

TITLE 4

MUNICIPAL PERSONNEL

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CHAPTER 1

SOCIAL SECURITY

SECTION

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4-101. Declaration of policy. It is hereby declared to be the policy and purpose of the city to extend, as of the dates set forth in this chapter, 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, by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. In pursuance of such policy and for that purpose, the city shall take such action as may be required by applicable state or federal laws or regulations. (1979 Code, § 1-1401)

4-102. Execution of agreements. The mayor is hereby authorized and directed to execute all necessary agreements and amendments thereto with the director of old age and survivor's insurance agency of the state, to secure coverage of employees and officials, as provided in the preceding section. (1979 Code, § 1-1402)

4-103. Withholdings from salaries of employees and officials. Withholdings from salaries or wages of employees and officials of the city for the purposes provided in 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 such laws or regulations. (1979 Code, § 1-1403)

4-104. Contributions by city. 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 employers' contributions, which shall be paid over to the state or federal agency designated by such laws or regulations. (1979 Code, § 1-1404)

4-105 Records to be kept and reports made. The city shall keep such records and make such reports as may be required by applicable state or federal laws or regulations. (1979 Code, § 1-1405)

4-106. Exclusions. There is hereby 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 another provision of this code or other ordinance creating any retirement system for any employee or official of the city. There is also hereby excluded from this chapter any authority to make any agreement with respect to any position, employee, or official not authorized to be covered under applicable state or federal laws or regulations, the mayor being specifically authorized to make and enter into an agreement with the state for the extension of the benefits of the system of federal old age and survivors insurance to include all other employees and officials of the city, effective April 1, 1952; except, that such agreement shall extend such benefits to include services of emergency employees, employees rendering services in fee based positions, and elective officials engaged in rendering legislative services as of January 1, 1961. (1979 Code, § 1-1406)

CHAPTER 2

PERSONNEL ORDINANCE

SECTION

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4-201. General provisions. (1) This chapter shall be known as the personnel ordinance and it is hereby the declared personnel policy of the city that:

(a) Employment in the city government shall be based on merit, fitness and equal opportunity, 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 city government.

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

(d) Appointments, promotions and other actions requiring the application of the merit principle shall be based on systematic test and evaluations. Testing may take the form of a rating assigned to training and experience.

(e) High morale shall be maintained by fair administration of this chapter and by every consideration of the rights and interests of the public and the city.

(f) Tenure of employees covered by this chapter shall be subject to:

- (i) the satisfactory performance of work;
- (ii) the necessity for the performance of work; and
- (iii) the availability of funds. (Ord. #2534, June 1988)

4-202. Scope. (1) All offices and positions of the city are divided into the city service and the exempt service.

(2) The exempt service shall include the following:

(a) All elected officials and members of boards and commissions.

(b) Volunteer personnel and personnel appointed to serve without pay.

(c) Consultants and counsel rendering temporary professional service.

(d) Such positions involving seasonal or temporary part-time employment, or which as may be specifically placed in the exempt service by the personnel rules.

(e) Police and fire personnel (covered by ordinance No. 1946 and the Civil Service Act).

(3) The city service shall include all other positions in the city organization that are not specifically placed in the exempt service or specifically mentioned by this chapter.

(4) When this chapter becomes effective, all persons then holding positions included in the city service:

(a) Shall have permanent status if they have held their present positions for at least six months immediately preceding the effective date of this chapter; unless the probationary period has been extended in writing by the department head and approved by the city administrator or his designated assistant; or

(b) Shall serve a probationary period of six months before acquiring permanent status if they have held their positions for less than six months immediately preceding the effective date of this chapter.

(5) The class in which each employee shall have status shall be determined in the manner provided in § 4-205.

(6) The following articles of this chapter apply only to the city service unless otherwise specifically provided. (Ord. #2534, June 1988)

4-203. Administration. (1) The personnel program established by this chapter shall be administered by a person designated by the city administrator as personnel director who shall:

(a) Administer all the provisions of this chapter and of the personnel rules; and

(b) Prepare and recommend revisions and amendments to the personnel rules and regulations as necessary.

(2) The council, upon recommendation of the personnel director and the city administrator, may contract with any qualified person or agency for the performance of such technical services as may be desired in the establishment and operation of the personnel program. (Ord. #2534, June 1988)

4-204. Rules. The personnel director shall draft, in consultation with the city administrator, such rules and regulations as may be necessary to carry out the provisions of this chapter. (Ord. #2534, June 1988)

4-205. Classification. (1) The personnel director shall make an analysis of the duties and responsibilities of all positions in the city service and shall recommend to the council a job classification plan. Each position in the city service shall be assigned a job class on the basis of the kind and level of its duties and responsibilities, to the end that all positions in the same class shall be sufficiently alike to permit use of a single descriptive title, the same qualifications requirements, the same test of competence, and the same pay scale. A job class may contain one or more positions. This pay scale may be amended by resolution to reflect a change in the cost of living if uniformly applied to all levels and steps.

