



# Anderson County Government Employee Handbook

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**THIS HANDBOOK WAS PREPARED BY:**

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**Note** The content of a manual does not constitute nor should it be construed as a promise of employment or as a contract between Anderson County and any of its employees.

Anderson County at its option, may change, delete, suspend, or discontinue parts or the policy in its entirety, at any time without prior notice.

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Anderson County Government Employment Manual

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# 1 INTRODUCTION

This document has been developed by the Human Resources Department in conjunction with the Human Resources Advisory Committee in order to familiarize employees with Anderson County Government and provide information about working conditions, key policies, procedures, and benefits affecting employment at Anderson County Government.

## 1.1 Welcome

Welcome to Anderson County Government! We are happy to have you as a new member of our family! Anderson County is committed to providing a quality workplace for our employees.

## 1.2 Changes in Policy

This manual supersedes all previous employee manuals and memorandums.

While every effort is made to keep the contents of this document current, Anderson County Government reserves the right to modify, suspend, or terminate any of the policies, procedures, and/or benefits described in the manual with or without prior notice to employees.

It is the intention of Anderson County Government to adhere to all State and Federal laws. Any personnel policy found to be in conflict with a State or Federal law will be changed to ensure compliance with the law.

Amendments may be made periodically in the following process:

- Approved by the Human Resources Advisory Committee
- Reviewed by the Law Department
- Approved by the County Commission (if required), and
- Communicated to all Anderson County employees.

It is your responsibility to ensure you have the most up-to-date version of the Handbook. All questions pertaining to information found in this handbook should be referred to the Human Resources Director.

### 1.3 Policies for Employees of Elected Officials

Elected Officials have the jurisdiction to create, maintain, and administer separate personnel policies and procedures, and at their discretion may supplement the policies set out in this handbook. In these cases, the Elected Officials will provide the handbook and policies for their employees. A copy of these documents is on file in the Human Resources Department.

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## 2 EMPLOYEE DEFINITION AND STATUS

An “employee” of Anderson County is a person who regularly works directly for Anderson County Government on a wage or salary basis but does not include Independent Contractors or employees of any temporary staffing service that may be used to provide assistance to the County.

- Full-Time Regular Employees are those that work a normal, full-time work schedule of thirty (30) hours or more per week on a regular basis. These employees may be exempt or non-exempt, as defined by the Fair Labor Standards Act (FLSA). There is a copy of the FLSA on file in the Human Resources Department.
- Part-Time Regular Employees are those who work less than thirty (30) hours per week on a regular basis. These employees may be exempt or non-exempt.
- Temporary or Seasonal Employees are those who work either full time or part time with the understanding that their employment will terminate upon the completion of a specific assignment. These employees may be exempt or non-exempt. Temporary or Seasonal County Employees do not include workers who are employed by a temporary staffing service that may be used to provide assistance to the County.

### 2.1 Employment Classification

Employees of Anderson County are classified as either “exempt” or “non-exempt.” This is necessary because, by law, employees in certain types of jobs are entitled to overtime or compensatory pay for hours worked in excess of forty (40) hours per workweek.

If you are a **nonexempt** employee, you are covered by the overtime provisions of the Fair Labor Standards Act. Typically, you will receive time and one-half in compensatory time or overtime pay for any time actually worked beyond forty (40) hours in one week, instead of receiving actual pay for overtime worked, in accordance with applicable wage and hour law. (Time off such as holidays, annual leave, or sick leave does not count as time worked).

If you are an **exempt** employee, you are not covered by the overtime provisions of the Fair Labor Standards Act. There are several categories of exempt employees, including those bona fide executive, administrative and professional positions. Exempt employees do not receive compensatory time regardless of time worked.

**Classifying a position as “exempt”** is made on the basis of comparing actual job duties with criteria established by the Department of Labor. A job title, for example, is not sufficient data to classify a job as exempt from overtime status. Responsibility for classifying Anderson County positions as exempt or nonexempt lies with the Human Resources Department and the Law Director who should consult with the appropriate manager/supervisor with responsibility for the position.

## **2.2 Probationary Period for New Employees**

Anderson County monitors and evaluates every new employee's performance for six (6) months to determine whether further employment in a specific position or with Anderson County is appropriate.

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## 3 EMPLOYMENT POLICIES

### 3.1 Equal Employment Opportunity

Anderson County Government will recruit, hire, train, promote, and make all other employment related decisions without regard to race, color, religion, gender (except where gender is a bona fide occupational qualification), age, national origin, marital status, genetic information, political opinions or affiliations, Vietnam era or qualified special disabled veterans, recently separated veterans and other protected veterans and physical or mental disability (except where physical or mental abilities are bona fide occupational qualifications).

Anderson County Government will ensure that all hiring decisions are in accordance with the principle of equal employment opportunity by imposing only valid selection requirements. This shall include, but not be limited to, the following areas: work assignments, employment, placement, promotion, demotion, or transfer, recruitment and recruitment advertising, referrals, layoff, recall, termination, training, educational and tuition assistance, social and recreational programs, wages, other forms of compensation and job requirements.

#### **Equal Employment Opportunity Grievance Procedures**

It is the policy of Anderson County to establish a procedure for employees to follow in order to bring grievances of discrimination to the attention of management.

Procedure:

- If there is a **question or complaint regarding employment or hiring practices** that you are unable to resolve with your immediate supervisor, you are encouraged to make that question or complaint known to the Equal Employment Opportunity (EEO) Officer (who is the Human Resources Director). You will be asked to state in writing the nature and detail of the complaint. Any employee filing a complaint will not be subject to retaliation.
- The EEO Officer will **investigate the complaint** with your director or department head and any other person with knowledge of the situation.
- You will be **advised in writing of the results** of the investigation and Anderson County's decision regarding the complaint.
- A record of the complaint and findings will become a part of the complaint investigation record, and **the file will be maintained separately from your personnel file.**
- If you do not agree with the decision of the EEO Officer, you have the **right of appeal** with the Anderson County Human Resources Advisory Committee and Equal Employment Opportunity Commission.

### **3.2 At Will Employment**

No policy, benefit, or procedure contained herein creates an employment contract for any period of time. All employees will be considered employees-at-will, with the exception of those specified Sheriff's Department employees covered by Civil Service Board rules and regulations. Employees may be terminated for failure to satisfactorily perform their duties or simply at the will of the employer, but they shall not be terminated for a discriminatory or illegal purpose.

These personnel policies have been prepared to provide you with general guidelines of the policies, rules and current employee benefits. These policies are for Anderson County Government. They do not apply to any fee offices unless specifically adopted by a fee office in accordance with the law. They are not a contract, promise or guarantee, and the policies, procedures and benefits described are subject to change, addition or deletion by Anderson County at any time. Changes will be communicated to you, and your continued employment will constitute acceptance of such changes.

### **3.3 Americans with Disabilities Act**

Anderson County Government complies with the Americans with Disabilities Act of 1990, US Code Annotated 101-336 (ADA), which prohibits discrimination on the basis of disability with respect to selection and hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment as amended by the ADA Amendments Act of 2008 (ADAAA). On file in the Human Resources Department.

We will make every effort to reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job. Employees in need of accommodation due to a disability should make the need known to their supervisor/manager or the Human Resources Department. Anderson County will treat all employee accommodation requests and related information confidentially.

### **3.4 Immigration Law Compliance**

All offers of employment are contingent on verification of the candidate's right to work in the United States. On the first day of work, every new employee will be asked to provide original documents verifying his or her right to work, as required by state and/or federal law, and sign Federal Form I-9, Employment Eligibility Verification Form.

### **3.5 Employee Background Check**

Prior to making an offer of employment, Anderson County may conduct a job-related background check and/or driver's license verification where needed. A comprehensive background check may consist of prior employment verification, professional reference checks, education confirmation, and credit check. When appropriate, a criminal record check is performed to protect Anderson County's interest and that of its employees and

clients. All background checks will be conducted in compliance with applicable federal and state law.

### **3.6 Anniversary Date**

The first day an employee reports to work is his or her official anniversary date. This anniversary date is used to compute the following benefits:

- Vacation Time
- Personal Time
- Insurance Benefits
- Retirement Benefits
- Other opportunities within Anderson County Government

### **3.7 New Employee Orientation**

The formal welcoming process, or “employee orientation,” is conducted by a Human Resources representative, and includes an overview of Anderson County and its Policies.

### **3.8 Personnel Records and Administration**

The central personnel files are public record and are maintained in the Human Resources Department. To review a file, contact the Human Resources Department to complete a Public Records Request Form.

Tennessee law (TCA Sections 10-7-502 through 10-7-507, on file in the Human Resources Department) requires that “all state, county and municipal records...shall at all times, during business hours, be open for...inspection by any citizen of Tennessee.” The statute applies to personnel records and allows you to review your personnel file, as well as allowing any member of the public to do so (Medical records are not part of the personnel file).

There is, however, restricted access to certain types of employee information (according to Public Chapter No. 176).

