

**Hamblen County
Tennessee**

**Personnel
Policies
and
Procedures**

**Revised
and
Adopted
May 31, 2006**

Introduction

This Hamblen County Employee Handbook has been designed to provide the employees of Hamblen County with a copy of the general policies, benefits, practices and procedures as adopted by the Hamblen County Board of Commissioners pursuant to Tennessee Code Annotated 5-23-101 et seq. A brief summary of employee policies, benefits, practices and procedures are included.

This Employee Handbook is not an exclusive statement of all the terms of employment. The policies, benefits, practices and procedures covered herein are subject to change without advance notice, and the Hamblen County Board of Commissioners reserves the right to make final decisions as to the interpretation of each policy, benefit, practice and procedure covered herein. Before Hamblen County shall be bound by any policy, benefit, practice or procedure not specifically addressed in this handbook, the policy, benefit, practice or procedure must be approved by written resolution of the Hamblen County Board of Commissioners.

No policy, benefit, practice or procedure contained herein creates an employment contract for any period of time. All employees of Hamblen County, Tennessee will be considered employees at will. Employees may be terminated for failure to satisfactorily perform their duties or simply at the will of Hamblen County, Tennessee. Employees shall not be terminated in a discriminatory manner or in any illegal manner.

These policies, benefits, practices and procedures are not applicable to employees of the Hamblen County Department of Education or to any of the employees of any county official who has adopted his or her own personnel policy pursuant to Tennessee Code Annotated 5-23-101 et seq.

The effective date of this revised Personnel Policies and Procedures or Employee Handbook for Hamblen County, Tennessee is May 31, 2006. This handbook supercedes any previously adopted handbook.

In accordance with applicable state and federal laws and regulations, and by resolution of Hamblen County Commission, these policies and procedures are established to guide all administrative personnel actions. Any oral or written statements contrary to this manual are disavowed by the Hamblen County Commission and should not be relied upon by the employee.

These personnel policies and procedures may be revised or amended through a written request to any elected official and/or department head and subsequent approval by the Hamblen County Commission. By accepting employment, employees agree to conform to any changes, deletions, or additions to these policies and procedures during the course of employment.

SECTION I GENERAL PROVISIONS

1.0 WORKPLACE VIOLENCE PREVENTION POLICY

Hamblen County is committed to providing a safe, healthy, and secure work environment. The presence of weapons, violence, threats of violence, and other disruptive behavior in the workplace is inconsistent with this commitment and will not be tolerated. While Hamblen County has no intention of intruding into the private lives of its present or potential employees, Hamblen County expects all employees to report to work without possessing weapons and to perform their jobs without violence toward any other individual. Accordingly, this policy establishes Hamblen County's zero-tolerance for violence, as well as sets forth a plan to resolve such incidents if necessary. This policy applies to anyone on Hamblen County government property, including but not limited to all employees, contractors, volunteers, interns, temporary personnel, board members, and visitors.

Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals on Hamblen County property will not be tolerated. Any person who makes threats, exhibits threatening behavior, or engages in violent acts on Hamblen County property shall be removed from the premises as quickly as safety permits, and shall remain off Hamblen County premises pending the outcome of an investigation. Violation of this policy shall be considered misconduct and may lead to disciplinary action up to and including termination and/or appropriate legal action if the violator is an employee. Violation of this policy by non-employees may result in suspension and/or termination of any business relationship, appropriate legal action, or other disciplinary response deemed appropriate. The County Mayor in unusual circumstances may grant exceptions from this policy.

Definitions:

1. Threat: The expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional, or future.
2. Physical attack: Unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, or throwing objects.
3. Weapon: Includes an explosive device or its component parts or an explosive weapon principally designed, made, or adapted for delivering or shooting an explosive weapon. A firearm including a machine gun, a short-barrel rifle or shotgun, or a handgun. Also, includes a switchblade knife or any other type of knife, knuckles, or any other implement for infliction of bodily injury, serious bodily injury, or death which has no common lawful purpose.
4. On the Work Site: Includes all property owned or occupied by Hamblen County (including company job sites) or in a company vehicle.

5. Possession: Shall include, but is not limited to, the presence of a weapon on the employee or in vehicles, lunch boxes, lockers, tool kits, bags, purses, cabinets, offices, etc.
6. Property damage: Intentional damage to property which includes property owned by Hamblen County, employees, visitors, or vendors.

General Examples of Workplace Violence:

1. All threats or acts of violence on Hamblen County property, regardless of the relationship between the agency and the parties involved in the incident.
2. All threats or acts of violence not occurring on Hamblen County property but involving someone who is acting in the capacity of a representative of Hamblen County.
3. All threats or acts of violence not occurring on Hamblen County property but involving a Hamblen County employee if the behavior affects the legitimate interests of the county government.
4. Any threats or acts resulting in the conviction of an employee or agent of Hamblen County, or an individual performing services on Hamblen County=s behalf on a contractual or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests and goals of the county government.

Specific Examples of Workplace Violence:

1. Hitting or shoving an individual.
2. Threatening to harm an individual, family members, friends, or associates.
3. Damaging another person=s property.
4. The intentional destruction or threat of destruction of property owned, operated, or controlled by Hamblen County government.
5. Making harassing or threatening telephone calls.
6. Sending harassing or threatening letters, other forms of written communication, or electronic messages.
7. Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of Hamblen County.

8. Harassing surveillance, also known as Astalking, the willful, malicious, and repeated following of another person or making a credible threat with intent to place the other person in reasonable fear of personal safety.
9. Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on Hamblen property.

Reporting Violations of the Workplace Violence Prevention Policy:

1. Threats or assaults that require immediate attention by law enforcement should be reported to the police by dialing 911.
2. All employees (including independent contractors or their employees) and other persons on Hamblen County's property are responsible for notifying Hamblen County's Department Heads or Elected Officials of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, employees should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on Hamblen County property. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of threatening behavior. Any employee who feels he/she has been a victim of any act in violation of this policy should immediately report the circumstances to his/her supervisor. If the immediate supervisor is not available, the employee should report the threat to a supervisor in their chain of command, Department Head or Elected Official.

Management's Response to Reports of Workplace Violence - Each supervisor shall promptly refer any such incidents to his/her Department Head or Elected Official who shall initiate an appropriate response in accordance with Hamblen County's Personnel Policies and Procedures. The County Mayor or his/her designee shall investigate the complaint. At the conclusion of the investigation, additional administrative and/or criminal action may be taken against any individual in violation of this policy. An employee who violates this policy shall be subject to disciplinary action up to and including termination. An employee who violates this policy, and is not immediately terminated, may be referred to an Employee Assistance Program (EAP) for evaluation and treatment. When such a referral is made, it is a condition of continued employment that the employee comply with all evaluation, treatment, and follow-up care as recommended by the EAP.

2.0 WORKPLACE SEARCHES POLICY

All offices, desks, computers, files, voice mailboxes, lockers, and so forth provided by Hamblen County are considered property of the Hamblen County and are issued for the use of employees during their employment with Hamblen County. Inspections or searches may be conducted of Hamblen County property at any time at the discretion of the Elected Officials and/or Department Heads.

In the event that Hamblen County has probable cause to believe that any employee or customer is possessing, selling, or using illegal drugs, weapons, or stolen property on Hamblen County's premises, they reserve the right to notify proper law enforcement authorities and initiate appropriate searches.

Employees who, after proper inspection or searches, are found to be in possession of stolen property, weapons, or illegal drugs will be subject to disciplinary action up to and including termination.

3.0 WORKERS COMPENSATION

All employees shall immediately report injuries occurring on-the-job to the direct supervisor. If the direct supervisor is unavailable, the employee shall report the injury immediately to the next supervisor in the chain-of-command. If nobody in the chain-of-command is available, the employee shall call the Personnel Manager immediately to report the injury. An employee who fails to immediately report an on-the-job injury shall be subject to disciplinary action.

Employees with serious injuries requiring immediate medical attention shall be treated as soon as possible at the nearest hospital. When an on-the-job injury is reported, the supervisor shall notify the Personnel Manager immediately. The supervisor shall ensure that the employee reports to the Personnel Manager as soon as possible following the injury. The Personnel Manager will arrange for appropriate medical care, schedule a drug and alcohol test, and coordinate the completion of required forms. Supervisors must complete an Accident Investigation form and a First Report of Work Injury form after each injury and submit it to the Personnel Manager. An employee may select a physician from Hamblen County's list of approved Worker's Compensation physicians which is posted on all official Hamblen County bulletin boards. Hamblen County is obligated to pay for an employee's treatment when it is provided by one of the physicians on Hamblen County's list. Employees are required to provide the Personnel Manager with the doctor's report following each visit for treatment. It is the employee's responsibility to keep the Personnel Manager updated regarding the status of his/her recovery. The Personnel Manager will coordinate all claims information with Hamblen County's workers compensation insurance provider. Time off work due to workers compensation injuries will be designated as family and medical leave time.

Injuries After Normal Business Hours - If an employee has an on-the-job injury after normal business hours that requires medical attention, the supervisor should take the employee to the Emergency Department at Morristown Hamblen Healthcare System (or) Lakeway Regional Hospital. After initial evaluation, the employee should be referred back to one of the physicians listed on the approved panel of physicians for Hamblen County employees for all follow-up treatment. Hamblen County's policy requires that all employees have a post-accident alcohol and drug test when involved in an accident where there is personal injury or property damage. Drug and alcohol tests can be done at the Emergency Department of the hospital. The supervisor shall be responsible for telling the hospital staff that the employee is required to have a breath alcohol test and urine drug test. The Emergency Department staff will then arrange for these tests. The supervisor shall also be responsible for telling hospital staff that the employee's injuries have been reported as work related and a claim will be filed with Hamblen County's workers compensation insurance. The supervisor shall make certain the employee does not

provide the hospital with his/her personal health insurance information. The supervisor shall notify the Personnel Manager of this injury at the start of the next business day and shall complete all required paperwork at that time.

Workers Compensation Payments for Lost Work Time - An employee is not entitled to receive workers compensation payments for lost work time unless he/she is disabled for a period of seven (7) calendar days. To continue his/her pay during the first seven days of absence, an employee may utilize accumulated sick and/or annual leave. If employee is out more than 7 calendar days, but less than 14 calendar days, workers compensation pays for calendar days 8 to 13. If the employee is out 14 calendar days or more, then workers compensation goes back to day one of lost time and begins paying from day one. An employee may not collect both workers compensation payments and accrued leave payments.

Denial of Workers Compensation Benefits - Hamblen County has a Workplace Violence Prevention Policy that prohibits threats and physical acts of violence. If an employee is injured while participating in a fight or after instigating a fight, then entitlement to workers compensation benefits may be impacted. Hamblen County is also designated as a Drug-free Workplace under Tennessee State law. If an employee receives a positive urine drug test or breath alcohol test following an on-the-job injury, then entitlement to workers compensation benefits may be denied. If an employee does not immediately notify Hamblen County of an on-the-job injury, the injury may be deemed not compensable under the workers compensation program.

Failure to Report Accidents and Injuries - Employees and/or supervisors who fail to immediately notify the Personnel Manager of an on-the-job injury shall be subject to disciplinary action.

4.0 REFERENCES FOR FORMER EMPLOYEES

It shall be the policy of Hamblen County Government, when contacted as a reference source regarding past employees and their employment, to provide only the name of the employee and their dates of employment. No other aspect of the employee's work history is authorized for release.

5.0 NON-DISCRIMINATION POLICIES

Non-discrimination – Equal Employment Opportunities: It is the policy of Hamblen County to provide equal employment opportunities to all individuals regardless of race, color, religion, sex, national origin, age, disability, status as a Vietnam-era veteran or special disabled veteran, or status in any other group protected by law. This policy extends to all terms and conditions of employment, including but not limited to hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training. It is the policy of Hamblen County to make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in undue hardship. Employees or applicants with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of the immediate supervisor, Elected Official or Department Head. Employees can raise concerns and make complaints without fear of reprisal and with assurance of protection from harassment or retaliation. Anyone found to be engaging in any type of unlawful

discrimination will be subject to disciplinary action, up to and including termination of employment. Hamblen County does not discriminate in its hiring practice on the basis of race, color, religion, sex, national origin, age, disability, status as a Vietnam-era veteran or special disable veteran, or status in any group protected by law.

SECTION II CLASSIFICATION AND COMPENSATION PLANS

1.0 CLASSIFICATION PLAN

Purpose - The classification plan shall provide a complete inventory of all authorized positions and an accurate description of each classification. Each classification is indicative of a specific range of duties and responsibilities and has the same meaning throughout all county government offices.

Authority - The County Mayor or his/her designee is responsible for developing, maintaining, and monitoring the classification plan.

Composition of the Plan - The classification plan shall consist of:

Class Titles - Class titles used shall be descriptive of the nature of each class. Class titles are to be used on all official county government records. However, other titles may be used as working titles in the course of departmental routine to indicate authority, status in the department, or administrative rank.

Class Specifications - Written specifications for each class of positions shall be maintained. The specifications are meant to be descriptive of the kind of work performed and not necessarily inclusive of all duties performed. Specifications are to be interpreted in their entirety and in relation to others in the classification plan. Particular examples or phrases are not to be isolated and treated as a full definition of the class.

Skill Level - A grouping of all classifications which are basically equal when evaluated with regard to the nature of work and knowledge and ability requirements, supervision exercised and scope of responsibility, scope and effect of decisions and actions, problem solving and complexity, nature, and extent of guidelines, application of authority, purpose and nature of work contacts, and physical or sensory demands or hazards.

Maintenance of the Classification Plan - The County Mayor, under the direction of the Hamblen County Commission, is charged with the maintenance of the classification plan. Maintenance shall include, but not be limited to, periodic review and revision of classification specifications and classification listing. The County Mayor shall recommend to Hamblen County Commission appropriate and necessary amendments to the classification plan based on these reviews.

New Classifications - When the County Mayor or his/her designee determines that a new classification must be added, the Classification Plan shall be revised and submitted to the Hamblen County Commission for approval.

Revision of Existing Classifications - The County Mayor or his/her designee shall periodically

review the entire plan and recommend revisions to class descriptions to reflect gradual changes in the duties and responsibilities of existing classes over a period of time.

Abolition of Classifications - The County Mayor or his/her designee shall recommend the abolition of classes that are no longer required in the plan.

Review of Employee Requisitions - All Employee Requisitions submitted by department heads or elected officials shall be reviewed by the County Mayor or his/her designee to verify that the duties and responsibilities ascribed to the position(s) to be filled are assigned to the proper classification. Approval of such requisitions by the County Mayor or his/her designee shall constitute an assignment of the positions to the indicated class. If the requested classification on an Employee Requisition is not appropriate for the duties and responsibilities of the position, the County Mayor or his/her designee shall make a recommendation regarding a more appropriate classification assignment. The County Mayor or his/her designee shall verify that the requested positions have been approved in the current budget. Unbudgeted positions must be approved by the Hamblen County Commission to them being filled.

Creation of New Positions - When a new position is to be created, the supervisor shall submit an Employee Requisition form and a completed Position Description Questionnaire to the County Mayor or his/her designee. They shall conduct a thorough job analysis to document the nature of the new position. The position may be assigned to an existing classification. If the position does not match an existing classification, then a new classification must be created. A classification specification shall be written for each new classification. In addition, the County Mayor or his/her designee shall evaluate and recommend to the Hamblen County Commission the addition of the new classification to the Pay Plan and allocation to the appropriate skill level.

Reclassification of a Position - It is the intent of this rule to provide guidelines for monitoring the reclassification of an employee to insure that merit systems principles are not circumvented. The basis for a reclassification must be a gradual accretion of duties and not a sudden change occasioned by a re-organization or the assignment of completely new duties and responsibilities. The process of placing an employee in an acting capacity in any position does not constitute a gradual accretion of duties.

A reclassification request may be initiated by an elected official, a department head, or by an employee. An employee who considers his/her position improperly classified shall first submit a Request for Reclassification through his/her immediate supervisor to the department head or elected official. The request shall include a statement of the reasons for requesting the study. If the elected official or department head finds merit in the request, he/she shall submit a recommendation to the County Mayor or his/her designee.

The County Mayor or his/her designee shall conduct a thorough analysis of the position. The analysis may include, but shall not be limited to, reviewing current class information, analyzing a completed Position Description Questionnaire, conducting a job observation, discussing the class with supervisors, and comparing this position with other positions in the class. The County Mayor or his/her designee shall recommend an appropriate classification based on the results of this analysis. If there is a disagreement between a department head or elected official and the County Mayor or his/her designee regarding appropriate classification, the Hamblen County Commission Personnel Committee shall decide the issue.

2.0 PAY PLAN

Purpose - The basic purpose of a pay plan is to enable an organization to recruit and retain competent employees. Major goals of the Pay Plan are as follows:

Provide compensation that is internally equitable;

Provide compensation that is consistent with pay in the surrounding market area; and

Allow for flexibility and adjustments in response to changing economic and employment conditions in the local job market.

