



Definitions

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Table of Contents

Definitions	3
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Definitions

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1. "Employee" is "an official (whether elected or appointed), officer, employee or servant, or any member of any board, agency or commission (whether compensated or not) or any officer, employee or servant thereof ..."; and "regular members of voluntary and auxiliary firefighting, police, or emergency assistance programs". T.C.A. § 29-20-102.
2. "Government employee" is:
 - (1) "A regular member of a voluntary or auxiliary firefighting, police, or emergency assistance organization of a governmental entity ...;"
 - (2) "Persons who are employed in part-time, seasonal, or probationary positions ... if they receive the same benefits or are subject to the same job protection system and rules as other persons employed by that government in comparable part-time, seasonal, or probationary positions ...;"
 - (3) People upon whom has been conferred the status of employee under the Interlocal Cooperation Act (T.C.A. Title 12, Chapter 9) or as otherwise "duly authorized by law". T.C.A. § 29-20-107.
3. "Governmental entity" means any political subdivision of Tennessee, including, but not limited to, any municipality, metropolitan government, county, utility district, school district, nonprofit volunteer fire department receiving funds appropriated by a county legislative body or a legislative body of a municipality, human resource agency, community action agency or nonprofit corporation that administers the Head Start or Community Service Block Grant programs, public building authority, and development district created and existing pursuant to the constitution and laws of Tennessee, or any instrumentality of government created by any one (1) or more of the named local governmental entities or by an act of the general assembly. "Governmental entity" also means a nonprofit public benefit corporation or charitable entity, including any entity with tax exempt status under the Internal Revenue Code § 501(c)(3) (26 U.S.C. § 501(c)(3)), that is appointed by statute, ordinance, resolution, contract, or other governmental directive to develop, maintain, manage, and provide services and activities at government owned property that is a public park, including facilities located on park property. T.C.A. § 29-20-102.
4. "Injury" means death, injury to a person, damage to or loss of property, or any other injury to a person or estate that would be actionable if inflicted by a private person or his or her agent. T.C.A. § 29-20-102. Expressly not an employee under the Tennessee Governmental Tort Liability Act is "any person who is not an elected or appointed official or a member of a board, agency or commission ... unless the court specifically finds that all of the following elements exist:
 - The governmental entity itself selected and engaged the person in question to perform services;
 - The governmental entity is liable for, and the person receives from the entity's payroll department, all of his or her compensation;
 - The person receives the same benefits, including retirement and insurance program eligibility, from the governmental entity;
 - The person acts under the control and direction of the governmental entity as to both results and means and details by which the result is accomplished; and
 - The person is entitled to the same job protection and grievance rules that apply to other employees.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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