### **3.9 Change of Personal Data**

It is important that you promptly report any change to the Human Resources Department. Other records, such as educational accomplishments, should also be reported as they are factors in consideration for future promotional opportunity. Be sure that the Human Resources Department always has:

- Your correct address and contact numbers such as telephone, mobile phone, pager, etc.;
- Your marital status;
- Any increase or decrease in number of dependents;
- Any change affecting Social Security records; and
- Your correct beneficiary.

### **3.10 Safety**

Anderson County takes safety very seriously, and works hard to provide a safe workplace for employees. To help keep this safe environment, it is very important that you immediately report unsafe conditions or violations of safety rules. In addition, Anderson County believes that the prevention of accidents must be an integral part of every employee's job and must be considered equal to all other responsibilities.

Any workplace accidents, incidents, injuries or safety hazards must be reported immediately to your direct supervisor and the Human Resources and Risk Management Department. You will also have to complete a written form and send it to the Human Resources and Risk Management Department within 48 hours. If you are injured and unable to report immediately, then you should report the incident as soon as possible. Your supervisor will also have to file a report.

For additional information about any safety concerns, please consult the Human Resources and Risk Management Department.

### **3.11 Employee ID Card System/Security**

Employees will be issued a photo identification (ID) card upon employment with Anderson County Government. The employee identification card is provided for the purpose of identifying those who are employed by Anderson County Government or provide on-going service to the County, and may be used to obtain access to certain areas of Anderson County Property (Appendix 9.1).

### **3.12 Personal Property**

Anderson County Government assumes no risk for any loss or damage to personal property and recommends that all employees have personal insurance policies covering the loss of personal property left at the office or assigned parking areas.

### 3.13 Nepotism

You are not permitted to directly supervise a relative. Direct or immediate supervision includes, but is not limited to, any participation in the hiring decision, promotional decision, work assignment decision, shift assignment decision, disciplinary decision, or the evaluation process of another employee.

Violations as a result of marriage, living arrangement, promotion, or reorganization shall be resolved by transfer to another department or resignation/termination to eliminate the violation.

*For the purpose of this policy, relative means: parent, step-parent, foster parent, parent-in-law, child, spouse, brother, brother-in-law, foster brother, step-brother, sister, sister-in-law, foster sister, step-sister, grandparent, son-in-law, daughter-in law, grandchild, aunt, uncle or other person who resides in the same household. A court-appointed legal guardian or an individual who has acted as a parent substitute is also included within this definition.*

### 3.14 Weather-related and Emergency-related Closings

At times, emergencies such as severe weather, fires, power failures or other non-weather related emergencies can disrupt county operations. In such instances, The County Mayor will decide on the delayed opening and/or closure, and may consult with other Elected Officials before deciding. Official notification will come from the County Mayor's office and include the three major television news stations (WBIR, WATE and WVLT), local radio station WYSH, the County phone system and the Anderson County Government website.

**Inclement Weather without Official Closing:** Inclement weather usually does not warrant closing of County offices. Absence due to inclement weather requires you to make a personal judgment pertaining to your safety in traveling to and from work. Loss of work time for this reason is charged to your accrued compensatory time or annual leave. If you have no compensatory time or annual leave, then the time is charged as leave without pay.

If you make the effort to report on time and actually report within a reasonable period of time (based on the circumstances of the event), you will not be required to use leave for that absence. Your supervisor will determine if you must use accrued leave for late arrival.

**Official Closings Due to Inclement Weather or other non-weather emergency:** The County Mayor will decide if Anderson County offices will be closed on normal work days during inclement weather. Closing information will be given to local media outlets. Each department should develop a notification process.

- If you are scheduled to work during an inclement weather closing, you will receive administrative pay for your regularly scheduled working hours during the period of closing.
- If you are among the critical emergency service personnel who must work, you will receive wages plus compensatory time for the hours actually worked.

- If you are not scheduled to work during an inclement weather closing, you will not be paid for the closing.
  - If you are on preapproved annual, sick or any other leave with pay during the declared times of closing, you will receive administrative leave with pay and will not have to charge that time to your leave.
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## **4 STANDARDS OF CONDUCT**

### **4.1 General Guidelines**

All employees are urged to become familiar with Anderson County Government's rules and standards of conduct and are expected to follow these rules and standards faithfully in doing their own jobs and conducting the County's business.

### **4.2 Work Schedule**

The normal workweek consists of forty (40) hours. Core business hours are 8:00 am to 5:00 pm. Some jobs may require other hours of service. In such cases, the immediate supervisor will inform you of your work hours. Some elected office holders have the legal ability to modify the workweek hours.

### **4.3 Attendance and Punctuality**

You are an important member of the Anderson County Government team. We are committed to providing the highest level of government services and functions to better serve the community. In order to accomplish this, your prompt and regular attendance is required.

In case of an illness or injury that would prevent you from reporting to work at the scheduled time, you are required to speak directly to your supervisor. If your supervisor is unavailable, you are required to speak directly to the next-level manager or director, or to the person designated by your supervisor.

Failure to provide notification of absence for three (3) consecutive workdays may result in removal from the payroll as having resigned without notice. Employees who resign under such circumstances are not eligible for rehire.

### **4.4 Absence and Tardiness**

Employees who are not at work, or who are always late, place co-workers and departments at a disadvantage. Because of this, employees who are repeatedly late for work, or who have unexcused absences from work, will be disciplined, to include possible loss of employment.

- If you have to be late or miss work, make sure to call your immediate supervisor with as much notice as soon as possible, at least thirty (30) minutes before and not later than fifteen (15) minutes after the start of work on the first day of

absence. Follow any additional guidelines set by your supervisor concerning tardiness/absences.

- Be sure your supervisor gets your message; do not rely upon your co-workers delivering your message.
- You are expected to complete your scheduled work shift. Failure to complete a scheduled work shift without permission may result in disciplinary action or loss of accrued time off.
- You are expected to leave for and return from breaks and lunch within a specified time schedule. Exceeding the time schedule set for lunch and breaks may result in disciplinary action.

Excessive absenteeism as determined by your supervisor in conjunction with the Human Resources Department will be grounds for discipline up to and including termination.

## **4.5 Meal and Break Periods**

It is Anderson County Government's policy that each department is responsible for implementing a Lunch Break procedure. It is the department head or Elected Official's responsibility to their employees to implement a fair and equitable plan for lunch breaks that meets or exceeds TCA 50-2-103(h). This information will be relayed to the employee upon the first day he or she reports to duty, by their direct supervisor.

## **4.6 Harassment Policy**

Anderson County Government is committed to maintaining a work environment that is free from harassment. In keeping with this commitment, we will not tolerate harassment of County employees by anyone, including any supervisor/manager, elected official, co-worker, vendor, consultant, or visitor of this Government entity.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual. Anderson County will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment.

All employees are responsible to help assure that we avoid harassment in the workplace. If you feel that you have experienced or witnessed harassment, you are to immediately notify the supervisor, manager, Department Head, Elected Official or the Director of Human Resources. Anderson County forbids retaliation against anyone for reporting harassment, assisting in making a harassment complaint, or cooperating in a harassment investigation.

Anderson County's policy is to investigate all harassment complaints thoroughly and promptly. To the fullest extent practicable, Anderson County will keep complaints, investigative records and the results of the investigation confidential. If an investigation

confirms that harassment has occurred, Anderson County Government will take corrective action, including appropriate discipline, up to and including termination.

The County will never punish you in any way for making a good-faith complaint of unlawful harassment or for your participation in an investigation. We will not tolerate any retaliation by management, employees, or co-workers. All employees are expected to fully cooperate in the investigation of a complaint. An employee who does not cooperate, or who is dishonest about a complaint, will be appropriately disciplined. This could include termination of employment.

## **4.7 Sexual Harassment Policy**

Sexual harassment warrants special mention. Unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct based on gender constitute sexual harassment when:

- Submission to the conduct is an explicit or implicit term or condition of employment,
- Submission to or rejection of the conduct is used in the basis for an employment decision, or
- The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include explicit sexual propositions, sexual innuendo or suggestive comments, sexually oriented jokes or teasing, foul or obscene language or gestures of a sexual nature, and unwelcome physical contact such as patting, pinching, or brushing against another's body.

As with any form of harassment, you have the responsibility to report sexual harassment to an appropriate authority as soon as possible following the policies mentioned above in section 4.6.

## **4.8 Violence in the Workplace**

The potential for workplace violence is an unfortunate reality. Employees are prohibited from making threats, gestures or other acts of violence toward other employees. No matter what the reason, Anderson County Government will not tolerate any type of violence or threats of violence of any sort committed by or against employees. Anderson County Government will actively intervene, whenever possible, at any indication of an act or threat of violence. Violations of this policy will result in disciplinary action.

## **4.9 Confidential Information and Nondisclosure**

In the course of your work, you may have access to confidential information about Anderson County Government, elected officials or other employees. It is your responsibility to keep any confidential information confidential. This does not include information that is routinely made open to the public. If you have any doubt, don't disclose the information and contact your direct supervisor, the Human Resources Department or the Law Director.

## **4.10 Ethical Standards**

You have an individual responsibility to deal ethically in all aspects of the County's business and to comply fully with all laws, regulations and to comply with the Anderson County ethics policies. You are expected to assume the responsibility for applying these standards of ethical conduct and for acquainting yourself with the various laws, regulations, and policies applicable to your assigned duties (Appendix 9.2).

