

EXECUTIVE ORDER OF THE MAYOR
No. 2014-01

WHEREAS, it is essential that the highest ethical standards be maintained by City employees to ensure the proper performance of government business and to instill confidence in the citizenry regarding the operation of government;

WHEREAS, it is important to provide clear guidance to employees at every level of government about the standards to which they should adhere regarding the acceptance of gifts and conflicts of interest; and

WHEREAS, this Order is intended to support and offer guidance to the provisions set forth within the City's Code of Ethics, Section 2-750 *et seq.* or any other governing state or federal laws;

NOW, THEREFORE, I, Andy Berke, Mayor of the City of Chattanooga, Tennessee, by virtue of the executive and administrative authority vested in me by the Charter of the City of Chattanooga and the statutes and laws of the state of Tennessee, do hereby direct and order as follows:

1. Persons covered. This Executive Order applies to all employees of the City of Chattanooga as described in Section 2-750 of the City Code who report to the Office of the Mayor.

2. Mayor's office covered. This Order applies to the Mayor and employees of the Mayor's office.

3. Employee responsibilities. Each employee of the City of Chattanooga shall avoid any action, whether or not specifically prohibited by this order or the Code of Ethics, which might result in or create the appearance of:

- (a) using a public office for private gain;
- (b) preferential treatment to any person in contradiction with the best interests of the City;
- (c) impeding government efficiency or economy;
- (d) failing to maintain appropriate independence or impartiality; or
- (e) affecting adversely the confidence of the public in the integrity of the City of Chattanooga.

4. Standards of Conduct. Employees of the City of Chattanooga shall be guided by the provisions set out in the Code of Ethics for City Employees found in Section 2-750 *et seq.* of the City Code, when determining appropriate standards of conduct.

5. Duty to Report. It is the duty of every employee of the City to report, directly and without delay, to their supervisor, Chief Ethics Officer, or City Auditor any and all information concerning conduct which they know or should reasonably know to involve corrupt or other criminal activity,

- (a) By an official or employee, which concerns his or office or employment; or
- (b) By persons dealing with the City, which concerns their dealings with the City.

The knowing failure of the any official or employee to report as required above shall subject the official or employee to disciplinary action. For purposes of this Order, a report made to the ethics hotline shall be considered a report to the City Auditor.

6. Ethics Pledge.

- (a) The following persons shall comply with the requirements of this section:
 - (1) Any person who (i) serves as an employee in the Office of the Mayor, or (ii) any Administrator or Director reporting to the Mayor; and
 - (2) Any person who is appointed by the Mayor to a statutory board, commission, authority, or agency on or after February 4, 2014.
- (b) As a condition of employment or appointment, any person meeting the requirements of Section 6(a) of this Order shall sign, and upon signing shall be contractually committed to, the following pledge:

“As a condition, and in consideration, of my employment or appointment by the City of Chattanooga in a position of the public trust, I hereby acknowledge and agree to abide by the City of Chattanooga’s Code of Ethics as set forth in City Code Section 2-750 *et seq.* which I understand is binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by my government service.”

Any person required to sign a pledge under this section shall file such pledge with the Chief Ethics Officer within fourteen (14) days of commencing employment or appointment.

7. Questions on interpretation of this Executive Order. When an employee is in doubt as to the proper interpretation of this Order, he or she is expected to seek the advice of their Director, Administrator, or the Chief Ethics Officer if time permits, or to use good judgment in accordance with (3) above and to report the gift, entertainment, or favor to his or her Director, Administrator, or the Chief Ethics Officer within seven (7) days.

8. Departmental ethics standards. Any department of the City of Chattanooga may establish such additional ethics guidelines and standards consistent with this order as may be lawfully applied and may in the opinion of the Department Director or Administrator be appropriate for the proper operation of the department. Further, the Director of the Human Resources Department and the Chief Ethics Officer must approve additional ethics guidelines and standards. Such additional standards should also be filed with any other person required by law as soon as practicable after adoption. This Executive Order does not supersede or revoke those portions of any existing departmental policies regarding ethical standards which are stricter than, or cover areas additional to, the standards set out herein.

9. Supervisors Responsible. Each employee of the City of Chattanooga who acts in a supervisory capacity is responsible for achieving compliance with the Executive Order by those persons in his or her line of authority.

10. Required contractual provision. Department Directors, Administrators, and others who approve contracts for their departments shall include in every employment contract the provision that employees provided to the City of Chattanooga under such contract are covered by this Executive Order.

11. Ethics Training. The Chief Ethics Officer shall make available ethics training, upon request, to all employees as space allows.

12. Miscellaneous. This Executive Order shall be implemented in a manner consistent with applicable law and is not intended to, and does not create, benefit, or privilege, substantive or procedural, enforceable at law or equity by any party against the City of Chattanooga, its divisions, departments, agencies or entities, its officers, employees, agents or any other person.

IN WITNESS WHEREOF, I have executed this Executive Order No. 2014-01 this the 4th day of February, 2014.

ANDY BERKE, *Mayor*