



Sevier County Government

Employee Handbook

Adopted July 1, 2023

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Introduction

Sevier County Government (“County”) developed the Employee Handbook to provide its employees and volunteers with a copy of the personnel policies, general conditions of employment, and employee benefits. The Sevier County Board of Commissioners adopted these policies under Tennessee Code Annotated (T.C.A) § 5-23-101 et seq. This document includes a summary of the personnel policies regarding county employees, pay practices, general provisions of employment, employee benefits, and expected standards of employee conduct.

This handbook is not an exclusive statement of all the terms and conditions of employment. The policies, benefits, and practices covered herein are subject to change without advance notice. The Sevier County Board of Commissioners reserves the right to make final decisions regarding the interpretation of each policy, benefit, or practice covered herein. Before any policy, benefit, or practice shall bind the County, the policy, benefit, or practice must be approved by a written resolution of the Sevier County Board of Commissioners.

No policy, benefit, or practice contained herein creates an employment contract for any period. All county employees will be considered employees at will. Sevier County Government may terminate any employee for failure to perform their duties satisfactorily or simply at the will of the County. Sevier County Government will not terminate employees in a discriminatory or illegal manner.

These policies, benefits, and practices do not apply to employees of the Sevier County Department of Education or to any of the employees of any county official who has adopted their own personnel policy according to Tennessee Code Annotated § 5-23-101 et seq. Additionally, public safety departments may require additions to this handbook.

The effective date of this revised Employee Handbook for Sevier County Government is July 1, 2023. To the extent that the previous Sevier County Employee Handbook was amended, the policies, benefits, and practices contained herein shall apply prospectively only from the effective date of this employee handbook.

Under applicable state and federal laws and regulations and by resolution of the Sevier County Board of Commissioners, these policies are established to guide all administrative personnel actions. The Sevier County Board of Commissioners does not recognize any statements contrary to this manual, and those statements should not be relied upon by the employee.

These personnel policies may be revised or amended through a written request to any Official, Senior Director of Division, or Director of Department and subsequent approval by the Sevier County Board of Commissioners. By

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

Employment at Will

Employment with Sevier County Government is on an at-will basis unless otherwise stated in a written, individual employment agreement executed by the County Mayor or their designee.

This means that either the employee or the County may terminate the employment relationship at any time, for any reason, with or without notice.

Nothing in this handbook creates or is intended to create an employment agreement, express or implied. Nothing contained in this, or any other document provided to the employee, is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period of time. In addition, no County representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship.

Any salary figures provided to an employee in annual or monthly terms are stated for the sake of convenience or to facilitate comparisons and are not intended to and do not create an employment contract for any specific period of time.

Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations Act (NLRA). Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. Sevier County Government employees have the right to engage in or refrain from such activities.

Equal Employment Opportunity

Sevier County Government is committed to creating and maintaining a workplace in which all employees have an opportunity to participate and contribute to the success of the organization and are valued for their skills, experience, and perspectives. This commitment is embodied in established policy and the way we conduct operations within Sevier County Government and is an important principle of sound management.

3.1 Non-Discrimination

Sevier County Government is an Equal Opportunity Employer. As such, the County prohibits discrimination and harassment of any type and affords equal employment opportunities to employees and applicants without regard

to race (to include hairstyles historically associated with race such as braids, twists, locs, and afro hairstyles), gender (including pregnancy, childbirth, and pregnancy-related conditions), color, religion, creed, national origin, age, genetic information, veteran status, mental or physical disability, sexual orientation, or any other basis prohibited by local, state, or federal law.

This policy extends to all terms and conditions of employment, including but not limited to hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

The type of conduct prohibited under this policy is not limited to unlawful discrimination and harassment, but also includes improper behavior. Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events. Additionally, it includes but is not limited to engagement in these behaviors by any means including in person, through email, voicemail, telephone, audio or video devices, and computer or hardcopy documents. Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Human Resources department, their immediate supervisor, Official, Senior Director of Division, or Director of Department.

3.2 Americans with Disabilities Act

It is the policy of Sevier County Government to comply with the Americans with Disabilities Act, as well as all applicable state and local laws providing for nondiscrimination in employment against qualified individuals with disabilities, by:

- Ensuring that all qualified individuals with any disability are treated in a nondiscriminatory manner in the pre-employment process. If employed, to continue to act in a nondiscriminatory manner in all terms, conditions, and privileges of their employment.
- Administering medical examinations, such as second medical opinion or fitness for duty exams to applicants only after conditional offers of employment have been extended and to employees only when justified by business necessity.
- Keeping all medical-related information confidential in accordance with the requirements of the ADA and retaining such information in separate confidential files.

- Providing qualified applicants and employees with disabilities with reasonable accommodations, except where such an accommodation would create an undue hardship on the County.
- Notifying individuals with disabilities that the County provides reasonable accommodation to qualified individuals with disabilities, by including this policy in the Employee Handbook and by posting the Equal Employment Opportunity Commission's "Workplace Discrimination is Illegal" poster in all county-owned facilities.

Qualified individuals with disabilities may make requests for reasonable accommodations to the Human Resources department in writing when possible. On receipt of an accommodation request, the Human Resources department will meet with the requesting individual to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the County might make to help overcome those limitations. Individuals requesting accommodations are expected to cooperate in this process, including providing information requested by the County to assist in assessing the need for and type of accommodation required.

3.3 Reasonable Accommodation for Pregnancy and Childbirth

Pursuant to the Pregnant Workers Fairness Act, Sevier County Government provides reasonable accommodations on a temporary basis for an employee's medical needs arising from pregnancy, childbirth, or related medical conditions, unless such accommodation would impose an undue hardship on business operations. If an employee needs a reasonable accommodation based on pregnancy or a related condition, they must notify the Human Resources department of the need for an accommodation as soon as possible. The County will engage in an interactive process with the employee to determine a reasonable accommodation. The organization strictly prohibits discrimination against a job candidate or employee because of their pregnancy or need for a pregnancy related accommodation.

3.4 Harassment

Sevier County Government is committed to providing a safe and secure work environment in which all individuals are treated equally, with respect and dignity. In keeping with this commitment, Sevier County will not tolerate harassment in the workplace based on race (to include hairstyles historically associated with race such as braids, twists, locs, and afro hairstyles), gender, color, religion, creed, national origin, age, genetic information, veteran status, mental or physical disability, sexual orientation, or any other basis prohibited by local, state, or federal law.

This policy covers all employees and Officials. Sevier County Government will not tolerate, condone, or allow harassment by co-workers, supervisors, associates, outside clients, or other non-employees who conduct business with the County.

For purposes of this policy, harassment is defined as verbal, written, or physical conduct that denigrates or shows hostility or aversion toward an individual because of the individual's legally-protected status, and that (a) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; (b) has the purpose or effect of unreasonably interfering with an individual's work performance; or (c) otherwise adversely affects an individual's employment opportunities. Harassment that is prohibited under this policy includes, but is not limited to, epithets, slurs, jokes, pranks, innuendo, comments, written or graphic material, stereotyping, or other threatening, hostile, or intimidating acts based on the legally-protected classifications defined above.

3.4.1 Sexual Harassment

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

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

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

3.4.2 Consensual Romantic or Sexual Relationships

Sevier County Government realizes that in some circumstances, two (2) employees may become involved in a personal non-work-related relationship. Although the organization does not expressly prohibit consensual relationships between two (2) co-workers, the following guidelines have been adopted. Workplace relationships are permitted only under the following circumstances:

- Both parties must mutually consent to the relationship
- The relationship may not affect work performance (of those involved and/or of co-workers)

- The relationship does not negatively impact the work environment; and
- Involved parties must act professionally while on Sevier County Government premises or while engaged in work-related business off premise. Behavior that is construed as offensive, obscene, threatening, uncomfortable, or disruptive to other employees is prohibited.

3.5 Reporting

Any employee who believes they have been subject to or witnessed violations of the Equal Employment Opportunity policy, including discrimination, or sexual or other forms of unlawful harassment, is requested and encouraged to make a complaint regardless of the status or job title of the perpetrator. Employees are encouraged to advise the offender that their behavior is unwelcome and request that it be discontinued. If for any reason an individual does not wish to address the offender directly, or if such action does not successfully end the offensive conduct, the employee may report the incident directly to their immediate supervisor, Official, Senior Director of Division, Director of Department, or any other member of management to whom they feel comfortable reporting. The employee may also report the incident to the Human Resources department. Supervisors and other managerial employees are required reporters of conduct or behaviors that may constitute harassment and discrimination – even if they are not sure if the conduct rises to the level of harassment or discrimination.

All complaints will be investigated promptly and, to the extent possible, with regard for confidentiality.

Upon completing the investigation of the complaint, a decision as to whether conduct contrary to this policy has occurred and the appropriate action to take on the complaint will be made by the supervisor or their designee in conjunction with the Human Resources department, or if the County Mayor is the subject of the complaint, by the Chairman of the County Commission Intergovernmental Affairs Committee. A timely resolution of each complaint should be reached and communicated to the parties involved. If the investigation confirms conduct that violates this policy has occurred, Sevier County will take immediate, appropriate, corrective action, including discipline, up to and including immediate termination.

If either party directly involved in an investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision internally before the Sevier County Commission Intergovernmental Affairs Committee.

3.6 Retaliation

Sevier County Government will not allow any form of retaliation or reprisal against any employee who has raised issues of equal employment opportunity, made a good faith complaint or report of harassment or discrimination, assisted in the investigation of any such complaint or report, requested an accommodation based on pregnancy, disability, or sincerely-held religious belief, or filed a charge, testified, assisted, or participated in any manner in an investigation, lawsuit, or administrative agency action alleging violation of federal or state laws or organizational policies prohibiting discrimination and harassment. If an employee feels they have been subjected to any such retaliation, they should bring it to the attention of the Director of Human Resources. Any suspected retaliation or intimidation should be reported immediately.

Employment Relationship

4.1 Employee Privacy

It is Sevier County Government's goal to respect the individual privacy of its employees and at the same time maintain a safe and secure workplace. When issues of safety and security arise, employees may be requested to cooperate with an investigation. The investigation may include the following procedures to safeguard the County and its employees: searches of personal belongings, searches of work areas, searches of private vehicles on county premises, medical examinations, and the like. Failure to cooperate with an investigation is grounds for termination. Providing false information during any investigation may lead to discipline, up to and including termination.

Employees are expected to make use of government facilities for the business purposes of the County. Employees do not have to have any expectation of privacy with respect to any material on Sevier County Government property. Sevier County Government regularly monitors its communications systems and networks as allowed by law and in accordance with its Technology and Communications Resources Policy (Section 7.2).

4.1.1 Recording Policy

Employees are strictly prohibited from using any photographic, video, or audio recording devices on government premises when such recording has the potential to:

- Disclose confidential information, such as employee information, internal policies and procedures, and other non-public proprietary information.

- Infringe on an employee's expected right to privacy, including videotaping in restrooms, locker rooms or other private areas.

This includes all cell phones, iPhones, iPads, tablets, or other PDA devices with built-in cameras and/or video cameras or audio recording devices.

Sevier County Government uses video cameras on and within government property for the purposes of deterring crime and protecting our employees and the public. The video surveillance system is installed in common areas and is not installed in, or used to monitor or record, areas where there is a reasonable expectation of privacy in accordance with accepted social norms, such as restrooms or individual changing rooms.

4.2 Classifications

The following definitions describe the types of employment under Sevier County Government for the purposes of salary administration and eligibility for overtime payments and employee benefits.

4.2.1 Fair Labor Standards Act Job Classifications

All employees are designated as either non-exempt or exempt under state and federal wage and hour laws.

- Non-Exempt – Employees who, based on their job duties, are subject to the requirements of the Fair Labor Standards Act (FLSA) concerning minimum wage and overtime.
- Exempt – Employees who, based on their job duties and method of compensation, are not subject to the requirements of the FLSA concerning minimum wage and overtime. Executives, professional employees, computer professionals, outside sales representatives, and certain employees in executive administrative positions are typically exempt.

4.2.2 Employment Types

- Regular – An employee who works consistent schedule for an indefinite period.
- Non-Regular- An employee who works a non-consistent schedule for an indefinite period.
- Temporary – An employee who is engaged to work on a full-time or part-time basis for a specific, limited period. A temporary appointment shall not exceed twelve (12) months. Such employees are either “exempt” or “non-exempt” as defined above. Employees hired from temporary employment agencies for specific assignments are employees of the respective agency and not of Sevier County Government.

Exceptions to the twelve (12) month limitation are considered on a case-by-case basis by the County Mayor or their designee.

- Seasonal – An employee who works during a certain season for a short duration due to school schedules or other responsibilities. These employees are paid on an hourly basis and may earn overtime for hours worked in excess of forty (40) in a workweek.

4.2.3 Schedule Types

- Full-Time – An employee regularly scheduled to work an average of thirty (30) hours or more each week. A twelve (12) month lookback period shall be used for the purpose of determining whether an employee qualifies as working a full-time schedule.
- Part-Time – An employee scheduled to work less than an average of thirty (30) hours per week.

4.2.4 Other Types

- Student Workers – An employee working for the county due to an internship with high school or collegiate programs, or practicum required to complete undergraduate and/or graduate credits. Student employees may be paid or unpaid depending upon the assignment’s nature and availability of funds.
- Appointed Employees – Officials may have positions that are classified as appointed by the Official with approval from the County Mayor or their designee. Appointed positions are exempt, but not precluded from the regular hiring process as noted below.

Before acceptance of any position, the classification(s) of the position will be disclosed. If an employee changes positions during their employment because of a promotion, transfer, or otherwise, the Human Resources department will inform them of any change in status.

All positions are established within the *Classification and Compensation Policy* and will have a corresponding “FLSA Type”, “Employee Type”, and “Schedule Type” (along with potentially an “Other Type”). All position classifications, including the Classification and Compensation Policy, are designated by the County Mayor or their designee according to the Classification and Compensation Policy.

4.3 Job Related Examinations

Sevier County Government requires current employees and applicants to whom a conditional offer of employment has been extended to undergo job related examinations whenever management determines that these are necessary

for the safe operations of the County or job-related as consistent with operational necessity and as allowed by federal and state law. If management determines that an examination is appropriate to a particular position, all applicants for the job to whom a conditional offer of employment has been made should be examined.

