

ADMINISTRATIVE RULES – CITY OF KNOXVILLE

1 – General Provisions

1.01 **AUTHORITY**

In accordance with the Knoxville City Charter, Knoxville City Code, and the directives of the Mayor of the City of Knoxville, these Administrative Rules are established to govern personnel actions and other matters in all cases in which they are applicable (and are in addition to the Rules and Regulations of the Civil Service Merit Board).

1.02 **PURPOSE AND APPLICATION**

These Administrative Rules set forth the policies and procedures that are to be followed by all personnel in all departments, offices, and agencies to the end that the City and its employees may have assurance that all personnel will be dealt with on an equitable basis and that the residents of Knoxville may derive the benefits and advantages which can be expected to result from a competent staff of City employees.

These Administrative Rules apply to all employees (and applicants for employment and volunteers, as applicable), except where specific exceptions are provided in these rules or by law or order. Compliance with these rules is mandatory. Violations of these rules may result in disciplinary action up to and including termination and, depending on the nature of the violation, civil and/or criminal penalties.

1.03 **EFFECTIVENESS AND AMENDMENT**

These Administrative Rules take effect upon promulgation and remain in effect until modified, superseded, or rescinded. Personnel actions taken prior to the effective date of these rules shall be governed by the rules that were in effect on the date that such actions were taken.

The Mayor may modify, supersede, or rescind these Administrative Rules. Proposals to amend these rules may be initiated by directors and the heads of offices and agencies through a written request to the Department of Law.

1.04 **ADMINISTRATION**

(A) Definitions

For the purpose of these Administrative Rules, the definitions of the various types of employment in City government shall be as set forth in Knoxville City Code § 2-431.

“Agency” and “office” mean an administrative unit that is neither headed by nor reports to a director.

“Department” means an administrative unit set forth in Knoxville City Code § 2-111(a).

“Director” means the head of a department.

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(B) Enforcement

These Administrative Rules shall be enforced by directors and the heads of offices and agencies.

Employees are prohibited from taking any adverse employment action against any individual for reporting in good faith an alleged violation of these rules or participating in good faith in an investigation related to such alleged violation.

Employees, applicants for employment, and volunteers are prohibited from conduct that would compromise the integrity of investigations into alleged violations of these rules (e.g., actual or attempted coercion, intimidation, manipulation, or threatening of witnesses or potential witnesses).

Employees are prohibited from knowingly or recklessly making a false allegation of a violation of these rules.

(C) Availability

These Administrative Rules shall be available to all personnel through the Department of Human Resources.

(D) Interpretation

The Director of Law, or their designee, may provide clarifications, make findings, and issue opinions in relation to these Administrative Rules. Such clarifications, findings, and opinions shall be binding on all personnel.

(E) Supplementation

Directors and heads of offices and agencies may prescribe supplementary policies, procedures, regulations, or rules not inconsistent with these Administrative Rules for the regulation of their departments, offices, and agencies. If any departmental, office, or agency policy, procedure, regulation, or rule is inconsistent with these rules, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

1.05

OFFENSIVE MATERIALS

Employees, applicants for employment, and volunteers are prohibited from possessing while on duty and/or on City property any kind of sexually explicit material.

Sexually explicit material includes any printed or written material, or any audio, film or video recording, or any pictorial representation or graphic depiction, produced in any medium, which depicts or describes nudity, including sexual organs or excretory activities, in a lascivious manner (i.e., a manner which is lewd and intended or designed to elicit a sexual response).

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This rule shall not apply to personnel who are required to take possession of such material during the performance of their official job duties, such as confiscation or other similar justification, or who can demonstrate a legitimate City interest in such material (e.g., police investigation of criminal activity).

Employees, applicants for employment, and volunteers who observed conduct that they believe violates this rule should report the incident in writing to the Department of Human Resources (or, alternatively, the Department of Law) as soon as possible after its occurrence.