During paid county work hours, employees are expected to devote their full-time attention and activities to Anderson County business. Employees will be subject to discipline up to, and including termination for conducting personal activities for profit during paid county work hours.

Theft of county property and funds will be investigated fully and those employees found to be responsible will be terminated and referred for criminal prosecution.

## **4.11 Use of Equipment**

Anderson County Government will provide employees with the equipment and supplies needed to do their job. None of this equipment should be used for personal use, nor removed from the physical confines of Anderson County—unless it is approved for a job that specifically requires use of county equipment outside the physical facility.

## **4.12 Use of Computer, Internet, Phone, and Mail**

Computers and related items and software are County property and are provide for the use of County employees for conducting County business. These items include, but are not limited to, hardware, software, and computer files and documents.

Employees do not have personal privacy rights or any reasonable expectation of privacy when it comes to information composed, created, received, downloaded, retrieved, stored, transmitted, viewed or sent using Anderson County Government's electronic communications devices. While the County respects the privacy and security needs for all individuals, authorized County representatives have the right to access and review electronic files, messages, mail, websites accessed, etc. for legitimate business reasons.

The County has the right to monitor any and all of its computers. This includes, but is not limited to:

- Monitoring your Internet usage,
- Reviewing any downloaded or uploaded material,
- Reviewing information technology sent or received by you, and/or
- Monitoring the content of stored files on your computer.

Electronic communications and the internet are for use on job-related activities. However, it is okay to use email and the Internet for personal (not for profit) use on a very limited basis. But, remember, this is a privilege. Any and all communications may be monitored, and if you abuse this privilege, the County may take it away from you. Any use of the County's information technology systems to violate any policy of the County, including but not limited to the harassment Policy or the Code of Ethics, is also a violation of the policy and will be grounds for discipline up to and including termination.

**Passwords:** All passwords must be provided to department director or designated department upon request. The use of undisclosed passwords is prohibited.

**Prohibited Uses:** Creating, sending, downloading, displaying, viewing, circulating or storing inappropriate, illegal, threatening or sexually explicit material is prohibited. The email system may not be used to solicit or to conduct personal business ventures.

#### **4.13 Use of Computer Software**

Anderson County Government does not condone the illegal duplication of software. The copyright law is clear. The copyright holder is given certain exclusive rights, including the right to make and distribute copies. Title 17 of the U.S. Code states that "it is illegal to make or distribute copies of copyrighted material without authorization" (Section 106). The only exception is the user's right to make a backup copy for archival purposes (Section 117). On File in the Human Resources Department.

#### **4.14 Smoking Policy**

As required by Tennessee law, smoking is prohibited in County owned enclosed spaces, including County owned vehicles. Smoking is only allowed in designated outdoor areas, which can be identified by asking your supervisor or appropriate signage.

#### **4.15 Alcohol and Substance Abuse**

Anderson County Government is committed to a safe working environment and to making adequate provisions for the safety and health of its employees at their place of employment.

As an employee of Anderson County Government, you should obey state and federal laws on drug and alcohol usage. Do not put yourself or others in danger. You should

never come to work or enter County premises, with any illegal drugs or alcohol in your possession or body. If you are taking prescribed medication which could affect your job performance, or jeopardize your safety, or that of others, you should report this to your immediate supervisor before starting work. If necessary, the County will take appropriate action to make sure everyone is safe including discipline and/or termination.

We expect employees to assist in maintaining a work environment that is free from the use and effects of alcohol, drugs and other mood-altering substances. The transfer, sale, receipt, possession or use of alcohol or other drugs, legal or illegal, while on County premises or during work hours or meal breaks is prohibited. This includes all forms of alcohol, narcotics, depressants, stimulants, hallucinogens, marijuana and other mood altering substances or any other substances that could influence job performance.

Whenever a supervisor or director reasonably suspects that your work performance or on-the-job behavior may have been affected in any way by illegal drugs or alcohol or that you have otherwise violated the Anderson County Government Drug-Free Workplace Substance Abuse Policy, you may be required to submit a breath, blood and/or urine sample for drug and alcohol testing.

When a supervisor observes or is notified of behaviors or events that lead the supervisor to believe that an employee is in violation of this policy, the supervisor must notify the Department Head, Elected Official and the Human Resources Department.

If you are required to submit to drug/alcohol testing based upon reasonable suspicion and refuse, you may be charged with insubordination and necessary procedures may be taken to terminate your employment. Safety sensitive positions are subject to random testing.

#### **4.16 Solicitations and Distributions**

Non-employees are not permitted to solicit verbally or by distribution of written material to Anderson County employees or the general public for commercial purposes during work hours in work areas.

Solicitations by Anderson County employees made to other Anderson County employees are permitted only in non-work areas and during non-work hours.

#### **4.17 Complaint Procedure**

If you feel wronged by an employment action or decision, including disciplinary action such as a warning, suspension, termination, or by an Anderson County Government policy being incorrectly applied, the best course of action is to discuss these differences with your direct supervisor, department head and/or the Human Resources Department in an attempt to reach a prompt and fair resolution of the problem.

If you are having a problem or question related to your work, supervisor, or co-worker you should consult your immediate supervisor as soon as possible.

1. If your supervisor seems unwilling or unable to address the matter, you have the option to discuss your concerns with your Department Head or Elected Official,

2. If your problem or complaint is a situation that constitutes a violation of the Ethics Policy, Federal, State, or local laws and the Department Head or Elected Official seems unwilling or unable to address the matter, you have the right to discuss your concerns with the Director of Human Resources or Ombudsman/County Law Director.
3. You can also ask to speak to any other departmental supervisor or the Human Resources Department/Director, without your supervisor being present. However, in this case, the person with whom you meet has the right to share information from this meeting with your supervisor.

#### 4.18 Promotions, Transfers and Reassignments

**Promotions:** Anderson County continually strives to promote employees and fill job vacancies on an equal opportunity basis. Promotions are based on objective criteria established for each vacancy and the candidates involved.

**Transfers and Reassignments:** It is the policy of Anderson County that it may, at its discretion, initiate or approve employee job transfers. You may request a voluntary job transfer by applying for a posted position.

When you reassign from one county department to another, all unused annual and sick leave will be transferred. Retirement and any other fringe benefits also will be transferred with the employee. Any compensatory time shall be used or paid out before transfer.

#### 4.19 Suspensions and Demotions

The Department Head or Elected Official, or the appointed supervisor, may suspend you without pay for matters of poor performance or inappropriate conduct. You may **not** take annual leave, sick leave or compensatory leave (“comp time”) while on suspension.

#### 4.20 Employment Termination/Resignation

Your employment with Anderson County Government is a voluntary agreement between you and the County. We regret when it becomes necessary to terminate the employment of one of our employees. An employee’s service will terminate and no further time of service will accrue if any one of the following conditions occurs:

- You resign,
- You are discharged,
- You fail to report to work for three (3) consecutive days without notification,
- You fail to report to work at the termination of a leave of absence or a vacation,
- You signify your intent to leave employment and leave the premises.

You may resign at any time; however, Anderson County requests that you submit your intent to resign in writing at least two (2) weeks prior to the effective date of resignation. Whenever an employee desires to resign, the County may choose to either allow you to continue to work until the effective date of resignation, request that you cease work immediately depending on the circumstance surrounding the resignation, or any mutually acceptable combination of the above. When you resign, all property of Anderson County Government must be returned immediately.

On occasion, you may wish to revoke the notice of resignation. Revocation of the resignation notice is treated on a case-by-case basis; strictly at the discretion of your supervisor, Department Head or Elected Official. There is no guarantee that the employee may return to the same position.

#### **4.21 Exit Interview**

Anderson County is dedicated to the development and retention of employees. And as such, the exit interview plays an integral part in understanding why employees choose to leave. It is important to capture information about our work environment and the factors that may lead to your choice to leave the County.

During this interview, the Human Resources Department representative will share any information with you about termination of benefits and your right to continue, your benefits as an individual. We will also answer any questions you have concerning the termination of these benefits.

The Human Resources Department will meet with elected officials or department heads to provide information obtained at the exit interview in an effort to improve the departmental operations.

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## **5 COMPENSATION POLICIES**

### **5.1 Job Classification**

All job classifications are based on an analysis of the duties and responsibilities of each position and include minimum requirements of education, training, experience, skills, knowledge and abilities necessary for the job. The Human Resources Department keeps job descriptions on file. When you begin a new position, you should receive a copy of your job description.

### **5.2 Base Compensation**

Anderson County Government strives to pay salaries that are competitive with those in our community and industry, while recognizing individual effort and contribution to the success of the County, as well as the current economic condition of the County. Each position is rated according to experience, knowledge, training, duty, complexity, leadership, effect of errors, communication, problem solving, physical demands, potential work hazards, stewardship/responsibility and education.

Employees are generally hired at Step 1 of the position's pay grade, but may receive a different amount depending on experience and skill level or other relevant factors.

