

HARTSVILLE/TROUSDALE COUNTY METROPOLITAN GOVERNMENT

PERSONNEL COMMITTEE

Bill Fergusson, Chair
Shane Burton, Vice Chair
Mary Ann Baker, Secretary

Rick Davis
Coy Dickey
Dwight Jewell

Richard Johnson
Amber Russell
Gary Walsh

SEPTEMBER 14, 2021 | 6:00 PM | TC COURTHOUSE

Agenda

1. Open Meeting
2. Attendance
3. Review Minutes from August 12, 2021
4. Discussion items
 - A. Whistleblower Policy
 - B. Proposed Changes to the Personnel Policy
5. Public Comments
6. Adjourn

Next meeting is scheduled for September 21, 2021 at 6pm to hear the presentation from Burriss, Thompson & Associates concerning the Compensation Study and Benefits Study.

Employee/Personnel Committee

Meeting Minutes

August 12, 2021 – 6:00 P.M. – Trowsdale County Courthouse – 2nd Floor

Present: Bill Fergusson, Mary Ann Baker, Vickie Howard, Rick Davis, Coy Dickey, Dwight Jewell, and Mayor Stephen Chambers.

Absent: Richard Johnson, Shane Burton, Amber Russell, Gary Walsh.

Others Present: Cindy Carman, Candice Hall, Rita Crowder, Shelly Brawner, Michael Potts, Tommy McFarland, Chris Gregory, Bryan King, Bill Hunt, and Jay Woodard.

Chairman Fergusson called the meeting to order at 6:20 P.M. conducted a roll call and welcomed Commissioner Rick Davis to this committee.

Approval of Minutes

Rick Davis made a motion to approve the minutes of the January 7, 2021 meeting. Seconded by Coy Dickey.

MOTION CARRIED

Discussion Items

- A. Direct Deposit Update – Mayor Chambers advised that requests for proposals had been sent out to Citizens Bank and Wilson Bank and Trust which were received Monday, August 9, 2021 and staff were reviewing them to make a recommendation. Also looking to implement direct deposit for employees the first pay period in November 2021.
- B. Municipal Code Title IV – Mayor Chambers advised that the current municipal code covers municipal personnel and has chapters for social security, group insurance plans, travel reimbursement, etc. and were carried over from the Town of Hartsville policies and would need to be reviewed/changed/updated.
- C. Proposed Changes to the Personnel Policy – Chairman Fergusson advised the last time this had been done was in 2017 with assistance from the State (MTAS, CTAS) as well as Department Heads and it took quite a while. He also expressed concern and request the new policy that had been presented with changes in red be resubmitted and any text that was omitted or changed be put back in with a line thru it making it easier to tell what exact changes were being made.

Mary Ann Baker asked when the Department Heads had been given the policy for review? Mayor advised April 2020, the County Commission made changes to the policy due to Covid -19 on April 7, 2020 and January 25, 2021. The policy had been sent in January, March or April again in May to Department Heads and Elected Officials for feedback and discussion. Also, County Attorney Branden Bellar as well as Officials from the State (CTAS/MTAS) had looked at the proposed changes.

At that time members scheduled another meeting for September 14, 2021 at 6:00 P.M. to further discuss the policy.

- D. Compensation Study – Chairman Fergusson advised that he had spoken with the Mayor and they felt it would be better if a representative with Burris, Thompson & Associates could be at the meeting to explain the study and answer any questions. Another meeting was scheduled for September 21, 2021 at 6:00 P.M

Public Comments

None

Adjourn

Rick Davis made a motion to adjourn, seconded by Coy Dickey and the meeting was adjourned.

*Minutes Submitted by
Committee Secretary
Mary Ann Baker
08-13-2021*

HARTSVILLE/TROUSDALE COUNTY METROPOLITAN GOVERNMENT

RESOLUTION # 2021-xx-xxx

**RESOLUTION AMENDING THE HARTSVILLE/TROUSDALE COUNTY GOVERNMENT
PERSONNEL POLICY TO INCLUDE A WHISTLEBLOWER POLICY**

WHEREAS, the Hartsville/Trousdale County Metropolitan Government is required to develop its own personnel and office policies; and

WHEREAS, it is the desire of the County Commission to present an updated version of Personnel Policies for all employees of Hartsville/Trousdale County Government excluding those employees working in the School System which has their own personnel policies; and

WHEREAS, a policy in accordance with State law, found at T.C.A. § 50-1-304, needs to be stated within the Hartsville/Trousdale County Metropolitan Government Personnel policy.

NOW, THEREFORE, BE IT RESOLVED by the Hartsville/Trousdale County Commission that an amendment be made to the Hartsville/Trousdale County Metropolitan Government Personnel Policy to include a stated Whistleblower Policy by adding Item Y to Section VII Miscellaneous Policies.

See attached documents

1. *Personnel Policy Table of Contents*
2. *Whistleblower Policy*

Motion to approve: _____

Vote of general consent

Second motion: _____

Absent _____

APPROVED:

APPROVED:

ATTEST:

Branden Bellar
County Attorney

Dwight Jewell
Commission Chair

Rita Crowder
County Clerk

TABLE OF CONTENTS

SECTION VII – MISCELLANEOUS PERSONNEL POLICIES

- A. USE OF GOVERNMENT TIME, FACILITIES, ETC
- B. SOLICITATION
- C. PERSONAL TELEPHONE CALLS
- D. FIGHTING, HORSEPLAY, DAMAGING LOCAL GOVERNMENT PROPERTY
- E. LOCKERS
- F. GARNISHMENT
- G. BULLETIN BOARD
- H. USE OF LOCAL GOVERNMENT VEHICLES AND EQUIPMENT
- I. BUSINESS DEALINGS
- J. ACCEPTANCE OF GRATUITIES
- K. USE OF POSITION
- L. STRIKES AND UNIONS
- M. PARKING
- N. DRUG FREE WORKPLACE
- O. WORKPLACE VIOLENCE AND HARASSMENT
- P. SEXUAL HARASSMENT
 - PURPOSE
 - DEFINITIONS
 - MAKING SEXUAL HARASSMENT COMPLAINTS
 - REPORTING AND INVESTIGATING SEXUAL HARASSMENT COMPLAINTS
 - ACTION ON COMPLAINTS OF SEXUAL HARASSMENT
 - OBLIGATION OF EMPLOYEES
- Q. MONITORING OF ELECTRONIC MAIL
 - POLICY
 - PURPOSE
 - PERSONNEL AFFECTED
 - SCOPE
 - OWNERSHIP
 - PROCEDURAL GUIDELINES
 - RESPONSIBILITIES
 - MONITORING
 - EFFECTIVE DATE
- R. DISCRIMINATION STATEMENT
- S. SEVERABILITY
- T. NEPOTISM
- U. PERFORMANCE EVALUATION
- V. MULTIPLE JOBS / DUAL EMPLOYMENT
- W. SPECIALIZED TRAINING
- X. EMERGENCY TELECOMMUTING / WORK FROM HOME
 - OBJECTIVE
 - PROCEDURES
 - ELIGIBILITY
 - EQUIPMENT
 - SECURITY
 - TIME WORKED
 - AD HOC ARRANGEMENTS
- Y. WHISTLEBLOWER POLICY**

Policy will be inserted into the current policy under Section VII, Article Y

Y. WHISTLEBLOWER POLICY

This policy is intended to encourage employees and others to report suspected or actual occurrences of illegal, unethical, or inappropriate events (behaviors or practices) without retribution.

State law, found at **T.C.A. § 50-1-304**, prohibits an employer from terminating an employee solely for refusing to participate in an illegal activity or for refusing to remain silent about an illegal activity. Illegal activities are defined as those that are in violation of a state law (either criminal or civil) or any regulation intended to protect the public health, safety, or welfare. Employees who are terminated in violation of this statute may sue the employer for retaliatory discharge. However, if an employee files a frivolous lawsuit for retaliatory discharge the employee may be required to pay the other party's attorney's fees and expenses.

1. The Whistleblower (who reported an event in good faith) should promptly report the suspected or actual events to their supervisor.
2. If The Whistleblower would be uncomfortable or otherwise reluctant to report to their supervisor, then the Whistleblower should report the event to the County Mayor's Office,
3. The Whistleblower can report the event and reveal their identity or report it anonymously.
4. The Whistleblower shall receive no retaliation or retribution for a report that was provided in good faith – that was not done primarily with malice to damage another or the organization.
5. A Whistleblower who makes a report that is not done in good faith is subject to discipline, including termination of the employee relationship.
6. Anyone who retaliates against the Whistleblower will be subject to discipline, including termination.
7. Crimes against person or property, such as assault, rape, burglary, etc., should immediately be reported to local law enforcement personnel.
8. Supervisors who receive the reports must promptly act to investigate and/or resolve the issue.
9. The Whistleblower shall receive a report within five business days if the initial report, regarding the investigation, disposition or resolution of the issue.
10. If the investigation of a report that was done in good faith and investigated by internal personnel is not to the Whistleblower's satisfaction, then they have the right to report the event to the appropriate legal or investigative agency.
11. The identity of the Whistleblower, if known, shall remain confidential to those persons directly involved in applying the policy, unless the issue requires investigation by law enforcement.

HARTSVILLE/TROUSDALE
COUNTY GOVERNMENT
PERSONNEL POLICIES
EMPLOYEE HANDBOOK¹



Revised 12/27/2017 _____

¹ Most counties call their policies handbooks.

CONTENTS

SECTION I - PERSONNEL RULES AND REGULATIONS	1
A. PURPOSE	1
B. OBJECTIVES	1
C. EMPLOYMENT AND PLACEMENT	1
D. PERSONNEL POLICY STATEMENT	2
E. ADMINISTRATION	2
SECTION II – CLASSES OF EMPLOYEES	3
A. REGULAR FULL-TIME	3
B. PART-TIME	3
C. SEASONAL EMPLOYEE	3
D. TEMPORARY EMPLOYEE	3
E. VOLUNTEER EMPLOYEE	3
SECTION III – HIRING PROCEDURES	4
A. POLICY STATEMENT	4
B. RECRUITMENT	4
C. JOB DESCRIPTIONS	4
D. FINGERPRINTING AND BACKGROUND CHECKS	5
E. INTERVIEWS	5
F. EMERGENCY APPOINTMENTS	5
G. CITIZENSHIP AND ALIEN STATUS VERIFICATION	5
H. PROBATION	5
SECTION IV – COMPENSATION	6
A. SALARIES	6
B. HOURS OF WORK	7
C. ATTENDANCE	7
D. LATENESS	9
E. BREAKS	10
F. REDUCTION IN WORKFORCE	10
G. PAYDAY	10
H. PAYROLL DEDUCTIONS	11
I. OVERTIME	12
J. COUNTY RESCUE SQUAD AND COUNTY FIRE DEPARTMENT VOLUNTEER HOURS DURING REGULAR BUSINESS HOURS	12

SECTION V – BENEFITS **13**

A.	ELIGIBILITY	13
B.	HOLIDAYS	13
C.	SPECIAL PAY PROVISIONS	14
D.	VACATION LEAVE	14
E.	SICK LEAVE	16
F.	COVID-19 SICK LEAVE POLICY	17
G.	LEAVE OF ABSENCE WITHOUT PAY	19
H.	FAMILY AND MEDICAL LEAVE POLICY	20
I.	BEREAVEMENT LEAVE	21
J.	VOTING LEAVE	21
K.	JURY AND COURT DUTY	21
L.	MATERNITY LEAVE	22
M.	IN LINE OF DUTY INJURY LEAVE	23
N.	ADMINISTRATIVE LEAVE WITH PAY	23
O.	INCLEMENT WEATHER CONDITIONS	23
P.	MILITARY LEAVE	24
Q.	TERMINATION PAY	25
R.	PART-TIME EMPLOYEES	25
A.	HOLIDAYS	26
B.	HOLIDAY PAY	26
C.	VACATION LEAVE	26
D.	SICK LEAVE	27

SECTION VI – SEPARATIONS AND DISCIPLINARY ACTIONS **28**

A.	TYPES OF SEPARATIONS	28
B.	TYPES OF DISCIPLINARY ACTION	29
C.	GRIEVANCE PROCEDURES	31
D.	POLICIES GOVERNING GRIEVANCE AND APPEALS PROCEDURES	33
E.	RECORDS	33

SECTION VII – MISCELLANEOUS PERSONNEL POLICIES **34**

A.	USE OF GOVERNMENT TIME, FACILITIES, ETC.	34
B.	SOLICITATION	34
C.	PERSONAL TELEPHONE CALLS	34
D.	FIGHTING, HORSEPLAY, DAMAGING LOCAL GOVERNMENT PROPERTY	34
E.	LOCKERS	34
F.	GARNISHMENT	34
G.	BULLETIN BOARD	34
H.	USE OF LOCAL GOVERNMENT VEHICLES AND EQUIPMENT	34
I.	BUSINESS DEALINGS	35

J.	ACCEPTANCE OF GRATUITIES	35
K.	USE OF POSITION	36
L.	STRIKES AND UNIONS	36
M.	PARKING	36
N.	DRUG FREE WORKPLACE	36
O.	WORKPLACE VIOLENCE AND HARASSMENT	36
P.	SEXUAL HARASSMENT	37
Q.	MONITORING OF ELECTRONIC MAIL	41
R.	DISCRIMINATION STATEMENT	42
S.	SEVERABILITY	43
T.	NEPOTISM	43
U.	PERFORMANCE EVALUATION	43
V.	MULTIPLE JOBS / DUAL EMPLOYMENT	43
W.	SPECIALIZED TRAINING	43
X.	EMERGENCY TELECOMMUTING/WORK FROM HOME	44
Y.	WHISTLEBLOWER POLICY (PENDING PASSAGE)	46

EFFECTIVE DATE **46**

AMENDMENTS **46**

Hartsville/Trousdale County Government

Personnel Rules and Regulations

These personnel rules and regulations apply to hired and appointed personnel only. Elected officials are considered employers representing the Hartsville/Trousdale County Government and are governed by the provisions of Tennessee code annotated.

