**SECTION VI - MISCELLANEOUS POLICIES**

**A. SOLICITATION**

The city believes that its employees should not be exposed to frequent solicitations for charitable purposes; therefore, all solicitations must receive prior approval by the City Manager.

**B. PERSONAL COMMUNICATION**

Use of personal cellular phones / text messaging during work hours, except in emergency cases, is discouraged. Personal calls / text messages that must be made or received during business hours are permitted if they are held to a minimum and do not interfere with the employee's work.

Emergency phone calls / text messages may be made or received any time. Examples of emergencies are illness or severe injury to a member of the employee's family, changed plans regarding an employee's transportation home from work or extreme weather conditions.

The use of the office telephone during regular work hours for local and/or long distant calls of a personal nature, except in emergency cases, is discouraged. Therefore, any use of the office telephone for personal reasons should be kept to a minimum and only when absolutely necessary.

The cost of personal long distance calls made by employees may have to be reimbursed to the city. Abuse of this policy may be subject to disciplinary action.

**C. CUSTOMER COURTESY**

Any contact with customers / citizens should be handled in a professional manner. Professionalism, politeness and courtesy are essential.

Lack of courtesy and professionalism may result in disciplinary action.

**D. BUSINESS INTEREST**

No department head or supervisor shall have any financial interest in the profits of any contract, service, or other work performed by the local government. No department head or supervisor shall personally profit directly or indirectly from any contract, purchase, sale, or service between the local government and any person or company. No department head or supervisor shall personally, or as an agent, provide any surety, bail, or bond required by law or subject to the approval of the City Manager.

No city employee shall enter into a contract with the city or perform any work or function under any contract with the city if he/she has a direct or indirect financial interest in the contract, unless:

The contract is awarded through a process that complies with the city's purchasing requirements; or; the City Manager waives this section's requirements after making a formal finding that it is in

the best financial interest of the city to do so after full disclosure on the part of the city employee of his/her direct or indirect financial interest in the contract, and the City Manager’s finding and waiver and the employee's full financial disclosure are recorded in the minutes of the deliberation in open session.

**E. INCLEMENT WEATHER AND EMERGENCY DELAY/CLOSURE POLICY**

The City Manager will make and disseminate all official decisions concerning closing of City offices due to extreme inclement weather or other emergencies. For the purpose of this policy, unless otherwise specified, “City offices” shall include City Hall, the Community Center, and any other non-essential city facility. Such decisions will be transmitted to Department Heads and the media.

1. Department Heads will determine which employees are needed to maintain essential services when City offices are closed.
2. The Departments of Police, Fire and Public Works will keep the City Manager advised of those weather/emergency conditions which may affect the opening or closing of City offices.

**Delayed Opening**

When inclement weather is severe enough, the City Manager may elect to delay the opening of City offices. In such event, the Department Heads will be notified no later than 6:30 a.m. and the following announcement will be provided to local media:

"All City of Kingston Government Offices will delay opening until \_\_\_\_\_\_\_ a.m. Emergency and essential employees will report for work at their usual times."

**Early Closing of Offices**

The City Manager will make and disseminate all official decisions concerning the early closure of City offices due to extreme inclement weather or other emergencies.

**Closure of Offices**

The City Manager, or his designee, is the only individual empowered to announce the closure of City offices under this policy.

**Notification Procedure**

The following notification procedure shall be employed in the event of a delayed opening or official closing of City offices for the day. The City Manager shall notify the following individuals of his decision:

The Mayor and City Council Director of Water and Sewer  
Chief of Police Finance Officer  
Fire Chief Library Administrator  
Director of Recreation and Parks Director of Public Works

**Performance of Functions**

In the event of inclement weather, or other emergency conditions, any employee may be directed to remain on duty beyond a regularly scheduled workday at the discretion of the City Manager or Department Head when such action is required for the delivery of essential public services or the transaction of essential City business.