### **5.3 Timekeeping Procedures**

The recording of work hours is considered a legal record of time worked and is used as a means to accurately compensate employees. The maintenance of these records serves many purposes, such as, ensuring you are paid in a timely manner and monitoring holiday and accrued leave hours. Each office is responsible for maintaining proper time records within their department.

It is the responsibility of each non-exempt employee to ensure that his or her time records are accurate and correct. Your supervisor will explain to you the official time recording method specified for your department.

Only your supervisor can authorize corrections or changes to the time record.

Anyone who willfully falsifies a time record will be subject to immediate dismissal.

### **5.4 Overtime Pay**

In accordance with the Fair Labor Standards Act, Anderson County generally grants nonexempt employees compensatory time off instead of payment for the time worked in

excess of forty (40) hours in a workweek. Compensatory time will be granted at time and one-half for all time worked in excess of forty (40) hours.

Overtime is calculated based on time worked, not time compensated. Time not worked (e.g., sick pay, vacation pay, jury duty pay, or similar compensation for non-worked days) does not count toward the forty (40) hours of worked time. Overtime must be approved in advance. Failing to do so may warrant disciplinary action.

With approval, you may use accrued compensatory time within a reasonable period after making the request if your absence does not unduly disrupt the operations of the department.

Compensatory time is cumulative to a maximum of 240 hours (160 hours of actual overtime worked) for all eligible Anderson County employees. No hours of compensatory time may be accrued beyond the maximum of 240 hours, except under the following circumstances:

If your additional work hours were for public safety activity, an emergency response activity, or a seasonal activity, you may accrue no more than 480 hours of compensatory time (320 hours of actual overtime worked).

## **5.5 Payroll and Paydays**

Anderson County Government pays its employees on a bi-weekly basis. Payroll checks are paid by direct deposit, and pay stubs will be available every other Thursday. Some pay dates may occur earlier due to holidays.

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## **6 EMPLOYEE BENEFITS**

### **6.1 Benefits Summaries and Eligibility**

Anderson County Government has established a variety of employee benefit programs designed to assist you and your eligible dependents in meeting the financial burdens that can result from illness and disability, and to help you plan for retirement. The various benefit programs are not only an important part of your compensation; they also provide security and protection for you and your dependents.

You are typically eligible for benefits when you work a minimum of thirty (30) hours per week, on a regular basis. These benefits include: medical coverage, dental coverage, flexible benefits, disability, life insurance and retirement. Specific eligibility requirements for any particular benefit are subject to the terms and conditions of the particular benefit and governed by the relevant plan documents.

Anderson County Human Resources Department will determine the effective date of coverage for your benefits. Typically, it is the first of the calendar month following thirty (30) days of continuous employment. For example, if you were hired on January 5 coverage would go into effect March 1. This means deductions would start in February.

For complete information regarding any of our benefit programs, please refer to the Summary Plan Descriptions, which were provided to you separately or contact the Human Resources Department for another copy.

Generally benefits end the last day of the month in which you actively work. If you do not receive paychecks to cover the entire month (and have premiums deducted), you may be required to submit a personal check to cover your portion of benefit costs.

### **6.2 Health Insurance and Dental Insurance**

You must enroll for coverage within thirty (30) days of employment or an eligible qualifying event. Temporary employees, seasonal employees, and interns are not eligible for medical coverage. Complete benefit packets are provided at new hire orientation. Although Anderson County pays the largest portion of the insurance cost for employees, you are also expected to share in the cost of health benefits.

### **6.3 Identification Cards**

If you enroll in medical or dental benefits, identification cards will be mailed to your home address. If you should not receive your card, or lose it, please contact the Human Resources Department to request a new identification card.

## **6.4 Disability Insurance**

Eligible employees are automatically covered by Anderson County Government disability plans. Disability insurance is designed to assist an employee with income should the employee become partially or totally disabled and be unable to perform the essential functions of his or her job. The summary plan descriptions explain long-term and short-term disability benefits.

## **6.5 Life, Accidental Death, and Dismemberment Insurance**

The Anderson County Government Group Life Insurance covers all eligible employees. This insurance is payable in the event of the employee or dependent's death, in accordance with the policy, while the employee is insured. Accidental Death and Dismemberment Insurance is in the same amount of, and is in addition to, the employee's life insurance coverage. The summary plan booklet provided by our insurance company includes details on employee life insurance and accidental death and dismemberment coverage.

While Anderson County provides a basic Life and AD&D insurance policy, employees have the option to purchase additional coverage at their own expense. This information will be provided to employees during new hire orientation.

## **6.6 COBRA Notification**

According to the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, in the event of your termination of employment with Anderson County Government or loss of eligibility to remain covered under Anderson County's group health and dental insurance program, employees and their eligible dependents may have the right to continued coverage under Anderson County's group health and dental insurance program for a limited period of time at their own expense. More information on COBRA is available in the Human Resources Department.

## **6.7 Insurance Deductions**

You are responsible to review your paycheck to ensure the appropriate benefit deductions have been taken. Deductions from your paycheck will be taken out one month in advance. Your medical, dental and life insurance deductions will be taken out of twenty-four (24) pay periods per year. There will be two (2) pay periods each year in which no insurance deductions will be taken.

If you miss a paycheck due to a work absence or unpaid time, you are responsible to contact Human Resources Department at 259-2300 to make payment arrangements.

Insurance payments are due the first of the month; therefore, the payment must be deducted in advance as to schedule payment at proper time.

## 6.8 Annual Enrollment/Transfer Period

Health plans, benefit designs, eligibility rules, and premiums are subject to change each plan year based on the previous year's claims experience. Announcements concerning changes for the upcoming plan year are made during annual enrollment/transfer period each summer. You are required to review your notices, home mailings, and department memos for information about the benefits for the upcoming year.

The Human Resources Department conducts Insurance Board of Trustees meetings along with open enrollment meetings for those needing assistance and information regarding the benefits. Typically, the enrollment/change period is during the month of June. It is your responsibility to stay informed of benefit changes.

## 6.9 Workers' Compensation

You are protected under the State of Tennessee's Workers' Compensation Law for injuries and occupational diseases that result "out of and in the course of employment." This includes injuries that take place when you are performing tasks you were hired to work.

If you should experience an on-the job injury or illness you are required to:

- Report the incident to your supervisor
- Provide a notification of your injury within forty-eight (48) hours.
- Complete an injury report and send or fax it to the Human Resources/Risk Management Department.
- Choose a physician from the panel of primary physicians provided to you by your supervisor
- Keep all appointments with physicians as scheduled or notify the Human Resources Department to have the appointment rescheduled
- Notify the Human Resources Department and your supervisor if the physician tells you not to return to work, to work with restrictions, and when he/she releases you to full duty.
- Give your supervisor a copy of Return to Work forms you receive from the physician.

If you require emergency medical treatment, you should use the emergency room at any local hospital; only one visit to the emergency room will be covered by Workers' Compensation. Notification to the Human Resources Department should be made immediately.

The Risk Management Insurance Company has final authority to determine if a claim is accepted as a Workers' Compensation injury or is rejected and should be applied to your medical insurance.

## 6.10 Retirement Plan

Anderson County Government participates in the Tennessee Consolidate Retirement System (TCRS). Membership to the retirement plan is mandatory for all full-time employees and the 5% contribution will began after the 6 month probation period. Anderson County Government contributes to the retirement fund for all eligible employees. TCRS information is available in the Human Resources Department or on the state website at <http://treasury.tn.gov/tcrs/>

If you are considering retirement from Anderson County, you need to schedule a meeting with the Human Resources Department approximately three (3) months before your retirement date.

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## 7 TIME-OFF BENEFITS

### 7.1 Holiday Policy

Time off work to enjoy the holidays is important to everyone. Anderson County Government provides paid holidays to all full-time employees. Part-time and temporary employees are not eligible to receive paid holidays. Anderson County Government will generally observe the following holidays:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving
- Christmas

However, Anderson County Commission will annually establish a holiday calendar. Once approved by County Commission, the holiday calendar for that year will be distributed to employees.

Every effort will be made to allow all employees off on each designated holiday. If it is necessary for an employee to work on a holiday, the employee will be compensated at a rate which is one and one-half times the employee's regular rate of pay for the hours actually worked. The employee may elect to receive compensatory leave time which will be earned at the rate of one and one-half hours for each hour actually worked during the holiday.

If you are eligible for paid holidays, you will receive pay for each holiday, whether or not you are scheduled to work on those days, or time off the preceding or following work day. The amount of pay is prorated to the number of hours you work each week, not the hours in a day. This means you will receive the same amount of pay for each holiday. If the holiday falls on a day when you are scheduled to work fewer hours than the holiday credit hours you receive, you will take the remaining hours another day. If the holiday falls on a day when you are scheduled to work more hours than the holiday credit you receive, you will need to "make-up" those additional hours.

If a holiday falls within your vacation period, the day will be treated as a holiday and not as annual leave. If you are off sick the day before and/or the day after a holiday, your supervisor may request a doctor's certificate in order for the employee to be eligible for holiday pay.