Authority - The County Mayor or his/her designee is responsible for developing, maintaining, and monitoring the Pay Plan.

Composition of the Pay Plan - The Pay Plan consists of a system of twelve (12) salary grades and a recommended pay range for each classification. There is a 50% spread between the minimum and maximum of each range with an established mid-point. Skill levels 1 through 10 have a ten percent vertical spread. Skill levels 10 through 12 have a fifteen percent vertical spread.

Maintenance of the Pay Plan - The County Mayor or his/her designee shall monitor factors that are relevant to sound compensation practices such as changes in cost of living, labor market conditions, recruitment problems, turnover experience and related factors. In addition, a salary and benefits survey shall be conducted periodically (at least every three years) to ensure the pay plan remains competitive. The County Mayor or his/her designee shall recommend to the Hamblen County Commission any revisions in the Pay Plan which are necessary and appropriate in view of the factors discussed above.

Administration of the Pay Plan - Salary ranges are intended to furnish administrative flexibility in recognizing individual differences among positions allocated to the same class, in providing incentive, and in rewarding employees for meritorious service. The following provisions shall govern the granting of within-range pay increase for employees:

Starting Rate of Pay - The minimum compensation of the pay range for each classification shall be the normal entry rate of pay. When unusual circumstances warrant, an employee may be offered a rate higher than entry level. Situations that may justify hiring above entry-level may include the following: appointment of an applicant whose qualifications greatly exceed minimum requirements for the position, a shortage of qualified applicants available at the minimum entry rate, or the most qualified applicants have declined employment at the entry rate. Hiring above the minimum entry rate up to midpoint of the salary range shall be justified in writing by the hiring supervisor and approved by the County Mayor. Hiring rates above midpoint shall be justified in writing by the hiring supervisor and must be approved by the Hamblen County Commission.

Maximum Rate of Pay - An employee's rate of pay must be within the salary range for his/her

classification. No employee shall receive a pay increase that exceeds the maximum rate of pay established for the class he/she occupies.

End of Initial Hire Period - Employees who successfully complete the initial period of employment will be placed on a regular, full-time status and will thereby become entitled to all available benefits.

Annual Cost-of-Living Increase - An annual increase will be granted to all regular, full-time and part-time employees based on changes in the cost of living as indicated by the National Consumer Price Index (CPI) and local data such as that provided by the University of Tennessee Center for Economic Research and the East Tennessee Development District. When it is determined that the cost of living has increased in any one year, an across the board increase will be given. Employees at the maximum of their salary range will be given a one-time lump-sum bonus equal to the percentage increase. All cost of living increases are subject to the Hamblen County Commission's approval and to the availability of funds.

Holiday Pay - Regular, full-time employees who are required to work on an official holiday shall receive holiday pay (regular straight time) for hours actually worked on the holiday.

Hamblen County Departments have the liberty of setting their respective hours of operation. The hours of holiday pay accrued by an employee is determined by the actual hours the employee is regularly scheduled to work. For example, if an employee is regularly scheduled to work a 35 hour workweek, the employee would receive seven (7) hours of pay (35 hours divided by five days) for one day of holiday.

Pay Adjustments in Promotions, Reclassifications, Transfers, and Demotions - When an employee is promoted, demoted, or transferred, his/her rate of pay in the new position shall be established in accordance with the following:

Promotion - When an employee is promoted to a position in a higher skill level, a pay increase will be granted at that time. The amount of increase will be determined by the location of the employee's current salary in the salary range for the new position. If the employee's salary is below the minimum of the new range, the increase will be 10% or to the minimum of the new range, whichever is greater. If the employee's current salary is in the lower half of the new range, the increase will be 7%. If the employee's current salary is in the upper half of the new range, the increase will be 5%.

Reclassification - When an employee is reclassified to a class in a higher skill level, the employee's salary will be increased by 5% or to the minimum of the new range, whichever is greater.

Transfer - When an employee is transferred from a position to another position in the same class, his/her salary will remain the same.

Demotion - When an employee is demoted for cause or as the result of a

voluntary request, his/her salary shall be set at a rate within the new range. The department head or elected official will set the pay rate at an appropriate level within the range for the lower class that is equal to or less than the employee's current salary.

3.0 OVERTIME

The Fair Labor Standards Act of 1938 (FLSA), as amended, is a federal statute of general application that establishes a minimum wage, overtime pay, child labor, and equal-pay requirements. The provisions of Hamblen County's Overtime Policy comply with all requirements of the Fair Labor Standards Act (FLSA). The FLSA prescribes forty (40) hours as the number of hours employees who are not exempted from the overtime-pay requirement are required to work during any workweek without extra compensation for overtime. The general overtime rate of pay cannot be less than one and one-half times the employee's regular rate, and the employee must receive the overtime rate for all hours worked in excess of forty hours during any workweek. Compensation for all overtime may be provided to employees hired after the effective date of this policy, and for existing employees with a prior agreement or understanding with the county, as compensatory time off at the rate of one and one-half hour for each hour of overtime worked. Existing employees who have not entered into an agreement to receive compensatory time shall be paid an overtime rate of one and one-half times the employee's regular rate.

Authorized Overtime – Hamblen County employees shall not work more than 40 hours during any workweek unless the overtime work is authorized by a Supervisor and approved by the Department Head or elected official. Although all overtime worked will be compensated pursuant to the County's policy and the FLSA, working unauthorized overtime is a violation of county policy and will result in disciplinary action, up to and including termination of employment.

Time off for holidays when Hamblen County offices are closed shall be considered time actually worked. Time off for annual leave, sick leave, jury duty, or other leave shall be considered time actually worked.

All overtime must be authorized by appropriate Supervisory staff prior to the assignment of overtime. All authorized overtime must be within budgetary limitations. It is the responsibility of Supervisors, Department Heads, and Elected Officials to manage their human resources so as to minimize the necessity of overtime. If long-term overtime exists, management should analyze the staffing level to determine if additional staff should be hired rather than assigning overtime work. In the absence of a sufficient number of volunteers, Supervisors may require any employee to work overtime if he/she deems it necessary to meet the demands of the work. Employees shall not work overtime without first receiving the approval of their Supervisor. With the exception of payment for Compensatory Time, hours for which an employee is paid but has not worked will be used in the calculation of overtime. For the Sheriff's Department, the overtime is defined as work in excess of the 171 hours in the twenty-eight (28) day work period.

4.0 EMERGENCY RESPONSE POLICY

Return to Work from Home - When a non-exempt employee is on-call and an emergency situation requires the employee to return to the work site from home without prior notice, the employee's pay shall be determined under the Emergency Response Policy. The employee will be paid the overtime rate for the emergency response time irrespective of the number of hours actually worked during that workweek. Emergency response time begins when the employee arrives at the work site and ends when the employee leaves the work site.

When an emergency requires the employee to work two (2) hours or less, the employee will be paid for two (2) hours at the overtime rate. This guarantees to an employee a minimum of two (2) hours overtime pay for the inconvenience of returning to work. If the emergency requires the employee to work more than two (2) hours, the employee will receive overtime pay for the number of hours actually worked.

Emergencies Requiring Extension of the Normal Workday - When an emergency requires a non-exempt employee to work beyond his/her normal hours, the extra hours worked will be considered Emergency Response Time. The employee will receive overtime pay for the number of extra hours (i.e., any hours over 8) actually worked that day irrespective of the number of hours actually worked during that workweek. The guaranteed two hour minimum does not apply in this situation.

5.0 WORKWEEK

The workweek for employees of Hamblen County begins at 12:01 a.m. on Monday and ends at 12:00 midnight on Sunday of each week. Employees who are paid on an hourly basis will receive compensation at their regular rate of pay for all hours earned up to and including forty (40) in the workweek. The salary paid to exempt salaried employees is compensation for all hours worked. The salary paid to non-exempt salaried employees is compensation for all hours worked by such employees up to and including forty (40) hours in the workweek. The actual work schedule for each employee will be arranged by that employee's supervisor.

Sheriff Department deputies shall have a twenty-eight day work period in accordance with the 7 (k) exemption provided under FLSA. The work period begins at 12:01 a.m. on Monday and ends at 12:00 midnight 28 days following. The Sheriff's Department employees shall have a 40 hour workweek except for deputies (their work period is defined in the previous sentence).

(NOTE: ONLY IF SHERIFF DEPARTMENT IS A PART OF COUNTY WIDE POLICIES)

6.0 COMPENSATORY TIME

Compensatory time may be given to those employees who work overtime as provided in the section on "Overtime" and with whom the county has a prior agreement or understanding that the employee will accept compensatory time in lieu of cash payment for overtime. Employees are encouraged to use their accrued Compensatory Time, and the County will make every effort to grant reasonable request for the use of Compensatory Time when sufficient advanced notice is given and the workplace is not unduly disrupted. The maximum number of compensatory hours that an employee may accrue is sixty (60) compensatory hours. Any employee who has reached this maximum shall not work any additional overtime until the employee's accrued Compensatory Time has fallen below the maximum allowed, unless the employee receives

advance written authorization from the employee's Supervisor. If the employee does not use Compensatory Time voluntarily, the employee's Supervisor may order the employee to use his/her Compensatory Time at specified times. Based upon budgetary constraints, Hamblen County reserves the right at any time to pay the employee in cash for any or all accrued Compensatory Time and/or to require the employee to use accumulated Compensatory Time.

With regard to Compensatory Time issues affecting Department Heads or Supervisors, the County Mayor shall have the authority to direct the use or payment of such accumulated Compensatory Time in compliance with Hamblen County's policies and procedures.

Any employee who has accumulated Compensatory Time shall be required to exhaust such accumulated Compensatory Time prior to taking leave or vacation time. Accumulated Compensatory Time shall be used by the employee by the end of the fiscal year during which it was accrued. The Supervisor or Department Head shall direct that any Compensatory Time accrued during the previous fiscal year and not so used, shall be taken within the first two (2) months of the subsequent fiscal year.

Any employee who receives a promotion and who has accumulated Compensatory Time in the employee's pre promotion position must use the accrued Compensatory Time prior to assuming the new position.

The decision on whether or not to pay overtime or grant Compensatory Time shall be made by each elected official, Department Head or Supervisor based upon his/her budgetary constraints. Each elected official, Department Head or Supervisor shall also be responsible for having each employee (existing or new hire) under his/her supervision for whom Compensatory Time shall be applicable, enter into the appropriate Compensatory Time Agreement.

Each elected official, Department Head or Supervisor shall be responsible for maintaining accurate records of accumulated Compensatory Time for each employee under his/her supervision and for carrying out the policies and procedures set out herein. On a quarterly basis, each elected official, Department Head, or Supervisor shall report to the Hamblen County legislative body the status of all accrued Compensatory Time for employees under his or her supervision. Should it be determined by the County's Personnel Committee that these policies and procedures are not being followed, the Personnel Committee shall have the authority to direct and require any such employee not in compliance with the policies and procedures to immediately use his/her accrued Compensatory Time.

7.0 TIME RECORDS

Employees are required to record their hours on the forms provided for this purpose. Employees (elected officials and part-time board members not generally subject to the personnel policy manual are exceptions to this policy) are required to fill in this form daily and, at the end of the workweek, sign and forward them to your supervisor for review and processing. Please ensure that your actual hours worked and leave time taken are recorded accurately. Falsifying these records is a crime under T.C.A. 39-16-504. Time records shall be maintained at the County Mayor Office.

8.0 IMMIGRATION PAPERS

Upon initial employment, all employees are required to attest that they are lawfully eligible to work in the United States. Employees are further required to supply the Elected Official or Department Head copies of documents proving this eligibility.

SECTION III RECRUITMENT, SELECTION, APPOINTMENT, AND SEPARATION

1.0 PURPOSE

The purpose of these policies and procedures is to facilitate the recruitment, selection, and appointment of the most qualified applicants and to ensure equal employment opportunity for all.

2.0 FILLING A VACANT POSITION

When a position becomes vacant, the immediate supervisor shall submit an Employee Requisition form through departmental channels to the department head or elected official. Upon approval of the Employee Requisition, the department head or elected official shall begin the hiring process.

3.0 RECRUITMENT

The department head or elected official, in consultation with the County Mayor or his/her designee, shall determine whether recruitment will be conducted in-house only or both externally and in-house. The source of applicants and length of the posting period will be based on the availability of a qualified applicant pool to meet the requirements of the position and consideration of the staffing needs of the department for filling the vacancy

Each vacancy may be posted for a minimum of five (5) business days, unless the classification is posted continuously, was last posted within sixty (60) days, or the County Mayor or his/her designee waives this rule when sufficient reasons warrant such a change. The application period may be extended should the applicant pool fail to satisfy any one of the three criteria listed above.

Individuals may be recruited from a geographic area as wide as necessary to obtain qualified applicants for available positions. A posting announcement for each vacancy may be distributed throughout the appropriate recruiting area and posted on official bulletin boards. Advertisements may also be published in various media in order to bring notices of vacancies to as many qualified persons as possible. The consideration of applicants may not be made until the posting period has expired, and applicants have completed the selection procedure.

4.0 EMPLOYMENT APPLICATION FORM

Applicants shall be required to complete an Employment Application form supplied for that purpose by Hamblen County. Employment applications are available during normal office hours in the County Mayor's office. All spaces on the employment application must be completed. Any applicant who knowingly makes any false statement in the Employment Application may forfeit the right to employment with Hamblen County.

Applications for posted vacancies shall be accepted only during the specified posting period. The application deadline for each vacancy is stated on the posting announcement. All applications received during this period of time will be compiled into an applicant pool for the vacancy. Applications received after the stated deadline shall not be eligible for consideration in filling the current vacancy.

In the event an applicant is not selected, the application will be kept on file for one (1) year. If an applicant wishes to be considered for another vacancy, the applicant must personally request that his/her application be activated for consideration for the posted vacancy. When an individual is hired, the Employment Application will be maintained in the employee's personnel file.

5.0 JOB-RELATED EXAMINATIONS

All examinations shall be consistent with the Uniform Guidelines on Employee Selection Procedures which were adopted by the EEOC, U.S. Civil Service Commission, and U.S. Departments of Labor and Justice. Such examinations shall be job related and reliably predict the applicant's ability to perform the duties of the position he/she is seeking.

Examination Parts: The examination shall consist of one or more of the following parts:

1. Written Test: This exam shall include a written demonstration designed to show the degree of knowledge, skills, and abilities which are required to successfully perform the duties of the classification being tested.
2. Oral Interview: This exam shall include a personal interview to show the degree of knowledge, skills, and abilities which are required to successfully perform the duties of the classification being tested. An oral interview may be used when a written test is either unnecessary or impractical to administer.
3. Physical Test: This post-offer examination by a physician consists of an evaluation of the applicant's medical history and physical condition to determine if the person is able to perform the essential functions of the assigned classification with or without accommodation. Certain positions may require the applicant to have a serology and chest examination.
4. Motor Vehicle Records Check - All applicants selected for appointment to a position which requires the operation of agency-owned vehicles shall be required to possess a valid Tennessee Drivers License, or a commercial drivers license if necessary.
5. Other: Any type of examination, other than those listed above, as might be determined appropriate by the Elected Official or Department Head.

6.0 JUSTIFICATION FOR SELECTION

The hiring authority or designated supervisor shall interview applicants according to a structured interview plan. Questions shall seek information about the applicant's experience, education, training, abilities, and accomplishments which are related to the position he/she is seeking. The interviewer shall not ask questions about age, sex, race, national origin, political affiliation, physical and mental disabilities, religious beliefs, marital status and children, or other matters not

related to the job. In the event that no one is selected as a result of the interview process, recruitment efforts will again be initiated.

7.0 REJECTION OF APPLICANTS

Applicants shall become ineligible for employment as a result of any of the following:

Statement by the applicant that he/she is no longer interested in employment with Hamblen County;

Failure to submit a complete application packet by the deadline stated on the job vacancy posting announcement;

Failure to pass any component of a job-related examination;

Failure to report to a required medical appointment, interview, etc.;

Negative reference check of previous employers;

Providing false information on the application form, resume, etc.;

Having a confirmed positive drug screen will result in disqualification for employment for a period of one (1) year from the date of the drug test; and/or

Refusing to submit to a drug test, refusing to sign the required consent forms, or failing to report for a drug test is considered the equivalent of receiving a confirmed positive drug test result.

8.0 PROMOTIONS

It shall be the policy of Hamblen County to provide promotional opportunities to qualified employees whenever possible. Employees are encouraged to take advantage of these opportunities by qualifying themselves for advancement by obtaining additional education and training, performing at a high level, having an excellent attendance history, and showing an interest in obtaining more responsible work.

All job vacancies above entry level may be posted to allow employees the opportunity to apply for vacant positions. When a classification has been posted within the last 60 days and an adequate applicant pool already exists, the Department Head or Elected Official may elect not to re-post the classification.

Applications from both inside and outside the agency may be accepted at the same time. If employees are equally or better qualified than the outside applicants, then employees will be given a hiring preference. However, it is the responsibility of Hamblen County government to fill openings with the best qualified people available, and if an outside candidate is the most qualified person for the job, he/she will be offered the position.

