vacation leave in addition to the amount they can accrue annually. (1971 Code, § 1-1310, as replaced by Ord. #02-030, Dec. 2002)

4-211. Leave records. The city manager shall cause to be kept, for each officer and employee, a record currently up to date at all times showing credits earned and leaves taken under this chapter. (1971 Code, § 1-1312, as renumbered by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

CHAPTER 3

HOLIDAYS

SECTION

- 4-301. Definition.
- 4-302. Municipal holidays.
- 4-303. Offices closed.
- 4-304. Compensation on holidays.
- 4-305. Exceptions.

4-301. Definition. The term "employee" as used in this chapter shall mean any person employed by the city on a regular and not part-time basis, whether on salary or wages. (1971 Code, § 1-1401)

4-302. Municipal holidays. The following days of the year are hereby designated municipal holidays: New Year's Day, Martin Luther King, Jr. Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the Friday after Thanksgiving Day, Christmas Day, and one floating holiday each year to be scheduled by the city manager. (Ord. #941, April 1994, as replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-303. Offices closed. All municipal offices may be closed and municipal business of every character, at the option of the parties in interest, may be suspended on these days except as provided in § 4-305. Provided, however, that the heads of departments may, if an emergency exists, require the presence and work upon any holiday of employees under their supervision.

Whenever any municipal holiday designated in § 4-302 occurs upon a Saturday, the preceding Friday may be observed as a holiday. Whenever a municipal holiday occurs upon a Sunday, the following Monday may be observed as a holiday. (1971 Code, § 1-1403)

4-304. Compensation on holidays. Each employee of the city shall be paid full salary or wages for municipal holidays whether he works or not. An employee will receive extra compensation for services performed on municipal holidays when required to work, or will be entitled to equivalent time off from regular working hours with pay at the discretion of the department head. (1971 Code, § 1-1404, modified, as amended by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-305. Exceptions. This chapter shall not apply to employees of the police and fire departments, or salaried employees of other departments, who, due to the nature of their duties, are required to work on holidays. In lieu of each holiday to which such employee would otherwise be entitled, he may

receive extra compensation or he may receive equivalent time off with pay at the discretion of the department head. (1971 Code, § 1-1405)

CHAPTER 4

PERSONNEL SYSTEM

SECTION

4-401. General provisions.

4-402. Employment divisions.

4-403. Human resources director.

4-404. Rules, job classification plan, and compensation plan.

4-401. General provisions. (1) It is the declared personnel policy of the city that:

(a) Employment in the city government shall be based on merit 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 city government.

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

(d) Appointment, promotion and other actions requiring the application of the merit principle shall be based on systematic tests and evaluations.

(e) High morale shall be maintained 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 of employees covered by this chapter shall be subject to good behavior, the satisfactory performance of work, necessity in the performance of work, and the availability of funds.

(2) Section 4-403 shall apply to the classified service unless otherwise specifically provided. (1971 Code, § 1-901)

4-402. Employment divisions. All offices and positions of the city are divided into the classified service and the exempt service.

(1) The exempt service shall include the following:

(a) Board of commissioners.

(b) Members of boards and volunteers who are not regular city employees.

(c) The city manager.

(d) Organization and their employees and other persons engaged by the city on a contractual basis.

(e) Positions involving temporary, probationary, seasonal or part-time employment or which consists of unskilled work not considered a regular or normal city function.

(f) Department heads.

(2) The classified service shall include all other positions in the city service that are not specifically placed in the exempt service by this chapter.

(3) All persons employed by the city shall serve a probationary period of twelve (12) months beginning on the first date of employment. (1971 Code, § 1-902, modified, as amended by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-403. Human resources director. The personnel program established by this chapter shall be administered by the human resources director, who shall be appointed by the city manager. The city manager shall serve as human resources director until other provisions are provided. The human resources director shall:

(1) Administer all the provisions of this chapter and of the personnel rules.