(2) The classification plan shall be revised from time to time as changing conditions require, upon recommendation of the personnel director, city administrator and with the approval of the council. Such revisions may consist of the addition, abolishment, consolidation, division or amendment of existing classes. This procedure shall be outlined in the employee handbook. Classes assigned to skill levels shall be as included in the classification-compensation manual and amendments thereto. (Ord. #2534, June 1988)

4-206. Compensation. (1) The person designated as personnel director under the direction of the city administrator shall prepare a pay plan and rules for its administration. The rate or range for each class shall be, such as to reflect fairly, the differences in duties and responsibilities and shall be related to compensation for comparable positions in other places of employment in the Morristown-Hamblen County Market area. There will be two classes of pay, weekly and bi-weekly.

(a) The city administrator shall not be a part of the pay schedule but said compensation shall be determined annually at the discretion of city council.

(2) The personnel director shall submit the pay plan and revisions to the council each year for adoption. The council may adopt the plan with or without amendment. All amendments shall apply uniformly to all positions within the same class.

(3) After the plan has been adopted by the council, the personnel director shall assign each job class to one of the pay ranges provided in the pay plan.

(4) The pay plan may be amended from time to time as circumstances require, either through adjustment of rates or by reassignment of job classes to different pay ranges provided in the pay plan.

(5) Salary schedule -- each step represents a 2 1/2% increase rounded to the nearest cent.

(6) Generally, a new employee shall be paid the minimum rate of pay for a given job class. Exceptions may be granted in the following cases, upon the written approval of the city administrator.

(a) The minimum rate for each class is based upon the assumption that a new employee meets the minimum qualifications stated in the class specification.

(b) If a new employee exceeds the minimum qualifications, the employee may be appointed at the second step or in unusual cases at a higher step. This practice should be utilized sparingly. Each case should be thoroughly analyzed and measured against objective standards.

(7) The anniversary date of an employee shall be the date that the employee completes six months in a probationary status. In the case of a promotion or demotion that changes the classification of an employee, the promotion or demotion will constitute a new anniversary date for review purposes.

(8) The progression of each member is based upon satisfactorily completing the probationary period which is six (6) months for all employees. Employees will be reviewed at the end of the probation period to determine whether they shall be retained in employment or the probation period extended. A probationary employee may be terminated at any time during the probation period.

(9) A merit increase may be given prior to the anniversary date of an employee but should be restricted to outstanding service, justified, and must be approved by the city administrator. Attendance, job knowledge, and additional education should be considered in making recommendations for a merit increase with emphasis placed on evaluation of services rendered. (Ord. #2534, June 1988)

4-207. Appointments, promotions and veterans preference. (1) Original appointments to vacancies occurring after this chapter becomes effective shall be based only on merit.

(2) Any examinations shall be in such form as will fairly test the abilities and aptitudes of candidates for the duties to be performed, and shall not include any inquiry into the political or religious affiliations or race of any candidate.

(3) Candidates who qualify for employment shall be placed on an eligible list for the appropriate job class in rank order.

(4) Preference in entrance examinations, but not in promotion, shall be granted to qualified persons who have been members of the armed forces of the United States, honorably discharged from military service. Such preference shall be in the form of points added to the final grades of such persons, provided that they first achieve a passing grade. The preference shall be five points for non-disabled veterans, and ten (10) points for persons currently receiving compensation from the U. S. Veterans' Administration for service-incurred disabilities. The rank order of such persons among other eligibles shall be determined on the basis of their augmented rating.

(5) Vacancies in positions above the entrance level shall be filled by promotion whenever in the judgement of the city administrator it is in the best interest of the city to do so.

(6) Pending the availability of an eligible list determined by the personnel director to be appropriate for a class, vacancies may be filled by temporary appointment. Such appointments shall have a maximum duration of six months and may not continue beyond one pay period after the establishment of an appropriate eligible list.

(7) It shall be a violation of this chapter for any elected official to use employment with the city as a means of reward for political patronage. All employment shall be based on the general provisions set forth in § 4-201(a)(1) of this chapter and all applicable Federal and State of Tennessee law. (Ord. #2534, June 1988)

4-208. Municipal holidays. (1) A list holidays and regulations pertaining thereto is included in the employee handbook.

(2) In order to be eligible for holiday pay, employees should be present on the last assigned day of work before the holiday and the first assigned day after the holiday. The city may require written proof of sickness or excuse from work to the department head. (Ord. #2534, June 1988)

4-209. Probation. (1) Employees appointed from original appointment eligible lists or from promotional eligible lists shall be subject to a period of probation. The regular period of probation shall be six (6) months for all.

(2) The work and conduct of probationary employees shall be subject to close scrutiny and evaluation, and if found to be below standards satisfactory to the department head, may be removed or demoted at any time during the probationary period. Such removals or demotion shall not be subject to review or appeal and shall not reflect in the reference checks or eligible lists. Employees terminated during probation shall have no recourse.

(3) An employee shall be retained beyond the end of the probationary period and granted permanent status only if the department head affirms that the services of the employee have been found to be satisfactory and recommends that the employee be given permanent status. (Ord. #2534, June 1988)

4-210. Absences, hours and work. (1) Vacation or annual leave is earned in accordance with provisions established in the employee handbook. No annual leave is considered earned until at least six months of service is completed.

(2) Sick leave is earned in accordance with provisions established in the employee handbook.

