

ADMINISTRATIVE RULES – CITY OF KNOXVILLE

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1.01 AUTHORITY

In accordance with the directives of the Mayor of the City of Knoxville (hereafter referred to as the “City”), the Knoxville City Charter, and applicable City ordinances, the following rules and regulations are established to guide administrative personnel actions and are in addition to the Civil Service Rules and Regulations. Any City ordinance, Executive Order, Civil Service Rule, or state/federal regulation which becomes effective after the date these Administrative Rules are implemented shall supersede the applicable rules contained herein. Personnel actions taken prior to the effective date of these Administrative Rules shall be governed by the rules that were in effect on the date that such actions were taken.

1.02 PURPOSE

These rules set forth the principles and procedures that are to be followed by the City in its personnel program 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 citizens of Knoxville may derive the benefits and advantages which can be expected to result from a competent staff of City employees.

1.03 AMENDMENT

These administrative rules may be revised or amended by the Civil Service Director with subsequent approval by the Mayor. Amendments to these rules may be initiated by the Civil Service Director or by others through a written request to the Civil Service Director.

1.04 ADMINISTRATION

These rules shall be administered by the Civil Service Director on behalf of the Mayor, and by all Directors and Department Heads. The Civil Service Department shall have the authority to make findings and issue opinions in relation to these regulations. These rules shall apply to all employees (including those employees not covered by Civil Service) except in cases where specific exceptions are provided by Charter, ordinance, or other rule or regulation promulgated by proper authority.

1.05 NON-DISCRIMINATION

The City of Knoxville prohibits discrimination in employment on the basis of non-merit factors such as race, color, gender, age, religion, national origin, ethnic origin, gender identity, sexual orientation, creed, genetic information, and disability. The City will take all necessary steps to comply with existing federal and state fair employment laws and to provide freedom from discrimination in employment practices for all persons identified in this rule to the same extent as those protected classifications under federal and state law. Discrimination against any qualified individual in recruitment, examination, appointment, training, promotion, demotion, retention, discipline, or any other employment practices because of non-merit factors shall be prohibited.

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1.06 **HARASSMENT POLICY**

The City is committed to providing a work environment that is free of discrimination. In keeping with this commitment, the City maintains a strict policy prohibiting sexual harassment or any other harassment based on a protected class such as race, color, gender, age, religion, national origin, ethnic origin, gender identity, sexual orientation, creed, genetic information, and disability. All forms of harassment are strictly prohibited.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to, the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex, but he/she must have been subjected to harassment because of the victim's sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

Harassment based on a legally protected class, including race, color, gender, age, religion, national origin, ethnic origin, gender identity, sexual orientation, creed, genetic information, and disability may also constitute unlawful harassment and is strictly prohibited by the City. For example, derogatory or degrading remarks, jokes, objects or pictures, or negative commentaries about a person's race, color, gender, age, religion, national origin, ethnic origin, gender identity, sexual orientation, creed, genetic information, or disability are strictly prohibited.

Any employee who believes he or she has been the subject of harassment due to his or her race, color, gender, age, religion, national origin, ethnic origin, gender identity, sexual orientation, creed, genetic information, or disability should submit a written complaint of the alleged act immediately to the Civil Service Director. In the alternative, the written report may be made to the Director of Law. If such a report is made by an employee to a supervisor, Director, or Senior Director, the party to whom the report has been made must notify the Civil Service Director or the Director of Law as soon as possible. Supervisors must report harassment as a condition of employment. Failure to report known harassment may result in disciplinary action. If deemed necessary by the

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Civil Service Director, the Civil Service Director or alternatively the Director of Law or their representatives will work with Police Internal Affairs to make an investigation of the complaint immediately after the report is made. This investigation may include, but is not limited to, interviews of witnesses and examination of relevant documents. A summary report of facts will be submitted by the Civil Service Director or Director of Law to the Mayor and the Department Head of the accused employee.

There will be no retaliation against an employee who brings a good faith complaint of unlawful harassment or against any employee who provides good faith testimony or evidence during an investigation.

After the investigation of the complaint has been completed, and where the facts support the allegations made in the complaint, appropriate disciplinary action will be taken, up to and including termination. During any investigation, the City may also take any temporary action necessary to prevent further harassment until the investigation is completed and permanent action can be taken.

This policy shall be reviewed from time to time by the Director of Law.

1.06.01 **Offensive Materials Policy**

No City employee while on duty and/or on City property shall be in possession of any kind of sexually explicit material, and no City employee shall access such material through the City's Internet system. Any violation of this policy may result in immediate disciplinary action, up to and including termination.

The term "sexually explicit material" means 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).

All departmental supervisors are responsible for monitoring their employees' work areas to ensure that this policy is enforced. Any employee encountering such material should immediately report the location and details related to the incident to the Civil Service Department as soon as possible. This policy shall not apply to employees who are required to take possession of such material during the performance of their official job duties, such as confiscation or other similar justification.

