



T E N N E S S E E  
**Hamblen County**  
SERVICE • COMMUNITY • INDUSTRY

# EMPLOYEE HANDBOOK

**Revised and Adopted**

**March 2018**

**Amended May 2018**

**Amended March 2019**

**Amended May 2020**

**Amended January 2021**

Hamblen County reserves the right to alter or to modify the contents of the Employee Handbook at its sole discretion. Under no circumstances can this handbook create a contract of employment between Hamblen County and an employee. All provisions, limitations, and exclusions are not covered in this handbook. No rights accrue to any Hamblen County employee by any statement or omission from this handbook.

# Introduction

**This Hamblen County Employee Handbook** has been designed to provide the employees of Hamblen County with a copy of the general Human Resources 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 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 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. All employees of Hamblen County, Tennessee will be considered employees at will. Employees may be terminated at the will of Hamblen County, Tennessee, and may resign at their own will. 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 Human Resources policy pursuant to T.C.A. § 5-23-101 et seq.

The effective date of this revised Human Resources Human Resources Policies and Procedures or Employee Handbook for Hamblen County, Tennessee is March, 2018. This handbook supersedes 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 Human Resources 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 Human Resources policies and procedures may be revised or amended through a written request by any elected official and/or department head and subsequent approval by the Hamblen County Commission. All employees will be notified of these changes by their Supervisor or Department Head/Elected Official.

By accepting employment, employees agree to conform to any changes, deletions, or additions to these policies and procedures during employment.

## **CONTACT INFORMATION**

Employees may receive clarification of policies contained in this Employee Handbook or specific application of policies by first contacting his/her immediate Supervisor or the appropriate Department Head or Elected Official.

Additional clarification or information may be received by contacting the Hamblen County Human Resource Department by calling 423/586-1931.

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# **SECTION I**

## **GENERAL POLICIES**

It is the intent of Hamblen County both through written policy statements and in operations to comply with the letter and spirit of all applicable Federal and State Laws and Regulations pertaining to employment practices.

In the event of future modifications or changes in any applicable Federal and State Laws, this version of Hamblen County Policy will defer to the most current Federal and State interpretations.

### **1.0 EQUAL EMPLOYMENT OPPORTUNITY**

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, genetics, 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, transfers, leaves of absence, compensation, and training.

Hamblen County does not discriminate in its hiring practice based on race, color, religion, sex, national origin, age, disability, genetics, status as a Vietnam-era veteran or special disabled veteran, or status in any group protected by law.

In consistency with this policy, Hamblen County will abide by all provisions of the Americans with Disabilities Act Amendments Act (ADAAA) 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.

### **1.1 IMMIGRATION AND NATIONALITY ACTS – (INA)**

Hamblen County intends to fully comply with the Federal Immigration and Nationality Acts (8 USC § 1101) and the Tennessee Lawful Employment Act (TCA § 50-1-103) by assuring that all individual employed by Hamblen County are legally eligible to work in the United States.

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.

A valid Driver's License and a Social Security card are among the acceptable forms of proof of eligibility. Further information is available on the I-9 Form.

## **1.2 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 employees, 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 projectile. For this application, a firearm includes a rifle, short-barrel rifle, shotgun, or handgun. Also, includes a switchblade knife or any other type of knife with illegal blade length, brass knuckles, or any other implement for infliction of bodily injury, serious bodily injury, or death or which is an illegal weapon under TN Code.

### (a) **Permitted Firearm and Ammunition**

- Firearm and ammunition belonging to an employee, of which the employee has a valid handgun carry permit, that the employee transports and stores in the employee's vehicle while on company property and parked in an authorized employee parking area is permitted.
- While the employee is in the employee's vehicle, the employee's firearm and ammunition shall be kept out of plain sight.
- When the employee is not in the employee's vehicle, the employee's firearm and ammunition shall be out of plain sight and locked within the trunk or interior of the vehicle.
- Any vehicle with a firearm stored inside must be locked at all times when the vehicle is vacant of the employee.
- Hunting weapons of any type are allowed as long as the owner/employee is compliant with TWRA regulations and the supervisor is advised of intent to carry hunting weapons in his/her vehicle.

### (b) **Prohibited Weapons**

- All firearms and ammunition in the possession of an employee without such employee having a valid permit for such firearms.
- All firearms and ammunition transported and stored in violation of this policy, regardless of employee having a permit to carry the firearm.
- Any weapons prohibited by state and/or federal statute.
- Employees are strictly prohibited from the exercise of trading, showing, swapping or sharing firearms with another person while on County property or using a county vehicle.



4. **On the Work Site**: Includes all property owned or occupied by Hamblen County (including County job sites) or in a County vehicle. However an employee may store a permitted firearm and ammunition in a County vehicle if the employee has notified his/her supervisor.
5. **Possession**: Shall include, but is not limited to, the presence of a weapon on the employee or in 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. This includes efforts to harass, intimidate, threaten, bully, or defame individuals or departments of Hamblen County Government via cell phones or social media posts.

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 stalking, 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:**

Threats or assaults that require immediate attention by law enforcement should be reported to the police by dialing 911.

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 Human Resources 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.

## **1.3 WORKPLACE 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, religious beliefs, genetics or veteran status.

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 exists:

### **QUID PRO QUO**

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.

Or

### **HOSTILE WORK ENVIRONMENT**

This conduct substantially interferes with an individual's employment or creates an intimidating, hostile, or offensive 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 based on race, color, religion, sex, national origin, age, disability, genetics, 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 or has been affected by inappropriate behavior related to employment with Hamblen County, the

employee should report the incident promptly to the Department Head/Elected Official under whose direction the employee works. The Department Head/Elected Official will immediately notify the Human Resource Department of the complaint.

**Complaint other than one against Department Head/Elected Official.** The Department Head/Elected Official with assistance from the Human Resource Manager will conduct a thorough investigation of the complaint. Based on the findings, the Department Head/Elected Official with assistance from the Human Resource Manager will determine and take the appropriate disciplinary action.

**Complaint against a Department Head.** The Human Resource Manager and the County Mayor will conduct a thorough investigation of complaint made against Department Heads. Based on the findings, the Human Resource Manager and the Hamblen County Mayor will determine and take the appropriate disciplinary action.

**Complaint against an Elected Official.** The Human Resource Manager with assistance from the County Attorney will conduct a thorough investigation. Based on the findings, the County Ethics Policy will be implemented in compliance with the State of Tennessee Ethics Policies. T.C.A. § 8-17-101 *et seq*

### **Investigating the Complaint**

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 counsel 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.

No adverse Human Resources action will be taken against an employee for reporting a bona fide incident of discrimination or harassment or for participating 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.

## **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 Human Resources 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. The Department Head/Elected Official should consult with the Human Resource Manager and the County Attorney before disciplinary action is taken.

## **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 with Human Resources Department for review. If still dissatisfied, the party obviously has the right to seek outside legal counsel at their own expense.

# **1.4 DRUG FREE WORKPLACE POLICY**

## **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. Hamblen County's Drug-Free Workplace Program complies with both the Federal Drug-Free Workplace Act (41 U.S.C. § 701) and the State of Tennessee Drug-Free Workplace Program. TCA § 50-9-101.

**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
- Post accident 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.

## **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. (Section 1.6)

**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 of 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 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 Statue 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.

## **IMPLEMENTATION PROCEDURES**

**NOTICE:** Applicants and Employees 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 or Employee 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 or Employee is responsible for calling the Human Resources 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 or 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 all applicants and employees meeting the criteria for required testing. The criteria include those required to have a commercial driver’s license. In cases of reasonable suspicion where alcohol use is suspected, both breath analysis and urinalysis may be used to test for alcohol and/or drugs.

**Testing Conditions** – All individuals offered employment shall be required to submit to post-offer alcohol and/or drug testing as a condition of employment. Active employees meeting one or more of the conditions requiring testing will be required to submit to alcohol and/or drug testing as a condition of continued employment.