SECTION I - PERSONNEL RULES AND REGULATIONS

A. PURPOSE

The purpose of these rules and regulations is to establish a system of personnel administration in the Hartsville/Trousdale County Metropolitan Government that is based on merit and fitness. The system shall provide a means to select, develop, and maintain an effective governmental work force through impartially applying personnel policies and procedures free of personal and political considerations and without regard to race, color, religion, gender, age, creed, national origin, political affiliation, or disability.

B. OBJECTIVES

The fundamental objectives to be achieved by these personnel policies are:

1. To promote and increase efficiency and economy among employees of the Hartsville/Trousdale County Metropolitan Government;
2. To develop a program of recruitment and advancement that will make employment with the Hartsville/Trousdale County Metropolitan Government attractive as a career and encourage each employee to render the best service;
3. To establish and promote high morale among the employees by providing good working relationships, a uniform personnel policy, opportunity for advancement and consideration of employee needs and desires.

(NOTE: Nothing in this document is to be interpreted as giving an employee any more property rights in their jobs than may already be given by the metropolitan charter. These personnel policies, rules and regulations do not affect the "at-will" employment status of employees, and they shall be reviewed periodically and may be amended any time without notice

C. EMPLOYMENT AND PLACEMENT

1. To fill all positions without undue delay in accordance with job qualifications and requirements without discrimination based on race, color, gender, creed, national origin, ancestry, disability, religion or political affiliation.

2. To establish programs for the promotion, transfer, demotion, dismissal and reassignment of personnel.

D. PERSONNEL POLICY STATEMENT

1. It is the policy of the Hartsville/Trousdale County Metropolitan Government to apply and foster a sound program of personnel management.
2. All policies contained herein apply to all employees of the Hartsville/Trousdale County Metropolitan Government unless otherwise stated. All County department heads regardless of their method of selection, or appointment, shall likewise be covered by these personnel policies.²

E. ADMINISTRATION

1. These rules shall be administered by the elected officials of each individual Government office in conformity with the metropolitan charter.

(NOTE: NOTHING IN THE PERSONNEL RULES AND REGULATIONS DOCUMENT SHALL BE DEEMED TO GIVE EMPLOYEES ANY MORE PROPERTY RIGHTS IN THEIR JOBS THAN MAY ALREADY BE GIVEN BY THE METRO CHARTER. THE HARTSVILLE /TROUSDALE COUNTY METROPOLITAN GOVERNMENT RESERVES THE RIGHT TO ALTER OR CHANGE ANY OR ALL OF THESE RULES WITHOUT PRIOR NOTICE TO EMPLOYEES.)

AMENDMENTS TO THE RULES AND REGULATIONS SHALL BE MADE IN ACCORDANCE WITH THE PROCEDURE HEREIN.

² Changes made from previous draft at the request of elected officials. Removed the language "and Constitutional Officers". cleared the confusion of the word "election."

SECTION II – CLASSES OF EMPLOYEES

A. REGULAR FULL-TIME

1. Regular full-time employees are individuals employed by the Hartsville/Trousdale County Metropolitan Government who work at least thirty (30) hours per week and have completed a six (6) month probationary period. Regular full-time employees receive full benefits unless specifically excluded by the metro charter, code or ordinances.

B. PART-TIME

1. Part-time employees are individuals who do not work ~~daily and~~ **on a daily basis** and whose hours are less than ~~thirty-two per week~~ **thirty (30) hours**.³ Part-time employees do not receive the benefits afforded full-time employees. A part-time employee promoted to full-time employment shall be allowed to count from the first day of part-time employment with the Hartsville/Trousdale County Metro Government when determining the fulfillment of the six (6) month probationary period. Said employee shall be entitled to all benefits offered.

C. SEASONAL EMPLOYEE

1. A seasonal employee is an individual who works for the Hartsville / Trousdale County Metropolitan Government for no more than four (4) months during a fiscal year. Seasonal employees receive no benefits.

D. TEMPORARY EMPLOYEE

1. A temporary employee is an individual whose employment is not expected to last more than six (6) months but is not seasonal. Temporary employees receive no benefits.

E. VOLUNTEER EMPLOYEE

1. A volunteer employee is an individual who works for the Hartsville/Trousdale County Government for little or no compensation.
2. Volunteer firefighters are appointed ~~by the fire chief when necessary~~ **in accordance with the governing by-laws**.⁴ Volunteer firefighters are compensated per ~~fire~~ **(remove "Fire") call and attendance at training events** with no other benefits except ~~coverage under the Volunteer Firefighters' Insurance Coverage Policy~~. **(change to "applicable insurance coverage. For volunteers")** ~~Volunteer emergency management personnel are approved by their current membership.~~
3. **Volunteer emergency management personnel are appointed in accordance with the governing by-laws or written policies or procedures.** Volunteer emergency management personnel (*Rescue Squad*) ~~shall receive neither compensation nor benefits except worker's compensation insurance coverage while responding to assistance calls.~~ **are compensated per call and attendance at training events. They receive no benefits except worker's**

³ Complies with the Affordable Care Act's definition of full time employee.

⁴ Conforms to the Hartsville/Trousdale County Charter § 4.06(c).

~~compensation insurance coverage while responding to assistance calls.~~⁵ (change to “applicable insurance coverage. For volunteers”)

SECTION III – HIRING PROCEDURES

A. POLICY STATEMENT

1. The primary objective of hiring policies is to ensure compliance with the law and to obtain qualified personnel to serve the citizens of the Hartsville/Trousdale County Government.
2. Appointments to positions are based on merit, technical knowledge, and work experience. No person shall be employed, promoted, demoted, discharged, or in any way favored or discriminated against because of race, gender, age, color, religion, creed, ancestry, disability or national origin. Nothing in these personnel rules and regulations document shall be deemed to give employees any more property rights in their jobs than may already be given by the Hartsville/Trousdale County charter.
3. **Comply with Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits employment discrimination based on race, color, religion, sex or national origin, and amendments. Comply with the Tennessee human rights act, T.C.A. § 4-21-101 et seq.**

B. RECRUITMENT

1. Hartsville/Trousdale Metropolitan County will employ only capable and responsible personnel who are of good character and reputation. Department Head positions shall be advertised for 2 weeks. Advertisement shall be in the local newspaper (as a minimum), and other available media as may be necessary. ~~Job advertisements and acceptance of applications will be coordinated by the Human Resource office.~~⁶

C. JOB DESCRIPTIONS⁷

1. ~~The purpose of a written job description is to ensure that every employee has a clear and concise explanation of the exact tasks that they are expected to perform.~~
2. ~~Job descriptions will be prepared when a new job or position is created or when an existing position is significantly altered. Revisions should be made as quickly as possible after a position's character changes.~~
3. ~~If there is something in a job description that employees do not understand, they should call it to the attention of their immediate supervisor. If parts of the job are not explained in the description, that should also be reported to a supervisor.~~
4. ~~Every job description should include the essential duties and responsibilities that an employee performs every day or at regular intervals. It should also include occasional duties that they may be asked to perform on occasion, but that are not part of the normal job functions.~~

⁵ The last sentence was changed to align with current practice.

⁶ Currently each department does this, and it has personnel records spread across departments.

⁷ There is no current requirement and job descriptions have gotten out of date. See Wilson County Employee Handbook.

D. FINGERPRINTING AND BACKGROUND CHECKS

1. The County is responsible for payment of any costs incurred by the TBI or the FBI in conducting these investigations, but the county may require an applicant to pay these costs if the applicant is offered and accepts a position with the county. The county may establish the job titles or classifications to which these requirements apply, but the classifications do not supersede any mandatory fingerprint-based criminal history background requirements that may be applicable for any person who is seeking employment in a position in any program subject to licensure, approval or certification by any state agency (for example, teachers and others working with children).
2. **UNDER T.C.A. § 5-1-126, A COUNTY MAY REQUIRE PERSONS, PRIOR TO EMPLOYMENT WITH THE COUNTY, TO AGREE TO THE RELEASE OF INVESTIGATIVE RECORDS TO THE COUNTY FOR THE PURPOSE OF VERIFYING THE ACCURACY OF CRIMINAL VIOLATION INFORMATION CONTAINED ON AN EMPLOYMENT APPLICATION AND SUPPLY A FINGERPRINT SAMPLE AND SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK TO BE CONDUCTED BY THE TENNESSEE BUREAU OF INVESTIGATION (TBI). IN ADDITION, TO THE EXTENT PERMITTED BY FEDERAL LAW, AND AT THE DISCRETION OF THE COUNTY, A CHECK OF SUCH PRINTS MAY BE MADE AGAINST RECORDS MAINTAINED BY THE FEDERAL BUREAU OF INVESTIGATION (FBI).**

E. INTERVIEWS

1. All appointments are subject to an interview with the appropriate office holder and/or appropriate department head. The office holder and/or department head will make reasonable accommodations in the interview process to applicants with disabilities making a request for such accommodations.

F. EMERGENCY APPOINTMENTS

1. In the event of an emergency, the appropriate county official may appoint such persons as are required to meet the situation, but such appointment shall not exceed thirty (30) days in any twelve (12) month fiscal year.

G. CITIZENSHIP AND ALIEN STATUS VERIFICATION

1. The Hartsville / Trousdale County Metropolitan Government will not discriminate on the basis of a person's national origin or citizenship status with regard to recruitment, hiring, or discharge. However, the local government will not knowingly employ any person who is or becomes an unauthorized alien. In compliance with the Immigration Reform and Control Act, all employees hired after November 6, 1986, regardless of national origin, ancestry, or citizenship, must provide suitable documentation to verify identity and employability. The documentation must be provided within three (3) days of employment or the individual will not be hired.

H. PROBATION

1. Applicants appointed to positions with the Hartsville/Trousdale County Metropolitan Government are required to serve a **six (6) month** probationary period. During this period, the employee's work performance will be subject to review regarding the competence of the employee to fill the position. An employee may be terminated during this period for

any reason without respect or reference to the procedures set forth in this document, the charter or other ordinances.

2. If the probationary period is satisfactory, the employee is recommended for a full- time appointment. The probationary period may be extended by the appropriate department head when written notification is given to the probationary employee with reasons for the extension.

SECTION IV – COMPENSATION

A. SALARIES⁸

1. Due consideration shall be given to duties performed, responsibilities, technical knowledge and skills required to perform the work satisfactorily, the labor market, and the availability of people having the desired qualifications. When establishing salaries, all salaries are subject to funding by the County Commission. (See Appendix A for pay grade and step schedule).
2. Hartsville/Trousdale County believes that pay should be based on merit and will offer employees the opportunity for achievement and salary increases through exceptional effort. We believe that a consistently implemented policy will create incentives and improve the County's overall performance.
3. The County will, in its salary administration and wage and hour policies, follow the rules and regulations set forth by Federal and State Labor Laws (FLSA).
4. We make every effort to track the latest laws and regulations and abide by their guidelines, including legislation that periodically raises the minimum wage, sets training rates, and increases overtime rates. If state law is more generous than the applicable federal rates, we will apply that rate to our pay practices.
5. In compliance with the Federal Equal Pay Act, the County pays male and female employees equal pay for equal work. Employees perform substantially the same jobs when they work in positions that require equal skill, effort, and responsibility and the jobs are performed under similar working conditions.
6. The County reserves the rights to establish incentive pay plans, based on County earnings performance and employee performance appraisals.
7. Salary increases are based on performance and responsibilities, not on seniority: They are not automatic, but are based on supervisors' evaluations of performance results in relation to performance expectations. When the County Commission gives across the board increases, these are considered cost of living increases.
8. Employees will be paid bi-weekly, except for the Water Utility and Highway Department whose employees will be paid according to a schedule set by those departments.
9. The County expressly prohibits any employee from filling in, changing, or damaging any other employee's time record. It is a violation of County policy to change or falsify a time record. Any employees who do so may be suspended or terminated at the discretion of the supervisor and department head.
10. Applicable federal, state, or local income taxes, as well as federal Social Security taxes are

⁸ See Wilson County Employee Handbook pages 28 and 29, except section 8 which was changed to allow for current highway and water department pay schedules.

withheld from each paycheck. The County obeys all laws that pertain to payroll, including garnishments.

11. We also reserve the right to deduct from employee paychecks any legal (in accordance with state regulations) and applicable allowances for such items as uniforms. The County will not dock pay for disciplinary reasons or deduct such allowances when it would reduce wages below the minimum wage or overtime compensation rates demanded by law. The same holds true for garnishment orders when they would impact that minimum wage level.
12. No employees may work beyond the normal workday or workweek without official authorization of their immediate supervisor or department head.
 - a. Should the County have a need to change employees' scheduled payday, the method of paying wages, or the place where wages are paid, the County will notify employees in writing thirty (30) days before the change is to take place. In addition, a notice of the change will be posted at each department.
13. The County will provide additional compensation to employees who remain on-call after the completion of the workday, to come back to work, or to perform emergency or needed procedures. Employees will be considered engaged by the County at the time they receive the call until the work is completed. This time will be considered worked time and will be recorded as such on the employee's time sheet. Employees called in will be paid at the employee's regular rate of pay or at his/her overtime rate if he/she has already worked the required hours.

B. HOURS OF WORK

1. The office holder and/or department head shall establish the hours of work per week and post them with beginning time, break time, lunch time and end of day time for each position in the service of the county. Employees unavoidably late or absent from work due to illness or other cause must notify their supervisor within the time frame established by each department (unless unusual circumstances prevent the employee from making proper notification). Such employees must explain the reason for the absence and, if possible, an anticipated time and date of return to work. Failure to notify one's supervisor of absences may result in disciplinary action. Employees who are excessively tardy and found falsifying time sheets will be subject to disciplinary action up to and including dismissal.
2. The typical work day is eight (8) hours. Emergency medical technicians and paramedics typically work a twenty-four (24) hour shift. Sheriff's Department employees typically work an eight (8), ten (10) or twelve (12) hour shift.⁹
3. Each employee must have a thirty (30) minute unpaid rest break or meal period if scheduled to work six (6) hours consecutively, except in workplace environments that by the nature of business provide for ample opportunity to rest or take an appropriate break. Such break shall not be scheduled during or before the first hour of scheduled work activity.¹⁰

C. ATTENDANCE

1. Every employee is expected to report for work regularly and on time. Good attendance is a

⁹ Defining a workday for each shift schedule prevents having to repeat it throughout the document.