1.06.02 **Computer Use Policy**

Computers and related items furnished by the City are City property, intended for use by employees for City business. Computers and related items include, but are not limited to, hardware, software (including e-mail and Internet software), computer files and documents. The City has the right, but not the duty, to monitor any and all of its computers and related items including, but not limited to: monitoring employees' visits on the Internet, reviewing material downloaded or uploaded by employees, and reviewing e-mail sent and received by employees.

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Waiver of Privacy

Employees have no expectation of privacy in e-mail messages, data accessed through the Internet, or any other data or information created or stored on City computers, nor does the use of passwords by employees create any privacy rights in this information. The City may access, monitor, or reproduce these messages and data, without the consent of employees, when it is deemed necessary in the sole discretion of the City. All passwords must be provided to the Department Director or Information Systems upon request. The use of undisclosed passwords is prohibited.

Prohibited Uses

The sending, displaying, disseminating, or storing of inappropriate or sexually explicit material is prohibited, unless the employee can demonstrate a legitimate City interest in such conduct (such as police investigation of criminal activity). No City employee shall use City computers in a manner that is disruptive or offensive to others, or in violation of any provision of the City's personnel policy. Other prohibited uses include, but are not limited to, any material containing ethnic slurs, racial comments, off-color jokes, or material that may be construed as sexual, racial or other harassment, or the showing of disrespect of others.

No software may be installed or downloaded on to City computers without the written permission of the Information Systems Director.

The e-mail system should not be used to solicit or to conduct personal business ventures.

Compliance with Applicable Laws and Licenses

Employees must comply with all software licenses, copyrights, and all other state and federal laws governing intellectual property and online activity. No City employee may duplicate such software without the written permission of the Information Systems Director.

Violations; Disciplinary Action

Employees who violate this policy shall be subject to legal and/or disciplinary action, up to and including termination of employment. Employees should notify their immediate supervisor or department director upon receiving any inappropriate or sexually explicit material or upon learning of violations of this policy.

1.07 WORKPLACE VIOLENCE POLICY

The City is committed to providing a safe workplace that is free from violence or threats of violence. "Violence" includes, but is not limited to, physical harm, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, interfering with an individual's legal rights of movement, and threatening or talking of engaging in violent activities. The City expressly forbids any acts or threats of violence by any current or former employee against other employees, citizens, or visitors in or around the workplace or elsewhere at any time.

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All employees must submit a written report of any incidents of violent, threatening, harassing, or intimidating behavior to the Civil Service Department (or alternatively the Law Department). Any situation in which an employee witnesses actual violence or reasonably believes that there is an imminent threat of violence should be reported directly to the Knoxville Police Department or to 911.

All reports of violence, threats, harassment, intimidation, and other disruptive behavior will be taken seriously and investigated by the Civil Service Department and the Knoxville Police Department. Individuals who commit and/or threaten violent acts will be dealt with appropriately up to and including termination of employment and/or criminal penalties. There will be no retaliation against an employee who brings a good faith complaint of workplace violence or against any employee who provides good faith testimony or evidence during an investigation.

1.07.01 **CHILD PROTECTION POLICY**

Policy Statement

The City of Knoxville will not tolerate any behavior constituting Sexual Misconduct involving minors by its employees, volunteers or participants in any of the City's Parks and Recreation Programs or other City programs.

"Sexual Misconduct" as used in this policy means: As defined by the State of Tennessee, the actual or attempted commission of the following criminal acts against a minor child: (1) sexual assault, (2) sexual abuse, (3) sexual exploitation, (4) sexual solicitation, (5) statutory rape, in any degree, or (6) public indecency.

Reporting Sexual Misconduct Involving a Minor

The City of Knoxville 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) provide express consent.

Employees and volunteers who commit sexual misconduct involving a minor shall be reported to the proper legal authorities and appropriate disciplinary action shall be taken, up to and including termination.

Complaint Involving Employees/Volunteers: Any participant in a City program who is a minor child and who believes that he or she has been the subject of Sexual Misconduct by an employee or volunteer of the City should contact the Knoxville Police Department at 215-7000. The Knoxville Police Department shall contact the appropriate authorities, as required by state law. A summary report of facts will be submitted to the Director of Law and the Department Head of the accused employee.

Furthermore, 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 Knoxville Police Department at 215-7000. There will be no retaliation against an employee or volunteer who brings a good

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faith complaint regarding Sexual Misconduct or against any employee who provides good faith testimony or evidence during an investigation. The Knoxville Police Department shall contact the appropriate authorities, as required by state law.