Employees may be required to have a medical examination on other occasions when the examination is job-related and consistent with business necessity. For example, a medical examination may be required when an employee is exposed to toxic or unhealthful conditions, requests an accommodation for a particular disability, or has a questionable ability to perform essential job functions due to a medical condition.

Medical examinations paid for by Sevier County Government are the property of the organization and the examination records will be treated as confidential and kept in separate medical files. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.

4.4 Initial Period of Employment

All employees shall be required to satisfactorily complete a ninety (90) day initial period of employment. This initial period of employment is an adjustment and trial period for the new employee. The supervisor will observe the employee's attitude, work performance, job compatibility, and other job-related criteria. It is recommended that the supervisor complete a job-related performance evaluation no less than two (2) weeks before the end of the employee's initial period of employment. The supervisor may review the assessment with the employee. After reviewing with the employee, the supervisor shall submit their recommendation to retain or dismiss the employee to their respective Official, Senior Director of Division, or Director of Department. A supervisor may submit to the Official, Senior Director of Division, or a Director of Department a performance evaluation and recommendation to dismiss an employee at any time before the completion of the initial period of employment if such action is warranted.

4.5 Promotions

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

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

- Must have completed their initial period of employment satisfactorily;
- Must not have received disciplinary action within the last twelve (12) months; and
- Must meet the minimum requirements as defined in the job description.

4.6 Transfers

Transfers may be requested by an Official, Senior Director of Division, or Director of Department because of a workforce reduction, a change in operating procedures, special operational needs, or other business necessity. Depending upon the circumstances, employees may be transferred from one position to another without a significant change in their classification. Employees who refuse a County-initiated transfer may be subjected to disciplinary action or be laid off.

Additionally, employees may also request to transfer to another position. Employees must meet the following requirements to be eligible to request a transfer:

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

4.7 Voluntary Demotions

An employee may voluntarily request a demotion. The employee's request shall be in writing to the Official, Senior Director of Division, or Director of Department. Employees may also apply for vacant positions at a lower skill level than their current classification. Classification and compensation for voluntary demotions will be determined based on the *Classification and Compensation Plan* established by Sevier County Government.

4.8 Rehire Eligibility

Former employees who left voluntarily with proper notice (See Section 4.9.1 for resignation notice procedures) or through no fault of their own and whose performance met or exceeded expectations may be considered for rehire. Prior County service will not be considered in the accrual of benefits upon rehire.

4.9 Separation from Employment

The following policies and procedures have been established by Sevier County Government in order to direct the process of both voluntary and involuntary separation of employment.

4.9.1 Resignations

Employees who desire to terminate their employment shall submit a signed, written resignation at least two (2) weeks in advance. Sevier County Government reserves the right to accept a notice of resignation and/or accelerate such notice to make the resignation effective immediately or on a date prior to the intended date of termination. In such instances, the employee will be paid through the last day of active employment.

Employees may request their Official, Senior Director of Division, or Director of Department to approve the withdrawal of a tendered resignation until the end of the employee's last day worked. However, once a voluntary resignation has been tendered, the Official, Senior Director of Division, or Director of Department is not obligated to permit the employee to rescind the resignation.

4.9.2 Retirement

Employees who plan to retire are encouraged to provide Sevier County Government with a minimum of two (2) months' notice. This allows ample time to process the appropriate forms and to ensure that all retirement benefits owed to the employee commence in a timely manner.

4.9.3 Job Abandonment

Employees who fail to report to work and do not contact their supervisor for three (3) consecutive workdays shall be considered to have abandoned the job without notice, effective as of the start of their normal shift on the third day. The supervisor shall notify the Human Resources department at the expiration of the third workday and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are ineligible for rehire.

4.9.4 Dismissal

If an employee's performance is unsatisfactory due to lack of ability or failure to fulfill their job requirements, and efforts to rehabilitate the employee's performance prove unsuccessful, the employee may be dismissed.

4.9.5 References

When contacted as a reference source regarding employees, past and present, it shall be the policy of Sevier County Government to provide only the name of the employee, positions or titles held, their dates of employment, and if they are eligible for rehire. No other aspect of the employee's work history is authorized for release except in instances where further information is required by court order.

4.9.6 Return of Company Property

Employees are responsible for all materials, including but not limited to books, computers, software, data, files, keys, or written information issued to them, developed or prepared by them, or in their possession or control. All such property must be returned by employees to their supervisor, Official, Senior Director of Division, Director of Department, or the Human Resources department, no later than the employee's final day of employment. See Asset Management Policy for further guidelines concerning return of county assets upon separation from employment.

Hours of Work & Payroll

5.1 Workweek & Hours of Work

Payroll periods for all departments and offices begin at 12:00 a.m. on Monday and end at 11:59 p.m. the following Sunday evening.

There are exceptions for those offices and departments that end their shifts on Monday and need to have a different ending time than midnight.

The work schedule for each employee depends upon their position and will be assigned by their direct supervisor. Daily and weekly schedules may be changed from time to time at the discretion of management to meet the varying business conditions. Such changes will be communicated as far in advance as possible.

5.2 Meal & Rest Breaks

Lunch breaks range from thirty (30) minutes to one (1) hour in duration depending upon business necessity and each office or department's specific scheduling needs. However, in accordance with Tennessee state law, all non-exempt employees must take a minimum thirty (30) minute lunch break on any day they work six (6) or more hours. Employees are required to leave their workspace and not perform any work functions during their designated lunch break. Non-exempt employees should clock out for their lunch break.

Work breaks, although not required, are for the benefit of employees and consist of a maximum fifteen (15) minutes twice a day, schedule permitting. Employees are not required to clock out for breaks.

Employees will be allowed to take either: (1) a thirty (30) minute lunch break and two fifteen (15) minute breaks (one in the morning and one in the afternoon) or (2) an hour for lunch. Thirty minutes of the one-hour lunch break are regarded as compensable time.

The meal period policy may differ for emergency service personnel.

5.3 Nursing Mothers

Sevier County Government will provide reasonable accommodations for nursing mothers returning to work. A private place (other than a restroom) which is shielded from view and free from intrusion will be provided for the purpose of expressing breast milk. Nursing mothers will be provided with reasonable break times for this purpose. Any employee needing such an accommodation should notify the Human Resources department as soon as possible so arrangements may be made. If an employee believes the organization has failed to provide the employee with a private place to express milk, they should notify the County Mayor or their designee of the alleged failure. The organization will attempt to remedy the situation within ten (10) days after receiving the employee's notice.

5.4 Time Records

Employees must record their hours on the forms provided for this purpose. Exempt and non-exempt employees must fill in this form each pay period, sign it, and forward it to their supervisor for review and processing. The County Mayor's office maintains official time records.

Sevier County Government complies with all state and federal wage and hour laws which require that accurate time records be maintained for total hours worked for non-exempt employees. The County strictly prohibits non-exempt employees from working "off-the-clock" (working hours not recorded) for any reason. If a supervisor requests or directs an employee to work "off the clock," the employee should refuse the request and report it immediately to the Human Resources department or the County Mayor.

Time records must reflect actual hours in all cases. Falsifying these records is a crime under T.C.A. § 39-16-504 and is grounds for disciplinary action up to and including termination.

5.5 Overtime

Overtime is time worked, exclusive of meal breaks, in excess of forty (40) hours in a standard work period of seven (7) consecutive days. When a non-exempt employee works overtime, they are paid at one and one-half times their regular rate of pay for all hours worked over the established work period. Alternative work periods for law enforcement and fire protection personnel are utilized as defined by the Fair Labor Standards Act and outlined below. The employee's overtime pay is normally included in the employee's next regularly scheduled payroll.

Time worked for overtime purposes consists of any hours worked during the work period less holiday pay, sick leave, annual leave, and any leave with pay (such as jury duty).

For law enforcement personnel the standard work period shall consist of fourteen (14) consecutive days. For fire protection personnel the standard work period shall consist of twenty-eight (28) consecutive days. During these work periods, overtime is time worked, exclusive of meal breaks, in excess of eighty-six (86) hours for law enforcement personnel and two-hundred and twelve (212) hours for fire protection personnel.

Non-exempt employees shall default to compensatory time for compensation when working overtime as outlined by the Compensatory Time Policy (Section 5.6) below. Any office or department paying overtime in lieu of compensatory item must have a signed memorandum with the County Mayor defining the terms when cash compensation for overtime is appropriate.

Non-exempt employees may not work overtime without advanced authorization from a supervisor and approval by an Official, Senior Director of Division, or Director of Department. Employees can be disciplined up to and including termination for violating this policy.

Exempt employees do not receive overtime pay unless as noted in this policy.

5.5.1 Flex Time for Exempt Employees

Officials, Senior Directors of a Division, or Department Directors may allow exempt employees who work a significant amount of time during a week to adjust their working schedule during that week known as "Flex Time". The Flex Time must be approved by a supervisor such as an Official, Senior Director of a Division, or Department Director or their designee. The County Mayor may overrule any ability for Flex Time if perceived abuse occurs.

5.6 Compensatory Time

Compensatory time refers to compensation, taken as time off with pay, for hours an employee works in addition to their normal work schedule.

Non-exempt employees earn compensatory time at the same rate as overtime, normally one and one-half times the number of overtime hours worked. However, if the additional hours worked would not qualify as overtime (i.e., leave was taken during the workweek), but the employee wants time off in lieu of payment such compensatory time would be accrued at the straight time rate.

Each department will maintain accurate supporting documentation for compensatory time, earned and taken, by its non-exempt employees. Supervisors are responsible for ensuring compliance with mandated provisions of the FLSA and should ensure an employee is compensated for overtime hours. Compensatory time, earned and taken, must be recorded in the employee's timesheet and reported to the Finance department. Employees and supervisors who do not properly report compensatory time, earned and taken, are subject to disciplinary action up to and including termination.

5.6.1 Accrual of Compensatory Time

Non-exempt employees may accrue a maximum of two-hundred and forty (240) hours of compensatory time. Employees engaged in public safety, emergency response, or certain seasonal activity may accrue up to four-hundred and eighty (480) hours of compensatory time. If the employee reaches the maximum accrual level, any overtime worked must be compensated via pay at the proper rate until they decrease their accrual under their respective maximum accrual.

Unused compensatory time will be paid out twice a year on the first payroll of June and the first payroll of December. At this time, all compensatory time balances will be paid at the employee's current rate of pay and reset to zero. Employees should refer to the published payroll calendar to determine the deadline for utilizing available hours.

Employees working on a contract or grant may earn compensatory time in accordance with the terms of the contract or grant, if authorized by the supervisor in advance and must take compensatory time in accordance with the payout schedule above or by the period covered by the contract or grant, whichever is less. Compensatory time earned, but not used within the required time period will be paid out at the employee's current rate of pay.

Use of Compensatory Time

Compensatory time must be utilized for scheduled absences before annual leave time will be charged.

An employee will be permitted to use accrued compensatory time as long as the employee notifies their supervisor, Official, Senior Director of Division, or Director of Department in ample time and such request does not “unduly disrupt” the operations of the department or office.

When an employee uses compensatory time during a workweek, the amount needed to pay the employee the maximum work hours allowed before overtime is all that will be charged against the employee’s accrued compensatory time balance. Compensatory time is never to be used to pay more than this amount.

5.6.2 Changes in Employment

Non-exempt employees who transfer or are promoted to an exempt position with Sevier County Government will be paid all compensatory time they have earned on the last payroll before moving to the exempt position. This payment will be made at the employee’s current non-exempt rate and not at the rate established for the exempt position.

Non-exempt employees terminating employment will be paid for any unused compensatory time at a rate of compensation not less than the average regular rate received during the last three years of employment or the final regular rate received by the employee, whichever is higher.

Non-exempt employees who seek and are elected to public office or are appointed to office will be paid out the compensatory time they have earned on the last payroll before moving into their new role. This payment will be made at the employee’s current non-exempt rate and not at the rate established for the new position.

5.7 After Hours and Emergency Response Pay

When an Official, Senior Director of Division, or Director of Department determines that a significant situation concerning the operation of their department arises after regular workings, specific provisions will be in effect.

5.7.1 Return to Work from Home

When a non-exempt employee is on-call, and a significant situation requires the employee to return to the worksite from home without prior notice, the employee’s compensation shall be determined from when the employee arrives at the worksite and ends when the employee leaves the worksite. If the employee must stop for parts, supplies, and/or equipment on their way to the worksite, the total work time shall include that time. The same provision applies to employees stopping to drop off parts, supplies, and/or equipment after completion at the worksite.

5.7.2 Minimum Hours

When an emergency requires an employee to work two (2) hours or less, the employee will be paid for two (2) hours. Employees are guaranteed a minimum of two (2) hours of additional compensation for the inconvenience of returning to work. If the employee works more than two (2) hours, the employee will be compensated for the number of hours worked.

5.7.3 State of Emergency

When the County Mayor issues a Declaration of a State of Emergency during times of potential disaster, disaster, or civil unrest, specific payroll provisions are implemented:

- Employees working directly in response to the Declaration of a State of Emergency will be compensated under the following provisions:
 - o Non-exempt employees will be compensated via payment instead of compensatory time when working over their normal overtime threshold in accordance with the established overtime policy set forth in the Overtime Policy (Section 5.5).
 - o Exempt employees, as approved by the County Mayor or their designee, may be compensated via payment or compensatory time as determined by the County Mayor for hours worked over forty (40).
- For employees compensated under this provision:
 - o Compensable time begins when the employee arrives at the set response location and ends when the employee leaves said response location (Emergency Operation Center, worksite, etc.).
 - o Calculation of compensation shall fall under the normal overtime regulations as set forth by federal policy and county policy within this handbook except the policy that annual or sick leave cannot be used to pay more than the maximum work hours before overtime. Time worked directly in response to the stated disaster, over the overtime threshold, will not be charged against any annual or sick leave taken that particular overtime period. However, the annual and sick leave does not count toward the one and one-half calculation for overtime pay.

5.7.4 Documentation and Accrual

Under these provisions, standard overtime rules will be in effect, including substituting pay for compensatory time. Emergency response time must be recorded in the employee's timesheet and reported to the Finance department. Employees and supervisors who do not properly report this time are subject to disciplinary action up to and including termination.