(3) Leaves for military service shall be granted in accordance with all applicable state and federal laws.

(4) Leave for absence without pay may be granted by the city council upon recommendation of the department head and city administrator. A leave

of absence may not exceed one year. An employee shall retain all seniority rights and privileges earned prior to a leave of absence, but shall not receive credit for service during the period of absence.

(5) Overtime pay/compensatory time: The city shall pay one and one-half (1-1/2) times the normal hourly wage rate of an employee who works beyond his normal work week as required by the United States Department of Labor, Fair Labor Standards Act (FLSA). The city obligates itself to follow all rules and regulations of the FLSA as it pertains to non-exempt personnel. Monetary compensation for exempt personnel will not be granted, but exempt personnel shall be allowed to accrue compensatory time in a one-for-one basis, provided all compensatory time is used within one year from its date of accrual. Compensatory time may be used as terminal leave for all personnel.

(6) Standby pay: Compensation for standby, as defined and administered by the city administrator, will be on the rate of two (2) hours time for each day of standby. It shall be paid exclusively of any other premium pay.

(7) Call-out pay: An employee called out as defined and administered by the city administrator shall be guaranteed at least two (2) hours of work.

(8) Jury pay: An employee required to serve on a jury shall be paid the difference between jury pay and his regular wages.

(9) Bereavement pay: The city administrator may pay up to three days for lost time due to a death in the immediate family. This use of sick leave shall not affect credit towards perfect attendance pay. (Ord. #2534, June 1988)

4-211. Separations and discipline. (1) The tenure of every employee shall be conditioned on the satisfactory performance of duties. Any employee may be temporarily separated by layoff or suspended; or permanently separated by resignation or dismissal.

(2) Whenever there is a lack of work or lack of funds requiring reductions in the number of employees in a department or division of the city government, the required reduction shall be made in such job class or classes as the department head may designate with the approval of the city administrator provided that employees shall be laid off in the inverse order of their relative length and quality of service, as determined by rules governing the evaluation of service. Within each affected job class, all temporary employees shall be laid off before probationary employees, and all probationary employees shall be laid off before any permanent employees. Lay-offs may transcend departmental organizations.

(3) When in the judgement of a department head an employee's work performance or conduct justifies disciplinary action short of dismissal, the employee may be suspended without pay for a period to be determined by the department head in consultation with the city administrator.

(4) A permanent employee may be dismissed or demoted whenever in the judgement of a department head the employee's work or misconduct so warrants. Upon the decision of the department head to take such action, he

shall present to the employee a written notification containing the reasons for such action. The employee shall be notified not later than three days of the date of the infraction(s). The notice shall inform the employee that he shall be allowed the opportunity to contest the action via the grievance procedures outlined in the employee handbook.

(5) An employee may resign by filing his reasons with the department head either written or verbally.

An employee resigning in good standing may be reinstated within one year to any position in the same class if there is need for his services. (Ord. #2534, June 1988)

4-212. Outside employment. Employees of the municipality may accept outside part-time employment with written authorization from the city administrator or his representative. Authorization shall be granted if the work does not interfere with the satisfactory performance of the employee's duties. In some cases, it may be necessary for the city administrator to withhold authorization for outside employment where the performance of said duties is likely to cast discredit upon or create embarrassment for the city. (Ord. #2534, June 1988)

4-213. Investigations and hearings. During the course of any investigation or hearing the personnel director may subpoena any employee of the city to attend and give witness. Any employee refusing to do so may be subject to disciplinary action as provided in § 4-211. (Ord. #2534, June 1988)

4-214. General prohibitions. (1) Employees in the city service shall be selected without regard to political considerations and shall not be required to contribute to any political purpose.

(2) There shall be no discrimination against any person seeking employment or employed in the city service because of any considerations of political activity.

(3) Nepotism--favoritism shown to relatives in the form of patronage and based upon family relationships rather than merit, is strictly prohibited. After the effective date hereof, the city shall not hire persons from the same family. Same family shall mean spouses, children, parents, brothers and sisters. (Ord. #2534, June 1988)

4-215. Employee handbook. The employee handbook shall be developed by the personnel director in consultation with the city administrator. It may be changed by the city administrator from time to time as conditions warrant with the advice and consent of the city council as a body. (Ord. #2534, June 1988)

CHAPTER 3

PERSONNEL REGULATIONS

SECTION

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- 4-303. Business dealings with city.
- 4-304. Acceptance of gratuities.
- 4-305. Outside employment.
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- 4-307. Use of city time, facilities, etc.
- 4-308. Use of position.
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4-301. Parking spaces at municipal building reserved for use of city officials and employees; exceptions. The spaces for the parking of vehicles upon the property of the city upon which the municipal building is located is hereby declared to be for the exclusive use of the officials and employees of the city. No person shall park any vehicle in or upon any of such parking spaces unless such person is an official or an employee of the city; provided, however, that the city administrator may designate certain spaces as parking spaces for visitors and citizens with business at the municipal building. (1979 Code, § 1-1601)

4-302. Term of office of appointive officers and employees.¹ All persons appointed to office by the city council or who are employed by the city in any position, other than in the public schools, shall hold office or hold such position of employment at the will and pleasure of the city council and shall have no fixed term of office or employment, regardless of the fact that the salary attached to such office or employment may be fixed by the year, month, or week. (1979 Code, § 1-1602)

4-303. Business dealings with city. 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 officer or employee of the city to be privately interested in or to profit, directly or indirectly, from business dealings with the city. (1979 Code, § 1-1603)

¹Charter reference

Appointment of city officers and employees: § 4.