**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. Refusal of an active 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 subject to immediate dismissal from employment with Hamblen County.

**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. Failure of an employee 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 immediate dismissal. 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 or employee 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 or immediately dismiss the employee. Such actions shall be grounds for disqualification for all positions.

**Failure to Report to Collection Site** – Failure by an applicant or employee to report to the collection site within four (4) hours, in the absence of special circumstances as determined by the Human Resources 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 or the immediate dismissal of the employee.

**Consequences of a Positive Alcohol and/or Drug Test on Conditional Offer** – 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

**Consequences of a Positive Alcohol and/or Drug Test for an Active Employee** – 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 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, in a timely manner as designated by the 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

## **CONDITIONS REQUIRING TESTING FOR ACTIVE EMPLOYEES**

- **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 an employee being under the influence of alcohol and/or drugs in the workplace. If 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 if there is property damage or personal injury, and 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 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 Driver's 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 Driver's License.

- **Random Testing for Safety Sensitive Positions** – Alcohol and drug testing will be conducted on a random unannounced basis for employees required to obtain a CDL, 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.

**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:

**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.

## **1.5 SMOKE-FREE WORKPLACE POLICY**

Hamblen County intends to fully comply with the Tennessee Non-Smoker Protection Act, Tenn. Code Ann. § 39-17-1801.

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

There shall be no usage of tobacco on the premises except for those areas specifically designated for the use of tobacco products. Smoking is permitted only in outdoor areas that are at least 20 feet from the entrance to office, break rooms, or other public areas.

The user is expected to remove any waste created using the tobacco products. All tobacco products must be disposed of in a safe and sanitary manner. Leaving tobacco waste products anywhere other than appropriate receptacles will result in progressive discipline up to and including possible termination.

Smokers are expected to observe the same guidelines as non-smokers regarding the frequency and length of break periods.

## **1.6 WORKPLACE SEARCH 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. Employees should have no expectation of privacy related to any of the property.

Inspections or searches may be conducted of Hamblen County property at any time at the discretion of the Elected Officials and/or Department Heads.

If 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.

Hamblen County reserves the right to take any and all steps deemed necessary in the course of investigations relating to the work place, including the right to search or to require Employees to exhibit the contents of their personal property, including, but not limited to, work spaces, bags, purses, vehicles, briefcases, packages, tool boxes, lockers and other such items.

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.

## **1.7 SAFETY POLICY and PROCEDURES**

### **Policy**

It is the policy of Hamblen County to comply with all applicable standards of the Occupational Safety and Health Act of 1970 (OSHA) including the general duty clause requiring employers to provide a safe and healthy workplace.

Hamblen County provides information and training to employees about workplace safety and health issues through regular internal communication and group meetings. This information includes general safety rules and job-specific safety rules. The training will include special handling of equipment and wearing of personal protective equipment (PPE) where appropriate.

Each employee is expected to obey safety rules and exercise caution and common sense in all work activities. Employees must immediately report any unsafe conditions to their supervisor.

Employees who violate safety standards, cause hazardous or dangerous situations, or fail to report, or where appropriate, remedy such situations, may be subject to disciplinary action including termination of employment.

In the case of an accident that results in injury, regardless of how insignificant the injury may appear, employees should notify their supervisor

Safety is not a separate subject that we discuss when there is a problem or at special times of the year. Safety is one of the most important parts of our job because it must be a part of everything we do.

It is the intent of Hamblen County that all employees have the understanding and knowledge needed to prevent accidents. Hamblen County will make every effort to provide a workplace free of hazards and to train employees in safe working habits. Real Safety, however, is more than a set of rules and procedures. Safety is a way of life. Safety at work is a partnership between the company and all employees. Together we can create and maintain a safe and healthy work environment.

## **Procedures**

Our Safety Program can only be effective if every employee makes safety his or her responsibility. Each employee will receive area-specific training and information that will aid in identifying hazards and in developing safe work procedures.

The fact that there are potential hazards doesn't mean we do anything especially dangerous. Potential hazards exist at home as well as at work. Our cars can be hazards if we don't maintain them properly and drive them safely.

**All employees should use common sense and follow these basic guidelines.**

- Report any accident, injury, or illness immediately to the immediate supervisor.
- Inspect tools and protective equipment before use.
- Report any defective, malfunctioning, or "Just not right" tool, machine, or protective equipment item immediately.
- Wear protective equipment whenever appropriate, e.g. reflective jackets.
- Follow instructions on using tools and machines safely.
- Walk; don't run.
- Don't fool around or ignore safety rules.
- Keep the work area neat and the aisles clear.
- Ask questions about anything you don't understand.
- Always be alert to possible risks or anything that just "doesn't seem right."

## 1.8 WORKERS COMPENSATION POLICIES

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 Human Resources Manager immediately to report the injury. An employee who fails to immediately report an on-the-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 Human Resources Manager immediately. The supervisor shall ensure that the employee reports to the Human Resources Manager as soon as possible following the injury.

The Human Resources 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 Human Resources 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 of authorized physicians/providers. Employees are required to provide the Human Resources Manager with the doctor's report following each visit for treatment. It is the employee's responsibility to keep the Human Resources Manager updated regarding the status of his/her recovery and return to work status. The Human Resources Manager will coordinate all claims information with Hamblen County's workers compensation insurance provider. Time off work due to workers compensation injuries may 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 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 Human Resources 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 in excess of 100% of their normal salary. An employee must request to be paid the difference of workers compensation and normal salary using their accrued leave.

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, or refuses to submit to such testing, 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 Human Resources Manager of an on-the-job injury shall be subject to disciplinary action.

Employees are required to continue paying their portion of the group health care premium and premiums for any voluntary elected benefits while out of work for Worker's Compensation.

# SECTION II

## CLASSIFICATION and SELECTION PROCESS

### 2.0 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-seven and one-half (37.5) hours or more per week.

**Permanent Part-Time Employees** are those who are hired to work and scheduled to work at least thirty (30) hours per week. The existence of these positions has been proposed and approved based on the specific needs of each department. Permanent part-time employees are eligible for the standard benefit package with the exception of a pro-rated share of the standard vacation and sick leave benefits.

**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 federally required benefit programs (Social Security, Medicare, Unemployment Compensation Insurance, and Worker's Compensation Insurance). However; part-time employees who average working 25 or more hours per week will be allowed access to the Employee Health Clinic for a maximum of six (6) visits per year plus the three (3) associated appointments with a required Health Risk Assessment (HRA).*

**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. *These employees are only eligible for federally required benefit programs (Social Security, Medicare, Unemployment Compensation Insurance, and Worker's Compensation Insurance).*

**Newly Hired Employees** are those who have been employed by the county for less than three months. These employees are immediately eligible for only all the federally required benefits (as listed above), the Hamblen County Life Insurance Program, Tennessee Consolidated Retirement System, and our Health Clinic.

**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 an employee is not receiving compensation from the Employer, such as approved leave of absence, suspensions, etc., except for military leave. If an employee's employment with the Employer ends, regardless of the reason, and subsequently returns, the employee's status will be that of a newly hired employee upon return unless requested by Department Head/Elected Official.

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

**Elected Official** are defined as Constitutional Officers which include a County Mayor, a Sheriff, a Trustee, a Register of Deeds, a County Clerk, any elected Clerk of a Court, Clerk and Master, an Assessor of Property, Highway Superintendent, General Sessions Judges, and any other official holding office as the result of an election. Elected members of the Hamblen County Legislative Body, Road Commissioners, and Constables are not considered full-time county employees.

**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, workers compensation, and other discretionary benefits described in the Employee Benefits section of this handbook.

**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 by, with and between Hamblen County and the State of Tennessee.

## 2.1 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 count government records. However, other titles may be used as working titles during 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. 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 regarding 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.

