ADOPTED AS A SUBSTITUTE

RESOLUTION

A RESOLUTION OF THE COUNCIL OF THE CITY OF KNOXVILLE RESPECTFULLY REQUESTING THE MAYOR, HER STAFF, AND THE APPROPRIATE CITY DEPARTMENTS TO STUDY AND MAKE A REPORT TO CITY COUNCIL REGARDING THE CITY’S EXISTING POLICIES FOR RACIST AND SEXIST PRACTICES WITHIN CITY GOVERNMENT, AS WELL AS ANY RECOMMENDATIONS TO STRENGTHEN THIS POLICY AS PERMITTED UNDER THE CITY’S CIVIL SERVICE RULES AND APPLICABLE LAWS.

RESOLUTION NO: R-263-2021
REQUESTED BY: Councilmember Fugate
PREPARED BY: ____________________________
APPROVED: 7-27-2021
APPROVED AS AN EMERGENCY
MEASURE: _____________________________
MINUTE BOOK: 85 PAGE__________

WHEREAS, The City of Knoxville is committed to providing a work environment that is safe and inclusive for all City employees; and

WHEREAS, racist and sexist practices, behaviors and actions threaten the health, safety and well being of City employees and residents; and

WHEREAS, City Council requests that the Mayor and her staff work with the Law Department, the Human Resources Director, and the Director of Civil Service and the Civil Service Merit Board to study and make a report to City Council no later than 120 days from the passage of this Resolution regarding the city’s existing policies for racist and sexist practices within City Government, as well as any recommendations to strengthen this policy as permitted under the City’s Civil Service Rules and applicable laws.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KNOXVILLE:
SECTION 1: The Council of the City of Knoxville hereby respectfully requests the Mayor and her staff work with the Law Department, the Human Resources Director, and the Director of Civil Service and the Civil Service Merit Board to study and make a report to City Council no later than 120 days from the passage of this Resolution regarding the city’s existing policies for racist and sexist practices within City Government, as well as any recommendations to strengthen this policy as permitted under the City’s Civil Service Rules and applicable laws.

SECTION 2: Upon adoption, the City Recorder is hereby respectfully requested and directed to forward a true and correct copy of this Resolution to the Mayor.

SECTION 3: This Resolution shall take effect from and after its passage, the welfare of the City requiring it.

City Recorder

[Signature]

Presiding Officer of the Council
WHEREAS, The City of Knoxville is committed to providing a work environment that is safe and inclusive for all City employees; and

WHEREAS, racist and sexist practices, behaviors and actions threaten the health, safety and well being of City employees and residents; and

WHEREAS, City Council is of the opinion that it is worthwhile for the appropriate City Department(s) to study and contemplate where inefficiencies may exist in the currently available ordinances, laws and policies that have resulted in multiple City of Knoxville employees making public allegations of a work environment where reports of racism and sexism are not adequately addressed; and

WHEREAS, as part of the requested study, Council further requests the appropriate City Department(s) to make a recommendation to City Council of a zero tolerance policy for racist or sexist practices, behaviors and actions within all City departments, agencies and divisions for addition to the City Code of Ordinances and policies.
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KNOXVILLE:

SECTION 1: The Council of the City of Knoxville hereby respectfully requests the appropriate City Department(s) to study and report back to City Council within 90 days, findings of the study to inform the development or re-enforcement of a zero tolerance policy for racist or sexist practices, behaviors, and actions within City Government to be codified in the City Code of Ordinances.

SECTION 2: Upon adoption, the City Recorder is hereby respectfully requested and directed to forward a true and correct copy of this Resolution to the Mayor.

SECTION 3: This Resolution shall take effect from and after its passage, the welfare of the City requiring it.

________________________
Presiding Officer of the Council

________________________
City Recorder
July 29, 2021

The Honorable Indya Kincannon  
Mayor of the City of Knoxville  
400 Main St, Room 691  
Knoxville, TN 37902

Dear Mayor Kincannon,

As directed in Section 2 of this resolution, I am forwarding to you a true and correct copy of this resolution. This resolution was adopted at the July 27, 2021 regular meeting of City Council.

Respectfully,

[Signature]

Will Johnson, CMC  
City Recorder

Enclosures: 1
AGENDA SUMMARY  A Resolution respectfully requesting the appropriate city department(s) to study and make a report to City Council regarding a zero tolerance policy for racist or sexist practices within city government.

COUNCIL DISTRICT(S) AFFECTED
All

BACKGROUND
Requested by Councilmember Parker

OPTIONS

RECOMMENDATION

ESTIMATED PROJECT SCHEDULE

PRIOR ACTION/REVIEW

FISCAL INFORMATION

ATTACHMENTS:
- Resolution - Tolerance Study- Fugate revisions final (DOC)
- Resolution- Zero Tolerance Study (DOC)
234. Investigations.

The City of Knoxville shall have power to make such investigations as may be deemed necessary or proper as to any department or office, or as to any of the city's institutions, activities, or affairs; and in furtherance of this power the mayor, the council or any person or committee authorized by either or both of them, shall have the power to inquire into the conduct of any department, office or institution of the city, its activities or affairs, or those of its employees, and for that purpose shall have the power to subpoena witnesses, administer oaths, compel the production of books, papers and other evidence, and the council shall provide, by ordinance, penalties for contempt in refusing to obey any such subpoenas, or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt as provided by ordinance by appropriate fine and, if necessary, to commit such delinquent witness to jail until said witness shall have been purged of the contempt.
ARTICLE X. PERSONNEL SYSTEM AND CIVIL SERVICE

1001. Policy.

A personnel system shall be established that will assure utilization of human resources in a manner designed to maximize efficient and effective performance in providing appropriate service to the citizens of Knoxville and equitable treatment of city employees. Personnel actions, including, but not limited to, appointment, promotion and retention shall be made on the basis of merit and fitness alone without regard to any political test, qualification, affiliation, association or opinion, except as otherwise provided in this charter. All personnel action shall be taken on a nondiscriminatory basis consistent with general law.

1002. Classified and unclassified positions.

Positions in city employment are divided into classified and unclassified categories for the purpose of determining coverage under the civil service merit system. Classified positions are covered by the civil service merit system. All positions within city employment are classified positions, except those which are designated as unclassified. Unclassified positions are not covered by the civil service merit system and include:

(A) Positions filled by popular election;
(B) Administrative assistants to the mayor, and all employees of the mayor's office, department directors, an administrative aide and personal secretary for each department director;
(C) Board or commission members;
(D) Executive director or secretary of boards or commissions;
(E) Employees of the board of education covered by the Teacher Tenure Act;
(F) Other positions of a policy-making or confidential nature as the civil service merit board may from time to time exempt from classified service;
(G) Positions exempted by the civil service merit board which are for seasonal, emergency, temporary or part-time employment, and employment involving the provision of professional services on a contractual basis. Personnel actions with respect to such positions shall be based upon merit principles and adequate provisions shall be made to insure that any employee so hired will possess the training and qualifications necessary to carry out the duties of the position into which the person is hired, although the position may be exempt from full coverage under the civil service merit system;
(H) Employees of the auditorium-coliseum board; and
(I) Other positions as provided by this charter.

