

TOWN OF PLEASANT VIEW, TENNESSEE

RESOLUTION NO. 16-06

A RESOLUTION ADOPTING A CODE OF CONDUCT FOR THE TOWN OF PLEASANT VIEW

WHEREAS, the Board of Mayor and Aldermen realize the importance of demonstrating a commitment to integrity and ethical values; and

WHEREAS, the Board of Mayor and Aldermen wish to provide guidance to employees and elected officials on how to conduct themselves in an ethical and responsible manner;

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the Town of Pleasant View that a code of conduct will be adopted by the Town of Pleasant View:

Objective:

To provide employees of the Town of Pleasant View with the guidance on how to conduct themselves in an ethical and responsible manner.

Policy:

Introduction

The Code of Conduct was developed to supplement and clarify existing policies, procedures, and rules. It does not replace, limit, or otherwise alter any existing policies. Employees are expected to familiarize themselves with the Code and to abide by it. Employees who violate the Code will be subject to appropriate disciplinary action. Employees should direct specific ethical or compliance questions to their supervisor. The Town's Code of Conduct is comprised of 1) general principles and statements of ethical and responsible conduct and 2) specific examples of prohibited conduct.

General Principles and Statements of Ethical and Responsible Conduct

1. Ethical and Responsible Conduct: In carrying out its public service missions, the Town relies on the ethical and responsible conduct of all employees and elected officials. Even the appearance of unethical or irresponsible conduct can be damaging to the Public's trust. Employees are expected to conduct themselves fairly, honestly, in good faith, and in accordance with the highest ethical and professional standards and to comply with applicable laws, regulations, contractual obligations, and Town policies.

2. Responsible Reporting and Suspected Violations and Town Response:

a. General Statement of Reporting Obligation: Employees and elected officials are expected to report any good-faith concern that compliance violations might have occurred, including, but not limited to, the following: violations of state or federal law or regulations; fraud in the operations of government programs; misappropriation of state or federal resources; acts that endanger the health or safety of the public or employees; and mismanagement of programs, funds, and/or abuses of authority. Employees are expected to report compliance concerns at the earliest possible opportunity by contacting their immediate supervisor. Employees wishing to remain anonymous should report their concerns to the State Comptroller's Fraud Hotline (1-800-232-5454). Concerns will be referred to the appropriate supervisor for investigation. Employees are expected to cooperate fully in investigations. Department heads and other management officials must report suspected fraud, waste, and abuse of Town's resources, all allegations made to them, immediately to the Office of the State Comptroller.

b. Protection from Retaliatory Discharge: Employees are protected from retaliatory discharge if in good faith they report or attempt to report illegal activities, or if they refuse to participate in illegal activities. For purposes of this policy, illegal activities are violations of the civil or criminal code of this state or the United States or any regulation intended to protect the public health, safety, or welfare. Employees are also protected from other forms of retaliation for reporting or seeking guidance regarding potential or actual criminal conduct.

3. Respect for Others: People are the Town of Pleasant View's most important resource for accomplishing its public service missions. Accordingly, employees and elected officials are expected to be committed to creating an environment that promotes diversity, fair treatment, and respect for others. Employees and elected officials are expected to treat one another and the general public in an honest and respectful manner.

4. Avoiding Conflicts of Interests: Objectivity and integrity are essential qualities for employees and elected officials of a public institution such as the Town of Pleasant View. For the Town to carry out its missions with unquestioned credibility, employees and elected officials are expected to maintain the highest levels of integrity and objectively as they perform their duties. Employees and elected officials are expected to take all reasonable precautions and seek appropriate guidance to ensure that their outside interests do not place them in conflict with carrying out their duties and responsibilities as Town employees. Employees and elected officials must disclose outside interests in accordance with town policies so that they can be reviewed and managed or eliminated, as appropriate.

5. Employees and elected officials must use town property, funds, technology, time, and other resources for legitimate Town business purposes. Employees and elected officials must not use Town resources for personal gain or to benefit third parties, unless a specific exception has been granted in accordance with policies. Employees and elected officials are expected to be responsible stewards when using town funds for business travel or entertainment.

6. Employees and elected officials are expected to be committed to protecting the health and safety of all Town staff, volunteers and visitors. To accomplish this, the town provides information and training to employees about health and safety hazards and safeguards. Employees and elected officials are expected to exercise good health and safety practices and to comply with all health and safety laws and regulations.

7. Employees and elected officials are entrusted with a variety of confidential information about staff and the general public. Employees and elected officials must access, use, protect, disclose, preserve, and dispose of confidential information in compliance with applicable laws, regulations, contracts and Town policies.