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 for them to be 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 ensure 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 Human Resources Committee shall decide the issue.

## 2.2 RECRUITMENT

### **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.

### **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 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 Human Resources file.

### **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:

**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.

**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.

**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 can

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.

**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.

**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 Driver's License, or a commercial driver's license if necessary.

**Other:** Any type of examination, other than those listed above, as might be determined appropriate by the Elected Official or Department Head.

## 2.3 SELECTION

### **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, genetics, marital status and children, or other matters not related to the job. If no one is selected as a result of the interview process, recruitment efforts will again be initiated.

### **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.

## **2.4 PROMOTION, DEMOTION, TRANSFER**

### **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.

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 equal for two or more candidates, then years of service will be the determining factor.

### **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.

### **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 other special 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.

## **2.5 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 Human Resources 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 Human Resources 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 thirty-seven (37.5) hours weekly.

Permanent Part-Time – scheduled to work at least thirty (30) hours weekly.

Part-time - scheduled to work less than 30 hours weekly.

## **2.6 INITIAL HIRE PERIOD – (Probationary 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. Some Administrative, Supervisory, or Management positions may require a six-month (180 day) period in which to adequately evaluate the employee's suitability for the position.

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.

## **2.7 SEPARATIONS**

Separation or Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are a few examples of some of the most common circumstances under which employment is terminated:

### **Voluntary Resignations**

As a general practice, Hamblen County requests submission of a signed, written notice of intent to resign at least two weeks in advance. The Department Head/Elected Official, however, retains the option to end the employment upon receipt of the employee's notice.

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 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.

### **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 the Department Head or Elected Official.

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.

## **Termination**

In the general course of business, it may become necessary to terminate Hamblen County's employment relationship with an employee.

A decision to terminate may be the result of a variety of issues such as:

- inability of the employee to satisfactorily perform the essential job functions
- violation of Hamblen County Policies
- violation of Hamblen County Standards of Conduct
- at-will of Hamblen County or employee; however,

**Hamblen County absolutely reserves the right to terminate an employee at any time for any reason or no reason at all. Every County employee is an employee-at-will.**

## **2.8 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.

## **2.9 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, positions held, and their dates of employment. No other aspect of the employee's work history is authorized for release.

# SECTION III

## COMPENSATION PLAN

### 3.0 OVERVIEW and DEFINITIONS

**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 fourteen (14) 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 12 have a ten percent (10%) vertical spread.

Skill levels 13 to 14 have a 15% 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 - (Probationary)** - Employees who successfully complete the initial period of employment will be placed on a regular, full-time status.

**Annual Cost-of-Living Increase** - An annual increase may 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 may 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 to a maximum of 8 hours in addition to their regular pay.

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 (37.5) hour workweek, the employee would receive seven and one-half (7.5) hours of pay thirty-seven and one-half (37.5) 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.

### **3.1 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 worked. Time off for annual leave, sick leave, jury duty, or other leave shall be considered time 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 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. Except for 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.

## 3.2 EMERGENCY RESPONSE POLICY

**Return to Work from Home** – When a non-exempt employee is “on-call” and an emergency 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.

When an emergency requires the employee to work two (2) hours or less, the employee will be paid for two (2) hours at his regular pay rate unless the time causes the employee to exceed 40 hours for the work week. This guarantees an employee of a minimum of two (2) hours for the inconvenience of returning to work.

If the emergency requires the employee to work more than two (2) hours, the employee will receive pay for the number of hours actually worked.

Departments may make other accommodations to compensate employees who are called out for work for an emergency situation.

**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 regular pay for the number of extra hours (i.e., any hours over 8) actually worked that day unless the extra hours cause the employee to exceed 40 hours worked during the work period. The guaranteed two-hour minimum does not apply in this situation.

## 3.3 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.

Annual hours of regularly scheduled work vary according to departments and positions:

<b>Scheduled Annual Hours Based on Department Structure and Needs</b>
1950
2080
2184

All employees of the Sheriff’s Department who are non-deputies shall have a regular workweek as described in the first paragraph.

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 employees working an annual schedule of 2,184 hours shall have a twenty-eight-day work period in accordance with the 7 (k) exemption provided under FLSA.

The work period for Sheriff Department employees working an annual schedule of 2,184 hours begins at 12:01 a.m. on Monday and ends at 12:00 midnight 28 days following.

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

## **3.4 COMPENSATORY TIME**

### **Definition**

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.

### **Administration of Compensatory Time**

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.

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.

Should it be determined by the County's Human Resources Committee that these policies and procedures are not being followed, the Human Resources 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.



## **Use of Compensatory Time**

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.

Hamblen County requires employees to use their accumulated Compensatory Time before using Vacation Time.

Sick Time may be used before Comp Time with approval from the Department Head or Elected Official.

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

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 should use the accrued Compensatory Time prior to assuming the new position. If this is not possible, Compensatory Time will be paid consistent with the pay rate at the time earned.

## **3.5 TIME RECORDS**

Employees are required to correctly record their time worked. If the department has an official time clock, employees must clock in and out as directed.

If the department does not have a time clock, employees must record their hours on the forms provided for this purpose. Employees 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. (*Elected officials and part-time board members not generally subject to the Human Resources policy manual are exceptions to this policy.*)

Please ensure that your actual hours worked and leave time taken are recorded accurately.

All time worked and time on leave is calculated for payroll purposes in fifteen (15) minute increments.

Falsifying these records is a crime under T.C.A. 39-16-504. Falsifying time records is also grounds for immediate termination. Time records shall be maintained at the County Mayor Office.

### **3.6 PAYDAY**

All employees shall be paid on a semi-monthly basis. Paychecks will be distributed on the 15<sup>th</sup> 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.

### **3.7 FINAL PAYCHECK**

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 on their final regular paycheck. 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.

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.

### **3.8 LONGEVITY PAY**

Eligible Hamblen County employees are entitled to receive longevity pay. To be eligible to receive longevity pay, an employee must meet the following requirements:

- Occupy a regular full-time position within Hamblen County Government that qualifies the employee for other county employment benefits, i.e. health insurance, life insurance, retirement, vacation, and sick leave;
- Have accrued at least three (3) years of regular full-time employment within Hamblen County Government; and
- Apply and be approved for the longevity payment by the County Commission's Personnel Committee.

Temporary, casual or part-time employees, department heads and elected officials whose minimum salaries are set by the state legislature are **ineligible** to receive longevity. Time spent working in a part-time position is **not** included in the eligibility calculation for longevity pay. Employees whose full-time work history within Hamblen County Government (HCG) is interrupted will receive credit for all previous full-time employment. For instance, if an employee works 18 months for a county department and leaves employment (and is not

terminated for cause) for a period of time, that employee will receive credit for the 18 months toward the three (3) year eligibility requirement if he/she returns to work for HCG.

Employees must complete an application (available from the Human Resources Manager) to qualify for longevity pay. The application will be reviewed by the County Commission's Personnel Committee, which will either approve or deny the application. Employees should allow 30 days for their application to be processed. If an application is denied, the applicant can request an appeal hearing before the Personnel Committee.

Full-time employees who qualify for longevity pay will receive \$75 per year of service not to exceed \$2,250. The longevity pay will be paid annually with the last pay check of the employee's anniversary month. Longevity pay will be administered as a lump sum payment with the applicable payroll taxes and retirement contribution deducted and will not become part of the employee's base pay.

Longevity pay will not be included on a pro-rated basis when end of employment or termination pay is calculated. An employee must be an active employee on his/her anniversary date to receive the longevity pay for that year.

### **3.9 EDUCATION PAY**

It is the policy of Hamblen County Government to provide employees with a compensation program that fairly compensates employees for the jobs and responsibilities that they hold, establishes compensation equity within the organization and is competitive within the labor market.