(Ord. No. O-431, § 4, 9-5-00, ratified 11-7-00)

1003. Civil service merit board.

(A) Creation. A civil service merit board, composed of five (5) members who are committed to merit system principles, is created.

(B) Appointment, tenure, vacancies, qualifications and removal:
(1) Members of the board shall be nominated by the board and shall be confirmed by a majority vote of the council. In the event there are no board members serving to make the appointments, the mayor shall make appointments to the board which shall be subject to the confirmation by a majority vote of the council. Each member shall be appointed for a term of five (5) years. No member shall serve more than two (2) consecutive terms.

(2) Present members of the board shall serve until the expiration date of their current terms or until their successors are appointed and confirmed by council. In order to facilitate an orderly transition from the present six-year terms to the five-year terms provided for herein, the present terms shall be modified as follows:

<table>
<thead>
<tr>
<th>Term Beginning</th>
<th>Modified to Expire</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 1, 1980</td>
<td>March 31, 1987</td>
</tr>
<tr>
<td>August 31, 1977</td>
<td>March 31, 1985</td>
</tr>
<tr>
<td>December 12, 1979</td>
<td>March 31, 1986</td>
</tr>
<tr>
<td>May 12, 1980</td>
<td>March 31, 1983</td>
</tr>
<tr>
<td>February 14, 1977</td>
<td>March 31, 1984</td>
</tr>
</tbody>
</table>

In the event a vacancy occurs prior to the end of a term, the member appointed to fill the vacancy shall hold under such appointment only for the unexpired term.

(3) A member of the board may be removed only for cause by the unanimous vote of the remaining members of the board. Members of the board shall be residents of the City of Knoxville, or residents of Knox County, Tennessee, engaged in a business, profession or employment located within the corporate limits of the City of Knoxville. No person shall be appointed to the board who holds any salaried office or employment in the city government, nor shall any member be eligible for employment to any salaried office or service of the city. No person shall serve on the board who is an officer or member of a committee of any organized political party.

(C) Meetings; election of chairman; designation of executive secretary. The board shall elect a chairman from its members in April of each year. The board shall establish such rules and procedures as it deems necessary for the efficient and orderly execution of its responsibilities. The board shall appoint an executive secretary who shall be qualified in personnel administration.

(D) Executive secretary. The executive secretary shall record the proceedings of each meeting and shall render such assistance to the board as may be required. In order to assure the policies of the civil service merit board are reflected in the administration of city programs, the executive secretary shall regularly review the disbursement of wages and salaries and all other personnel actions and shall report to the civil service merit board any persons in classified positions who have not been appointed through the merit system procedures.

(E) Space and financing. The city, with agreement of the board, shall provide adequate office space, staff, furniture and equipment as necessary for the board to carry out its responsibilities. The board, together with the mayor, shall formulate a budget each year for submission to council.

(F) Powers and duties. The powers and duties of the civil service merit board shall be as follows:

(1) To represent the public interest with regard to merit system principles in the management and administration of the personnel systems of the city.

(2) To have responsibility for the recruitment, examination, certification and protection of employees as may be more fully set out below.
(3) To advise the mayor, the directors, the Knoxville Utilities Board and council on matters concerning personnel administration.

(4) To make any investigation which it deems necessary concerning the administration of personnel under the authority of this charter with the power to administer oaths and to secure, by subpoena, in the name of the city, the attendance and testimony of witnesses and the production of records and papers relevant to such investigations.

(5) To exempt positions from the classified service in accordance with section 1002 above.

(6) To hear or designate a hearing examiner to hear appeals submitted by any employee in a classified position relative to any personnel action adverse to such employee, including, but not limited to, suspension, demotion, discharge, or any disciplinary action, and to receive and determine facts concerning the personnel action. The hearing examiner shall be selected from a list of individuals the board finds qualified. The executive secretary shall not serve as the hearing examiner.

(7) To order that payment of salaries cease at such time as it is determined that any person holding a classified position has not been appointed through the merit system procedures.

(8) To hear allegations of any persons on matters of discrimination in hiring, transfer or promotion, neglect of duty, or other violations of merit system principles as established by the charter.

(9) To review, upon written request of an aggrieved party or upon its own motion, the application and effect of any rule, regulation or decision of the board or any authority thereunder.

(10) To take all further and necessary action as it may determine to preserve and protect the civil service merit system and to enforce its rules, regulations and procedures.

(11) To develop a program to provide for equal employment opportunities to all employees and applicants for employment with regard to all aspects of employment.

(12) To direct that personnel practices which are inconsistent with or in violation of the provision of this charter, or rules and regulations promulgated pursuant to and consistent with this charter, cease and desist and have the power to seek enforcement of its orders by judicial proceedings.

(G) **Civil service merit board rules.** After public hearing, the board shall specify rules as to the conduct of investigations, hearings, the exemption of positions, eligibility and promotion list, examinations, procedures, employee appeals of disciplinary action and such other matters as are necessary for the execution of its powers and duties. The board shall review said rules periodically for the purpose of revision in a manner appropriate to sound personnel policies and shall hold public hearings prior to the adoption or revision of the rules. At least ten (10) days prior to any such hearings, public notice shall be given in a daily newspaper of general circulation, and to each department of the city, including the Knoxville Utilities Board. The board shall arrange for the printing and distribution of its rules.

(1) **Examinations.** The rules shall provide for a system of examinations for positions in the classified service after announcement and reasonable notice; the granting of preferences to former members of the armed forces of the United States; the appointment of examining boards, the establishment of procedures for application for such examination.

(2) **Eligibility and promotion list.** The rules shall provide for the establishment, maintenance, consolidation and cancellation of eligibility and promotion lists, and the manner in which appointments shall be made. The rules shall provide a method for establishing reappointment lists, which list shall remain in effect for two (2) years, containing the names of persons separated from positions for reasons other than cause, delinquency or resignation on their part, giving due consideration to the seniority rights of employees. The rules shall provide for the lists to remain in effect for the ranking of eligibles in accordance with ratings earned in examinations; records of performance, seniority and conduct; for the length of time that promotion and employment lists shall remain in force; and for the method of
certifying vacancies and for making appointments generally and certifying eligibility therefor; for working probationary periods; for a method of temporary appointments in the absence of eligible lists, and the limitations therein; and for emergency appointments.