¹⁰ Current Tennessee wage and hour law. Researched TCA to see if employee can opt for a one hour lunch in lieu of the two 15 minute and lunch breaks.

most important job requirement and an essential duty of every position. Failure to meet this requirement could result in separation from the payroll.

2. When employees are absent, others must perform their share of the work. In most instances, absent employees are paid for time not worked. In addition, others who must substitute and accomplish the necessary work frequently receive extra and higher compensation in the form of overtime pay. No additional work is accomplished for these added costs. Lost time must be controlled.
3. *Definition of absence.* An employee is absent when he/she fails to report for and remain at work as scheduled. Lateness is a short absence at the beginning of the workday. Leaving early, even with permission, before the tour of duty ends, is also an absence. Absence, then, includes all time lost from the work schedule, whether avoidable or unavoidable, voluntary or involuntary.
 - a. Employees must clearly plan absences in advance with their supervisor, allowing as much notice as they can. When an absence is unplanned, due to illness, an emergency, or some similar cause, employees must report the absence to their supervisor at least thirty (30) minutes before scheduled time on the first day of the absence. In case of a prolonged absence of indefinite duration, they must report their status to their supervisor at least once every three working days.
4. Notification from another employee or relative is not acceptable, except under emergency conditions. An "excused" absence may include personal or family illness, jury duty, bereavement, or other qualified reasons that would require an employee to miss all or part of a scheduled workday. Employees should be prepared to substantiate the reasons for their absences if asked. If an employee is absent frequently, he/she may be required to furnish documentation, including medical statements from his/her doctor. Employees may also be required to produce fitness for duty certificates to return from an absence.
5. A physician's statement or a fitness for duty certificate will¹¹ be required where absence is continuous for a period of over **three (3) working days** and after surgery or accident, regardless of the length of absence.
6. If an employee fails to give proper notification of his/her absence or if his/her supervisor 'considers the reason unacceptable, the employee will be charged with an unexcused absence. He/she may be excluded from overtime work in the week in which he/she has an unexcused absence.
7. Failing to report an absence properly can be grounds for disciplinary action, including dismissal. Excessive absences and latenesses, even when reported, may also be grounds for discipline or dismissal.' Unsatisfactory attendance will have an adverse effect on any promotion considerations.
8. An attendance record for each individual reporting to them is to be kept by supervisors in a readily accessible place. These records must be updated daily and reviewed regularly. All absences, including latenesses, with all related information are to be entered on the attendance record.
9. *Each employee's record stands alone.* An employee's record of attendance is an individual record, a record he/she makes. What constitutes unsatisfactory attendance, therefore, must be determined on a case-by-case basis. For example, if an employee is absent only one day

¹¹ Changed from "may" in previous draft to "will" on 8/20/2021.

during the year, but this one-day absence was avoidable, this employee's attendance record is less than satisfactory. On the other hand, if an employee is absent for several weeks because of a single incapacitating illness or injury, then such an absence, by itself, does not create an unsatisfactory attendance record.

10. Documentation of absence. If their attendance records indicate frequent absences, employees may be required to document reasons for subsequent absences, at the request of their supervisor, so that the absences can be recorded as excused.
11. Attendance records are not an end in themselves, but a means to an end. They are necessary tools for correction of unsatisfactory attendance. Therefore, attendance records must be utilized. They are of no value unless acted upon.
12. Authorized absences are permitted as defined by the County policies for vacation, holidays, personal sick days, jury service, bereavement, voting, medical leave, personal leave, or military service. Employees must provide timely notice of absence or receive prior approval for the absence as defined by each policy. The County reserves the right to require documentation in support of the absence.
13. Discipline for absence! Any employee who fails to give proper notification will be charged with an unexcused absence. If notice is given and the County does not think it justifies the absence, it will be considered unexcused. The following chart shows the discipline that may be administered for unexcused absences.
 - First absence — Written warning
 - Second absence — 3-day suspension without pay
 - Third absence — 10-day suspension without pay
 - Fourth absence — Discharge

D. LATENESS

1. Lateness is disruptive, costly, and not fair to Hartsville/Trousdale County or other employees. Chronic lateness will not be tolerated and will result in discipline, up to and including discharge.
2. Lateness disrupts schedules, adds to overtime costs, and places additional responsibilities on other employees in a department. Employees are expected to be in their work areas and ready to work at their designated times.
3. Employees who are going to be unavoidably detained are expected to call their supervisors. Attendance is a critical part of performance and employees who are frequently late lower their performance ratings and undermine their chances for promotion and job security.
4. An employee's immediate supervisor will counsel an employee's lateness problems. If problems persist, a written reprimand may be issued and the department head may counsel the employee.
5. Employees must fill in their own time sheets or punch their own time cards when they start or stop work. Anyone attempting to sign or punch any sheet or card other than his/her own may be dismissed: If employees forget to sign in or out on the time sheet or neglect to punch a card, they should notify their supervisor immediately.
6. Productive employees make reporting for work on time a habit. If an employee is having specific problems that make it impossible for him/her to get to work on time, he/she should inform his/her supervisor immediately. He/she may be able to resolve a transportation problem or similar problem. Employees should be aware that continued lateness might result in discipline, up to and including discharge.

E. BREAKS

1. In accordance with the Wage Regulations Act, Tenn. Code Ann. § 50-2-101 et seq., each employee must have a thirty (30) minute unpaid rest break or meal period if scheduled to work six (6) hours consecutively, except in workplace environments that by the nature of business provide for ample opportunity to rest or take an appropriate break. Such break shall not be scheduled during or before the first hour of scheduled work activity.¹²
2. Employees who return late from lunch or breaks may be subject to discipline.
3. Although employees may take personal breaks when approved by their supervisors, employees should make sure that someone remains in the department at all times. Because employees' rest breaks are considered working time, the breaks are paid.
 - a. Note: All state-specific regulations concerning breaks will be adhered to.
 - b. Lunch periods should be unpaid time. Hourly paid employees must punch out or make a record when leaving the premises and punch in or make a record upon returning to work.

F. REDUCTION IN WORKFORCE

1. Hartsville/Trousdale County will attempt to provide appropriate employment for all employees. If a layoff is necessary to protect the County's financial or operational status, it reserves the right to reduce its workforce either permanently or temporarily. It also reserves the right to reduce its workforce when substantial changes in status or technology necessitate such action.
2. It is our policy to retain, to the extent consistent with County requirements, the services of all employees who perform their duties efficiently and effectively. However, it may become necessary under certain economic conditions to lay off employees. In most cases, employees who are laid off for lack of work will be recalled when condition improves. The County can make no guarantees how and when this recall will take place or if it will take place.
3. Job performance and the type of job being performed will also be considered in the decision. We reserve the right to evaluate individuals on a case-by-case basis before making an employment decision.
4. When hiring is resumed after a layoff, the County will use every reasonable effort to recall former employees.

G. PAYDAY

1. All employees of the Hartsville/Trousdale County Metropolitan Government shall be paid on a **bi-weekly basis**. Questions about work time, salary or paycheck should be addressed to payroll personnel within the pay period in question or immediately thereafter.
2. If an employee is absent on payday and wishes to have someone else obtain their check, they must send ~~their identification~~ and a signed note authorizing release of the check to the bearer. **The bearer will be required to present a picture ID in order to obtain the employee's check.**¹³
3. If an employee loses his/her check, the employee must notify the payroll personnel immediately. The employee will be required to sign an affidavit stating that the check has been lost, and a new one will be issued.

¹² Researched TCA to see if employee can opt for a one hour lunch in lieu of the two 15 minute and lunch breaks.

¹³ This is to cover the County for claims that the employee's check was given to unauthorized people.

4. If an employee resigns, his/her last check will be issued on the regular payday. The employee should give written notice of where the check should be sent if the employee is not available to pick it up.

H. PAYROLL DEDUCTIONS

The following charges are deducted from the employee's paycheck:

1. **Federal Income Tax** - Federal taxes are withheld from employees' paychecks based on the number of dependents claimed by the individual. Employees are required to keep on file with the local government a copy of the W-4 form. In the event of changes in the employee exemption status, a revised W-4 must be filed before payroll deduction adjustments will be made.
2. **Social Security**-Social Security payments and deductions will be made in accordance with the Social Security Act. Payroll personnel shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.
3. **Retirement System** - Full-time employees of Hartsville/Trousdale County Metropolitan Government will be eligible for retirement benefits under the Tennessee Consolidated Retirement System. Contact the County Mayor's Office for specific information about retirement benefits.
4. **Insurance Coverage**: - The Hartsville/Trousdale County Metropolitan Government provides basic health insurance coverage. In the event of a "qualifying event" that terminates benefits, the local government will offer employees and their dependents the opportunity to extend their health insurance coverage under COBRA. Regular full-time employees shall be eligible for health insurance benefits on the 1st day of the next month following a new hire or promotion from part-time to full-time.
5. **Consolidated Omnibus Budget Reconciliation Act (COBRA)¹⁴**
 - a) Hartsville/Trousdale County adheres to all the requirements of the Consolidated Omnibus Budget Reconciliation Act (COBRA) as they apply to our employees. Should employees lose their health care coverage under our health care plan as the result of a qualifying event, employees and employees' spouses and dependent children will be given the opportunity to continue to purchase coverage as a group member for the legally-specified period of time following the loss of coverage.
 - b) Although employees' right to elect continuation coverage occurs upon the occurrence of a qualifying event to employees, coverage is not automatic. Employees and employees' spouses and dependents must make an affirmative election of coverage before coverage will begin. An election form will be sent with the notice of eligibility. The election must be made within sixty (60) days of the date coverage is lost or the date that the notice of eligibility is sent, whichever is later. An election is considered to have been made on the date employees send in the election form or a letter indicating an election is being made.
 - c) Employees are eligible for continuation coverage if terminated from employment for any reason other than for gross misconduct or if a reduction in hours results in

¹⁴ Language adopted from Wilson County Employee Handbook page 55.

the loss of coverage under our group health plan. Continuation coverage will be available for eighteen (18) months from the date of termination or reduction in hours for employees, employees' spouses, and dependent children.

- d) We will give the employee notice of his/her right to elect continuation coverage within fourteen (14) days after the plan administrator is notified that the employee has incurred a qualifying event. The County will notify the plan administrator within thirty (30) days of the employee's death, termination, reduction in hours of employment, or entitlement to Medicare. The employee or the employee's qualified beneficiary must notify the plan administrator within sixty (60) days of a divorce or legal separation or the date on which the employee's child ceases to be a dependent under our health plan rules.
 - e) We will mail notice of the right to elect continuation coverage to the employee and his/her qualified beneficiaries by first-class mail to his/her last known address and to the last known address of the qualified beneficiaries. It is the responsibility of the employee to make sure the insurance clerk has the correct address and all relative information of any beneficiaries.
6. **Others:** - Other deductions may be made from an employee's pay only with a signed consent from the employee or applicable court order.

I. OVERTIME

1. Employees required to work overtime shall be compensated in accordance with the Fair Labor Standards Act (FLSA) at a rate of one and one-half (1½) times the employee's regular pay rate. Salaried personnel and officers of the Hartsville/Trousdale County Metropolitan Government are exempt from the overtime provisions.
2. Employees must work 40 hours before overtime takes effect. **Vacation, Sick Leave and Personal time off will not count as time worked for overtime.** Only Holiday and Military Leave will count as time worked.
3. **EXEMPT EMPLOYEES WILL NOT RECEIVE OVERTIME PAY OR COMPENSATORY TIME OFF.¹⁵**
4. THESE POSITIONS ARE: Elected Officials, and other Officials having a statutory salary established by the State of Tennessee.

J. COUNTY RESCUE SQUAD AND COUNTY FIRE DEPARTMENT VOLUNTEER HOURS DURING REGULAR BUSINESS HOURS

1. Any County Government employee who serves as a volunteer with the Trousdale County Rescue Squad or Trousdale County Fire Department may leave their department during regular working hours and retain their rate of pay, per Department Head approval, to respond to an emergency call. The employee must document when they leave their department at the time of the call on their timesheet. The employee will need to document a separate timesheet for their volunteer hours with the Rescue Squad or Fire Department. After the Rescue Squad or Fire Department Head has dismissed the employee from the call and it is still within the scheduled working hours, the employee must report back to their department to finish out their day.

¹⁵ Removed reference to Comp. time that had been removed from the policy by Ordinance #121-2016-01.

2. The Rescue Squad and Fire Department designated Per Diem will be earned on any emergency call outside of regular working hours.
3. Employees who are found falsifying timesheets will be subject to disciplinary action up to and including dismissal.

SECTION V – BENEFITS

SECTION V-1: APPLICABLE TO ALL FORMER TROUSDALE COUNTY GOVERNMENT EMPLOYEES AND ALL NEW HIRES AS OF JANUARY 1, 2001.

*BENEFITS FOR EMPLOYEES WHO WERE EMPLOYEES OF THE FORMER TOWN OF HARTSVILLE PRIOR TO JANUARY 1, 2001 ARE ADDRESSED IN **SECTION V-2.***

A. ELIGIBILITY

1. Regular full-time employees are eligible for all benefits provided by the Hartsville/Trousdale County Metropolitan Government. Seasonal, **part-time**, temporary, and volunteer employees receive no benefits. Volunteer firefighters and emergency management personnel receive no other benefits except coverage under the local government's workers compensation plan. ~~Part-time employees will receive no benefits, other than administrative leave for specified reasons related to COVID-19. (Resolution 2020-11-686, April 7, 2020)~~
2. **A Request Leave Form signed by the employee and department head/official must be submitted along with the employee's timesheet for the employee to receive the approved leave pay. (Attach the Request Leave Form as an appendix).¹⁶**

B. HOLIDAYS

1. The following holidays will be declared official holidays, and full-time employees will be excused from work without charge to leave:

New Year's Day	January 1
Martin Luther King, Jr. Day	3rd Monday in January
President's Day	3rd Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veterans Day	November 11
Thanksgiving Day	4th Thursday & Friday in November
Christmas Eve	December 24
Christmas	December 25

¹⁶ Question. Would it be better to have forms in an appendix, or language stating must use the approved form and allow the Human Resources to create the forms? Option #2 would eliminate the need to go back to the Commission to change forms.