The Hamblen County Commission added an education to the pay plan effective with the 2016-17 fiscal year. The education component provides employees who have successfully completed a post-secondary degree or certificate program with a pay increase based on the degree earned. All employees of Hamblen County Government are encouraged to apply.

Temporary, casual or part-time employees, department heads, and elected officials whose minimum salaries are set by the state legislature are ineligible for receipt of Education Component.

#### **Initial Implementation**

Employees who hold post-secondary degrees or certificates must complete an application (available from the Human Resources Manager) for the education incentive and provide proof that he/she has earned the degree/certificate. Documented proof of the degree/certificate includes a photo copy of the original diploma or certificate or a certified copy of the official transcript from the education institution. An official transcript is one that has been received directly from the school. It must bear the college seal, date of completion and the Registrar's signature. Master's degrees qualify for the education incentive when they are related to the position the employee holds.

The application must be submitted to the Human Resources Manager for review by the County Commission's Personnel Committee, which will approve or deny the application.

Education incentive amounts are not one-time lump sum payments. Rather, the increase is added to the base pay hourly rate and included in the calculation of any COLA employees may receive in subsequent years. Employees should allow 30 days for their application to be processed. The education increase is effective the pay period immediately following the approval of the application.

On an annual basis, the increases are as follows:

Certified Public Administrator (CTAS, COCTP)	\$200.00
Associate's Degree/CTE Certificates	\$350.00
Bachelor's Degree	\$850.00
Master's Degree	\$1600.00

Employees can qualify for one increase based on the highest level of education achieved. For example, if an employee has an Associate's degree and a Bachelor's degree, that employee would qualify for the increase for the Bachelor's degree. Multiple degrees and/or certificates do not qualify employees for multiple increases.

### **Continuum of Program**

Employees can qualify for an education incentive if they increase their education attainment while employed with Hamble County Government. For example, if an employee was hired without a qualifying post-secondary degree/certificate but earns the degree/certificate during his/her employment, the employee can apply for and be awarded the education increase. Also, if an employee has achieved a qualifying level of education and while employed with Hamblen County Government earns higher degree, he/she can receive an increase reflecting the higher degree. An example is: an employee holds an Associate's Degree and while employed with Hamblen County earns a Bachelor's Degree, he/she will receive a \$500 increase to his/her base pay.

For newly hired employees, department heads should not include the education attainment amount with the starting pay for the new employees. The education component can be added and become effective the pay period immediately following the completion of the new employees' probationary periods if the applications are approved by the County Commission's Personnel Committee.

### **3.10 MILITARY SERVICE PAY**

County employees who have active military service can qualify for a military service increase. Time with reserves does not qualify for the program. Employees with active military service can submit an application with documentation (discharge papers) proving their years of service. The military service pay increase will be awarded to employees who received an honorable discharge. The amount will be added to the base pay hourly rate. An employee cannot receive both pay supplements for education attainment and military service. The employee should apply for the supplement that would provide him/her the largest pay increase. Employees should allow 30 days for their application to be processed. The military service increase is effective the pay period immediately following the approval of the application.

On an annual basis, the increases are as follows:

2-10 Years of Active Military Service	\$350.00
11-15 Years of Active Military Service	\$850.00
16+ Years of Active Military Service	\$1600.00

For newly hired employees, department heads should not include the military service amount with the starting pay for the new employees. The military service component can be added and become effective the pay period immediately following the completion of the new employees' probationary periods if the applications are approved by the Count Commission's Personnel Committee.

### **3.11 TRAVEL EXPENSE**

Employees shall be reimbursed for travel expenses resulting from approved official county business, including registration fees for conferences, conventions, seminars, mileage, etc.

Expenses must be documented on the Reimbursable Expense Statement form or employees have the option to be reimbursed on a per diem basis.

Travel may not be undertaken unless it is authorized in advance by proper authority. Approved county travel is the basis for reimbursement in accordance with the provisions in the Travel Policy of Hamblen County.

When traveling, county employees should be as conservative as circumstances permit. The lower cost should be selected whenever practical. Receipts and proof of mileage and attendance are required. If the employee chooses the per diem method for reimbursement, the employee must submit proof of registration, fee and attendance for the function attended.

Hamblen County Government will adhere to maximum rates of reimbursement. Those rates will be established by the State of Tennessee Commissioner of Finance and Administration and maintained by the Finance Director.

# **SECTION IV EMPLOYEE BENEFITS**

## **4.0 HEALTH INSURANCE**

At the time of new-hire orientation, employees will receive information related to all Hamblen County sponsored insurance programs including the employee's eligibility for each program, and the enrollment period.

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 Human Resource Office or the Office of the County Mayor.

In cooperation with the City of Morristown, Hamblen County operates an Employee Health Clinic available to all full-time employees and their dependents (2 years or older) who are covered under the County's Medical Plan.

Full-time employees may choose not to participate in the County's Health Insurance Plan but still qualify for membership to the Employee Health Clinic. In this event, the employee's dependents would not qualify for membership. The County Mayor or his/her designee must approve the employee's written request.

Clinic hours of operation are available in the office of the Human Resource Manager. Appointments may be scheduled by calling the clinic directly at **877/423-1330** or on line at **[www.carehere.com](http://www.carehere.com)**.

## **4.1 TENNESSEE CONSOLIDATED RETIREMENT SYSTEM**

Regular full-time employees will be automatically enrolled in the Tennessee Consolidated Retirement System. Additional information will be part of the new-hire orientation process.

## **4.2 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 six (6) months 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 Human Resources Manager listing hours worked, vacation leave and sick leave during prescribed period of work. In departments having time clocks, the Supervisor will indicate type of leave on the card when approving.

*(Elected officials and part-time board members not generally subject to the Human Resources policy manual are exceptions to this policy.)*

**Vacation Time Accrual Rate** – Vacation time is credited by employees on January 1<sup>st</sup>. 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 37.5-hour workweek, each week of vacation accrued by such employee is equal to 37.5 hours. Accordingly, one day of vacation time accrued or used is equal to 7.5 hours (37.5 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.

Hamblen County **requires** that accumulated compensatory time be used in advance of vacation leave. *Refer to Section 3.4 for details*

**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 six months	5 days
2 through 9 years	10 days
10 through 19 years	15 days
20 or more years	20 days

## 4.3 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	January 1 <sup>st</sup>
Martin Luther King Day	Day of Observance (January)
Good Friday	Friday prior to Easter
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>
Labor Day	1 <sup>st</sup> Monday in September
Columbus Day	Day of Observance (October)
Veteran's Day	November 11 <sup>th</sup>
Thanksgiving	4 <sup>th</sup> Thursday and Friday in November
Christmas	2 ½ days ** Generally, ½ day on the 24 <sup>th</sup> and all of the 25 <sup>th</sup> and 26 <sup>th</sup> . If the 25 <sup>th</sup> 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 a holiday falls on a weekend (Saturday or Sunday), the County Mayor in conference with Department Heads and elected officials will determine when the holiday will be observed.

Example: Saturday holidays might be observed on Fridays and Sunday holidays might be observed on Mondays. The County Mayor will insure that all departments are informed of the decision prior to the actual observed holiday and official closing of offices and departments.

### **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. Time sheets or cards will reflect the type of leave being taken. All leave forms other than FMLA will be maintained in the respective department. All FMLA forms and time sheets will be retained at the office of the County Mayor.



## 4.4 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 workday. For example, if an employee is regularly scheduled to work 37.5 hours per week, each earned sick day equals 7.5 hours (37.5 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 reserves the right to require an employee who misses work for five consecutive days due to sickness 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 4.6. Sick leave may also be used for appointments with our Employee Clinic, 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.

Sick Time may be used before Comp Time with approval from the Department Head or Elected Official. *Refer to Section 3.4 for details*

**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 leave be credited against the remaining vacation or comp time.

## 4.5 FAMILY and MEDICAL LEAVE

The Family Medical Leave Act of 1993 (FMLA) as amended requires employers with fifty (50) or more employees to provide eligible employees with unpaid leave. There are two (2) types of leave available, including the basic twelve (12) week leave entitlement (Basic FMLA Leave), as well as the military family leave entitlements (Military Family Leave) described in this policy.