**F. GIFTS AND DONATIONS**

1. **Gifts and donations are to be approved by the City Manager.**

It shall be the policy of the City of Kingston that no City employee or official shall solicit or officially accept any donation or gift on behalf of the City unless and until such solicitation or proposed donation is first approved and authorized by the City Manager. For the purpose of this policy, the phrase “donation or gift” shall include, but is not limited to, such items of value such as cash, bonds, real estate, automobiles and other items of value.

1. **Fiscal evaluation.**

Prior to accepting a donation or gift, the City Manager shall conduct a cost / benefit analysis to determine how acceptance of the proposed gift or donation will affect the City.

1. **Legal evaluation.**

Prior to accepting a donation or gift, the City Manager shall seek and obtain appropriate legal advice to determine the legal implications of such acceptance. In no event shall the City accept offers of donations or gifts which predicated on the donor receiving favorable treatment by the City, nor shall the City accept donations or gifts which are predicated on the City pursuing policies which violate State or Federal law, or municipal ordinance. No donation or gift will be accepted that in any way represents a conflict of interest with any vendor operating under contract with the City.

1. **Inappropriate donations or gifts.**

In considering the acceptance of donations or gifts, the City Manager may consider whether such acceptance, or the conditions of such acceptance, may be unreasonably offensive to the City.

1. **All donations or gifts to be documented.**

Any donation or gift approved for acceptance by the City Manager shall immediately be receipted by the Finance Officer and a file is to be maintained documenting the use of any donated funds, materials or other items of value.

1. **Exceptions for grants and low-interest loans.**

Nothing in this policy shall be construed to apply to any federal or state grants or low-interest loans offered to the City of Kingston

**G. WORKPLACE VIOLENCE AND HARASSMENT**

The city is committed to preventing workplace violence and to maintaining a safe work environment. It is the policy of the city to promote a productive, safe and healthy work environment for all employees, customers, vendors, contractors and members of the general public and to provide for the efficient and effective operation of the city’s activities. Employees and customers are to be treated with courtesy and respect at all times.

Employees are expected to maintain a productive work environment free from harassing or disruptive activity including threats of physical violence. No form of bullying or harassment will be tolerated, including sexual harassment and harassment based on race, color, religion, gender or gender identity, age, national origin, disability, military status, communication with an elected public official, free speech, refusing to participate in or remain silent about illegal activities, exercising a statutory constitutional right or any right under clear public policy, political affiliation, genetic information, or any other basis protected by law. This policy applies to all City of Kingston employees, elected officials, appointed officials, regular part time/temporary employees, and contractors/vendors.

The city will not tolerate bullying, or verbal or physical conduct by an employee which harasses, disrupts or interferes with another’s work performance or which creates an intimidating, offensive or hostile environment.

1. No employee or non-employee shall be allowed to harass any other employee or non-employee by exhibiting behavior including, but not limited to, the following:
   1. **Verbal harassment** – Verbal threats toward persons or property; the use of vulgar or profane language directed towards others; disparaging or derogatory comments or slurs; offensive flirtations or propositions; verbal intimidation; exaggerated criticism or name-calling; spreading untrue or malicious gossip about others.
   2. **Physical Harassment** – Any physical assault, such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person.
   3. **Visual Harassment** – Displaying derogatory or offensive posters, cartoons, publications or drawings.
   4. **Bullying** – Workplace bullying refers to unwanted aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. The imbalance of power involves the use of physical strength, access to embarrassing information, or popularity to control or harm others. This behavior may be performed by individuals (or a group) directed towards an individual (or a group of individuals).

Under no circumstances are the following items permitted on city property, including city-owned parking areas, except when issued or sanctioned by the city for use in the performance of the employee’s job:

1. dangerous chemicals;
2. explosives or blasting caps;
3. knuckles; or
4. other objects carried for the purposes of injury or intimidation.

Charges of violence and harassment may be reported to any supervisory employee of the city, including the City Manager. The city will promptly investigate reports of workplace violence including suspicious individuals or activities. The City Manager, or designee, is charged with investigating all cases of workplace violence and harassment.

Depending on the severity of the charges or whether a crime is committed, the City Manager may request that law enforcement provides assistance or assume responsibility for the investigation.