(3) Layoffs and reductions in force. All layoffs and reductions in force shall be based on seniority of service in the positions where the excess of employees is found. All persons laid off shall be entitled to transfer or return to any like or lesser position for which they are qualified and for which they have the greatest seniority. Any employee laid off in connection with a reduction in force shall, for a period of two (2) years:

(a) Be entitled to return to any position formerly held by him in the event a vacancy occurs in his former position; and

(b) Without taking any examination, be placed at the head of the civil service eligibility list for the type of work formerly done by such employee. In the event more than one (1) person is eligible for reinstatement, then the one with the greatest seniority is reinstated. If the seniority of two (2) or more employees is equal, the department head shall select between the persons eligible for reinstatement based upon merit and fitness for employment. The civil service merit board shall adopt rules or regulations consistent with the foregoing provisions of this section.

(4) Transfers. No director or other official of the City of Knoxville shall have any right to transfer any employee of the City of Knoxville within a department at a reduced salary without the consent of the employee. No director or other official of the City of Knoxville shall have any right to transfer any employee of the City of Knoxville from department to department without the consent of the employee.

1004. Examination and certification.

(A) Examinations for initial appointment in positions in the classified service shall be open, competitive and uniform as to the class of positions to be filled. Examinations may be written or oral, based upon performance tests, or ratings based upon education and experience, or any combination of these or any other type of examination, other than those listed above. Whenever appropriate, professional certification shall be included among examination requirements. Examination requirements for each class of position may be subject to review by the director or head of department. For each position to be filled, the executive secretary shall prepare a list of persons deemed qualified for appointment. The procedures for certification will be established by the board to insure that the appointing officials review and give equitable consideration to an appropriate number of eligibles based on whatever ranking system is used.

(B) The appointing officer shall be required to select the person to fill said position from the list of eligible persons prepared by the executive secretary, unless the appointing officer specifies in writing the reasons for not making such selection from said list, which reasons must be satisfactory to the civil service merit board.

1005. Promotions.

Promotions shall be made by appointing officers, on the basis of merit, within rules prescribed by the civil service merit board.

1006. Probationary period.

The probationary period for persons receiving initial appointment shall be a period of one (1) year. The probationary period for persons promoted shall be six (6) months. No employee who shall have successfully completed a probationary period shall be discharged, suspended, demoted or otherwise disciplined except for just cause.
1007. Disciplinary action.

(A) A director or department head shall only discharge, suspend, demote or otherwise discipline employees in classified positions in accordance with the provisions of this charter.

(B) City employees shall only be demoted, reduced in salary, suspended, discharged or otherwise disciplined for just cause.

(C) When any disciplinary action is taken against an employee, a written statement of the specific reasons for the action shall be given at the time of the action. The disciplined employee shall have the right to have the disciplinary action reviewed by a hearing examiner designated by the board by filing a simple written request within ten (10) days after the disciplinary action is taken. In proceedings hereunder, the disciplinary authority shall bear the burden of establishing just cause for the disciplinary action taken. The disciplined employee shall be given a hearing within ten (10) days after the employee's request. The employee shall have the right to be represented by counsel or other representative designated by the employee. The employee or his counsel shall have the right to participate in the hearing and engage in direct or cross-examination of witnesses. The time for the hearing may be extended at the request of or with the consent of the disciplined employee. The hearing examiner shall take evidence for the final disposition of the matters and the hearing examiner shall determine the evidence to be received. The strict rules of evidence shall not apply. The hearing examiner, the executive secretary or any member of the board shall have the power to administer oaths to witnesses and the power to issue subpoenas for witnesses in such proceedings in the same manner and to the same extent as the clerk of any state court having jurisdiction over criminal cases. In the event any witnesses subpoenaed shall fail to attend, the officer issuing such subpoena may compel attendance by attachment for contempt, or the subpoena, with the endorsement of the failure to comply therewith, may be filed with any circuit court in Knox County for the collection of the same penalty provided for failure to comply with the subpoena of any court of record in the state. Subpoenas may be served by any police officer of the City of Knoxville, or by any officer authorized to serve subpoenas from state court. A transcript of the proceedings before the hearing examiner shall be made and used for any purpose permitted by the Tennessee Rules of Civil Procedure. The hearing examiner shall affirm, modify or reverse the disciplinary action and provide whatever redress is indicated, including without limitation, restoration of all rights and benefits, and recompense in the extent of loss of earnings. The hearing examiner shall take such action by a written decision within ten (10) days following the hearing. The decision of the hearing examiner shall be subject to review in the manner provided by law for the review of the decisions of administrative agencies.

1008. Personnel administration.

Personnel programs, policies and procedures of the City of Knoxville shall be administered consistent with state and federal law and the charter and ordinances of the city, and shall include but not be limited to: the efficient use of human resources in the city government; salaries, wages and benefits; position authorization and control; performance evaluation; records keeping; training and career development; residence requirements; employee relations; employee complaints; and employee working conditions, including working hours, attendance, holidays, leaves of absence and vacations. Personnel policies and procedures shall be made available to all city employees.

1009. Classification plan.

All offices and positions of employment shall be listed and classified, and a written position classification plan shall be prepared and maintained. The classification plan shall include provisions for its administration and shall be approved by council prior to taking effect.
1010. Compensation plan.

For each of the positions established in the classification plan, a periodic study shall be made of rates of compensation for similar services of public and private organizations in the city and cities of comparable size in the Southeast. A schedule of compensation shall be prepared which will show for each class a minimum salary rate, a maximum salary rate, and such intermediate rates as will be considered equitable and proper. The financial condition of the city, in addition to other relevant factors, shall be taken into consideration in the assignment of minimum and maximum rates. The compensation plan shall include provisions for its administration and shall be approved by council by means of ordinance prior to taking effect. The council may adopt the general compensation plan, adopt the same as amended, or reject the same. Upon rejection, a revised plan shall be prepared in the same manner for council approval. Changes in the compensation plan may be recommended and adopted in the same manner.

1011. The Knoxville Utilities Board.

All KUB positions, with the exception of the general manager, the bureau superintendents, the directors of the various special services and the personal secretaries of each, and all department heads shall be included in the classified service. Hiring for entrance level positions for which qualifications can be determined by examinations, such as, but not limited to, clerk, typist, clerk-typist, stenographer, and meter reader shall be from the list of qualified applicants furnished by the civil service board. Positions classified as laborer, technician, craftsman and professional shall be filled by the Knoxville Utilities Board in accordance with applicable state and federal laws. The civil service board shall be immediately notified in writing of such appointments. These employees shall be given civil service protection after a one-year continuous, full-time probationary service period. Promotions shall be made by the Knoxville Utilities Board, based on merit; and employees shall be certified in their new positions after a six-month, continuous, full-time probationary service period therein; but any promoted employee not allowed to complete such probationary period in the new position shall be entitled to return to such employee's next preceding civil service position with the period of service in the new position being added to previously earned seniority in the position to which the employee is returned. Any employee who has already fulfilled this one-year probationary period shall be given civil service protection as provided in the city charter. Personnel policies as stated in section 1008 shall be the responsibility of Knoxville Utilities Board officials.