## **Eligibility for FMLA Leave**

Employees are eligible for FMLA leave if they:

- Have worked for at least twelve (12) months for Hamblen County. The twelve (12) months need not be consecutive. Employment prior to a break in service of seven (7) years or more will not be counted, unless the break in service was caused by the employee's active duty with the National Guard or reserve, or there was a written agreement that Hamblen County intended to rehire the employee after the break in service.
- Have worked at least 1,250 hours for Hamblen County during the twelve (12) calendar months immediately prior to the start of the leave; and
- Are employed at a work site that has fifty (50) or more employees within a seventy-five (75) mile radius.

The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently these hours of leave, paid or unpaid, will not be counted in determining the 1,250 hours eligibility test for an employee under FMLA leave.

Employees with any questions about their eligibility for FMLA leave should contact Human Resources for more information.

## **Basic FMLA Leave**

Employees who meet the eligibility requirements described above are eligible to take up to twelve (12) weeks of unpaid leave during any twelve (12) month period. The twelve (12) month period is a rolling period measured backward from the date an employee last uses any FMLA leave. Each time an employee takes leave, Hamblen County will compute the amount of leave the employee has taken under this policy in the last twelve (12) months and subtract it from the twelve (12) weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time. Leave may be taken for the following reasons:

- To care for the employee's son or daughter during the first twelve (12) months following birth
- To care for the employee's son or daughter, under the age of eighteen (18), during the first twelve (12) months following placement with the employee for adoption or foster care;
- For incapacity due to the employee's pregnancy, prenatal care or childbirth;
- To care for a spouse, son, daughter or parent with a serious health condition; or
- Because of the employee's own serious health condition that renders the employee unable to perform an essential function of her or his position.

For purposes of definition of child, spouse and parent, the U.S. Department of Labor FMLA Final Regulations will be followed.

## **Military Family Leave**

The National Defense Authorization Act (NDAA) for 2008 amended the FMLA to allow eligible employees two types of Military Family Leave:

1. Qualifying Exigency Leave – Employees meeting the eligibility requirements described above may be entitled to use up to twelve (12) weeks of their Basic FMLA Leave entitlement to address certain qualifying exigencies.

Leave may be used because of any qualifying exigency arising out of the fact that the employee's spouse, son or daughter is on a Federal call to covered active duty or called to covered active duty status in the Armed Forces, including the National Guard or Reserves, in support of an operation.

Covered active duty means duty during deployment with the Armed Forces to a foreign country for a member of a regular component of the Armed Forces; or duty during deployment with the Armed Forces to a foreign country under a call or order to active duty for a member of a reserve component of the Armed Forces.

Qualifying exigencies may include:

- Issues arising from a covered military member's short-notice deployment (i.e., deployment on seven (7) or less days of notice) for a period of seven (7) days from the date of notification;
- Attending certain military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs, and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to covered active duty or call to covered active duty status of a covered military member;
- Certain child care or related activities arising from the covered active duty or call to covered active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at school or a day care facility if they are necessary due to circumstances arising from the covered active duty or call to covered active duty of the covered military member;
- Making or updating financial and legal arrangements to address a covered military member's absence;
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the covered active duty or call to covered active duty status of the covered military member;
- Taking up to five (5) days of leave to spend time with a covered military member who is on short-term temporary rest and recuperation leave during deployment;
- Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the covered military member's covered active duty status, and addressing issues arising from the death of a covered military member; and
- Other activities arising out of the servicemember's covered active duty or call to covered active duty that the employee and Hamblen County agree is a qualifying exigency.

2. Leave to Care for a covered servicemember There is also a special leave entitlement that permits employees who meet the eligibility requirements for FMLA leave to take up to twenty-six (26) weeks of leave for an employee to care for a spouse, son, daughter, parent or next of kin (closest blood relative) covered servicemember during a single twelve (12) month period. The single twelve (12) month period begins on the first day the eligible employees takes military caregiver leave and ends twelve (12) months after that date.

A “covered servicemember” is:

- A member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- A veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

A “serious injury or illness” means:

- For a member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the member in the line of duty on covered active duty in the Armed Forces (or that existed before the beginning of the member’s covered active duty and was aggravated by service in the line of duty on covered active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating; or
- For a veteran who was a covered servicemember of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the member in the line of duty on covered active duty in the Armed Forces (or that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on covered active duty in the Armed Forces) and that manifested itself before or after the member became a veteran

### **Definition of Serious Health Condition**

A serious health condition means an illness, injury, impairment, or physical or mental condition that involves either:

- Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider, which includes:
  - (1) A period of incapacity lasting more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:

- Treatment two (2) or more times by or under the supervision of a health care provider (i.e., in-person visits), the first within seven (7) days and both within thirty (30) days of the first day of incapacity; or
  - One treatment by a health care provider (i.e., in-person visit) within seven (7) days of the first day of incapacity with a continuing regimen of treatment (e.g., prescription medication, physical therapy); or
- (2) Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity (e.g., asthma, diabetes, epilepsy). A visit to the health care provider is not necessary for each absence; or
- (3) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's disease). Only supervision by a health care provider is required, rather than active treatment; or
- (4) Any period of incapacity to receive multiple treatments (including recovery from those treatments) for restorative surgery or for a condition that would likely result in a period of incapacity of more than three (3) consecutive full calendar days if not treated, such as cancer (chemotherapy) or kidney disease (dialysis);
- (5) Any period of incapacity because of pregnancy or prenatal care. A visit to a health care provider is not necessary for each absence.

For purposes of definition with respect to the military leave provisions, covered servicemember, covered veteran, serious health condition and serious injury or illness, the U.S. Department of Labor FMLA Final Regulations will be followed.

For purposes of definition of child, spouse, parent and next of kin, the U.S. Department of Labor FMLA Final Regulations will be followed. Note that son or daughter for a qualifying exigency leave may be of any age.

Employees with questions about what illnesses, injuries or conditions are covered under the FMLA Leave policy, or under any leave policy, are encouraged to consult with the Human Resources Manager.

### **Employee Responsibilities When Requesting FMLA Leave**

If the need to use FMLA Leave is foreseeable, such as the birth or placement for adoption or foster care of a child, or planned medical treatment, the employee must give Hamblen County at least thirty (30) days' prior notice of the need to take leave. When thirty (30) days' notice is not possible, the employee must give notice as soon as practicable (i.e., the same day of learning of the need for leave or the next business day) except in extraordinary circumstances. Generally it should be practicable to provide notice for unforeseeable leave within the time established by Hamblen County's usual and customary notice requirements. Failure to provide timely notice may be grounds for delaying the start of, or denying, the FMLA leave and the employee's absences may be subject to Hamblen County's Absenteeism and Tardiness Policy.

When submitting a request for leave, the employee must provide sufficient information for Hamblen County to determine if the leave might qualify as FMLA leave, and also provide information on the anticipated date when the leave would start as well as the duration of the leave.

Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee is pregnant; that the employee or family members need hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave. Employees also must inform Hamblen County if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Whenever possible, requests for FMLA leave should be submitted to Human Resources using the FMLA Employee Leave Request Form available from the Human Resources Department.

When an employee requests leave; Hamblen County will inform the employee in writing whether he/she is eligible under the FMLA within five (5) business days absent extenuating circumstances. If the employee is eligible, he/she will be given a written notice that includes details on any additional information he/she will be required to provide. If the employee is not eligible under the FMLA, Hamblen County will provide the employee with a written notice indicating the reason for ineligibility.

Hamblen County may require that a request for leave for a qualifying exigency be supported by a certification, i.e., copy of the covered military member's active duty orders or other documentation issued by the military, that the service member is on or has been called to active duty.