4-304. Acceptance of gratuities. No officer or employee of the city shall accept any money or other consideration or favor from anyone other than the city 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 such 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. (1979 Code, § 1-1604)

4-305. Outside employment. No full-time officer or employee of the city shall accept any outside employment without authorization from the city administrator. The city administrator 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 employment by the city, or is likely to cast discredit upon or create embarrassment for the city. (1979 Code, § 1-1605)

4-306. Political activity. Officers and employees of the city may individually exercise their right to vote and privately express their political views as citizens. No officer or employee of the city shall solicit political campaign contributions or engage in or actively participate in any political campaign. The restrictions of this section shall not apply to elective officials. (1979 Code, § 1-1606)

4-307. Use of city time, facilities, etc. No officer or employee of the city shall use or authorize the use of city time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group; provided, that this prohibition shall not apply where the city council has authorized the use of such time, facilities, equipment, or supplies and the city is paid at such rates as are normally charged by private sources for comparable services. (1979 Code, § 1-1607)

4-308. Use of position. No officer or employee of the city shall make or attempt to make private purchases, for cash or otherwise, in the name of the city, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1979 Code, § 1-1608)

4-309. Strikes and unions. No officer or employee of the city shall participate in any strike against the city, nor shall he join, be a member of, or solicit any other city officer or employee to join any labor union which authorizes the use of strikes by government employees. (1979 Code, § 1-1609)

CHAPTER 4

INFECTIOUS DISEASE CONTROL POLICY

SECTION

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4-401. Purpose. It is the responsibility of the City of Morristown to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the City of Morristown, employees may come in contact with life-threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB). (Ord. #2668, Apr. 1992)

4-402. Coverage. Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to body fluids from potentially infected individuals. Those high risk occupations include but are not limited to:

- (1) Paramedics and emergency medical technicians;
- (2) Occupational nurses;
- (3) Housekeeping and laundry workers;
- (4) Police and security personnel;

- (5) Firefighters;
- (6) Sanitation and landfill workers; and
- (7) Any other employee deemed to be at high risk per this policy and an exposure determination. (Ord. #2668, Apr. 1992)

4-403. Administration. This infection control policy shall be administered by the city administrator or a designated representative who shall have the following duties and responsibilities:

- (1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the city charter, and federal and state law relating to OSHA regulations;
- (2) Make an exposure determination for all employee positions to determine a possible exposure to blood or body fluids;
- (3) Maintain records of all employees and incidents subject to the provisions of the chapter;
- (4) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;
- (5) Coordinate and document all relevant training activities in support of the infection control policy;
- (6) Prepare and recommend to the mayor and city council any amendments or changes to the infection control policy;
- (7) Identify any and all housekeeping operations involving substantial risk of direct exposure to body fluids and shall address the proper precautions to be taken while cleaning rooms and blood spills; and
- (8) Perform such other duties and exercise such other authority as may be prescribed by the city administrator. (Ord. #2668, Apr. 1992)

4-404. Definitions. (1) "Body fluids" - fluids that have been recognized by the Center for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.

(2) "Exposure" - the contact with blood or other body fluids to which universal precautions apply through contact with open wounds, non-intact skin, or mucous membranes during the performance of an individual's normal job duties.

(3) "Hepatitis B Virus (HBV)" - a serious blood-borne virus with potential for life-threatening complications. Possible complications include: massive hepatic necrosis, cirrhosis of the liver, chronic active hepatitis, and hepatocellular carcinoma.

(4) "Human Immunodeficiency Virus (HIV)" - the virus that causes acquired immunodeficiency syndrome (AIDS). HIV is transmitted through sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

(5) "Tuberculosis (TB)" - an acute or chronic communicable disease that usually affects the respiratory system, but may involve any system in the body.

(6) "Universal precautions" - refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with body fluids to be protected as though such body fluid were HBV or HIV infected. (Ord. #2668, Apr. 1992)

4-405. Policy statement. All blood and body fluids are potentially infectious for several blood-borne pathogens and some body fluids can also transmit infections. For this reason, the Center for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens. Universal precautions apply to blood, tissues, and other body fluids which contain visible blood. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood. (Ord. #2668, Apr. 1992)

4-406. General guidelines. General guidelines which shall be used by everyone include:

(1) Think when responding to emergency calls and exercise common sense when there is potential exposure to blood or body fluids which require universal precautions.

(2) Keep all open cuts and abrasions covered with adhesive bandages which repel liquids.

(3) Soap and water kill many bacteria and viruses on contact. If hands are contaminated with blood or body fluids to which universal precautions apply, then wash immediately and thoroughly. Hands shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or handwashing facilities are not available, then use a waterless antiseptic hand cleaner according to the manufacturers recommendation for the product.