5.8 Deductions from Pay & Safe Harbor Exemption

Sevier County Government does not make improper deductions from the salaries of exempt employees and complies with the salary basis requirements of the Fair Labor Standards Act (FLSA). Employees classified as exempt from overtime pay requirements will be notified of this classification at the time of hire or change in status.

The FLSA limits the types of deductions that may be made from the pay of an exempt employee. The deductions from pay that are allowed:

- When an employee is absent from work for one or more full days for personal reasons other than sickness or disability;
- For absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for salary lost due to illness;
- To offset amounts employees receive for jury or witness duty, or for temporary military duty pay;
- For penalties imposed in good faith for infractions of safety rules of major significance;
- For unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions;
- In the employee's initial or terminal week of employment if the employee does not work the full week;
- For unpaid leave taken by the employee under the federal Family and Medical Leave Act;
- Deductions that are required by law (e.g., income taxes);
- Deductions for employee benefits when authorized by the employee.

5.8.1 Improper Deductions

If an employee classified as exempt believes that an improper deduction has been taken from their pay, the employee should immediately report the deduction to the Finance department. The report will be promptly investigated and if it is found that an improper deduction has been made, the County will reimburse the employee for the improper deduction.

5.9 Paychecks

Employees will be paid every other Friday, except when a holiday falls on the corresponding Friday. Then, the payment will occur on the previous business day. Under no circumstances will any paycheck be distributed before payday. Officials are paid semi-monthly.

5.10 Longevity Pay

Longevity pay is an added benefit for Sevier County Government employees that is given at the sole discretion of the Sevier County Board of Commissioners. It is not a guaranteed annual benefit. The guidelines of the Sevier County Government Longevity Plan are as follows:

- Only regular, full-time employees of Sevier County Government are eligible for longevity pay;
- Service time is calculated as of November 1st of each year;
- In order to receive a month's credit of service, an employee must be hired on or before the 15th of that month;
- Service time is for employment with Sevier County Government only. Employees that transfer directly from the Sevier County School System or the Sevier County Highway Department as a full-time employee may use their full-time service from those divisions only if the employee has no break in full-time service;
- To receive longevity pay, the employee must be employed full-time and on regular status as of the date of payroll processing or as established by the County Mayor and/or their designee;
- Longevity pay will be paid during the month of November

5.10.1 Calculating Service Time

Employees hired prior to or during the adoption of the Longevity Plan had their start date and service time determined using records from the Tennessee Consolidated Retirement System (TCRS). If no TCRS data was available, personnel records were used. The service time and start dates for these employees for the purposes of longevity pay are now established and cannot be adjusted.

Employees hired after the adoption of the Longevity Plan will have their service time determined based on the employee's start date as a full-time employee.

Payment amounts are determined based on the calculated service time and paid based on the table below.

Service Time in Months	Annual Payment
0 months to 11 months	No Payment
12 months to 59 months	\$250
60 months to 119 months	\$500
120 months to 179 months	\$750
180 months to 239 months	\$1,000
240 months to 299 months	\$1,250
300 months to 359 months	\$1,500
360 months to 419 months	\$1,750
420 months to 479 months	\$2,000
480 months to 539 months	\$2,250
540 months to 599 months	\$2,500
600 months to 659 months	\$2,750
660 months to 719 months	\$3,000

5.11 Termination Pay

An employee whose services are being terminated shall be paid for all earnings due on the next regular payroll or within twenty-one (21) days following their termination, whichever is later. Outstanding benefits and leave balances will be handled in accordance with the respective policies and procedures for each benefit or leave for which the employee was participating and eligible. In the event of death, the amount owed to the employee shall be paid to their estate or the surviving spouse as may be required by law.

Workplace Safety

6.1 Commitment to Safety

All employees have the opportunity and responsibility to contribute to a safe work environment by using commonsense rules and safe practices and by notifying management when any health or safety issues are present. All employees are encouraged to partner with management to ensure maximum safety for all.

In the event of an emergency, notify the appropriate emergency personnel by dialing 911 to activate emergency services. Any workplace injury, accident, or illness must be reported to the employee's supervisor, the Human Resources department and the Director of Safety as soon as possible, regardless of the severity of the injury or accident.

Employees who violate safety rules and regulations shall be subject to disciplinary action up to and including termination.

6.2 Drug-Free & Alcohol-Free Workplace

Sevier County Government is committed to providing a safe work environment and to fostering the health and well-being of its employees. That commitment is jeopardized when any employee illegally uses drugs on or off the job, comes to work under the influence, possesses, distributes, or sells drugs in the workplace, or abuses alcohol on the job or in a manner that may affect the employee's performance. Therefore, Sevier County Government has established the following policy, pursuant to T.C.A. § 50-9-100 et seq.

It is a violation of this policy for any employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job. It is a violation of this policy for any employee to report to work under the influence of or while possessing in their body, blood, or urine, illegal drugs in any detectable amount. It is a violation of this policy for any employee to report to work under the influence

of or impaired by alcohol. The consumption of alcoholic beverages on Sevier County Government premises is prohibited. It is a violation of this policy for any employee to use prescription drugs illegally (i.e., to use prescription drugs that have not been legally obtained or in a manner or for a purpose other than as prescribed). However, nothing in this policy precludes the appropriate use of legally-prescribed medications. While the County understands that employees and applicants under a physician's care may be required to use prescription drugs, the illegal use of prescribed medications will be dealt with in the same manner as the abuse of illegal substances. An employee or job applicant may confidentially report the use of prescription or non-prescription medications to a Medical Review Officer affiliated with the testing center, both before and after a drug/alcohol test, by contacting the Medical Review Officer directly.

As a condition of employment, employees must abide by the terms of this policy and must notify Sevier County Government in writing of any conviction for violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.

Violations of this policy are subject to disciplinary action up to and including termination.

6.2.1 Applicant Testing

All job applicants of Sevier County Government will undergo drug testing as a condition of employment. Applicants will be required to submit voluntarily to a urinalysis test administered by the Sevier County Wellness Clinic and by signing a form of consent releasing Sevier County Government from liability.

Applicants may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. Collected specimens will be sent to a federally certified laboratory and tested for evidence of amphetamines, cannabinoids, cocaine, phencyclidine, opiates, benzodiazepines, barbiturates, methadone, methaqualone and propoxyphene use (where indicated, specimens may be tested for other illegal drugs). The laboratory will screen all specimens and confirm all positive screens. There must be a chain of custody from the time specimens are collected through testing and storage.

The laboratory will transmit all positive drug test results to a Medical Review Officer (MRO), who will offer individuals with positive results seventy-two (72) hours to rebut or explain the results. Failure to contact the MRO within seventy-two (72) hours will result in the MRO sending the positive result to the County. Individuals with positive test results may also ask the MRO to have their split specimen sent to another federally certified laboratory to be tested at the applicant's own expense. Such requests must be made within seventy-two hours (72) hours of notice of test results. If the second facility fails to find any evidence of drug use in the split specimen, the applicant will be treated as passing the test. Confirmed positive test results will be sent to the County.

Applicants who refuse to cooperate in a drug test or who test positive will not be offered new or continuous employment.

6.2.2 Employee Testing

Current employees may be subject to additional testing under the following conditions.

6.2.2.1 Reasonable Suspicion Testing

Reasonable suspicion testing is based on a belief that an employee is using or has used drugs or alcohol in violation of this policy and is drawn from specific, objective, and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon, but not limited to, the following:

- Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse.
- Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- A report of substance abuse provided by a reliable and credible source.
- Evidence that an individual has tampered with any substance abuse test during their employment.
- Information that an employee has caused or contributed to an accident while at work where the County has a reasonable belief that drug or alcohol use contributed to the injury.
- Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.

Any employee reporting to work visibly impaired or unable to perform their required duties as a result of drug or alcohol use will not be allowed to work. If possible, the employee's supervisor will first seek the opinion of a second supervisor to confirm the employee's status. Next, the supervisor will consult privately with the employee to determine if substance use has occurred and may have caused the employee's impairment. If, in the opinion of the supervisor(s), the employee appears impaired, the Human Resources department and the Director of Safety should be contacted. A drug or alcohol test may be ordered, and the employee will be required to immediately consent to and undergo drug and/or alcohol testing within two (2) hours. An impaired employee will not be allowed to drive and must be transported for testing. The employee transporting the impaired employee will be designated by the Human Resources department and/or the Director of Safety.

Refusal by an employee to submit to testing will be treated as a positive drug test result and will result in immediate termination of employment.

6.2.2.2 Post Accident Testing

Employees are subject to testing when they cause or contribute to accidents that seriously damage a vehicle, machinery, equipment or property or that result in an injury to themselves or another person requiring offsite medical attention. All such accidents shall be immediately reported to the employee(s) supervisor, the Human Resources department, and the Director of Safety. In the absence of injury, these individuals will determine the necessity of a drug and/or alcohol test. All employee(s) who are injured in a workplace accident and require offsite medical attention will be required to submit to a drug and/or alcohol test. In any of these instances, the investigation and subsequent testing must take place within four (4) hours following the accident, if not sooner.

Refusal by an employee will be treated as a positive test result and will result in immediate termination of employment

6.2.2.3 Safety-Sensitive and Commercial Driver's License Testing

All employees deemed to hold a safety-sensitive position are required to participate in the County's established random drug and alcohol testing program. These positions include equipment operators, emergency medical services and fire personnel, corrections and Sheriff's officers, and sanitation workers. Additionally, Sevier County Government is governed by the Omnibus Transportation Employee Testing Act of 1991 and the rules established by the Federal Highway Administration which require random drug and alcohol testing for employee's possessing and utilizing Commercial Driver's Licenses (CDL) in the course of their duties.

This unannounced testing is based on a random selection of these identified employment classification groups. The selection is made by a scientifically valid method and all employees covered have an equal chance of being tested. The names of selected employees are kept confidential until such time as management notifies them to report for testing. Once the employee is notified, the employee must immediately proceed to the Sevier County Wellness Clinic or other designated testing location and undergo the predetermined testing. Every employee that is selected for testing is returned to the selection pool each time so that all employees have an equal chance of being selected. Additionally, the number of employees selected for random alcohol and drug testing may equal an annual rate of not less than fifty (50) percent of the total employees in these positions.

6.2.2.4 Other Random Testing

Sevier County Government reserves the right to perform other random testing for other employee groups as deemed necessary for the safety and security of the work place. Such testing will be conducted in accordance with the guidelines utilized for the random testing of safety-sensitive positions (Section 6.2.2.3).

6.2.2.5 Follow-Up Testing

Sevier County Government may require employees to participate in drug and/or alcohol testing as part of a follow-up program to treatment for drug or alcohol abuse. Following a positive drug or alcohol test or other violation of this policy, if Sevier County agrees to retain the employee after the employee's commitment to and successful completion of treatment (which is not guaranteed), employees must submit to follow-up drug testing, alcohol testing, or both for a period of at least one year.

6.2.2.6 Routine Fitness-for-Duty Drug or Alcohol Testing

Employees are required to submit to a drug or alcohol test when the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination where the examinations are required by law, regulation, are part of the County's established policy, or are scheduled routinely for all members of an identified employment classification group.

6.2.2.7 Collection and Testing Procedures

Employees subject to drug testing will report or be transported to either the Sevier County Wellness Clinic or other designated location as determined by the Human Resources department and the Director of Safety. Employees may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. Collected specimens will be processed in accordance with federal testing regulations and tested for evidence of amphetamines, cannabinoids, cocaine, phencyclidine, opiates, benzodiazepines, barbiturates, methadone, methaqualone and propoxyphene use (when needed, specimens may also be tested for other illegal drugs). The laboratory or third-party agent will screen all specimens and confirm all positive screens. There must be a chain of custody from the time specimens are collected through testing and storage.

The laboratory or third-party testing agent will transmit all positive drug test results to a Medical Review Officer (MRO), who will offer individuals with positive results seventy-two (72) hours to rebut or explain the results. Failure to contact the MRO within seventy-two (72) hours will result in the MRO sending the positive result to the County. Individuals with positive test results may also ask the MRO to have their split specimen sent to another federally certified laboratory to be tested at the employee's own expense. Such requests must be made

within seventy (72) hours' notice of test results. If the second facility fails to find any evidence of drug use in the split specimen, the employee will be treated as passing the test. Confirmed positive test results will be sent to the County.

Employees subject to alcohol testing will be transported to the Sevier County Wellness Clinic and directed to provide breath specimens. All alcohol testing, both during and after-hours will be performed by the County's designated testing provider. Breath specimens will be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If an employee's breath alcohol concentration is .04 or more, a second breath specimen will be tested approximately twenty (20) minutes later. The results of the second test will be determinative. Alcohol tests may, however, be a breath, blood or saliva test, at the company's discretion. For purposes of this policy, test results generated by law enforcement or medical providers may be considered by the company as work rule violations.

6.2.2.8 Disciplinary Action

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated. If the employee refuses to be tested, yet the County believes they are impaired, under no circumstances will the employee be allowed to drive themselves home.

Employees who test positive, or otherwise violate this policy, will be subject to discipline, up to and including termination. Depending on the circumstances, the employee's work history/record and any state law requirements, Sevier County Government may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies determined by the County for a minimum of one year as well as a waiver of the right to contest any termination resulting from a subsequent positive test. If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be immediately discharged from employment.

Employees will be paid for time spent in alcohol or drug testing and then suspended pending the results of the drug or alcohol test. If the Official, Senior Director of Department, or Director of Division determines in conjunction with the Director of Safety that the employee can safely return to work then they may be allowed to do so pending the results of their testing. After the results of the test are received, a date and time will be scheduled to discuss the results of the test; this meeting will include a member of management and human resources. Should the results prove to be negative, the employee will receive back pay for the times/days of suspension.

An employee's failure to timely submit to a required drug or alcohol test is considered misconduct and that employee shall be subject to discipline up to and including termination and the potential forfeiture of workers' compensation benefits.

6.2.3 Confidentiality

The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained, except as otherwise provided by law as required by the rules adopted by the Drug Free Workplace Program of the Tennessee Bureau of Workers' Compensation.

