

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

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CHAPTER 1

CODE OF ETHICS¹

SECTION

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- 4-105. Acceptance of gratuities, etc.
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4-101. Applicability. This chapter is the code of ethics for personnel of the City of Clinton, Tennessee. It applies to all full-time and part-time elected or

¹State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative the following, see the Tennessee Code Annotated (T.C.A.) sections indicated:

Campaign finance - T.C.A. Title 2, Chapter 10.

Conflict of interests - T.C.A. §§ 6-54-107, 108; 12-4-101, 102

Conflict of interests disclosure statements - T.C.A. § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials - T.C.A. §§ 2-10-122, 124

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office) - T.C.A. § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information - T.C.A. § 39-16-401 and the following sections.

Ouster law - T.C.A. § 8-47-101 and the following sections.

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 city. The words "municipal" and "City of Clinton" include these separate entities. (1969 Code, § 1-901, as replaced by Ord. #517, Jan. 2006)

4-102. Definition of "personal interest." (1) For purposes of §§ 4-103 and 4-104, "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 interest; 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), grandparents(s), sibling(s), child(ren), or step child(ren).

(2) The words "employment interest" include 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 provision of this chapter. (1969 Code, § 1-902, as replaced by Ord. #517, Jan. 2006)

4-103. 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 that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure. (1969 Code, § 1-903, as replaced by Ord. #517, Jan. 2006)

4-104. 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

¹Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

policy, recuse himself from the exercise of discretion in the matter. (1969 Code, § 1-905, modified, as replaced by Ord. #517, Jan. 2006)

4-105. 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 city:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (1969 Code, § 1-906, as replaced by Ord. #517, Jan. 2006)

4-106. Use of information. (1) An official or employee may not disclose any information obtained in his 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 official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (1969 Code, § 1-907, modified, as replaced by Ord. #517, Jan. 2006)

4-107. 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.

(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 city council to be in the best interests of the city. (Ord. #116, modified, as replaced by Ord. #517, Jan. 2006)

4-108. 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 city.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for him or others that are not authorized by the charter, general law, or ordinance or policy of the city. (as added by Ord. #517, Jan. 2006)

4-109. Outside employment. A full-time employee of the city may not accept any outside employment without written authorization from the department head. (as added by Ord. #517, Jan. 2006)

4-110. Ethics complaints. (1) The city attorney is designated as the ethics officer of the city. 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 when he 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 city council to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the city's council, city council 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 council determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the city council.

(3) The interpretation that a reasonable person in the circumstances would apply shall 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. (as added by Ord. #517, Jan. 2006)

4-111. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violated any provision of this chapter is subject to punishment as provided by the city council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #517, Jan. 2006)

CHAPTER 2

SOCIAL SECURITY

SECTION

- 4-201. Policy and purpose as to coverage.
- 4-202. Necessary agreements to be executed.
- 4-203. Withholdings from salaries or wages.
- 4-204. Appropriations for employer's contributions.
- 4-205. Records and reports.
- 4-206. Exemption from coverage.

4-201. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this city to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1969 Code, sec. 1-701)

4-202. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1969 Code, sec. 1-702)

4-203. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1969 Code, sec. 1-703)

4-204. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1969 Code, sec. 1-704)

4-205. Records and reports. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1969 Code, sec. 1-705)

4-206. Exemption from coverage. There is hereby exempted from this chapter any authority to make any agreement with respect to any position, any employee or official not authorized to be covered by applicable state and federal laws or regulations.

CHAPTER 3

TRAVEL EXPENSE POLICY

SECTION

- 4-301. Policy purpose and intent.
- 4-302. General policy.
- 4-303. Travel requests.
- 4-304. Advances.
- 4-305. Transportation.
- 4-306. Lodging.
- 4-307. Meals and incidentals.
- 4-308. Entertainment.
- 4-309. Travel reconciliation.

4-301. Policy purpose and intent. This policy shall constitute the official policy regarding travel incurred by City of Clinton officials, board or committee members, or employees while in travel status and on official City of Clinton business. Authorization for travel and reimbursement of expenses must be in accordance with the provisions in this policy. It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (as added by Ord. #590, Oct. 2011)

4-302. General policy. (1) In the interpretation and application of this policy, the term "traveler" or "authorized traveler" means any elected or appointed city officer or employee, including members of city boards and committees appointed by the mayor or the council, and the employees of such boards and committees who are traveling on official city business and whose travel was authorized in accordance with this policy. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this policy.