Eligibility for Promotion: Employees must meet the following requirements to be eligible to compete for a promotion:

- Must have completed satisfactorily his/her initial hire period;
- Must not have received a disciplinary action within the last twelve months; and
- Must meet the minimum requirements as defined on the posting announcement.

Selection Process: The selection process will be administered according to the provisions of Section III: Recruitment, Selection, Appointment, and Separation of this manual.

Equally Qualified Candidates: When all other job related factors are considered to be equal for two or more candidates, then years of service will be the determining factor.

9.0 TRANSFERS

An employee may be transferred from one position to another without significant change in his/her classification. A transfer may be initiated by the employee or Hamblen County. Hamblen County initiated transfers may be necessary because of a work force reduction, a change in operating procedures, or special production needs. Employees who refuse a county-initiated transfer may be laid off.

Eligibility for Employee-initiated Transfers: Employees must meet the following requirements to be eligible to request a transfer:

- Must have completed satisfactorily his/her initial hire period;
- Must not have received a disciplinary action within the last twelve months;
- Must have a sound and valid reason for requesting a transfer; and
- Must not have transferred at his/her own request within the past twelve (12) months.

Selection Process: The selection process will be administered according to the provisions of Section III: Recruitment, Selection, Appointment, and Separation of this manual. The hiring authority is not required to accept an employee who has applied for a transfer if for some reason he/she feels the employee is not a good match for the current vacancy.

10.0 VOLUNTARY DEMOTIONS

An employee may voluntarily request a demotion. The employee's request shall be in writing to the Department Head or Elected Official. An employee may also apply for vacant positions which are at a lower skill level than his/her current classification. When an employee is selected for a voluntary demotion, his/her pay will be determined according to the provisions of Section II: Classification and Compensation Plan of this manual.

11.0 REHIRING FORMER EMPLOYEES

Generally, former employees will not be considered for re-employment. Exceptions may be made on a case-by-case basis if the former employee's performance met expectations and he/she left voluntarily with notice or through no fault of his/her own.

12.0 APPOINTMENT TYPES

All employees working for Hamblen County are employed at-will. Nothing in these policies and procedures shall be taken to imply any type of employment contract. The following definitions describe the types of employment at Hamblen County.

Regular - employed for an indefinite period as reflected in personnel records.

Temporary - employed for a specific period (such as seasonal, until a job is completed or to fill in for a sick or injured employee) as reflected by personnel records. A temporary appointment shall not exceed 12 months. Exceptions will be considered on a case-by-case basis

Full-time - scheduled to work at least 30 hours weekly or 60 hours biweekly as reflected by personnel records.

Part-time - scheduled to work less than 30 hours weekly or 60 hours biweekly as reflected by personnel records.

13.0 INITIAL HIRE PERIOD

All employees receiving an initial appointment to a regular, full-time position shall be required to complete satisfactorily a ninety (90) day initial hire period prior to receiving regular, full-time status. The initial hire period is an adjustment and trial period for the new employee during which the employee's attitude, work performance, job compatibility, and other job related criteria will be observed by his/her supervisor. The supervisor may complete a job related performance evaluation form no less than two weeks prior to the end of the employee's initial hire period. The supervisor may review the evaluation with the employee. After reviewing the form with the employee, the supervisor may submit the completed form and his/her recommendation to retain or dismiss the employee to the Department Head or Elected Official. A supervisor may submit to the Department Head or Elected Official a performance evaluation and recommendation to dismiss an employee at any time prior to the completion of the initial hire period if such action is warranted.

14.0 VOLUNTARY RESIGNATIONS

An employee who desires to terminate his/her employment shall submit a signed, written resignation at least two weeks in advance. Employees may request his/her Department Head or Elected Official to approve the withdrawal of a tendered resignation up until the end of the employee's last day actually worked. However, once a voluntary resignation has been tendered,

the Department Head or Elected Official is not obligated to permit the employee to rescind the resignation.

15.0 REDUCTION IN FORCE

An employee may be laid off when it is deemed necessary by reason of a shortage of funds or work; abolition of a position or other organizational changes; or for related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.

Procedure - Lay-offs shall be made within classes of positions in affected departments. The order of lay-off shall be determined by an objective review of the most recent employee performance evaluation, then the order of lay-off shall be in reverse order of total continuous years of service for Hamblen County.

Once a lay-off has been deemed necessary, the County Mayor or his/her designee shall prepare an order of lay-off list according to the foregoing documented criteria. The Department Head or Elected Official of the affected department shall be responsible for notifying the employees that are to be laid-off. Temporary and part-time employees in the affected classes shall be laid-off before any regular employees. At least two weeks' notice, or two weeks' pay in lieu of notice shall be given except for persons employed for a specific period.

Demotion - An employee may be demoted when the employee would otherwise be laid-off.

Recall - At their request, employees separated through no fault of their own shall be placed on a recall list for a period of one year for re-instatement when a vacancy occurs in the class in the department from which a lay-off was made. The order of recall shall be in reverse order of lay-off. Failure to accept re-instatement within seven (7) days after notification will result in removal of the employee's name from the recall list. Notification shall be sent to the former employee's last known address.

SECTION IV EMPLOYEE BENEFITS

1.0 VACATION LEAVE

Vacation is one way the county shows its appreciation to you for your contribution to the administration of county government.

Part-time employees do not qualify for vacation leave.

Full-time Regular Employees are eligible for vacation time off once they have completed one (1) year of service as a full-time employee – at which time five (5) days of vacation will be available. For purposes of this policy, a vacation day shall mean a normal workday for the employee.

All County employees funded under the general fund, highway fund and garbage fund (“major fund categories”) shall complete a time sheet as provided by the county personnel manager listing hours worked, vacation leave and sick leave during prescribed period of work (elected officials and part-time board members not generally subject to the personnel policy manual are exceptions to this policy).

Vacation Time Accrual Rate - Hamblen County departments have the liberty of setting their respective hours of operation. Some departments and employees maintain less than a 40 hour workweek. For eligible employees, vacation time accrued is determined by the actual hours an employee is regularly scheduled to work. For example, if an employee is regularly scheduled to work a 36 hour workweek, each week of vacation accrued by such employee is equal to 36 hours. Accordingly, one day of vacation time accrued or used is equal to 7.2 hours (36 hours divided by five days.)

Accumulation of Vacation Time – vacation time may not be accumulated and carried forward to the next year. Any unused vacation time may be rolled over into sick leave.

Use of Vacation Time – vacation leave may be used only at times approved in advance by the Employer/Department Head/Elected Official. Vacation requests will be honored to the extent possible. If two or more employees request vacation for the same period of time, it will be the Elected Official’s or Department Head’s decision if this will create a hardship upon the department. No employee may give or loan vacation time to another employee.

Termination of Employment – Upon the termination of employment of an employee, he or she shall be entitled to payment for any unused vacation time which has accrued and has not been converted into sick leave. Payment shall be made based upon the daily rate of compensation the employee receives as of the time of termination.

Vacation Time Schedule – The following schedule displays the vacation earning policy for each year of continuous and uninterrupted employment

:

Full-Time Regular Employees

<u>Years of Service</u> <u>As of anniversary date</u>	<u>Length of Vacation</u> <u>With Pay</u>
After first year	5 days
2 through 10 years	10 days
10 through 20 years	15 days
More than 20 years	20 days

2.0 SICK LEAVE

Earning and Accumulating Sick Days – Sick Leave will be considered a benefit and a privilege and not a right. Full-time regular employees will receive full pay during incapacity caused by illness if sick leave is taken. Sick leave is earned at the rate of one day per month (12 days per year). There are no maximum sick leave credits. Each sick day earned by an employee shall be equal to the employee's regularly scheduled to work 38 hours per week, each earned sick day equals 7.6 hours (38 hours divided by five days). The employee shall not be paid for accumulated sick leave credit days, but shall be able to count the unused sick leave credit days toward their retirement (to the extent allowed under the rules and regulations under TN Consolidated Retirement System). The Elected Official or Department Head may require an employee that is sick to furnish his or her Employer with a doctor's certificate, certifying they were unable to work.

Use of Sick Leave – An employee may use sick leave allowance for absence due to his or her own illness or injury or the illness or injury of the employee's immediate family as defined under Section 3.3. Sick leave may also be used for appointments with a licensed doctor, dentist, or recognized practitioners. Employees who become ill during the period of their vacation may request that their vacation be temporarily terminated and the time changed to sick leave. No employee may give or loan sick leave time to another employee.

Notice of Sick Leave – An employee is required to notify the Elected Official or Department Head by the beginning of the employee's work shift or, in the case of emergency, as early as possible on the first day of their sick leave absence.

Exhaustion of Sick Leave – Employees who have used all of their accumulated 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 on leave without pay status unless the employee has accumulated vacation time or comp time remaining. The employee must request that additional sick leave be credited against the remaining vacation or comp time.

3.0 BEREAVEMENT LEAVE

In case of death in the employee's immediate family, the employee will be given 3 days paid leave which will not be charged to vacation leave. Employee shall receive his or her regular compensation based on his or her regular scheduled workday during bereavement leave. Paid funeral leave is for scheduled workdays, which normally fall between the day of the death and

the day following the funeral. Additional time off without pay may be granted in certain situations.

Immediate family shall be defined as spouse, parent, children, brothers or sisters, mother-in-law, father-in-law, grandparents, grandchildren of the employee and legal guardians or dependents.

An employee who claims funeral leave may, at the discretion of his Elected Official or Department Head, be required to furnish confirmation of the death which may include an obituary notice or funeral home announcement.

4.0 VOTING LEAVE

Any person entitled to vote in an election in this state may be absent from work to vote while the election polls are open for a period of time not to exceed three (3) hours. The Elected Official or Department Head may specify the time the employee may be absent. 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. If the employee's work period begins three (3) or more hours after the opening of the polls or ends three (3) or more hours before the closing of the polls, then the Elected Official or Department Head does not have to allow additional time off from work.

5.0 MILITARY LEAVE

Full time employees who are members of any federal or state military reserve component will be granted military training leave for such time as they are in the military service on field training or active duty for periods not to exceed fifteen (15) working days per calendar year. This time may not be used for weekend drills. Such requested leave shall be supported with copies of the armed service orders.

Full time employees who are members of a federal or state military reserve unit who have completed their military training duty for the calendar year, and are reactivated for additional training, will be allowed an additional fifteen (15) days military leave if the additional military training:

- 1) Occurs during the same calendar year; and
- 2) Fulfills the employee's military training obligation for the subsequent calendar year.

During such time that the employee is on military training leave, the employee will receive full pay and benefits to which he or she would otherwise be entitled.

Should the full time employee enter the military on an active basis, the employee must present their orders to their supervisor as soon as they receive them. The full time employee will be granted an unpaid leave of absence to serve a tour of duty.

Military Leave shall be granted in accordance with TCA Title 8 Chapter 33.

6.0 JURY DUTY LEAVE

The County encourages 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 apply when an employee is called for jury duty or subpoenaed to court:

- (a) Upon receiving a summons to report for jury duty, the employee shall, on the next day she/he is working, show the summons to his or her supervisor.
- (b) The employee will be granted a leave of absence when she/he is subpoenaed or directed by proper authority to appear in Federal or State court as a witness or juror.
- (c) If the employee is relieved from jury duty during working hours after serving less than three hours, the employee must report back to the Elected Official or Department Head. If the employee is relieved from being a witness during working hours, the employee must report back to the Elected Official or Department Head.
- (d) If an employee summoned for jury duty is working a night shift or is working during hours preceding those in which court is normally held, such employee shall also be excused from his/*her* employment for the shift immediately preceding the first day of service on any lawsuit. After the first day of service, when such employee's responsibility for jury duty exceeds three (3) hours during a day then such employee shall be excused from his/her next scheduled work period occurring within twenty-four (24) hours of such day of jury service.
- (e) Full-time employees shall receive regular compensation during time served on jury duty or when subpoenaed as a witness.
- (f) The employee may retain all compensation received for serving as a juror.
- (g) The above provisions concerning compensation for time in court do not apply if the employee is involved as a plaintiff or defendant in private litigation. On these occasions the employee must take vacation leave, comp-time, or leave without pay.

7.0 LEAVE WITHOUT PAY

Any employee, at the discretion of the Elected Official or Department Head, may be granted leave without pay for sufficient reason as determined by the Elected Official or Department Head. During the period of absence, the employee will not accrue vacation, sick leave or other benefits.

8.0 LEAVE OF ABSENCE PURSUANT TO THE FAMILY AND MEDICAL LEAVE ACT

In general, a Family and Medical Leave of Absence (FMLA) is an official authorization to be absent from work without pay for a specified period of time. Eligible employees may be entitled to job-protected family or medical leaves of absence if they are unable to come to work due to qualifying family or medical reasons as described under the following Family – Medical Leave Policy, which shall be administered in accordance with all applicable state and federal laws:

- 1) Employees are eligible if they have been actively employed for at least 12 months, and have been employed for at least 1250 hours of service (an average of 25 hours per week) during the 12-month period immediately preceding the commencement of leave. Salary continuation under any leave period shall depend on the employee's qualifying for disability pay under our disability Leave Policy. FMLA leave provided for under this policy shall run concurrently with any Tennessee maternity leave entitlements.

- 2) Under circumstances set forth below, each eligible employee shall have up to a total of 12 weeks during any one-year period. Pursuant to this policy, the 12 – month period utilized is a “rolling” 12 – month period measured backward from the date an employee uses any FMLA leave.
- 3) Family and Medical Leave will be granted to eligible employees for one or more of the following reasons:
 - a) For birth of a son or daughter, and to care for the newborn child;
 - b) For placement with the employee of a son or daughter for adoption or foster care;
 - c) To care for the employee’s spouse, son, daughter, or parent with a serious health condition; and
 - d) Because of a serious health condition that makes the employee unable to perform the functions of the employee’s job.
- 4) For the purposes of this policy the following definitions apply for the purposes of an employee qualifying to take FMLA leave:
 - a) Spouse means a husband or wife as defined or recognized under State law for purposes of marriage in the state where the employee resides, including common law marriage in states where it is recognized;
 - b) Parent means biological parent or an individual who stands or stood *in loco parentis* to an employee when the employee was a son or daughter as defined in (c) below. This term does not include parents “in law”;
 - c) Son or daughter means a biological, adopted, or foster child, s stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability.
 - d) Persons who are “*in loco parentis*” include those with day-to-day responsibilities to care for and financially support a child or, in the case of employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
 - e) The County reserves the right to require for the purposes of confirmation of a family relationship that the employee giving notice of the need for leave provide reasonable documentation or a statement of family relationship.
- 5) Whenever possible, and subject to your health care provider’s approval and certification, when planning medical treatment, eligible employees must consult with their Department Head or Elected Official and make a reasonable effort to schedule the leave so as not to unduly disrupt the Department’s operations.

- a) Employees are expected to consult with the Department Head or Elected Official prior to scheduling treatment in order to work out a treatment schedule which best suits the needs of both the employee and the County;
 - b) If an employee who provides notice of the need to take FMLA leave on an intermittent leave basis for planned medical treatment fails to consult with the Department Head or Elected Official to make a reasonable attempt to arrange the schedule of treatment so as not to unduly disrupt the County's operations, the Department Head or Elected Official will initiate discussions with the employee and require the employee to attempt to make such arrangements, subject to the approval of the employee's health care provider.
- 6) If an employee submits a certification signed by a health care provider, the County may, with the employee's permission, have a health care provider representing the Employer contact the employee's health care provider for purposes of clarification and authenticity of the medical certification. Under appropriate circumstances the County may require the employee to obtain a second opinion at the County's expense. The health care provider utilized in these circumstances will be designated by the County to furnish a second and/or third opinion, but the selected health care provider will not be one that is employed by the County on a regular basis.
- 7) In those circumstances when the approximate timing of the need for leave is not foreseeable, the employee should provide the County notice of the need for FMLA leave as soon as practicable under the facts and circumstances of the situation. It is expected by the County that an employee will give notice to their Department Head or Elected Official within no more than one or two working days of learning of the need for leave, except in extraordinary circumstances where such notice is not feasible. In all instances of FMLA leave the County reserves the right to request medical certification outlining the expected duration and nature of the illness, as it relates to the employee's ability to come to work, or the need for that employee's need to care for family members with serious health conditions or for other FMLA qualifying reasons.
- 8) When the need for leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member, 30 days advance notice is required. In the event 30 days notice is not practicable due to a lack of knowledge of approximately when the leave will be required to begin or due to a change in circumstances or medical emergency, notice must be given by an employee as soon as practicable.
- a) To assist the County in arranging work assignments during an employee's absence, the County requests that employee's give the County prior notice, to the extent possible, of an expected birth or adoption, as well as an indication, to the extent known, of the employee's expected return to work date;
 - b) To facilitate an employee's return to work, the County requests that the employee provide the employee's Department Head or Elected Official with two weeks advance notification of the employee's intended return to work date;

- c) If an employee fails to give timely notice when the need for FMLA leave is foreseeable, the employee may be required to delay the taking of FMLA leave until 30 days after the date the employee provides appropriate notice to the County of the need for FMLA leave;
 - d) The County understands that under certain circumstances it may be necessary for an employee to take more leave than originally anticipated or an employee may discover after the beginning of FMLA leave that circumstances have changed and the amount of leave originally anticipated is no longer necessary. In these situations the employee is required to provide the County reasonable notice, within two business days, of the changed circumstances where foreseeable;
 - e) If an employee advises the Employer either before or during the taking of FMLA leave that the employee does not intend to return to work, our employment relationship will end and the employee's entitlement to continued leave, maintenance of health benefits, and restoration to the job shall cease; and
 - f) If an employee is able to return to work earlier than anticipated, the employee shall provide his/her Department Head or Elected Official two weeks advanced notice were feasible prior to returning to work.
- 9) For purposes of FMLA leave, "serious health condition" entitling an employee to FMLA leave means an illness, injury, impairment, or physical or mental condition that involves:
- a) In-patient care (an overnight stay) in a hospital, hospice or residential medical care facility including any period of incapacity such as an inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from, or any subsequent treatment in connection with such in-patient care; or
 - b) Continuing treatment by a health care provider which includes any one or more of the following:
 - 1) a period of incapacity (inability to work, attend school or perform other regularly daily activities due to the serious health condition, treatment therefore, or recovery there from, of more that 3 consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves additional treatment by a health care provider, nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services such as a physical therapist, under orders of, or on referral by a health care provider or treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of a health care provider.
- 10) Leave of absence rights and sick leave available to employees under other sections of our policies shall be counted towards the total time off available under our FMLA policy, if the leave is FMLA qualifying.