6.2.4 Assistance for Employees Seeking Help with Substance Issues

Sevier County Government will provide assistance in locating treatment and rehabilitative services to any employee suffering from substance (and/or alcohol) abuse. It remains the responsibility of employees, however, to avail themselves of such assistance, to follow the treatment recommended, and to recognize that simply seeking such assistance does not constitute compliance with the Sevier County Government policies or job performance expectations. Employees may be granted leave with a conditional return to work, contingent upon successful completion of the agreed-upon treatment regimen, which may include follow-up testing. Employees who enter treatment for substance abuse to avoid disciplinary action for a rule or policy violation that occurred prior to their entering treatment may or may not be allowed to remain employed during the treatment period; however, Sevier County Government may still impose discipline, including discharge, following their treatment.

6.3 Smoke-Free Workplace

In keeping with Sevier County Government's efforts to provide a safe, healthy work environment, all facilities owned and operated by the County are designated as smoke-free environments. Employees are prohibited from smoking tobacco products, including e-cigarettes, in county-owned facilities. Employees are not entitled to additional smoking breaks.

The use of smokeless tobacco in county-owned properties will be at the discretion of the Official, Senior Director of Division, or Director of Department and approval by the County Mayor.

6.4 Abusive Conduct and Workplace Violence Prevention

Sevier County Government is firmly committed to a workplace free from abusive conduct and violence. The County strives to provide the highest quality of services in an atmosphere of respect, collaboration, openness, safety, and equality. All employees have the right to be treated with dignity and respect.

This policy applies to all employees of Sevier County Government. It does not apply to independent contractors, but other contract employees are covered. This policy applies to any sponsored program, event, or activity, including but not limited to, sponsored recreation programs and activities and the performance of officers and employees in their employment-related duties. This policy includes electronic communications by any employee.

6.4.1 Abusive Conduct

The purpose of this policy is to communicate to all employees that Sevier County Government will not in any instance tolerate what it deems as abusive conduct. Abusive conduct may be intentional or unintentional. Abusive conduct includes acts or omissions that would cause a reasonable person, based on the severity, nature, and frequency of the conduct, to believe that an employee was subject to an abusive work environment, which can include, but is not limited to:

- Repeated verbal abuse in the workplace, including derogatory remarks, insults, and epithets;
- Verbal, nonverbal, or physical conduct of a threatening, intimidating, or humiliating nature in the workplace; or
- The sabotage or undermining of an employee's work performance in the workplace.

A single act generally will not constitute abusive conduct unless such conduct is determined to be severe and egregious. Abusive conduct does not include:

- Disciplinary procedures following adopted policies of Sevier County Government
- Routine coaching and counseling, including feedback about and correction of work performance
- Reasonable work assignments, including shift, post, and overtime assignments
- Individual differences in styles of personal expression
- Passionate, loud expression with no intent to harm others
- Differences of opinion on work-related concerns
- The non-abusive exercise of managerial prerogative

6.4.2 Violent Conduct

Sevier County Government is committed to providing a safe, healthy, secure work environment. The presence of unauthorized firearms, lethal weapons, violence, threats of violence, and other disruptive behavior in the workplace is inconsistent with this commitment and will not be tolerated. The County expects all employees to report to work without possessing unauthorized firearms or lethal weapons and perform their jobs without violence toward any other individual. Accordingly, this policy establishes Sevier County Government's zero tolerance for violence and sets forth a plan to resolve such incidents if necessary. Nothing in this policy should be construed to apply to the legal and necessary work of public safety officials or other similar operations deemed necessary for the protection of the public.

Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals on county-owned property will not be tolerated. A "threat of violence" means an expression (verbal or otherwise) of a present or future intention to cause physical harm. "Violence" includes any unwanted or hostile contact such as hitting, fighting, pushing, shoving, slapping, or throwing objects.

Prohibited conduct includes, but is not limited to:

- Striking and/or injuring another person physically
- Engaging in behavior that creates a reasonable fear of injury in another person
- Possession, brandishing, or using a weapon while on county premises or engaged in government business (except for legally-possessed firearms maintained in accordance with state law)
- Intentionally damaging office property, property of employees, visitors, or the general public
- Threatening to injure an individual or to damage property
- Verbally threatening behavior, such as direct or veiled threats of violence
- Harassment or sexual harassment that blurs into conduct threatening an employee's safety, including unwanted and offensive physical touching and stalking.
- Threats or intimidation that create fear or extreme emotional distress.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on county property shall be removed from the premises as quickly as safety permits and remain off county premises pending the outcome of an investigation.

6.4.3 Domestic Violence

Any threats related to domestic relationships made to an employee at the workplace or threats that include potential future harm in the workplace are to be reported to the Human Resources department immediately. Any employee who is the subject of a restraining order or protective order (i.e., the person restrained) must immediately report the imposition of the order to the Human Resources department and provide a copy of the order. Employees who are experiencing domestic violence may contact the Employee Assistance Program provider for assistance.

6.4.4 Reporting and Retaliation

This policy applies to employees while on county premises, whether they are on or off duty; to employees traveling on government business; to employees on duty, but off the premises; and to employees while off duty where the violence, threats of violence, or other violations of this policy are directed by an employee toward another person and there is a connection to work or the work environment.

Employees are expected to assume personal responsibility by reporting all incidents of abusive conduct or violence in accordance with this policy. All employees are encouraged to report to their Official, Senior Director of Division, or Director of Department and the Director of Human Resources, orally or in writing, of any workplace activity, situations, or incidents that they are subjected to, observe, or are aware of involving other employees, visitors, vendors, etc., that appear to violate this policy. Employees should not feel obligated to report their complaints to their immediate supervisor before bringing the matter to the attention of one of the representatives identified above. Employee reports pursuant to this policy will be held in confidence to the maximum extent possible under the circumstances. Sevier County Government will not condone any form of retaliation against any employee for making a report under this policy. Retaliation is any act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy. Supervisors and management have a heightened duty to report acts or threats of violence brought to their attention. Therefore, supervisors and management will:

- Ensure preventative measures are in place to promote a safe working environment and will immediately deal with threatening or potentially violent situations

- Provide a good example to others by treating all persons with courtesy and respect
- Ensure all employees have access to and are aware of the abusive conduct and violence prevention policy and explain the procedures to be followed if a complaint of inappropriate behavior at work is made
- Be vigilant for signs of inappropriate behaviors at work through observation and information seeking, and take action to resolve problematic behaviors before they escalate
- Respond promptly, sensitively, and confidentially to all situations where abusive behavior or violence is observed or alleged to have occurred

All employees who commit abusive or violent acts or who otherwise violate this policy are subject to disciplinary action up to and including termination. Sevier County Government may seek prosecution of those who engage in violence on its premises or against its employees while they are engaged in government business. Employees who threaten violence or otherwise engage in what Sevier County Government deems as provocative conduct towards coworkers, clients, vendors, or other individuals ordinarily are held at least equally at fault for an ensuing physical altercation, even if they do not strike the first blow or otherwise initiate a physical confrontation.

6.5 Infectious Disease

In order to reduce the possibility of infectious disease transmission, employees should engage in good hygiene practices, to include frequently washing their hands for at least 20 seconds, coughing and sneezing into their elbow instead of their hand, and following current social distancing requirements when there is an outbreak. Employees who are experiencing any symptoms of illness should not come into work and should notify their supervisor immediately. Employees who begin experiencing symptoms of illness while at work should isolate, notify their supervisor, and go home as soon as possible. Employees are expected to cooperate in the organization's disease-mitigation efforts for the betterment and protection of everyone. Employees must wear all required personal protective equipment, including masks, required by Sevier County Government in response to infectious disease outbreaks.

6.6 Pets

Sevier County Government is responsible for assuring the health and safety of all employees. In keeping with this objective, the County does not permit employees to bring their household pets to work. Animals may pose a threat of infection and may cause allergic reactions in other employees. Some employees may feel threatened or be

distracted by the presence of animals, particularly dogs. In addition, Sevier County wishes to prevent pets from fouling office space or damaging property.

An employee who requires the help of a service animal (defined by 28 CFR 36.104 as “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability”) will be permitted to bring the service animal to the office, provided that the animal’s presence does not create a danger to others and does not impose an undue hardship for Sevier County Government. If an accommodation is granted to allow an animal in the workplace, the arrangement may be permitted on a temporary or trial basis. Reasonable behavior is expected from animals while on county property. Disruptive and aggressive service animals must be removed from the premises immediately and permission to bring the service animal to work will be revoked.

All service animals need to be immunized against rabies and other diseases. All vaccinations must be current, and service animals must be in good health. Service animals must wear an owner identification tag (which includes the name and phone number of the owner) at all times. Service animals must be on a leash, harness or other type of restraint at all times, unless the owner/partner is unable to retain them on a leash due to a disability. The employee must be in full control of the service animal at all times. The care and supervision of the service animal is solely the responsibility of the employee. The employee is expected to clean and dispose of all waste appropriately.

Standards of Conduct

Maintaining high standards of honesty, integrity, impartiality, and conduct by Sevier County Government employees is essential to ensure the proper performance of county business and the maintenance of confidence by the public in Sevier County Government. This not only involves sincere respect for the rights of others, but also demands that both in business and personal life employees refrain from any conduct that reflects negatively on themselves, their coworkers, or Sevier County Government. Employees are encouraged and expected to observe the highest standards of professionalism at all times.

If an employee’s behavior, conduct, or demeanor becomes unsatisfactory based on violations of any established policies, rules, regulations, or common business practices, they may be subject to disciplinary action up to and including termination.

7.1 General Standards of Conduct

Employees must avoid any action that might result in or create the appearance of using public office for private gain, giving preferential treatment to anyone, impeding Sevier County Government efficiency or economy,

making a Sevier County Government decision outside official channels, or eroding the public's confidence in Sevier County Government's integrity. Employees must be careful that their personal interests and activities do not negatively impact or conflict with their official duties.

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 of favor of any kind from anyone other than the County:

- For the performance of an act or refraining from performance of an act, that they would be expected to perform, or refrain from performing, in the regular course of their duties; or
- 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.

7.2 Technology and Communications Resources

Sevier County Government provides a wide variety of communication tools and resources to employees for use in running day-to-day business activities. Whether it is the telephone, voice mail, scanner, Internet, e-mail, text messaging, portable electronic devices, or any other government-provided technology, use should be reserved for business-related matters during working hours. All personal use should be incidental and minimal. All communication using these tools should be handled in a professional and respectful manner.

Employees should not have any expectation of privacy in their use of Sevier County Government computers, phones, portable electronic devices, or other communication tools. All communications made using government-provided equipment or services, including e-mail and Internet activity, are subject to inspection. Employees should keep in mind that even if they delete an e-mail, a voicemail, or another communication, a copy may be archived.

Employees should also be aware that information transmitted through e-mail and the Internet is not completely secure or may contain viruses or malware, and information transmitted and received could damage systems, as well as the reputation of Sevier County Government. To protect against possible problems the following guidelines will be enforced:

- Purchasing and Information Technology staff or their designees should be consulted before purchasing and installing technology equipment. Only IT staff or their designees are authorized to connect, disconnect, move, or attach devices to county-owned computer equipment.

- Only IT staff or their designees shall purchase and install PC or network-based software. No other software shall be permitted on county-owned computer equipment. The use of a duplicate copy of licensed software is a violation of federal copyright laws. Employees are prohibited from copying county-owned software for their personal use.
- Employees shall not change, tamper with, or add to pre-defined network setups and software configurations (except those that are end-user controlled with the software application).
- Employees are prohibited from playing unauthorized computer games during working hours. Only games authorized and installed by IT staff are permitted on county computer equipment.
- Sevier County Government has installed anti-virus programs on all county computers. Employees shall not modify or circumvent the anti-virus software.
- Employees who suspect a virus should notify IT staff immediately.
- Sensitive information should not be sent via unsecured electronic means.
- Email generated in the course of county business may be considered a public record under Tennessee law. Therefore, employees should not expect that their e-mail correspondence or files are confidential. Messages addressed to "Everyone" must pertain to county business and be urgent or of informational use to all employees.
- Employee access to and communication on the Internet are intended for business purposes. Internet use shall not involve intentional contact with or perusal of websites containing offensive, illegal, discriminatory, or pornographic material. All information sent or received via the Internet shall be considered a matter of public record. Therefore, employees should not expect their Internet activities and messages to be confidential.
- Employees shall not copy, download, upload, or print offensive, illegal, discriminatory, pornographic, or other inappropriate material using any county technology resource.
- Sevier County Government and the service company maintaining the voice mail system have access to all employee voice mailboxes and messages. While the County does not routinely monitor voice mail, it retains the right to monitor voice mail at any time. Employees should not expect that messages left or received are confidential.

- County facsimile machines are intended for county business communications. Employee use of these resources for personal business shall be incidental and infrequent.
- County photocopy machines are intended for county business communications. Employee use of these resources for personal business shall be incidental and infrequent. When outside agencies or individuals request copies of government documents, these agencies will be charged at the per-page rate and standard labor fee set annually by the County Mayor or their designee.

All use of government-provided communications systems, including e-mail and Internet use, should conform to county guidelines/policies, including but not limited to the Equal Employment Opportunity Policy, Harassment Policy, and Abusive Conduct and Violence Policy.

Employees should pay particular care to the use and security of portable electronic devices when used for business-related purposes, such as laptops, tablets, smartphones, and other data storage media, whether provided by the employer or the employee. Lost or stolen portable electronic devices provided by Sevier County Government may cause breaches of security. Employees should use appropriate password protections for such devices and physically secure them as recommended by IT department administrators.

Nothing in this policy is meant to, nor should it be interpreted to, in any way limit employees' rights under any applicable federal, state, or local laws, including rights under the NLRA to engage in protected concerted activities with other employees to improve or discuss terms and conditions of employment, such as wages, working conditions, and benefits. Employees have the right to engage in or refrain from such activities.

Violations of this policy may result in termination for a first offense.

7.3 Social Media

Note: As used in this policy, "social media" refers to blogs, forums, and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, Instagram, WhatsApp, and Snapchat, among others.

While all employees are welcome to participate in social media, Sevier County Government expects everyone who participates to understand and follow these simple but essential guidelines.

- Demonstrate respect for the dignity of Sevier County Government and its employees. A social media site is a public place, and employees should avoid inappropriate comments. For example, employees should not divulge confidential information or information restricted from disclosure by law on social media sites.

