TITLE 4

MUNICIPAL PERSONNEL

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 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 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. 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:

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

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

<table>
<thead>
<tr>
<th>Fire Department Employees - 24/48</th>
<th>Maximum Accumulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 year through 5 years</td>
<td>8.833 hrs per month, 106hrs per year</td>
</tr>
<tr>
<td>6 years but less than 16 years</td>
<td>17.666 hrs per month, 212hrs per year</td>
</tr>
<tr>
<td>16 years and over</td>
<td>22.08hrs per month, 265hrs per year</td>
</tr>
</tbody>
</table>
Employees hired before April 12, 1994  | Maximum Accumulation
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:

<table>
<thead>
<tr>
<th>Weeks of Vacation</th>
<th>Buy Back weeks</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>1 week</td>
</tr>
<tr>
<td>4</td>
<td>2 weeks</td>
</tr>
<tr>
<td>5</td>
<td>2 weeks</td>
</tr>
</tbody>
</table>

(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 replaced 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 or lay-off.** An employee shall not lose his vacation leave by reason of the termination, lay-off or leave of absence. (1971 Code, § 1-1307, as replaced by Ord. #02-030, Dec. 2002)

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. Sick leave without pay may be taken as vacation leave. (1971 Code, § 1-1308)

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. **Payment in lieu of vacation leave.** The city manager or such other officer as he may designate may authorize the payment of wages in lieu of vacation leave. (1971 Code, § 1-1311)

4-212. **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)
CHAPTER 3

HOLIDAYS

SECTION

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: Christmas Day, New Year's Day, Good Friday, Memorial Day, the Fourth of July, Labor Day, Thanksgiving Day observed by the State of Tennessee, the Friday after Thanksgiving Day, Martin Luther King, Jr. Day, and one floating holiday each year to be scheduled by the city manager in conjunction with other holidays when appropriate. (Ord. #941, April 1994)

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.

In the event a holiday occurs within the annual vacation period of an employee, the employee shall be entitled to an additional day of vacation. (1971 Code, § 1-1404, modified)

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)
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 holding positions included in the classified service shall serve a probationary period of six months or twelve months for commissioned police personnel and uniformed fire department personnel before acquiring permanent status.

(4) The class in which each employee shall have status shall be determined in the manner provided in the rules as approved by the board of commissioners. (1971 Code, § 1-902, modified)

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

4-404. Rules, job classification plan, and compensation plan. The personnel director shall draft such rules and job classification plans as may be necessary to carry out the provisions of this chapter. He 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)
CHAPTER 5
MISCELLANEOUS PERSONNEL REGULATIONS

SECTION
4-501. Business dealings.
4-502. Acceptance of gratuities.
4-503. Outside employment.
4-504. Political activity.
4-505. Use of municipal time, facilities, etc.
4-506. Use of position.
4-507. Strikes and unions.
4-508. Official travel.
4-509. Sick leave.
4-510. Pre-employment physical.
4-511. Overtime pay.
4-512. Standby pay.
4-513. Call out pay.
4-514. Injury leave.
4-515. Leaves of absence without pay.
4-516. 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. Acceptance of gratuities. No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the municipality for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to city business. (1971 Code, § 1-1502)

4-503. 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)
4-504. **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)

4-505. **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)

4-506. **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)

4-507. **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)

4-508. **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)

4-509. **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 employee shall be credited with sick leave in accordance with regulations promulgated by the city manager for time actually worked or on regular vacation less sick leave taken in accordance with the
following schedule: Employees who work a five (5) day, forty (40) or forty-two (42) hour workweek shall accumulate sick leave at the rate of twelve (12) days for each year worked. Police employees working a four (4) day, forty (40) hour workweek shall accumulate sick leave at the rate of ninety-six (96) hours annually. Fire employees on a twenty-four forty-eight (24-48) hours shift shall accumulate sick leave at the rate of eleven and two-tenths (11.2) hours for each month worked.

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)

4-510. **Pre-employment physical.** The city manager shall initiate and maintain a pre-employment physical program. (1971 Code, § 1-1510)

4-511. **Overtime pay.** The city shall pay one and one (1 1/2) times the normal hourly wage rate of an employee who works beyond his normal workweek as may be prescribed and administered by the city manager. (1971 Code, § 1-1511)

4-512. **Standby pay.** Compensation for standby as defined and administered by the city manager will be on the rate of three (3) hours straight time for each day of standby. It shall be paid exclusively of any other premium pay. (1971 Code, § 1-1512, modified)

4-513. **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)

4-514. **Injury leave.** Injury leave is defined as the time an employee is totally disabled from performing his regular duties as an employee as a result of an accident arising out of and in the course of his employment with the City of Alcoa which is compensable under the workmen's compensation laws of the State of Tennessee. Injury leave shall be established and administered by the city manager independent of all other leaves.

A loss of time injury incurred by an employee as a direct result of employment with the city shall not be charged to the employee's sick leave account during the worker's compensation exclusion period of seven (7) calendar days. Until worker's compensation payments commence, the employee shall be carried on the payroll at the expense of the city. The city will pay full pay in lieu of the workers compensation rate until the employee is released to return to work to his/her previous position or to a light duty position until released to return to his/her previous position with no restrictions. 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. After six (6) months of disability, employee will apply for Long Term Disability under the city's long term disability policy. (1971 Code, § 1-1514, modified)

4-515. **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)

4-516. **Longevity benefits.** (1) For employees hired prior to October 1, 1992, there shall be compensatory benefits at the rate of two and one-half (2 1/2) percent per annum of annual base pay beginning at the completion of the employee's fifth full year of employment; likewise five (5) percent per annum of annual base pay beginning at the completion of the employee's tenth full year of employment, seven and one-half (7 1/2) percent per annum of annual base pay beginning at the completion of the employee's fifteenth year of employment and thereafter. Said benefits are to be paid annually on the first pay period of January of each year after the completion of said service.