Hours per Week	Holiday/Vacation Credit
40	8.00
39	7.75
38	7.50
37	7.50
36	7.25
35	7.00
34	6.75
33	6.50
32	6.50
31	6.25
30	6.00

## 7.2 Vacation Time

Time away from work allows you to pursue personal interest, relax and enjoy outside activities. Anderson County Government encourages employees to take their vacation days each year. Your annual vacation time is based upon the length of continuous service (employment) you have with the County as of your anniversary (hire) date of each year. An employee will earn two (2) weeks of vacation every year during the first three (3) years of employment. However, ***an employee is not eligible to use vacation time during the first fiscal year of employment or until the employee has completed six months of continuous service***, at which time five (5) days of vacation will be available. The remaining five (5) days will be available on the employee's anniversary date. Vacation Leave is given by the following schedule (work day = number of hours per week divided by 5 days):

Years of Service	Days of Leave
0-3	10
4-7	12
8-11	15
12-15	18
16-19	21
20-23	23
24+	25

Vacation time may be accumulated and carried forward to the next year in an amount not to exceed twenty (20) days. Any accumulated days exceeding the twenty (20) day limit will convert to sick time, for retirement purposes.

Vacation leave may be used only at times approved in advance by the employer. All efforts will be made to accommodate your request; however, vacation leave is normally approved to meet the work requirements and needs of the County. Subject to your supervisor's approval, vacation leave may be taken at any time as long as you schedule in advance.

Upon the termination of employment, you will be entitled to payment for any unused vacation time which has accrued as of the termination date.

### 7.3 Sick Leave

The purpose of sick leave is to give employees time to visit a doctor or to recover from an illness or injury. ***If you are sick – by all means, stay home!***

Sick leave is considered a privilege and not a right. Full time employees will receive full pay for a work day, with the exception of EMS 24-hour shift employees who will receive pay based on a twelve hour day. Sick leave in the amount of twelve (12) work days per year is earned at the rate of one (1) work day per month. If an employee is in a paid status for one-half the month, he/she will be credited one day of sick leave for the month. Accumulated sick leave has no value except for the purpose granted, and in the event of retirement, accumulated sick leave may be credited toward retirement provided this is permitted under the rules and regulations of the Tennessee Consolidated Retirement System. Otherwise, all unused sick leave shall be forfeited.

You may qualify for sick leave pay when unable to perform assigned work due to the following:

- An employee's own illness;
- An employee's medical or dental appointment which cannot be accomplished during off-duty hours;
- To care for an employee's child, spouse, parent or a relative residing in employee's home as a result of an illness;
- To accompany a spouse, child or parent to medical/dental appointments;
- Enforced quarantine of the employee in accordance with community health regulations;
- Childbirth, adoption or foster care placement;
- Maternity leave of an employee, because of pregnancy, childbirth, or related medical condition, may use up to four (4) months of accrued sick leave;
- On-the-job injury.

Absences more than three (3) days to care for a sick or injured member of the employee's family must be a Family and Medical Leave eligible event (refer to Family and Medical Leave).

You are required to notify your immediate supervisor as soon as possible, at least thirty (30) minutes before and not later than fifteen (15) minutes after the start of work on the first day of absence. You should have a continued line of communication with your supervisor regarding extended sick leave absences. Partial sick days may be taken in increments of two (2) hours, but not less. Employees who become ill during the period of their vacation may request that their vacation be temporarily terminated and the time charged to sick leave.

In order to substantiate extended periods of time taken off due to your personal or family related illness, the County may request a doctor's verification of the illness if you are absent three (3) or more consecutive workdays or if your absences are excessive.

The physician's statement must include the dates of absence due to illness, job restrictions (if any), expected prognosis, and projected return to work date. If you are unable to return to work on the estimated date, another statement must be obtained with another estimated or firm date of return. If you do not furnish this statement you may be subject to disciplinary action up to and including discharge.

Employees who have used all of their accumulated sick leave will not receive financial compensation for additional days of leave 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 compensatory leave time available, subject to supervisor's approval.

## **7.4 Bereavement Leave**

In the case of an immediate family member's death, you may take up to a maximum of three (3) paid working days to arrange and/or attend the funeral of an immediate family member without charge to your leave time. Two additional days of sick leave may be granted to provide a total of five days absence for this purpose. Any additional time off must first be approved by the employee's supervisor and shall be vacation leave, compensatory time leave, or leave without pay. Immediate family members include:

- Spouse (current)
- Parent
- Son or Daughter
- Brother or Sister
- Grandparent
- Grandchild
- Step-relatives and In-laws of the above categories

You may use up to three (3) consecutive days of accrued leave for the bereavement of other persons not listed above. This leave will be deducted from your sick leave balance. If no sick leave remains, you must use compensatory time or take vacation leave. If no compensatory time or vacation leave time is available, it will be considered leave without pay. Amount of leave and approval will be from your direct supervisor.

## **7.5 Jury and Witness Duty**

All employees are entitled to take a leave of absence for jury duty. If you receive a jury summons, you must notify your supervisor immediately. You must advise your immediate supervisor as soon as a summons or notification is received and also must provide to the supervisor a copy of the notification letter. Witness duty must pertain to job-related business for excused absence with regular pay. This also includes a subpoena to court on non-work related issues.

If you complete at any time during jury or witness duty, your assignment within three (3) hours, you are expected to return to work immediately.

## **7.6 Military Reserves or National Guard Leaves of Absence**

Regular employees who are members of any military reserve component, including the Tennessee Army and the Air National Guard, 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 of America under competent orders. While on leave, the employees will receive their regular compensation for a period not to exceed 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 armed forces order.

Regular employees will be granted a leave of absence without pay for the purpose of being inducted into or otherwise entering military duty. If not accepted, the employee will be reinstated at the same rate of pay and without loss of seniority, benefits or status. If accepted for service, the employee may be eligible for reinstatement upon being released from active duty upon meeting the conditions set out in T.C.A. Title 8, Chapter 33 relative to employees in military service, and in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4301-4333.

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. On file with the Human Resources Department.

Leave exceeding this limit may be charged to accrued annual leave, holidays, compensatory time or the employee may elect to take leave without pay.

An employee required to report for military training shall show the appropriate orders to their supervisor. A Change of Status form shall be completed and forwarded, along with a copy of the employee's military orders, to the Human Resources Department.

## 7.7 Family/Medical Leaves of Absence

All employees who: 1) have been employed by Anderson County Government for at least 12 months, and 2) have been employed for at least 1,250 hours of service during the twelve (12) month period immediately preceding the commencement of the leave, shall be entitled to benefits under the Family and Medical Leave Act (FMLA). Eligible employees should provide as much notice as possible, but at least a thirty (30) day notice, of their intention to take FMLA. Notice should be made to the Human Resources Department. In emergency situations less notice may be given. Employees entitled to FMLA may take up to a total of twelve (12) weeks of leave per year:

- The birth or adoption of a son or daughter and to care for the newborn;
- The placement with the employee of a son or daughter for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, with a serious health condition;
- Because of a serious health condition that makes the employee unable to perform the functions of his or her job;
- Maternity Leave: Employees who are disabled because of pregnancy, childbirth, or related medical conditions may also be entitled to take a Family and Medical Leave of Absence.
- The employee experiences a qualifying exigency that arises out of the fact that a spouse, parent, or child has been called to or is on active duty as a member of the National Guard or military reserves, or regular armed forces.

### Military Caregiver Leave

An employee who is the spouse, parent, child or next of kin of a current or past member of the armed forces (including the regular armed forces) who was injured while on active duty may be eligible for up to twenty-six (26) weeks of FMLA leave in a twelve (12) month period, for certain specific qualifying reasons related to the care of the family member.

### Leave Duration

An eligible employee is entitled to take a total of twelve (12) weeks of unpaid leave under FMLA during a twelve (12) month period; the twelve (12) month period begins on the first day of the first approved day of FMLA. A rolling twelve (12) month period, measured backward from the date the leave commences, will be used to determine the amount of FMLA leave available to an employee.

For example:

- An employee who becomes eligible for FMLA on September 1, 2010 does not have an established FMLA twelve (12) month period until the employee requests this leave for a particular purpose.
- Pursuant to an appropriate first request, the above employee goes on a FMLA on January 15, 2011. This employee's twelve (12) month leave period runs from January 15, 2011 to January 14, 2012. On January 15, 2012, or any date thereafter, the employee is eligible for a second twelve (12) weeks of FMLA, provided that the employee has worked 1250 hours during the previous twelve (12) months.

An employee's entitlement to an FMLA leave for the birth or placement of a child expires twelve (12) months after the birth or placement. The right to take FMLA applies equally to male and female employees. A father, as well as a mother, can take family leave for the birth, placement, or adoption or foster care of a child. An expectant mother may take FMLA before the birth of a child for prenatal care or if her condition makes her unable to work. In any case in which husband and wife are both employees of Anderson County Government, the combined (total) number of workweeks of leave entitlement under this policy is twelve (12) weeks during any twelve (12) month period.

In some cases, FMLA leave may begin before the actual placement or adoption of a child if an absence from work is required for the placement or adoption or foster care to proceed.

For military caregiver leave, the employee and employee spouse may be limited to a combined total of twenty-six (26) weeks of leave in a twelve (12) month period, including the types of leave listed above in this paragraph.