Monday-Friday employees only

2. When a holiday falls on Saturday, the Friday prior to the holiday is substituted.
3. When a holiday falls on Sunday, the Monday following the holiday is substituted.
4. On those occasions when Christmas falls on Saturday, the Christmas holiday will be observed on the subsequent Monday.
5. If the observed day falls on a day an office is normally closed, the next regular work day will be observed.
6. A holiday is to be paid on the basis of eight (8) hours.¹⁸
7. All full-time employees will receive holiday pay not to exceed eight (8) straight-time hours at their regular rate:¹⁹
 - a) provided they work a full shift on their last scheduled work shift prior to the paid holiday,
 - b) provided they work a full shift on their first scheduled work shift following the holiday, or
 - c) should they be unable to work either of those two days because of illness.
 - d)
8. Holiday pay will not be paid if:
 - a) the employee is on layoff status,
 - b) the employee is a temporary or seasonal employee; part-time,
 - c) the employee's department is not in operation because of a temporary shutdown,
 - d) the employee is on a non-pay leave of absence when the holiday occurs,
 - e) the employee is requested to work during a paid holiday and the employee refuses to do so.
9. If an employee is on sick leave a physician's certificate/note excusing the employee from working the day before, the day of, and/or the day after a holiday must be presented or the employee will not receive pay for the holiday.
10. If any scheduled paid holiday falls on a Saturday, the holiday will usually be observed on the preceding Friday. If the holiday falls on a Sunday, the following Monday will usually be observed as the holiday.

C. SPECIAL PAY PROVISIONS

1. Every effort will be made to allow all employees off on each designated holiday. ~~If it is necessary for an employee to work on a holiday, the employee will be paid at 1 1/2 times the regular hourly rate regardless of the hours worked in the work week in which the holiday falls.~~ If it is necessary, with department head approval, for an employee to work on a holiday, the employee will be paid eight (8) hours holiday pay plus the hours worked at regular rate.²⁰

D. VACATION LEAVE

~~Full-time employees with less than ten (10) years of service shall earn two weeks (10 days) of paid vacation per year. Full-time employees with ten (10) years or more of service shall earn three weeks (15 days) of paid vacation per year. In no case shall an employee be entitled to~~

¹⁷ Requested by elected officials because state offices they work with are closed on New Year's Eve.

¹⁸ Sections 6-8 and 10 are from Wilson County Employee Handbook pages 38 and 39.

¹⁹ This is an alternative to the language in a previous subsection 7 that was deleted in favor of this language.

²⁰ Current practice that was not stated in policy.

~~more than 10 days of vacation per calendar year for less than ten (10) years services or more than 15 days per calendar year for ten (10) years or more of service.~~

1. **Vacation is based on the fiscal year.**²¹
2. An eligible employee earns and accumulates annual leave for each month of service or major fraction thereof. It is earned and maximum accumulations allowed as follows:²²
 - a. Employees with less than five (5) years of full-time service accrue at the rate of one (1) work day for each month of service or major fraction thereof, and may accumulate a maximum of thirty (30) work days (240 hours).
 - b. Employees with five (5) years of full-time service and less than ten (10) years of full-time service accrue at the rate of one and one-half days for each month of service or major fraction thereof and may accumulate a maximum of thirty-six (36) work days (288 hours).
 - c. Employees with ten (10) years and less than fifteen (15) years of full-time service accrue leave at the rate of one and three-fourths days for each month of service or major fraction thereof and may accumulate a maximum of thirty-nine (39) work days; (312 hours).
 - d. Employees with more than fifteen (15) years of full-time service accrue leave at the rate of two (2) days for each month or major fraction thereof and may accumulate a maximum of forty-two (42) work days (336 hours).²³
3. **An employee is not eligible to earn vacation time until the employee has completed six months of service the six month probationary period.**
4. Part-time employees do not qualify for vacation leave. However, part-time employees promoted to full-time status may count their first full day and forward of part-time employment with the Hartsville/Trousdale County Government toward the fulfillment of the six (6) month probationary period.
5. Vacation leave may be used only at times approved in advance by the employer. Vacation requests will be honored to the extent possible.
6. If two or more employees request vacation for the same period of time, it will be the employer's decision as to whether this will create a hardship upon the department. If it is determined that it is not possible for both employees to be on vacation at the same time, the request of the employee who first asked for vacation time will be honored.
7. No employee may give or loan vacation time to another employee. ~~Vacation must be taken in the calendar year with no carry over. Vacation time will be lost if not used within the calendar year.~~
8. Upon the termination of employment of an employee, the employee shall be entitled to payment for any unused vacation time which has accrued. Payment shall be made based upon the daily rate of compensation the employee receives as of the time of termination.
9. **Vacation time cannot be used during a two week notice period. If an employee turns in a written two week notice, the employee will be eligible for payout of his/her unused vacation**

²¹ Simplifies record keeping and budgeting over the current calendar year practice.

²² This is a completely new provision for earning vacation leave.

²³ Wilson County Employee Handbook page 40.

on their last payroll. In the event an employee does not give a written two week notice, any unused vacation will be forfeited consistent with the separation policy stated in Section VI.²⁴

E. SICK LEAVE

1. Sick leave shall be considered a benefit and privilege and not a right. Full time employees will receive full pay during incapacity caused by illness or accident if sick leave is taken. Sick leave is **earned at the rate of one day eight (8) hours per month**. ~~beginning with the first full month of employment as a full-time employee~~ **Employees hired on or before the 15th of the month accrue one (1) day of sick leave at the end of that month. Employees hired on or after the 16th of the month do not accrue any sick leave for that month. There is no maximum amount of days that can be accumulated.**²⁵ (i.e. 8 hours earned at the end of the first month – these 8 hours shall be available to use on the first day of the following month). The six (6) month probationary period shall not prevent the accrual of sick leave or use of earned sick leave during this time. *For retirement purposes, these days can build toward retirement with no maximum. This sick leave can be carried from one calendar year to the next.* Accumulated sick leave has no value except for the purpose granted, and in the event of separation (with the exception of retirement) all unused sick leave shall be forfeited.
2. An employee may utilize sick leave allowance for absence due to his own illness or injury or the illness or injury of an immediate family member (i.e., spouse, child, and parent). Sick leave may also be used for appointments with a licensed doctor, dentist or recognized practitioners. When appropriate, a partial sick day may be used rather than a full day. No employee may give or loan sick leave time to another employee.
3. Employees are required to notify the employer as early as possible on the first day of their sick leave absence. **An employee who claims sick leave, and the sickness or injury causes the employee to miss three (3) twenty-four (24) or more consecutive work days hours, shall be required to furnish a certificate/note from a medical provider stating the general nature of the sickness or injury on the day they return to work.** ~~Emergency Medical Technicians/Paramedics who claims sick leave, and the sickness or injury causes the employee to miss four-eight (48) or more consecutive work hours, shall be required to furnish a certificate/note from a medical provider stating the general nature of the sickness or injury on the day they return to work.~~²⁶ The doctor's statement should also provide that said employee has been incapacitated from work for the period of his absence, and that he is again physically able to perform his duties. ~~Failure to provide the doctor's statement shall result in the days missed being considered unauthorized absences under Section VI (A)(1)(a), Resignation.~~
4. Employees who have used all their sick leave will not receive financial compensation for additional days needed due to illness or injury. For any additional time needed, the employee will be considered as on leave without pay status unless the employee has any accumulated vacation ~~or comp-time~~ remaining. The employee may request that additional

²⁴ Smith County Employee Handbook page 28.

²⁵ Wilson County Employee Handbook, page 41. This would be a change as employees currently will not earn sick leave until their 1st full month of employment.

²⁶ Give an applicable time frame for EMTs regarding Section VI(A)(1)(a).

~~sick leave be credited against the use of remaining vacation or comp time.~~²⁷ (Removed references to comp. time.)

5. After a sick leave absence of ten (10) working days, an employee must request Family Medical Leave (FMLA) in order to keep all benefits in place during the absence. Please refer to the section of FMLA on page (will insert page number at final draft) to see what qualifies as FMLA.
6. Sick leave will not be accumulated when an employee is on any unpaid leaves of absences.
7. Upon retirement from Hartsville/Trousdale County, any employee who has unused accumulated sick leave at the date of his/her retirement may receive one month of retirement credit for each twenty (20) days of leave. This is in accordance with the policy established by the Tennessee Consolidated Retirement System. Certification of such conversion credits will be required from the department the employee retires.

F. COVID-19 SICK LEAVE POLICY²⁸

Resolution 2021-02-706: January 25, 2021

1. **Eligibility.** All current full and part-time employees scheduled but unable to work (or telework) between the dates of January 1, 2021 and December 31, 2021 due to one of the following reasons are eligible for COVID-19 sick leave:
 - a) The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19. A copy of the federal, state, or local quarantine or isolation order related to COVID-19 applicable to the employee or the name of the government entity that issued the order must be submitted to support the employee's COVID-19 sick leave request.
 - b) The employee has been advised by a licensed health care provider to quarantine or self-isolate due to concerns related to COVID-19. Written documentation by a health care provider advising the employee to quarantine or self-isolate due to concerns related to COVID-19 or the name of the provider who advised the employee must be submitted to support the employee's COVID-19 sick leave request.
2. **Amount of COVID-19 Sick Leave:** Eligible employees have up to ten (10) working days of COVID-19 sick leave available to use for qualifying reasons. For employees with varying hours, one of two methods for computing the number of hours paid will be used:
 - a) If the employee has worked 6 months or more, the average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type.
 - b) If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.
3. **Consecutive COVID-19 Sick Leave.** Because all other reasons for COVID-19 sick leave could potentially expose an employee or others in the workplace to the virus, once an employee begins taking leave for reasons 1-2 above, the employee must use the permitted

²⁷ This was in 2014 Policy but it creates conflict with TCRS retirement.

²⁸ Section added by County Commission on January 25, 2021.

days of leave consecutively until the employee no longer has a qualifying reason to take COVID-19 sick leave.

4. **Rate of Pay:** COVID-19 sick leave will be paid at the employee's regular rate of pay without consideration of overtime pay.
5. **Interaction with Other Paid Leave:** The employee may use COVID-19 sick leave under this policy before using any other accrued paid time off for the qualifying reasons stated above.
6. **Procedure for Requesting COVID-19 Sick Leave:** Employees must notify their **DEPARTMENT HEAD OR ELECTED OFFICIAL** of the need and specific reason for leave under this policy as soon as possible on the first day of their COVID-19 sick leave absence. A COVID-19 Sick Leave Request Form will be provided to all employees. Verbal notification will be accepted until practicable to provide written notice.
 - a) COVID-19 sick leave must be approved by the employee's **DEPARTMENT HEAD OR ELECTED OFFICIAL** in the same manner as all approved leave requests using the approved COVID-19 Sick Leave Request Form
 - b) Once COVID-19 sick leave has begun, the employee and his or her supervisor must determine reasonable procedures for the employee to report every three (3) working days on the employee's status and intent to continue to receive COVID-19 sick leave.
 - c) During a period of COVID-19 sick leave, the employee must certify that the employee will not work for another employer during what would have been the employee's normal work hours for the Hartsville/Trousdale County Government. An employee who falsely certifies they will not work for another employer during those normal work hours, and does in fact work for another employer, will be subject to discipline under Section VI.
7. **Documentation required for COVID-19 sick leave to be paid.** The employee must submit to their **DEPARTMENT HEAD OR ELECTED OFFICIAL** the following documents (if applicable):
 - a) Any quarantine order, self-isolation order, doctor note, or test results should be submitted via email, text or fax to the employee's **DEPARTMENT HEAD OR ELECTED OFFICIAL** as soon as possible after receipt, but no later than 24 hours after the documentation is received.
 - b) signed leave request form; and
 - c) return to work form.
 - d) All required documentation must be stapled to the employee's timesheet and submitted to the Mayor's Office along with the employee's timesheet.

IF THE REQUIRED DOCUMENTATION IS NOT PROVIDED AT THE SAME TIME AS THE EMPLOYEE'S TIMESHEET, THE EMPLOYER WILL EXHAUST REGULAR SICK AND VACATION LEAVE OR THE EMPLOYEE WILL BE GIVEN LEAVE WITHOUT PAY.

8. **Employees who have previously tested positive.** An employee who has previously tested positive for COVID-19 and has since recovered, may receive COVID-19 sick leave if they meet the following requirements:
 - a) They are showing symptoms of COVID-19; and
 - b) have consulted a healthcare provider; and
 - c) no other cause can be found for the symptoms;

OR

d) the employee tests positive for COVID-19.

The employee must submit written documentation by a licensed health care provider advising the employee to self-quarantine due to concerns related to COVID-19.

9. **Carryover:** COVID-19 sick leave under this policy will not be provided beyond December 31, 2021. Any unused COVID-19 sick leave will not carry over to the next year or be paid out to employees and does not count toward retirement calculation for the Tennessee Consolidated Retirement System.
10. **Exhausted COVID-19 Sick Leave:** When the employee has exhausted their allotted COVID-19 sick leave and the employee is still under orders to quarantine, the employee must use accrued leave under the FMLA policy.
11. **Return to work.** Upon returning to work, an employee must fill out, sign and submit to the **DEPARTMENT HEAD OR ELECTED OFFICIAL** the approved COVID-19 Return To Work Form.
12. **No Penalty:** No employee who appropriately utilizes COVID-19 sick leave under this policy will be discharged, disciplined, or discriminated against for work time missed due to this leave.

Please contact Vickie Howard at 615-374-2461 or at vickie.howard@trousdalecountyttn.gov with any questions.