1.06 **RESERVED**

1.07 **WORKPLACE VIOLENCE**

Employees, applicants for employment, and volunteers are prohibited from acts of violence, threats of violence, or engaging in intimidating or threatening behavior, whether physical, verbal, or written, against coworkers, visitors, or members of the general public in or around the workplace or elsewhere at any time. This prohibition includes, but is not limited to, physical contact (e.g., hitting, kicking, pushing, or shoving), other physical acts (e.g., intimidating or threatening gestures, brandishing a weapon, interfering with an individual's legal rights of movement, or damaging or vandalizing property), verbal communications (e.g., intimidating or threatening speech), written communications (e.g., intimidating or threatening e-mails, text messages, or social media postings), and similar actions (e.g., stalking).

Employees, applicants for employment, and volunteers who believe they have been subjected to workplace violence or who observed conduct that they believe violates this rule should report the incident in writing to the Department of Human Resources (or, alternatively, the Department of Law) as soon as possible after its occurrence. Individuals who witness actual violence or reasonably believe that there is an imminent threat of violence or other immediate danger to the workplace should report the incident directly to the Police Department at (865) 215-7000 or by calling 911.

1.08 **CHILD PROTECTION**

The City will not tolerate any behavior constituting sexual misconduct involving minors by its employees, volunteers, or participants in any City program.

Sexual misconduct includes the actual or attempted commission of the following criminal acts against a minor child as defined by state law: (1) sexual assault, (2) sexual abuse, (3) sexual exploitation, (4) sexual solicitation, (5) statutory rape, in any degree, or (6) public indecency.

The City is dedicated to providing a child-safe environment for all minors that are involved in City programs. Employees and volunteers are prohibited from having any type of sexual relationship with a minor who is a participant in a City program, even if the minor or the minor's parent(s)/guardian(s) provide express consent.

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In addition to disciplinary action, employees and volunteers who commit sexual misconduct involving a minor shall be reported to the proper legal authorities.

(A) Complaints Involving City Employees, Volunteers, Property, or Programs

Any participant in a City program who is a minor child and who believes they have been the subject of sexual misconduct by an employee or volunteer should contact the Police Department at (865) 215-7000.

If any parent, guardian, employee, or volunteer witnesses or is informed of any act of sexual misconduct occurring on City property or during the course of a City program, they shall report the occurrence to the Police Department at (865) 215-7000.

If any employee or volunteer witnesses or is informed of any act of sexual misconduct occurring on City property or during the course of a City program that involves a person that is not a City employee or volunteer, they shall report the occurrence to the Police Department at (865) 215-7000.

In all cases, the Police Department shall contact the appropriate authorities, as required by state law, and submit a summary report of facts to the Director of Law and the relevant director or office/agency head.

(B) Mandatory Reporting Requirements

In accordance with Tenn. Code Ann. § 37-1-605, any person who knows or has reasonable cause to suspect that a child has been sexually abused shall report such knowledge or suspicion immediately.

In accordance with Tenn. Code Ann. § 37-1-403, any person who has knowledge of or is called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, or physical or mental condition shall report such harm immediately if the harm is of such a nature as to reasonably indicate that it has been caused by brutality, abuse, or neglect or that, on the basis of available information, reasonably appears to have been caused by brutality, abuse, or neglect.

Such reports shall be made to the office of the chief law enforcement official of the municipality where the child resides, the office of the sheriff where the child resides, the Tennessee Department of Children's Services by calling 1-877-237-0004, or the judge having juvenile jurisdiction over the child.