(4) All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades and other sharp items shall be placed in puncture resistant containers for disposal. The

puncture resistant container shall be located as close as practical to the use area.

(5) The city will provide gloves of appropriate material, quality and size for each affected employee. The gloves are to be worn when there is contact (or when there is a potential contact) with blood or body fluids to which universal precautions apply:

(a) While handling an individual where exposure is possible;

(b) While cleaning or handling contaminated items or equipment;

(c) While cleaning up an area that has been contaminated with one of the above;

Gloves shall not be used if they are peeling, cracked, or discolored, or if they have punctures, tears, or other evidence of deterioration. Employee shall not wash or disinfect surgical or examination gloves for reuse.

(6) Resuscitation equipment shall be used when necessary. (No transmission of HBV or HIV infection during mouth-to-mouth resuscitation has been documented.) However, because of the risk of salivary transmission of other infectious diseases and the theoretical risk of HIV or HBV transmission during artificial resuscitation, bags shall be used. Pocket mouth-to-mouth resuscitation masks designed to isolate emergency response personnel from contact with a victims' blood and blood contaminated saliva, respiratory secretion, and vomitus, are available to all personnel who provide or potentially provide emergency treatment.

(7) Masks or protective eyewear or face shields shall be worn during procedures that are likely to generate droplets of blood or other body fluids to prevent exposure to mucous membranes of the mouth, nose, and eyes. They are not required for routine care.

(8) Gowns, aprons, or lab coats shall be worn during procedures that are likely to generate splashes of blood or other body fluids.

(9) Areas and equipment contaminated with blood shall be cleaned as soon as possible. A household (chlorine) bleach solution (1 part chlorine to 10 parts water) shall be applied to the contaminated surface as a disinfectant leaving it on for a least 30 seconds. A solution must be changed and re-mixed every 24 hours to be effective.

(10) Contaminated clothing (or other articles) shall be handled carefully and washed as soon as possible. Laundry and dish washing cycles at 120° are adequate for decontamination.

(11) Place all disposable equipment (gloves, masks, gowns, etc...) in a clearly marked plastic bag. Place the bag in a second clearly marked bag (double bag). Seal and dispose of by placing in a designated "hazardous" dumpster. NOTE: Sharp object must be placed in an impervious container and then taken to a hospital for disposal.

(12) Tags shall be used as a means of preventing accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations which are out of the ordinary, unexpected

or not readily apparent. Tags shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed.

All required tags shall meet the following criteria:

(a) Tags shall contain a signal word and a major message. The signal word shall be "BIOHAZARD", or the biological hazard symbol. The major message shall indicate the specific hazardous condition or the instruction to be communicated to employees.

(b) The signal word shall be readable at a minimum distance of five (5) feet or such greater distance as warranted by the hazard.

(c) All employees shall be informed of the meaning of the various tags used throughout the workplace and what special precautions are necessary.

(13) Linen soiled with body fluids shall be handled as little as possible and with minimum agitation to prevent contamination of the person handling the linen. All soiled linen shall be bagged at the location where it was used. It shall not be sorted or rinsed in the area. Soiled linen shall be placed and transported in bags that prevent leakage.

The employee responsible for transporting soiled linen should always wear protective gloves to prevent possible contamination. After removing the gloves, hands or other skin surfaces shall be washed thoroughly and immediately after contact with body fluids.

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (Ord. #2668, Apr. 1992)

4-407. Hepatitis B vaccinations. The City of Morristown shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts at times prescribed by standard medical practices. The vaccinations shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the Infectious Disease Control Coordinator. (Ord. #2668, Apr. 1992)

4-408. Reporting potential exposure. City employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc.):

(1) Notify the Infectious Disease Control Coordinator of the contact incident and details thereof.

(2) Complete the appropriate accident reports and any other specific form required.

(3) Arrangements will be made for the person to be seen by a physician as with any job-related injury.

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to human

immunodeficiency virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided. (Ord. #2668, Apr. 1992)

4-409. Hepatitis B virus post-exposure management. For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

For exposure from an HBsAg-positive source to workers who have previously received the vaccine, the exposed worker should be tested for antibodies to hepatitis B surface antigen (anti-HBs), and given one dose of vaccine and one dose of HBIG if the antibody level in the worker's blood sample is inadequate (ie., 10 SRU by RIA, negative by EIA).

If the source individual is negative for HBsAg and the worker has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized. (Ord. #2668, Apr. 1992)

4-410. Human immunodeficiency virus post-exposure management. For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within 12 weeks after the exposure. Such an illness, particularly one characterized by fever, rash, or lymphadenopathy, may be indicative of recent HIV infection.

Following the initial test at the time of exposure, seronegative workers should be retested 6 weeks, 12 weeks, and 6 months after exposure to determine whether transmission has occurred. During this follow-up period (especially the first 6 - 12 weeks after exposure) exposed workers should follow the U.S. Public Health service recommendation for preventing transmission of HIV. These include refraining from blood donations and using appropriate protection during sexual intercourse. During all phases of follow-up, it is vital that worker confidentiality be protected.