If the qualifying exigency involves meeting with a third party, Hamblen County may contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment schedule and the nature of the meeting the employee and the specified individual or entity.

When an employee seeks leave due to a FMLA-qualifying reason for which Hamblen County has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

Employees who take intermittent leave (in separate blocks of time due to a single health condition) for planned medical treatment have an obligation to make a reasonable effort to schedule such treatment so as not unduly disrupt Hamblen County's operation.

### **Medical Certification**

If the employee is requesting leave because of the employee's own or covered relation's serious health condition, the employee and the relevant healthcare provider must supply appropriate medical certification.

Certification of the serious health condition shall include the date the condition began, its expected duration; and the appropriate medical facts regarding the condition which are within the knowledge of the health care provider; and a statement why the employee is needed to care for an ill family member. For medical leave for the employee's own medical condition, the certification must also include a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of her or his position.

Employees may obtain medical certification forms from the Human Resources Department. The employee must return the completed forms within fifteen (15) days or provide a reasonable explanation for the delay. If the employee provides at least thirty (30) days' notice of medical leave, he/she should also provide the medical certification before the leave begins.

If Hamblen County determines a medical certification to be incomplete or insufficient, Hamblen County must specify in writing what information is lacking, and give the employee seven (7) calendar days to provide the information unless seven (7) days is not practicable under the particular circumstances despite the employee's efforts.

Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided. Also, failure to provide requested documentation of the reason for an absence from work may subject the employee's absences to Hamblen County's Absenteeism and Tardiness Policy.

If the employee plans to take intermittent leave (in separate blocks of time due to a single health condition) or work a reduced schedule (reducing the usual number of hours worked per workweek or workday), the certification must also include dates and the duration of treatment as well as a statement of medical necessity for taking intermittent leave or working a reduced schedule.

Hamblen County may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. Hamblen County will not use the employee's direct supervisor for this contact. Before Hamblen County makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with the HIPAA Medical Privacy Rules, Hamblen County will obtain the employee's permission for clarification of individually identifiable health information.

Hamblen County may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's, or the employee's family member's serious health condition.

In its discretion Hamblen County may require a second examination and medical opinion and periodic recertification at its own expense if it reasonably doubts the medical certification initially provided for a Basic FMLA Leave. If the first and second opinions differ, Hamblen County, at its own expense, may require another examination and the binding opinion of a third health care provider, approved jointly by Hamblen County and the employee.

While on leave, employees are requested to report periodically to Hamblen County regarding the status of the medical condition and their intent to return to work. Hamblen County will require recertification that supports the need for leave for a Basic FMLA Leave no more frequently than every thirty (30) days and only in conjunction with an FMLA absence and only when circumstances have changed significantly, or if Hamblen County receives information that casts doubt upon the employee's stated reason for the absence or if the employee requests an extension of her or his leave. Where the medical condition is a chronic or long-term condition certified to more than thirty (30) days, Hamblen County will wait for the minimum duration of the condition to expire before requesting a recertification. In all cases, Hamblen County will require

recertification every six (6) months in connection with an FMLA absence. Failure to provide requested certification within fifteen (15) days, except in extraordinary circumstances, may result in the delay, or denial, of further leave until it is provided.

Under the Basic FMLA Leave, Hamblen County may request a new medical certification each leave year for medical conditions that last longer than one (1) year. Such new medical certifications are subject to second and third opinions.

### **Use of Leave**

Leave because of a serious health condition, or either type of family military leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced schedule leave (reducing the usual number of hours worked per workweek or workday) when medically necessary.

Spouses employed by Hamblen County are limited in the amount of family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of twelve (12) weeks (or twenty-six weeks for leave to care for a covered servicemember with a serious injury or illness is used). Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt Hamblen County's operations.

An eligible employee is entitled to a combined total of twenty-six (26) weeks of leave for any FMLA-qualifying reason during the "single twelve (12) month period," provided that the employee is entitled to no more than twelve (12) weeks of leave for other types of FMLA leave.

This means, for example, that an eligible employee may take sixteen (16) weeks of FMLA leave to care for a covered servicemember and ten (10) weeks of FMLA leave to care for a newborn child during the "single twelve (12) month period." However the employee may not take more than twelve (12) weeks of FMLA leave to care for the newborn child during the "single twelve (12) month period," even if the employee takes fewer than fourteen (14) weeks of FMLA leave to care for a covered servicemember.

If leave qualifies as both military caregiver leave and FMLA medical leave to care for a family member with a serious health condition, it must be first counted as caregiver leave. It may not be counted as both caregiver leave and FMLA medical leave.

Leave for birth or care, or placement for adoption or foster care, must conclude within twelve (12) months of the birth or placement.

Leave may not be taken on an intermittent basis when used to care for the employee's own child during the first year of birth, or to care for a child placed with the employee for foster care or adoption, unless Hamblen County and the employee agree to such intermittent leave.

In the case of an employee using intermittent or reduced schedule leave, if an employee would normally be required to work overtime but is unable to do so because of an FMLA qualifying reason, the hours that the employee would have been required to work will be counted against the employee's FMLA entitlement.



While an employee is on an intermittent or reduced schedule leave, Hamblen County may temporarily transfer the employee to an available alternative position that better accommodates the recurring leave and which has equivalent pay and benefits.

### **Pay and Benefits During FMLA Leave**

The provisions of this policy shall apply to all family and medical leaves of absence and shall be coordinated with other employment leaves and/or benefit plans or policies to which the employee may be eligible.

The employee must use any such other said paid leave, available for all or any part of the leave period. In other words, if an employee is entitled to vacation or paid leave under another company benefit plan or policy, the employee must take the paid leave concurrently with FMLA leave. The use of any paid leave does not extend the limitation for the basic family leave period (twelve (12) weeks) or the military family leave period (twenty-six (26) weeks).

During an approved family medical leave Hamblen County will maintain the employee's health benefits as if the employee continued to be actively employed and Hamblen County will pay its normal portion of health premiums.

While on paid leave Hamblen County will continue to make payroll deductions to collect the employee's normal portion of the premium as applicable. While on unpaid leave the employee will be required to pay her or his normal portion of the premium. The employee will be required to begin making this payment at the end of the month following the month that the leave begins. The employee will be required to make this payment in person or by mail. The payment must be received in the Human Resources Department by the 10<sup>th</sup> day of each month beginning with the month following the month the leave begins.

An employee's health coverage will cease if the employee's premium payment is more than thirty (30) days late. If the payment is more than fifteen (15) days late, Hamblen County will send the employee a letter to this effect. If Hamblen County does not receive the premium payment within fifteen (15) days after the date of that letter, the employee's coverage may cease.

In the event that an employee elects not to return to work upon completion of an approved, unpaid leave of absence, Hamblen County may recover from the employee the cost of any payments made to maintain the employee's coverage, unless the failure to return to work was for reasons beyond the employee's control.

Employees who are on an approved, unpaid leave of absence will not accrue vacation hours, and will not be eligible for holiday, funeral leave or jury or witness duty pay.

### **Expiration of FMLA Leave**

If an employee is not able to return to work after the expiration of the granted FMLA leave and the employee has no paid leave available to use, a notice of COBRA coverage will be mailed to the employee within 30 days and a letter to the employee that he/she will not be covered under the County's Health Insurance plan until he/she can return to work.

## **Return to the Job at the end of FMLA Leave**

Upon return from FMLA leave, the employee will be reinstated to her or his original job, or a position of similar status and pay, commensurate with her or his skills and qualifications.

The only exceptions include certain employees who hold executive positions within Hamblen County. Under specified and limited circumstances, where restoration to employment will cause substantial and grievous economic injury to our operations, Hamblen County may refuse to reinstate certain highly paid “key” employees after using FMLA leave during which health coverage was maintained. A key employee is a salaried, eligible employee who is among the highest paid ten percent (10%) of employees within seventy-five (75) miles of the work site.