(2) Prepare and recommend revisions and amendments to the personnel rules. (1971 Code, § 1-903, as amended by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-404. Rules, job classification plan, and compensation plan. The human resources director shall draft such rules and job classification plans as may be necessary to carry out the provisions of this chapter. The human resources director shall, in consultation with the director of finance, prepare a pay plan and rules for its administration. The compensation for each job classification plan shall be such as to reflect fairly the difference in duties and responsibilities and shall be related to compensation for comparable positions in other places of public and private employment. (1971 Code, § 1-906, as amended by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

CHAPTER 5

MISCELLANEOUS PERSONNEL REGULATIONS

SECTION

- 4-501. Business dealings.
- 4-502. Outside employment.
- 4-503. Political activity.
- 4-504. Use of municipal time, facilities, etc.
- 4-505. Use of position.
- 4-506. Strikes and unions.
- 4-507. Official travel.
- 4-508. Sick leave.
- 4-509. Pre-employment physical.
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- 4-511. Standby pay.
- 4-512. Call out pay.
- 4-513. Workers' compensation leave.
- 4-514. Leaves of absence without pay.
- 4-515. Longevity benefits.

4-501. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the municipality. (1971 Code, § 1-1501)

4-502. Outside employment. No full-time officer or employee of the municipality shall accept any outside employment without written authorization from the city manager. The city manager shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the municipality. (1971 Code, § 1-1503, as renumbered by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-503. Political activity. Municipal officers and employees shall enjoy the same rights of other citizens of Tennessee 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. Provided, however, municipal employees shall not be qualified to run for elected office in the city council. This restriction shall not apply to elective officials. (1971 Code, § 1-1504, modified, as renumbered by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-504. Use of municipal time, facilities, etc. No municipal officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the city manager has authorized the use of such time, facilities, equipment, or supplies, and the municipality is paid at such rates as are normally charged by private sources for comparable services. (1971 Code, § 1-1505, as renumbered by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-505. Use of position. No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the municipality, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1971 Code, § 1-1506, as renumbered by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-506. Strikes and unions. No municipal officer or employee shall participate in any strike against the municipality, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (1971 Code, § 1-1507, as renumbered by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-507. Official travel. The city will reimburse authorized travel expenses on official business.

(1) Public transportation reimbursed in full as authorized by the city manager.

(2) Private transportation mileage allowance as set by the city manager within Internal Revenue Service guidelines.

(3) Food and lodging as prescribed by the city manager. (1971 Code, § 1-1508, as renumbered by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-508. Sick leave. The use of sick leave shall be administered by the city manager who shall implement this ordinance by rules and regulations not inconsistent therewith.

Each permanent active full-time employee shall be credited with sick leave in accordance with regulations promulgated by the city manager in accordance with the following schedule: full-time employees shall accumulate sick leave at the rate of eight (8) hours per month. Fire employees on a twenty-four forty-eight (24-48) hour shift shall accumulate sick leave at the rate of eleven and two-tenths (11.2) hours per month. Employees must be in a paid status for at least fifty percent (50%) of a given calendar month in order to accumulate sick leave under this policy during that particular month.

Employees who retire or die while on active duty shall receive pay equal to their accumulated sick leave as of the date of the retirement or death not to

exceed a maximum of eighty (80) work days. The payment for employees who die shall be made to the employees' designated beneficiary on his or her life insurance policy with the City of Alcoa. (1971 Code, § 1-1509, as renumbered and amended by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-509. Pre-employment physical. The city manager shall initiate and maintain a pre-employment physical program. (1971 Code, § 1-1510, as renumbered by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-510. Overtime pay. The city shall pay overtime in accordance with the Fair Labor Standards Act of 1938, as codified at 29 U.S.C. § 201 et seq. (1971 Code, § 1-1511, as renumbered and replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-511. Standby pay. Compensation for standby shall be defined and administered by the city manager. (1971 Code, § 1-1512, modified, as renumbered and replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-512. Call out pay. An employee call out as defined and administered by the city manager shall be guaranteed at least two (2) hours of work. (1971 Code, § 1-1513, as renumbered by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-513. Workers' compensation leave. Workers' compensation leave is defined as absence from work as a result of an accident or injury arising out of and in the course of employment with the City of Alcoa which is compensable under the workers' compensation laws of the State of Tennessee. Workers' compensation leave shall be established and administered by the city manager independent of all other leaves.