1.09

ETHICS

All personnel, whether compensated or not, are required to maintain the highest ethical standards in the conduct of their official duties as follows:

(A) Personnel shall not engage in any activity which is in conflict with the interest of the City or their official duties;

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- (B) Personnel shall not use their position with the City for private interest;
- (C) Personnel shall not directly or indirectly accept any gift, favor, or service in any form under circumstances from which it could reasonably be inferred that the gift was intended to influence them, or reasonably be expected to influence them, in the performance of their official duty or was intended as a reward for any official act by them that benefits another party;
- (D) Personal characteristics such as honesty, courtesy, dependability, sobriety, industry, and use of sound judgment are requirements for all personnel in all classes of work throughout the City; and
- (E) Personnel shall comply with the code of ethics set forth in Knoxville City Code § 1-17.

1.10 **POLITICAL ACTIVITY**

In accordance with Knoxville City Charter § 1012, no person in the service of the City, or seeking admission thereto, shall be appointed, reduced, removed, or in any way favored or discriminated against because of political opinions or affiliations. No employee in the classified or unclassified service shall in any way use an official position: (1) to coerce, induce, or persuade any person or group of persons to support, or (2) to, in any manner, assist any political organization or candidate for public office by virtue of or through the use of their official position. Any willful violation by an employee, classified or unclassified, of any of the above prohibitions shall be sufficient grounds for the discharge of such employee guilty of such violation.

1.11 – 1.13 **RESERVED**

1.14 **COMPLIANCE WITH THE LOCAL GOVERNMENT INSTANCES OF FRAUD REPORTING ACT**

The Local Government Instances of Fraud Reporting Act, Tenn. Code Ann. § 8-4-501 *et seq.*, requires an employee who obtains information that reasonably causes the employee to believe that a theft, forgery, credit or debit card fraud, or any other act of unlawful taking, waste, or abuse of, or official misconduct involving, public money, property, or services has occurred to report that information to the Comptroller of the Treasury of the State of Tennessee within 5 working days. To promote compliance with state law and to allow for appropriate investigation and prosecution, any employee with knowledge of such unlawful conduct is required to immediately report all information regarding the incident to the Department of Finance and Accountability or, alternatively, the Department of Law. Information provided will be forwarded to the Comptroller of the Treasury of the State of Tennessee in compliance with state law.

1.15 **RESERVED**

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1.16 **ACCESS TO AND COPIES OF PUBLIC RECORDS**

Pursuant to Tenn. Code Ann. § 10-7-503 *et. seq.* and Knoxville City Charter § 1411, and subject to the limitations contained therein and any other applicable law, public records shall be open for public inspection. This rule governs access to and copying of municipal public records.

Employees shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provision of this rule shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the City, shall be protected as provided by law. Concerns about this rule should be addressed to the City's public records request coordinator or to the Tennessee Office of Open Records Counsel ("OORC"). The City's public records request coordinator is the Office of Communications, (865) 215-2589, communications@knoxvilletn.gov.

The Schedule of Reasonable Charges (including production and labor charges) and the Frequent and Multiple Requests for Copies Policy promulgated by the OORC are hereby adopted for the City, except where an ordinance or written policy, procedure, regulation, or rule adopted by a City department, office, or agency establishes a different schedule of charges in accordance with law. Aggregation of multiple or frequent requests shall begin when a requestor makes four (4) or more requests per calendar month.

Where, in the discretion of the public records request coordinator, copies of records are provided by CD, DVD, or other similar electronic medium, the City may charge a fee not to exceed \$10 per disc in lieu of the cost of paper copies to offset media costs and any additional preparation expenses.

For security purposes, records custodians may decline to accept or use open, out-of-the-box or previously used electronic storage devices (flash drives, memory cards, etc.) provided by requestors.

By law, non-citizens of Tennessee do not have a right to inspect or copy public records. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of identification) may be required as a condition to inspect or receive copies of public records.

Records custodians, in their discretion, may allow inspection or copying of public records by non-citizens, but such access should not be granted at taxpayer expense. Costs for such access shall be governed by the Schedule of Reasonable Charges (including production and labor charges) promulgated by the OORC, except that non-citizen requestors shall pay all labor costs related to inspection or copying, including the first hour of labor and regardless of whether copies are requested. Records custodians shall ensure that non-citizen requests are not approved or disapproved in an unlawfully discriminatory manner.