G. LEAVE OF ABSENCE WITHOUT PAY

1. After an employee has exhausted his/her accrued sick and vacation leave or has not completed the six (6) month probationary period, a leave of absence without pay may be granted at the discretion of the employer. **No department head will grant a leave of absence without pay until an employee has exhausted his/her sick and vacation leave and has completed his/her six (6) months probationary period.**
2. A leave of absence without pay may also be granted as a reasonable accommodation to people with disabilities. The employee may be placed on a special leave without pay, or the employee may be terminated if he/she is unable to perform his/her job or another job with or without reasonable accommodation.
3. If the employee should be able later to return to work, upon presentation of certification by a doctor, he/she shall be given preference for employment for which he/she is qualified.
4. During periods of unpaid leave, the employee will not accrue vacation or sick leave benefits if in an unpaid leave status for more than ~~(10) working days~~ **eighty (80) working hours** per month. The absence without pay leave shall not extend for a period in excess of six (6) months.
5. Benefits will not be paid by the Hartsville/Trousdale Government during absence without pay. The employee may pre-pay benefits during this leave period to continue coverage.
6. For employees who have not yet completed their six (6) month probationary period, but are granted a leave of absence without pay status by the Elected Official/Supervisor the following shall apply:

- a) All time worked prior to the "leave of absence without pay" status shall be counted toward the probationary period when said employee returns to work. In other words, the employee will "pick up where s/he left off" in meeting the probationary period requirement.
7. The County will endeavor to return employees to the same or equal job they had prior to the leave of absence. We cannot guarantee the same job; however, the employee will suffer no loss in employment status. Employees who are granted a leave of absence for any reason shall suffer no loss in net creditable service to the County as far as vacation, retirement, and length of service awards are concerned. All health benefits coverage will continue during the leave of absence, provided the employee plans to return to work and continues to pay the current percentage of the premium paid by working employees.

H. FAMILY AND MEDICAL LEAVE POLICY

1. The Family and Medical Leave policy is applicable to both male and female employees who have worked at least twelve (12) months for the local government and who have worked at least one thousand two hundred fifty (1,250) hours during the preceding twelve (12) month period. Public agencies are covered without regard to the number of employees. Special rules apply for husbands and wives employed by the same employer, for highly compensated employees, and for local educational agencies.
2. **People who are NOT covered include: elected officials, political appointees, volunteers, independent contractors, and legal advisors.**
3. Under the act, an eligible employee may take up to 12 weeks of unpaid leave in a 12-month period for the birth and care of a child or the placement and care of a child for adoption or foster care. Leave may also be taken to care for the employee, a child, spouse, or a parent who has a serious health condition.
4. An expectant mother may take unpaid Family and Medical leave upon the birth of the child, or prior to the birth of the child, for necessary medical care and if her condition renders her unable to work. Similarly, for adoption or foster care, leave may be taken upon the placement of the child or leave may begin prior to the placement if absence from work is required for the placement to proceed.
5. An employee may take unpaid leave to care for a parent or spouse of any age who, because of a serious mental or physical condition, is in the hospital or other health care facility. An employee may also take leave to care for a spouse or parent of any age who is unable to care for his/her own basic hygiene, nutritional needs or safety.
6. Eligible employees who are unable to perform the functions of their position because of a serious health condition may also request up to twelve (12) weeks unpaid leave.

Employees requesting Family and Medical leave due to their own illness or injury shall use any sick leave or annual leave beginning with the date that Family and Medical leave commences. Family and Medical leave must commence upon ten (10) working days absence from the job and will be retroactive to the first day of absence. **All sick and annual leave will run concurrent with Family and Medical Leave.** The combination of sick leave, annual leave, and unpaid leave, however, may not exceed twelve (12) weeks. Employees requesting Family and Medical Leave may use unpaid leave. During periods of

unpaid leave, an employee will not accrue any additional seniority or leave if off more than ten (10) working days.

7. If the employee does not return to work at the expiration of family and medical leave, Hartsville/Trousdale County will require the repayment of health insurance premiums it paid on the employee's behalf during the leave period. Reimbursement will not be required if the employee does not return from leave because of the continuance, recurrence, or onset of a serious health condition that prevents the employee from performing his/her job or because of further circumstances that are beyond the employee's control.

I. BEREAVEMENT LEAVE

1. In case of death in the employee's immediate family, the employee will be given ~~three (3) working days~~ **twenty-four (24) working hours** paid leave which will not be charged to vacation leave. Immediate family shall be defined as spouse; parent; **step-parent**; children; **step-children**; **son-in-law**; **daughter-in law**; brothers; **step-brothers**; sisters; **step-sisters**; mother-in-law; father-in-law; grandparents or grandchildren of the employee and legal guardians or dependents.

J. VOTING LEAVE

1. Under T.C.A. § 2-1-106, any person who is entitled to vote in an election held in Tennessee is entitled to take a reasonable amount of time off from work, up to three (3) hours, in order to vote during the ~~time~~ **hours** the polls are open in the County where the employee is a resident. The state law further provides that the employee cannot be penalized or suffer a reduction in pay due to the absence. There is an exception to this requirement, if the employee's work period begins three or more hours after the opening of the polls or ends three or more hours before the closing of the polls, then the employer does not have to allow any time off from work. County employees who report to work at 7 AM or before 10 AM will be allowed to leave work at 4 PM (if still at work) to exercise their right to vote. The employee will receive regular compensation during this period and leave time will not be affected. Voting time shall not be counted as working time for overtime computation.

K. JURY AND COURT DUTY

1. It is desirous for all employees to fulfill their duty to serve as members of juries or to testify when called in both Federal and State courts. Therefore, the following procedures shall regulate when an employee is called for jury duty or subpoenaed to court:
 - a. The employee will be granted a leave of absence when the employee is subpoenaed or directed by proper authority to appear in Federal or State court as a witness or juror.
 - b. The employee will receive his regular compensation during the time he is serving on jury duty.
 - c. The employee may retain all compensation or fees which he receives for serving as a Juror.
 - d. If the employee is relieved from court or jury duty during working hours, the employee must report back to his employer.

2. **The above provisions concerning compensation for time in court do not apply if the employee is involved in private litigation. On these occasions, the employee must take vacation leave, ~~comp time~~ or leave without pay. (Removed comp. time)**

L. MATERNITY LEAVE

T.C.A. 4-21-408. Maternity Leave

1. A female employee who has been employed by the same employer for at least 12 consecutive months as a full-time employee, as determined by the employer at the job site or location, may be absent from such employment for a period not to exceed four (4) months for pregnancy, childbirth and nursing the infant, where applicable (such period to be hereinafter referred to as (maternity leave").
2. A female employee who gives at least three months advance notice to her employer of her anticipated date of departure for maternity leave, her length of maternity leave, and her intention to return to full-time employment after maternity leave, shall be restored to her previous or a similar position with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of her leave.
3. A female employee who is prevented from giving three months advance notice because of a medical emergency which necessitates that maternity leave begins earlier than originally anticipated, shall not forfeit her rights and benefits under this part solely because of her failure to give three months advance notice.
4. Maternity leave will be without pay. Maternity leave shall not affect the employee's right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which she was eligible at the date of her leave, and any other benefits or rights of her employment incident to her employment position; provided, however, that the employer need not provide for the cost of any benefits, plans or programs during the period of maternity leave unless such employer so provides for all employees on leave of absence.
5. If an employee's job position is so unique that the employer cannot, after reasonable efforts, fill that position temporarily, then the employer shall not be liable under this part for failure to reinstate the employee at the end of her maternity leave period.
6. The purpose of this part is to provide leave time to female employees for pregnancy, childbirth, and nursing the infant, where applicable; therefore, if an employer finds that the female employee has utilized the period of maternity leave to actively pursue other employment opportunities, or if the employer finds that the employee has worked part-time or full-time for another employer during the period of maternity leave, then the employer shall not be liable under this part for failure to reinstate the employee at the end of her maternity leave.
7. Whenever the employer shall determine that the employee will not be reinstated at the end of her maternity leave because her position cannot be filled temporarily or because she has used maternity leave to pursue employment opportunities or to work for another employer, the employer shall so notify the employee.
8. Nothing contained within the provisions of this law shall be construed:
 - a. To affect any bargaining agreement or local government policy which provides greater or additional benefits than those required under this part.
 - b. To require any employer to provide maternity leave to male employees;
 - c. To apply to any employer with fewer than one hundred (100) full-time employees on a permanent basis at the job site or location.

M. IN LINE OF DUTY INJURY LEAVE

1. An employee sustaining an injury during the course and scope of his employment which is determined to be compensable under the provisions of the Worker's Compensation Law shall be entitled to receive in-line-of- duty injury leave. This leave shall not be counted against any accrued sick leave which the employee has accumulated. Benefits which are receivable by the employee will be determined by the provisions of the Workers' Compensation Law.
2. **All injuries arising out of and in the course of one's employment shall be governed by the Tennessee workers' compensation law. Employees on occupational disability leave shall receive only those benefits due under workers compensation.**
3. **No employee will pursue other employment opportunities, either full-time or part-time, for another employer while on worker's compensation leave.**
4. Should an employee be unable to return to work within three (3) months from the day following the date of injury, the employee may be subject to separation only if he/she:
 - a. Cannot perform the essential functions due to a disability that cannot reasonably be accommodated;
 - b. Poses a direct threat to himself/herself and/or others
 - c. Is unable to perform the essential functions due to a temporary condition or disability not protected by the ADA.

N. ADMINISTRATIVE LEAVE WITH PAY

1. Absence with pay for administrative purposes may be granted **to full time employees** by the employer as long as funding is available for such leave. **Such leave is available only for days an employee is schedule to work.** Leave must be for a good cause as determined by the employer.
2. This leave shall not exceed ~~three (3) working days per year~~ **twenty-four (24) working hours** per **fiscal** year unless exceptional circumstances exist, **and cannot be carried forward to the next fiscal year.**
3. **All administrative leave with pay must have supporting documentation with employee's timesheet.²⁹**
4. **Administrative Leave cannot be carried forward as a leave to be used at the employee's discretion.**

O. INCLEMENT WEATHER CONDITIONS

1. **The Hartsville/Trousdale County Government believes that employees should use their own judgment in deciding whether to travel to work in the event of inclement weather. If you feel driving conditions are too severe to drive, notify your supervisor as soon as possible. Employees will be required to use annual leave in order to be paid for time off unless the Hartsville/Trousdale County Government is closed. The County Mayor and / or Constitutional Officers will determine whether the Hartsville/Trousdale County Government's offices are closed due to inclement weather, and if the Mayor or**

²⁹ If we require a signed leave request sheet for all leave, is this provision necessary?

Constitutional Officer chooses to close, employees should be granted administrative leave by their department head / constitutional officer.³⁰

OR

1. It is Hartsville/Trousdale County's policy to continue operations despite weather conditions unless an emergency threatens to make employee transportation to or from work impossible or dangerous. Employees are expected to show up for work regularly and on time except when transportation is impossible.
2. In case of severe weather, employees must look out for their own safety. However, this doesn't mean a free day off. Unless management has closed the County facility, employees are expected to come to work; otherwise, the employee will be charged vacation time.
3. If the County facility opens and is forced to close early because of the weather, all employees who reported to work will be paid. Employees who made no effort to come in will not be paid. If the facility is closed prior to the start of the shift, employees will not be paid if they report to work. All employees are urged to make every possible effort to get to work if the facility remains open.
4. If the facility remains open and employees do not come to work, they may use a vacation day instead of losing pay. Employees who report to work and are later sent home because of weather problems will be paid for the hours worked.
5. No wage/salary decisions will transgress the requirements of federal and state regulations. When weather conditions make it hazardous for employees to report for work, they should:
 - i. call the department head or designated contact; or
 - ii. listen to local radio and television stations for closure announcements.
6. The following payroll guidelines have been established for hourly employees reporting to work when the County opening is delayed due to bad weather conditions.
 - i. Employees who do not report to work will not be paid for the day. With supervisory approval, they may take the day as a vacation day.
 - ii. Overtime pay will apply to only those employees who have worked over 40 hours that week (unless state regulations dictate otherwise).³¹

P. MILITARY LEAVE

1. Any employee who ~~has successfully completed the probationary period and who~~³² is a member, or may become a member, of any reserve component of the armed forces of the United States or of the Tennessee Army and Air National Guard, will be entitled to a leave of absence from their respective duties for periods of military service during which they are engaged in the performance of duty or training in the service of this state, or of the United States, under competent orders. While on such leave, the employee will be granted paid leave up to twenty (20) days in any one (1) calendar year. Qualified employees who seek paid leave under this policy must provide the official order calling for their service or training to their supervisor. It is the responsibility of the employee to make arrangements with their department head for leave to attend monthly meetings on regular off-time, with

³⁰ Smith County Employee Handbook, page 52.

³¹ Wilson County Employee Handbook, page 23. Alternate inclement weather policy language to the previous paragraph.

³² Removed language in sections 1 & 2 requiring new employees to complete the probationary period as TCA § 8-33-109 provides the leave is "unaffected by date of employment or length of service."

the expectation that the paid leave granted herein will be applied to the annual training periods required for reservists.

2. Any employee who ~~has successfully completed their probationary period and who~~ is a member of the armed forces of the United States (including the Army, Army Reserves, Army National Guard, Navy, Naval Reserve, Marine Corps, Marine Corps Reserve, Air Force, Air Force Reserve, Air National Guard, Coast Guard, Coast Guard Reserve, Commissioned Corps of the Public Health) who is called to active duty will be placed on military leave. Such employee must present their supervisor or department head with advance notice of their active duty orders. The employee's seniority, status and pay will remain unchanged during their time of military leave. Continued health insurance coverage will be offered up to 18 months, with the employee paying premiums due for such policy. An employee wishing to continue health insurance coverage during their military leave shall provide a mailing address where notices of premium payments due may be sent.
3. The process for reinstatement of employees returning from military leave begins when the employee submits an "application for re-employment." Said applicant must be submitted:
 - a. on the first workday back for employees deployed 30 days or less;
 - b. within 14 days of the end of service for employees deployed up to 180 days; and
 - c. within 90 days of the end of service for employees deployed 181 days or longer
4. The returning employee will be re-employed in the position they would have attained had they not been absent for military service, with the same seniority, status and pay.