Specific Examples of Prohibited Conduct

No Code of Conduct can list all prohibited conduct. The following information, which is not all-inclusive, illustrates some examples of specifically prohibited conduct that may lead to disciplinary action, up to and including, termination, as either unsatisfactory work performance or work-related behavior, or gross misconduct, under town policy.

8. Respect for Persons

a. Disorderly conduct, including, but not limited to, using discriminatory, abusive, or threatening language; fighting, provoking a fight, or attempting bodily harm or injury to another employee or to any other individual or threatening physical action or injury on town property or during town activities; or other conduct that threatens or endangers the health, safety, or well-being for any person.

b. Violation of any town policy against harassment, discrimination, or retaliation.

9. Respect for Property

a. Willful or negligent damage to town property.

b. Theft or dishonesty.

c. Tampering with or wantonly destroying town data, records, or other information; gaining unauthorized access to such information; disclosing confidential information; or otherwise misusing town data or information.

d. Unauthorized use of town vehicles, mail services, identification and credit cards, telephones, computers, computer equipment, or other town equipment or materials. Computer and computer accounts are provided to employees to assist them in the performance of their jobs. Employees do not have a right to privacy in anything they create, send, or receive on a town computer. The town has the right to monitor, for business reasons, any and all aspects of any town computer system, including employee e-mail.

e. Soliciting, collecting money, or circulating petitions on town property at any time without permission of the Mayor or designee.

10. Standards of Safety

a. Possession of firearms, explosives, or other dangerous materials on town property or during town activities, unless the employee is authorized either by town policy or law to carry firearms, explosives, and other dangerous materials and it is also necessary to do so in the course of employment.

b. The unlawful manufacture, distribution, dispensation, possession, or use of alcohol, illegal drugs, intoxicants, or controlled substances; abuse of prescription drugs while on duty; use of alcohol while on duty; or reporting to work under the influence of illegal drugs or alcohol or while unlawfully using controlled substances.

c. Refusal to obey security officials, Emergency Management personnel, or other proper authorities in emergencies.

d. Failure to comply with safety rules, regulations, or common safety practices.

e. Failure to report an accident involving on-the-job injury or damage to town property.

f. Smoking in violation of town policy.

11. Compliance with Laws and Town Policy

a. Falsification of town records.

b. Behavior or conduct unacceptable to the town or the community at large.

c. Violation of federal government security regulations as outlined in contracts.

d. Any violation of any law in the performance of duties or that affects the ability to perform duties satisfactorily.

e. Failure to comply with Tennessee laws on mandatory reporting of child abuse and child sexual abuse.

f. Failure to comply with laws regarding mandatory reporting requirements applicable to health care professions' interactions with patients while acting within the scope of town employment.

g. Failure to comply with the town's conflict of interests policy.

h. Fabrication, falsification, or other serious unethical or illegal deviations from accepted practices in proposing, conducting or reporting in violation of town policy or state or federal law or regulations.

i. The access, use, or disclosure of a person's financial, personal, protected health information, or other confidential information without authorization or legal justification, in violation of town policies or law, e.g., privacy provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPPA).

j. Gambling on town property or during town activities.

k. The Town will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant.

12. Work Performance

a. Insubordination or refusal of an employee to follow instructions or to perform designated work or to comply with directives of authorized town officials.

b. Sleeping on the job.

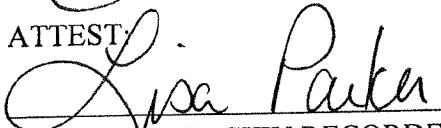
c. Failure or refusal to maintain or obtain required licensure, certification, or registration.

d. Instigating or participating in deliberate low productivity and/or interfering with another employee's work.

READ, ADOPTED AND APPROVED this 10th day of May, 2016.


PERRY KEENAN, MAYOR

ATTEST


LISA PARKER, CITY RECORDER

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Charges of violence and harassment shall be reported to any supervisor, including any department head or the mayor. The harassment complaint form included as Appendix "E" to these personnel policies and procedures should be used as the form to report any charge of violence or harassment. Depending on the severity of the charges or whether a crime is committed, the chief of police may be requested to provide assistance or assume the responsibility of the investigation. The City Attorney will also be involved as an investigator in these situations. All employees are required to assist in the course of the investigation by providing testimony, statements, and evidence, as required. Failure to cooperate may result in disciplinary action.

Copies of the investigative report with recommendations for appropriate action will be turned over to the department head as appropriate for further action. Disciplinary action up to and including dismissal may be taken against any employee who commits acts of workplace violence and harassment.

To the extent they are not in conflict herewith and to the extent they are applicable hereto, policies and procedures pertaining to complaints of, investigations of and other responses to alleged sexual harassment shall be utilized in response to allegations of workplace violence and non-sexual harassment.