Complaints Involving Non-employees: 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 volunteer or City employee, they shall report the occurrence to the Knoxville Police Department at 215-7000. The Knoxville Police Department shall contact the appropriate authorities, as required by state law.

Mandatory Reporting Requirements: In accordance with Tennessee State law, any person who has knowledge of or has reasonable cause to suspect that a child has been sexually abused shall report such information to the proper authorities. The report shall be made in accordance with T.C.A. § 37-1-403 and T.C.A. § 37-1-605 to one of the following entities:

- a. the Chief Law enforcement official of the municipality where the child resides;
- b. the Department of Children's Service's Central Intake Division Child Abuse Hotline at 1-877-237-0004 or 1-877-54ABUSE;
- c. the Sheriff of the county where the child resides; OR
- d. the Judge having juvenile jurisdiction over the child.

1.08 ELIGIBILITY FOR EMPLOYMENT – IMMIGRATION REFORM AND CONTROL ACT OF 1986

The Immigration Reform and Control Act requires that the City verify the identity and employment eligibility of all new employees. All new City employees must complete all required forms and submit appropriate documentation within three days of initial employment.

In accordance with Federal Law, the City shall not discriminate against any individual (other than an unauthorized alien) in hiring, discharging, promoting or other personnel actions because of that individual's national origin or, in the case of a citizen or intending citizen, because of his/her citizenship status. However, State laws require that all Police Officers must be United States citizens.

1.09 EMPLOYEE CODE OF ETHICS

All City employees are required to maintain the highest ethical standards in the conduct of their official duties. In order to fulfill this requirement, the following points are made:

- A. There shall be no activity which is in conflict with the interest of the City or employee's official duties.
- B. City employees cannot use their position with the City for private interest.
- C. No employee shall 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

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intended to influence the employee, or reasonably be expected to influence the employee, in the performance of the employee's official duty or was intended as a reward for any official act by the employee which benefits another party.

- D. Personal characteristics such as honesty, courtesy, dependability, sobriety, industry, and use of sound judgment are requirements for all employees in all classes of work throughout City employment.
- E. To the extent of conflict between this rule and the provisions of any ordinance enacted by City Council, the provisions of the ordinance control.

1.10 POLITICAL ACTIVITY

In accordance with Section 1012 of the Knoxville City Charter, 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 to (1) coerce, induce or persuade any person or group of persons to support, or (2) 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.

Also in accordance with Section 1012(B) of the Charter, any classified employee who wishes to accept or to seek nomination, election, or appointment to public office shall take an unpaid leave of absence from the service, which shall not be unreasonably withheld, upon indicating such intention by formal declaration and/or other evidence of candidacy. Upon such election or appointment the classified employee shall resign from the service of the City. Nothing in these rules, however, shall be construed to prevent any employee from becoming and/or continuing to be a member of a political organization, from attending any political meetings or from enjoying complete freedom from all interference in exercising their rights as citizens.

1.11 AVAILABILITY OF ADMINISTRATIVE RULES

These rules shall be made available to all employees. Any employee who desires to review the rules may request from his/her supervisor permission to review these rules, and the supervisor shall make a copy available for review. The rules may be accessed on the Civil Service Department link of the City intranet website. Copies may also be obtained from the Civil Service Department, Suite 569, City/County Building upon request.

1.12 JOB TYPES

For the purpose of these Administrative Rules, the following are definitions of the various types of employment in City government:

Regular - employed for an indefinite period as reflected in personnel records

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Temporary - hired for a specific period as reflected by personnel records (No benefits are available to temporary employees)

Full-time - scheduled to work at least 35 hours weekly or 70 hours biweekly as reflected by personnel records

Part-time - scheduled to work between 25 and 34 hours per week (eligible for partial benefits if employed on a regular basis in accordance with the provisions of these Administrative Rules)

or

scheduled to work less than 25 hours per week (eligible, if employed on a regular basis, for pension benefits and holiday pay only).

1.13 **EMERGENCY POWERS OF THE MAYOR**

In accordance with Article 3, Section 303, Paragraph (m) of the Charter of the City of Knoxville, in case of a public crisis, such as conflagration, riots, storms, earthquakes, or other unusual perils to the lives, liberty and property of the citizens of Knoxville, it shall be the right and duty of the Mayor of Knoxville to summon all the forces and different departments of the City for the purpose of protecting the lives, liberty and property of the citizens; and it shall be the right and duty of the Mayor to summon, deputize or otherwise employ such other persons as the Mayor may deem necessary outside of the regular forces of the City for the purpose of rendering the necessary protection to the citizens and to the City of Knoxville.