1012. Political activity restricted.

(A) No person in the service of the city, or seeking admission thereto, shall be appointed, reduced or 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:

(1) To coerce, induce or persuade any person or group of persons to support; or

(2) To, in any manner, assist any political organization or candidate for public office by virtue of or through the use of their official position.

(B) 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 guilty of such violation. 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. Nothing in this charter, 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 the employee’s rights as citizens.
1013. Duties of city officers and employees.

(A) It shall be the duty of each employee to maintain high standards of cooperation, efficiency and economy in the employee's work for the City of Knoxville. Department heads and supervisors shall organize and direct the work of their units to achieve these objectives.

(B) When work habits, attitude, production or personal conduct of an employee falls below a desirable standard, supervisors shall point out the deficiency at the time it is observed. Warning in sufficient time for improvement shall precede formal disciplinary action, but nothing in this section shall prevent immediate formal action whenever the interest of the City of Knoxville requires it.

1014. Status of employees on effective date of system.

On the date the charter amendment takes effect, any employee of the city whose position was previously not included in the classified service, but which became classified as a result of said amendment, shall be appointed to retain that position without being subject to examination. The appointment of any such employee in a position for more than one (1) year prior to the effective date of the system shall be deemed complete, and such position shall be held until discharge or reduction in accordance with the provisions of this charter. The appointment of any such employee who has held a position less than one (1) year prior to the effective date of the system shall be probationary. Such probationary period shall extend for one (1) year from the employee's first day of most recent employment with the city. Upon the successful completion of this probationary period, appointment in the system shall be deemed complete. Any employee in a position which was classified prior to the effective date of the charter amendments, but who had not attained that position through existing civil service procedures or the provisions of this charter, shall have the opportunity to attain classified status through competitive examination. Should said employee fail to become certified through regular civil service procedures, that employee shall be terminated.

1015. Retirement.

All persons employed by the City of Knoxville shall be retired on the last day of the month in which they reach their sixty-fifth birthday. Any employee who has attained the maximum retirement age as set forth herein may be retained if requested in writing by the department head and approved by the mayor for city employees or the general manager of the Knoxville Utilities Board for Knoxville Utilities Board employees, at least three (3) months before retirement date. The decision on retaining an employee shall be final and without further right of appeal. No initial deferral of retirement shall be in excess of one (1) year, but deferral may be continued on a year-to-year basis, subject to the same conditions governing the granting of an initial deferral of retirement. No employees shall be retained past their seventieth birthday.

1016. Nepotism.

No officer or employee elected or appointed by the council, the board of education, the civil service merit board, the Knoxville Utilities Board, or any appointing authority or administrative officer shall be related to any of said members of the council, the board of education, the civil service merit board, the Knoxville Utilities Board, or any appointing authority or administrative officer controlling or having a vote or voice in the election or appointment of said officer or employee within the third degree, either by affinity or consanguinity.

1017. Continuation of existing civil service rights of city employees.

Nothing in this article or charter shall impair or diminish the vested rights, benefits and privileges of present employees of the City of Knoxville under civil service, as the same are presently enjoyed under the charter of 1923,
as amended, and such rights, benefits and privileges shall continue without impairment as obligations of the City of Knoxville.
Chapter 15 HUMAN RELATIONS

ARTICLE I. IN GENERAL

Secs. 15-1—15-25. Reserved.

ARTICLE II. DISCRIMINATORY PRACTICES

DIVISION 1. GENERALLY

Sec. 15-26. Nondiscrimination clause for city contracts.

(a) Required; form.

(1) All contracts, written or oral, with the city, wherein city funds are expended, for the purpose of construction, alteration, repair or demolition of any building, street, alley or sewer, or for the providing of any services, and all leases, franchises or concessions through which property of the city is to be used, shall contain a nondiscrimination clause as provided in this section.

(2) The nondiscrimination clause shall be as follows:

"The contractor, lessee, franchise holder or concessionaire:

(a) Will not discriminate against any employee or applicant for employment because of race, color, religion or national origin.

(b) Will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion or national origin.

(c) Will in all solicitations or advertisements for employees placed by or on behalf of the contractor, lessee, franchise holder or concessionaire state that all qualified applicants will receive consideration for employment without regard to race, color, religion or national origin.

(d) Will include these provisions in every subcontract or sublease let by or for him."

(b) Violation. It is hereby declared a misdemeanor to violate the nondiscrimination clause of any contract entered into by the city, punishable as provided in section 1-9.

(Code 1962, §§ 13A-1, 13A-2)


DIVISION 2. EMPLOYMENT

1Cross reference(s)—City court, Ch. 8.
Sec. 15-51. Definitions.

(a) The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Disability** means, with respect to an individual:

1. A physical or mental impairment that substantially limits one (1) or more major life activities, as defined by the Americans with Disabilities Act (hereinafter referred to as "ADA"), of such individual;

2. A record of such an impairment; or

3. Being regarded as having such an impairment as set forth in the ADA.

**Employee** means an individual employed by the city, except that the term "employee" shall not include any person elected to public office in the city government by the qualified voters, or any person chosen by such elected official to be on the elected official's personal staff, or an appointee on the policy-making level or an immediate adviser with respect to the exercise of the legal powers of the office. This exemption does not include other employees of the city or employees subject to civil service laws of the city.

**Ethnic origin** means an individual's actual or perceived heritage and common ancestry or shared historical past, as well as identifiable physical, cultural, or linguistic characteristics.

**Gender identity** means the actual or perceived gender-related identity, appearance, or mannerisms, or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.

**Genetic information** means information about an individual's genetic tests, the genetic tests of family members of such individual, and the manifestation of a disease or disorder in family members of such individual. "Genetic information" also includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual. "Genetic information" shall not include information about the sex or age of any individual.

**Genetic test** means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites that detects genotypes, mutations, or chromosomal changes. "Genetic test" does not mean an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes.

**Qualified individual** means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. It shall be within the city's judgment as to what functions of a particular job are essential.

**Religion** includes all aspects of religious observance and practice, as well as belief, unless the city demonstrates that it is unable to reasonably accommodate an employee's or prospective employee's religious observance or practices without undue hardship on the conduct of the city's business.

**Sexual orientation** means actual or perceived homosexuality, heterosexuality, or bisexuality.

(b) The phrase "unlawful employment practice," as used in this division, shall not be deemed to include any action or measure taken by the city with respect to an individual who is a member of the communist party of the United States or any other organization required to register as a communist-action or communist-front organization by final order of the subversive activities control board pursuant to the Subversive Control Act of 1950, or any other organization classified as "communist fronted" or "subversive" on any list of such organizations published or to be published by the United States Department of Justice or any similar agency.