Similarly, employees should not engage in harassing or discriminatory behavior that targets other employees or individuals because of their protected class status or make defamatory comments or engage in other behavior that violates the County's policies.

- Be transparent in all social media activity. If employees are writing about Sevier County Government or another entity, they should use their real name, identify that they work for Sevier County Government, and be clear about their role. If they have a vested interest in what is being discussed, it should be disclosed.
- All statements must be factual and all claims must be substantiated. Employees should refrain from falsely representing or being misleading about themselves or Sevier County Government.
- Employees may write about their jobs in general, but may not disclose any confidential or proprietary information. When in doubt, ask before publishing.
- Behave diplomatically when writing about other public entities or individuals, have the facts straight, and have the appropriate permission(s).
- Never comment on legal matters, litigation, or any parties with which Sevier County Government may be in litigation.
- Never participate in social media when the topic being discussed may be considered a crisis. Even anonymous comments may be traced to the employee or Sevier County Government's IP address. Refer all social media activity around crisis topics to the appropriate personnel.

Nothing in this policy is meant to, nor should it be interpreted to, in any way limit employees' rights under any applicable federal, state, or local laws, including rights under the NLRA to engage in protected concerted activities with other employees to improve or discuss terms and conditions of employment, such as wages, working conditions, and benefits. Employees have the right to engage in or refrain from such activities.

Violations of this policy may result in discipline up to and including immediate termination of employment.

7.4 Use of Property for Personal Reasons

Sevier County employees have a clear responsibility to protect and conserve county-owned or leased property and to obey all rules and regulations governing its use. Employees cannot directly or indirectly use or allow another individual to use county-owned property other than for officially approved activities. See the Sevier County Asset Management and Use Policy for further details.

7.5 Use of Information Obtained on the Job

Sevier County employees may not use information obtained through employment with the County to further a private interest unless that information has also been made available to the general public. Specifically, employees may not use information that has not been dispersed by Sevier County Government or is available to the public only by special request.

7.6 Political Activity

Employees may be candidates in non-partisan or partisan elections. However, before deciding to run for public office, employees should be aware of possible conflicts of interest. If a conflict of interest arises, the Sevier County Commission Intergovernmental Committee will review the situation to determine if a conflict of interest exists and identify actions necessary to resolve such conflict.

7.6.1 Prohibited Political Activities

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

- Using one's official authority or influence to interfere with or affecting the results of an election or nomination for office, including activities such as threatening to deny promotion to any employee who does not vote for certain candidates.
- Coercing directly, coercing indirectly, attempting to coerce, or commanding or advising an employee to contribute to political activity is prohibited.

7.7 Destruction of and Tampering with Governmental Records

Under T.C.A § 39-16-504, it is unlawful for any person to (1) knowingly make a false entry in, or false alternation of, a governmental record; (2) Make, present, or use any record, document, or thing with knowledge of its falsity and with intent that it will be taken as genuine governmental record; or (3) intentionally and unlawfully destroy, conceal, remove, or otherwise impair the verity, legibility, or availability of any governmental record. A violation of this section is a Class A misdemeanor.

Workplace Guidelines

8.1 Verification of Eligibility

Sevier County Government is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin for aliens who are authorized to work in the United States.

In compliance with the Immigration Reform and Control Act of 1986, each newly hired employee, as a condition of employment, must complete the employee portion of the Employment Eligibility Verification (I-9) form no later than the first day of employment and present proper documentation establishing identity and employment eligibility within three (3) working days of their first day of employment. Pursuant to state law, Sevier County Government also participates in the E-Verify program, a web-based system through which employers verify employment eligibility. E-Verify is administered by the U.S. Department of Homeland Security, USCIS Verification Division, and the Social Security Administration.

8.2 Attendance

Sevier County Government expects employees to assume diligent responsibility for their attendance and promptness. All employees are expected to arrive on time and ready to work every day they are scheduled to report. If an employee is unable to work because of illness, they must notify their supervisor, Official, Senior Director of Division, or Director of Department before their shift begins for the day or in the case of an emergency, as soon as possible on their first day of leave. This notification should take place each day of their absence unless covered by an authorized, legally-protected leave in which case different notification procedures apply. If the supervisor, Official, Senior Director of Division, or Director of Department is unavailable, employees should contact the County Mayor's office no later than 8:00 a.m. Failure to make proper notification will result in a no call/no show status for the absence.

Excessive absenteeism or tardiness will result in disciplinary action up to and including termination.

Employees who are absent for three (3) or more consecutive workdays due to illness or who seek medical attention for any reason (e.g., car or other accident) should present a statement of release from their physician before they will be permitted to return to work. The statement of release must contain the date(s) of the absence, the date the employee is released back to work, and whether they are released for their regular work/duty, with or without restriction. In addition, Sevier County Government reserves the right to ask for a doctor's note to verify any

absence due to illness or injury. This right remains with the Official, Senior Director of Division, or Director of Department at their discretion.

8.3 Job Performance

Communication between employees and management is very important. Discussions regarding job performance are ongoing and often informal. Employees should initiate conversations with their supervisors if they feel additional ongoing feedback is needed.

Formal performance reviews may be conducted annually. These reviews can include a written performance appraisal and discussion between the employee and the supervisor about job performance and expectations for the coming year.

8.4 Outside Employment

Sevier County Government employees may engage in outside employment as long as they have approval from their Official, Senior Director of Division, or Director of Department and the outside work does not interfere with or otherwise cause harm to the performance of their duties. Additionally, employees who are required to respond to emergency situations as part of their primary employment duties with Sevier County Government shall immediately leave their secondary employment upon notification by the County of their required attendance. If outside employment is found to be incompatible with employment, an employee must stop the outside work, or they will be terminated. The following types of outside employment are prohibited:

- Outside employment which involves acceptance of a fee, gift, or anything of monetary value in circumstances that may result in, or create the appearance of, a conflict of interest;
- Outside employment which tends to harm an employee's mental or physical capacity such that their performance is less than acceptable at Sevier County;
- Outside employment which would conflict with or reduce an employee's effectiveness in conducting their official duties; and/or
- Outside employment which would conflict with or harm Sevier County Government's relations with the public.

The following restrictions are placed on outside employment activities:

- Outside employment activities shall not involve the use of government-financed time or supplies unless otherwise approved by an Official;
- Outside employment activities shall not use or allow the use of official information that has not been made available to the general public;
- Outside employment activities shall not involve the use of the employee's official job title, statement of affiliation with Sevier County Government or suggest official endorsement by Sevier County Government; and/or
- Outside employment activities shall not involve conducting business with subordinate employees.

8.5 Media Inquiries

All inquiries from the media must be referred to the Director of Public Affairs and Communications.

Nothing in this policy is meant to, nor should it be interpreted to, in any way limit employees' rights under any applicable federal, state, or local laws, including rights under the NLRA to engage in protected concerted activities with other employees to improve or discuss terms and conditions of employment, such as wages, working conditions, and benefits. Employees have the right to engage in or refrain from such activities.

8.6 Remote Work

Employees may, in certain circumstances, be allowed to work from a remote work location. The details of such an arrangement may be set forth in a separate agreement between Sevier County Government and the employee. The agreement will set forth the expectations of the employee's remote work arrangement. Employees may not change their remote work location (such as by moving their residence or regular place of work to another city or state) without the express written authorization of Sevier County Government. Employees must be able to appear in person (typically with 24 hours' advance notice) for meetings and other required events. Remote work is always a privilege, and not a right. Any employee whose productivity becomes unacceptable, or who violates their obligations as stated in their agreement, will be recalled to work in the office, or the employee's employment may be terminated, at the discretion of Sevier County Government.

8.7 Employee Dress & Grooming

Sevier County Government strives to maintain a workplace environment that functions well and is free from unnecessary distractions. As part of that effort, Sevier County Government requires employees to maintain a neat and clean appearance that is appropriate for the workplace setting and for the work being performed.

All employees are expected to present a professional image to visitors and the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment. All employees should refrain from wearing any clothing bearing references to sex or sexual activity, obscene or inappropriate language, or the promotion or use of drugs or alcohol. Additionally, employees are required to ensure that their clothing adequately covers all undergarments and does not show excessive amounts of skin. All employees must carry or wear their identification badge at all times while at work.

Certain employees may be required to meet special dress, grooming and hygiene standards, such as wearing uniforms or protective clothing, depending on the nature of their job. Uniforms and protective clothing may be required for certain positions and will be provided to employees by Sevier County Government.

Officials, Senior Directors of Divisions, and Directors of Departments may determine and enforce guidelines for workplace-appropriate attire and grooming for their areas. Officials, Senior Directors of Divisions, and Directors of Departments should communicate any department-specific workplace attire and grooming guidelines to employees during new-hire and evaluation periods. Any questions about the office or department's guidelines for attire should be discussed with the employee's immediate supervisor.

Any employee who does not meet the attire or grooming standards will be subject to corrective action and may be asked to leave the premises to change clothing. Hourly paid employees will not be compensated for any work time missed because of failure to comply with designated workplace attire and grooming standards.

If any employee needs a deviation from this policy as an accommodation for a sincerely-held religious belief or a disability, they should notify the Human Resources department.

8.8 Disciplinary Action

Every employee has the duty and the responsibility to be aware of and abide by existing rules and policies and to perform their duties to the best of their ability. When an employee's performance and/or behavior does not meet established standards, disciplinary action may result. The principal purpose of disciplinary action is to identify and correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future. Sevier

County Government expects its employees to observe “commonsense,” rules of honesty, good conduct, and fair play. Employees are expected to treat the public, vendors, and their co-workers with respect, courtesy, professionalism, and consideration.

Employees found to be in violation of any policy of Sevier County Government may be subject to disciplinary action. The nature and severity of the disciplinary action will be determined by Sevier County Government in its sole discretion, and will reflect the severity of the violation, the employee’s past record, and other individual circumstances. Depending on the seriousness of the violation, any single infraction may result in any level of penalty up to and including termination. Sevier County Government reserves the right to determine the appropriate level of disciplinary action for any inappropriate conduct, including oral and written warnings, suspension with or without pay, demotion, and discharge.

8.9 Complaint Resolution

Misunderstandings or conflicts can arise in any organization. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. Some incidents may resolve themselves naturally; however, if a situation persists that an employee believes is detrimental to themselves or Sevier County Government, they should bring the concern to the attention of management. Employees are encouraged to begin the process by speaking to their supervisor, Official, Senior Director of Division, or Director of Department. If the employee does not believe a discussion with their supervisor is appropriate, the employee may bring the concern to the Human Resources department. If the employee is dissatisfied with the manner in which Human Resources resolves the issue, they may submit their concern in writing to the County Mayor.

8.10 Access to Personnel Files

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

- Address and telephone number
- Marital status and number of dependents

In compliance with T.C.A § 8-50-108, any county employee, regardless of position or classification, shall be entitled to have access at any reasonable time to their personnel files. The employee may request copies of any

material contained in such personnel file, and copies shall be furnished to the employee upon the employee's payment of the cost of such reproduction.

8.11 Furnishings, Equipment, and Supplies

Care in handling furnishing, equipment, and supplies will help avoid unnecessary losses. Employees are not allowed to remove any furnishings, equipment, or supplies from their office without the prior approval of the employee's Official, Senior Director of Division, or Director of Department.

8.12 Governmental Postings, Announcements, and Job Postings

All required governmental postings are posted on the board located in the Human Resources department. These boards may also contain general announcements and internal job postings.

8.13 Solicitation

In order to protect our employees and visitors, solicitation by employees is strictly prohibited while either the employee being solicited or the employee doing the soliciting is on "working time." "Working time" is defined as time during which an employee is not at a meal, on break, or on the premises immediately before or after a shift. Deviations from this policy may be approved by the employee's Official, Senior Director of Division, or Director of Department.

Employees are also prohibited from distributing written materials, handbills, or any other type of literature on working time and, at all times, in "working areas," which include all office areas. "Working areas" do not include break rooms, parking lots, or common areas shared by employees during non-working time.

Non-employees may not trespass or solicit or distribute materials anywhere on company property unless approved by the County Mayor or their designee.

No loitering on county-owned property is permitted at any time.

Nothing in this policy is meant to, nor should it be interpreted to, in any way limit employees' rights under any applicable federal, state, or local laws, including rights under the NLRA to engage in protected concerted activities with other employees to improve or discuss terms and conditions of employment, such as wages, working conditions, and benefits. Employees have the right to engage in or refrain from such activities.

Time Off & Leaves of Absence

9.1 Holidays

Sevier County Government observes and allows time off with pay for the following holidays:

Holiday	Date(s) Observed
New Year's Day	January 1st
Martin Luther King Day	Third Monday in January
Presidents' Day	Third Monday in February
Good Friday	Friday prior to Easter
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veterans Day	November 11th
Thanksgiving	Fourth Thursday and the following Friday in November
Christmas	December 25 th and 26 th

Any additional holidays may be designated by the County Mayor at the start of each calendar year.

If a holiday falls on a Saturday or Sunday, the County Mayor will determine the day to be taken. At the discretion of the County Mayor, the courthouse and county offices may be closed before the official observance of paid holidays or for a separately declared holiday. Holiday pay is not considered time worked when calculating overtime.

To be eligible for holiday pay, an employee must be classified as regular, full-time status. Employees on leave without pay (short or long-term disability, worker's compensation, FMLA, etc.) for more than fifteen (15) days of the month are not eligible to receive holiday pay. Employees on military leave at the time of the holiday will be eligible for holiday pay.

Due to the variety of county services, Sevier County Government employees may not be able to observe holidays on the same day as noted above. Employees will be notified if their work schedule requires a deviation from the

holiday schedule. Employees who work on holidays will be compensated via payment at their regular rate for the hours they work plus holiday pay. Employees who are scheduled for a regular day off on the holiday will be compensated via holiday pay. If an employee is scheduled to work on a holiday and requests leave, no holiday pay will be granted, and the employee must use accrued leave to receive pay. Employees who fall under these provisions will be compensated per the schedule below:

Shift Length	Holiday Hours
8-hr & 10-hr	8 Hours
12-hr, 16-hr, 24-hr, & 48-hr	12 Hours

9.1.1 Religious Observances

Employees who need time off to observe religious practices or holidays not already scheduled by the organization should speak with their supervisor. Depending upon business needs, the employee may be able to work on a day that is normally observed as a holiday and then take time off for another religious day. Employees may also be able to switch a scheduled day with another employee, take vacation time, or take off unpaid days. The organization will seek to reasonably accommodate individuals’ religious observances.

