

**RULES
OF
TENNESSEE COMMISSION ON AGING**

**CHAPTER 0030—3
COMMISSION ORGANIZATION AND CONDUCT OF BUSINESS**

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0030-1-3-.01 **NAME** The legal name of this agency shall be the Tennessee Commission on Aging and Disability hereinafter referred to as the Commission.

Authority: T.C.A. §71—2—104. Administrative History: Original rule filed July 6, 1982; effective August 6, 1982. Amendment filed February 2, 2007; effective June 28, 2007.

0030—1—3—.02 **COMMUNICATIONS.** The offices of the Commission shall be located in Nashville. Written communications to the Commission shall be addressed to its office in Nashville.

Authority: T.C.A. §14—6—105. Administrative History: Original rule filed July 6, 1982; effective August 6, 1982.

0030—1—3—.03 **MEETINGS.** The Commission shall meet to conduct business in public session once each quarter.

Authority: T.C.A. §14—6—105. Administrative History: Original rule filed July 6, 1982; effective August 6, 1982.

0030—1—3—.04 **COMPENSATION AND EXPENSES.** Members of the Commission or the members of subcommittees appointed by the Commission shall receive no compensation for their services other than a reimbursement for travel expense incurred in the performance of their official duties. All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations as promulgated by the Department of Finance and Administration and approved by the Attorney General.

Authority: T.C.A. §14—6—106. Administrative History: Original rule filed July 6, 1982; effective August 6, 1982.

0030—1—3—.05 **OFFICERS.** The Commission shall elect from its members a Chairman and three Vice-Chairmen, one from each Grand Division of the state.

Authority: T.C.A. §14—6—105. Administrative History: Original rule filed July 6, 1982; effective August 6, 1982.

0030—1—3—.06 **MEMBERSHIP.**

- (1) The general provisions of membership are as follows:
 - (a) The Commission shall consist of twenty-five (25) members, twenty-three of whom shall be appointed by the Governor.
 - (b) Appointments shall be made on the basis of recognized interest in and knowledge of the circumstances surrounding the aging and persons living with disabilities.

(Rule 0030-1-3-.06, continued)

- (c) A minimum of twelve (12) members shall be sixty (60) years of age or older. Commission membership shall include women and minorities in proportion to their presence in the elderly population.
 - (d) Staff members of programs funded wholly or in part by the Commission shall be ineligible to serve as Commission members.
- (2) The qualifications for membership are as follows:
- (a) One member shall be appointed from the rural area of each of the nine (9) planning and service areas.
 - (b) The following five (5) urban areas shall each have one representative: Shelby, Davidson, Hamilton, and Knox Counties, and the Tri-Cities area of Bristol, Kingsport, and Johnson City.
 - (c) One member of the Governor's personal staff.
 - (d) One (1) person who is an active member of a chartered, statewide organization that advocates exclusively for older person shall be appointed.
 - (e) One (1) person who is an active member of a federally chartered organization that advocates exclusively for older persons having membership statewide with chapters chartered in this state shall be appointed.
 - (f) One (1) person who is an active member of a chartered, statewide organization that advocates exclusively for disabled persons shall be appointed.
 - (g) The Commissioners of the State Departments of Human Services, Health, Veterans Affairs, and Mental Health and Development Disabilities, and the Executive Director of the Council on Development Disabilities; and
 - (h) The speaker of the senate and the speaker of the house of representatives each shall name one (1) legislator from such speaker's respective house to serve on the commission as ex officio members without vote to attend and sit with the commission in open meetings, in order to report back to the general assembly on actions being taken or considered by the commission.
- (3) The terms of office are as follows:
- (a) The terms of office for members of the Commission shall be six (6) years except for members of the Governor's personal staff and cabinet whose terms shall coincide with that of the appointing Governor and except for the legislators whose terms shall be coterminous with the terms for which they have been elected to the General Assembly.
 - (b) Vacancies shall be filled by appointment only for the remainder of the unexpired terms.
 - (c) A two year absence from Commission membership qualifies any member for reappointment following the criteria above.

Authority: T.C.A. §71-2-104(b)(1). **Administrative History:** Original rule filed July 6, 1982; effective August 6, 1982. Amendment filed February 2, 2007; effective June 28, 2007.

0030—1—3—.07 EMPLOYEES.

(Rule 0030-1-3-.07, continued)

- (1) The Commission shall employ an Executive Director with the approval of the Governor for the conduct of business and, within budgetary limitations and with the approval of the Commissioner of the Department of Personnel, fix his compensation and establish his duties and functions.
- (2) The Executive Director shall serve as Chief Administrative Officer and Secretary of the Commission and shall have the Authority to conduct ordinary and necessary business in the name of the Commission. The Executive Director shall serve at the pleasure of the Commission subject to personnel regulations of the State of Tennessee.

Authority: T.C.A. §14—6—107. *Administrative History:* Original rule filed July 6, 1982; effective August 6, 1982.

0030—1—3—.08 CONFLICT OF INTEREST.

- (1) Members: If any matter before the Commission involves a project, transaction, or relationship in which a member of his associated institution or business has a direct or a conflicting interest, the member shall make known to the Commission that interest and excuse himself from the proceedings.
- (2) Staff: No employee of the Commission shall, during his term of employment, enter into any relationship with any party involved directly or indirectly in Commission business in such a way that a conflict could arise between the employee's interests and the duties or policies of the Commission. If such a relationship arises inadvertently, it is the duty of the employee to so advise the Executive Director and take such action as he/she prescribes.
- (3) Code of Conduct
 - (a) No State Agency employee or agent shall solicit or accept gratuities, favors, or anything of monetary value from contractors or potential contractors.
 - (b) To the extent possible under State law, rules, and regulations, penalties or other disciplinary actions will be applied for violations of this code by employees or agents of the State Agency.

Authority: T.C.A. §14—6—109. *Administrative History:* Original rule filed July 6, 1982; effective August 6, 1982.

0030—1—3—.09 DUTIES AND RESPONSIBILITIES.

- (1) The Commission shall promulgate bylaws to provide for the election of officers, establishment of committees, meetings, and other matters relating to Commission functions.
- (2) The Commission shall allocate funds for projects and programs for the aging, subject to the limits of the appropriation by the General Assembly and funds available or received from the federal government for such projects and programs.
- (3) The Commission shall create subcommittees to undertake such special studies as it shall authorize, and include in such subcommittees persons qualified in any field of activity relating to the aging.
- (4) The Commission shall serve as an advocate within government and in the community for older persons and adults with disabilities in Tennessee.
- (5) The Commission may establish and/or designate planning and service areas and Area Agencies on Aging, and review the boundaries of the planning and service areas and change them as necessary.
- (6) The Commission shall promulgate, amend, revise, and rescind such rules as are necessary.
- (7) The Commission may hold such hearings and conduct such studies or investigations concerning all matters affecting the health, safety, and welfare of older persons and adults with disabilities.

(Rule 0030-1-3-.09, continued)

- (8) The Commission shall make recommendations for legislative action to the Governor and to the legislature.

Authority: T.C.A. §14—6—105. Administrative History: Original rule filed July 6, 1982; effective August 6, 1982. Amendment filed February 2, 2007; effective June 28, 2007.