Employees hired on or after October 1, 1992, shall receive longevity benefits at a rate of two hundred fifty dollars ($250.00) per annum after five (5) years of completed service, five hundred dollars ($500.00) per annum after ten (10) years of completed service, and seven hundred fifty dollars ($750.00) per annum after fifteen (15) years of completed service and thereafter. Said benefits are to be paid on the first pay period of January of each year after the completion of said service.

(2) Upon retirement, an employee shall be paid a longevity amount earned to date of retirement. (Ord. #917, Sept. 1992)
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 dollars ($1,000.00).

The city manager shall cause to be designed a suitable and appropriate ring with such insignia thereon as he deemed proper, which shall also be presented to each recipient of the reward. In lieu of the service ring, award recipients may elect to receive a four hundred dollar ($400.00) gift card payable to select retailers as determined by the city manager.

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 twenty-fifth (25) anniversary falls. (1971 Code, § 1-1201, as amended by Ord. #02-005, Feb. 2002, and Ord. #07-123, April 2007)

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 ALCOA

Ordinance #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.
4-802. Purpose.
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)

4-802. Purpose. The City of Alcoa in electing to update the established occupational safety and health program plan will maintain an effective and comprehensive occupational safety and health program plan ("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) Continuous analyzing of the worksite to identify all hazards and potential hazards;
   (c) Developing and maintaining methods for preventing or controlling existing or potential hazards; and
   (d) Training of 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)

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)

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 2 of the Tennessee Occupational Safety and Health Act of 1972.¹ (as added by Ord. #03-038, Aug. 2003, and replaced by Ord. #13-306, April 2013)

4-805. **Variances from standards authorized.** Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, the City of Alcoa 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, § 50-3-601, et seq. Prior to requesting such temporary variance, the City of Alcoa will 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 shall be deemed sufficient notice to employees. (as added by Ord. #03-038, Aug. 2003, and replaced by Ord. #13-306, April 2013)

¹State law reference

Tennessee Code Annotated, title 50, chapter 3.
**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 the occupational safety and health program plan 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)

**4-807. Funding the program.** Sufficient funds for administering and staffing the program plan pursuant to this chapter 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)
CHAPTER 9

CODE OF ETHICS

SECTION
4-901. Applicability.
4-902. Definitions.
4-903. Disclosure of personal interest.
4-904. Prohibition of acceptance of gifts and gratuities.
4-905. Use of information.
4-906. Violation and penalty.

4-901. Applicability. This is the code of ethics for officials and employees of the city as herein after defined. As provided in chapter 1, section 49(d), Tennessee Public Acts of 2006, this code of ethics shall apply to the Alcoa Municipal Board of Education and its employees. (as added by Ord. #07-131, June 2007)

4-902. Definitions. As used in this chapter:
(1) "City" means the City of Alcoa, Tennessee.
(2) "City commission" means the board of commissioners of the city.
(3) "City official or employee" means all full-time and part-time elected or appointed officials and employees of the city, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city including, but not being limited to the Alcoa City Commission, Alcoa Regional Planning Commission; Alcoa Board of Zoning Appeals (Alcoa Board of Building Code Appeals); Alcoa Housing Authority; Alcoa Industrial Development Board; and, the Alcoa Municipal Board of Education and its employees.
(4) "Municipal board" means any board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city, including without limitation the Alcoa Municipal Board of Education.
(5) "Personal interest" means:
   (a) Any financial, ownership, or employment interest which is the subject of a vote by the city commission or a municipal board not otherwise regulated by state conflict of interest laws;
   (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised by city commission or a municipal board; or
   (c) Any such financial, ownership, or employment interest of a city official's or employee's spouse, parent(s), step-parent(s), grandparent(s), sibling(s), child(ren), or step-child(ren).
(6) The term "employment interest" includes, but is not limited to, a situation in which a city official or employee or family member of a city official
or employee (as specified in § 4-902(4)(c), above) is negotiating possible employment with a person or entity that is subject to a vote of, or is subject to being regulated or supervised by such city official or employee or the city commission or municipal board on which such city official or employee sits. (as added by Ord. #07-131, June 2007)

4-903. Disclosure of personal interest. (1) Any individual serving on the city commission or other municipal board with the responsibility to vote on a matter 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 would lead a reasonable person to infer that it affects the official's vote on the matter. In addition, the official may recuse himself or herself from voting on the matter.

(2) A city official or employee who exercises discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the city official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself or herself from the exercise of discretion in the matter. (as added by Ord. #07-131, June 2007)

4-904. Prohibition of acceptance of gifts and gratuities. A city 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 or she would be expected to perform or refrain from performing in the regular course of his or her duties; or

(2) That might reasonably be interpreted as an attempt to influence his or her action or reward him or her for past action in executing the city's business. (as added by Ord. #07-131, June 2007)

4-905. Use of information. (1) Except as authorized by law, a city official or employee may not disclose any information obtained in his or her official capacity or position that is made confidential under state or federal law.

(2) A city official or employee may not use or disclose information obtained in his or her official capacity or position of employment with the intent that such use or disclosure result in financial gain for himself or herself or any other person or entity. (as added by Ord. #07-131, June 2007)

4-906. Violation and penalty. Violation of this chapter is punishable under the city's general penalty clause or other applicable laws. (as added by Ord. #07-131, June 2007)