Cross reference(s)—Definitions and rules of construction generally, § 1-2.
Sec. 15-52. Effect of division on special rights of veterans.

Nothing in this division shall be construed to repeal or modify any charter provisions or city ordinance creating special rights or preferences for veterans.

(Code 1962, § 13A-23)

Sec. 15-53. Enforcing officer—Generally.

Responsibility for carrying out and enforcing the provisions of this division shall be placed with the person designated by the mayor to carry out the functions and purposes of this division, who shall be an appointive member of the civil service board staff. Such person shall maintain close and direct liaison with the civil service merit board in order that matters of common concern may be given prompt and proper attention; and such person shall provide responsible and effective leadership in the area of equal employment opportunity by close contact, coordination and communication with department heads and other heads of divisions and bureaus.

(Code 1962, § 13A-24)

Sec. 15-54. Same—Powers.

The person designated by the mayor to carry out the functions and purposes of this division, or his designated representative, shall have the power to:

1. Administer and enforce the provisions of this division.
2. Monitor all employment practices of the city to ensure compliance with the provisions of this division.
3. Investigate any charges of unlawful employment practices.
4. Upon request of any director or other employing agency of the city, assist in effecting the provisions of this division by conciliation or such other remedial action as required by this division.
5. Issue subpoenas to seek enforcement of this division as part of any investigative procedures.
6. Issue subpoenas and enforce or seek enforcement during hearings on the merits of a charge of employment discrimination.
7. Ensure that no excessive burdens be placed on a complainant which might discourage filing of complaints.
8. Protect persons from discrimination in employment on all grounds covered by this division.
9. Furnish to persons subject to this division such technical assistance as they may request to further their compliance with this division or orders used by such person or his designated representative.

(Code 1962, § 13A-25)

Sec. 15-55. Same—Authority to issue, amend or rescind procedural regulations.

The person designated by the mayor to carry out the functions and purposes of this division shall have authority to issue, amend or rescind suitable procedural regulations to carry out the provisions of this division, including establishment of an affirmative action program to ensure equal employment practices as contemplated by this division.

(Code 1962, § 13A-26)
Sec. 15-56. Filing of charges; investigation; action on charges; appeals.

Whenever a charge is filed by or on behalf of a person claiming to be aggrieved alleging that a director or any other employing agency of the city has engaged in an unlawful employment practice, the person designated by the mayor to carry out the functions and purposes of this division shall serve a notice of the charge, to include the date, place and circumstances of the alleged unlawful employment practice, within five (5) days of receipt of the charge, to the director or employing agency of the city alleged to be in an unlawful employment practice. Within ten (10) days after serving notice, the designated enforcement person or his duly authorized representative will make an investigation of the charges. If it is determined after reasonable investigation that there is not reasonable cause to believe that the charges are true, the designated enforcement person shall dismiss the charges and promptly notify the aggrieved person in writing. If the designated enforcement person or his duly authorized representative determines after investigation that there is reasonable cause to believe that the charge is true, he shall endeavor to eliminate any such alleged unlawful employment practice by the informal methods of conferences, conciliation and persuasion. Such informal actions will not be made public without the written consent of the persons concerned. Any person who makes such information public is subject to immediate dismissal. If the charges cannot be resolved through informal endeavor, the enforcement person shall make known his written findings within thirty (30) days of the date upon which notice was given to the director or employing agency as provided in this section. If there is an unlawful employment practice, the director or employing agency of the city in violation thereof will be prohibited from any further employment of any further personnel until the provisions of this division are complied with. The findings of the enforcement person may be appealed to the civil service merit board within five (5) days, whose ruling within ten (10) days thereafter shall be final without recourse.

(Code 1962, § 13A-27)

Sec. 15-57. Unlawful employment practices generally.

It shall be an unlawful employment practice for the city to discriminate against a qualified individual on the basis of non-merit factors such as race, ethnic origin, color, national origin, gender, gender identity, genetic information, sexual orientation, age except as otherwise specifically provided in this part, religion, creed, or disability in admission to, access to, or operations of its programs, services, or activities. 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.


State law reference(s)—Similar provisions, T.C.A. § 4-21-401.

Sec. 15-58. Unlawful practices in training programs.

It shall be an unlawful employment practice in any apprentice training program, employee retraining program, or on-the-job training program to discriminate against any qualified individual on the basis of race, ethnic origin, color, national origin, gender, gender identity, sexual orientation, age except as otherwise specifically provided in this part, religion, creed, or disability.


Sec. 15-59. Religion or sex as bona fide occupational qualification; affirmative action plans.

(a) It is not a discriminatory practice for:

(Supp. No. 72, Update 1)
(1) The city to employ employees;
(2) The city to classify or refer for employment any individual;
(3) The city to classify its members or to classify or refer for employment any individual; or
(4) The city or joint training or retraining programs to admit or employ any individual in any such program;
on the basis of religion or sex in those certain instances where religion or sex is a bona fide occupational
qualification reasonably necessary to the normal operation of that particular business or enterprise.

(b) It is not a discriminatory practice for the city to adopt and carry out a plan to fill vacancies or hire new
employees so as to eliminate or reduce imbalance with respect to race, creed, color, religion, sex, age or
national origin, if the plan has been filed with the city and the city has not disapproved the plan.

(Code 1962, § 13A-30)

State law reference(s)—Similar provisions, T.C.A. § 4-21-406.

Sec. 15-60. Age discrimination.

(a) It shall not be unlawful for the city:

(1) To discriminate in employment on the basis of age where age is a bona fide occupational qualification
reasonably necessary to the normal operation of the particular business, or where the differentiation is
based on reasonable factors other than age; or

(2) To observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as a
retirement, pension or insurance plan, which is not a subterfuge to evade the purposes of this division,
extcept that no such employee benefit plan shall excuse the failure to hire any individual and no such
seniority system or employee benefit plan shall require or permit the involuntary retirement of any
individual specified by T.C.A. § 4-21-101(b) because of the age of such individual, unless otherwise
provided by law.

(b) The prohibitions imposed by this division relating to age discrimination in employment shall be limited to
individuals who are at least forty (40) years of age.

(c) Notwithstanding any other provisions of this division relating to age discrimination in employment, it shall
not be unlawful for the city to observe the terms of a bona fide seniority system or any bona fide employee
benefit plan such as a retirement, pension or insurance plan, which is not a subterfuge to evade the purposes
of this division, except that no such employee benefit plan shall excuse the failure to hire any individual, and no
seniority system or employee benefit plan shall require or permit the involuntary retirement of any
individual covered by this division because of the age of such individual.