- 11) On return from FMLA leave employees will be returned to the same position the employee held when leave commenced, or to an equivalent position.
 - a) If an employee is unable to perform an essential function of his/her position because of a physical or mental condition, including the continuation of a serious health condition, the employee will have no right to restoration to another position under the Family and Medical Leave Act;
 - b) However, this does not mean an employee will not be returned to work even if they are unable to do so at the conclusion of their FMLA leave entitlement as the County will seek to return employees to a suitable position, although the County cannot guarantee that one will be available. Regardless of whether an employee can return to an available position, the employee may nevertheless remain eligible for continuing disability pay benefits during this additional leave period in accordance with applicable insurance coverage;
 - c) If an employee is unable to return to work after the expiration of their FMLA leave entitlement (12 weeks or less depending on the individual employee's use of leave during the rolling 12 – month period), the employee shall forfeit his/her reinstatement rights under the FMLA, but may be returned to work to an alternate position for which the employee is qualified if such a position is available; and
 - d) If, due to an employee's own medical circumstances, he/she is no longer able to perform his/her original job, the County will attempt to transfer such an employee to alternate suitable work, if available.
- 12) While on an FMLA leave of absence provided for under this policy, the County will continue employee group health insurance benefits under the same terms as provided to other employees, for up to a maximum of 12 weeks during the applicable 12 – month period. If an employee's leave extends beyond 12 weeks, the employee shall be offered the opportunity to purchase continuing coverage under state and federal COBRA continuation rules.
- 13) Other accumulated fringe benefits such as seniority, retirement, service credits, sick pay, vacation pay, etc., shall be preserved at the level earned as of the commencement of FMLA leave, but shall not accrue during any unpaid FMLA leave.
- 14) During any period of FMLA leave, you may be eligible for sick pay benefits. Employees should refer to the applicable plan documents for details on eligibility, benefit amounts, and other particulars of such policies.

9.0 HOLIDAYS

Because of the variety of county services, all employees may not be able to observe holidays on the same day. If your work schedule requires a deviation from the holiday schedule, your Elected Official or Department Head will tell you in advance.

New Year's Day (C J)	January 1 st
Martin Luther King Day	Day of Observance (January)
Spring Break (G)	Friday prior to Easter
Memorial Day (G)	Last Monday in May
Independence Day (G)	July 4 th
Labor Day (G)	1 st Monday in September
Veteran's Day (C J)	November 11 th
Thanksgiving (G)	4 th Thursday and Friday in November
Christmas (G)	Minimum of 2 days – Maximum of 2 ½ days ** Generally ½ day on the 24 th and all of the 25 th and 26 th . If the 25 th falls on Saturday or Sunday, the holiday will be Full or half on Friday depending on whether the office is usually open on Saturday. If the 25 th falls on Monday, the Holidays will be Monday and Tuesday only. *** Road and Garbage Department will receive the 25 th and 26 th only.
August General Election Day (C J)	First Thursday in August in appropriate years

(G = general holiday for all county employees; C = Courthouse employees only; J = Justice Center employees only)

10.0 LEAVE RECORDS

Employees requesting leave are required to record leave on forms provided by the county. The forms are to be given to the Elected Official or Department Head by the employee. The leave forms are to be maintained at the office of the County Mayor.

SECTION V
MEDICAL INSURANCE

Information regarding life insurance, medical insurance and retirement plan benefits offered to full-time regular employees of Hamblen County, Tennessee can be obtained in the Office of the County Mayor.

SECTION VI EMPLOYEE CONDUCT

1.0 PURPOSE

The maintenance of high standards of honesty, integrity, impartiality, and conduct by Hamblen County employees is essential to assure the proper performance of Hamblen County business and the maintenance of confidence by the public in Hamblen County. These standards state the ethical and other conduct standards and responsibilities.

2.0 GENERAL STANDARDS OF CONDUCT

Employee must avoid any action that might result in or create the appearance of using public office for private gain, giving preferential treatment to anyone, impeding Hamblen County government efficiency or economy, making a Hamblen County government decision outside official channels, or eroding the public's confidence in Hamblen County government's integrity. Employees must be particularly careful that their personal interests and activities do not negatively impact or conflict with their Hamblen County duties.

Acceptance of Gifts, Entertainment, and Favor - Generally, an employee may not solicit or accept anything of monetary value, including gifts, gratuities, favors, entertainment or loans from any person who has a contract or is seeking to do business with Hamblen County, conducts operations or activities that are regulated by Hamblen County, or has interests that may be substantially affected by either the performance or non-performance of your official duties. Hamblen County does provide for the following exceptions:

Gifts, gratuities, favors, entertainment, loans or similar favors of monetary value that stem from a family or personal relationship when it is clear that it's the relationship, rather than the business of the person concerned that motivates the gift;

Loans from banks or other financial institutions on customary terms;

Unsolicited advertising or promotional material of nominal value such as pens, note pads, and calendars; and

Food or refreshments of nominal value, served on infrequent occasions, in the ordinary course of a luncheon or dinner meeting and only if you are properly in attendance and there is not a reasonable opportunity to pay, or if the food is offered to all participants attending the meeting or convention.

Use of Hamblen County Property for Personal Reasons – Hamblen County employees have a clear responsibility to protect and conserve county property and to obey all rules and regulations governing its use. Employees cannot directly or indirectly use or allow another individual to use county owned property for other than officially approved activities. This includes property leased to Hamblen County. Specifically, employees cannot:

Use franked Hamblen County envelopes to mail personal correspondence;

Use Hamblen County owned, leased, or rented vehicles for unauthorized purposes;

Use Hamblen County telephones to make personal long distance telephone calls charged to a Hamblen County account;

Use computers, typewriters, word processors, copiers, and other office equipment for personal matters;

Use hand tools, shop equipment and heavy equipment either owned or leased for personal matters.

3.0 USE OF TECHNOLOGY RESOURCES

Hamblen County's technology resources include but are not limited to computers, software, telephones, facsimile (FAX) and photocopy machines. Hamblen County owns and maintains technology resources for the purpose of carrying out Hamblen County's business. While Hamblen County recognizes that employees may occasionally need to use technology resources for personal reasons, all such personal use should be incidental and kept to a minimum. This standard of usage applies to all Hamblen County equipment at all times. Repeated or intentional misuse of or damage to Hamblen County's technology resources is prohibited. Employees will be required to reimburse the agency for any damage caused by intentional misuse or negligence. Information created or stored on Hamblen County's technology resources is the property of Hamblen County. Employees should not consider this information to be private.

Equipment and Computer Hardware - Only Hamblen County's purchasing and information systems staff or their designees may purchase and install technology equipment. Only Hamblen County's information systems staff or their designees are authorized to connect, disconnect, move, or attach devices to company-owned computer equipment.

Computer Software

Software Installation and Copyright - Only information systems staff or their designee shall purchase and install PC or network based software. No other software shall be permitted on company-owned computer equipment. Use of a duplicate copy of licensed software is a violation of federal copyright laws. Employees are prohibited from copying company-owned software for their personal use.

Network Set-ups - Employees shall not change, tamper with, or add to pre-defined network setups and software configurations (except those that are end-user controlled with the software application).

Games - Employee are prohibited from playing un-authorized computer games during working hours. Only games authorized and installed by Hamblen

County information systems staff are permitted on Hamblen County computer equipment.

Viruses – Hamblen County has installed anti-virus programs on all agency computers. Employees shall not modify or circumvent the anti-virus software. Employees who suspect a floppy diskette or CD ROM might contain viruses should ask the appropriate staff to scan the device before using it in a Hamblen County computer.

Equipment on Loan - Employees shall follow established sign-out procedures when removing portable computers from Hamblen County's premises. Off-site use of Hamblen County's non-portable computer equipment is permitted only in conjunction with approval from the Department Head or Elected Official. Employees who are provided portable equipment, whether temporary or permanent, are considered the custodian of that asset.

Accessing the Network - Employees shall observe established network log-on and log-off guidelines. Each employee shall protect his/her files and communications from unauthorized access by logging out or activating screen savers when leaving his/her computer unattended. Employees shall obtain permission before using another employee's computer. Accessing another employee's files or directories with intent to read, browse, modify, copy, or delete without the owner's permission is prohibited except as defined by the Workplaces Search Policy.

Each employee is responsible for the documents, messages, and data created or deleted under his/her log-on identification and password. Employees who temporarily share a password are jointly responsible for all information created or deleted. When access to the shared information is no longer necessary, the owner of the account is responsible for setting a new password to ensure that he/she is the sole user.

Electronic Mail (E-mail) - Electronic mail generated in the course of Hamblen County business may be considered a public record under Tennessee law. Therefore, employees should not have the expectation that their e-mail correspondence or files are confidential. Employees shall avoid the use of harassing, offensive, and discriminatory language in electronic mail. Messages addressed to "Everyone" must pertain to Hamblen County business and be urgent in nature or of informational use to all employees.

The Internet - Employee access to and communication on the Internet is intended for business purposes only. Use of the Internet shall at no time involve intentional contact with or perusal of web sites containing offensive, illegal, discriminatory, or pornographic material. All information sent or received via the Internet shall be considered a matter of public record. Therefore, employees should not have the expectation that their Internet activities and messages are confidential.

Inappropriate Material - Employees shall not copy, download, upload, or print

offensive, illegal, discriminatory, pornographic or other inappropriate material using any Hamblen County technology resource.

Telephones - Personal calls from office or company provided cellular phones should be brief in nature and limited to those which are necessary but cannot be made outside of work hours. Employees shall charge personal long-distance calls to their own credit card or personal telephone accounts.

Voice Mail – Hamblen County and the service company that maintains the voice mail system have access to all employee voice mailboxes and messages. While Hamblen County does not routinely monitor voice mail, it maintains the right to monitor voice mail at any time. Employees should not have the expectation that messages left or received are confidential.

Facsimile Machines – Hamblen County facsimile machines are intended for Hamblen County business communications. Employee use of these resources for personal business shall be incidental and infrequent in nature.

Photocopy Machines – Hamblen County photocopy machines are intended for Hamblen County business communications. Employee use of these resources for personal business shall be incidental and infrequent in nature. When outside agencies or individuals request copies of Hamblen County documents, these agencies will be charged at the per page rate and standard labor fee as set annually by the County Mayor or his/her designee.

4.0 USE OF INFORMATION OBTAINED ON THE JOB

Hamblen County employees may not use information obtained through employment with Hamblen County for furthering a private interest that has not been made available to the general public. Specifically, employees may not use information that has not been dispersed by Hamblen County or is available to a member of the public only by special request.

5.0 OUTSIDE EMPLOYMENT

Hamblen County employees may engage in employment outside Hamblen County as long as the outside work does not interfere with or otherwise cause harm to the performance of their official Hamblen County duties. If outside employment is found to be incompatible with Hamblen County employment, a Hamblen County employee must stop the outside work or he/she will be terminated from employment with Hamblen County.

The following types of outside employment are prohibited:

Outside employment which involves acceptance of a fee, gift, or anything of monetary value in circumstances which may result in, or create the appearance of, a conflict of interest;

Outside employment which tends to harm an employee's mental or physical capacity such that his performance is less than acceptable at Hamblen County;

Outside employment which would conflict with or reduce an employee's effectiveness in conducting his official Hamblen County duties; and/or

Outside employment which would conflict with or harm Hamblen County's relations with the public.

The following restrictions are placed on outside employment activities:

Outside employment activities shall not involve the use of Government-financed time or supplies;

Outside employment activities shall not use or allow the use of official information that has not been made available to the general public;

Outside employment activities shall not involve the use of the employee's official job title, statement of affiliation with Hamblen County, or suggest official endorsement by Hamblen County; and/or

Outside employment activities shall not involve conducting business with subordinate employees.

6.0 PERSONAL GAIN FROM OFFICIAL HAMBLLEN COUNTY POSITIONS OR ACTIONS

An employee shall not participate personally and substantially in any matter in which the employee has a financial interest. There is no minimum amount of value or control that constitutes a financial interest. This prohibition applies if the employee's spouse and children have a financial interest in the matter. The employee is also prohibited from participating in matters involving an organization in which the employee is an officer, director, trustee, partner, or employee with a financial interest. Further the employee shall not be involved in any matter relating to a person or organization with which the employee is seeking employment or has an arrangement for prospective employment when the employee has a financial interest in the matter.

7.0 VIOLATIONS OF HAMBLLEN COUNTY'S POLICIES AND PROCEDURES

Employees will be subject to disciplinary action if they violate any Hamblen County policy and/or procedure. The type of action taken must be determined in relation to the specific violation according to Section VII: Disciplinary Action. All applicable laws, regulations, and procedures will be followed when disciplinary action is taken. In addition, violations of Federal criminal statutes may subject the violator to criminal prosecution. An employee is responsible for reporting to his supervisor any violation of law and Hamblen County policies and procedures committed by another employee when he/she has knowledge of such activities. If the violation is committed by the employee's supervisor, the report should be filed with the next official in the chain of command.

8.0 POLITICAL ACTIVITY

Prohibited Political Activities

The Hatch Act places certain restrictions on employees of entities who receive federal funds and/or grants. An employee is prohibited from engaging in the following political activities while employed by Hamblen County (including while on leave of absence irrespective of pay status):

Using one's official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office including activities such as threatening to deny promotion to any employee who does not vote for certain candidates

Coercing directly, coercing indirectly, attempting to coerce, commanding or advising another employee to pay, lend or contribute anything of value to a party, committee, organization, or person for political purposes including requiring employees to contribute money to a political fund, influencing employees to buy tickets to political fund-raising dinners, and matters of similar nature.

Permitted Activities

Non-partisan Elections: Employees may be candidates in non-partisan or partisan elections. However, before deciding to run for public office, employees should be aware of possible conflicts of interest. If an employee is elected to office, the Hamblen County Commission Personnel Committee will review the situation to determine if a conflict of interest exists and identify actions necessary to resolve such conflict.

9.0 SAFETY

All employees shall conform to established safety rules and regulations that may be issued from time to time and shall be responsible for the appropriate use of protective clothing, equipment, and vehicles. Employees who violate safety rules and regulations shall be subject to disciplinary action up to and including termination.

10.0 HARASSMENT POLICY

Hamblen County is committed to providing a safe and secure work environment in which all individuals are treated equally with respect and dignity. Hamblen County strives to create an atmosphere that promotes equal opportunities and prohibits discriminatory practices. In keeping with this commitment, Hamblen County will not tolerate harassment in the workplace based on sex, age, race, mental or physical disabilities, color, national origin, or religious beliefs.

This policy covers all employees and officers. Hamblen County will not tolerate, condone, or allow harassment whether engaged in by co-workers, supervisors, associates, outside clients, or other non-employees who conduct business with Hamblen County.

Hamblen County specifically prohibits sexual harassment in the workplace. For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when either of the following conditions exist:

- Submission to or rejection of this conduct by an individual is used as a factor in decisions affecting hiring, evaluation, promotion or other aspects of employment (called Quid Pro Quo); or
- This conduct substantially interferes with an individual's employment or creates an intimidating, hostile, or offensive work environment (called hostile work environment).

Both perpetrators and victims of sexual harassment can be of either gender and sexual harassment can occur between persons of the same gender.