(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 transportation; lodging; meals; registration fees for conferences, conventions and seminars; and other actual and necessary expenses related to official business as determined by the city manager. Expenses considered excessive will not be allowed. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(3) Travel must be necessary to execute official city business or educational objectives. Professional meetings, conferences, or workshops must be directly connected to the individual's duties and role within the city. If attending a conference, supporting documentation showing the dates of the

conference must be attached to the travel expense report form. Any dates outside the conference dates must be explained.

(4) When traveling, all individuals should be as conservative as circumstances permit. Reimbursement for travel will be based upon the most direct or expeditious route possible. Employees traveling by an indirect route must assume any extra expense incurred.

(5) A complete reason must be provided to describe the purpose of the travel. Single words such as "meeting," "research," or "conference" do not constitute an adequate reason.

(6) The city manager or his or her designee shall be responsible for the enforcement of these travel regulations. The city manager shall have the authority to grant exception to any part or all of these rules and regulations when deemed appropriate and necessary.

(7) Deliberate disregard of these regulations or filing of an intentionally misleading or fraudulent travel claim is grounds for disciplinary and/or legal action for recovery of fraudulent travel claims and/or advances. (as added by Ord. #590, Oct. 2011)

4-303. Travel requests. (1) To ensure reimbursements for official travel, an approved authorization for travel form is required.¹ All travel forms shall be approved by the department head and city manager (city manager forms approved by city mayor). Lack of pre-approval does not prohibit reimbursement, but it does assure reimbursement within the limits of this policy.

(2) All cost associated with the travel should be reasonably estimated and shown on the authorization for travel form.

(3) An approved authorization for travel form is required before advanced expenses are paid or travel advances are authorized.

(4) If applicable, a copy of the conference or seminar program should be attached to the form. If the program is not available prior to the travel, it should be submitted with the travel expense report. (as added by Ord. #590, Oct. 2011)

4-304. Advances. An individual traveling on city business may receive an advance of money to cover expenses to be incurred while traveling.

(1) Travel advance requests are not considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must reimburse the city within ten (10) days.

(2) It will be the responsibility of the finance director to initiate action to recover any undocumented travel advances. If a cash advance is not repaid

¹The City of Clinton Authorization for Travel form is of record in the office of the recorder.

within thirty (30) days, a deduction may be made from the employee's payroll check. Any person for whom a payroll deduction is made will forfeit future cash advance privileges.

(3) All travel advances must be requested on the authorization for travel form and must be submitted no later than five (5) business days before travel departure date. No travel advances will be issued more than thirty (30) days prior to the travel departure date. (as added by Ord. #590, Oct. 2011)

4-305. Transportation. (1) All potential costs should be considered when selecting the mode of transportation. Time away from work should also be considered.

(2) City vehicles may be used for transportation while on official city business unless considerations of time or distance would indicate that such use would be unreasonable. If a city vehicle is used, the traveler is responsible for seeing that the vehicle is used properly and only for acceptable city business. The employee will be reimbursed for expenses directly related to the actual and normal use of the city vehicle when proper documentation is provided.

(3) Use of personal vehicles for travel on city business shall be allowed; however, city owned vehicles shall be used when feasible. Reimbursement shall be at the current rate as established by the Internal Revenue Service Standard Mileage Rate. The miles for reimbursement shall be paid from origin to destination and back by the most direct route. Necessary vicinity travel related to official city business will be reimbursed subject to documented necessity as business-related. If an indirect route is taken, the Rand-McNally mileage table will be used to determine the mileage to be reimbursed.

(4) If a personal vehicle is used by two (2) or more travelers on the same trip, only the traveler who owns or has custody of the vehicle will be reimbursed for mileage. It is the responsibility of the traveler to provide adequate insurance to hold harmless the city for any liability from the use of the personal vehicle. Travelers will not be reimbursed for automobile repair or breakdowns when using their personal vehicle.

(5) Storage or parking charges resulting from the authorized use of either city or personal vehicles shall be at the expense of the city. Fines for traffic or parking violations will not be reimbursed by the city. Reasonable tolls will be allowed when the most direct route requires them.

(6) In no event will mileage reimbursement plus vicinity travel and associated vehicle costs exceed the lowest reasonable air fare and associated air fare travel costs.

(7) When other modes of travel are to be used, the city shall provide or pay for tickets for rail, air or bus transportation and any associated costs such as travel insurance, etc. The city will pay for the lowest available fare for these modes of transportation. When possible, the traveler should make full use of discounts for advance reservations.