1.14 **REPORTING OF FRAUD OR THEFT OF PUBLIC MONEY, PROPERTY OR SERVICES**

The Local Government Instance of Fraud Reporting Act, Tenn. Code Ann. § 8-4-501, *et seq.*, requires a public official who obtains “information that reasonably causes the official to believe that a theft, forgery, credit card fraud, or other unlawful taking of public money, property, or services has occurred” to report that information to the Comptroller of the Treasury of the State of Tennessee within five (5) working days. Under state law, “public official” means a person elected or appointed to any office of a governmental entity, which therefore includes all employees of the City of Knoxville. To promote compliance with state law and to allow for appropriate investigation and prosecution, any City employee with knowledge of an unlawful taking of public money, property or services is required to immediately report all information regarding the incident to the Comptroller for the City of Knoxville on the form provided by the Department of Finance and Accountability. Information provided to the City Comptroller will be forwarded to the Comptroller of the State of Tennessee, in compliance with state law.

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1.15 **ELECTRONIC RECORDS RETENTION**

Purpose

In today's environment, employees create and maintain an increasing portion of their records using computers. Electronic records must be managed alongside traditional records to ensure compliance with state and federal regulations and to preserve the history of the City. The purpose of this policy is to inform City of Knoxville employees and the public of the requirements and responsibilities for management and disposition of electronic records.

Scope

The electronic records retention policy set forth herein applies to all employees of the City of Knoxville and applies to all electronic records that are made or received in the transaction of City of Knoxville business.

Definitions

- A. The term “electronic record” means any record that is created, received, maintained or stored on City of Knoxville’s local workstations or central servers. Examples include, but are not limited to:
- electronic mail (“e-mail”)
 - word processing documents and spreadsheets
 - databases
 - pictures and video
 - maps and drawings
- B. The term “legal custodian” means the originator of an e-mail message or the creator of an electronic document if that person is a City of Knoxville employee; otherwise it is the City of Knoxville employee to whom the message is addressed or to whom the electronic documents is sent. If the record is transferred, by agreement or policy, to another person for archival purposes then that person becomes the legal custodian.
- C. “Official records retention and disposition schedules” are the general and departmental program schedules that have been approved by the City of Knoxville and set forth in City Code § 2-761 *et seq.*
- D. The term “archiving” shall mean the process of saving e-mail infrequently accessed on City of Knoxville e-mail servers.
- E. The term “purging” shall mean to systematically and permanently delete e-mail older than the specified retention length.

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Policy Statement

A. General Requirements

Maintenance and disposal of electronic records, as determined by the content, is the responsibility of the legal custodian and must be in accordance with guidelines established by the City of Knoxville and also in compliance with the City code and state law. Failure to properly maintain electronic records may expose the City and individuals to legal risks.

The department head of each office having public records is responsible for ensuring compliance with this Policy, the City code and with the Public Records Act, Tenn. Code Ann. § 10-7-503, *et seq.* When an employee leaves a department or the City, the department head or his/her designee is responsible for designating a new custodian and ensuring that any public records in the separating employee's possession are properly transferred to the new custodian within ten (10) days of transfer or termination. The department head or his designee is responsible for contacting Information Systems to arrange for the transfer of the electronic records to the new custodian before the accounts are scheduled to be deleted. Should the department head or his designee fail to arrange for the transfer to the new custodian, the electronic records shall be transferred to the possession of the department head.

B. Electronic Mail

Work-related e-mail is a City of Knoxville record, and must be treated as such. Each e-mail user must take responsibility for sorting out personal messages from work-related messages and retaining City of Knoxville records as directed in official records retention and disposition schedules. E-mail that does not meet the definition of a public record, e.g., personal e-mail or junk e-mail, should be deleted immediately from the system.

City of Knoxville e-mail servers are NOT intended for long-term record retention. E-mail messages and any associated attachment(s) with retention periods greater than five (5) years are to be printed and filed in similar fashion to paper records. The e-mail message should be kept with the attachment(s). The printed copy of the e-mail must contain the following header information:

- who sent message
- to whom the message was sent
- date and time message was sent
- subject

When e-mail is used as a transport mechanism for other record types, it is possible, based on the content, for the retention and disposition periods of the e-mail and the transported record(s) to differ. In this case, the longest retention period shall apply. Only the final e-mail from a series of exchanges needs to be retained providing it is historically complete.

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C. Instant Messaging

The City does not authorize the use of Instant Messaging (IM) for City of Knoxville business.

D. IS Backup Files

Information Systems performs backups of the e-mail and electronic files stored on central servers on a regular schedule for disaster recovery. These backups are to be used for system restoration purposes only. The Information Systems administrator is not the legal custodian of messages or records which may be included in such backups.

E. Litigation Holds

When litigation against the City of Knoxville or its employees is filed or threatened, the law imposes a duty upon the City of Knoxville to preserve all documents and records, including electronic records, that pertain to the issues. Any City employee who becomes aware that litigation may arise from a particular circumstance has a duty to report that circumstance to the Law Department through supervisory channels immediately.