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing 12 weeks later may be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available

by the city to all workers who may be concerned they have been infected with HIV through an occupational exposure. (Ord. #2668, Apr. 1992)

4-411. Disability benefits. Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker's Compensations Bureau in accordance with the provisions of Tennessee Code Annotated § 50-6-303. (Ord. #2668, Apr. 1992)

4-412. Training regular employees. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or body fluids. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (Ord. #2668, Apr. 1992)

4-413. Training high risk employees. In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated as per this policy. (Ord. #2668, Apr. 1992)

4-414. Training new employees. During the new employee's orientation to his/her job, all new employee will be trained on the effects of infectious disease prior to putting them to work. (Ord. #2668, Apr. 1992)

4-415. Records and reports. (1) Reports. Occupational injury and illness records shall be maintained by the city. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200 report.

(2) Needle sticks. Needle sticks, like any other puncture wound, are considered injuries for recordkeeping purposes due to the instantaneous nature of the event. Therefore, any needle stick requiring medical treatment (ie. gamma globulin, hepatitis B immune globulin, hepatitis B vaccine, etc...) shall be recorded.

(3) Prescription medication. Likewise, the use of prescription medication (beyond a single dose for minor injury or discomfort) is considered medical treatment. Since these types of treatment are considered necessary, and must be administered by physician or licensed medical personnel, such injuries cannot be considered minor and must be reported.

(4) Employee interviews. Should the city be inspected by the U.S. Department of Labor Office of Health Compliance, the compliance safety and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers. (Ord. #2668, Apr. 1992)

4-416. Legal rights of victims of communicable diseases. Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

(1) Officers assume that a certain degree of risk exists in law enforcement and emergency service work and accept those risks with their individual appointments. This holds true with any potential risks of contacting a communicable disease as surely as it does with the risks of confronting an armed criminal.

(2) Any officer who refuses to take proper action in regard to victims of a communicable disease, when appropriate protective equipment is available, shall be subject to disciplinary measures along with civil and/or criminal prosecution.

(3) Whenever an officer mentions in a report that an individual has or may have a communicable disease, he shall write "contains confidential medical information" across the top margin of the first page of the report.

(4) The officer's supervisor shall ensure that the above statement is on all reports requiring that statement.

(5) The supervisor disseminating newspaper releases shall make certain the confidential information is not given out to the news media.

(6) All requests (including subpoenas) for copies of reports marked "contains confidential medical information" shall be referred to the city attorney when the incident involves an indictable or juvenile offense.

(7) Prior approval shall be obtained from the city attorney before advising a victim of sexual assault that the suspect has, or is suspected of having a communicable disease.

(8) All circumstance, not covered in this policy, that may arise concerning releasing confidential information regarding a victim, or suspected victim, of a communicable disease shall be referred directly to the appropriate department head or city attorney.

(9) Victims of a communicable disease and their families have a right to conduct their lives without fear of discrimination. An employee shall not make public, directly or indirectly, the identity of a victim or suspected victim of a communicable disease.

(10) Whenever an employee finds it necessary to notify another employee, police officer, firefighter, emergency service officer, or health care provider that a victim has or is suspected of having a communicable disease, that information shall be conveyed in a dignified, discrete and confidential manner. The person to whom the information is being conveyed should be

reminded that the information is confidential and that it should not be treated as public information.

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil and/or criminal prosecution. (Ord. #2668, Apr. 1992)

CHAPTER 5

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-501. Title.
- 4-502. Purpose.
- 4-503. Coverage.
- 4-504. Standards authorized.
- 4-505. Variances from standards authorized.
- 4-506. Administration.
- 4-507. Funding the program.

4-501. Title. This section shall provide authority for establishing and administering the occupational safety and health program plan for the employees of the City of Morristown, TN. (1979 Code, § 1-1501, as replaced by Ord. #3146, Sept. 2003)

4-502. Purpose. The City of Morristown, TN, 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. (1979 Code, § 1-1502, as replaced by Ord. #3146, Sept. 2003)

4-503. Coverage. The provisions of the occupational safety and health program plan for the employees of the City of Morristown, TN shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Morristown, TN whether part-time or full-time, seasonal or permanent. (1979 Code, § 1-1503, as replaced by Ord. #3146, Sept. 2003)

4-504. Standards authorized. The occupational safety and health standards adopted by the City Council of the City of Morristown, TN 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). (1979 Code, § 1-1504, as replaced by Ord. #3146, Sept. 2003)

4-505. Variations from standards authorized. The City of Morristown, TN 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 director of occupational safety and health 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 director of occupational safety and health shall be deemed sufficient notice to employees. (as added by Ord. #3146, Sept. 2003)

4-506. Administration. For the purposes of the chapter, the director of human resources 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 safety program for the City of Morristown, TN. The director 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 and Part IV of the Tennessee Occupational Safety and Health Plan. (as added by Ord. #3146, Sept. 2003)

4-507. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the City Council of the City of Morristown, TN. (as added by Ord. #3146, Sept. 2003)

CHAPTER 6

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-601. Enforcement.
- 4-602. Travel policy.
- 4-603. Travel reimbursement rate schedules.
- 4-604. Administrative procedures.