Reporting a Complaint of Harassment – Hamblen County encourages employees to report all incidents of harassment regardless of the status or job title of the perpetrator. Other persons who observe an offensive behavior committed on Hamblen County property or by a Hamblen County representative should report the event even if he/she is not the target of the behavior.

Discrimination, including harassment, in the workplace on the basis of race, color, religion, sex, national origin, age, disability, status as a Vietnam-era veteran or special disabled veteran, or status in any other group protected by law is illegal. If an employee believes that he or she has been subjected to illegal discrimination or harassment related to employment with Hamblen County, the employee should report the incident promptly to the Elected Official or Department Head under whose the direction the employee works. If the problem is not resolved within a reasonable time, or if for any reason the employee feels uncomfortable reporting the problem to the Elected Official or Department Head, then the problem should be reported to any Department Head, the County Mayor or his or her designee. No adverse personnel action will be taken against an employee for reporting a bona fide incident of discrimination or harassment or for assisting in the investigation of a complaint; however, disciplinary action may be taken against any individual providing false information in connection with a complaint.

The purpose of having several persons to whom complaints may be made is to avoid a situation where an individual is faced with complaining to the person, or a close associate of the person, who would be the subject of the complaint. The Reporting Officer notified will report the incident to the County Mayor or legal counsel representing Hamblen County for investigation and resolution.

Retaliation Against Complainant - Retaliation against any individual who has articulated any concern of harassment is prohibited. Retaliation is a serious violation of this harassment policy and should be reported immediately. Any person found to have retaliated against another individual for reporting harassment will be subject to the same type of disciplinary action as perpetrators of harassment.

Investigating the Complaint - All allegations of harassment will be investigated by the reporting officer or panel of officers who received the complaint and/or legal council. All complaints will

be investigated promptly. Confidentiality will be maintained throughout the investigative process to the extent practical and appropriate under the circumstances. All officers and employees are required to cooperate in the investigation of any complaints made pursuant to this policy. In pursuing the investigation, the reporting officer and/or legal council will take the wishes of the complainant under consideration, but will thoroughly investigate the matter as they see fit, keeping the complainant informed as to the status of the investigation.

Resolving the Complaint - Upon completing the investigation of a harassment complaint, a decision as to whether harassment has occurred and the appropriate action to take on the complaint will be made by the County Official or his/her designee, or if the County Mayor is the subject of the complaint, by the Chairman of the County Commission Personnel Committee. Hamblen County will communicate its findings and intended actions to the complainant and alleged perpetrators.

If the investigators find that harassment has occurred, the perpetrators will be appropriately disciplined up to and including termination. Hamblen County's ability to discipline a non-employee (e.g., client, supplier) is limited by the degree of control, if any. Hamblen County will, if harassment is substantiated and to the extent reasonable, take appropriate action.

If the reporting officer or panel of officers determines that no harassment has occurred, this finding will be communicated to the complainant in an appropriately sensitive manner.

False Accusation - False accusations of harassment make the investigation of valid complaints more difficult. If an investigation results in a clear finding that the complainant falsely accused another of harassment knowingly or in a malicious manner, the complainant may be appropriately disciplined up to and including termination.

Appeal Process - If either party directly involved in a harassment investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision internally before the Hamblen County Commission Personnel Committee or outside legal council.

11.0 SMOKE-FREE WORKPLACE POLICY

Due to the adverse health effects of second-hand smoke, all facilities owned and operated by Hamblen County are designated as smoke-free environments. Employees are prohibited from smoking in offices, lobbies, maintenance shops, and all common areas of Hamblen County facilities

SECTION VII DISCIPLINARY ACTION

1.0 POLICY

Regulations for the acceptable conduct of employees are necessary for the orderly operation of the county's business and for the benefit and protection of the rights and safety of all employees. Certain regulations, and others that may be established from time to time, and the procedures for disciplinary action are published to promote understanding of what is considered unacceptable conduct and to provide for consistent action in the event of violations.

2.0 REASONS FOR DISCIPLINE

An employee may be disciplined if any of the following charges are substantiated. The following list is not intended to cover every work situation, but is an example of the types of charges that may result in appropriate disciplinary action. Hamblen County's right to discipline or dismiss employees shall not be limited to the following list.

- Possessing firearms on Hamblen County property during working hours.
- Reporting to work under the influence of alcohol or drugs.
- Possessing, distributing, or using alcohol or drugs on Hamblen County property during working hours.
- Giving false statements on the employment application.
- Intentionally reporting incorrect work schedules or falsifying records.
- Stealing from fellow employees, the company, or Hamblen County residents.
- Refusing to do assigned work (insubordination).
- Willfully destroying or abusing Hamblen County property.
- Using abusive and/or threatening language.
- Instigating or participating in a fight on Hamblen County property.
- Being absent from work without notifying immediate supervisor.
- Sleeping during working hours.
- Leaving work during working hours without authorization from immediate supervisor (except during lunch period).
- Being habitually tardy without reasonable cause as determined by the immediate supervisor. Habitually tardy is defined as four times in a six-month period.
- Excessive Absenteeism.
- Posting, removing, and/or tampering with official bulletin boards without proper authorization.
- An employee failing to report immediately to the supervisor any work-related accidents or injuries.
- A supervisor failing to notify immediately the County Mayor's Office any work-related accident or injuries.
- Violating Hamblen County's Harassment Policy.
- Violating any Hamblen County policy as outlined in various sections of this manual.
- Committing a moving violation under state and/or local traffic laws or regulations while operating a county owned vehicle.
- Violating a safety rule or safety practice.

3.0 DEFINITIONS OF DISCIPLINARY ACTIONS

Reprimand

Oral Reprimand - When an employee commits a violation of company policy, makes a minor mistake, exhibits poor judgment etc. and the result has only minor negative consequences, the supervisor should have a meeting with the employee to reach an understanding about cause of the offense, offer assistance, and establish a plan for corrective action. The Supervisor should briefly document the oral reprimand in the employee's file maintained by the supervisor.

Written Reprimand - When an employee commits a more serious violation of company policy and/or makes a mistake and the result of this action has more serious negative consequences, a written reprimand is appropriate. A supervisor should proceed to a written reprimand when an oral reprimand fails to achieve improved behavior or when the initial offense is serious enough to warrant this action. The written reprimand documents the nature of the offense, efforts made previously to correct the problem (if applicable), and warns of the consequence of failure to correct the behavior. The Written Reprimand form is signed by the Elected Official or Department Head. A copy of the reprimand is placed in the employee's personnel file. The employee has the right to offer a written response to be attached to the reprimand in his/her personnel file.

Suspension - A supervisor may suspend an employee for repeated or very serious violations of Hamblen County's policies and procedures. The length of the suspension should be relevant to the nature of the offense and the employee's employment history at Hamblen County. A suspension may follow earlier disciplinary action or may be used when a particular incident in and of itself is serious enough to warrant the action.

An employee may be suspended from duty without pay for a period not to exceed three working days for disciplinary reasons.

An employee may be suspended from duty with pay pending investigation of charges where the presence of the employee at work constitutes a hazard to the employee himself/herself, the agency, the public, and/or other employees.

Demotion - Demotion is the re-assignment of an employee to a classification in a lower skill level of the Pay Plan.

An employee may be demoted when his/her job performance is unsatisfactory and all efforts to bring the employee's performance to a satisfactory level have failed.

An employee may be demoted for disciplinary reasons when an employee's behavior is deemed to be serious misconduct.

Dismissal - An employee who gives unsatisfactory service or who is guilty of any substantial violation of Hamblen County's policies and procedures shall be

subject to dismissal at the will of the employer. Dismissal may be the culmination of a series of events for which disciplinary actions have been taken. Dismissal may also be the result of a single event that is serious enough to warrant immediate termination.

4.0 PROCEDURE FOR DISCIPLINARY ACTIONS

Disciplinary Authority - A supervisor should recommend disciplinary action that is appropriate given the severity of the employee's violation. While an employee may be given an opportunity to improve his/her job performance following a violation, the application of progressive disciplinary action is not required prior to dismissal. An employee may be dismissed immediately for a single event that is serious enough to warrant this action.

Written Documentation - All disciplinary actions, except oral reprimands, must be documented in writing on a Hamblen County Disciplinary Action form. Oral reprimands should be documented informally as a note in the employee's file maintained by the supervisor. Disciplinary Action forms are available from the County Mayor's Office. The Disciplinary Action form shall include the name of the employee subject to the action, description of the violation, statement of prior warnings, description of recommended disciplinary action, specific plan for improvement, list of assistance offered, and a statement of what further action may be necessary. The supervisor shall meet with the employee and review the information with the employee. The employee shall sign the Disciplinary Action form indicating receipt of information. The supervisor shall sign the form and forward it to the Personnel Manager.

SECTION VIII ALCOHOL AND DRUG POLICY

1.0 PURPOSE

Safe and Productive Environment – Hamblen County government is committed to maintaining a safe and productive work environment for its employees and to providing high quality service to its citizens. The goal of this policy is for Hamblen County employees to remain, or become and remain, drug-free. Employee safety and rehabilitation serve as the foundations of this policy.

Outcomes Associated with Alcohol and Drug Abuse - Abuse and dependency on alcohol and/or drugs can seriously affect the health of employees, jeopardize their personal safety, impact the safety of others, and impair job performance.

Drug-Free Workplace Act of 1988 – Hamblen County is governed by the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D). This Act requires Hamblen County to adopt a written Alcohol and Drug Policy which governs all employees.

Hamblen County Government has adopted a Drug Free Workplace Policy. All employees shall comply with all training requirements under such policy.

Omnibus Transportation Employee Testing Act of 1991 – Hamblen County government is governed by the Omnibus Transportation Employee Testing Act of 1991 (Pub. L. 102-143, Title V). This Act requires regular alcohol and drug testing in the aviation, motor carrier, rail, and transit industries in the interest of public safety. In addition, the Federal Highway Administration (FHWA) has issued a rule in accordance with the mandates of this Act requiring alcohol and drug testing of persons required to have a Commercial Driver’s License (CDL), including persons employed by federal, state, and local government agencies.

Right to an Alcohol and Drug-Free Workplace - Employees have the right to work in an alcohol and drug-free environment and to work with persons free from the effects of alcohol and/or drugs.

Required Alcohol and Drug Tests - Alcohol and drug testing for employees shall be in accordance with the provisions contained in Hamblen County’s Alcohol and Drug Policy. Employees will be subject to the following alcohol and/or drug tests:

Pre-employment testing for applicants where applicable

Reasonable suspicion testing

Assignment to a position requiring a CDL

Return-to-duty testing where applicable

Treatment completion and follow-up testing

Random testing for CDL employees and employees in safety sensitive positions only

Communicating Alcohol and Drug Policy – Hamblen County has adopted this written policy to ensure the fitness of employees for duty as a condition of employment and to communicate that alcohol and/or drug testing is a requirement of employment.

2.0 GENERAL RULES

Use of Alcohol and Drugs is Prohibited – Hamblen County employees may not use or be under the influence of drugs, narcotics, and/or any other controlled substance while at work. Alcohol is a drug and as such has no place in a drug-free workplace. Therefore, the use of alcohol while at work is prohibited by this policy. In addition, no employee may report to work under the influence of alcohol and/or drugs.

Prescription Medication - This policy does not prohibit the use of medicine prescribed by an employee's licensed physician. An employee who is required to take prescription medicine which may impair or impede his/her ability to perform his/her job should notify his/her supervisor of the medication prescribed. Use of prescribed medication may not exceed the prescribed dosage. Use of a prescription drug for which the employee has no prescription will be viewed as a violation of this policy.

Possession, Distribution, Sale and/or Manufacture of Alcohol and Drugs is Prohibited – Hamblen County prohibits employees from the possession, distribution, sale, and/or manufacture of alcohol, narcotics, drug paraphernalia, or any other controlled substance on Hamblen County property, in company vehicles, or when on-call.

Inspection of Property - All property belonging to Hamblen County is subject to inspection at any time without notice according to the provisions of Hamblen County's Workplace Search Policy.

Notice of Alcohol and Drug Testing - Notice of the alcohol and/or drug testing requirement shall be included in all job announcement postings and recruitment advertisements.

Consent to be Tested - Before an alcohol and/or drug test is administered, applicants and employees will be asked to sign consent forms authorizing the test(s) and permitting release of the test results to Hamblen County officials with a need to know.

Testing During Work Hours - An employee who is required to submit to alcohol and/or drug testing during work hours shall be given time off with pay for that purpose.

Removal From the Work Site - An employee who is removed from the work site pending the results of an alcohol and/or drug test because the employee is deemed to pose a threat

or safety or health may be granted administrative leave with pay until the test results have been received by Hamblen County.

Drugs to be Tested - When alcohol and/or drug testing is required, alcohol and approved substances listed in the Tennessee Controlled Substance Act may be tested for during the testing procedure.

Laboratory Testing Requirements

Laboratory Selection - Laboratories and collection sites for the alcohol and/or drug testing and specimen collection shall be obtained in accordance with the Hamblen County's procurement code.

Testing Procedures – Hamblen County shall ensure proper collection and chain-of-custody procedures are used by all collection sites to ensure reasonable consistency, specimen integrity, proper identification, and individual privacy.

Medical Review Officer - All positive drug test results (does not include breath analysis test results) are reviewed and interpreted by a physician, called the A Medical Review Officer. When the Medical Review Officer (MRO) receives a positive drug test from the laboratory, the MRO shall contact the applicant or employee, in person or by telephone, and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen. If the applicant or employee provides appropriate documentation and the MRO determines that this is legitimate medical use of the prohibited drug, the drug test result will be reported as negative. If no legitimate medical explanation or alternative medical explanation is found, the drug test result will be reported a verified positive.

Confidentiality of Test Results

Maintaining Alcohol and/or Drug Test Results - Individual alcohol and/or drug test results maintained pursuant to this policy shall be considered confidential by Hamblen County and its representatives to the extent it is appropriate, feasible, and permissible under applicable law.

Access to Alcohol and/or Drug Test Results - Alcohol and/or drug test results shall be reported to applicants and employees in as timely a manner as reasonable and be revealed only to those persons having an established need for the information.

Consequences of Failure to Comply - The goal of this policy is for employees to remain or to become and remain alcohol and/or drug-free. However, this policy shall not preclude disciplinary action up to and including dismissal for circumstances that occur in connection with suspected alcohol and/or drug use or a positive alcohol and/or drug test. Failure to comply with the provisions of this policy may be used as grounds for disciplinary action.

Alternative to Disciplinary Action – Hamblen County reserves the right to allow

employees to participate in an education and/or treatment program as an alternative to or in addition to disciplinary action. If such a program is offered and accepted by the employee, then the employee must satisfactorily participate in and complete the program including follow-up care and testing as a condition of continued employment.

Violation of Criminal Drug Statute in the Workplace - Any employee convicted of violating a criminal drug statute in the workplace shall inform his/her supervisor of such conviction (including plea of guilty and nolo contendere) within five (5) days of the conviction occurring. Failure to so inform Hamblen County subjects the employee to disciplinary action up to and including dismissal for the first offense. Hamblen County will notify the federal contracting officer pursuant to applicable provisions of the Drug-Free Workplace Act and the Omnibus Transportation Employee Testing Act.

3.0 APPLICANT TESTING FOR POSITIONS NOT REQUIRING A CDL

Notice to Applicants - Applicants shall be notified of the following:

Existence and requirements of Hamblen County's Alcohol and Drug Policy;

Testing will not be conducted without reading and signing the proper consent forms;

Applicant is responsible for reporting to the collection site at the scheduled time;

Time and location of alcohol and/or drug testing specimen collection;

Proof of identification is required at the collection site;

Applicant is responsible for calling the Personnel Manager from the collection site if he/she has a problem complying with Hamblen County testing procedures;

Consequences of refusal to submit to alcohol and/or drug testing;

Consequences of a confirmed positive alcohol and/or verified positive drug test result; and

Applicant has the right to request a test of the split specimen within 72 hours; he/she shall pay for the test of the split specimen.

Testing Methods - Urinalysis will be used to test for alcohol and/or drugs for employees not required to have a commercial drivers license.

Testing Conditions - An individual offered employment in a position not required to have a CDL shall be required to submit to post-offer alcohol and/or drug testing as a condition of employment. These individuals are referred to as applicants in this policy.

Refusal to Consent - Refusal of an applicant to sign the consent forms shall be considered refusal to submit to alcohol and/or drug testing as a condition of employment and shall

result in the withdrawal of the conditional offer of employment.

Failure to Provide Proof of Identification - Failure and/or refusal by an applicant to provide proof of identification at the collection site, shall be considered refusal to consent to alcohol and/or drug testing and shall result in withdrawal of the conditional offer of employment. Photo identification is required. In exceptional circumstances, identification by an appropriate Hamblen County official or his/her designee may be acceptable.