As soon as the Law Department is made aware of pending or threatened litigation, a litigation hold directive will be issued to the legal custodian(s) of paper or electronic records that may be related to the litigation. The litigation hold directive will, as appropriate,

- specify that all documents related to the litigation must be preserved;
- identify the sources of all possible evidence (correspondence, memoranda, faxes, hard drives, network and e-mail servers, handheld electronic devices, etc.)
- specify a point person to oversee the preservation process;
- identify a relevant time frame; and
- specifically direct that all discoverable evidence may not be destroyed, modified or otherwise disposed of, and suspend any routine document destruction procedures.

To the extent possible, paper and electronic records subject to the litigation hold directive will be segregated and kept separate from other paper and electronic records and identified appropriately. The litigation hold directive overrides any records retention schedule that may have otherwise allowed or required the transfer, disposal or destruction of the relevant documents until the hold has been cleared by the Law Department. E-mail, hard drives and computer accounts of separated employees that have been placed on a litigation hold by the Law Department will be maintained by Information Systems until the hold is released.

No employee having been notified by the Law Department or who otherwise knows or should know of a litigation hold may alter or delete a paper or electronic record that falls within the scope of that hold. Violation of the hold may subject the

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individual to disciplinary action, up to and including dismissal, as well as liability for sanctions by the courts.

F. Archiving E-mails

An employee may choose to archive e-mails for a period of five (5) years. Archiving e-mails is for the convenience of the user and is not intended as a permanent method of storage.

G. Purging E-mails

Information Systems has the right to purge both archived and online e-mail boxes of content more than five (5) years old each year. Information Systems will provide employees fourteen (14) days notice prior to purging.

Enforcement

Failure to comply with the Electronic Records Retention Policy and associated guidelines and procedures may result in disciplinary action.

Review

This policy will be reviewed periodically by the Law Director and the Director of Information Systems.

1.16 ACCESS TO AND COPIES OF PUBLIC RECORDS

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

City employees shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this Administrative 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 current law. Concerns about this Policy should be addressed to the public records request coordinator for the City of Knoxville or to the Tennessee Office of Open Records Counsel ("OORC"). The City of Knoxville's public records request coordinator is the Director of Communications, 400 Main Street Room 654A, Knoxville, TN 37902, (865) 215-3710 or communications@knoxvilletn.gov.

Like all Administrative Rules, this Administrative Rule is available for inspection and duplication in the office of the Department of Communications, and shall be posted online at http://www.knoxvilletn.gov/government/city_departments_offices/communications/. This Policy shall be reviewed every two years.

Under the authority granted to the Mayor by Article III, §§ 301 and 303 of the Charter of the City of Knoxville and § 2-3 of the Knoxville City Code, and pursuant to TENN. CODE

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ANN. § 10-7-503(g), access to and copying of public records shall be governed by the following:

The Schedule of Reasonable Charges (including production and labor charges) and the Frequent and Multiple Requests for Copies Policy promulgated by the Tennessee Comptroller of the Treasury, Office of Open Records Counsel, are hereby adopted for the City of Knoxville, except where an ordinance or written policy adopted by an administrative department of the City 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 ten dollars (\$10) per disk 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 Tennessee Comptroller of the Treasury, Office of Open Records Counsel, 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.

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 Department of Communications on the City's web site.

Requests for inspection and/or copying of public records, whether made in person at the offices of a City department or the public records request coordinator, or by mail, by phone or by e-mail or other direct electronic communication, may be handled in two different ways. Where a department has a designated office 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

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access, including copies, without completing the standard (or the department'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 City 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 Law Department to ensure that confidential information is redacted prior to release.

1.17 **LIMITED ENGLISH PROFICIENCY POLICY**

In compliance with Title VI of the 1964 Civil Rights Act and Executive Order 13166, the City of Knoxville (the "City") will take reasonable steps to ensure that persons with Limited English Proficiency ("LEP") have meaningful access and an equal opportunity to participate in all services, activities, and programs. LEP individuals are those who are unable to speak, read, write, or understand the English language at a level that permits them to interact effectively with the City's service providers. The policy of the City is to ensure meaningful communication with persons that experience LEP and their authorized representatives. This policy also provides for the communication of information contained in vital documents, meaning any document containing information that is critical for accessing services, activities, and programs, e.g., letters or notices requiring the response of an LEP individual and documents that inform LEP individuals of free language assistance. All interpreters, translators, and other aids needed to comply with this policy shall be provided without cost to the person being served.

The City's LEP Policy governs the City, City employee functions and actions, and sub recipients of federal funds through the City. This Policy does not govern organizations that make use of City space for non-City events.

Language assistance will be provided through the use of competent bilingual staff, staff interpreters, contracts or formal arrangements with organizations providing interpretation or translation services, or technology and telephonic interpretation services. All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter. The City will conduct a regular review of the language access needs of its service population and will update and monitor the implementation of this LEP Policy, as necessary.