Q. TERMINATION PAY

1. An employee, whose services are being terminated, either voluntarily or involuntarily, shall be paid for all regular earnings which are due and accrued plus all accrued vacation time, and overtime. ~~and compensatory time~~
2. **Unused vacation time will be paid if the employee has given an acceptable two week notice.³³**
3. The employee will not be compensated for any unused sick leave days.
4. In the event of death, the amount owing to the employee shall be paid to his estate or to the surviving spouse as may be required by law.

R. PART-TIME EMPLOYEES

1. A part-time employee designation will be used for those employees whose regular assigned work schedule is less than thirty (30) hours per week. The benefits set out in this manual are intended to apply only to full-time employees. These rules and regulations are not intended to establish paid leave of any kind for part-time employees.

³³ Smith County Employee Handbook, page 28.

SECTION V-2: BENEFITS APPLYING TO FORMER TOWN OF HARTSVILLE EMPLOYEES ONLY

All employees of the former Town of Hartsville are governed by the benefit policies listed in Section V-1. Also, the following exceptional benefits are provided as a part of the provisions of the Hartsville/Trousdale County Charter which protect the benefits of those employed by the former Town of Hartsville prior to January 1, 2001.

A. HOLIDAYS

- Former Town of Hartsville employees shall receive the same holidays as are given to all former Trousdale County employees and new hires of the Hartsville/Trousdale County Government (refer to Section V.1.B.). This does not constitute a loss of benefits for former Town of Hartsville employees regarding the former Town giving the day after Christmas as a holiday. This holiday benefit is merely changed from the day after Christmas to Christmas Eve. Former Town employees still will receive 2 days holiday for Christmas.

B. HOLIDAY PAY

- When an employee must work on a holiday, the employee will be paid at the rate of two-times (2) their regular pay rate for all scheduled time worked on the day observed as the holiday (double time).

C. VACATION LEAVE

- All full-time employees of the former Town of Hartsville shall be entitled to annual leave days per month in accordance with the number of years worked as follows:

REGULAR FULL-TIME EMPLOYEES (40 HOURS)

YEARS OF SERVICE	DAYS EARNED PER MONTH	MAXIMUM ACCRUAL
LESS THAN 10	1.0 DAY	30 DAYS
10 BUT LESS THAN 15	1.5 DAYS	36 DAYS
15 BUT LESS THAN 20	1.75 DAYS	39 DAYS
OVER 20	2.0 DAYS	42 DAYS

- Annual leave shall be computed from July 1st of each fiscal year. Annual leave earned in a calendar year shall be taken during the following calendar year. Annual leave shall not accrue beyond the maximum allowed accrual (see table above). Employees may not borrow against future vacation leave nor may they transfer it to other employees.
- Annual leave, so far as practical, will be granted at the time desired by employees, but annual leave in each department must be scheduled to assure orderly operation and adequate, continuous service to the public. Department heads must plan with employees in their department an orderly annual leave schedule. Holidays, as defined above, shall not be counted as annual leave days, however, if a holiday falls on an employee's scheduled vacation leave day, the employee shall be credited with another vacation day in lieu of the holiday.

4. In the event of resignation, termination, layoff, or a leave of absence, the employee shall not lose any accumulated vacation leave and shall be paid for the unused vacation leave on the employee's last pay check. With the approval of the department head or the County Mayor, an employee may receive payment of wages in lieu of vacation time. This can occur no more than two consecutive years.

D. SICK LEAVE

1. All former Town of Hartsville employees shall be given one- half (1/2) day of sick leave with pay for each month of work for the Hartsville/Trousdale County Government to a maximum accumulation of thirty (30) days.
2. Sick leave may be granted for:
 - a. Personal illness or physical incapacity resulting from causes beyond the employee's control.
 - b. Exposure to contagious disease so that the employee's presence at work might jeopardize the health of others;
 - c. Medical, dental, optical or other professional treatments or examinations;
 - d. Acute illness of a member of the employee's immediate family (i.e., spouse, parents, sibling, children, in-laws, grandparents).
 - e. Pregnancy, adoption, and the birth of a child.
3. Upon termination or resignation, any unused sick leave shall not be cashed in for compensation and shall be forfeited by the employee. When an employee is separated from the town due to lay-off, the employee's accumulated sick leave will be banked and made available to the employee upon re-employment. Employees may not borrow against future sick leave or transfer earned sick leave to another employee.

NOTE: BENEFIT POLICIES HEREIN LISTED ABOVE FOR THE FORMER TOWN OF HARTSVILLE EMPLOYEES TAKE PRECEDENT OVER OTHER BENEFIT POLICIES ADDRESSED ELSEWHERE IN THIS DOCUMENT, SHOULD THERE BE A CONFLICT IN THE DIRECTIVE OF THESE POLICIES.

SEE ATTACHMENT - COUNTY ATTORNEY INTERPRETATION OF FORMER TOWN OF HARTSVILLE VACATION AND SICK LEAVE POLICIES. (Remove this sentence for there is no attachment.)

SECTION VI – SEPARATIONS AND DISCIPLINARY

ACTIONS

A. TYPES OF SEPARATIONS

1. All separations of employees from positions with the local government shall be designated as one of the following types and shall be accomplished in the manner indicated: Resignation, layoff, death, retirement, dismissal and suspension. ~~At the time of separation and prior to final payment, all records, assets and other items of local government property in the employee's custody must be transferred to the department where he or she was employed. Any amount due because of shortages shall be withheld from the employee's final compensation.~~ **An employee who is terminated for violating policy or who resigned in lieu of termination from employment due to a policy violation will not be eligible for rehire.**³⁴
 - a. **Resignation.** ~~In the event an employee decides to leave the local government's employ, a two (2) week notice shall be given to his/her supervisor so that arrangements for a replacement can be made.~~ **To resign in good standing, employees should give their department head / constitutional officer and / or supervisor at least fourteen (14) calendar days notice.** In such a case, employees will be expected to return any or all local government equipment assigned. **When employment ends for any reason, employees should contact the department head / constitutional officer and / or supervisor relative to any monies due the employee. An unauthorized absence from the work place of a period of three (3) consecutive working days shall be considered by the department head as a resignation.** If a former employee returns to local government employment, his/her status of seniority, pay leave, etc. will be the same as any new employee beginning work for the first time unless circumstances require a higher rate (inability to recruit qualified candidates). **An employee's resignation will be effective upon the separation date given in the two (2) week notice. In the absence of such notice, the separation date shall be the employee's last day worked. An employee's unused vacation leave cannot be used to extend the employee's separation date beyond the date stated in the two (2) week notice, or beyond the last day worked. Any unused vacation leave shall be paid out on the next payroll date following the date of separation or last day worked.**³⁵
 - b. **Layoff.** The department head may layoff an employee in the local government service when he/she deems it necessary by reason of shortage of funds, the abolition of a position, or other material changes in the duties or organization of the employee's position or for related reasons that are outside the employer's control and that do not reflect discredit upon the employee's service. Temporary employees

³⁴ Smith County Employee Handbook, page 49.

³⁵ Smith County Employee Handbook, page 28.

shall be laid off before probationary or regular employees. The order of layoff shall be in reverse order to total continuous time served upon the date established for the layoff to become effective.

- c. **Disability.** An employee may be separated for disability when he/she cannot perform the essential functions of the job because of physical or mental impairment that cannot be accommodated without undue hardship or because the disability poses a direct threat to the health and safety of others. Action may be initiated by the employee or the local government, but in all cases, it must be supported by medical evidence and the disability must prevent the employee from performing the essential functions of the job. The local government may require an examination at its expense to be performed by a licensed physician of its choice.
- d. **Retirement.** Whenever an employee meets the conditions set forth in the retirement system's regulations, he/she may elect to retire and receive all benefits earned under the appropriate retirement system. Employees should notify their appropriate department head at least thirty (30) days in advance of retirement.
- e. **Death.** Upon the death of a full-time regular employee, his/her beneficiary will receive his/her next due payroll check and pay for accrued vacation time. Further, his/her beneficiary shall be given complete assistance by the local government personnel department in settling pension, life, and hospital insurance benefits, if such benefits have been provided by the local government. Separation shall be effective as of the date of death of an employee.

B. TYPES OF DISCIPLINARY ACTION

1. Whenever an employee's performance, attitude, work habits, or personal conduct fall below desirable level, supervisors shall inform employees promptly and specifically of such lapses and shall give them counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. In some instances, a specific incident in and of itself may justify severe initial disciplinary action; however, the action to be taken depends on the seriousness of the incident and patterns of past performance and conduct.
2. For the purposes of definition, a Department Head can be any of the following positions: County Mayor, any of the Constitutional Officers, the Clerk and Master, the Circuit Court Clerk, or the Head of a specific Department within General County Services. For the purposes of definition supervisor can be the Department Head or an individual officially designated by the Department Head to oversee operations as directed by the Department Head.
3. The types of disciplinary action are:
 - a. **Oral Reprimand.** Whenever an employee's performance, attitude, work habits, or personal conduct fall below a desirable level, the Department Head shall inform the employee promptly and specifically of such lapses and shall give him/her counsel and assistance. If justified, a reasonable period of time for improvement may be allowed before initiating disciplinary actions. The Department Head may place a memo in the employee's file stating the date of the oral reprimand, what was said to

the employee, and the employee's response. After sixty (60) days, the oral reprimand may be removed from the file.

- b. **Written Reprimand.** In situations where an oral warning has not resulted in the expected improvement or when more severe initial action is warranted, a written reprimand will be delivered to the employee, and a copy will be placed in the employee's personnel folder. The Department Head administering the reprimand shall advise the employee that the action is a written reprimand and emphasize the seriousness of the problem; cite previous corrective actions and/or informal discussions relating to the offense; identify the problem and/or explain the offense; inform the employee of the consequences of continued undesirable behavior; detail corrective actions and identify dates by which the correction actions shall be taken.

At the conclusion of a conference with the employee, a signed copy of the written reprimand will be given to the employee and a copy placed in the employee's personnel folder. It is recommended that the affected employee sign the written reprimand to indicate that he/she has seen the document and to acknowledge receipt of the employee's copy. Should the employee refuse to sign the written reprimand, the Department Head will obtain a witness to sign and date the form and so indicate the employee's refusal to sign. An employee who disagrees with the written reprimand may place a written statement of his/her objection in the personnel file.

- c. **Suspension.** An employee may be suspended with or without pay by his/her Department Head. The suspension will not exceed a total of (ten) 10 days in any 12-month period. Pursuant to the appeals procedures, a written statement of the reason for suspension shall be submitted to the employee affected at least 24 hours prior to the effective date of suspension. Under certain circumstances, an employee may be suspended without 24-hour notice, if in the best interest of the local government. The decision to suspend without notice must be made by the Department Head. During the advance-notice period, the employee may be retained in active-duty status, placed on leave, or suspended with or without pay at the discretion of the Department Head. The employee will be granted a hearing before the Department Head upon request, pursuant to the appeals process. An employee determined to be innocent of the charges shall be returned to duty with full pay for the suspension period. All records associated with a suspension shall become a permanent part of the employee's personnel file unless the employee is determined to be innocent of the charges.
- d. **Dismissal.** The Department Head may dismiss an employee for just cause that is for the good of the local government service. Reasons for dismissal may include, BUT ARE NOT LIMITED TO:
 - a. Misconduct
 - b. Negligence
 - c. Incompetency or inefficiency in performing duties
 - d. Conviction of a criminal offense or of a malfeasance involving moral turpitude

- e. Violating any lawful and reasonable regulation, order, or direction made or given by a superior, or insubordination that constitutes a serious breach of discipline
 - f. Being intoxicated, drinking any intoxicating beverages, or being under the influence of a drug or narcotic while on duty
 - g. Theft, destruction, carelessness, or negligence of local government property
 - h. Disgraceful personal conduct or language toward the public, fellow officers, or employees
 - i. Unauthorized absences or abuse of leave privileges
 - j. Incapacity to perform the essential functions of a job because of a permanent or chronic physical or mental defect that cannot be reasonably accommodated
 - k. Accepting any valuable consideration that was given with the expectation of influencing the employee in performing his/her duties
 - l. Falsifying records or using official position for personal advantage
 - m. Loss of an employee's driver's license and driving privileges by due process of law when the employee's position makes operating a motor vehicle necessary in performing his/her duties
 - n. Violating any of the provisions of the local government charter, personnel ordinance, or these rules
4. Pursuant to the appeals procedure, the employee shall be furnished an advance written notice containing the nature of the proposed action, the reasons therefore, and the right to appeal the charges orally or in writing before the Department Head. When possible, the notice shall be furnished at least one calendar week prior to the proposed effective date of the action. During this period, the employee may be retained on duty status, placed on leave, or suspended with or without pay at the discretion of the Department Head. If the employee fails to respond to the advance notice, the proposed action shall be effective on the date specified with no need for further action.
 5. If the employee requests a hearing on the proposed action, the Department Head shall promptly set a date and time for the hearing and shall carefully consider all evidence presented before making a decision. **The decision of the Department Head shall be final.**

C. GRIEVANCE PROCEDURES

1. A grievance is defined as an employee's feeling of dissatisfaction, and any differences, disagreements, or disputes arising between an employee and his/her supervisor and/or employer regarding some aspect of his/her employment, application or interpretation of regulations and policies, or some management decision affecting him/her. A grievance may be something real, alleged, or a misunderstanding concerning only administrative orders involving the employee's health, safety, physical facilities, equipment or materials used. Such misunderstandings, complaints, points of view, and opinions will be considered

a grievance, except in cases where they relate to personnel actions arising out of pay, suspension, and dismissal.