(d) Nothing in this division relating to age discrimination shall be construed to prohibit compulsory retirement of
any employee who has attained sixty-five (65) years of age and who, for the two-year period immediately
before retirement, is employed in a bona fide executive or a high policy-making position, if such employee is
entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit sharing, savings or
defered compensation plan or any combination of such plans, of the employer of such employee, which
equals, in the aggregate, at least forty-four thousand dollars ($44,000.00).

(e) Nothing in this division shall be construed to prohibit compulsory retirement of any employee who has
attained seventy (70) years of age and who is serving under a contract of unlimited tenure, or similar
arrangement providing for unlimited tenure, at an institution of higher education.

(f) It shall not be unlawful for the city to fail or refuse to hire or to discharge any individual because of such
individual's age if such action is taken:
(1) With respect to the employment of an individual as a firefighter or a police officer and where the individual has attained the age of hiring or retirement in effect under applicable state or local law on March 3, 1983; and

(2) Pursuant to a bona fide hiring or retirement plan that is not a subterfuge to evade the purposes of this division.

The provisions of this subsection (f) shall not apply with respect to any cause of action arising under the federal Age Discrimination in Employment Act of 1967 as in effect before January 1, 1987 (29 U.S.C. § 621 et seq.).

(Code 1962, § 13A-30)

State law reference(s)—Similar provisions, T.C.A. § 4-21-407.

Sec. 15-61. Refusal to hire or discharge of individual in interest of national security.

It shall not be an unlawful employment practice for the city to fail or refuse to hire and employ any individual for any position or discharge any individual from any position if:

(1) The occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any executive order of the president; and

(2) Such individual has not fulfilled or has ceased to fulfill that requirement.

(Code 1962, § 13A-31)

Sec. 15-62. Application of standards relating to compensation or terms of employment; use of test results.

It shall not be an unlawful employment practice of the city to apply different standards of compensation or different terms, conditions or privileges of employment pursuant to seniority, a merit system or any system the city may have which measures earnings by quantity or quality of production, or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, creed, color, religion, sex, age or national origin, nor shall it be an unlawful employment practice for the city to give and to act upon the results of any professionally developed and properly validated ability test, provided that such test and its administration or action upon the results is not designed, intended or used to discriminate because of race, creed, color, religion, sex, age or national origin. It shall not be unlawful for the city to differentiate upon the basis of sex in determining the amount of wages or compensation paid or to be paid to employees of the city if such differentiation is authorized by the provisions of section 6(d) of the Fair Labor Standards Act of 1938, as amended (29 USC 206(d)).

(Code 1962, § 13A-32)

Sec. 15-63. Preferential treatment to individuals or groups not required.

Nothing in this division shall be interpreted to require the city to grant preferential treatment to any qualified individual or to any group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, ethnic origin, color, national origin, gender, gender identity, sexual orientation, age, religion, creed, or disability employed by the city in comparison with the total number or
percentage of persons of such race, ethnic origin, color, national origin, gender, gender identity, sexual orientation, age, religion, creed, or disability.


**Sec. 15-64. Discrimination against person opposing unlawful practice or participating in investigation or hearing.**

It shall be an unlawful employment practice for the city to discriminate against any employee or applicant for employment because he has opposed any practice made an unlawful employment practice by this division, or because he has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under this division.

(Code 1962, § 13A-34)

**Sec. 15-65. Notices or advertisements relating to employment.**

It shall be an unlawful employment practice for the city to print or publish or cause to be printed or published any notice or advertisement relating to employment indicating any preference, limitation, specification or discrimination based on race, creed, color, religion, sex, age or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification or discrimination based on religion, sex or national origin when religion, sex or national origin is a bona fide occupational qualification for employment.

(Code 1962, § 13A-35)

**Secs. 15-66—15-80. Reserved.**

**DIVISION 3. HOUSING**

**Sec. 15-81. Title of division.**

This division shall be known as the Knoxville Fair Housing Opportunities Ordinance.

(Ord. No. O-111-2013, § 1, 6-25-13)

**Sec. 15-82. Purpose of division.**

The purpose of this division is to promote fair housing, and to prohibit discrimination in real estate transactions against individuals because of race, color, religion, sex, disability, familial status or national origin.

(Ord. No. O-111-2013, § 1, 6-25-13)

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Sec. 15-83. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aggrieved person includes any person who:
(1) Claims to have been injured by a discriminatory housing practice; or
(2) Believes that such person will be injured by a discriminatory housing practice that is about to occur.

Complainant means the person who files a complaint under section 15-85 of this division.

Credit transaction means any open or closed credit transaction whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance or interest charge is imposed, or which provides for repayment in scheduling payments, when such credit is extended in the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, by stockbrokers, or by a merchant or mercantile establishment which, as a part of its ordinary business, permits or provides the payment for purchases of property.

Disability means, with respect to a person:
(1) A physical or mental handicap which substantially limits one (1) or more of such person's major life activities;
(2) A record of having such an impairment; or
(3) Being regarded as having such an impairment;

but such term does not include current, illegal use of or addiction to a controlled substance.

Discriminatory housing practice means an unlawful act as defined in this division.

Dwelling means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

Familial status means one (1) or more individuals, who have not attained the age of eighteen (18) years, being domiciled with:
(1) A parent or another person having legal custody of such individual or individuals; or
(2) The designee of such parent or other person having custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

Family includes a single individual.

Financial institution means a bank, banking organization, mortgage company, insurance company or other lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, maintenance or improvement of real property and structures thereon, or an individual employed by or acting on behalf of any of these.

Housing accommodations includes any improved or unimproved real property or part thereof which is used or occupied or is intended, arranged or designed to be used or occupied as a home or residence of one (1) or more individuals.
**Multifamily dwelling** means:
(1) A building consisting of four (4) or more units if such building has one (1) or more elevators; and
(2) Ground floor units in other buildings consisting of four (4) or more units.

**Person** includes one (1) or more individuals, labor unions, joint apprenticeships, committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers or any other legal or commercial entity, and the state and its political or civil subdivisions or agencies.

**Real estate broker or salesman** means a person, whether licensed or not, who on behalf of another, for a fee, commission, salary or other valuable consideration, or who with the intention or expectation of receiving or collecting a fee, commission, salary or other valuable consideration, lists, sells, purchases, exchanges, rents or leases real property or the improvements thereon, including options, or who attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon real property, or a person employed by or acting on behalf of any of these.

**Real estate transactions** include the sale, exchange, rental, or lease of real property, or of an interest therein.

**Real property** includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in such property.

**Respondent** means a party who is alleged to have committed a housing discrimination violation as defined in this division, and may include the owner and manager of a housing accommodation.