### **Intermittent Leave**

In certain circumstances, FMLA leave may be taken on an intermittent or reduced leave schedule. Leave taken for childbirth or placement (adoption or foster care) may not be taken on an intermittent or reduced schedule. This leave may be taken only within twelve (12) months of the date of the birth or placement of the child.

A pregnant employee may take intermittent leave for prenatal examinations or for her own condition, such as for periods of severe morning sickness.

Leave taken to care for a spouse, child or parent or for the serious health condition of the employee or for military caregiver leave may be taken on an intermittent or reduced schedule when medically necessary.

- For example, one who takes intermittent leave under this policy, who normally works a five-days a week schedule and who takes one day of leave under this policy will use one-fifth of one week of leave available. With this intermittent schedule, the employee could take one day (one-fifth of a week) for up to fifty-two (52) weeks (or one year) to get the full twelve (12) weeks of FMLA.
- Under a reduced schedule for FMLA, if a full-time employee who regularly works five days a week must take off one half of the workweek, one half week (or two and one half days) of leave under this Policy is used each week. Thus it could take the employee up to twenty-four (24) weeks to use the entire entitlement of FMLA.
- An exempt employee taking FMLA by the hour is not a violation of the employee's exempt status under the Fair Labor Standards Act.

If leave is taken on an intermittent or reduced work schedule, the County retains the discretion to transfer the employee temporarily to an alternative position with equivalent pay and benefits that better accommodates the employee's leave schedule.

### **Notification Procedure**

You are responsible for notifying your immediate supervisor, in writing, that a leave of absence will be required, the reason for the leave and the anticipated duration of the leave as well as a return date. Your immediate supervisor will notify the Human Resources Department, which will provide you with a FMLA Notice.

The Human Resources Department is responsible for compliance with this policy and ensuring that all employees eligible for FMLA are granted time off in a non-discriminatory manner. The Human Resources Department is responsible for ensuring that you are provided with a written notice detailing the specific expectations and your obligations and explaining the consequences of a failure to meet these obligations. Medical certification is required for leave due to your own serious health condition or that of a family member **before** approving a request for family or medical leave or **before** an employee may return to work at the conclusion of a leave.

Your immediate supervisor may require you to report periodically (typically every two weeks) on the status of the situation and your intention to return to work. You are responsible for remaining in contact with your supervisor during your absence.

### **Pay During Leave**

All FMLA absences are unpaid. However, you shall first take any paid leave available under the provisions and limitations of Sick Leave; then exhaust any accrued compensatory time under the provisions of Compensatory Leave; then may choose to exhaust any paid Annual Leave available under the provisions of Annual Leave and then shall be in a leave without pay status for the balance of the twelve (12) week leave period. Any sick and/or annual leave time taken will be regarded as part of FMLA leave.

You will continue to accrue sick and annual leave time during an approved FMLA leave of absence if you remain in pay status; however, employees taking leave shall not accrue sick and annual leave time while in a no pay status. You are considered to be in a pay status any time the County is paying your salary/wages.

### **Benefits Coverage**

Health insurance benefits will continue at the level and under the conditions that coverage would have been provided if you had continued active employment. During any period of leave approved, the County shall continue to contribute the employer's credit portion toward the employee's health insurance plan. You will be eligible to continue Group Insurance coverage provided you pay the related premiums equal to the employee contribution rates in effect at the time and any subsequent increase that may occur during the leave. During any period of leave approved, the County shall continue to cover the cost of your basic life insurance. During any period of paid leave approved under or during a period of six (6) months or less of unpaid leave approved, the County shall continue to cover the cost of your enrollment in the long term disability plan.

During any period of leave approved, you shall make arrangements with the Human Resources Department to pay the cost of other benefits for which you would ordinarily be responsible during any period of unpaid leave. Payment will be required in advance of the leave date or as soon as practicable after the start of the leave date and will cover the anticipated duration of the leave. The Human Resources Department shall terminate any benefits for which you have not made appropriate payment after such payment is past due for thirty (30) days. You shall be obligated to repay to Anderson County Government any health insurance premium which the County paid on your behalf, if you fail to return to Anderson County Government employment after an approved period of leave and if you fail to return to work for a reason other than the following: 1) the continuation, recurrence or onset of a serious health condition that entitled the employee to leave under this policy, or 2) other circumstance beyond the control of the employee.

## Return to Work

When you are due to return to work from FMLA, from injury or illness to yourself, you must present a fitness for duty certificate that you are able to resume work. The County may delay reinstatement until the certification is submitted by you. A fitness for duty certification from an employee's health care provider that you are able to resume work shall be in accordance with Anderson County Government's customary and uniformly applied procedures. Fitness for duty certificate must be completed by the same health care provider that attended the illness that necessitated the FMLA absence.

If you are unable to return to work on the estimated date, you must notify the Human Resources Department prior to the return date and must obtain another statement with another estimated or firm date of return. If you fail to notify Anderson County Government or furnish this statement you may be subjected to disciplinary action up to and including discharge.

An employee who returns from FMLA within twelve (12) weeks from the commencement of the leave is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

The Department of Labor Notice of Rights can be found in Appendix 9.3 or for additional information concerning FMLA; employees should consult with the Human Resources Department.

## 7.8 Voting Leave

Anderson County Government strongly encourages its employees to fulfill their civic responsibility to their community by expressing their right to vote. The purpose of this policy is to compensate employees of Anderson County Government for time required to vote during local, state, or national elections.

Any person entitled to vote in an election in this state may be absent from work for a reasonable period of time, not to exceed three (3) hours, necessary to vote while the polls are open in the county where the employee resides. A voter who is absent from work to vote may not be subjected to any penalty or reduction in pay for such absence.

If the shift of an employee 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 of the county where the employee is a resident, the employee may not take time off under this section.

Supervisors reserve the right to stagger personnel in order to cover business needs and specify the time the employee may be absent. Request for such absence shall be made to the employer before twelve o'clock (12:00) noon of the day before the election. Employees may not use voting leave to extend scheduled work hours to exceed total scheduled work hours.

To be eligible for voting leave, employees must:

- Be registered to vote,
- Vote, and

- Be scheduled to work on Election Day during the hours of 7:00 a.m. & 7:00 p.m. local time.

Overtime is calculated based on time worked, not time compensated. Time spent on voting leave will not be counted as hours worked for the purpose of computing overtime pay in any given workweek.

## 7.9 Maternity/Paternity Leave

In accordance with Tennessee Code Annotated 4-21-408 (copy on file in Human Resources Department), Maternity/Paternity leave is granted to employees for a maximum of sixteen (16) weeks, with the first twelve (12) weeks of leave falling under the Family Medical Leave Act (FMLA) and remaining four (4) weeks as maternity/paternity leave. TCA 4-21-408 is an unpaid leave benefit. You must be employed full-time for at least twelve (12) months to receive maternity/paternity leave.

You must provide at least four to six (4-6) weeks advance notice of your anticipated date of departure, except in those cases where medical emergency prevents this notice, and state the length of your requested leave and your intention to return to full-time employment after leave.

You are required to use your accrued leave (vacation, sick, comp) during maternity/paternity leave. Accrued leave and maternity/paternity leave are used at the same time – you do not take your accrued leave first and then take maternity/paternity leave.

The purpose of this leave is to provide time off for pregnancy, childbirth, nursing, and /or bonding with the infant. If the County finds that you pursued other employment opportunities or worked part-time or full-time for another employer during the period of maternity/paternity leave, then the County does not have to reinstate you at the end of your leave period.

## 7.10 Personal Leaves of Absence

If you exhaust all your vacation and sick leave and still need time off for personal or health reasons, you may apply for an unpaid leave of absence for a period of up to three (3) months if you are a full-time employee. The request for leave must be given to your supervisor and your department director at least thirty (30) days prior to the start of the requested leave unless the leave is an emergency.

Your supervisor (or department director) may or may not approve your request for a leave of absence. The decision is at his/her discretion, unless the leave qualifies under the FMLA or the Tennessee Maternity Leave Act. Some of the matters considered in approving the request are your length of service, employment record, and the reason for the absence.

If your leave is approved you will be responsible for continuing to report periodically to your supervisor if requested.

While you might originally request a leave of absence for a period of three (3) months, it is possible that extensions may be granted. However, the total leave and extensions for any one cause cannot exceed one (1) year.

You do not accrue sick and vacation leave while you are on an approved leave of absence.

You must notify your supervisor of the anticipated date of your return to work prior to that date. Your supervisor is responsible for immediately notifying the Human Resources Department.

If you fail to return to work at the conclusion of your leave of absence, you will be terminated from employment. If you are unable to return to work, you are responsible for requesting an extension (in advance) from your supervisor or department director.

There may be changes in your employee benefits during a leave of absence. Please contact the Human Resources Department to determine what changes you may experience.

## **7.11 Paid Personal Leave or Administrative Leave**

At the discretion of the Elected Official paid personal leave or administrative leave may be granted.

Paid administrative leave must be for a good cause or substantial allegation or wrong doing determined by the employer. Administrative leave is not available in conjunction with or following a decision by employer or employee for voluntary or involuntary termination.