The public records request coordinator shall have the authority to waive any charges allowed herein where the public interest so requires.

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Because of questions regarding the validity of requests for information from request fulfillment services, particularly those located outside the State of Tennessee, the City is not required to provide copies of public records through such entities. The City accepts electronic requests by direct electronic communication such as e-mail or the online form provided by the Office of Communications on the City’s website.

Requests for inspection and/or copying of public records, whether made in person at the offices of a City department, office, or agency or the public records request coordinator, by mail, phone, or e-mail, or by other direct electronic communication, may be handled in two different ways. Where a department, office, or agency has a designated unit responsible for providing inspection or copying of public records in the ordinary course of business, and such requests are handled on a “while you wait” basis, records custodians may provide such access, including copies, without completing the standard (or the department’s, office’s, or agency’s specialized version of) the City of Knoxville Request for Inspection and Duplication of Public Records form (attached hereto as Appendix A). Records custodians shall maintain a register of all amounts collected for copying charges and shall handle any funds received in accordance with established City policy.

All other requests to inspect or copy public records shall be directed by the receiving employee to the public records request coordinator, who shall review all requests in a timely manner and respond (or direct the response of the appropriate records custodian) in accordance with state law and within the time frame set forth therein. Where public records requested include any information made confidential under state or federal law, the public records request coordinator shall work in coordination with the Department of Law to ensure that confidential information is redacted prior to release.

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APPENDIX A



CITY OF KNOXVILLE REQUEST FOR INSPECTION AND DUPLICATION OF PUBLIC RECORDS

Requestor Instructions: To make a request for copies of public records fill in sections 1-4. Do not sign and date the signature line until the records are received.

Custodian Instructions: For requests to inspect only, the records custodian is to fill in sections 1-5 and 8. For requests for copies, the records custodian is to fill in sections 5-8. Do not sign and date the signature line until the records are delivered to the requestor. Payment is due prior to delivery of copies.

NOTE: Pursuant to Tenn. Code Ann. § 10-7-503(a)(7)(A), unless the law specifically requires it, a request to inspect public records (without copying) is not required to be writing, nor can a fee be assessed for inspection of records (without copying).

1. Name of requestor: _____
(Print or Type; Initials required for copy requests)

2. Form of identification provided:
 Photo ID issued by governmental entity including requestor's address
 Other: _____

3. Requestor's address and contact information:

4. Record(s) requested for inspection/copying:
a. Previously inspected on _____ (date)
b. Type of record: Minutes Annual Report Financial Statements
 Budget Employee file Photograph/video
 Accident/Incident Report Contract Other
c. Detailed description of record(s) including relevant date(s) and subject matter:

5. Request submitted to: _____
(Name of Governmental Entity, Office or Agency)
a. Employee receiving request: _____

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(Print or Type and Initial)

b. Date and time request received: _____

6. Response: Same day Other:

7. Costs

a. Number of pages to be copied: _____ Estimated

b. Cost per page: 15 ¢ (black and white) 50 ¢ (color)

c. Estimate of labor costs to produce the copy (for time exceeding the first hour):

Labor at \$ _____/hour for _____ hour(s).

Labor at \$ _____/hour for _____ hour(s).

Labor at \$ _____/hour for _____ hour(s).

d. Programming cost to extract information requested: _____

e. Method of delivery and cost: _____ Estimated

On-site pick-up U.S. Postal Service Other: _____

f. Estimate of total cost to produce request: _____

g. Estimate of cost provided to requestor: in person by USPS by phone

Other: _____

8. Form, Amount, Date of Payment:

a. Form of payment: Cash Check Other _____

b. Amount of payment: _____

c. Date of payment: _____

9. Date of Delivery: _____

Signature of Records Custodian

Date

Signature of Requestor

Date