9.2 Administrative Closing of County Offices

There may be occasions when the County Mayor deems it necessary to close county offices. If an employee to which the administrative closing is pertinent is absent on annual leave or sick leave when an administrative closing is officially declared, they will not be charged with annual leave or sick leave.

9.3 Annual Leave

Sevier County Government recognizes the importance of time off from work to relax, spend time with family, and enjoy leisure activities. The County provides paid annual leave to full-time employees for this purpose, and employees are encouraged to take this time off during the year.

Sevier County Government provides regular, full-time employees with paid annual leave. Employees eligible will accrue annual leave hours per month per the table below:

	8-hr Shift	10-hr Shift	12-hr Shift	16-hr Shift	24-hr Shift	48-hr Shift
Years 1 - 5	8 hr/mo	8 hr/mo	10 hr/mo	12 hr/mo	12 hr/mo	12 hr/mo
Years 6 - 10	10 hr/mo	10 hr/mo	12 hr/mo	14 hr/mo	14 hr/mo	14 hr/mo
Years 11 - 20	12 hr/mo	12 hr/mo	14 hr/mo	18 hr/mo	18 hr/mo	18 hr/mo
Years 21+	16 hr/mo	16 hr/mo	18 hr/mo	24 hr/mo	24 hr/mo	24 hr/mo

Shorter shift lengths established by an office or department will receive a prorated amount of annual leave based on the eight (8) hour shift above. Annual leave is accrued on the last day of the corresponding month and may be used beginning the following month. Employees begin accrual once hired. Service time begins on January 1st of each year and each accrual step is achieved on January 1st following a particular service milestone.

9.3.1 Eligibility

Employees must be on regular, full-time status for at least fifteen (15) days of a particular month and be employed by the County on the last day of that month to accrue annual leave. Employees in their initial period of employment are eligible for annual leave accrual if they meet this requirement.

Employees on leave without pay (short or long-term disability, worker’s compensation, FMLA, etc.) for more than fifteen (15) days of the month are not eligible to accrue annual leave benefits.

9.3.2 Use of Annual Leave

Employees may use annual leave only at times approved in advance by their respective Official, Senior Director of Division, or Director of Department. General provisions for the use of annual leave include:

- The respective Official, Senior Director of Division, or Director of Department can deny requests for reasons that would place the office or department in hardship.
- Employees may not give or loan annual leave to another employee.
- Annual leave may be taken in a minimum of fifteen (15) minute increments.
- When an employee takes annual leave during a workweek, the amount of annual leave necessary to pay the employee the maximum work hours allowed before overtime (or as otherwise noted below) will be

charged against the employee's accrued annual leave. Annual leave is never to be used to pay more than this amount.

- This amount is forty (40) hours per work period for most employees.
 - For ambulance employees who work twenty-four (24) hour shifts, this amount will be either forty-eight (48) or seventy-two (72) hours, depending on either two (2) or three (3) shifts per work week.
 - For law enforcement and fire protection under the 7(k) exemption, this amount is one-hundred and seventy-one (171) / eighty-six (86) hours for law enforcement personnel or two-hundred and twelve (212) hours for fire personnel.
 - Some departments may have shifts that regularly require over forty (40) hours per week. The scheduled shift hours will determine the threshold as approved by the County Mayor.
- When a combination of sick leave, annual leave, and compensatory time are used within the same payroll period and overall hours exceed the parameters above, hours will be deducted from compensatory time first, then annual leave, then finally sick leave.
 - Annual leave is not considered time worked when calculating overtime.

9.3.3 Absences Due to Inclement Weather

Annual leave will be charged to any absent employee due to weather conditions unless an administrative closing has been officially declared. If an administrative closing has been declared, employees will be contacted by their Official, Senior Director of Division, or Director of Department. Employees are encouraged to listen to the local radio stations, check the county website, and watch local television stations for information. An administrative closing and/or snow schedule may be declared by the County Mayor depending upon the severity of weather conditions. If an employee is absent on annual leave or sick leave when an administrative closing is officially declared, they will not be charged with annual leave or sick leave. When the County Mayor declares a snow schedule, all facilities will open according to that schedule.

9.3.4 Carryover

Employees can carry over to the next calendar year up to ninety-six (96) unused annual hours. Hours over the ninety-six (96) hour threshold will be rolled to the employee's sick leave bank. Employees who are found to abuse sick leave may be barred from carrying over annual hours over ninety-six (96) to their sick leave bank by

recommendation from their respective Official, Senior Director of a Division, or Department Head and approved by the County Mayor or their designee.

9.3.5 Separation of Employment

During a submitted notice period for employment separation, an employee may not use annual leave. An employee who does not submit and fulfill (unless released earlier at the direction of their Official, Senior Director of a Division, or Department Director) at least a two-week notice for employment separation or is discharged from employment will not be eligible to receive payment for any annual leave. Employees whose employment ends (regardless of cause) within one year of their full-time hire date will not be eligible to be compensated for any accrued annual hours. After one year, an employee whose employment has ended can be compensated for unused annual hours at their regular rate per hour up to ninety-six (96) accrued hours as long as they provide adequate notice. All hours over the total permitted accrual hours will be rolled into the employee’s sick leave to be used toward TCRS retirement credit. In the event of death, up to ninety-six (96) annual leave hours shall be paid to the employee’s estate or the surviving spouse as may be required by law.

9.4 Sick Leave

Sevier County Government provides regular, full-time employees with paid sick days. Employees eligible will accrue sick leave hours per month per the table below:

	Hours Per Month	Hours Per Year	Shifts
8-hr Shift	8	96	12
10-hr Shift	8	96	9.6
12-hr Shift	10	120	10
16-hr Shift	12	144	9
24-hr Shift	12	144	6
48-hr Shift	12	144	6

9.4.1 Eligibility

Employees must be on regular, full-time status for at least fifteen (15) days of a particular month and be employed by the County on the last day of that month to accrue sick leave. Employees in their initial period of employment are eligible for sick leave accrual if they meet this requirement.

Employees on leave without pay (short or long-term disability, worker's compensation, FMLA, etc.) for more than fifteen (15) days of the month are not eligible to accrue sick leave benefits.

9.4.2 Use of Sick Leave

An employee may use sick leave for absences due to their own illness or injury or the illness or injury of their spouse, children, grandchildren, or parents. Employees may also take leave for guardians who stood in loco parentis for them during childhood or for a child who they currently serve in loco parentis. Sick leave may also be used for appointments with a licensed doctor, dentist, or other recognized practitioners. Employees who attend an appointment at the Sevier County Wellness Center do not have to use sick leave for their absence at the appointment; time spent at the Sevier County Wellness Center will be other time. Any time outside of the appointment requires the use of sick leave.

Using sick leave under false pretense is a severe violation of Sevier County Government policy and is grounds for discipline up to and including termination. If abuse is determined, employees may be barred from carrying over annual time over ninety-six (96) to their sick bank. In order for an employee to be eligible for paid sick leave, they must follow the notification procedures outlined in the Attendance policy (Section 8.2) of this handbook.

The following general provisions apply to sick leave:

- An employee may not work any other job or position during their established work hours while they are on paid sick leave.
- Employees may not give or loan sick leave to another employee.
- Sick leave may be taken in a minimum of fifteen (15) minute increments.
- When an employee takes sick leave during a workweek, the amount of sick leave necessary to pay the employee the maximum work hours allowed before overtime (or as otherwise noted below) will be charged against the employee's accrued sick leave. Sick leave is never to be used to pay more than this amount.

- This amount is forty (40) hours per work period for most employees.
 - For ambulance employees who work twenty-four (24) hour shifts, this amount will be either forty-eight (48) or seventy-two (72) hours, depending on either two (2) or three (3) shifts per workweek.
 - For law enforcement and fire protection under the 7(k) exemption, this amount is one-hundred and seventy-one (171) / eighty-six (86) hours for law enforcement personnel or two-hundred and twelve (212) hours for fire personnel.
 - Some departments may have shifts that regularly require over forty (40) hours per week. The scheduled shift hours will determine the threshold as approved by the County Mayor.
- When a combination of sick leave, annual leave, and compensatory time are used within the same payroll period and overall hours exceed the parameters above, hours will be deducted from compensatory time first, then annual leave, then finally sick leave.
 - Sick leave is not considered time worked when calculating overtime.

9.4.3 Carryover

Employees can carry over to the next calendar year an unlimited amount of sick leave.

9.4.4 Separation of Employment

During a submitted notice period for employment separation, an employee may not use sick leave without providing a physician's statement for the absence. No employee shall be paid for accumulated sick leave upon termination as there is no monetary value assigned to sick leave. Instead, all accumulated sick leave will be used toward Tennessee Consolidated Retirement System (TCRS) credit according to the rules and regulations as governed by TCRS and Sevier County Government.

9.4.4.1 Tennessee Consolidated Retirement System

Per TCRS, an employee may receive an additional month's credit for each twenty (20) days of unused sick leave. Days are defined by taking the unused sick leave and dividing by the rate of accrual. Employees that accrued hours under any plan before January 1, 2020, will follow the same accrual rules as set above, except for accruals of more than twelve (12) hours per month. If the employee accrued more than twelve (12) hours per month, those hours would be divided by (12). For employees who have accrued sick leave hours under multiple accrual

amounts, an effort will be made to match unused sick leave hours to the correct accrual. However, a ratio will determine hours for employees whose hours are difficult to match.

9.5 Bereavement Leave

Bereavement leave of up to twenty-four (24) hours for scheduled workdays may be granted in case of a death in the employee's immediate family. This leave is intended to prepare for and attend a funeral and/or attend to any other immediate post-death matters. Immediate family shall be defined as spouse, parent, child(ren), brothers or sisters, grandparent, grandchild, step-relatives of the preceding, in-laws of the preceding, aunts, uncles, nieces, and nephews of the employee.

The Official, Senior Director of Division, or Director of Department will decide the number of approved bereavement leave hours based on the criteria above. An employee who claims bereavement leave may, at the discretion of their Official, Senior Director of Division, or Director of Department, be required to furnish confirmation of the death which may include an obituary notice or funeral home announcement.

9.6 Voting Leave

Any person entitled to vote in an election in the state of Tennessee may be absent from work for up to three (3) hours to vote while the election polls are open. The Official, Senior Director of Division, or Director of Department may specify when the employee may be absent, and the number of approved leave hours. The employee will receive regular compensation during this period, and leave time will not be affected. Voting time shall not be counted as working time for overtime computation. If the employee's work period begins three (3) or more hours after the opening of the polls or ends three (3) or more hours before the closing of the polls, then the Official, Senior Director of Division, or Director of Department does not have to allow additional time off from work. Employees are encouraged to early vote where available.

9.7 Military Leave

Full-time employees who are members of any federal or state military reserve component will be granted military training leave for such time as they are in the military service for periods not to exceed twenty (20) working days per calendar year. This time may not be used for weekend drills unless the employee is scheduled to work on weekends. Such requested leave shall be supported with copies of the armed service orders. When the employee is on military training leave, the employee will receive the full pay and benefits to which they would otherwise be entitled.

Should a full-time employee enter the military on an active-duty basis, they must present their orders to their supervisor as soon as they receive them. The full-time employee will be granted a leave of absence to serve a tour of duty. The employee will receive their regular compensation from Sevier County Government minus the compensation received from the military while on active-duty status. Consistent with Tennessee Code Annotated, the Uniformed Services Employment and Reemployment Act of 1994 (38 U.S.C. 4301 – 4333 - USERRA) does not allow the accumulation of annual or sick leave while a covered employee is on active-duty military leave. USERRA does provide for the continuation of health insurance benefits for the employee and dependents. An employee performing military service in an active-duty status may elect such coverage for up to eighteen (18) months and will be required to pay no more than one-hundred and two (102) percent of the full premium under the plan. However, if the employee's military service is less than thirty-one (31) days, the employee will not be required to pay more than the employee's share.

Under USERRA, an employee returning from active-duty service must notify Sevier County Government of their intent to return to work within a specific time, depending on the time the employee was in service. The position into which a returning employee is reinstated is also based on the length of military service. An employee assigned to active-duty status should contact the Human Resources department for additional information regarding return-to-work notifications and reinstatement requirements.

9.8 Veterans Day Leave

Under Tennessee law, veterans (former members of the U.S. Armed Forces and current or former members of a reserve or National Guard unit who were called into active military service of the United States) who are scheduled to work on Veterans Day (November 11) are allowed to take the day off without pay unless their absence, either alone or in combination with other veteran employees' absences, would cause Sevier County Government significant economic or operational disruption. To take advantage of this day off, an employee must provide their immediate supervisor, Official, Senior Director of Division, or Director of Department with at least one month's written notice of their intent to take off the entirety of Veterans Day as a non-paid holiday and provide proof of their veteran status, which may include Form DD-214 or other comparable certificate of discharge from the armed forces.

9.9 Jury Duty Leave

Sevier County Government encourages employees to fulfill their civic responsibilities when called upon to serve as a juror or to attend court as a witness to comply with any subpoena. Employees who receive a jury duty summons should notify their supervisor immediately and provide a copy of the summons so the supervisor may

make arrangements to accommodate the absence. Employees must submit to their supervisor a written certification of jury service from the court covering the period of jury duty leave.

An employee who serves less than three (3) hours on jury duty in a day will be expected to return to work during the hours they are not required to be in court. Time served includes travel time both to and from jury service. Should travel time and jury service exceed three (3) hours on any given workday, that employee will be excused from returning to work for the remainder of the day. If an employee summoned for jury duty is working a night shift or is working during hours preceding those in which court is usually held, such employee shall also be excused from their shift immediately preceding the first day of service on any jury. After the first day of service, when such employee's responsibility for jury duty exceeds three (3) hours, then such employee shall be excused from their next scheduled work period occurring within twenty-four (24) hours of jury service.

Full-time and part-time employees shall receive compensation at their regular rate of pay during time served on jury duty or when subpoenaed as a witness. The employee must submit all compensation received for serving as a juror to the County.