2. It is the local government's desire to address grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be occasional grievances that will be resolved only after a formal appeal and review. Employees who have a complaint or grievance may discuss the grievance with their immediate supervisor, a higher-level supervisor, and/or the Department Head.
3. Every employee may present a complaint or grievance under the provisions of the grievance procedures free from fear, interference, restraint, discrimination, coercion, or reprisal. Steps of the grievance procedures are as follows:
 - a. **STEP ONE.** The employee makes an oral or written presentation of the complaint or grievance to the supervisor within three (3) working days from the incident that prompted the grievance. It shall be the supervisor's responsibility to promptly investigate the circumstances surrounding the grievance, discuss the matter with the appropriate Department Head, and take action, if possible. The supervisor shall inform the employee in writing of the decision and any action taken shall be taken within three (3) days from the date the grievance was filed, if appropriate. The supervisor shall prepare a written report of the complaint or grievance and provide a copy of it to the Department Head. Any supervisor in the chain-of-command shall attach his/her recommendation regarding the unresolved complaint or grievance if it proceeds to a higher level. No supervisor may hold a complaint longer than 72 hours without forwarding it to the next supervisory level.
 - b. **STEP TWO.** If the grievance cannot be resolved on an informal basis between the employee and supervisor, the employee may proceed to the second procedural step. Before proceeding, an employee must reduce the complaint or grievance to **signed** writing and request that the written statement be delivered to the Department Head. If an employee wishes a hearing, the Department Head will accommodate the employee. Upon hearing the grievance, the Department Head must provide a written response to the employee and the immediate supervisor within three (3) days (72 hours) of the hearing.
 - c. **STEP THREE.** If the grievance is not resolved with the Department Head, the employee may request in writing a hearing with the County Mayor. If applicable, the employee may request in writing a hearing with the Constitutional Officers, the Clerk & Master, or the Circuit Court Clerk. The County Mayor shall have ten (10) working days to schedule the hearing, after which the County Mayor shall provide a written response to the employee with copies to the department head and immediate supervisor. If applicable, the Constitutional Officers, the Clerk & Master, or the Circuit Court Clerk shall have ten (10) working days to schedule the hearing, after which the Constitutional Officers, the Clerk & Master, or the Circuit Court Clerk shall provide a written response to the employee with copies to the department head and

immediate supervisor. Every attempt will be made to resolve the employee's grievance.

- d. **STEP FOUR.** If the grievance is not resolved with the County Mayor, the employee may request that his/her written complaint be heard by the governing body. If applicable, if the grievance is not resolved with the Constitutional Officers, the Clerk & Master, or the Circuit Court Clerk, the employee may request that his/her written complaint be heard by the governing body.

D. POLICIES GOVERNING GRIEVANCE AND APPEALS PROCEDURES

1. An employee with a grievance shall be notified in writing of his/her rights to:
 - a. A grievance or appeals hearing as specified in this policy;
 - b. Receive written notification of the reason for the action that led to the grievance;
 - c. Be represented at all stages of the grievance proceedings by legal counsel retained at the employee's expense;
 - d. Present witnesses in his/her own behalf and cross-examine witnesses in support of the local government's actions;
 - e. Examine and copy all documents that will be used by the local government as justification for its actions;
 - f. Be free from threats, coercion, intimidation, or discrimination from other employees because he/she has made complaints, testified, or assisted in any manner in the above-stated grievance and appeals procedures.
2. An employee must submit the request to the County Clerk for an appeal before the County Commissioners within three (3) calendar days of receiving notification of the action in question and must state his/her intent to have representation and to name the representatives. The County Clerk shall schedule a hearing not later than the next regular Commission meeting of receiving the employee's request for appeal. The action of the County Commission shall be final and binding on all parties involved, unless appealed to the Chancery Court by the employee.

E. RECORDS

1. Records shall be made of all proceedings pertaining to the personnel actions, and these records shall be maintained in the local government's permanent personnel file.

SECTION VII – MISCELLANEOUS PERSONNEL POLICIES

A. USE OF GOVERNMENT TIME, FACILITIES, ETC.

1. No employee of the Hartsville/Trousdale County Metropolitan Government shall use government time, facilities, equipment or supplies for private gain or advantage to oneself or any other private person or group.

B. SOLICITATION

1. The local government believes that its employees should be free from frequent solicitations for charitable purposes. Therefore, solicitation shall be limited to as few visits as necessary during the course of the year. Any solicitation of employees must be approved by the appropriate official.

C. PERSONAL TELEPHONE CALLS

1. Using the office telephone during regular work hours for local and/or long-distance personal calls, except in emergency cases, is discouraged.

D. FIGHTING, HORSEPLAY, DAMAGING LOCAL GOVERNMENT PROPERTY

1. Fighting, horseplay, and intentionally defacing or damaging local government property is not permitted. Employees engaging in these activities will be subject to disciplinary action that could lead to discharge.

E. LOCKERS

1. Lockers are the property of the local government and may be inspected at any time without notice as there may be no expectation of privacy in such property. Employee-assigned lockers (that are locked by the employee) are also subject to inspection after reasonable advanced notice.

F. GARNISHMENT

1. Garnishment of wages, salaries or other compensation due from county to any of its officers or employees is permitted. Employers cannot retaliate against an employee based on a wage assignment for alimony or child support, but the employer may impose a service charge of up to five percent, not to exceed \$5.00 per month. The maximum amount of earnings that may be garnished is set out in T.C.A § 26-2-106. For federal law regarding garnishment, see 15 U.S.C. § 1672(b).

G. BULLETIN BOARD

1. At numerous locations, the local government maintains bulletin boards on which important information connected with an employee's work is posted from time to time. Cooperation is needed in protecting the posted material.

H. USE OF LOCAL GOVERNMENT VEHICLES AND EQUIPMENT

1. Hartsville / Trousdale Metropolitan Government is committed to promoting safe and responsible driving for all of its employees. To ensure that this commitment is followed through, the County has adopted a vehicle and equipment policy that requires all employees who operate County owned vehicles or equipment during the performance of

their jobs, to do so in a lawful and safe manner. An employee who, at the County's request and through the County's authorization, is asked to operate a County vehicle/equipment or rented vehicle/equipment will do so for County business use only and will not be considered available for personal use in any way. No unauthorized persons will be permitted to operate a County vehicle or equipment.

2. The County has the sole discretion in determining who may operate County or County-sponsored vehicles or equipment, therefore, the County has the right to review any appropriate documents including but not limited to driving records, proof of a valid license, and automobile insurance information.
3. Employees must be 18 years of age to operate a County vehicle or equipment.
4. Employees are expected to take all steps necessary to avoid endangering themselves and others while operating County or County-sponsored vehicles or equipment on County business. To ensure this, employees authorized to operate County/County-sponsored vehicles or equipment are expected to ensure that all occupants wear safety belts when the vehicle or equipment is in operations and that the vehicle/equipment to which the employee is assigned is maintained in a safe driving/operating condition. Employees driving county owned or rented vehicles/equipment would comply with respective laws governing motor vehicle/equipment operations.
5. County employees ~~are encouraged to refrain from using~~ **will not use**³⁶ cellular telephones (unless they are equipped with hands-free operations) and from conducting any other activities which may impede the driver's ability to focus on safely operating the vehicle/equipment while it is in motion.³⁷
6. Any individual who is in violation with the safety expectations listed above may be subject to potential disciplinary action by the County up to and including termination.

I. BUSINESS DEALINGS

1. Except for the receipt of such compensation as may be lawfully provided for the performance of his/her local government duties, it shall be unlawful for any local government officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the Hartsville/Trousdale County Government.

J. ACCEPTANCE OF GRATUITIES

1. No local government officer or employee shall accept any money or other consideration or favor from anyone other than the local government for the performance of an act which he would be required or expected to perform in the regular course of his/her duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to local government business.

³⁶ Stronger language to comply with TN law.

K. USE OF POSITION

1. No local government officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the local government, nor shall he/she otherwise use or attempt to use his/her position to secure unwarranted privileges or exemptions.

L. STRIKES AND UNIONS

1. No local government officer or employee shall participate in any strike against the local government, nor shall he/she join, be a member of, or solicit any other local government officer or employee to join any labor union which authorizes the use of strikes by government employees.

M. PARKING

1. The local government does not assume responsibility for loss or damage any time to employee vehicles or their contents.

N. DRUG FREE WORKPLACE

1. **Refer to the County's Drug and Alcohol Testing Policy.**

~~Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The submission by an applicant or employee of a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or for termination.~~

~~Prohibited and/or illegal conduct includes but is not limited to:~~

- ~~• Being on duty or performing work in or on local government property while under the influence of drugs and/or alcohol;~~
- ~~• Engaging in the manufacture, sale, distribution, use or unauthorized possession of drugs at any time and of alcohol while on duty or while in or on local government property.~~
- ~~• Refusing or failing a drug and/or alcohol test administered under this policy.~~
- ~~• Providing an adulterated, altered, or substituted specimen for testing;~~
- ~~• Use of alcohol within four hours prior to reporting for duty on schedule or use of alcohol while on call duty; and~~
- ~~• Use of alcohol or drugs within eight hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures.~~

O. WORKPLACE VIOLENCE AND HARASSMENT

1. It is the policy of the Hartsville/Trousdale County Metro Government to promote a productive, safe and healthy work environment for all employees, customers, vendors, contractors and members of the general public and to provide for the efficient and effective operation of the Metro government's activities. The Hartsville/Trousdale County Metro Government will not tolerate verbal or physical conduct by an employee which harasses,

disrupts or interferes with another's work performance or which creates an intimidating, offensive or hostile environment.

2. No employee or non-employee shall be allowed to harass any other employee or non-employee by exhibiting behavior including, but not limited to, the following:
 - a. **Verbal harassment** – Verbal threats toward persons or property; the use of vulgar or profane language directed towards others; disparaging or derogatory comments or slur; offensive flirtations or propositions; verbal intimidation; exaggerated criticism or name-calling; spreading untrue or malicious gossip about others.
 - b. **Physical Harassment** – Any physical assault, such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person.
 - c. **Visual Harassment** – Displaying derogatory or offensive posters, cartoons, publications or drawings.
3. Charges of violence and harassment may be reported to any supervisory employee of the Metro government, including the Human Resources Manager, the Mayor. The Human Resources Manager is charged with investigating all cases of workplace violence and harassment. Depending on the severity of the charges or whether a crime is committed, the Mayor may request that the Sheriff provide assistance to the Human Resources Manager or assume responsibility for the investigation. All employees are required to assist in the course of the investigation by providing testimony, statements and evidence, as required. Failure to cooperate may result in disciplinary action.
4. Copies of the investigative report with recommendations for appropriate action will be turned over to the Department Head, Human Resources Manager, or the County Attorney as appropriate for further action. Disciplinary action may be taken against any employee who commits acts of workplace violence and harassment.

P. SEXUAL HARASSMENT

1. Purpose.

- a. The Hartsville/Trousdale County Metro Government may be held liable for the actions of all employees with regard to sexual harassment and will not tolerate sexual harassment of its employees. The Metro government will take immediate, positive steps to stop such harassment when it occurs. The Metro government is responsible for acts of sexual harassment in the workplace when the Metro government (or its agents or supervisory employees) knows or should have known of the conduct, unless it can be shown that the Metro government took immediate and appropriate corrective action. The Metro government may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace, where the Metro government (or its agents or supervisory employees) knows or should have known of the conduct and failed to take immediate and appropriate corrective action.
- b. This policy applies to all officers and employees of the Hartsville/Trousdale County Metro Government including, but not limited to: full and part-time employees, elected officials, seasonal and temporary employees, employees covered or exempt from the personnel rules or regulations of the Metro government, and employees

working under contract for the Metro government. The following rules shall be strictly enforced.

2. **Definitions.**

- a. The following actions constitute an unlawful employment practice and are absolutely prohibited by the Metro government when they affect employment decisions, create a hostile job environment, cause distractions, or unreasonably interfere with work performance. They are:
 - i. sexual harassment or unwelcome sexual advances;
 - ii. requests for sexual favors;
 - iii. verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, or propositioning;
 - iv. explicit or implied job threats or promises in return for submission to sexual favors;
 - v. sex-oriented comments on appearance;
 - vi. sex-oriented stories;
 - vii. displaying sexually explicit or pornographic material, no matter how the material is displayed;
 - viii. sexual assault on the job by supervisors, fellow employees, or, on occasion, non-employees; and
 - ix. Sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women.

3. **Making Sexual Harassment Complaints.**

- a. An employee who feels he/she is subjected to sexual harassment should immediately contact a person (listed below) with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:
 - i. The employee's immediate supervisor,
 - ii. The employee's department head
 - iii. The Human Resource Manager
 - iv. The County Attorney
- a. Employees have the right to circumvent the employee chain-of-command when selecting the person to complain to about sexual harassment. The employee should be prepared to provide the following information:
 - i. His/her name, department, and position title;
 - ii. The name of the person or people committing the sexual harassment, including their title(s), if known;
 - iii. The specific nature of the sexual harassment, how long it has gone on, any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment;

- iv. Witnesses to the harassment; and
- v. Whether the employee has previously reported the harassment and, if so, when and to whom

4. Reporting and Investigating Sexual Harassment Complaints.

- a. The Human Resource Manager is the person the Metro government designates as the investigator of sexual harassment complaints against employees. In the event the sexual harassment complaint is against the Human Resource Manager, the investigator shall be a Metro government employee appointed by the County Attorney.
- b. When an allegation of sexual harassment is made by any employee, the person to whom the complaint is made shall:
 - i. Immediately prepare a report of the complaint according to the preceding section and submit it to the Department head, Human Resource Manager, or County Attorney, as appropriate;
 - ii. Make and keep a written record of the investigation at the time the verbal interview is in progress, including notes on:
 - I. Verbal responses made to the investigator by the person complaining of sexual harassment,
 - II. Witnesses interviewed during the investigation,
 - III. The person against whom the complaint of sexual harassment was made
 - IV. Any other person contacted by the investigator in connection with the investigation
- c. within 15 working days of receiving the complaint, the investigator prepares and presents the findings to the Department Head, Human Resources Manager, or County Attorney, as appropriate, in a report, which will include:
 - i. The written statement of the person complaining of sexual harassment,
 - ii. The written statements of witnesses,
 - iii. The written statement of the person against whom the complaint of sexual harassment was made, and
 - iv. All the investigator's notes connected to the investigation

5. Action Following Complaints of Sexual Harassment.

- a. Upon receiving an investigation report of a sexual harassment complaint, the Department Head, Human Resources Manager, or County Attorney shall immediately review the report. If the Department Head, Human Resource Manager, or County Attorney determines that the report is not complete in some respect, he/she may question the person complaining of sexual harassment, the person against whom the complaint has been made, witnesses to the conduct in question, or any other person who may have knowledge about the harassment.