4-601. Enforcement. The city administrator of the city or the city administrator's designee shall be responsible for the enforcement of these regulations. (Ord. #2710, July 1993)

4-602. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" 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 or persons otherwise qualify 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 registration fees, transportation, lodging, meals, and other actual and necessary expenses related to official business as determined by the city administrator or the city administrator's designee.

Under certain conditions, entertainment expenses may be eligible for reimbursement.

(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 expense claims, immediate reimbursement on the part of the authorized traveler is required.

It will be the responsibility of the city administrator or the city administrator's designee to initiate action to recover any undocumented travel advances.

(4) Travel advances are available with approval of the city administrator or the city administrator's designee, and must be submitted in writing on the appropriate form.

(5) The travel expense reimbursement form (Form Per-03 (Rev. 7-93) and all subsequent revisions) 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 city administrator or the city administrator's designee may make exceptions for unusual circumstances.

Expenses considered excessive will be disallowed.

(7) Claims of \$15.00 or more for travel expense reimbursements must be supported by the original paid receipt for vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs other than meals. A receipt for lodging or for entertainment is due in every case. In the case of entertainment, the purpose of entertainment and the person or number of persons entertained must be provided. The city administrator may require the names and titles of the persons to whom entertainment was provided.

(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 will not ordinarily be considered as expenses eligible for reimbursement.

(10) Gratuities may be added to the cost of meals where appropriate and shall not exceed 15%. Gratuities for porter service shall not exceed \$4.00 per trip.

(11) The city administrator or the city administrator's designee shall for good cause have the authority to designate persons who would not otherwise be authorized for travel reimbursement as "authorized travelers". Such persons shall be entitled to reimbursement as authorized travelers under this chapter. The city administrator or the city administrator's designee shall have the sole authority to make designations of authorized travelers under this provision. (Ord. #2710, July 1993)

4-603. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the federal reimbursement rate schedule. Certain conference/convention rates that may be in excess of the existing federal rate guidelines may be approved if such approval is made in advance by the city administrator or the city administrator's designee.

The city's travel reimbursement rates will automatically change when the federal travel rates are adjusted.

The municipality may pay direct for travel expenses, including meals, lodging, registration fees, for conferences, conventions, seminars and other programs on behalf of covered officials and employees, providing payment is made directly to the provider and not to the official or employee. (Ord. #2710, July 1993)

4-604. Administrative procedures. This chapter shall take effect on the date of adoption of this chapter which is July 6, 1993, and copy of this chapter as adopted shall be kept on file in the office of the city administrator. (Ord. #2710, July 1993)

CHAPTER 7

ETHICS POLICY

SECTION

- 4-701. Persons covered.
- 4-702. Public official responsibilities.
- 4-703. Gifts, entertainment and favors.
- 4-704. Exceptions--gifts, entertainment and favors.
- 4-705. Conflicts of interest, financial interests.
- 4-706. Use of information.
- 4-707. Use of government property.
- 4-708. Questions on interpretation of this policy.
- 4-709. Departmental ethics standards.
- 4-710. Ethics guidelines published by personnel director.
- 4-711. Penalties.
- 4-712. Indemnification.
- 4-713. Construction of policy.
- 4-714. Less restrictive.

4-701. Persons covered. This policy shall apply to any official, whether elected or appointed, officer, employee or servant or any member of any board, agency, commission, authority or corporation (whether compensated or not), or any officer, employee or servant of the city, all collectively referred to herein as "public officials." (as added by Ord. #3248, May 2006)

4-702. Public official responsibilities. Each public official of the City of Morristown shall avoid any action, whether or not specifically prohibited by this policy or departmental codes of ethics, which might result in, or create the appearance of:

- (1) Using public office for private gain;
- (2) Unfair or unequal treatment of any citizen;
- (3) Impending government efficiency or economy;
- (4) Acting on behalf of the city, unless such person is the mayor or member of city council, by making any policy statement or representation, or by promising to authorize or to prevent any future action of any nature, when such public official is not authorized to make such a statement or representation;
- (5) Conducting city business outside of official channels; or
- (6) Affecting adversely the confidence of the public in the integrity of the government. (as added by Ord. #3248, May 2006)

4-703. Gifts, entertainment and favors. No public official shall solicit or accept, directly or indirectly, on behalf of himself, herself, or any member of the public official's household, any gift, gratuity, service, favor, entertainment, lodging, transportation, loan, guarantee or any other thing of monetary value

exceeding an aggregate value of fifty dollars (\$50.00) during any twelve (12) month period, from any person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the department or agency of the City of Morristown by which the individual is employed; or

(2) Conducts operations or activities that are regulated by the department or agency of the City of Morristown by which the employee is employed; or

(3) Has interests that may be substantially affected by the performances or nonperformance of employee's official duties. (as added by Ord. #3248, May 2006)

4-704. Exceptions--gifts, entertainment and favors. The prohibitions on accepting gifts, entertainment or favors in § 4-703 do not apply to:

(1) Family members or friends of long standing when the circumstances make it clear that it is the relationship, rather than the business of the persons concerned, which is the motivating factor, and where the value of the gift, entertainment or favor is appropriate to the circumstances and consistent with the parties' historical relationship. If such gift, entertainment or favor exceeds fifty dollars (\$50.00) in value, the employee shall disclose the nature and value of the gift, entertainment or favor in a letter to the finance director.