(Ord. No. O-111-2013, § 1, 6-25-13)

**Sec. 15-84. Applicability of division; discriminatory housing practices.**

(a) The following shall be exempt from the fair housing provisions of this division:

(1) Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three (3) such single-family houses at any one (1) time; and provided further that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this section shall apply only with respect to one (1) such sale within any twenty-four-month period; and provided further that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) single-family houses at any one (1) time; and provided further that the sale or rental of any such single-family house shall be excepted from the application of this section only if such house is sold or rented:

a. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman, or such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman or person; and

b. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 15-92(d)(3) of this division; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title.
(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as the owner's residence; and

a. Without the publication, posting or mailing, after notice, of any advertisement or written notice of section 15-92(a)(3) of this division.

(b) For the purposes of this division, a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein.

(2) He has, within the preceding twelve (12) months, participated as an agent, other than in the sale of his own personal residence, in providing sale or rental facilities in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein.

(3) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.

(c) Nothing in this division shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, handicap, familial status or national origin; nor shall anything in this division prohibit a private club, not in fact open to the public, which as an incident to its primary purpose provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(d) The following shall be unlawful housing discrimination practices:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of the race, color, religion, sex, handicap, familial status or national origin of the buyer or renter, or any person residing or intending to reside in that dwelling after it is sold, rented or made available, or any person associated with that buyer or renter.

(2) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of the race, color, religion, sex, handicap, familial status or national origin of that person, or any person residing or intending to reside in that dwelling after it is sold, rented or made available, or any person associated with that buyer or renter.

(3) To make, print or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.

(4) To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(5) To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of persons of a particular race, color, sex, handicap, familial status or national origin, or any person residing or intending to reside in that dwelling after it is sold, rented or made available, or any person associated with that buyer or renter.
(e) Discrimination on the basis of disability.

(1) For the purposes of this section, discrimination on the basis of disability includes:

a. A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

b. A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such a person equal opportunity to use and enjoy a dwelling.

c. In connection with the design and construction of multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a matter that:

1. The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons.

2. All the doors are designed to allow passage into and within all premises within such dwellings and are sufficiently wide to allow passage by handicapped persons in wheelchairs.

3. All premises within such dwellings contain the following adaptive design:

   i. An accessible route into and through the dwelling;
   
   ii. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
   
   iii. Reinforcements in bathroom walls to allow later installation of grab bars;
   
   iv. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space; and
   
   v. A building entrance with an accessible route, unless impractical due to terrain or unusual site characteristics.

(2) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of subsection (b)(1)c.3 of this section.

(3) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(f) Discrimination on basis of familial status.

(1) For the purposes of this section, discrimination on the basis of familial status includes:

a. Refusing to sell or rent a dwelling or refusing to negotiate the sale or rental of a dwelling because of one (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with a parent or legal guardian;

b. Refusing to sell or rent a dwelling or refusing to negotiate the sale or rental of a dwelling to a person because of a current or intended future pregnancy of the person, or because that person is in the process of securing legal custody of an individual who has not attained the age of eighteen (18) years.
(2) Nothing in this subsection regarding familial status shall apply to dwellings provided under any state or federal program specifically designed and operated to assist elderly persons, as defined in the state or federal program, or to housing communities consisting of dwellings:

a. 1. Intended for, and at least ninety (90) percent occupied by, at least one (1) person fifty-five (55) years of age or older per unit;
   
   2. Providing significant facilities and services specifically designed to meet the physical or social needs of such persons; and
   
   3. Publishing and adhering to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five (55) years of age or older;

b. Intended for and occupied solely by persons sixty-two (62) years of age or older.

c. Determinations pursuant to subsection (2) with respect to programs that are specifically designed and operated to assist elderly persons must be consistent with the determination made by the United States Secretary of Housing and Urban Development.

(3) Nothing in this subsection prohibits conduct against a person because such a person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance.

(4) Nothing in this subsection limits the applicability of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

(g) It shall be unlawful for any bank, building and loan association, insurance company, or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of the race, color, religion, sex, handicap, familial status or national origin of such person or of any person associated with him in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants or occupants of a dwelling in relation to which such loan or other financial assistance is to be made or given; provided that nothing contained in this subsection shall impair the scope or effectiveness of the exceptions contained in subsections (a) and (c) of this section.

(1) Generally. It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, handicap, sex, sex, handicap, familial status or national origin.

(2) Definition. As used in this section, the term "residential real estate-related transaction" means any of the following:

a. The making or purchasing of loans or providing other financial assistance:
   
   1. For purchasing, constructing, improving, repairing or maintaining a dwelling; or
   
   2. Secured by residential real estate.

b. The selling, brokering or appraising of residential real property.

(3) Appraisal exemption. Nothing in this title prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap or familial status.

(h) It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate broker’s organization or other service, organization or facility relating to the business of
selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation, on account of race, color, religion, sex, handicap, familial status or national origin.

(i) It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this division.

(j) It shall be unlawful for anyone, whether or not acting under color of law, to, by force or threat of force, willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with:

1. Any person because of his race, color, religion, sex, handicap, familial status or national origin and because he is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization or facility related to the business of selling or renting dwellings.

2. Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
   a. Participating, without discrimination on account of race, color, religion, sex, handicap, familial status or national origin, in any of the activities, services, organizations or facilities described in subsection (j)(1) of this section; or
   b. Affording another person or class of persons opportunity or protection so as to participate.

3. Any citizen because he is or has been or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status or national origin, in any of the activities, services, organizations or facilities described in subsection (j)(1) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

(Ord. No. O-111-2013, § 1, 6-25-13)

Sec. 15-85. City community development staff responsibilities.

The city community development department will:

1. Be responsible for the administration of this division.
2. Advise citizens concerning their rights and options under this division.
3. Advise the mayor and the city council on human rights, laws, issues, policies and programs.
4. Develop programs of education and outreach to assist in the implementation of the federal and Tennessee Human Rights Acts to insure all citizens full and equal participation in the affairs of the community.
5. Provide leadership and act cooperatively with agencies, organizations and human rights commissions in order to recognize and prevent discrimination and inequalities in the daily life of the city.
6. Report actions and efforts necessary to affirmatively further fair housing within the city.
7. Provide and deliver an "Analysis of Impediments to Fair Housing Choice" to the mayor and city council at least once every five (5) years.
8. Refer complaints alleging unlawful housing discrimination practices described in this division shall be referred to the United States Department of Housing and Urban Development and/or the Tennessee
Human Rights Commission as appropriate to receive, hear and determine complaints under the Federal Fair Housing Act and/or the Tennessee Human Rights Act.

(Ord. No. O-111-2013, § 1, 6-25-13)

Sec. 15-86. Provisions for enforcement, relief.