Hamblen County will require a fitness-for-duty certification for certain jobs from the employee’s own health care provider certifying ability to return to work. The certification must be provided prior to return from a leave for an employee’s serious health condition. The certification must address the employee’s ability to perform the essential functions of the position. While there is no guarantee that a position can be provided which meets the restrictions, Hamblen County will seek to do so when practicable.

Additionally Hamblen County will require a fitness-for-duty certification up to once every thirty (30) days for an employee taking intermittent or reduced schedule FMLA leave if reasonable safety concerns exist regarding the employee’s ability to perform her or his duties based on the condition for which leave was taken. A return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner.

An employee who fails to return at the conclusion of a FMLA leave, and has exhausted any applicable short term disability benefits, will be deemed to have resigned, no matter what the reason or circumstances, and will be terminated.

## **Hamblen County TEMPORARY COVID Emergency Sick Leave Policy for 2021**

Hamblen County Commissioners approved this temporary policy to allow for emergency COVID paid sick leave to employees effective 1/1/2021 to 4/30/2021 and will be re-evaluated thereafter to determine whether to extend it.

Each full-time county employee shall receive an amount of hours according to their regular work schedule of emergency sick leave to use if he/she is required to be quarantined for exposure to COVID. When the emergency leave time is exhausted, the employee shall use other leave he/she has accrued. If the employee does not have any leave available, the employee will not be paid for the missed work time.

Employees will be given paid time in respect to their normal hours per shift that they work. For example full-time employees that work 7.5 hour shifts will be given 60 hours, employees who work 12-hour shifts will be given 72 hours and regularly scheduled part-time employees will receive 30 hours of emergency sick time.

## **4.6 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, step-parent, children, brothers or sisters, mother-in-law, father-in-law, grandparents, grandparents in-law, grandchildren of the employee and legal guardians or dependents. It also includes other relatives by blood or marriage if they are living under the same roof with the employee.

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.

## **4.7 PARENTAL LEAVE**

Any employee who has been employed by Hamblen County for at least twelve (12) consecutive months as a regular full-time employee may be absent from employment for a period not to exceed four (4) months for adoption, pregnancy, childbirth, and nursing the infant. The four (4) month period shall include leave required before and after the birth of a child.

With regard to adoption, the four (4) month period shall begin at the time an employee receives custody of the child.

Any employee who has less than one (1) year of service may be granted parental leave for a period not to exceed thirty (30) workdays following the birth of a child.  
T.C.A. section 4-21-408

Employees may utilize any of their accrued leave benefits as well as their unused FMLA leave.

Employees are required to continue paying their portion of the group health care premium and premiums for any voluntary elected benefits while out of work for Parental Leave

## **4.8 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.

## **4.9 JURY DUTY**

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.

## **4.10 MILITARY LEAVE**

Regular full-time employees who are members of any federal or state military reserve component will be granted a leave of absence for all periods of military service during which they are engaged in the performance of duty or training for this state or for the United States under competent orders. While on leave, the employee will receive his or her regular compensation for a period not exceeding twenty (20) working days per calendar year, plus any additional days, that may result from a call to active state duty by the Governor. Such requested leave shall be supported with copies of the official armed forces orders from the employee's unit.

The employee must submit a copy of the official armed forces orders to his/her supervisor. The supervisor will forward a copy of the official orders to the Human Resources payroll department.

During such time that the employee is on military training leave, the employee's time sheet should indicate "Military Leave."

If a military leave of absence exceeds the twenty (20) paid days and the employee has exhausted his or her sick and annual paid leave or wishes to be unpaid, the employee will stop accruing additional sick or annual leave during that absence.

Should the full-time employee enter the military on an active basis, the employee must present his or her 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 T.C.A. Title 8, Chapter 33, and section 109.

Employees in military service shall be governed by the requirements of, and shall have all of the rights and benefits conferred upon such persons by state law found in T.C.A. Title 8, Chapter 33, and under USERRA.

If you are a Reservist or National Guardsman called to Active Duty you may be worried about your health care coverage. **Don't worry** - you and your family are eligible for coverage under TRICARE. Reserve and guard members as well as their families are eligible for government sponsored healthcare under the TRICARE program.

## **4.11 LEAVE WITHOUT PAY**

Any employee, at the discretion of the Elected Official or Department Head, may be granted administrative 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. If such administrative leave without pay exceeds 30 days, the employee will receive a notice that the county offered health insurance will end and COBRA (Consolidated Omnibus Budget Reconciliation Act) coverage will be offered at the expense of the employee until the employee returns to work.

If an employee is placed on leave for reasons other than qualifying leave or granted administrative leave, all benefits including health insurance and clinic access for that employee will be suspended until he/she returns to work.

As provided by Tenn. Code Ann. § 50-1-3 reasonable time will be provided for the expression of breast milk close to the work area in privacy by nursing mothers.

# SECTION V

## CODE OF CONDUCT

### 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.

### **5.0 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.

## **5.1 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. Any employee found to be engaging in any type of unlawful conduct will be subject to disciplinary action, up to and including termination of employment.

## **5. 2 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. A doctor's excuse can and will be asked for if the situation warrants.

## **5.3 DRESS CODE**

It is expected that all Hamblen County employees will report to work dressed appropriately for their specific job.

Department Managers and/or Elected Officials will instruct employees as to the acceptable clothing for their area. Some departments require standard uniforms. Other departments require clothing appropriate for interaction with the public.

Regardless of the specific department requirements, all employees are expected to present themselves with clean clothing and good personal hygiene. Remember that each of us is a representative of Hamblen County Government.

## **5.4 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 - Employees 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 any media 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.

Social Media – Hamblen County recognizes that many people use “social media” as a means of regular communication. Social Media is defined as internet chat rooms, blogs, wikis, social networks, virtual worlds, on-line journals or diaries, personal newsletters on the internet, Facebook, YouTube, LinkedIn, Plaxo, Twitter, Topix,

Instagram, and other similar media. Set forth below are Hamblen County's guidelines for use of social media.

1. Do not disclose home addresses or other personal information about your co-workers, any customer information, or any information regarding Hamblen County's business plans, financial information, contracts, or other confidential information. You are required to comply with Hamblen County's confidentiality policy when using social media.
2. Do not use social media to harass, threaten, libel, slander, or discriminate against coworkers, supervisors, managers, customers, clients, vendors or suppliers.
3. Do not use county owned computers, software or other electronic equipment or facilities provided by Hamblen County for the use of social media during work time.
4. Do not use the name, logo or trademarks of any business partners, suppliers, vendors or affiliates of Hamblen County, unless this use is expressly approved in advance by Hamblen County.
5. Do not post any of Hamblen County's copyrighted information or material on social media.
6. Do not use social media to engage in illegal or unlawful activities or publish pictures, video or other information about your participation in illegal activities. Similarly, do not publish anything that infers or implies that you are engaging in illegal or unlawful conduct.
7. Do not use social media to engage in any conduct that violates Hamblen County's rules of conduct, policies or procedures. Any conduct that would violate Hamblen County's rules, policies or procedures if performed at work will also be considered a violation of the applicable rules, policies or procedures if performed using social media and will subject the employee to disciplinary action, up to and including termination of employment.
8. Personal blogs and similar forms of on-line journals or diaries should have clear disclaimers that the views expressed by the author are the author's alone and do not represent the views of Hamblen County. Make your writing clear that you are speaking for yourself and not on behalf of Hamblen County.

## **5.5 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.

## **5.6 CELL PHONE USAGE**

Personal use of cell phones may be allowed but must be used in moderation. To respect the rights of all employees and promote efficiency of our operations, employees must inform family members and friends to limit personal telephone calls during working hours.

In compliance with our Harassment in the Workplace Policy, individual cell phones must not be used to create a hostile work environment for other employees nor to post derogatory statements about Hamblen County Government or any Hamblen County employees.