PROCEDURES:

A. Written Notice Of Language Access Rights

Language access statements will inform LEP individuals of the following:

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1. Information about available LEP services, including their ability to utilize qualified interpreter services at no cost to them;
2. Basic instructions on accessing services, activities, and programs, including directions to appropriate City offices; and
3. Their ability to file a grievance about the language access services provided to them.

Language access statements will be distributed in the major LEP languages appropriate for the City. Distribution decisions (i.e., what documents will contain language-access statements and where they will be located) will be based on the importance or urgency of the service and the volume of public contact. Distribution will occur through the following methods:

1. Posting of signs in lobbies and waiting areas;
2. Posting of signs on bulletin boards located in areas of public access; and
3. Statements in brochures, booklets, outreach, recruitment information, and other materials that are routinely disseminated to the public.

City departments will post signs containing language access statements within each of their departments.

B. Identifying LEP Persons And Their Languages

The City will promptly identify the language and communication needs of the LEP person. If necessary, staff will use a language identification card ("I speak cards") or posters to determine the language. In addition, when records are kept of past interactions with individuals or their family members, the language used to communicate with the LEP person will be included as part of the record. These records may be used to determine the level of LEP services and make and evaluate changes to LEP services.

C. Obtaining A Qualified Interpreter

Qualified interpreters are persons with a demonstrated proficiency in English and another language, a demonstrated knowledge in both languages of relevant specialized terms or concepts, and documentation of completion of training on the skills and ethics of interpretation and awareness of relevant cultural issues. Qualified interpreters will be required to comply with the City's confidentiality policies and the ethics provision in the Knoxville Code when interpreting or translating.

The City's Title VI Coordinator is responsible for maintaining an accurate and current list showing the name, language, phone number, and hours of availability of bilingual staff, which is provided on the Community Relations intranet website at <http://insideknoxville.knx/ComRelation/default.aspx>. City departments may use this list to contact the appropriate bilingual staff member to interpret if an employee who

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speaks the needed language is available and is qualified to interpret. City departments may also obtain an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language.

Fluent Language Line has agreed to provide qualified interpreter services, which are available 24/7. The agency's telephone number is 1-855-869-7238.

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual in writing **after** the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the department. Such an offer and the response will be documented in the person's file. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person, and the LEP person may not use the family member or friend as an interpreter.

Children (i.e., persons under the age of 18) will **not** be used to interpret to ensure confidentiality of information and accurate communication.

Public meeting notices will include a statement explaining that interpreters will be provided upon request if requested at least 5 business days before the meeting.

D. Providing Written Translations

When translation of vital documents is needed, each department in the City will submit documents for translation into frequently encountered languages to the Title VI Coordinator. Original documents being submitted for translation will be in final, approved form.

The City will set benchmarks for translation of vital documents into additional languages over time.

All restrictions placed upon interpreters and their interpretations detailed in Section 3 of this LEP Policy equally apply to written translators and their translations.

E. Monitoring Language Needs And Implementation

On an ongoing basis, the City will assess changes in demographics, types of services, or other needs that may require reevaluation of this LEP Policy and its procedures. In addition, the City will regularly assess the efficacy of these procedures, including, but not limited to, mechanisms for securing interpreter services, equipment used for the delivery of language assistance, complaints filed by LEP persons, and feedback from the public and community organizations.

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F. Employee Training

All City employees will receive LEP training. Employees should know their obligations to provide LEP individuals with meaningful access to City services, programs, and activities. The more frequent the contact with LEP individuals, the greater the need for in-depth training. Employees with little or no contact with LEP individuals must be aware of this LEP Policy and their Department-Specific LEP Policy (“DSP”). Employees in management positions, even if they do not interact regularly with LEP individuals, must be fully aware of and understand this LEP Policy and their respective DSP so that they can reinforce the importance and ensure the implementation of the policies.

LEP training on a City-wide level will be planned and carried out by the Title VI Coordinator. The Title VI Coordinator will conduct “train-the-trainer” sessions for all of the LEP department liaisons on an annual basis and by request. LEP department liaisons will be expected to lead the training efforts for their respective departments and employees.

Each City department will be responsible for the LEP training of all of its employees. Each City department will develop its training program based on this LEP Policy and the department’s DSP. The training will be led by the designated LEP department liaison.

At a minimum, the City will ensure that:

- All City employees know about the City’s LEP Policy;
- All City employees who are in public contact positions will be trained to work effectively with in-person and telephone interpreters and translators; and
- The City will provide training, including a copy of the City’s LEP Policy, as part of the City’s orientation for new City employees.