It is the County's general policy to grant up to three (3) days of paid personal leave to its employees. This leave must be granted in advance. The privilege of personal leave is permissive only and may be restricted or eliminated when it is not convenient for the employee to take personal leave or where the employee takes excessive personal leave. Personal leave that is remaining at the end of the fiscal year will be converted to sick leave and accumulated on the records of the employee as sick leave.



## 8 ACKNOWLEDGMENT

I acknowledge that I have received a copy of the Anderson County Government Employment Policies, and I do commit to read and follow these policies.

I am aware that if, at any time, I have questions regarding Anderson County Government policies I should direct them to my manager or the Human Resources Department.

I know that Anderson County policies and other related documents do not form a contract of employment and are not a guarantee by Anderson County Government of the conditions and benefits that are described within them. Nevertheless, the provisions of such County policies are incorporated into the acknowledgment, and I agree that I shall abide by its provisions.

I also am aware that Anderson County Government, at any time, may on reasonable notice, change, add to, or delete from the provisions of the County policies.

\_\_\_\_\_  
Employee's Printed Name

\_\_\_\_\_  
Position

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date



## 9 APPENDICES

### 9.1 Employee Identification Card System/Security Policy

1. PURPOSE:
  - a. To establish uniform procedures for employee ID/key card policies regarding utilization, distribution, replacements and return upon termination.
2. ORGANIZATIONS AFFECTED:
  - a. All Anderson County Government Departments and Offices.
3. DEFINITIONS:
  - a. **Anderson County Government Employee Identification (ACGE ID) Card:** An identification card provided by the organization for the purpose of identifying those who are employed by Anderson County Government or provide on-going service to the County. The ID card will contain the facial photo, name, ACG department affiliation and selected credentials of the wearer.
  - b. **Issuing Official:** Elected Officials, Department Heads or their designees who are authorized to request issuance, replacement, or surrender of the ID card.
  - c. **Card Office:** A facility maintained by the Anderson County Government Human Resources Department for the issuance and management of ID cards.
  - d. **Official Capacity:** Includes any time while on Anderson County Government property working for or representing the County, including break periods.
  - e. **Property:** Any property owned or leased by Anderson County Government.
4. PROCEDURE:
  - a. All employees and other persons formally associated with or acting on behalf of Anderson County Government that perform activities on the property, will be issued an official Anderson County Government employee identification card. The ID card will be issued by an issuing official, and must be worn prominently on the outer clothing between shoulder and waist with the photo side facing out when an employee is in an official capacity.
  - b. Use of Identification Cards will:
    - Provide reliable and controlled identification,
    - Provide a cost-efficient and controlled method of obtaining access to certain areas of the property,
    - Confirm to other members of the workforce the authorized presence of a person.
  - c. The face of the ID will contain the following:
    - Name (First, middle initial, last). If space for the full name is insufficient, the first name may be reduced to an initial. Hyphenated last names will be allowed. *Security Exception:* If an individual feels the appearance of their full name on the ID card may present a significant personal threat, he or she can petition for an exception to the policy. To do so, the individual should submit a request to the department head stating the reason for the request. The department head will evaluate and approve or disapprove the

- request. If approved, the department head will file a request with the Card Office to issue a replacement ID card. At a minimum, the replacement ID card will bear the possessor's last name and office on the front.
- Photograph – a full-face color image.
  - Credentials – a maximum of nine (9) alpha characters may appear on a separate line.
  - Department – the responsible department or organization issuing the card.
  - Anderson County Seal – the county seal along with Anderson County Government will appear on the card.
- d. The official ID card may not be defaced, pierced, or visually obstructed in any manner. Stickers, pins or other items affixed to the ID card will impair its purpose and performance.
- e. The ID card will be used solely by the person authorized by the Issuing Official, and under no instances will it be transferred to another individual.
- f. Employees who lose their ID card are allowed one replacement per calendar year. Any additional replacements will result in a \$3.00 card replacement fee. Lost, damaged, or stolen ID cards must be reported immediately to the issuing department and to the Card Office.
- g. It is the responsibility of the Issuing Official to ensure that every individual required to possess an ID card obtains it the first day he or she begins work at Anderson County Government. To obtain a card, the Issuing Official must complete the ID card request section of the New Hire Form.
- h. The ID card will be maintained until the relationship with Anderson County Government has been terminated, or upon demand of the employee's supervisor or department head. If an employee terminates employment or transfers from one department to another, it is the responsibility of the Issuing Official in the department which the employee is leaving to obtain the card from the employee and submit the card to the Human Resources Department for destruction. In the case of a transfer, it is the responsibility of the Issuing Official in the employee's new department to ensure that the employee is issued a new card with the appropriate department listed.
- i. Issuing officials are responsible for establishing their office procedure that assures adherence to all guidelines contained in this policy. Disciplinary action is strongly recommended to be taken if an employee chooses not to abide by the Policy.
5. ID CARD TO SERVE AS KEY CARD
- a. There will be a series of card readers throughout the Anderson County Courthouse and its different offices. The employee ID cards will serve as keys to access certain areas, as well as the courthouse after hours. Courthouse doors will automatically lock and unlock during designated times.
  - b. To ensure that the building will be unlocked for certain meetings after hours, the individual responsible for the meeting must contact the Human Resources Department, Mayor's office or County Commission Office.

## 9.2 Code of Ethics, Anderson County Government

### Section 1. Definitions.

(1) "County" means Anderson County Tennessee, which shall include all boards, committees, commissions, authorities, corporations, or any other instrumentalities of Anderson County Government appointed or created by the County, or an official of the County, and including the County School Board, the County Election Commission, the County Health Department, and Utility Districts of the County.

(2) "Official and employee" means and includes any Anderson County official, singular or plural, whether elected or appointed, officer, employee, or any member of any board, agency, commission, authority or corporation (whether compensated or not) or any person employed or appointed by Anderson County.

(3) "Personal interest" means, for the purpose of disclosure of personal interests in accordance with this Code of Ethics, a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, decided or otherwise acted upon in an official capacity.

## **Section 2. Disclosure of Personal Interest in Voting Matters.**

An official or employee with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and to be included in the minutes of the meeting, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's or employee's vote on the measure. In addition, the official or employee may, to the extent allowed by law, abstain from voting on the measure.

## **Section 3. Disclosure of Personal Interest in Non-Voting Matters.**

An official or employee who must exercise discretion relative to any matter other than casting a vote; including but not limited to, managing, supervising, or awarding any contract, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of discretion shall disclose, before the exercise of discretion when possible, the personal interest on the authorized Disclosure Form and file that form with the County Clerk. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

## **Section 4. Acceptance of Gifts and Other Things of Value.**

An official or employee, or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the County:

(1) For the performance of an act, or refraining from performance from an act, that he or she would be expected to perform or refrain from performing in the regular course of his or her County duties; or

(2) That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing County business.

It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screens, immunizations, vaccines, amenities, or items necessary to the performance of the official or employees' duties that are provided by the County, or in connection with a conference, meeting, or employee fair sponsored by the County, other governmental entity, or an established and recognized state-wide association of county government officials or by an umbrella or affiliate organization of such state-wide association of county government officials, or professional organization, association or licensing board.

### **Section 5. County Ethics Commission.**

A County Ethics Commission (hereinafter "Commission") consisting of sixteen (16) voting members shall be appointed to serve two (2) year terms, subject to the initial term provision recited below, with no term limits, and shall consist of the following membership:

- A) County Mayor, or designee;
- B) Chairman of the County Legislative Body, or designee;
- C) County Clerk, or designee;
- D) Circuit Court Clerk, or designee;
- E) Clerk and Master, or designee;
- F) Director of Schools, or designee
- G) Highway Superintendent, or designee;
- H) Member of the Judiciary – as selected by the Honorable Judges of the County and Seventh (7<sup>th</sup>) Judicial District, or designee;
- I) Assessor of Property, or designee;
- J) Register of Deeds, or designee;
- K) Sheriff, or designee;
- L) Trustee, or designee;
- M) Member of the County Legislative Body as selected by their membership, or designee;
- N) Member of the County School Board as selected by their membership, or designee;
- O) County Mayor Appointment;
- P) County Legislative Body Appointment; and
- Q) Ombudsman/Law Director, ex officio.

Designees and appointees can be selected from other County Officials, employees or citizens.

Initial Terms shall run from July 1, 2007 until September 30, 2010. Subsequent two (2) year membership terms shall begin on October 1, 2010.

The Commission shall convene as soon as practical after their appointment and elect a Chair and Secretary. All meetings, with the exception of executive sessions, shall be open to the public and publicly noticed in a newspaper of general circulation in the County for at least one time no less than five (5) days prior to the meeting.

A majority of Commission members present shall constitute a quorum. The Commission shall act officially by majority vote of the entire membership. Death of a member and abstentions for stated cause shall reduce the needed majority vote accordingly.

The Commission shall have original jurisdiction to hear and decide all violations of this Code.

Unless specifically governed herein, or by state law, the Commission shall conduct all meetings in accordance with Robert's Rules of Order, most recent edition.

The official records, minutes and closed investigations of the Commission shall be maintained by the Secretary and filed in the Office of the Anderson County Clerk, where they shall be open for public inspection during reasonable business hours.