Employees are obligated to report instances of harassment. Employees are also obligated to cooperate in every investigation of harassment. The obligation includes, but is not limited to, coming forward with evidence, both favorable and unfavorable, for a person accused of such conduct; fully and truthfully make written reports or verbally answer questions when required to do so by an investigator. 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 City Manager for further action.

Anyone determined to be responsible for threats of, or actual violence, or other conduct that is in violation of this policy will be subject to prompt disciplinary action up to and including termination.

Employees are encouraged to bring their disputes or differences with other employees to the attention of their supervisors or the City Manager before the situation escalates into potential violence.

The city is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns. Employees have the right to file a police report at their own discretion.

Employees are prohibited from interfering or attempting to interfere with any departmental investigation.

False allegations will be dealt with on a case by case basis, and depending on the outcome, may include disciplinary action.

**H. SEXUAL HARASSMENT**

The following actions constitute an unlawful employment practice and are absolutely prohibited by the city when they affect employment decisions, create a hostile job environment, cause distractions, or unreasonably interfere with work performance.

Sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women. An employee who feels he/she is subjected to sexual harassment should immediately contact an administrative person with whom the employee feels the most comfortable. The City Manager, or designee, is the person the city designates as the investigator of sexual harassment complaints against employees.

In the event the harassment complaint is against the City Manager, the investigator shall be the City Attorney or independent outside counsel appointed by the City Council, or provided through the city employment practices liability insurer.

**Purpose**

The city will take immediate steps to stop such harassment when it occurs. This policy applies to all officers and employees of the city including, but not limited to: full and regular part time employees, elected officials, seasonal and temporary employees, employees covered or exempt from the Human Resources rules or regulations, and volunteers or employees working under contract for the city.

**Definitions**

The following actions constitute an unlawful employment practice and are absolutely prohibited by the city when they affect employment decisions, create a hostile job environment, cause distractions, or unreasonably interfere with work performance. They are:

1. sexual harassment or unwelcome sexual advances;
2. requests for sexual favors;
3. verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, or propositioning;
4. explicit or implied job threats or promises in return for submission to sexual favors;
5. inappropriate sexually-oriented comments on appearance;
6. sexually-oriented stories;
7. displaying sexually explicit or pornographic material, no matter how the material is displayed; and/or
8. sexual assault on the job by supervisors, fellow employees, or non-employees
9. Demeaning insulting, intimidating or sexually suggestive written, recorded or electronically transmitted materials (such as email, instant message, and Internet materials)

**Making Harassment Complaints**

An employee who feels he/she is subjected to harassment should immediately contact a person (listed below) with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

1. the employee’s immediate supervisor,
2. a department head,
3. the personnel/human resources clerk,
4. the city manager,
5. the city attorney.

Employees have the right to circumvent the employee chain-of-command when selecting the person to complain to about harassment. The employee should be prepared to provide the following information:

1. his/her name, department, and position title;
2. the name of the person or people committing the alleged harassment, including their title(s), if known;
3. the specific nature of the harassment, how long it has gone on, any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment;
4. witnesses to the harassment; and
5. whether the employee has previously reported the harassment and, if so, when and to whom.

**Reporting and Investigating Harassment Complaints**

The City Manager, or designee, is the person the city designates as the investigator of harassment complaints against employees. In the event the harassment complaint is against City Manager, the investigator shall be the city attorney, independent outside counsel appointed by the governing body, or provided through the city employment practices liability insurer.