The above provisions concerning compensation for the time in court do not apply if the employee is involved as a plaintiff or defendant in private litigation. On these occasions, the employee must take annual leave, compensatory time, or leave without pay.

9.10 "Other" Leave

Officials may grant regular, full-time employees "other" paid leave at their discretion under unique circumstances and as approved by the County Mayor or their designee. This type of leave is to provide time off, primarily for exempt employees, who, upon careful consideration by the Official, have worked extra hours in particular circumstances.

- Example: The Assistant Finance Director, an exempt position, has routinely worked fifty-five (55) hours a week the last three (3) weeks due to the budgeting process. The County Mayor grants this employee eight (8) hours of other leave to use in the future.

The Official must approve of the employee using this granted time and may deny its use at their discretion. If an employee does not use this time as defined above before the end of employment, this time is not compensated as it has no monetary value.

This type of leave can also be offered under unique circumstances during the pre-employment process for non-exempt and exempt employees who have pre-scheduled travel plans. This granted leave must be approved by the

County Mayor or their designee and properly filed with Human Resources as a part of the hiring and onboarding process.

9.11 Time Off Without Pay

A full-time employee, who is in good standing and rendering satisfactory service, may be granted time off without pay in certain circumstances. Employees who have exhausted their annual leave, have insufficient annual leave accrued, or who do not wish to exhaust their annual leave balance, may be approved by an Official, Senior Director of Division, or Director of Department for unpaid time off not to exceed a total of thirty (30) days in a calendar year. Requests for longer periods of absence or for more permanent changes in schedule must also be approved by the County Mayor or their designee. These guidelines do not pertain to leave without pay requests associated with medical or disability leaves which must be approved under the guidelines listed in the Family and Medical Leave Policy (Section 9.12), Parental and Adoption Care Leave Policy (Section 9.13), or Non-FMLA Medical Leave of Absence Policy (Section 9.14).

Time off without pay may be revoked at any time, and the employee shall be required to return to work or use annual leave, without right of appeal or hearing.

9.12 Family and Medical Leave

The Family and Medical Leave Act entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Sevier County Government will grant time off from work in compliance with the Family Medical Leave Act (FMLA). In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. Questions, concerns or disputes with this policy should be directed to the Human Resources department.

9.12.1 Eligibility

Employees are eligible if they have been employed for at least twelve (12) months and have worked a minimum of 1,250 hours over the twelve (12) months preceding the date the leave would commence.

The twelve (12) months of employment used to determine eligibility do not have to be consecutive and can include previous periods of employment with Sevier County Government. Additionally, all periods of absence from work due to or necessitated by service in the uniformed services are counted as hours worked for the purpose of determining eligibility.

9.12.2 Reasons for Leave

Family and Medical Leave will be granted to eligible employees for one or more of the following reasons:

1. The birth of a child and to care for the newborn child within one year of birth;
2. The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
3. To care for the employee's spouse, child, or parent who has a serious health condition.
4. For a serious health condition that makes the employee unable to perform the essential functions of their job.
5. For any qualifying exigency arising out of the fact that the employee's spouse, child or parent is a military member on covered active duty or on call to covered active-duty status.
6. To care for a covered servicemember with a serious injury or illness.

9.12.3 Amount of Leave

An eligible employee is entitled to unpaid, job-protected leave for up to twelve (12) workweeks in any twelve (12) month "rolling" period. The twelve (12) month "rolling" period is measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the County will compute the amount of leave the employee has taken under this policy in the last twelve (12) months and subtract it from the twelve (12) weeks of available leave. The balance remaining is the amount the employee is entitled to take at that time.

In addition, eligible employees may take up to twenty-six (26) workweeks of FMLA military caregiver leave in a single twelve (12) month period. This twelve (12) month period is measured forward from the date an employee's first FMLA leave to care for the covered servicemember begins. FMLA leave already taken for other FMLA circumstances will be deducted from the total of twenty-six weeks available.

Eligible spouses who both work for Sevier Count Government may only take a combined total of twelve (12) weeks of leave for the birth of a child, adoption, or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition. Both may only take a combined total of twenty-six (26) weeks of leave to care for a covered injured or ill service member (if each spouse is a parent, spouse, child, or next of kin of the service member).

9.12.4 Intermittent Leave or Reduced Work Schedule

FMLA leave may be taken in one consecutive block of time or when medically necessary or approved, may be taken intermittently in separate blocks of time or on a reduced schedule by working less hours each day or week. To better accommodate an intermittent or reduced schedule, Sevier County Government may temporarily transfer an employee to an available alternative position with equivalent pay and benefits.

Requests for intermittent or reduced schedule leave for the birth, adoption, or foster care of a child, must be mutually agreed upon by Sevier County Government and the employee prior to the leave commencing. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

When intermittent leave is needed for planned medical treatment(s), the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the operations of Sevier County Government.

9.12.5 Employee Notice Requirements

Employees requesting FMLA must provide at least thirty (30) days verbal or written notice prior to the anticipated leave date, when the leave is foreseeable.

If thirty (30) days prior notice is not possible, employees should provide verbal or written notice to the Human Resources department as soon as practicable, but no later than two (2) days after they learn of the need for leave, except in extraordinary circumstances where such notice is not feasible.

Within five (5) business days after the employee has provided verbal or written notice, the Human Resources department will complete and provide the employee with a Notice of Eligibility and Rights form and request a medical certification or other supporting documentation as necessary.

9.12.6 Documentation

Employees are required to document the need for the leave requested under two (2), three (3), and four (4) above. Documentation must be in the form of a doctor's statement and must include information about the medical condition and how long the condition is expected to last. Under appropriate circumstances, the County may require the employee to obtain a second opinion at the County's expense. The County will designate the healthcare provider utilized in these circumstances to furnish a second and/or third opinion, but the selected healthcare provider will not be employed by the County regularly.

Medical certification forms are available through the Human Resources department.

Sevier County Government reserves the right to require confirmation of a family relationship when employee's request leave to care for a covered family member. This confirmation will be in the form of reasonable documentation or a statement of family relationship.

Employees who take FMLA for their own serious health condition or who give birth to a son or daughter will be required to submit a fitness for duty statement signed by their doctor before they may return to work.

9.12.7 Designation of Leave

The Human Resources department will complete and provide the employee with the FMLA Designation Notice within five (5) business days after the required certification or supporting documentation has been submitted.

9.12.8 Compensation During Leave

The Family and Medical Leave Act does not provide for any type of payment or continuation of wages or salary. Employees who are eligible for leave under this policy may use any combination of short-term disability (Section 10.1.4), annual leave (Section 9.3), sick leave (Section 9.4), or compensatory leave (Section 5.6) available to them and in accordance with those respective policies in conjunction with this leave. Human Resources will provide each employee a description of their available choices at the beginning of their FMLA leave. However, if an employee's FMLA is the result of an on-the-job injury or illness the employee may not choose to use their leave benefits in lieu of workers' compensation benefits.

In all cases, Sevier County Government will customarily run concurrently any short-term disability or workers' compensation leaves without request for such protection under the Family Medical Leave Act.

9.12.9 Intent to Return from Leave

On a basis that does not discriminate against employees on FMLA leave, Sevier County Government may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

9.12.10 Employment Status After Leave

Employees are expected to return to work by the end of their approved leave. Upon return, employees will be restored to the same position or to a position with equivalent status, pay, benefits and other employment terms. Certain key employees may be exempt from this requirement and not restored to the same or similar position when doing so will cause substantial and grievous economic injury to operations. Key employees will be given written notice at the time FMLA leave is requested of their status as a key employee.

If an employee is unable to return to their position after the expiration of their FMLA leave entitlement, the employee shall forfeit their reinstatement rights under the FMLA, but may be returned to work in an alternative position for which the employee is qualified as deemed possible by the County's Americans with Disabilities Act (ADA) accommodations process. If an employee voluntarily chooses not to return from leave, they will be considered to have forfeited their employment with Sevier County Government and will be terminated.

Prior to returning from leave for a personal health condition, employees must secure a release from their healthcare provider. The release must confirm their ability to return to work and to perform regular duties or set forth any restrictions. If the employee is released to return to work with restrictions, the Human Resources department will determine whether the restrictions can be reasonably accommodated in accordance with ADA. Restrictions are those that prevent the employee from performing their regular duties at the end of the approved leave due to a continuing medical condition.

If an employee on leave for personal medical reasons is released to return to work sooner than the expected return date listed on the leave request, the employee must notify their supervisor within two (2) business days of receiving the release.

Employees will be subject to discipline up to and including termination, if during their leave, they engage in activities inconsistent with the stated purpose for the leave. For example, employees are prohibited from engaging in other employment during FMLA. Misrepresentation or any act of dishonesty related to FMLA will also be grounds for immediate discipline up to and including termination.

9.12.11 Definitions

Serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. This can include conditions with short-term, chronic, long-term or permanent periods of incapacity.

Spouse means a husband or wife as defined or recognized in the state where the individual was married and includes individuals in a common law or same-sex marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States, if the marriage could have been entered into in at least one state.

Child means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" at the time that FMLA leave is to commence.

Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include parents “in law.”

Qualifying exigency includes short-notice deployment, military events and activities, child care and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

Covered active duty for members of a regular component of the Armed Forces, means duty during deployment of the member with the Armed Forces to a foreign country. For a member of the Reserve components of the Armed Forces, means duty during the deployment of the member with the Armed Forces to a foreign country under a federal call or order to active duty in support of a contingency operation, in accordance with 29 CR 825.102.

The next of kin of a covered service member is the nearest blood relative, other than the covered service member's spouse, parent or child in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as their nearest blood relative for purposes of military caregiver leave under the FMLA.

Covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is receiving medical treatment, recuperation or therapy, or is in outpatient status or on the temporary disability retired list for a serious injury or illness.

Serious injury or illness is one that is incurred by a service member in the line of duty on active duty that may cause the service member to be medically unfit to perform the duties of their office, grade, rank or rating. A serious injury or illness also includes injuries or illnesses that existed before the service member’s active duty and that were aggravated by service in the line of duty on active duty.

9.13 Parental and Adoption Care Leave

Employees of Sevier County Government, who have been employed for at least twelve (12) consecutive months as a full-time employee, may be absent from employment for a period not to exceed four (4) months for the purpose of adoption, pregnancy, childbirth, and nursing of an infant, pursuant to T.C.A § 4-21-408.

This leave runs concurrently with the FMLA, and will be without pay. Employees may use any combination of short-term disability (Section 10.1.4), annual leave (Section 9.3), sick leave (Section 9.4), or compensatory leave (Section 5.6) available to them and in accordance with those respective policies in conjunction with this leave.

An employee who gives at least three (3) months' advance notice of their anticipated date of departure, the length of leave, and their intention to return to full-time employment after leave, will be restored to the previous or similar position with the same status, pay, length of service credit, and seniority. An employee who does not give three (3) months' advance notice because of a medical emergency that necessitates that the leave begins earlier than originally anticipated, or because their notice of adoption was received less than three (3) months in advance, does not forfeit the right to parental leave. If an employee's job position is so unique that the company cannot, after reasonable efforts, temporarily fill the position, then the employee has no right to reinstatement at the end of the leave.

9.14 Non-FMLA Medical Leave of Absence

Sevier County Government will consider an employee's request for a medical leave (where the leave does not qualify for protection under the Family Medical Leave Act) in accordance with guidelines set forth below. This policy generally provides up to six (6) months of additional leave in any "rolling" twelve (12) month period unless otherwise required by law such as under the Americans with Disabilities Act (ADA). Intermittent leave under this provision is not permitted unless such leave has been approved as a reasonable disability related accommodation pursuant to the ADA. Requests for disability related accommodations should be made in accordance with the Americans with Disabilities Act policy (Section 3.2) of this handbook.

9.14.1 Eligibility

An employee with a serious medical condition as defined under the FMLA who is not eligible for FMLA leave or has exhausted leave available under the FMLA may request a leave of absence for a self-qualifying medical event. This leave will be considered for employees that need to be out of work for five (5) or more consecutive days.

9.14.2 Requesting Leave

The employee is expected to provide at least thirty (30) days' notice to their supervisor, Official, Senior Director of Division, or Director of Department when requesting leave. When an employee becomes aware of a need for leave less than thirty (30) days in advance, the employee must provide notice of the need for the leave either the

same day, the next business day, or as soon as reasonably practicable. Leave requests that are not submitted according to policy and as soon as practicable will be denied.

Sevier County Government will require documentation for the employee's serious health condition. The Human Resources department must receive all medical documentation requested within fifteen (15) days. Failure to comply with the above-mentioned requirements can result in denial of leave or reinstatement from leave, in which case the employee's leave of absence would be unauthorized, subjecting the employee to discipline up to and including employment termination.

9.14.3 Compensation During Leave

An employee who is taking Non-FMLA Medical Leave must use all short-term disability benefits and accrued leave balances prior to being placed in an unpaid leave status.

9.14.4 Employment Status After Leave

Employees who take a Non-FMLA Medical Leave do not have job restoration rights. However, Sevier County Government will generally reinstate the employee to the same position or a position with equivalent status, pay, benefits and other employment terms upon the employee's return before or at the end of the approved leave period. In the event the County will not be able to restore the employee, the employee will receive written notice.

9.14.5 Notice Requirements While on Leave

Employees must report their return-to-work status at least weekly to their immediate supervisor. Failure to do so could result in termination of their employment. If an employee on leave for personal medical reasons is released to return to work sooner than the expected return date, the employee must notify their supervisor within two (2) business days of receiving the release.

9.14.6 Returning from Leave

Employees are expected to be able to return to work by the end of their approved leave. Prior to returning from leave for a personal health condition, the employee must secure a release from their healthcare provider confirming the release to return to work to perform regular duties or set forth any restrictions.

If the employee is released to return to work with restrictions, the Human Resources department will determine whether the restrictions can be reasonably accommodated in accordance with the Americans with Disabilities Act (ADA). Medical restrictions are those that prevent the employee from performing their regular duties at the end of the approved leave due to a continuing medical condition.

If the employee is not medically released to return to work at the end of their leave and the employee has not been granted any additional leave, employment ends as "unable to return from leave" effective the last day of the approved leave, unless a continuation of leave has been granted as an accommodation under the ADA, or for other reasons.