- b. Based upon the report and his/her own investigation (where a separate investigation is made), the Department Head, Human Resource Manager, or County Attorney shall, within a reasonable time, determine whether the conduct in question constitutes sexual harassment. In making that determination, the Department Head, Human Resources Manager, or County Attorney shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct, the context in which the alleged actions occurred, and the behavior of the person complaining. The decision of whether sexual harassment actually took place will be determined on a case-by-case basis.
- c. If the Department Head, Human Resources Manager, or County Attorney determines that the harassment complaint is founded, he/she shall take immediate and appropriate disciplinary action against the guilty employee, consistent with his/her authority under the Metro government charter, ordinances, resolutions, or rules governing his/her authority to discipline employees. If the Department Head, Human Resources Manager, or County Attorney feels that the harassment warrants disciplinary action stronger than he/she is authorized to impose by the charter, ordinances, resolutions, or rules governing employee discipline, he/she shall make that determination known, along with the report of the investigator, to the governing body of the Metro government. If the governing body determines that the sexual harassment complaint is founded, it may discipline the employee consistent with its authority under the Metro government charter, ordinances, resolutions, or rules governing employee discipline.
- d. The disciplinary action shall be consistent with the nature and severity of the offense, the employee's rank, and any other factors the governing body believes relate to fair and efficient administration of the local government. This includes, but is not limited to, the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the local government. The disciplinary action may include demotion, suspension, dismissal, warning, or reprimand. Determining the level of disciplinary action shall also be made on a case-by-case basis. A written record shall be kept of imposed disciplinary actions, including verbal reprimands.
- e. In all events, an employee found guilty of sexual harassment shall be warned not to retaliate in any way against the person making the complaint, witnesses, or any other person connected with the investigation.
- f. In cases where sexual harassment is committed by a non-employee against a Metro government employee in the workplace, the Department Head, Human Resources Manager, or County Attorney shall take whatever lawful action is necessary against the non-employee to bring the sexual harassment to an immediate end.

6. **Obligations of Employees.**

- a. Employees are not only encouraged to report instances of sexual harassment; they are **obligated to report them**. Employees are also obligated to cooperate in every harassment investigation. The obligation includes, but is not necessarily limited to, coming forward with evidence (both favorable and unfavorable) about a person

- accused of such conduct, fully and truthfully making written reports, or verbally answering questions when required to do so by an investigator. Employees are also obligated to refrain from making bad faith accusations of sexual harassment.
- b. Disciplinary action may be taken against employees who fail to report instances of sexual harassment, fail or refuse to cooperate in the sexual harassment investigation, or file a complaint of sexual harassment in bad faith.

Q. MONITORING OF ELECTRONIC MAIL

1. **Policy.** It is the policy of Trousdale County that all use of the Internet is for acceptable and legitimate purposes. Employees and officials of the Hartsville/Trousdale County Government do not have any right to privacy in any electronic mail (e-mail) that travels over the local government's electronic mail system. All e-mail that travels over the local government's system is subject at any time to being examined by officials of the Hartsville/Trousdale County Government and their designees. In addition, correspondence of Hartsville/Trousdale County employees and officials in the form of e-mail may be a public record under the public records law and may be subject to public inspection.
2. **Purpose.** The purpose of this policy is to set forth certain parameters for employees who have access to the Internet and to place them on notice that misuse carries penalties.
3. **Personnel Affected.** This policy applies to all Trousdale county employees.
4. **Scope.** This policy includes but is not limited to the following:
 - a. All Electronic Communications
 - b. Public Networks
5. **Ownership.** Trousdale County computers and all data stored in them are the property of Trousdale County and may be accessed at any time by authorized officials of Trousdale County. Trousdale County employees cannot expect privacy in the use and storage of data using Trousdale County computers or when using any other County provided equipment such as desk and/or storage space(s).
6. **Procedural Guidelines.** The following is a guideline for users of Trousdale County computers and will be observed while accessing public networks and the Internet using county resources:
 - a. Use of county resources for accessing the Internet and other public networks is primarily for work-related purposes.
 - b. Employees must act responsibly when participating in discussion groups on a public network.
 - c. Employees will not use the public networks or the Internet improperly. You may be monitored, and access may be revoked at any time for inappropriate use or conduct.
 - d. Determine and abide by the policies and procedures of any external network you access.
 - e. Do not download any software or screen savers from the Internet without prior approval from the Metro Communications Committee.

- f. Do not use Real Player or other software to listen to the radio over the Internet. This action results in unnecessary network traffic that causes slowness for all users.
 - g. Do not use software that attempts to discover properties about the public network or computing resources connected to that network.
 - h. The internet shall be used in a responsible manner and there can be no use of the services in an illegal, malicious or obscene manner.
 - i. Employees may not use County email to express his/her political opinions or other controversial issues or act in any way that would tend to reflect negatively on the County or that person.
7. **Responsibilities.** The following actions will not be allowed: Sending or displaying obscene or disruptive messages, files or images; using obscene language; harassing, insulting or attacking others; violating copyright laws or software license restrictions. This means that the downloading of music and other similar materials is prohibited. (This includes single songs, titles, recordings, etc., whether in MP3, RMX, or another file format.) If an employee is in doubt about what is allowed, he/she should contact the Metro Communications Committee for clarification.
8. **Penalty.** Violations of this policy may result in a loss of access to the Internet as well as appropriate disciplinary and/or legal action.
9. **Mandatory Acknowledgement.** All employees must read and abide by this policy. Before access is given to use any networking, software, storage, or support systems, employees must sign an acknowledgement of receipt of this policy statement. The statement will be kept in the individual's personnel file located in the County Mayor's Office.
10. **Monitoring.** It shall be the responsibility of the Department Head to assure his/her employees are reminded on a timely basis of this policy and the importance of adherence to its provisions. In addition, they shall stop any violators from continuing to abuse the privileges of Internet use and stop any known violations.
- a. The Metro Communications Committee shall monitor Internet traffic to assist Department Heads in this policing of the policy.
 - b. Any significant violations of this policy noted by the Metro Communications Committee will be reported to the appropriate Department Head for their corrective action and/or discipline up to and including termination.
 - c. Department Heads will contact the Personnel Department for guidance on a contemplated disciplinary action.

R. DISCRIMINATION STATEMENT

1. As an equal opportunity employer, employment will be based upon consideration of the qualifications of all applicants for employment. Discrimination based upon an applicant's race, color, sex, religion, national origin, age or handicap will not be tolerated. As a local government employee, this discrimination statement shall also apply to services provided to the public by the employee in that services will be provided to all persons without regard to race color, sex, religion, national origin, age or handicap. **In accordance with the U.S.**

Supreme Court's decision in *Bostock v. Clayton County, Georgia*, 140 S.Ct. 1731 (2000), "sex" shall include individuals that are homosexual or transgender.

S. SEVERABILITY

1. Each section, subsection, paragraph, sentence and clause of this document is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence or clause shall not affect the validity of any other portion of this document, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted herein.

T. NEPOTISM

1. The County's nepotism policy prevents immediate relatives from being in a direct supervisory line with respect to each other. In order to guard against these practices, the County prohibits employees who are relatives from being placed within the same line of supervision where one relative is responsible for supervising the job performance of work activities of another relative, including participation in a performance evaluation and excluding emergency situations which affect the health, safety or welfare of the public.
2. This policy does not apply to individuals hired prior to December 31, 2011 and will not be retroactively applied. However, a transfer of position of an employee hired prior to December 31, 2011 will be governed by this policy to the extent that such an employee will not be transferred to a position where it would constitute a violation of this policy.
3. For purposes of this policy, "immediate relatives" shall include a spouse, parent, child, sibling, step-child, step-parent, grandchild, brother, sister, foster brother, foster sister, grandparent, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparent-in-law, other family members who resides in the same household, and/or significant other.

U. PERFORMANCE EVALUATION

1. On an annual basis, supervisors/managers will perform a performance review on all employees under their report to include Performance Review, Improvement Plan and Review of Goals and Results. This review is to establish and promote high morale among Trousdale County Metropolitan Government employees by providing professional working relationships. A uniform Personnel Policy, opportunity for advancement and consideration for employee needs and desires.

V. MULTIPLE JOBS / DUAL EMPLOYMENT

1. The Department of Labor views a county as a single employer so that an employee who works for two different departments of the same county is considered to be working for the same employer. Therefore, all jobs the employee performs for the county must be aggregated for overtime purposes.

W. SPECIALIZED TRAINING

1. Specialized training will provide for the assignment of regular employees to recognized educational and professional institutions, facilities, and workshops to receive training which meets specific departmental needs for scientific, technical, professional and administrative skills. Thus, the Hartsville/Trousdale County Government management is provided with an

additional and valuable means of ensuring that federal, state and local laws are complied with and that the methods and knowledge of the work force do not become obsolete.

2. All regular and full-time employees of the Hartsville/Trousdale County Government and certain probationary employees (for example, critical response positions), are eligible for job-related, specialized training assignments upon approval of the Department Director within departmental budget constraints. All out-of-state travel and training requires County Mayor approval before attendance.
3. Attendance at required training shall be considered working hours for non-exempt employees. If training ends before the normal work shift, the employee must return to the work site. If the training is not required for present job performance, accrued vacation leave may be authorized by the Department Director. If a Department Director is the person to take training not required for present job performance, the County Mayor must authorize any vacation leave to be taken for this purpose. Each employee on assignment to specialized training shall maintain satisfactory performance in the prescribed course of study.
4. The department will pay all training costs, including necessary and required tuition, books and expenses. However, such expenses will be paid no more than twice for any required course. Should the employee fail a mandatory examination twice, the employee desiring to take the course and/or examination again will bear the cost of the training and will attend on his/her time, utilizing vacation leave, or leave without pay. Employees must successfully complete the Police Academy on the initial attempt. Failure in these programs will result in immediate termination of the probationary employee.

X. EMERGENCY TELECOMMUTING/WORK FROM HOME

1. **Objective.** Telecommuting allows employees to work at home, on the road, or in a satellite location for all or part of their workweek during Emergency Situations ~~or when approved~~. **Employees who participate in a Telecommuting arrangement are considered to be in an official duty status during the employee's designated work schedule. Work from Home employees are prohibited from providing dependent or adult care while working from home. Failure to adhere to applicable state and federal laws and State and agency rules and policies may result in discipline, up to and including dismissal³⁸.** Hartsville/Trousdale County Government considers telecommuting to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement, it is not a companywide benefit, and it in no way changes the terms and conditions of employment with Hartsville/Trousdale County Government.
2. **Procedures.** Telecommuting can be informal, such as working from home for a short-term emergency situation or on the road during business travel, or a formal, set schedule of working away from the office as described below. Either an employee or a supervisor can suggest telecommuting as a possible work arrangement.

³⁸ Language mostly from TN. Dept. of Human Resources.

3. Eligibility. Telecommuting must be approved by the Department Head. Department Heads will evaluate the need for telecommuting for certain employees. If deemed necessary for a period of time employee will be responsible for recording hours worked and turning in a timesheet to immediate supervisor. Once signed by Department Head/Supervisor, it will be forwarded to Human Resources for payroll purposes.

An employee may not be eligible to participate if:

1. He/she is subject to official discipline for performance or conduct, including suspension, demotion, or recommendation for termination.
2. He/she has demonstrated diminished individual or organizational performance;
3. He/she has violated the terms of the telecommuting policy;
4. His/her position involves the direct handling of secure material (daily or on a frequent basis) which the agency determines is inappropriate for telecommuting. This may include materials for which the agency maintains a written policy restricting access or use of the material or for which appropriate mitigating IT security measures do not exist; or
5. His/her position requires daily, or on a defined consistent basis, onsite work activities that cannot be handled remotely or at an alternative worksite.³⁹

4. Equipment.

- a) On a case-by-case basis, Hartsville/Trousdale County Government will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs such as access to software. The employee would need to have internet access and a computer in order to be considered for telecommuting. Equipment may be supplied by the County, and if so, will be maintained by the County. Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee. Hartsville/Trousdale County Government accepts no responsibility for damage or repairs to employee-owned equipment. Hartsville/Trousdale County Government reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the County is to be used for business purposes only. The telecommuter must sign an inventory of all Hartsville/Trousdale County Government property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all company property will be returned to the company, unless other arrangements have been made.
- b) The employee will establish an appropriate work environment within his or her home for work purposes. Hartsville/Trousdale County Government will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

³⁹ ³⁹ Language mostly from TN. Dept. of Human Resources.

5. **Security.** Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary company and customer information accessible from their home office. Steps could include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.
6. **Time Worked.** Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using Hartsville/Trousdale County Governments current time keeping practices (timesheets). Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor.
7. **Ad Hoc Arrangements.**
 - a) Temporary telecommuting arrangements may be approved for circumstances such as inclement weather, special projects, business travel or emergencies. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.
 - a. Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate.
 - b. All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the County.

Y. WHISTLEBLOWER POLICY (PENDING PASSAGE)

EFFECTIVE DATE

These rules and regulations shall take effect immediately upon approval by Hartsville/Trousdale County Commission and the Hartsville/Trousdale County Attorney.

Effective Date: April 28, 2014

Latest Revised Date: Month Day, 2021

AMENDMENTS

Amendments to these rules and regulations may be made at any time by any official concerning his/her office and upon approval by the County Attorney and the Hartsville/Trousdale County Commission.

Insert "Appendix A"

ACKNOWLEDGEMENT OF RECEIPT OF HARTSVILLE/TROUSDALE COUNTY GOVERNMENT EMPLOYEE HANDBOOK

As indicated by my signature below, I hereby acknowledge receipt of a copy of the Employee Handbook.

I further acknowledge that:

- (1) I will read the Handbook.
- (2) Any questions I may have will be addressed to my employer or I will seek the assistance of my personal attorney if I do not understand any of the rules and regulations.
- (3) I understand that my employment will be subject to the provisions contained in this Handbook.

Employee Signature

Human Resource Representative

Date

Date