When an allegation of harassment is made by any employee, the following shall occur:

1. the city will separate the complainant and accused party for the duration of the investigation; upon the approval of the department head and City Manager;
2. the investigator will meet with the employee(s), any witnesses, the supervisor(s), any other members of management considered appropriate and other individuals that may have relevant information.
3. the investigator will immediately prepare a report of the complaint according to the preceding section and submit it to the City Manager;
4. the investigator will make and keep a written record of the investigation at the time the verbal interview is in progress, including notes on:
   1. verbal responses made to the investigator by the person complaining of harassment,
   2. witnesses interviewed during the investigation,
   3. the person against whom the complaint of harassment was made, and
   4. any other person contacted by the investigator in connection with the investigation; and
5. within ten city business days (unless nature of investigation dictates a longer period is needed) of receiving the complaint, the investigator will prepare and present the findings to the City Manager in a report, which will include:
   1. the written statement of the person complaining of harassment;
   2. the statements of witnesses;
   3. the written statement of the person against whom the complaint of harassment was made; and
   4. all the investigator’s notes connected to the investigation.

**Action on complaints of sexual harassment**

Upon receiving an investigation report of a harassment complaint, the City Manager and/or city attorney shall review the report. If the City Manager and/or city attorney determine that the report is not complete in some respect, they may question the person complaining of harassment, the person against whom the complaint has been made, witnesses to the conduct in question, or any other person(s) who may have knowledge about the harassment.

Based upon the report and his/her own investigation (where a separate investigation is made), City Manager and/or city attorney shall, within a reasonable time, determine whether the conduct in question constitutes harassment. In making that determination, the City Manager and/or city attorney shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct, the context in which the alleged actions occurred, and the behavior of the person complaining. The decision of whether harassment actually took place will be determined on a case-by-case basis.

If the City Manager and/or city attorney determine that the harassment complaint is founded, thecity shall take appropriate disciplinary action against the guilty employee, consistent with its authority under the charter, ordinances, resolutions, or rules governing its authority to discipline employees.

The disciplinary action may include oral counseling, written reprimand, suspension, demotion, mandatory referral to the EAP program, or termination depending upon the severity of the matter and circumstances surrounding the incident(s). A written record of disciplinary actions, including oral reprimands, shall be maintained in the employee’s human resources file.

Determining the level of disciplinary action shall also be made on a case-by-case basis. The disciplinary action shall be consistent with the nature and severity of the offense and any other factors the city manager believes relate to fair and efficient administration of the city. This includes, but is not limited to, the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the city. The city will notify the employee who filed a harassment complaint of the outcome of the investigation once determined.

In all events, an employee found guilty of harassment shall be warned not to retaliate in any way against the person making the complaint, witnesses, or any other person connected with the

investigation. All other city employees are also warned not to retaliate in any way to the above mentioned parties. Any such retaliation or harassment will be dealt with immediately and may include disciplinary action.

If the employee complaining of harassment is not satisfied with the manner in which the city addressed the complaint, the employee shall be given an opportunity to present a written appeal. The written appeal must specifically identify what aspect of the city’s response was not satisfactory to the employee and why it was not satisfactory. The appeal must be submitted to the City Manager within ten (10) city business days from the date on which the disciplinary action was rendered. The Office of the City Manager will render a written determination in the matter within ten (10) city business days from receipt of the appeal.

The decision of the City Manager will be final in all such matters. The City Manager has the authority to appoint a neutral third party (arbitrator) to be the final decision-maker in lieu of the City Manager when he/she determines that a neutral third party is in the best interest of the City. In cases where the complaint is filed against the City Manager, a neutral third party, appointed by the City Council, shall be used as a final decision-maker.

In cases where harassment is committed by a non-employee against a city employee in the workplace, the City Manager shall take whatever lawful action is necessary against the non-employee to bring the harassment to an immediate end.

The City Council may discipline an elected official or appointed board member in whatever manner it deems appropriate, consistent with its authority under state law, the municipal charter, ordinances, resolutions or other rules governing discipline of elected officials.

**Employee Obligation**

Employees are obligated to report instances of all forms of harassment. Employees are also obligated to cooperate in every investigation of harassment. The obligation includes, but is not limited to, coming forward with evidence, both favorable and unfavorable, for a person accused of such conduct; fully and truthfully make written reports or verbally answer questions when required to do so by an investigator. Employees are to refrain from making bad faith accusations of harassment.