During the first ninety (90) days of workers' compensation leave, the city will pay one hundred percent (100%) of the employee's regular compensation in lieu of the workers' compensation rate. During this ninety (90) day period, the total disability benefits received from the workers' compensation insurance carrier will be endorsed by the employee and receipted back into his/her payroll code. If an employee is absent more than ninety (90) days, that employee will receive the workers' compensation rate until the employee is released to return to work or receives long-term disability benefits. After six (6) months of disability, the employee shall be eligible to apply for long-term disability benefits under the city's long-term disability policy. (1971 Code, § 1-1514, modified, as renumbered and replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-514. Leaves of absence without pay. Leaves of absence without pay may be granted by the city manager up to one (1) year for educational and sickness or injury after all other compensable leaves have expired. A leave of

absence shall constitute a break in service. (1971 Code, § 1-1515, as renumbered by Ord. #18-458, Nov. 2018 ***Ch15_12-10-19***)

4-515. Longevity benefits. Employees will receive longevity benefits in accordance with current personnel policies as established by the city manager and provided further that funding for longevity benefits is included in the current budget. (Ord. #917, Sept. 1992, as renumbered and replaced by Ord. #18-458, Nov. 2018 ***Ch15_12-10-19***)

CHAPTER 6**SERVICE REWARDS****SECTION**

4-601. Term of service and schedule of rewards.

4-602. Budget appropriation for rewards.

4-601. Term of service and schedule of rewards. Any official or employee of the City of Alcoa who has served the city for a period of twenty-five (25) years shall be paid a reward at the end of said service in the amount of one thousand five hundred dollars (\$1,500.00).

Said officials and employees at the end of said service shall also be entitled to one additional week's vacation but only during the year in which his or her twenty-fifth (25) anniversary falls. (1971 Code, § 1-1201, as amended by Ord. #02-005, Feb. 2002, Ord. #07-123, April 2007, and Ord. #18-458 *Ch15_12-10-19*)

4-602. Budget appropriation for rewards. There shall be included in the annual budget for the city an appropriation sufficient to pay such rewards to those persons entitled thereto during the year for which the budget is made. (1971 Code, § 1-1203)

CHAPTER 7

EMPLOYEE'S RETIREMENT SYSTEM OF THE CITY OF ALCOA¹

¹Ordinance #02-016, adopted on June 26, 2002, provides as follows:

1. The Employees' Retirement System of the City of Alcoa was established by Ordinance #382 adopted on November 22, 1955.

2. The System has previously been amended from time to time by ordinances duly ordained.

3. The Board of Trustees of the Employees' Retirement System of the City of Alcoa has recommended by resolution adopted on July 5, 2002, that certain changes to the System be approved.

Therefore, the document entitled "Employee's Retirement System of the City of Alcoa, Amended and Restated July 1, 2001" is hereby adopted by reference and shall be codified as Title 4, Chapter 7, of the Code of the City of Alcoa, effective July 1, 2001.

Ord. #02-016 was replaced by Ord. #08-184 and is of record in the office of the recorder.

CHAPTER 8

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-801. Title.
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- 4-803. Coverage.
- 4-804. Standards authorized.
- 4-805. Variances from standards authorized.
- 4-806. Administration.
- 4-807. Funding the program.

4-801. Title. This chapter shall be known as the "Occupational Safety and Health Program Plan" for the employees of the City of Alcoa. (as added by Ord. #03-038, Aug. 2003, and replaced by Ord. #13-306, April 2013, and Ord. #20-504, Oct. 2020 *Ch16_06-14-22*)

4-802. Purpose. The City of Alcoa 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:

- (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 the 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) 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.
- (4) Consult with the Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.
- (5) 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.