## **5.7 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.

## **5.8 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.

## **5.9 CONFLICT OF INTERESTS**

Personal gain from official Hamblen County Positions or Actions

Neither an employee nor a company of which an employee is a partner, owner, director, or trustee may conduct business with Hamblen County outside his/her regular job duties unless the employee or company is the apparent low/best bidder for a service following a public Request for Proposal/bidding process conducted by the Finance Department.

The employee or company of which the employee is a partner, owner, director or trustee must disclose his/her interest in the company within the proposal submitted for the contract. It is unlawful for Hamblen County elected officials or a company of which the elected officials is a partner, owner, director or trustee to conduct business with Hamblen County Government.

## **5.10 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 should be kept to a minimum. “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. The Department/Elected Official shall determine the limits of these activities within his/her department.

No littering of County property is permitted at any time.

## **5.11 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 Human Resources Committee will review the situation to determine if a conflict of interest exists and identify actions necessary to resolve such conflict.

# SECTION VI

## DISCIPLINARY PROCEDURES

### 6.0 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.

**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.**

### 6.1 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.

- Violating the Workplace Violence Prevention Policy. (Section 1.2)
- 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.

## 6.2 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 Hamblen County Disciplinary Action Form is signed by the Elected Official or Department Head. A copy of the reprimand is placed in the employee's Human Resources file. The employee has the right to offer a written response to be attached to the reprimand in his/her Human Resources 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 including engaging in any unlawful conduct.

# **6.3 DISCIPLINARY ACTION PROCEDURE IN EVENT OF 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 VI: 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.

## **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, date of employee and supervisor signatures, 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 Human Resources Manager.

# **SECTION VII MISCELLANEOUS POLICIES and PROCEDURES**

## **7.0 HUMAN RESOURCES FILES**

An individualized Human Resources 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
- c) Individuals to be contacted in the event of an emergency

Individual Human Resource files are the property of Hamblen County and access to the information is restricted. Hamblen County Management personnel who have a legitimate reason to review the file may be allowed to do so.

Employees who wish to review their own file should contact the Human Resource Manager with reasonable advance notice, the employee may review his/her personnel file in the Office of the County Mayor.

The personal health information (PHI) is available only to the individual involved, his/her designees, and authorized Hamblen County management personnel.

Employees should be aware that their personnel records may be subject to public inspection under the Freedom of Information Act. No medical, family, or other personal information, e.g. addresses, will be released and Social Security Numbers will be protected.

## **7.1 MEAL PERIODS and BREAKS**

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.

In compliance with T.C.A. section 50-1-305, reasonable unpaid time will be provided to express breast milk for an infant child. Hamblen County will make reasonable efforts to provide private space close to the employee's work area.

Employees may be permitted to take additional reasonable short breaks during regular activities if breaks do not interfere with Department or Public needs.

If employees have unexpected personal business to take care of, they must notify their Supervisor to discuss time away from work and make provisions as necessary. Personal business should be conducted on the employee's own time.

Employees who do not adhere to the break policy will be subject to disciplinary action, up to and including termination.

## **7.2 ABSENCE DUE TO INCLEMENT WEATHER**

Leave time 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 may attempt to contact you, but you are encouraged to monitor the local radio stations, our website, and register for text alert service 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 previously vacation or sick leave when a "no work period" is officially declared, you will be charged with vacation or sick leave.

## **7.3 HOUSEKEEPING**

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 public.

## **7.4 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.

Additional security procedures will be implemented as needed based on departmental needs.

Various methods of identification may be adopted to ensure that only authorized individuals are admitted access to Hamblen County property beyond those areas open to the public. These methods may include employee identification badges or technologically controlled entrance devices.

## **7.5 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 follow 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 uninsurable 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 Human Resources:** The operation by or conveyance of non-county Human Resources 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 (as related to Vehicle usage)**

The county employee handbook (Section 1.4) 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 public are advised that they must report the use of prescription drugs which may affect 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 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 that 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 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 decide on the safety of any damaged vehicle if it is being 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 another driver(s).
  - c. Name, address, phone # of other driver's 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.
4. Contact HR or Risk Management.
5. Arrange for drug test if at fault.

**Vehicle Accident Reviews**: All accidents involving Hamblen County vehicles will be reviewed monthly 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 if the employee is within the scope of his or her employment at the time of the accident. It has not been determined whether the individual employee could be held personally liable for amounts above the government’s liability under the act.

After July 1, 2007, the limit to which Hamblen County could be held liable under this act is \$300,000 for any one person or \$700,000 for any one accident or \$100,000 for the injury or destruction to property in one accident.

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 who are 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 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 and 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 \$151,700 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 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 facts, satisfied requirements like 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**

**UNATHORIZED 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, except for 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.

## **7.6 GOVERNMENTAL RECORDS REGULATION**

### **TENNESSEE CODE ANNOTATED § 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.

## **7.7 WORKING FROM HOME**

In certain positions and under certain circumstances, employees can effectively work remotely from home. Working remotely from home must be authorized and/or directed by the department head. Employees may be required to report to their workplace on a limited basis in order to fulfill some of the job responsibilities. Employees shall record hours worked at home, or at the workplace. The department head is responsible for supervising the employee.

## **Amendments to Employee Handbook Revised and Adopted March 2018**

### **May 2018**

1. Employee Acknowledgement Form.

### **March 2019**

1. Section 1.2—Handguns and Workplace Violence Prevention Policy.
2. Section 2.0—Part-Time Employees who work above 25 hours per week will now gain limited access to the County Employee Health Clinic.

### **May 2020**

1. Section 1.8—allowing accrued leave pay in addition to workers compensation pay up to 100% of normal salary.
2. Section 4.5—Expiration of FMLA Leave—After allotted weeks of FMLA have expired and employee is still out with no accrued leave time, COBRA will be offered.
3. Section 4.5—Families First Coronavirus Response Act (FFCRA)
4. Section 4.11—(1) Offer of COBRA if granted administrative leave without pay exceeds 30 days. (2) If an employee is placed on leave for reasons other than qualifying leave or granted leave, all benefits including health insurance and clinic access for that employee will be suspended until he/she returns to work.
5. Section 5.1—Employee Courtesy #9—any employee found to be engaging in any type of unlawful conduct will be subject to disciplinary action, up to and including termination of employment.
6. Section 6.2—Definitions of Disciplinary Actions—Dismissal—“including engaging in any unlawful conduct.”
7. Section 7.7—Working from home.

### **Jan 2021**

1. Section 4.10 –Military Leave – While on leave, the employee will receive his or her regular compensation for a period not exceeding twenty (20) working days per calendar year.
2. Section 4.5 – page 58 – Remove the expired Families First Coronavirus Response Act (FFCRA) and replace with the temporary Hamblen County COVID Emergency Sick Leave Policy.

# EMPLOYEE ACKNOWLEDGEMENT

By signing this form, I acknowledge that I have received a copy of the Hamblen County Employee Handbook containing Human Resources policies in effective March 2018, and I understand that it is my responsibility to read and comply with these policies.

These policies cannot and are not intended to answer every question about my employment with Hamblen County. I understand that I should consult the Human Resource Department 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, office of the Hamblen County Mayor, the Human Resource Department, and posted on the Hamblen County website [www.hamblencountytn.gov](http://www.hamblencountytn.gov), 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, office of the Hamblen County Mayor, the Human Resource Department, and posted on the Hamblen County website [www.hamblencountytn.gov](http://www.hamblencountytn.gov).

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 supersede, modify or eliminate any or all 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. {This paragraph does not apply to those employees who are protected by the County Sheriff Civil Service Law of 1974 as such employees are not at will employees.}

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.

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Employee Name (type or print)

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Employee Signature

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Date

**(Personnel File Copy)**



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Employee Name (type or print)

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Employee Signature

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Date

**(Employee Copy)**