(a) An action alleging a violation of this article may be filed in the chancery court for the county (hereinafter the court), pursuant to T.C.A. § 4-5-322. Such an action may also be filed by an aggrieved person not later than two (2) years after the occurrence or termination of an alleged discriminatory practice. If the board has filed an action, an aggrieved person's timely motion to intervene shall be granted.

(b) If it is determined by a court that a discriminatory practice has occurred, an order shall issue granting relief to those persons who have suffered the effects of such discrimination. Before relief may be granted, it shall not be necessary for the court to find that intentional discrimination has occurred. It shall be sufficient that the respondent's action or failure to act was intentional and has resulted in unlawful discrimination.

(c) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages, including compensation for humiliation and embarrassment, and punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff.

(d) Any party aggrieved by a final order of the court may appeal to the state court of appeals pursuant to T.C.A. § 4-5-323.

(Ord. No. O-111-2013, § 1, 6-25-13)
SECTION 301. It is the policy of the City of Knoxville to provide equal opportunity in employment to all employees and applicants for employment. No person will be discriminated against in employment because of race, religion, color, sex, age, national origin, disability, or military status.

SECTION 302. The City shall establish, implement, and maintain an Affirmative Action Plan which shall have the ultimate goal of making available all levels of employment within the City government structure to all persons who can perform the required duties regardless of age, race, religion, creed, national origin, sex, or for qualified persons with disabilities, or any other legally protected status. The goal of the Affirmative Action Plan is not to bias the process in favor of any group. It is to eliminate city procedures that may work against people who have background or other characteristics different from the majority. This plan shall be consistent with Section 1003 (f) (11) of the City Charter, which states that the Board has the power and duty to “develop a program to provide for equal employment opportunities to all employees and applicants for employment with regard to all aspects of employment.” Copies of the Affirmative Action Plan shall be made available upon request to all City employees. Section 1003 (f) (8) gives to the Board the power and duty to “hear allegations of any persons on matters of discrimination in hiring, transfer or promotion…”.

SECTION 303. No applicant seeking admission to the civil service eligibility register of the City or who is on the civil service eligibility register of the City shall be discriminated against or favored in any way because of race, national origin, disability, or sex; or because of political or religious opinions; provided however, that no member of a political party advocating overthrow of the Government of the United States by force shall be permitted to take an examination or be placed on the civil service eligibility register of the City of Knoxville.
17.01 Authority
Pursuant to the City of Knoxville Charter, Article X. Sections 1003. (F) and (G) and the City of Knoxville Code, Chapter 15. Section 15-53 and 15-54, the Civil Service Merit Board has the authority and responsibility to hear allegations of discrimination with regard to personnel practices, to conduct any investigation it deems necessary into matters of personnel administration, and to specify rules as to the conduct of investigations.

17.02 Purpose
The City of Knoxville (the “City”) prohibits discrimination in employment on the basis of race, color, sex, age, religion, national origin, and disability. The City will take all necessary steps to comply with existing federal and state fair employment laws and guidelines. 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, disability, national origin, age, sex, or religion. Any unlawful harassing conduct in the workplace, whether committed by supervisors or non-supervisory employees, is strictly prohibited.

17.03 Employee Complaints of Discrimination and/or Harassment
Any employee who believes he or she has been the subject of discrimination or harassment due to his or her sex, race, religion, age, national origin, color or disability should submit a written complaint of the alleged act immediately to the Civil Service Director. Upon request by the affected employee, the Board staff shall assist him/her with the transcription of the complaint as needed. In the alternative, the written report may be made to the Director of Law. If such a report is made by an employee to any supervisor, Director, or Senior Director, the party to whom the report and written complaint has been made must notify the Civil Service Director or the Director of Law as soon as possible. If the employee making the complaint does not believe his or her complaint is being addressed, the employee should immediately report this situation directly to the Civil Service Director or, in the alternative, to the Director of Law.

If deemed necessary upon review by the Civil Service Director, an investigation of the complaint will be undertaken by the Civil Service Director, or alternatively the Director of Law, as soon as possible after the report is made. This investigation may include, but is not limited to, interviews of witnesses and an examination of relevant documents. A summary report of facts will be submitted by the Civil Service Director, or Director of Law, to the Mayor, Department Head of the accused employee, and the Director of Law.

17.04 Investigation Procedures
Upon receipt of a written complaint by an employee who believes he or she has been the subject of discrimination or harassment due to his or her sex, race, religion, age, national origin, color or disability, the Civil Service Director shall serve a notice of the complaint, to include the date, place, and circumstance of the allegation(s) as soon as is practicable to the Department Head of the department alleged to be responsible for the discrimination or harassment, to the Director of Law, and to the Mayor.

After serving notice, the Civil Service Director shall make an initial review of the charges as soon as is practicable. If it is determined upon initial review that the circumstances are not appropriate for the investigation process, a written explanation shall be provided to the
complainant and shall be copied to the Department Head of the department alleged to be responsible for the discrimination or harassment, to the Director of Law and to the Mayor.

If it is determined upon initial review that the circumstances are appropriate for the investigation process, a Civil Service investigation shall be initiated as soon as is practicable. Civil Service investigations shall be conducted by the Civil Service Director and shall include an attorney from the Law Department to serve as co-investigator and witnesses to the investigation. A member of KPD Internal Affairs Unit or another trained member of the Civil Service staff may also serve as a co-investigator at the request of the Civil Service Director on an as-needed basis. Investigations shall include, but are not limited to, any or all of the following: interviews of the complainant and the accused, interviews of witnesses, and review of relevant documents. Pursuant to the City of Knoxville Charter, Article X., Section 1003. (F) (4), the Civil Service Board shall have the power to administer oaths and to secure, by subpoena, in the name of the City, the attendance and testimony of witnesses and the production of records and papers relevant to any investigation which it deems necessary concerning the administration of personnel. To the extent possible, scheduling of interviews shall be coordinated with the Department Head of the employee being interviewed so that work flow is not disrupted. To the extent practicable, interviews will be taped.

As may be appropriate, City employees questioned will be presented with, and have explained to them, a Garrity Warning which states that City employees questioned as part of a Civil Service investigation are compelled to answer questions or be subject to disciplinary action, up to termination and that no information provided by a City employee as part of a Civil Service investigation may be used against him/her in a criminal matter.

At the conclusion of the fact finding process, a Summary Report of Facts shall be submitted by the Civil Service Director to the Mayor, Department Head of the accused employee, and the Director of Law for judgment and disciplinary considerations. The Civil Service Director shall also submit a letter to the complainant advising him/her that the investigation is complete.

All investigations will be conducted in the most sensitive manner possible, however, complete confidentiality cannot be guaranteed.

17.05 Non-Retaliation Policy
There shall be no retaliation against an employee who brings any good faith complaint of unlawful harassment or discrimination or against any employee who provides good faith testimony or evidence as required during an investigation.
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.
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
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.