(6) 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.

(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 plan. (as added by Ord. #03-038, Aug. 2003, and replaced by Ord. #13-306, April 2013, and Ord. #20-504, Oct. 2020 ***Ch16_06-14-22***)

4-803. Coverage. The provisions of the occupational safety and health program plan for the employees of the City of Alcoa shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (as added by Ord. #03-038, Aug. 2003, and replaced by Ord. #13-306, April 2013, and Ord. #20-504, Oct. 2020 ***Ch16_06-14-22***)

4-804. Standards authorized. The occupational safety and health standards adopted by the City of Alcoa 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 1972¹ (as added by Ord. #03-038, Aug. 2003, and replaced by Ord. #13-306, April 2013, and Ord. #20-504, Oct. 2020 ***Ch16_06-14-22***)

4-805. Variances from standards authorized. Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we 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, we will notify or serve notice to our 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. (as added by Ord. #03-038, Aug. 2003, and

¹State law reference

Tennessee Code Annotated, title 50, chapter 3.

replaced by Ord. #13-306, April 2013, and Ord. #20-504, Oct. 2020 *Ch16_06-14-22*)

4-806. Administration. For the purposes of this chapter, the health and safety manager as appointed by the city manager, 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. (as added by Ord. #03-038, Aug. 2003, and replaced by Ord. #13-306, April 2013, and Ord. #20-504, Oct. 2020 *Ch16_06-14-22*)

4-807. Funding the program. Sufficient funds for administering and staffing the program plan pursuant to this ordinance shall be made available as authorized by the City of Alcoa. (as added by Ord. #03-038, Aug. 2003, and replaced by Ord. #13-306, April 2013, and Ord. #20-504, Oct. 2020 *Ch16_06-14-22*)

CHAPTER 9

CODE OF ETHICS

SECTION

- 4-901. Applicability.
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- 4-903. Disclosure of personal interest by official with vote.
- 4-904. Disclosure of personal interest in nonvoting matters.
- 4-905. Acceptance of gratuities, etc.
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- 4-907. Use of municipal time, facilities, etc.
- 4-908. Use of position or authority.
- 4-909. Outside employment.
- 4-910. Ethics complaints.
- 4-911. Violations.

4-901. Applicability. This chapter is the code of ethics for personnel of the city. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board (except school board), commission, committee, authority, corporation, or other instrumentality appointed or created by the city. The words "municipal" and "city" include these separate entities. (as added by Ord. #07-131, June 2007, and replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-902. Definitions. (1) For purposes of §§ 4-903 and 4-904, "personal interest" means:

(a) Any financial, ownership, or employment interest in the particular entity or person that is the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or

(b) Any financial, ownership, or employment interest in the entity or person to be regulated or supervised; or

(c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

(2) The words "employment interest" include a situation in which an official, an employee or a designated family member is negotiating possible employment with a person or entity that is the subject of the vote or that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #07-131, June 2007, and replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-903. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure. (as added by Ord. #07-131, June 2007, and replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-904. Disclosure of personal interest in nonvoting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the particular person or entity being regulated or supervised that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose the interest on a form provided by and filed with the recorder before the exercise of the discretion when possible. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #07-131, June 2007, and replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-905. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the city:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That might reasonably be interpreted as an attempt to influence his discretion, or reward him for past exercise of discretion, in executing municipal business. (as added by Ord. #07-131, June 2007, and replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-906. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #07-131, June 2007, and replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-907. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the city. (as added by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-908. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the city.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the city. (as added by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-909. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the city's charter or any ordinance or policy. (as added by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-910. Ethics complaints. (1) The city attorney is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The city attorney may request that the governing body hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the city's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-911. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the city's charter or other applicable law and, in addition, is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)