Disciplinary action may be taken against an employee who fails to report instances of harassment, or who fails or refuses to cooperate in the investigation of a complaint of harassment, or who files a complaint of harassment in bad faith. Employees are prohibited from interfering or attempting to interfere with any departmental investigation. False allegations will be dealt with on a case by case basis, and depending on the outcome, may include disciplinary action.

**I. BULLETIN BOARDS**

The city maintains bulletin boards at numerous locations on which important information connected with an employee’s work is posted from time to time. Cooperation is needed in protecting the posted material. All material to be placed on the bulletin boards must be approved by the appropriate supervisor before it is posted.

**J. TRIP REIMBURSEMENT**

All trips that involve reimbursement and/or city expense shall not be undertaken without prior approval of the City Manager. Mileage shall be reimbursed at the prevailing IRS approved rate per mile. Food reimbursement shall be a per diem based on rates detailed in the State of Tennessee’s reimbursement policy. Receipts must be furnished for all hotel, motel and parking charges.

**K. USE OF CITY VEHICLES AND EQUIPMENT**

All city vehicles and equipment are for official use only, unless otherwise authorized. No other person other than a city employee may operate a city vehicle or piece of machinery. Drivers and operators must have a valid Tennessee driver's license and be approved by the department head, or the City Manager.

Approval of city-owned vehicles driven home (except in emergency situations) must be made on an individual basis by the City Manager. Drivers and/or operators of city vehicles must have a valid Tennessee Drivers’ License with only minor traffic violations during the past five (5) years.

**L. MISUSE OF CITY PROPERTY**

Misuse of City property violates the values of integrity, respect, and continuous improvement of the City. Misuse of property may include, but is not limited to: misusing or taking broad property or the property of others without permission, or misusing or misappropriating funds, misuse of copyrighted material, vandalism, embezzlement, using City resources/positions, business cards / identification / security badges for unauthorized business or personal reasons or personal gain.

**M. ABUSIVE LANGUAGE**

Abusive language in any manner while under the employment of the City of Kingston will be considered as irresponsible behavior and/or an activity to undermine the morale and work efficiency of other staff members. The term “abusive” is interpreted to include any vulgar, profane, foul, obscene, indecent, filthy, repulsive, degrading, humiliating or otherwise offensive language, including language which is designed to damage the moral or work efficiency of other city employees or city officials.

**N. WEAPONS**

No employee of the City shall have in his or her possession while conducting city business, a weapon, whether or not such weapon is concealed or unconcealed, or loaded or unloaded.

Weapon shall include any and all of the following instruments, implements and devices:

1. Bombs, grenades, rockets or mines designed to be loaded with any explosive, incendiary, or poisonous gas, whether or not loaded with an explosive, incendiary or poisonous gas;
2. Firearms of every kind and description designed to fire and propel a projectile, including but not limited to, rifles, shotguns, machine guns, and hand guns, whether or not such firearm is loaded or unloaded. This definition shall include antique firearms and firearms that are not immediately capable of firing and propelling a projectile.
3. Knuckles, which means any instrument, implement or device that consists of finger rings or guard made of metal or any other hard substance that is designed, made or adapted for the purpose of inflicting bodily harm or death by striking the person with a hand or fist enclosed in such knuckles;
4. Any other device, instrument, or implement especially made, designed, altered or adapted for the purpose of inflicting bodily injury or death by striking a person with the instrument.

**Exceptions.**

A. Federal, state or local law enforcement officers authorized by their political subdivision to carry a firearm or to have in their possession any other weapon in the course of their employment under the laws of the United States and the State of Tennessee and its political subdivisions is exempt from the application of this policy. However, this exemption shall only apply to the weapon or weapons the law enforcement officer is entitled under the applicable law to carry or have in his or her possession.

B. Any provision in this policy notwithstanding, the possession and use of the ceremonial cannon at Fort Southwest Point or on any other City property and the possession and use of Weapons by persons engaged solely in re-enactments of battles at Fort Southwest Point is exempt from the application of this policy.