1.18

SOCIAL MEDIA POLICY

NOTE: This policy sets guidelines for official use of social media by City of Knoxville departments and personnel. It does not address private use of social media by City of Knoxville employees. Individual departments may establish their own further guidelines for personal social media use by employees.

General Guidelines

Social media can provide quick, effective means of communication with the general public about City of Knoxville services, events and projects. Social media platforms can include, but are not limited to: Facebook, Twitter, Instagram, Vine and Pinterest. City of Knoxville departments and offices that wish to create their own social media accounts for purposes of public communication are allowed to do so, as long as they adhere to the guidelines set forth below.

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A. Website As Primary Outlet

The City of Knoxville's primary online presence is the official City of Knoxville website, www.knoxvilletn.gov. Unlike third-party social media platforms, the website is owned and controlled by the City of Knoxville. As much as possible, social media posts and pages should refer and link to information on the website. Social media should be thought of as auxiliary communications outlets branching off of the website, rather than as separate, stand-alone platforms.

B. Content

Employees representing the City through social media outlets or participating in social media features on City websites must maintain a high level of ethical conduct and professional decorum. Failure to do so is grounds for revoking the privilege to participate in City social media sites, blogs, or other social media features.

Employees should remember that content and messages posted on City social media platforms are public and may be perceived and cited as official City statements by the media or the general public.

Where practical, City social media platforms should visibly display the City of Knoxville logo, the 311 logo and a link to the City of Knoxville website (knoxvilletn.gov).

Any available filters for profanity and offensive language should be enabled for any City of Knoxville social media account.

Content of all social media posts should be:

- **Accurate** – Verify the spellings of names and places, the dates, times and locations of events, and the functionality of any hyperlinks included in the post;
- **Grammatically Correct** – Use proper sentence structure, punctuation and capitalization, to the extent possible. Abbreviations and shortcuts are okay in Twitter, which has a strict character limit, but make sure your meaning is clear;
- **Professional** – Social media encourages a conversational tone, which can be helpful in presenting information in a friendly and accessible way, but there is a balance to strike in maintaining professional credibility. Remember you are speaking not only for yourself but for the City as a whole;
- **Civil** – Do not engage in arguments or hostile exchanges through social media. It is fine to answer questions to the best of your ability, but do not get drawn into combative dialogue with people who just want to vent or sling insults. You can always end an exchange by referring people to 311 for more information or to file a complaint;

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- **Concise** – Even on social media platforms without a mandatory character limit, social media posts should be as short as possible. A few sentences or a few short paragraphs with links to supporting material should suffice in most cases.

C. Frequency

Social media is only effective if used with some regularity. Although posting frequency may vary depending on the specific needs of the department or office, in general social media should be used on at least a weekly basis. If you do not generate enough material to post weekly, then you probably do not need a social media platform. Instead, you can forward information to the City Webmaster to be posted on the website and on our primary social media (the City of Knoxville Facebook page, the Mayor's Facebook page, etc.).

D. Administrative Authority

All City of Knoxville social media platforms should be approved in advance by the Director of Communications, and will be subject to annual review.

In addition to the primary operators of the social media platform, members of the Communications Department should be designated as administrators of any City of Knoxville social media accounts. This should include the Communications Director and City Webmaster. This provides backup in case information needs to be updated, amended or deleted at a time when the primary operators are unavailable. Members of the Communications Department will step in only on an emergency basis or as requested by the primary administrators or by the Mayor. Our intent is to provide as much freedom as possible to the primary administrators, but repeated violations of this policy by any City employee could lead to suspension of administrative privileges for the relevant social media accounts.

E. Retention and Archiving of Material

Material posted to City of Knoxville social media accounts is considered public record. All of our social media posts, comments and interactions will be archived for easy access and reference. Social media records will be subject to the same rules and restrictions as all other public records.

F. Public Comment and Terms of Service

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Public interaction is an important component of effective social media, but it needs to be monitored. On Facebook pages or any other platform where comment is allowed, the following Terms of Service must be posted:

“This is a City of Knoxville social media platform. Please be civil and respectful in any comments, questions or interactions with other commenters. Comments will be deleted for use of profanity, obscenity, racial or cultural slurs, threatening language, sexual content, or harassment. Promotions of commercial enterprises or any other spam text will also be deleted, as will personal identifying information published without the subject’s consent.

City of Knoxville social media sites are subject to applicable public records laws. Any content maintained in a social media format related to City business, including communication posted by City representatives and communication received from citizens, is a public record.”

Any offensive comments should be flagged and referred to the Director of Communications for review and possible action, up to and including deletion.

1.19 **OPEN DATA POLICY**

The following policy sets guidelines for the City of Knoxville with regard to open access to data held by the City of Knoxville.