SECTION 9. GENERAL POLICIES AND PROCEDURES

- A. Policy Statement** – The Town strives to maintain a positive work environment for all that may affiliate. This policy shall provide general guidance to conduct activities conducive to our environment.
- B. Authority** – The Mayor and Department Heads shall enforce the afore mentioned disciplinary guidelines with consideration of circumstances. The Aldermen or anyone recognizing conduct or activity not conforming to the contents of this personnel policy should report the misconduct to the Mayor immediately.
- C. Rules and Regulations** – These are general policy statements that are to be followed when serving in the capacity of the Town.

SECTION 10. SAVING CLAUSE

- A. Policy Statement** – The provisions of this personnel policy are hereby declared to be severable; and if any rule, section, subsection, provision, exception, sentence, clause, phrase, or parts of this policy be held by any court to be invalid or unconstitutional, that part shall be removed from the policy. The same shall not impair the validity, force, or effect of the other parts.
- B. Amendments to this policy** – All changes to this document require review by the Board of Mayor and Aldermen, as well as the city attorney. Once changes are recommended, a resolution must be passed to alter this document.

SECTION 11. CODE OF ETHICS

- A. 1-301. Applicability.** This chapter is the code of ethics for personnel of the Town of Pleasant View. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the Town

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of Pleasant View. The words "municipal" and "Town" or "Town of Pleasant View" includes these separate entities.

B. 1-302. Definition of "personal interest."

- (1) For purposes of Sections 1-303 and 304, "personal interest" means:
 - a. Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or
 - b. Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
 - c. Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or step child(ren).
- (2) The words "employment interest" includes a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.
- (3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter.

C. 1-303. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself or herself from voting on the measure.

D. 1-304. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that 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 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.

E. 1-305. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the Town over the amount of \$50.00.:

- (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 municipal business.

F. 1-306. Use of information.

- (1) An official or employee may not disclose any information obtained in his or her official capacity or position of employment that is made confidential under state or federal law except as authorized by law.
- (2) An official or employee may not use or disclose information obtained in his or her official capacity or position of employment with the intent to result in financial gain for himself or herself or any other person or entity.

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G. 1-307. Use of municipal time, facilities, etc.

- (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or herself.
- (2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the Board of Aldermen to be in the best interests of the Town.

H. 1-308. Use of position or authority.

- (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the Town.
- (2) An official or employee may not use or attempt to use his or her position to secure any privilege or exemption for himself or herself or others that is not authorized by the charter, general law, or ordinance or policy of the Town.

I. 1-309. Outside employment. A full-time employee of the Town may not accept any outside employment without written authorization from the department head.

J. 1-310 Ethics complaints.

- (1) The city attorney is designated as the ethics officer of the Town. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.
- (2) (a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his or her own initiative when he or she acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.
(b) The city attorney may request the Board of Aldermen to hire another attorney, individual, or entity to act as ethics officer when he or she was or will have a conflict of interest in a particular matter.
(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the Town's Board of Aldermen, the Board of Aldermen shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the Board determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the Board of Aldermen.
- (3) The interpretation that a reasonable person in the circumstances would apply should be used in interpreting and enforcing this code of ethics.
- (4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics.

K. 1-311. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or

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other applicable law, and in addition is subject to censure by the Board of Aldermen. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

SECTION 12. AMENDMENTS TO THE PERSONNEL RULES

- A. Amendments – Amendments or revisions of these rules may be recommended for adoption to the Board of Mayor and Aldermen and will not become effective until former approval of the Board of Mayor and Aldermen.
- B. Severability – Each section, subsection, paragraph, sentence and clause of this policy document is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence or clause shall not affect the validity of any other portion of these rules and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted.
- C. Special Note – These personnel policies are believed to be written within the framework of the charter of the Town of Pleasant View, but in case of conflict, the charter takes precedence.

These personnel rules and regulations are for information only. This is not an employment contract. This document is a statement of current policies, practices and procedures. Nothing in this document is to be interpreted as giving employees any more property rights in their jobs than may already be given by the town charter. The employer reserves the right to change any or all such policies, practices and procedures in whole or in part at any time, with or without to employees.

SECTION 13. APPENDICES TO THE PERSONNEL POLICY

APPENDIX A – Off Duty Employment Request

APPENDIX B – Annual Evaluation Report

APPENDIX C – Corrective Action Form

APPENDIX D – Employee Grievance Form

APPENDIX E – Harassment Complaint Form

APPENDIX F – Drug Free Workplace Policy

APPENDIX G – Leave Transfer Request

APPENDIX H – Social Media Policies