**O. INSPECTION OF CITY PROPERTY**

The City of Kingston has the authority to search and inspect all city property at all times. This includes: vehicles, desks, computers, lockers, etc,

**P. CODE OF ETHICS**

The following guidelines must be followed by City employees.

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 City business;
3. 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, or with the intent to result in financial gain for himself or any other person or entity;
4. May not use or authorize the use of City time, facilities, equipment, or supplies for private gain or advantage to himself or to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the City.
5. May not make or attempt to make private purchases, for cash or otherwise, in the name of the City or use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the Charter, general law, ordinance or policy of the City;
6. May not continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the City position or conflicts with any provision of the City’s Charter or any ordinance or policy.

The City Attorney is designated as the ethics officer of the municipality and the interpretation that a reasonable person would make shall be used in interpreting and enforcing this code of ethics.

**Q. COMPUTER USE AND MONITORING**

Computers, the internet, e-mail, as with other technologies, should be used to maximize the city’s efforts in serving its citizens. It is every employee’s duty to use the city’s computer resources and communication devices responsibly, professionally, ethically and lawfully. These policies are not intended to, and do not, grant employees any contractual rights.

**Computer Use Policy Overview**

The computer resources are the property of the city and should be used for legitimate business purposes. While personal use of city computer resources is not forbidden, it is discouraged. Personal use shall be minimal and shall not interfere with the performance of the employee’s, or other employees’, job duties and responsibilities. Employees are permitted access to the computer resources to assist them in performing their jobs. Confidential information should not be provided using e-mail or shared with individuals who are not employed by the city without authorization.

No one may use loopholes within the computer security systems, acts of deception, or knowledge of a special password to damage computer systems, compromise sensitive information, obtain extra resources, take resources from another employee, gain access to systems, or use systems from which proper authorization has not been given. Employees may not impersonate other individuals or misrepresent themselves to gain access to or compromise the city’s information technologies.

The internet, e-mail or voice mail should not be used to solicit others to promote personal events or causes, commercial ventures, religious or political causes, outside organizations or other non-business matters. Employees are prohibited from uploading, posting, e-mailing, or otherwise transmitting any unsolicited or unauthorized advertising, promotional materials, junk mail, chain letters, pyramid schemes or any other form of solicitation. No one may use the city’s computer resources for personal financial gain by posting messages that promote the products or services of a local business or their own product or services.

Use of the computer resources is a privilege that may be restricted or revoked at any time. All information contained in the computer resources and all documents generated there from are for the exclusive use of the city in connection with the conduct of its business and are the sole property of the city.

**Waiver of Privacy Rights**

Employees expressly waive any right of privacy in anything they create, store, send or receive using the computer resources. Employees consent to allowing the city to access and review all materials employees create, store, send or receive using the computer resources.

Inappropriate or Unlawful Material.

Material that is, or could reasonably be regarded as, derogatory or discriminatory on the basis of race, color, religion, gender or gender identity, age, national origin, disability, military status, genetic information or any other basis protected by law, or is fraudulent, harassing, sexually explicit, profane, obscene, intimidating, defamatory or otherwise unlawful, may not be sent, by e-mail or other forms of electronic communication (such as bulletin board systems, news groups and chat groups) or displayed on or stored in the computer resources. Any such material received by electronic transmission from a source outside of the city should be deleted immediately.

**Misuse of Software**

The city purchases and licenses the use of various computer software programs. Without prior authorization and proper licensing, employees may not do any of the following: a) copy software for use on their home computers; (b) provide copies of software to any third person; (c) install software or hardware on any city computer resources; (d) download any software from the internet or other online service to any city computer resources; (e) modify, revise, transform, recast or adapt any software on any computer resources.

**Compliance with Laws and Licenses**

In their use of computer resources, employees must comply with all software licenses and copyrights and all state, federal and international laws governing intellectual property and online activities.

**Communication of Confidential Information**

Unless expressly authorized by the city, sending, transmitting or otherwise disseminating confidential information is strictly prohibited.

**Use of Encryption Software**

Employees may not install or use encryption software on any city computers without first obtaining written permission from the city manager.