### **Section 6. Complaints.**

Questions and complaints regarding violations of this Code of Ethics or any violation of state law governing ethical conduct should be directed to the Ombudsman for the Commission. Complaints shall be in writing and signed by the person making the complaint. At least one witness shall sign the complaint attesting to the authenticity of the signature only. All complaints shall be as specific as possible and shall set forth in reasonable detail the facts upon which the complaint is based. Complaints will be received by U.S. Mail only addressed to the following:

Anderson County Ethics Commission  
101 South Main Street, Suite 310  
Clinton, TN 37716

The Commission or Ombudsman shall investigate any credible complaint against an official or employee charging any violation of this Code of Ethics, or may undertake an investigation on its own initiative when it acquires information indicating a possible violation, and make recommendations for such action to end or seek retribution and/or restitution for any activity that, in the Commission's judgment constitutes a violation of this Code of Ethics. If a member of the Commission or the Ombudsman is the subject of a complaint, such member shall recuse himself or herself from all proceedings involving such complaint. If the Ombudsman is the subject of the complaint, the Chair of the Ethics Commission shall receive and investigate the complaint and otherwise serve and act in the role of Ombudsman.

### **Section 7. Ombudsman.**

The County Law Director shall serve in the position of Ombudsman and shall receive and investigate all complaints regarding violations of this Code of Ethics. The Ombudsman shall make an initial inquiry to determine if the act complained of lies within the original jurisdiction of this Code and Commission, as defined herein. If the Ombudsman determines that jurisdiction is vested with the Commission then the alleged violation will be investigated and referred to the Commission for further action. The Ombudsman shall cause reasonable notice to be given to the affected and supervising department head or when an ethics complaint is received. All ethical violations defined herein will be referred the Commission.

After the investigation is complete, or within ninety (90) days of the postmark on the complaint, whichever comes first, the Ombudsman shall report the matter to:

- 1) The Commission, if the act complained of falls within the original jurisdiction of the Commission; and
- 2) The Department Head or Elected Official, Board, or Commission supervising the official or employee for additional action; and/or
- 3) Local law enforcement agency or the District Attorney General if criminal activity is suspected; and/or
- 4) State Ethics Commission or the State Election Commission if the act complained of falls within the appropriate jurisdiction; and/or
- 5) The District Attorney General or Law Director for ouster investigation and appropriate action; or
- 6) The Ombudsman shall dismiss the complaint for lack of reasonable supporting and corroborating evidence, lack of jurisdiction, lack of merit, lack of cooperation from the complainant, or complainant's unwillingness to testify before the Commission or Court of law, or withdrawal of the complaint by the complainant.

### **Section 8. Enforcement Options.**

The Commission may, upon majority vote:

- 1) Refer the matter to the Law Director for a legal opinion and/or recommendation for action; or
- 2) In the case of an official, refer the matter to the County Legislative Body for possible public censure by resolution of the County Legislative Body if such body finds such action warranted;
- 3) In the case of an employee, refer the matter to the official or department head responsible for supervision and control of that employee for possible disciplinary action if the official or department head finds such discipline warranted;
- 4) In a case involving possible violations of state statute, refer the matter to the District Attorney General for possible ouster or criminal prosecution.

When interpreting and enforcing the provisions of this Code the Commission and/or Ombudsman shall use the standard of what an objective reasonable person would have done, or would have perceived was done, under the facts and circumstances given. When a violation of this policy also constitutes a violation of a personnel policy or civil service policy, the violation shall be dealt with as a violation of the personnel or civil service policy provisions rather than a violation of this policy.

### **Section 9. Applicable State Laws.**

In addition to the ethical principles set out in this Code, state law also provides a framework for the ethical behavior of County officials and employees in the performance of their duties. Officials and employees should familiarize themselves with state laws applicable to their office, position and the performance of their duties. To the extent that an issue is addressed by state law, (law of general application, public law of local application, local option law, or private act), the provisions of state law, to the extent they

are more restrictive, shall control. The following is a brief nonexclusive survey of selected state laws concerning ethics in County government. For the full text of these statutes see the identified Tennessee Code Annotated (T.C.A.) sections.

**Campaign Finance – T.C.A. Title 2, Chapter 10. Part 1** (Campaign Financial Disclosure) requires candidates for public office to disclose contributions and contributors to their campaigns. **Part 3** (Campaign Contribution Limits) limits the total amount of campaign contributions a candidate may receive from an individual and sets limits on the amount a candidate may receive in cash.

**Conflict of Interest – T.C.A. §12-4-101** is the general conflict of interest statute that applies in all counties. It prohibits anyone who votes for, lets out, or in any manner supervises any work or contract from having a direct financial interest in that contract, purchase, or work, and it requires disclosure of indirect financial interests by public acknowledgment.

**Conflict of Interest – T.C.A. §49-6-203** applies to the Department of Education or School Board in all counties and prohibits the direct and indirect conflict of interest in the sale of supplies for use in public schools.

**Conflict of Interest – T.C.A. §5-1-125** applies in all counties and prohibits county officials and employees from purchasing surplus county property except where it is sold by public bid.

**Conflict of Interest – T.C.A. §54-7-203** applies in all counties that are governed by the County Uniform Highway Law. It prohibits officials and employees in the Highway Department and members of the County Legislative Body from having any personal interest in purchases of supplies, materials, machinery, and equipment for the Highway Department.

**Conflict of Interest – T.C.A. §5-14-114** is part of the **Purchasing Law of 1957**, lawfully adopted and in effect in Anderson County. It prohibits the purchasing agent, members of the purchasing commission, and all county officials from having any financial or personal beneficial interest in any contract or purchase of goods or services for any department or agency of the County.

**Conflict of Interest – T.C.A. §§5-5-102 and 12-4-101** govern disclosures and abstentions from voting due to conflicts of interest related to members of the County Legislative Body.

**Conflict of Interest Disclosure Statements – T.C.A. §§8-50-501 et seq.** requires candidates and appointees to local public offices to file a disclosure statement with the State Ethics Commission listing major sources of income, investments, lobbying activities, professional services provided, bankruptcies, certain loans, and other information, and to keep these statements up to date.

**Gifts – T.C.A. § 5-14-114** is part of the **Purchasing Law of 1957**, lawfully adopted and in effect in Anderson County. It prohibits the purchasing agent, members of the purchasing commission, and all county officials from receiving anything of value, directly or indirectly, from anyone who may have or could obtain a contract or purchase order with the County.

**Honorarium – T.C.A. §2-10-116** prohibits elected officials from accepting an honorarium, (including money or anything of value, but not including reimbursement for actual expenses) for an appearance, speech, or written article in their official capacity.

**Private Use of Public Property – T.C.A. §54-7-202** applies to the Anderson County Highway Department. It prohibits the private use of equipment, rock, and other highway materials.

**Court Sales – T.C.A. §39-16-405** prohibits judges, clerks of the court, court officers, and employees of court from bidding on or purchasing any property sold through the court for which such person discharges official duties.

**Rules of the Supreme Court – Rule 10, Cannon 5**, (Code of Judicial Conduct), establishes ethical rules for Judges and other court personnel when exercising judicial functions.

**Rules of the Supreme Court – Tennessee Rules of Professional Conduct**, establishes ethical rules for Tennessee attorneys.

**Fee Statutes – T.C.A. §§8-21-101, 8-21-102, and 8-21-103** set out circumstances where fees are authorized, prohibit officials from requiring payment of fees in advance of performance of services except where specifically authorized and set penalties for charging excessive or unauthorized fees.

**Consulting Fee Prohibition for Elected County Officials – T.C.A. §§2-10-122 and 2-10-124** prohibit officials from receiving compensation for advising or assisting a person or entity in influencing County legislative or administrative action.

**Crimes Involving Public Officials – T.C.A. §§39-16-101 et seq.** and the following sections prohibit bribery, soliciting unlawful compensation, and buying and selling in regard to offices.

**Official Misconduct – T.C.A. §39-16-402** applies to public servants and candidates for office and prohibits the unauthorized exercise of official power acting in an official capacity exceeding the servant's power, refusal to perform a duty imposed by law, violating a law relating to the servant's office or employment, and receiving a benefit not provided by law.

**Official Oppression – T.C.A. §39-16-403** prohibits abuse of power by a public servant.

**Bribery for Votes – T.C.A. §§2-19-121, 2-19-126, and 2-19-127** prohibit bribery of voters in an election.

**Misuse of Official Information – T.C.A. §39-16-404** prohibits a public servant from obtaining a benefit or aiding another person in obtaining a benefit from information which was obtained in his/her official capacity and is not available to the public.

**Public Official Ouster Law – T.C.A. §8-47-101** sets out conduct that is punishable by ouster from office, including misconduct in office and neglect of duties. Ouster cases may be filed by either the Law Director or District Attorney General.

## 9.3 Notice of Rights (FMLA)

### EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

#### Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

#### Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

#### Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

#### Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

#### Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

#### Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

#### Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

#### Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

#### Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

#### Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

#### Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.**



For additional information:  
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627  
[WWW.WAGEHOUR.DOL.GOV](http://WWW.WAGEHOUR.DOL.GOV)



U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division

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