Any employee who fails to return to work as scheduled after leave may be subject to dismissal from employment. Employees who exceed their leave, without extension(s) of their leave approved under appropriate leave provisions, may be subject to termination of employment.

9.15 Employee Benefits While on Leave

Sevier County Government will continue employee health benefits during any leave period at the same level and under the same conditions as if the employee was continuously at work unless otherwise noted in the leave policy. Accumulated fringe benefits including but not limited to seniority, retirement, service credits, sick leave, annual leave, and holiday pay shall not accrue during the leave.

While on paid leave, Sevier County Government will continue to make all payroll deductions to collect the employee's share of insurance premiums. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Finance department by the fifteenth (15th) day of the following month. If the payment is more than thirty (30) days late, the employee's health care coverage may be dropped for the duration of the leave. The company will provide fifteen (15) days' notification prior to any loss of coverage.

9.16 Leave Records

Employees requesting leave are required to record leave on forms provided by the county. The employee gives the forms to their Official, Senior Director of Division, or Director of Department. The County Mayor's office maintains the leave forms.

Employee Benefits

Sevier County Government recognizes the value of benefits to employees and their families. The organization supports employees by offering a comprehensive and competitive benefits program. For more information regarding benefit programs, please refer to the County Summary Plan Descriptions (SPDs) or contact the Human Resources department. To the extent the information provided here conflicts with the SPD or full plan document, the full plan document will control.

None of the employee benefits outlined in this handbook or other personnel policies shall be construed as a “guaranteed” benefit. Employee benefits may be increased, decreased, altered, or eliminated at any time, as determined by the Sevier County Board of Commissioners.

10.1 Group Health Insurance

Regular, full-time employees working thirty (30) hours or more per week are eligible for medical and vision insurance coverage on the first (1st) of the month following sixty (60) days of service. To keep coverage in force, every insured employee must work a minimum of thirty (30) hours per week. Employees must enroll within thirty (30) days of employment and can cover dependents if they choose. Plan options and costs vary.

10.1.1 Fair Share Provision

In order to better manage rising healthcare costs and keep employee premiums affordable, Sevier County Government has adopted a “Fair Share” provision for its group health insurance coverage. This provision establishes a requirement that an employee’s working spouse must pay a premium surcharge to elect coverage through the employee’s enrollment if the spouse’s employer offers health insurance, but the spouse has declined the coverage. All employees electing to cover their spouse on the County insurance plan will be required to complete a certification each year outlining their spouse’s available coverage options and their intended elections.

10.1.2 Prescription Drug Program

Sevier County Government participates in a prescription drug program that allows employees and all dependents covered under the group insurance plan to obtain prescription medications at a specified cost. This program is available to all employees covered under the group health insurance plan. Coverage under this program begins the first (1st) day of the month following a sixty (60) day waiting period.

10.1.3 Group Life Insurance

Sevier County Government provides life insurance for full-time employees who work a minimum of thirty (30) hours per week and are enrolled in the group health insurance plan. Employees are eligible for this benefit on the first (1st) of the month following sixty (60) days of service. The life benefit for each employee is based upon their classification. The cost of this coverage is paid for in full by the County.

10.1.4 Short-Term Disability

Short-term disability is offered to all employees eligible for and enrolled in the group health insurance plan. Short-term disability is meant to bridge the ninety (90) day period until long-term disability can cover an employee. If an employee becomes disabled and cannot work for a short period of time, this coverage pays seventy (70) percent of the employee's salary, up to the policy limits. In addition, employees will not be paid annual or sick leave for approved absences covered by short-term disability.

Short-term disability benefits may run concurrently with FMLA leave and/or any other leave when permitted by state and federal law.

10.1.5 Long-Term Disability

Long-term disability benefits are offered to all employees eligible for and enrolled in the group health insurance plan. If an employee becomes totally disabled and cannot work for an extended period of time, this coverage pays sixty (60) percent of the employee's salary, up to the policy limits.

Long-term disability benefits will run concurrently with Non-FMLA medical leave and/or any other leave when permitted by state and federal law.

10.1.6 Sevier County Wellness Clinic

As an added benefit to enrollment in the Sevier County group health insurance plan, all enrolled employees and covered dependents have access to the Sevier County Wellness Clinic. Access to the clinic begins on the date coverage becomes effective and there is no cost associated with utilizing the services.

10.1.7 Healthcare Continuation Coverage (COBRA)

Certain employees and their dependents who become ineligible for coverage under Sevier County Government's group health insurance plan due to a qualifying event may elect to continue such coverage up to eighteen (18) months or longer in accordance with the federal Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). Employees and qualified beneficiaries are to notify the organization within thirty (30) days but no later than sixty (60) days of a change in status due to a divorce or legal separation, a dependent child ceasing to be eligible under the group health plan, a determination of disability or change in disability made by the Social Security Administration, or the occurrence of a second qualifying event under COBRA. If COBRA continuation coverage is elected, employees and/or their covered dependents must pay the full amount of the premium plus an administration charge, if applicable, for their continued coverage as permitted by law. If employees and/or their

covered dependents do not choose continued coverage, then group health insurance coverage will cease as of the last day of the month in which termination of employment or any other qualifying event occurs.

10.2 Optional Insurance Programs

Sevier County Government provides regular, full-time employees with the opportunity to participate in various insurance programs through payroll deduction. The County authorizes the insurance programs offered, and participation is at the employee's discretion. The County does not contribute financially to these programs as the employee incurs all expenses. These programs include group dental, additional life insurance policies, and other ancillary products. A full list of available benefits and their associated costs can be accessed by contacting the Human Resources department.

10.3 Deferred Compensation

Sevier County Government participates in a deferred compensation plan. The plan is voluntary and allows employees to defer a portion of their monthly income for investment purposes.

10.4 Retiree Insurance

The Sevier County Government Retiree Insurance Program is intended to provide a benefit for long-term, active employees who retire from Sevier County Government via the Tennessee Consolidated Retirement System prior to becoming Medicare eligible.

10.4.1 Employee Eligibility

Employees who retire from Sevier County Government via Tennessee Consolidated Retirement System are eligible for this program under each of the following guidelines:

- Employees must have fifteen (15) years of service on regular, full-time status with the County;
- The fifteen (15) years must be continuous;
- The fifteen (15) years must occur immediately prior to the official date of retirement; and
- Employees must be at least fifty-five (55) years of age upon retirement but no more than sixty-five (65) years of age or Medicare eligible, whichever comes first.

10.4.2 Spouse/Dependent Eligibility

A spouse and/or dependent(s) of the eligible employee can be eligible for continued service if they meet each of the following requirements:

- A spouse, at the time of the eligible employee's retirement, must be at least fifty-five (55) years of age but no more than sixty-five (65) years of age or Medicare eligible, whichever comes first;
- Dependents, at the time of the eligible employee's retirement, must be less than twenty-six (26) years of age;
- The spouse and/or dependent(s) must be covered by the eligible employee at the time of retirement and have been covered by the eligible employee for at least two (2) years immediately prior to the date of retirement;
- The spouse and/or dependent(s) cannot be a current employee of the County; and
- The spouse and/or dependent cannot be eligible for another group health plan

10.4.3 Election

Eligible employees must elect to continue insurance for themselves and/or for their eligible spouse and/or dependent(s) via the Sevier County Government Retiree Insurance Program by the official date of retirement. If an employee does not elect to continue insurance for themselves or for their eligible spouse and/or dependent(s) by their date of retirement, that employee will be deemed to decline coverage for either themselves or for their eligible spouse and/or dependent(s) and will not be eligible to elect at any other point. If an employee has an eligible spouse and/or dependent, the employee is not required to continue the insurance for the eligible spouse and/or dependent. The employee may elect employee only insurance coverage. However, by electing employee only insurance coverage, the spouse and/or dependent cannot be added at a later date as they are deemed to have declined coverage.

10.4.4 Coverage

Health insurance coverage under the Sevier County Government Retiree Insurance Program, once properly elected, will continue under certain conditions.

10.4.4.1 Employee

An eligible employee may continue insurance coverage under the Sevier County Retiree Insurance Program until one of the following:

- The employee reaches sixty-five (65) years of age or becomes Medicare eligible, whichever comes first.
- The employee becomes eligible for another group health plan. The employee would not become eligible again for the Sevier County Government Retiree Insurance Program even if their eligibility for another group health plan expires. Under this provision, any coverage of an eligible spouse and/or dependent(s) must be discontinued as well.

Upon reaching one of the above scenarios, the insurance coverage for the eligible employee is terminated at the end of the month. If an eligible employee passes away, insurance coverage for the employee and any eligible spouse and/or dependent is terminated at the end of the month.

If at any time the employee decides to drop coverage prior to any of the above scenarios, the employee shall not be eligible to reenroll in the Sevier County Government Retiree Insurance Program.

10.4.4.2 Spouse and Dependents

If an eligible employee elected to continue coverage for their eligible spouse and/or dependent, the eligible spouse and/or dependents may continue insurance coverage under the Sevier County Government Retiree Insurance Program until one of the following:

- The spouse reaches sixty-five (65) years of age or becomes Medicare eligible, whichever comes first.
- The spouse becomes eligible for another group health plan. The spouse would not become eligible again for the Sevier County Government Retiree Insurance Program even if their eligibility for another group health plan expires.
- If an eligible employee passes away, insurance coverage for the employee and any eligible spouse and/or dependent is terminated at the end of the month

If at any time the employee decides to drop coverage prior to any of the above scenarios for employees, the spouse and/or dependent coverage will terminate as well.

10.4.5 Coverage Cost

Eligible employees must make payment for the Sevier County Government Retiree Insurance Program as set forth by the County. Coverage may be cancelled for delayed/no payment as set forth in policy per the County Mayor and/or their designee.

10.4.6 Officials Coverage

County Officials fall under that same regulations as set forth in this policy. Only County Officials may qualify for these provisions (no state officials). County Commissioners, although not full-time employees, may qualify for this provision by serving fifteen (15) years. Those years served must fall under the same regulations as years worked for employees. All other provisions within this policy are applicable to County Commissioners and County Officials.

10.5 Tennessee Consolidated Retirement System (TCRS)

Sevier County participates in the Tennessee Consolidated Retirement System (TCRS). All new employees have an initial period of employment for six (6) months before they are eligible to enroll with TCRS. The plan is mandatory.

10.6 Employee Assistance Program

The employee assistance program (EAP) is a resource designed to provide highly confidential and experienced help for employees in dealing with issues that affect their lives and the quality of their job performance. Sevier County Government wants employees to be able to maintain a healthy balance of work and family that allows them to enjoy life. The EAP is a confidential counseling and referral service that can help employees successfully deal with life's challenges.

Sevier County Government encourages employees to use this valuable service whenever they have such a need. Employees who choose to use these counseling services are assured the information disclosed in their sessions is confidential as the County is not given any information on who chooses to use the services. For questions or additional information about this program, employees may contact the Human Resources department.

10.7 Workers' Compensation

Sevier County Government provides workers' compensation insurance coverage for all employees in case of injury while on the job. All injuries, no matter how slight, must be reported immediately to a supervisor, the

Human Resources department, and the Director of Safety so that required medical attention can be given and workers' compensation benefits can be made available. Failure to comply with accident reporting procedures may jeopardize workers' compensation benefits. An employee will not be discharged or otherwise discriminated against for reporting work-related injuries and illnesses; that action is prohibited under state and federal law. However, workers' compensation fraud, including claiming a work-related injury that is actually not work-related, exaggerating the extent of the injury, or making a claim for an injury that did not happen, may subject the employee to termination.

Severability

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

Miscellaneous

Sevier County Government, via the Sevier County Board of Commissioners and the County Mayor, has established other operating procedures for the efficient and orderly execution of operations. Employees are encouraged to refer to those policies for further guidance. Below is a listing of policies as recognized by the Sevier County Board of Commissioners through the Sevier County Intergovernmental Committee:

- Classification and Compensation Policy
- Fleet Administration and Vehicle Use Policy
- Fleet Safety Policy
- Procurement Policy
- Asset Management and Use Policy
- Comprehensive Travel Policy
- Solid Waste Operations Policy

These policies have been approved by the Sevier County Board of Commissioners and work in conjunction with the policies detailed in this handbook. Copies of these policies can be obtained by contacting the Sevier County Clerk's office. Additional policies as adopted by Officials, Senior Directors of Divisions, or Department Directors may also apply and be in full force. See those respective Offices, Divisions, or Departments for details.

Employee Acknowledgement and Receipt of Handbook

I hereby acknowledge receipt of the Employee Handbook of Sevier County Government. I understand and agree that it is my responsibility to read and comply with the policies in the handbook.

I understand that the handbook and all other written and oral materials provided to me are intended for informational purposes only. The handbook, organizational practices, and other communications do not create an employment contract or term. I understand that the policies and benefits, both in the handbook and those communicated to me in any other fashion, are subject to interpretation, review, removal, and change at any time without notice and at the sole discretion of Sevier County Government.

I further understand that I am an at-will employee and that neither this document nor any other communication shall bind Sevier County Government to employ me now or hereafter and that my employment may be terminated by me or the County without reason at any time. I understand that no representative of Sevier County Government has any authority to enter into any agreement for employment for any specified period of time or to assure any other personnel action or to assure any benefits or terms or conditions of employment or make any agreement contrary to the foregoing.

Current policies will always be on file in the office of the Sevier County Clerk, and I may examine them there at any time during regular business hours. These policies are subject to change, and I acknowledge that revisions may occur from time to time. I understand that the Sevier County Clerk files all policy changes. Although my Official, Senior Director of Division, or Director of Department will usually notify me of changes, I understand that changes will apply to me regardless of whether I receive actual notice. I understand that revised information may supersede, modify, or eliminate any or all of the policies at any time. All information in the policies is subject to applicable state and federal laws, rules and regulations, and I understand that to the extent that any such laws may conflict with any provision of the policies, such laws, rules, and regulations will control

Employee's Name in Print

Date Signed by Employee

Signature of Employee

Employee Acknowledgement and Receipt of Harassment Policy

I have read and understand the Sevier County Government Harassment Policy. My signature below confirms my knowledge, acceptance, and agreement to comply with the policy.

Employee's Name in Print

Date Signed by Employee

Signature of Employee