**Monitoring Usage**

The city may monitor any and all aspects of the use of computer resources. The circumstances under which monitoring of computer resources will occur may include: monitoring sites visited by employees on the internet, monitoring chat groups and news-groups, reviewing material downloaded or uploaded by employees to the internet, and reviewing e-mail sent and received by others. Employee violations of any of the provisions outlined in this policy may subject employee to disciplinary action.

**Public Records**

All correspondence sent and/or received by employees related to city business is public record under the Tennessee Public Records Act and may be subject to public inspection under the law.

"**CONFIDENTIAL ATTORNEY/CLIENT PRIVILEGED INFORMATION.”**

In addition, to preserve the attorney/client privilege, messages to and from legal counsel should never be sent to distribution lists or forwarded to anyone else. It is best if such messages are not retained on a network e-mail system. If a copy of an attorney/client privileged communication needs to be retained, it should be printed and filed in an appropriate place.

**R. SOCIAL MEDIA**

**Policy statement**

Use of the city’s social media to support or oppose individual political candidates, political parties, or any ballot measure is strictly prohibited.

For purposes of this policy, social media is content created by individuals using accessible and scalable technologies through the internet. Examples of social media include but are not limited to: Facebook, blogs, RSS, YouTube, Twitter, LinkedIn, discussion forums, and online collaborative information and publishing systems that are accessible to internal and external audiences (i.e. wikis, including Wikipedia).

Employees shall abide by the terms of use and rules and guidelines of each individual social media platform utilized. By posting on the city sites, an employee may be granting to the city an irrevocable, perpetual, non-exclusive license to use and distribute content for any purpose, commercial, advertising, or otherwise. Employees who violate the terms of this policy are subject to discipline up to and including termination.

**City owned or created social media**

The city maintains an online presence. The provisions of this section apply to city employees posting content in an official capacity on a city owned or created social media platform or on any other platform. Unless authorized, an employee may not characterize him or herself as representing the city directly or indirectly.

All city social media sites and platforms representing the city in an official capacity must be created pursuant to this policy and be approved by the city manager. Accounts and pages should, where possible, feature the official city name and logo.

The city maintains a primary and predominant internet presence defined by the city manager, and no other website, blog or social media site shall characterize itself as such. Whenever possible a social media site or platform shall link or otherwise refer visitors to the city’s main website. The city manager, or designee, shall coordinate the upkeep of content on social media sites or platforms created pursuant to this policy.

All city social media sites and platforms are subject to the Tennessee’s Public Records Act (T.C.A. § 10-7-101, et seq.), and no social media site or platform shall be used to circumvent or otherwise violate this law. All lawful records requests for information contained on a city social media site or platform shall be directed to the city manager, and will be fulfilled by any employee whose assistance is necessitated. All official postings on a city social media site or platform shall be preserved to the extent possible in each platform in accordance with any applicable retention policy.

A social media site or platform shall contain a clear and conspicuous statement that the purpose of the site or platform is to serve as a mechanism for communication between the city and its citizens/customers and that all postings are subject to review and deletion by the city, to the extent permitted by law.

The following content is not allowed and will be immediately removed and may subject the poster to banishment from all city social media sites and platforms:

a. Profane language or content;

b. Obscene images;

c. Content that promotes, fosters, or perpetuates discrimination on the basis of race, color, religion, gender or gender identity, age, national origin, disability, military status, genetic information, communication with an elected public official, free speech, refusing to participate in or remain silent about illegal activities, exercising a statutory constitutional right or any right under clear public policy, political affiliation, or any other basis protected by law, creed, or status with regard to public assistance;

d. Sexual content or links to sexual content;

e. Solicitations of commerce;

f. Illegal conduct or encouragement of such;

g. Content that incites violence or harassment;

h. Links to third party sites and platforms; or

i. Content that violates a legal ownership interest of any other party.

Administration of city’s social media sites and platforms.

a. The city manager, or designee, will review, test, and technically approve social media tools and implementation for use by city staff.

b. The city manager, or designee, will maintain an authorized site/platform list of all city social media sites and platforms, including login and password information.

c. The city must be able to immediately edit or remove content posted by staff serving as administrators for city social media sites and platforms.