Tampering with Testing Procedures and Results - If any applicant intentionally tampers with a sample provided for alcohol and/or drug testing, violates the chain-of-custody, breaks identification procedures, or falsifies test results, then Hamblen County shall withdraw the conditional offer of employment and such actions shall be grounds for disqualification for all positions.

Failure to Report to Collection Site - Failure by an applicant to report to the collection site within four (4) hours, in the absence of special circumstances as determined by the Personnel Manager and/or his/her designee shall be considered refusal to submit to alcohol and/or drug testing as a condition of employment and shall result in withdrawal of the conditional offer of employment.

Consequences of a Positive Alcohol and/or Drug Test - An applicant who receives a confirmed positive alcohol and/or verified positive drug test result or the equivalent shall have the conditional offer of employment withdrawn immediately. However, the offer of employment may be re-extended given a negative drug test result from the test of the split specimen.

Rights and Remedies

Right to Request a Test of the Split Specimen - If the Medical Review Officer (MRO) informs the applicant that he/she has a verified positive drug test, the applicant has 72 hours following notification to request a test of the split specimen. The applicant shall pay for the test of the split specimen. The test of the split specimen may occur at another Department of Health and Human Services (DHHS) laboratory.

Disqualification Action - If the result of alcohol and/or drug testing is the basis for withdrawal of the conditional offer of employment, the applicant has no right to appeal this action.

4.0 APPLICANT TESTING FOR POSITIONS REQUIRING A CDL

Notice to CDL Applicants

Existence and requirements of Hamblen County's Alcohol and Drug Policy;

Testing will not be conducted without the employee reading and signing the proper consent forms;

Applicant is responsible for reporting to the collection site at the scheduled time;

Personnel Manager shall notify time and location of alcohol and/or drug testing specimen collection;

Proof of identification is required at the collection site;

Applicant is responsible for calling the Personnel Manager from the collection site if he/she has a problem complying with Hamblen County's testing procedures;

Consequences of refusal to submit to alcohol and/or drug testing;

Consequences of a confirmed positive alcohol and/or verified positive drug test result; and

Applicant has the right to request a test of the split specimen within 72 hours; he/she shall pay for the test of the split specimen.

Testing Methods for CDL Applicants - Urinalysis will be used to test for alcohol and/or drugs for employees required to have a commercial drivers license.

Testing Conditions - An individual offered employment in a position required to have a CDL shall be required to submit to post-offer alcohol and/or drug testing as a condition of employment. These individuals are referred to as applicants in this policy.

Refusal to Consent - Refusal of an applicant to sign the consent forms shall be considered refusal to submit to alcohol and/or drug testing as a condition of employment and shall result in the withdrawal of the conditional offer of employment.

Failure to Provide Proof of Identification - Failure and/or refusal by an applicant to provide proof of identification at the collection site, shall be considered refusal to consent to alcohol and/or drug testing and shall result in withdrawal of the conditional offer of employment. Photo identification is required. In exceptional circumstances, identification by an appropriate Hamblen County official or his/her designee may be acceptable.

Tampering with Testing Procedures and Results - If any applicant intentionally tampers with a sample provided for alcohol and/or drug testing, violates the chain-of-custody, breaks identification procedures, or falsifies test results, then Hamblen County shall withdraw the conditional offer of employment and such actions shall be grounds for disqualification for all positions.

Failure to Report to Collection Site - Failure by an applicant to report to the collection site within four (4) hours, in the absence of special circumstances as determined by the Personnel Manager and/or his/her designee shall be considered refusal to submit to alcohol and/or drug testing as a condition of employment and shall result in withdrawal

of the conditional offer of employment.

Consequences of a Positive Alcohol and/or Drug Test - An applicant who receives a confirmed positive alcohol and/or verified positive drug test result or the equivalent shall have the conditional offer of employment withdrawn immediately. However, the offer of employment may be re-extended given a negative drug test result from the test of the split specimen.

Rights and Remedies

Right to Request a Test of the Split Specimen - If the Medical Review Officer (MRO) informs the applicant that he/she has a verified positive drug test, the applicant has 72 hours following notification to request a test of the split specimen. The applicant shall pay for the test of the split specimen. The test of the split specimen may occur at another Department of Health and Human Services (DHHS) laboratory.

Disqualification Action - If the result of alcohol and/or drug testing is the basis for withdrawal of the conditional offer of employment, the applicant has no right to appeal this action.

5.0 EMPLOYEE TESTING FOR POSITIONS NOT REQUIRING A CDL

Notice to Employees - Employees shall be advised of the following:

Existence and requirements of Hamblen County's Alcohol and Drug Policy;

Testing will not be conducted without employee reading and signing the proper consent forms;

Employee is responsible for reporting to the collection site at the scheduled time;

Personnel Manager shall notify employee of time and location of alcohol and/or drug testing specimen collection;

Proof of identification is required at the collection site;

Employee is responsible for calling the Personnel Manager from the collection site if he/she has a problem complying with Hamblen County's testing procedures;

Consequences of refusal to submit to alcohol and/or drug testing;

Consequences of a confirmed positive alcohol and/or verified positive drug test result;

Employee has the right to request a test of the split specimen within 72 hours; he/she shall pay for the test of the split specimen.

Testing Methods - Urinalysis will be used to test for alcohol and/or drugs for employees not required to have a commercial drivers license. In cases of reasonable suspicion where alcohol use is suspected, both breath analysis and urinalysis will be used to test for alcohol and/or drugs.

Testing Conditions

Reasonable Suspicion - An employee may be required to submit to alcohol and/or drug testing as a condition of employment if two (2) people in the employee's supervisory chain-of-command have reasonable suspicion of alcohol and/or drug use by the employee. In the event that the employee's immediate supervisor is an Elected Official or Department Head, one person in the employee's supervisory chain-of-command is sufficient. Reasonable suspicion means an articulate belief based on specific facts and reasonable inference drawn from those facts that an employee may be under the influence of alcohol and/or drugs. Reasonable suspicion as used in this policy means a judgment made regarding the employee's behavior or evidence found or reported and may be based on, but not limited to, one or more of the following:

An on-the-job accident or occurrence where there is injury or property damage, evidence to indicate the accident or occurrence was in whole or part the result of the employee's actions or inactions, and/or the employee exhibited behavior or in other ways demonstrated that the employee may have been using or under the influence of alcohol and/or drugs.

An on-the-job incident, such as, but not limited to, a medical emergency which may be attributable to alcohol and/or drug use by the employee.

Direct observation of behavior exhibited by the employee which indicates that the employee is unable to perform the employee's job or which may pose a threat to safety or health.

Information that the employee may be using alcohol and/or drugs or is under the influence of alcohol and/or drugs, or the employee exhibits behavior that may render the employee unable to perform the employee's job or may pose a threat to safety or health. This information must be verified by a person with the authority as denoted in this policy to determine reasonable suspicion.

Physical on-the-job evidence of alcohol and/or drug use by the employee.

Documented deterioration in the employee's job performance that may reasonably be attributable to alcohol and/or drug use by the employee.

Presence of the physical symptoms of alcohol and/or drug use (e.g., liquor on the breath, slurred speech, unsteady walk, impaired coordination,

displays of violent behavior, argumentative conversation, improperly talkative, loud or uncontrolled laughter, glassy or bloodshot eyes, slow reflexes, etc.).

Newly discovered evidence that an employee has tampered with a previous alcohol and/or drug test.

Arrest or conviction for an alcohol and/or drug related offense while on duty.

The identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking.

Post-Accident Testing - Alcohol and drug testing shall be conducted after accidents on employees if there is property damage or personal injury, the employee's performance of a job function either contributed to the accident or cannot be discounted as a contributing factor to the accident and/or for all fatal accidents. Each surviving employee shall be tested for alcohol and/or drugs as soon as possible during the four (4) hours following the accident.

Assignment to a Position Requiring a Commercial Drivers License - An employee shall be required to submit to alcohol and/or drug testing as a condition of promotion, special assignment, or transfer into a position requiring a Commercial Drivers License.

Random Testing for Safety Sensitive Positions - Alcohol and drug testing will be conducted on a random unannounced basis for employees in safety sensitive positions, including equipment operators, highway workers and sanitation workers. The testing dates and times are unannounced, and tests are conducted with unpredictable frequency throughout the year. Employees will be randomly selected with each employee having an equal chance of being tested. The number of employees selected for random alcohol and drug testing may equal an annual rate of not less than 50% of the total number of employees in safety sensitive positions.

Return-to-duty Testing - Before an employee returns to duty after engaging in conduct prohibited by these regulations, the employee shall undergo a return-to-duty alcohol and/or drug test with a negative result.

Treatment Completion and Follow-up Testing - An employee required to participate in a treatment program shall be subject to unannounced follow-up alcohol and/or drug tests. Follow-up alcohol and/or drug testing may be extended for up to sixty (60) months following return-to-duty.

Refusal to Consent - Refusal of an employee to sign the consent forms shall be considered refusal to submit to alcohol and/or drug testing as a condition of employment and shall result in immediate dismissal.

Failure to Provide Proof of Identification - Failure and/or refusal by an employee to provide proof of identification at the collection site, shall be considered refusal to consent

to alcohol and/or drug testing and will be considered grounds for immediate dismissal.

Tampering with Testing Procedures and Results - Any employee who intentionally tampers with a sample provided for alcohol and/or drug testing, violates the chain-of-custody or identification procedures, or falsifies test results will be subject to immediate dismissal.

Failure to Report to Collection Site - Failure by an employee to report to the collection site within four (4) hours, in the absence of special circumstances as determined by the Personnel Manager and/or his/her designee shall be considered refusal to submit to alcohol and/or drug testing as a condition of employment and will be considered grounds for immediate dismissal.

Consequences of a Positive Alcohol and/or Drug Test - Failure to comply with the provisions of this policy may be used as grounds for disciplinary action, up to and including dismissal. Hamblen County reserves the right to allow employees to participate in an education and/or treatment program approved by Hamblen County as an alternative to or in addition to disciplinary action. An employee who received a confirmed positive alcohol and/or verified positive drug test result shall be subject to the following conditions:

Removal From the Work Site - The employee will be removed from the work site until the next scheduled work day unless at least 24 hours have elapsed.

Treatment - An employee who receives a confirmed positive alcohol and/or verified positive drug test result may be evaluated by a Substance Abuse Professional (SAP). If the SAP determines that an employee does not require treatment, the SAP may recommend that the employee return to work in accordance with the provisions of this policy. Otherwise, an employee who receives a confirmed positive alcohol and/or verified positive drug test result may be referred to an approved education or treatment program. Payment for the treatment cost is the responsibility of the employee and is strictly dependent upon the provisions of the individual's health plan options.

Leave of Absence - Employees referred for education and/or treatment may be granted leave of absence to participate in an approved education or treatment program pursuant to this policy. If an employee does not have available accrued sick and/or annual leave, he/she may be granted leave without pay pursuant to Hamblen County's policies and procedures.

Verification of Participation - Employees referred to education and/or treatment shall be required to provide verification to his/her Elected Official or Department Head that he/she is participating in an approved education and/or treatment program to receive approved leave.

Verification of Completion - Upon completion of an approved education and/or treatment program, the employee shall be required to provide written documentation that he/she has successfully completed the initial education and/or treatment program. For the purposes of Hamblen County's policy, successfully completing the recommended education and/or

treatment program means the employee completed the initial period of education and/or treatment and complied with the after-care program including attending support groups for a period of one year or longer if recommended by the treatment provider. It also means the employee achieved and maintained an alcohol and drug-free state and will normally be determined by negative results from Hamblen County authorized alcohol and/or drug tests.

Failure to Complete Treatment - The employee shall be subject to dismissal if the employee fails to successfully complete an alcohol and/or drug evaluation and the approved education and/or treatment program.

Relief of Duty or Reassignment - If the Elected Official or Department Head determines that the employee poses a threat to safety and health at the work site while undergoing out-patient or after-care treatment, they may re-assign the employee in accordance with the department's policy or relieve the employee of duties pursuant to existing policies and procedures until such time that the threat no longer exists.

Refusal to Participate - Refusal by an employee to participate in an approved drug assessment and education or treatment program will be considered failure by the employee to successfully complete the approved education or treatment program for disciplinary purposes.

Return-to-duty Testing - An employee shall not return to duty until he/she has complied with specified treatment recommendations and has received a negative alcohol and/or drug test result.

Treatment Completion and Follow-up Testing - Employees required to participate in a treatment program shall be subject to unannounced follow-up alcohol and/or drug tests. Follow-up alcohol and/or drug tests may be extended for up to sixty (60) months following return-to-duty.

Rights and Remedies

Right to Request a Test of the Split Specimen - If the Medical Review Officer (MRO) informs the employee that he/she has a verified positive drug test, the employee has 72 hours following notification to request a test of the split specimen. The employee shall pay for the test of the split specimen. The test of the split specimen may occur at another Department of Health and Human Services (DHHS) laboratory.

Disciplinary or Disqualification Action - If the result of alcohol and/or drug testing warrants disciplinary or disqualification action, an employee shall be entitled to all the rights and remedies that are otherwise provided in Hamblen County's policies and procedures.

6.0 EMPLOYEE TESTING FOR POSITIONS REQUIRING A CDL

Notice to Employees - Employees shall be advised of the following:

Existence and requirements of Hamblen County's Alcohol and Drug Policy;

Testing will not be conducted without employee reading and signing the proper consent forms;

Employee is responsible for reporting to the collection site at the scheduled time;

Personnel Office shall notify employee of time and location of alcohol and/or drug testing specimen collection;

Proof of identification is required at the collection site;

Employee is responsible for calling the Personnel Manager from the collection site if he/she has a problem complying with Hamblen County's testing procedures;

Consequences of refusal to submit to alcohol and/or drug testing;

Consequences of a confirmed positive alcohol and/or verified positive drug test result; and

Employee has the right to request a test of the split specimen within 72 hours; he/she shall pay for the test of the split specimen.

Testing Methods - Breath analysis and urinalysis will be used to test for alcohol and/or drugs for employees required to have a commercial drivers license.

Testing Conditions

Reasonable Suspicion - An employee may be required to submit to alcohol and/or drug testing as a condition of employment if two (2) people in the employee's supervisory chain-of-command, one of whom is the Elected Official or Department Head or his/her designee, have reasonable suspicion of alcohol and/or drug use by the employee. In the event that the employee's immediate supervisor is an Elected Official or Department Head, one person in the employee's supervisory chain-of-command is sufficient. Reasonable suspicion means an articulate belief based on specific facts and reasonable inference drawn from those facts that an employee may be under the influence of alcohol and/or drugs. Reasonable suspicion as used in this policy means a judgment made regarding the employee's behavior or evidence found or reported and may be based on, but not limited to, one or more of the following:

An on-the-job accident or occurrence where there is evidence to indicate the accident or occurrence was in whole or part the result of the employee's actions or inactions and/or the employee exhibited behavior or in other ways demonstrated that the employee may have been using or under the influence of alcohol and/or drugs.

An on-the-job incident, such as, but not limited to, a medical emergency

which may be attributable to alcohol and/or drug use by the employee.

Direct observation of behavior exhibited by the employee which indicates that the employee is unable to perform the employee's job or which may pose a threat to safety or health.

Information that the employee may be using alcohol and/or drugs or is under the influence of alcohol and/or drugs, or the employee exhibits behavior that may render the employee unable to perform the employee's job or may pose a threat to safety or health. This information must be verified by a person with the authority as denoted in this policy to determine reasonable suspicion.

Physical on-the-job evidence of alcohol and/or drug use by the employee.

Documented deterioration in the employee's job performance that may reasonably be attributable to alcohol and/or drug use by the employee.

Presence of the physical symptoms of alcohol and/or drug use (e.g., liquor on the breath, slurred speech, unsteady walk, impaired coordination, displays of violent behavior, argumentative conversation, improperly talkative, loud or uncontrolled laughter, glassy or bloodshot eyes, slow reflexes, etc.).

Newly discovered evidence that an employee has tampered with a previous alcohol and/or drug test.

Arrest or conviction for an alcohol and/or drug related offense or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking.

Post-Accident Testing - Alcohol and drug testing shall be conducted after accidents on employees if there is property damage or personal injury, the employee's performance of a job function either contributed to the accident or cannot be discounted as a contributing factor to the accident and/or for all fatal accidents. Each surviving employee shall be tested for alcohol and/or drugs as soon as possible during the four (4) hours following the accident.

Random Testing - Alcohol and drug testing will be conducted on a random unannounced basis for employees required to obtain a CDL. The testing dates and times are unannounced, and tests are conducted with unpredictable frequency throughout the year. Employees will be randomly selected with each employee having an equal chance of being tested. The number of employees selected for random alcohol and drug testing may equal an annual rate of not less than 50% of the total number of employees required to obtain a Commercial Driver's License.

Assignment to a Position Requiring a Commercial Drivers License - An employee shall be required to submit to alcohol and/or drug testing as a condition of promotion, special

assignment, or transfer into a position requiring a Commercial Drivers License.