(8) When an individual travels by common carrier, reasonable fares will be allowed for necessary ground transportation. Bus or limousine service to and from airports should be used when available and practical. The city will reimburse mileage for travel to and from the local airport and parking fees. The most economical means of transport should be used.

(9) For travel between lodging quarters and meetings, conferences, or meals, reasonable taxi fares will be allowed. Transportation to and from personal trips (e.g. entertainment, shopping) will not be reimbursed.

(10) Use of a rental car is not permitted unless it is less expensive or otherwise more practical than public transportation. Approval of car rental is required in advance by the city manager. Anyone who uses a rental car for out-of-state travel must obtain liability coverage from the vendor.

(11) If necessary to accommodate meeting times and travel arrangements, expenses will be covered for one (1) day before and after meeting dates.

(12) The traveler will be required to take annual leave for any additional time taken beyond the day before and after the meeting dates unless the traveler extends the trip to take advantage of discount fares. Additional authorized travel days must be pre-approved by the city manager. (as added by Ord. #590, Oct. 2011)

4-306. Lodging. (1) Reimbursement for lodging will be based upon the locality, purpose of travel, and availability of accommodations. Reasonableness and economy should be exercised by the traveler in all instances. Hotels that offer government rates should be used when available.

(2) Actual cost of single occupancy of hotel or motel room shall be at the expense of the city. When a room is occupied by more than one (1) person and the additional occupant(s) is not on official city business, reimbursement will be made in the amount charged for single occupancy.

(3) The city's tax exempt status should be used for all in-state lodging. It is the traveler's responsibility to provide the necessary documentation and payment method required by the vendor in order to avoid sales tax charges. Sales tax charges will not be reimbursed by the city.

(4) A detailed receipt showing itemized room charges and taxes (if applicable) is required for all authorized travel. (as added by Ord. #590, Oct. 2011)

4-307. Meals and incidentals. (1) The authorized traveler will be reimbursed a daily amount of forty dollars (\$40.00) as per diem. The per diem amount is expected to cover meals, tips, porters, and incidental expenses. The traveler will not be reimbursed more than the per diem amount. Receipts are not required for meals and incidentals.

(2) The following rates will apply for the day of departure and the day of return:

Departure: Prior to 9:00 A.M. 100%
 After 9:00 A.M. 50%
Return: Prior to 5:00 P.M. 50%
 After 5:00 P.M. 100%

(3) If a meal is included as part of a conference or seminar fee, the daily per diem rate shall be reduced as follows:

Breakfast 20%
Lunch 30%
Dinner 50%

(4) For travel that does not require an overnight stay, per diem will be reimbursed at fifty percent (50%) of the established daily rate only if the traveler is required by city business to be outside a fifty (50) mile area of city hall and is in travel status for eight (8) hours or longer. (as added by Ord. #590, Oct. 2011)

4-308. Entertainment. (1) The city may pay for certain entertainment expenses provided that:

- (a) The entertainment is appropriate in the conduct of city business;
- (b) The entertainment is approved in advance by the city manager;
- (c) The group or individuals involved are identified; and
- (d) Documentation is attached to the expense form to support the entertainment expense claims.

(2) Necessary meal expenses for group meetings will be allowed for city business subject to city manager approval prior to the meeting.

(3) The request for reimbursement for authorized entertainment expenses must include:

- (a) Original receipts from the vendor (restaurant, caterer, ticket office, etc.). Only reasonable tips and gratuities included on the receipt by the vendor are reimbursable.
- (b) A disclosure and explanation statement explaining the purpose of the entertainment and identifying the group and the number of people entertained (or individual names listed if not a recognized group). (as added by Ord. #590, Oct. 2011)

4-309. Travel reconciliation. (1) Within ten (10) day of return from travel, the traveler is expected to complete and file the travel expense report form.¹ It must be certified by the traveler that the amount due is true and

¹The City of Clinton Travel Expense Report form is of record in the office of the recorder.

accurate. Original receipts must be provided for all expenses in excess of five dollars (\$5.00).

(2) If the city provided a travel advance, the traveler should include that information on the expense form. The balance due the traveler or the refund due the city should be clearly indicated on the travel expense report form. If the city is due a refund, the traveler should attach a check made payable to the city.

(3) The traveler is responsible for providing the city with original paid receipts for any payments made by the city directly to travel related vendors (e.g. hotels, conferences). (as added by Ord. #590, Oct. 2011)