Rights and permissions must be secured before posting, sharing or distributing copyrighted materials, including but not limited to: music, art, copyrighted photographs or texts, portions of copyrighted video, or information considered proprietary by a city employee, vendor, affiliate or contractor. Authorized employees must secure written permission prior to using/incorporating any copyrighted or proprietary materials except when such material is covered under Fair Use provisions.

An employee must not post content on city sites and platforms that might be embarrassing to an individual or that could be construed as placing a customer, employee or other individual in a negative or false light. An employee must not post content that might cause someone to believe that his/her name, image, likeness or other identifying aspect of his/her identity is being used, without permission, for commercial purposes. Employees shall not post any content to a city’s social media site or platform for their financial gain or for the financial gain of any other person or entity. A city employee posting on a city social media site or platform shall take reasonable care not to disclose any confidential information in any posting.

**Non-city social media**

This section applies to city employees posting content to non-city created social media sites and platforms in their personal capacity. Employees are prohibited from posting anything on the Internet that could be construed as an act of unlawful harassment, a threat, or other evidence of discrimination. Employees should limit their personal Internet activities to non-working hours, meal periods and/or rest breaks. An employee may not characterize him or herself as representing the city, directly or indirectly, in any online posting unless done pursuant to a written policy of the city.

The simultaneous use of a city email address, job title, official city name, or logo in conjunction with a posting may be evidence of an attempt to represent the city in an official capacity. Other communications leading a reasonable viewer to conclude that a posting was made in an official capacity may also be deemed evidence to represent the city in an official capacity.

Any postings on non-city social media sites and platforms made in an official capacity may be subject to the Tennessee Public Records Act. A city employee posting on a non-city social media site or platform shall take reasonable care not to disclose any confidential information in any posting. When posting in a personal capacity an employee should take reasonable care to distinguish that his content is a personal expression and not that of the city.

**S. NON SMOKER PROTECTION ACT**

The City complies with the non-Smoker Protection Act of 2007 which prohibits smoking in all public places such as buildings, or vehicles and city owned equipment. All employees who operate city owned vehicles are prohibited from the use of tobacco (smoking, chewing, dipping, etc.) and vaping in the vehicle or piece of equipment. This includes other occupants that may be transported in the vehicles. No person shall use tobacco in any form in a city owned or leased facility or vehicle. Violators of this policy are subject to disciplinary action up to termination of employment**.**

**T. DRIVING RECORDS**

Should any employee who is required to possess and maintain a valid Tennessee Drivers or Commercial Driver's license as a condition of employment, have his/her license become denied, expired, suspended, restricted, or revoked at any time during employment with the city, they must immediately inform their supervisor (before reporting to work).

**U. CELL PHONE USE IN CITY VEHICLES**

Employees who operate a City vehicle and or equipment are not to use a handheld cell phone or other device, either personal or business while driving or operating equipment. Cell phones shall not be used while refueling city vehicles or equipment. Texting or manipulating a hand-held electronic device of any kind is prohibited while employees are operating city vehicles and equipment (with the exception of emergency personnel).

**V. GRIEVANCE PROCEDURES**

A grievance is defined as an employee’s feeling of dissatisfaction, or any differences, disagreements, or disputes arising between an employee and his/her supervisor and/or other employees regarding some aspect of application or interpretation of regulations and policies, or some operational management decision affecting the employee. A grievance can be something real, alleged, or a misunderstanding concerning the rules and regulations or administrative order involving the employee’s health, safety, physical facilities, equipment or material used.

Grievances should be reduced to writing for clarity purposes. Both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be occasional grievances that will be resolved only after a review by the city manager. Employees who have a grievance should discuss it with their immediate supervisor, or a higher-level supervisor, prior to review by the city manager. An employee shall be free from threats, coercion, intimidation, or discrimination because he/she has made complaints, testified, or assisted in any manner in the grievance process.