Return-to-duty Testing - Before an employee returns to duty after engaging in conduct prohibited by these regulations, the employee shall undergo a return-to-duty alcohol and/or drug test with a negative result.

Treatment Completion and Follow-up Testing - An employee required to participate in a treatment program shall be subject to unannounced follow-up alcohol and/or drug tests. Follow-up alcohol and/or drug testing may be extended for up to sixty (60) months following return-to-duty.

Refusal to Consent - Refusal of an employee to sign the consent forms shall be considered refusal to submit to alcohol and/or drug testing as a condition of employment and shall result in immediate dismissal.

Failure to Provide Proof of Identification - Failure and/or refusal by an employee to provide proof of identification at the collection site, shall be considered refusal to consent to alcohol and/or drug testing and will be considered grounds for immediate dismissal.

Tampering with Testing Procedures and Results - Any employee who intentionally tampers with a sample provided for alcohol and/or drug testing, violates the chain-of-custody or identification procedures, or falsifies test results will be subject to immediate dismissal.

Failure to Report to Collection Site - Failure by an employee to report to the collection site within four (4) hours, in the absence of special circumstances as determined by the Personnel Manager and/or his/her designee shall be considered refusal to submit to alcohol and/or drug testing as a condition of employment and will be considered grounds for immediate dismissal.

Consequences of a Positive Alcohol and/or Drug Test - Failure to comply with the provisions of this policy may be used as grounds for disciplinary action, up to and including dismissal. Hamblen County reserves the right to allow employees to participate in an education and/or treatment program approved by Hamblen County as an alternative to or in addition to disciplinary action. An employee who received a confirmed positive alcohol and/or verified positive drug test result shall be subject to the following conditions:

Removal From the Work Site - The employee will be removed from the work site until the next scheduled work day unless at least 24 hours have elapsed.

Treatment - An employee who receives a confirmed positive alcohol and/or verified positive drug test result may be evaluated by a Substance Abuse Professional (SAP). If the SAP determines that an employee does not require treatment, the SAP may recommend that the employee return to work in accordance with the provisions of this policy. Otherwise, an employee who receives a confirmed positive alcohol and/or verified positive drug test result may be referred to an approved education or treatment program. Payment for the treatment cost is the responsibility of the employee and is

strictly dependent upon the provisions of the individual's health plan options.

Leave of Absence - Employees referred for education and/or treatment may be granted leave of absence to participate in an approved education or treatment program pursuant to this policy. If an employee does not have available accrued sick and/or annual leave, he/she may be granted leave without pay pursuant to Hamblen County's policies and procedures.

Verification of Participation - Employees referred to education and/or treatment shall be required to provide verification to his/her Department Head or Elected Official that he/she is participating in an approved education and/or treatment program to receive approved leave.

Verification of Completion - Upon completion of an approved education and/or treatment program, the employee shall be required to provide written documentation that he/she has successfully completed the initial education and/or treatment program. For the purposes of Hamblen County's policy, successfully completing the recommended education and/or treatment program means the employee completed the initial period of education and/or treatment and complied with the after-care program including attending support groups for a period of one year or longer if recommended by the treatment provider. It also means the employee achieved and maintained an alcohol and drug-free state and will normally be determined by negative results from Hamblen County authorized alcohol and/or drug tests.

Failure to Complete Treatment - The employee shall be subject to dismissal if the employee fails to successfully complete an alcohol and/or drug evaluation and the approved education and/or treatment program.

Relief of Duty or Reassignment - If the Department Head or Elected Official determines that the employee poses a threat to safety and health at the work site while undergoing out-patient or after-care treatment, they may re-assign the employee in accordance with the department's policy or relieve the employee of duties pursuant to existing policies and procedures until such time that the threat no longer exists.

Refusal to Participate - Refusal by an employee to participate in an approved drug assessment and education or treatment program will be considered failure by the employee to successfully complete the approved education or treatment program for disciplinary purposes.

Return-to-duty Testing - An employee shall not return to duty until he/she has complied with specified treatment recommendations and has received a negative alcohol and/or drug test result.

Treatment Completion and Follow-up Testing - Employees required to participate in a treatment program shall be subject to unannounced follow-up alcohol and/or drug tests. Follow-up alcohol and/or drug tests may be extended for up to sixty (60) months following return-to-duty.

Rights and Remedies

Right to Request a Test of the Split Specimen - If the Medical Review Officer (MRO) informs the employee that he/she has a verified positive drug test, the employee has 72 hours following notification to request a test of the split specimen. The employee shall pay for the test of the split specimen. The test of the split specimen may occur at another Department of Health and Human Services (DHHS) laboratory.

Disciplinary or Disqualification Action - If the result of alcohol and/or drug testing warrants disciplinary or disqualification action, an employee shall be entitled to all the rights and remedies that are otherwise provided in Hamblen County's policies and procedures.

Section IX
MISCELLANEOUS PROVISIONS

1.0 PERSONNEL FILES

An individualized personnel file will be maintained on each employee by the Office of the County Mayor. It is the responsibility of each employee to provide accurate information to the Employer. Employees are also responsible for reporting any change in the information which they have previously provided, including, but not limited to the following:

- a) Address and telephone number
- b) Marital status and number of dependents

2.0 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

Some departments may require a prospective employee to pass a post-offer employment physical and/or psychological examination prior to being employed.

3.0 PAYDAY

All employees shall be paid on a semi-monthly basis. Paychecks will be distributed on the 15th and last working day of the month. Under no circumstances will any paycheck be distributed prior to 3:00 p.m. on the day before payday.

4.0 MEAL PERIODS

Employees shall be given a meal break each work day of at least thirty (30) minutes duration, but no longer than one hour (at the option of the Elected Official or Department Head). The employee will not be required to perform any work during the meal break. An employee will not be paid for this meal break.

5.0 ABSENCE DUE TO INCLEMENT WEATHER

Vacation will be charged to any employee who is absent due to weather conditions unless a “no work period” has been officially declared. If a “no work period” has been declared, your Elected Official/Department Head will attempt to contact you but you are encouraged to listen to the local radio stations for information. A “no work period” may be declared by an Elected Official or Department Head for that particular office. If you are absent on vacation or sick leave when a “no work period” is officially declared, you will be charged with vacation or sick leave.

6.0 TERMINATION PAY

An employee whose services are being terminated, either voluntarily or involuntarily, shall be paid for all earnings which are due and accrued, plus all accrued vacation time, overtime and compensatory time. The employee will not be compensated for any unused sick leave days, but unused sick leave days may be transferred to the Tennessee Consolidated Retirement System according to the plan's rules and regulations. In the event of death, the amount owing to the employee shall be paid to his or her estate or the surviving spouse as may be required by law.

7.0 DISCIPLINARY ACTION

The County absolutely reserves the right to terminate an employee at any time for any reason or no reason at all, every County employee being an employee-at-will.

8.0 HOUSEKEEPING

Computers, typewriters, calculators and other equipment shall be covered before leaving for the day. Care in handling equipment will help avoid unnecessary losses. Employees are not allowed to remove any equipment from his or her office without the prior approval of the employee's Elected Official or Department Head.

Wherever a Hamblen County employee works, the way an employee handles and maintains the equipment assigned to him or her reflects the quality of his or her work in general and certainly bears on the opinions formed by the general public.

9.0 TELEPHONE USAGE

When an employee is talking to people over the telephone, the employee represents Hamblen County and his or her department. What the employee says and how the employee says it can help or hurt the County and the image of the employee's department. Employees are urged to follow the following telephone tips:

1. Answer promptly
2. Identify yourself
3. Transfer calls properly and promptly
4. Speak distinctly and in a friendly tone of voice
5. Hang up gently

Use of the telephone during regular work hours for call of a personal nature is discouraged. Personal use of county telephones for long distance calls is strictly prohibited.

10.0 EMPLOYEE COURTESY

All county employees are encouraged to conduct themselves as follows:

1. Remember at all times that the citizens of Hamblen County are our ultimate employers. We must be courteous at all times to our employers.
2. Remember at all times the customer/citizen comes first. Do not make them have to wait on us, act promptly on their arrival and greet them with a smile and a kind word.
3. Our only product to sell is service. Most of our customers are required by law to be here and sometimes they are unhappy about it. Do not argue with them; just politely explain the law and facts. The customer's impression of our offices is based on you.
4. Work to get along with your fellow employees at all times. Remember that we all have good and bad days. A soured relationship between two employees affects the entire office.
5. Even though many of our records are public information, discussing office matters outside the office is not permitted.
6. Laughter and conversation make a happy office, but keep in mind that the customer may not understand office chatter and may think it is directed at him, her or other recent customers.
7. The dress code is up to each individual Department Head or Elected Official, but dress appropriately at all times. If you have a question as to the appropriateness of an outfit, DO NOT WEAR IT.
8. We all make errors and mistakes, but if you make one, try to correct it immediately and let your Department Head or Elected Official know of the problem.
9. We certainly cannot and do not want to dictate off-the-job activities, but bear in mind that as public employees we are held in a special light. Off-the-job activities do reflect on the offices and the respective Department Heads and Elected Officials.

11.0 ATTENDANCE POLICY

Hamblen County's expectation in the area of employee attendance is that people come to work each day, on time. We realize, however, that there may be occasions in a person's

life when they develop legitimate problems that result in them missing time from work. When employees develop problems with respect to their attendance, these problems will be addressed with the employee. It is important to note, however, that if employees demonstrate that they cannot or are not willing to come to work on a regular basis, then they will be subject to discharge from employment. When you are absent for any reason that has not been previously approved by your supervisor, you must call in and speak with your supervisor prior to the time for your shift to start. If your supervisor is not available, call in and speak to the Personnel Manager no later than 8:00 a.m. A doctor's excuse can and will be asked for if the situation warrants.

12.0 SOLICITATION – DISTRIBUTION

Solicitation and distribution of literature by non-employees on County property is prohibited. Solicitation and distribution of literature by employees on County property during working time or at a time which interferes with the work of others is prohibited. "Working time" is defined as all time when an employee is supposed to be engaged in performing work tasks, but shall not include meal times, breaks, or other specified periods during the workday when the employee is properly not engaged in performing work tasks. No littering of County property is permitted at any time.

13.0 VISITORS AND NON-EMPLOYEES ON COUNTY OWNED PROPERTY

Visitors, vendors, and other non-county employees are to be escorted by a Hamblen County employee at all times during regular working hours when they are in non-public spaces and private offices. Under no circumstances are visitors, vendors, and other non-county employees to be allowed access to offices containing sensitive and/or confidential information without the presence of a properly designated Hamblen County employee. Visitors, vendors, and other non-county employees are not to be on Hamblen County property or in private offices during non-working hours.

14.0 VEHICLE USE POLICY AND GUIDELINES

Policy

It is the policy of Hamblen County Government to provide vehicles necessary for the performance of Hamblen County business and to control all aspects of vehicle ownership and usage to ensure safe, effective, and cost efficient operations.

As fiscal agent, the Hamblen County Mayor has legal authority and control over all vehicles purchased, maintained, repaired and used by all (non-fee basis) operating entities of Hamblen County Government. The guidelines which follow are intended as general requirements and more specific requirements may be established by other elected officials/department heads (i.e. pursuit policies for Sheriff's Department, etc.). Revisions may be made to this policy when deemed by the County Mayor to be in the best interest of the County.

It is the responsibility of the Elected Officials, Directors, and Department Heads to assure their employees comply with vehicle operating guidelines and to assure that all decisions relating to the operation of County owned vehicles are in the best interest of the taxpayer. This includes the determination of which employees and tasks require the assignment of a County vehicle; selecting proper vehicle types and equipment; ensuring that all vehicles are maintained and used properly; and fiscal budgeting for acquisition, maintenance, and use.

Use of a County vehicle is a revocable privilege which accrues to a job position and not to a specific employee. Employees may lose the use of a vehicle when their cognizant management official, together with the County Mayor, decides this is in the best interest of the County. This may result from abuse or failure to maintain a vehicle properly; violation of vehicle use guidelines; unsafe operation and/or occurrence of preventable accidents; change in job position or duties, etc.

Any County employee who will be driving a county vehicle on or off duty or driving his or her own vehicle while on duty and in the furtherance of County business shall have a valid driver's license, shall be insurable under the County's vehicular liability insurance coverage, and shall be in compliance with all Tennessee statutes, rules and regulations relating to the operation of motor vehicles. County employees shall be responsible for immediately informing their department heads of any change in the status of their driver's license during their employment with the County. Failure to maintain a valid driver's license, failure to be insurable under the County's vehicular liability insurance coverage or failure to keep the County apprised of any change in the status of one's driver's license may be grounds for disciplinary action including termination of employment.

The Hamblen County School System is not party to these policies and guidelines.

General Guidelines

Vehicle Use: The primary purpose for the ownership and operation of vehicles by Hamblen County is to enable the performance of job duties by its employees; and vehicles may be used only for legitimate County business purposes. Personal use, except as defined in Commuting Privileges is strictly prohibited.

Identification: All Hamblen County vehicles shall be marked to ensure that they can easily be identified as belonging to Hamblen County. This includes government issued license plates, a vehicle control identification number, and a County decal placed in a manner prescribed by the County Mayor. All new vehicles purchased shall be basic white, except in those cases where availability by bid dictates otherwise. The only exceptions to identifying vehicles as described above shall be:

- Undercover vehicles operated by the Sheriff's Department

- Vehicles assigned to the use of Elected Officials, Directors, and Department Heads at the discretion of the cognizant Elected Official
- Certain other vehicles at the discretion of the Elected Official/Department Head (such as prisoner transport vehicles where identification may have a negative impact).

Titles and licensing of County vehicles shall be processed by the office of the cognizant Elected Official/Department Head.

Acquisition and Disposal of Vehicles: All Hamblen County vehicles shall be purchased through the Hamblen County Purchasing Agent after the fiscal budgeting and review process. The Purchasing Agent will purchase vehicles based on specifications provided by the Elected Official/Department Head and approved by the County Mayor. Transfers of vehicles between operating departments must be approved by the County Mayor. Disposition of County vehicles will be accomplished by the County Commission's Finance Committee according to State guidelines.

Two-Way Radios: Mobile radios and telephones are subject to the fiscal approval process as described for vehicle acquisition. They shall be mounted as non-destructively as possible.

Conveyance of Non-County Personnel: The operation by or conveyance of non-county personnel in a County vehicle is prohibited except as required by legitimate County business purposes.

Operator Responsibilities: All operators of County vehicles must have a valid Tennessee Driver's License, appropriate to their vehicle usage classification. If at any time the license is revoked, suspended, cancelled, restricted or otherwise invalidated, the employee must immediately notify the cognizant Elected Official/Department Head and must be suspended from operating any County vehicle. It is the responsibility of the Elected Official to perform periodic license and driving record checks for their employees who operate County vehicles and check these before hiring a new employee who will be driving a County vehicle.

Seat Belts and Safety Devices: The vehicle operator (driver) is responsible for ensuring that all vehicle safety procedures and devices are utilized in full compliance with all applicable State and Federal laws. Use of seat belts and other required safety devices is mandatory for both the operator and any passengers. The operator may refuse to transport any passengers who fail to comply. Removal or disabling of vehicle safety devices is prohibited. Employees should understand also that under Tennessee Workers' Compensation Law, willful failure to use provided safety devices may affect their rights to workers' compensation benefits.

Operation: Employees driving Hamblen County vehicles shall operate them in a safe, lawful, efficient and courteous manner and shall obey all traffic laws, parking regulations and rules of the road. Traffic and parking violations are the operator's responsibility and

may result in disciplinary action when warranted. Common sense security precautions and good driving habits shall be observed.

Alcohol and Drug Policy

The county employee handbook states that “Unauthorized possession, consumption or sale of alcohol or illegal drugs on County property” is grounds for immediate termination.

Employees should be clear in the intent of this policy and perhaps a few points should be clarified. Alcohol and illegal drugs are not permitted on any County property. This includes all offices and other facilities including County parking lots (including employee vehicles in County lots) and in all County owned vehicles themselves. Possession of alcohol or illegal drugs inside County vehicles for any length of time or for any purpose is a violation of this policy. The only exception to this policy would be the conveyance of contraband with the prior authorization of law enforcement agencies.

This policy also should be understood to prohibit the reporting to work of employees under the influence of any intoxicating substance. Hamblen County reserves the right to require drug testing of any employee when it is reasonable under the circumstances to suspect that the employee is using, or will use, is under or will be under the influence of such intoxicants. This also includes misuse or unauthorized use of prescription drugs. County employees who drive County vehicles or who work in positions which could affect the safety of themselves, other employees, and/or the general public are advised that they must report the use of prescription drugs which may effect their ability to their supervisor prior to reporting to work.

Hamblen County may test all perspective new hires for drugs and alcohol and additionally may require such testing for employees transferred into positions where drug or alcohol use may adversely affect other employees, wards, or the general public.