Section 1: Definitions

- a. “Data” means statistical, factual, quantitative, or qualitative information that is maintained or created by or on behalf of a City agency.
- b. “Open data” means data that is available online, in an open format, with no legal encumbrances on use or reuse, and is available for all to access and download in full without fees. “Legal encumbrance” includes federal copyright protections and other non-statutory legal limitations on how or under what conditions a dataset may be used.
- c. “Open format” means any widely accepted, nonproprietary, platform-independent, machine-readable data format, which permits automated processing of such data and facilitates analysis and search capabilities.
- d. “Dataset” means a named collection of related records, with the collection containing data organized or formatted in a specific or prescribed way, often in tabular form.
- e. “Protected information” means any dataset or portion thereof to which an agency may or must deny access pursuant to state or federal law related to privacy or confidentiality, or any other law or rule or regulation.

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- f. “Sensitive information” means any data which, if published by the City online, could raise privacy, confidentiality or security concerns or have the potential to jeopardize public health, safety or welfare to an extent that is greater than the potential public benefit of publishing that data.
- g. “Publishable data” means data which is not protected or sensitive and which has been prepared for release to the public.

Section 2: Open Data Program

- a. The City commits to develop and implement practices that will allow it to:
 - 1. Proactively release all publishable City data, making it freely available in open formats, with no restrictions on use or reuse, and fully accessible to the broadest range of users to use for varying purposes;
 - 2. Publish high quality, updated data with documentation (metadata) and permanence to encourage maximum use;
 - 3. When feasible, provide or support access to free, historical archives of all released City data;
 - 4. Measure the effectiveness of datasets made available through the Open Data Program by connecting open data efforts to the City’s programmatic priorities;
 - 5. Minimize limitations on the disclosure of public information while appropriately safeguarding protected and sensitive information; and
 - 6. Encourage and support innovative uses of the City’s publishable data by agencies, the public, and other partners.
- b. The development and implementation of these practices shall be overseen by the Data Governance Committee named in Section 3, reporting to the Mayor or the Mayor’s designee.
- c. This Executive Order (and subsequent Administrative Rule) shall apply to any City department, office, administrative unit, commission, board, advisory committee or other division of City government (“agency”).
- d. Appropriate funding shall be sought from City Council to achieve the goals of this program.

Section 3: Governance

- a. Implementation of the Open Data Program will be overseen by a Data Governance Committee comprised of the Director of Communications, the Director of Public Works, the Director of Information Systems, the Law Director and the 311 Director, or their designees, who will work with the City’s departments and agencies to:
 - 1. For each City agency, identify and publish appropriate contact information for a lead open data coordinator who will be responsible for managing that agency’s participation in the Open Data Program;
 - 2. Oversee the creation of a comprehensive inventory of datasets held by

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- each City agency which is published to the central open data location and is regularly updated;
3. Develop and implement a process for determining the relative level of risk and public benefit associated with potentially sensitive, non-protected information so as to make a determination about whether and how to publish it;
 4. Develop and implement a process for prioritizing the release of datasets which takes into account new and existing signals of interest from the public (such as the frequency of public records requests), the City's programmatic priorities, existing opportunities for data use in the public interest, and cost;
 5. Proactively consult with members of the public, agency staff, journalists, researchers, and other stakeholders to identify the datasets which will have the greatest benefit to City residents if published in a high quality manner;
 6. Establish processes for publishing datasets to the central open data location, including processes for ensuring that datasets are high quality, up-to-date, are in use-appropriate formats, and exclude protected and sensitive information;
 7. Ensure that appropriate metadata is provided for each dataset in order to facilitate its use;
 8. Develop and oversee a routinely updated, public timeline for new dataset publication; and
 9. Ensure that published datasets are available for bulk download without legal encumbrance.
- b. In order to increase and improve use of the City's open data, the Data Governance Committee will actively encourage agency and public participation through providing regular opportunities for feedback and collaboration.

Section 4: Central Online Location for Published Data

- a. The City will create and maintain a publicly available location on the City's website or in another suitable online location where the City's published data will be available for download.
- b. Published datasets shall be placed into the public domain. Dedicating datasets to the public domain means that there are no restrictions or requirements placed on use of these datasets.
- c. Each published dataset should be associated with contact information for the appropriate manager of that dataset as well as with a file layout or data dictionary that provides information about field labels and values.

Section 5: Open Data Report and Review

- a. Within one year of the effective date of this Executive Order, and annually thereafter, the Data Governance Committee shall publish an annual Open Data Report. The report shall include an assessment of progress towards

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achievement of the goals of the City's Open Data Program, an assessment of how the City's open data work has furthered or will further the City's programmatic priorities, and a description and publication timeline for datasets envisioned to be published by the City in the following year.

- b. During the review and reporting period, the Data Governance Committee should also make suggestions for improving the City's open data management processes in order to ensure that the City continues to move towards the achievement of the policy's goals.

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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