(2) Loans from established financial institutions made in the ordinary course of business on usual and customary terms, so long as there are no guarantees or collateral provided by any person described in § 4-703.

(3) Unsolicited advertising material of nominal value;

(4) Food and refreshments of nominal value when they are part of the employee's participation in a charitable, civic, political or community event which bears a relationship to the public official's office and the public official is attending in an official capacity.

A business lunch or dinner is not an "event" for the purposes of this exception. On those occasions, the public official must buy his or her own meal or refreshment. If the meal is held at a private club where the public official may not pay the establishment directly, the public official must reimburse the member of the establishment for the equivalent cost of the meal or refreshment.

(5) Lawful campaign contributions made on behalf of elected officials. (as added by Ord. #3248, May 2006)

4-705. Conflicts of interest, financial interests. Conduct of public officials shall be controlled and governed by the provisions of the Tennessee Comprehensive Governmental Ethics Reform Act of 2006, as may, from time to time, be amended. All public officials shall annually submit verified conflict of interest disclosure statements on forms provided by the personnel director. (as added by Ord. #3248, May 2006)

4-706. Use of information. No public official of the City of Morristown shall directly or indirectly:

(1) Use, disclose, or allow the use of official information which was obtained through or in connection with his or her municipal office or employment, and which has not been made available to the general public, for the purpose of furthering the private interest or personal profit of any person, including the public official; or

(2) Engage in a financial transaction as a result of, or primarily relying upon, information obtained through his or her government office or employment. (as added by Ord. #3248, May 2006)

4-707. Use of government property. No public official shall use the facilities, equipment, personnel, or supplies of the City of Morristown or its agencies for other than officially approved activities, except to the extent that they are lawfully available to the general public. (as added by Ord. #3248, May 2006)

4-708. Questions on interpretation of this policy. When a public official is in doubt as to the proper interpretation of this policy, he or she is expected to seek the advice of the city attorney, if time permits, or to use good judgment and to report the gift, entertainment or favor to the finance director within seven (7) days. (as added by Ord. #3248, May 2006)

4-709. Departmental ethics standards. This policy does not supersede or revoke those portions of any existing departmental or agency policies regarding ethical standards which are stricter than, or cover areas additional to, the standards set out herein. (as added by Ord. #3248, May 2006)

4-710. Ethics guidelines published by personnel director. The personnel director, or his assignee, shall inform each covered public official of the requirements of this policy, shall distribute the policy to covered public officials and have them sign a statement that they have received and read it, and shall modify personnel manuals to incorporate these standards as soon as practicable. (as added by Ord. #3248, May 2006)

4-711. Penalties. Violation by any person of this policy shall be punishable as, and subject to criminal and civil penalties as set forth in the Tennessee Comprehensive Governmental Ethics Reform Act of 2006. In addition, violation of this policy may result in any one or combination of the following actions by the governing body: reprimand; suspension; demotion; forfeiture of or removal from office. (as added by Ord. #3248, May 2006)

4-712. Indemnification. (1) The city may indemnify an individual against liability incurred, including reasonable legal expenses, who is made a party to a proceeding because the individual is or was a public servant if:

(a) The individual's conduct was in good faith; and

- (b) The individual reasonably believed:
 - (i) In the case of conduct in the individual's official capacity with the city, that the individual's conduct was in its best interest; and
 - (ii) In all other cases, that the individual's conduct was at least not opposed to its best interest; and
 - (iii) In the case of any criminal proceeding, the individual had no reasonable cause to believe the individual's conduct was unlawful.
- (2) The termination of a proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent is not, of itself, determinative that the public official did not meet the standard of conduct described in this section.
- (3) The city may not indemnify a public official under this section:
 - (a) In connection with a proceeding by or in the right of the city in which the public official was adjudged liable to the city; or
 - (b) In connection with any other proceeding charging improper personal benefit to the public official, whether or not involving action in the public official's official capacity, in which the public official was adjudged liable on the basis that the personal benefit was improperly received by the public official.
- (4) The city shall indemnify a public official who was wholly successful, on the merits or otherwise, in the defense of any proceeding to which the public official was a party because the public official is or was a public official of the city against reasonable expenses incurred, including attorney's fees, by the public official in connection with the proceeding. (as added by Ord. #3248, May 2006)

4-713. Construction of policy. The provisions of this policy are to be construed liberally, to the end that the public interest be fully protected, and shall be construed in a manner consistent with all applicable federal and state laws and applicable provisions of the city charter. In the event of a conflict between any provision of this policy and any applicable federal, state or city charter provision which does not expressly provide otherwise, the federal, state or city charter provision shall control. To the extent permitted by law, all ordinances, resolutions or rules and parts of ordinances, resolutions or rules inconsistent with this policy are hereby repealed. (as added by Ord. #3248, May 2006)

4-714. Less restrictive. Any provision herein which is less restrictive than that provided for in the Tennessee Comprehensive Governmental Ethics Reform Act of 2006 shall be deemed invalid and in that event, the provisions of the Act shall apply. Any provision in the Act which applies to local government ethics requirements which is omitted herein shall be incorporated herein. (as added by Ord. #3248, May 2006)