Maintenance

- I. **Preventive Maintenance**: It is the responsibility of the operator and the cognizant Elected Official/Department Head to ensure that vehicles are properly maintained. This is important for both safety and economy reasons. It has been proven that preventive maintenance can extend the life of a vehicle on the average of 25%. County vehicles shall be serviced at regular intervals of 5,000 miles. Service at these intervals includes oil and filter change and lubrication plus a general safety inspection which includes a tire wear check. Operators should make mechanics aware of any operating problems as they occur. It is the responsibility of the operator to ensure that all preventive maintenance is scheduled and performed. Failure to have preventive maintenance performed as indicated may result in having the computerized fueling system inactivated for the driver and vehicle. Failure to maintain a vehicle properly also may result in action being taken by the cognizant

Elected Official/Department Head which may include denial of the privilege of using a County vehicle.

- II. Service Problems: The operator is responsible for notifying the County Mayor's Office of any service problems encountered while operating the vehicle. The County Mayor's Office shall determine warranty status if any and also shall coordinate all warranty, extended warranty, and recall work. All service work except emergency repairs should be scheduled in advance. Service work will be reported monthly to the cognizant Elected Official/Department Head.
- III. Accident Damage Repair: All accidents must be properly reported as is described in the section entitled "Vehicle Accidents and Damage to County Vehicles." The County Mayor's Office is responsible for determining whether repairs will be done in-house or contracted out. Vehicles that may still be driven will be scheduled for body damage repair as soon as possible. The County Mayor's Office must make a decision on the safety of any damaged vehicle if it is to be used until repaired. Damage repairs will be reported to the cognizant Elected Official/Department Head.
- IV. Fueling: Hamblen County Government utilizes the "Fuelman" system as determined by State bid. Fueling stations are accessed by a computerized card activated system. During the fueling process, no smoking is allowed and the vehicle must have the ignition shut off. Gasoline may not be pumped into any container and no vehicle, except authorized service vehicles, may carry containers of fuel. Operators are prohibited from using any fuel source other than the fueling stations. No gasoline or fuel may be used for personal reasons nor may they be used as a cleaning fluid. Fuel use is tracked and closely monitored and monthly reports are sent to the cognizant Elected Official/Department Head.
- V. Vehicle Cleanliness: The operator is required to maintain a clean and presentable vehicle, inside and out. The County maintains a contract with a local car wash to provide this service.

Vehicle Accidents and Damage to County Vehicles

In the event of accidents involving County vehicles or other damage to County vehicles the following reporting procedure applies. It is the supervisor's responsibility to see that each driver is properly trained in these procedures. The procedure list shall be kept in the glove box of each Hamblen County vehicle.

**HAMBLLEN COUNTY GOVERNMENT
VEHICLE ACCIDENT REPORTING PROCEDURES**

1. It is important to get all necessary information while at the accident scene to properly complete the accident report (WRITE IT DOWN!!!). The following information is important!
 - a. Location of accident – names of the streets
 - b. Name, address, phone # (home & work) of other driver(s).
 - c. Name, address, phone # of other drivers insurance company
 - d. INJURIES: Get name, address, phone # (home & work) of all injured persons, describe the injury, and where the injured was taken, if known.
 - e. WITNESSES: Get name, address, phone # (home & work) of all witnesses
 - f. SCENE DESCRIPTION: Observe the accident scene for length and location of skid marks, debris, scuff or gouge marks on pavement, slick spots, etc. (measure or step-off length of skid marks).
 - g. Get make, year model, and describe damage to all involved autos and where taken.
 - h. Do NOT admit liability.
Do NOT say you could have avoided the accident
Do NOT discuss what you did in the accident with anyone at the accident scene except the investigating officer or your supervisor.
 - i. Call the appropriate LAW ENFORCEMENT AGENCY.
2. Report promptly to your supervisor.
3. Bring or fax the Accident Report Forms (obtained at the Morristown Police Department, Hamblen County Sheriff's Department or Tennessee Highway Patrol) to the County Mayor's Office.

Vehicle Accident Reviews: All accidents involving Hamblen County vehicles will be reviewed on a monthly basis by the Hamblen County Safety Committee. The Hamblen County Safety Committee will attempt to determine the cause of the accident and whether it was preventable or non-preventable by the operator. The results will be reported to the County Mayor and the cognizant Elected Official/Department Head who may take whatever action is deemed necessary to prevent similar accidents in the future, including but not limited to disciplinary action, mandatory driver training, loss of use of a County vehicle, etc. All accidents involving a County vehicle shall be forwarded in summary report to the County Mayor and the Elected Official/Department Head.

Completion of Driver Safety Course: Hamblen County may require employees to participate in a Driver Safety Course. Participation may be made mandatory for employees whose driving record may be judged by the County Mayor and/or cognizant Elected Official/Department Head to warrant this training. This includes drivers who regularly transport passengers, drivers who operate heavy trucks and/or highway equipment, and drivers who are involved in accidents that are judged to be preventable. Driver Safety Courses may also be mandated in lieu of, or in addition to, disciplinary action taken because of documented instances of unsafe driving habits.

Out of State Driving: The driving of county vehicles out of state should be held to a minimum since governmental tort liability protection does not apply out of state. It is preferred that Hamblen County employees traveling out of state on County business use their own private vehicle and obtain mileage reimbursement. The County does have vehicle insurance for out of state driving where the use of a County vehicle for this purpose is necessary and has been approved by the cognizant Elected Official/Department Head.

Supplemental “Non-Owned” Auto Insurance Coverage: The Tennessee Governmental Tort Liability Act states that to the extent that a county would be held liable in an automobile accident, that the county employee is immune as long as the employee is within the scope of his or her employment at the time of the accident. It has not been determined whether or not the individual employee could be held personally liable for amounts above the governments liability under the act. The limit to which the government (Hamblen County) could be held liable under this act is \$130,000 for any one person or \$350,000 for any one accident or \$50,000 for the injury or destruction to property in one accident. However, effective July, 2002, these limits will go to \$250,000, \$600,000, and \$85,000 respectively.

There is available individual non-owned vehicle liability insurance coverage that can be purchased from the employee’s own insurance company to protect the employee in the event of an excessive judgment while driving a Hamblen County vehicle. It is not required that you purchase this coverage. This is to advise that this coverage is available from most auto insurance companies at very economical rates and each employee should decide if they wish to purchase such coverage.

Commuting Use of Hamblen County Vehicles: It is the policy of Hamblen County Government to fully comply with all Internal Revenue Service (IRS) requirements pertaining to the commuting use of County vehicles. There are three alternative categories contemplated by IRS under which a County vehicle may be used for commuting purposes. Each is described as follows:

Category I – Special Rule

The “**special rule**” of the IRS shall be used in most instances of drive-home vehicle use. The following requirements must be met to remain in compliance and are mandatory for employees subject to this “special rule”:

- a. For bona fide non-compensatory business reasons, the County requires an employee to commute to and from work in an assigned vehicle. This includes all employees who drive directly to or from work sites that may vary from day to day and also to employees who are key County employees who are required to be on call and to report if needed at any time.
- b. A County vehicle used for commuting may not be used for any personal use other than commuting and “de minimus personal use.” “De minimus personal use” shall have the meaning defined by IRS rules and regulations and shall generally include only stops for personal errands between business or business stops and the

employee's home. County vehicles shall not be used to haul personal materials or supplies which are heavy, bulky, or which may result in damage to the vehicle. Failure to comply with the policy on commuting use of vehicles may result in revocation of commuting use privileges and may result in further disciplinary action.

Category II – “Control Employees”

The IRS defines “control employees” as Elected Officials/Department Heads or employees whose income exceeds \$75,500 per year. These employees are further defined as those who have more liberal personal use of a County vehicle which has been assigned to their usage, at least partially, as a fringe benefit or their employment. Control employees must assist in the keeping of adequate mileage records as required by the County Finance Department.

Category III – Exempt Vehicles

Employees commuting in “exempt vehicles” are not subject to any reporting of commuting use as taxable income. The same guidelines for personal use apply as under the “special rule”; but commuting is excluded from gross income if there is a bona fide business reason that the employee is taking the vehicle home. Exempt vehicles include:

- a. Clearly marked police and fire vehicles. (Insignia and some type of light bar is necessary as a minimum requirement).
- b. Unmarked but designated undercover law enforcement vehicles. The Sheriff and the County Mayor shall make any final determinations as to qualifications under this subcategory.
- c. Vans and trucks with a loaded gross weight of more than 14,000 pounds and trucks and vans of less than 14,000 pounds of the following special conditions are met:
 - i. has a hydraulic lift gate, or
 - ii. has permanently installed tanks or drums, or
 - iii. has permanently installed side boards or panels materially raising the level of the sides of the bed, or
 - iv. has other heavy equipment (such as an electric generator, welder, hook, or crane used to tow other vehicles)

OR

the truck is clearly marked as described above, is actually used primarily for transporting a particular type of load other than over the public highway in connection with a construction, manufacturing, processing, farming, mining, drilling, timbering, or other similar operation, and has been specially designed or modified to a significant degree for such use.

OR

the van is clearly marked as described above, has a seat only for the driver and one other person, and:

- i. has either permanent shelving that fills most of the cargo area, or
- ii. the cargo area is open and the van constantly (during both working and nonworking hours) carries merchandise, material or equipment used in the County's business.

OR

the van or pickup truck, based upon the particular facts, satisfied requirements similar to those described above. In such cases, the IRS local district director should be contacted for further guidance.

Commuting Restrictions:

County vehicles may be used for commuting purposes only when the commuting residence is inside County limits.

County vehicles used for commuting shall not be used for "car pool" purposes nor shall passengers (employee or non-employee) be regularly carried for non-business related reasons without the consent of the cognizant Elected Official/Department Head and the County Mayor.

Special Vehicle Policies and Procedures – Hamblen County Sheriff's Department

The following policies and procedures have been adopted specifically for the employees of the Hamblen County Sheriff's Department by the Sheriff.

VEHICLE POLICY & PROCEDURE

UNAUTHORIZED USE OF A COUNTY VEHICLE

- At no time are County vehicles to be used for personal business.
- County vehicles are not to be driven while officers are off duty with the exception of vehicle maintenance.
- No one is to ride as a passenger in a County vehicle, with the exception of an on-going investigation unless authorized by the Sheriff.
- No County vehicle is to be used for private security unless it is church or school related. Any other use will have to be approved by the Sheriff.
- County vehicles are approved for use for court appearances and in-service training.

**VIOLATION OF THESE POLICIES CAN RESULT IN VARIABLE
SUSPENSION OR TERMINATION OF JOB.**

ANY ACTION TAKEN AGAINST AN EMPLOYEE BY THE IMMEDIATE
SUPERVISOR, WHICH RESULTS IN MORE THAN FOUR DAYS
SUSPENSION, MUST BE APPROVED BY THE SHERIFF.

WHAT TO DO IF YOU HAVE A VEHICLE ACCIDENT

Do the following immediately, when applicable.

Check to see if anyone is injured.

Call 911 for an ambulance, if needed.

Call 911 for the fire department, if needed.

Call 911 for the Police, or Highway Patrol, or Sheriff's Department.

THEN DO THE FOLLOWING...

It is important that you get all the necessary information while you are at the accident scene. Be sure to **write it down!!!** It is important to get the following information:

1. Get the location of the accident, names of streets, roads, or towns.
2. Get the name, address, and phone number of the other vehicle driver.
3. Get the name, address, and phone number of the other vehicle's owner, if different from the driver.
4. Get the name, address, and phone number of the other vehicle's insurance company.
5. Get the name, address, and phone number of all injured persons, and where they were treated, if known.
6. Get the name, address, and phone numbers of any witnesses. Ask persons at the scene if they saw the accident.
7. **CALL** the Hamblen County Mayor's Office at (423) 586-1931 **immediately** if there is an injury or considerable property damage.
8. Observe the scene to see if there are skid marks, debris, gouge marks, that would help to show how the accident happened. Check the damage to the other vehicle.
9. Give the completed information to your supervisor to send to the Hamblen County Mayor's Office

Cooperate with the investigating officer. Do not give information and do not discuss the accident with anyone except the investigating officer, your supervisor, or an authorized Hamblen County employee.

Definitions

Employer herein means Hamblen County, a political subdivision of the State of Tennessee.

Full-Time Regular Employees are those who are hired to work and do work the county's normal, full-time workweek on a regular basis. These employees are eligible for employee benefits. For purposes of this definition, a full-time regular employee is determined by the number of hours worked and not by any designation contained in any decree or judgment establishing positions within the offices of Elected Officials or Department Heads as defined herein. The term "regular" as used herein shall mean consistently averaging thirty hours or more per week.

Part-Time Regular Employees are those who are hired to work and do work fewer than 30 hours per week on a regular basis. For purposes of this definition, a part-time regular employee is determined by the number of hours worked and not by any designation contained in any court decree or judgment establishing positions within the offices of Elected Officials or Department Heads as defined herein. Regular as used herein means consistently averaging fewer than 30 hours per week. *These employees are only eligible for social security, unemployment compensation insurance, and worker' compensation insurance.*

Temporary Employees are those who are engaged to work either full-time or part-time with the understanding that their employment will terminate upon the completion of a specific assignment for a limited period of time. These employees are only eligible for social security, unemployment compensation insurance, and worker' compensation insurance.

Newly Hired Employees are those who have been employed by the county for less than three months. These employees accrue no benefits unless otherwise provided herein by statute or contract between Hamblen County and the State of Tennessee.

Employee-at-Will means an employee who serves or is employed at the discretion of the Employer. Regardless of the area of employment, all employees of Hamblen County, Tennessee are employees-at-will.

Work Week begins at 12:01 a.m. on Monday and ends at 12:00 midnight on Sunday of each week. Employees who are paid on an hourly basis will receive compensation at their regular rate of pay for all hours earned up to and including forty (40) in the workweek.

Broken Service means that period of time an employee is not receiving compensation from the Employer, such as approved leave of absence, suspensions, etc., with the exception of military leave. If an employee's employment with the Employer is terminated, regardless of the reason, and subsequently returns, the employee's status will be that of a newly hired employee upon return.

Independent Contractors, as defined by Tennessee case law, are not employees of Hamblen County, Tennessee and are not eligible for benefits.

Elected Official, as defined herein, is a County Mayor, a sheriff, a trustee, a register of deeds, a county clerk, any elected clerk of a court, an assessor of property or any other official holding office as a result of a public election or by appointment to fill a vacancy existing in one of these offices.

Department Head means a full-time regular employee of Hamblen County, Tennessee, appointed to be responsible for the administration of a department of the Hamblen County government, but excluding Elected Officials as defined above.

Benefits, for purposes of full-time regular employees, means matching social security, medical insurance, participation in the Tennessee Consolidated Retirement System, term life insurance, payment for recognized holidays, sick leave as defined herein, the accrual of vacation time and workers compensation.

Insurance and Retirement Benefits: The terms, conditions and eligibility for the term life insurance, health insurance and retirement benefits are controlled by statutes, documents and contracts entered into by, with and between Hamblen County and the State of Tennessee.

TENNESSEE CODE ANNOTATED SECTION 39-16-504

Section 39-16-504. Destruction of and tampering with governmental records

(a) It is unlawful for any person to:

- (1) Knowingly make a false entry in, or false alteration of, a governmental record;
- (2) Make, present, or use any record, document or thing with knowledge of its falsity and with intent that it will be taken as genuine governmental record; or
- (3) Intentionally and unlawfully destroy, conceal, remove or otherwise impair the verity, legibility or availability of any governmental record.

(b) A violation of this section is a Class A misdemeanor.

EMPLOYEE ACKNOWLEDGEMENT

By signing this form, I acknowledge that I have received a copy of the personnel policies currently in effect for my office as of this date, and I understand that it is my responsibility to read and comply with the policies. These policies cannot and are not intended to answer every question about my employment with Hamblen County. I understand that I should consult _____ [County Official] regarding any part of the policies that I do not understand or any questions I may have about my employment with Hamblen County which are not answered in the policies. The current policies will always be on file in the office of the Hamblen County Clerk, and I may examine them there at any time during normal business hours.

The policies are necessarily subject to change, and I acknowledge that revisions may occur from time to time. I understand that all changes to the policies will be filed in the office of the Hamblen County Clerk. Although my Elected Official or Department Head will usually provide me with notice of changes, I understand that changes will apply to me regardless of whether I receive actual notice. I understand that revised information may supercede, modify or eliminate any or all of the policies at any time. All information contained in the policies is subject to applicable state and federal laws, rules and regulations, and I understand that to the extent that any such laws may conflict with any provision of the policies, such laws, rules and regulations will control.

I have entered into my employment relationship with Hamblen County voluntarily, and acknowledge that there is no specific length of employment and that my employment may be terminated by me or by my Elected Official or Department Head at will, without cause or prior notice, at any time.

I acknowledge that none of the County's policies may be construed to create a contract of employment or any other legal obligation, express or implied, and that any policy may be amended, revised, supplemented, rescinded or otherwise altered, in whole or in part, at any time, in the sole and absolute discretion of Hamblen County.

Employee Name (type or print)

Employee Signature

Date