

Sevier County Tennessee

Personnel Policies and Procedures

January 1, 2020

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Introduction

Sevier County Personnel Policies and Procedures have been developed to provide the employees and volunteers of Sevier County with a copy of the personnel policies, practices and procedures, general conditions of employment and employee benefits as adopted by the Sevier County Board of Commissioners pursuant to Tennessee Code Annotated 5-23-101 et seq. A summary of the personnel policies and procedures pertaining to county employees, pay practices, general provisions of employment, employee benefits and expected standards of employee conduct are included in this manual.

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

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

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

The effective date of this revised Personnel Policies and Procedures or Employee Handbook for Sevier County, Tennessee is January 1, 2020. To the extent that the previous Sevier County Employee Handbook is amended, the policies, benefits, practices and procedures contained herein shall apply prospectively only from the effective date of this employee handbook.

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

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

SECTION I

RECRUITMENT, SELECTION, APPOINTMENT AND SEPARATION

1.0 PURPOSE

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

2.0 FILLING A VACANT POSITION

When a position becomes vacant, the Dept. Head/Elected Official shall submit an Employee Requisition form to Human Resources.

3.0 RECRUITMENT

The Dept. Head /Elected Official, in consultation with Human Resources, shall determine whether recruitment will be conducted in-house only or both externally and in-house. The source of applicants and length of the posting period will be based on the availability of a qualified applicant pool to meet the requirements of the position and consideration of the staffing needs of the department and/or office for filling the vacancy.

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

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

4.0 EMPLOYMENT APPLICATION FORM

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

Applications and resumes for posted vacancies shall be accepted only during the specified posting period. The application deadline for each vacancy is stated on the posting announcement.

All applications received during this period of time will be compiled into an applicant pool for the vacancy. Applications received after the stated deadline shall not be eligible for consideration in filling the current vacancy.

In the event an applicant is not selected, the application will be kept on file for six (6) months. If an applicant wishes to be considered for another vacancy, the applicant must personally request that his/her application be activated for consideration for the posted vacancy. When an individual is hired, the Employment Application will be maintained in the employee's personnel file.

5.0 JOB-RELATED EXAMINATIONS

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

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

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

6.0 JUSTIFICATION FOR SELECTION

The hiring authority or designated supervisor shall interview applicants in accordance with established guidelines. Questions shall seek information about the applicant's experience, education, training, abilities, and accomplishments which are related to the position he/she is seeking.

The interviewer shall not ask questions about age, sex, race, national origin, political affiliation, physical and mental disabilities, religious beliefs, marital status and children, or other matters not related to the job. In the event that no one is selected as a result of the interview process, recruitment efforts will again be initiated.

7.0 REJECTION OF APPLICANTS

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

- Statement by the applicant that he/she is no longer interested in employment with Sevier County;
- Failure to submit a complete application packet by the deadline stated on the job vacancy posting announcement;
- Failure to pass any component of a job-related examination;
- Failure to report to a required medical appointment, interview, etc.;
- Failure to pass background check;
- Negative reference check from previous employers;
- Providing false information on the application form, resume, etc.;
- Having a confirmed positive drug screen will result in disqualification for employment for a period of one (1) year from the date of the drug test; and/or

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

8.0 PROMOTIONS

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

Job vacancies above entry level may be posted to allow employees the opportunity to apply for vacant positions. Internal posting will be on the official Sevier County bulletin board in the courthouse. When a classification has been posted within the last 60 days and an adequate applicant pool already exists, the Department Head or Elected Official may elect not to re-post the classification.

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

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

- Must have completed satisfactorily his/her initial period of employment;
- Must not have received a disciplinary action within the last twelve months;
- And must meet the minimum requirements as defined on the job description.

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

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

9.0 TRANSFERS

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

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

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

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

10.0 VOLUNTARY DEMOTIONS

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

11.0 REHIRING FORMER EMPLOYEES

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

12.0 APPOINTMENT TYPES

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

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

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

Full-time - scheduled to work 40 hours weekly on a regular basis, as reflected by personnel records.

Part-time - scheduled to work fewer than 40 hours weekly, on a regular basis, as reflected by personnel records. Part-time employees scheduled to work more than 30 hours weekly are eligible for certain benefits. Those scheduled to work less than 30 hours weekly are not eligible for those benefits.

Student – employed to work for the county as a result of an internship and/or practicum required for completion of undergraduate and/or graduate credits. Student employees may be paid or unpaid depending upon the nature of the assignment and availability of funds.

13.0 INITIAL PERIOD OF EMPLOYMENT

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

and recommendation to dismiss an employee at any time prior to the completion of the initial period of employment if such action is warranted.

14.0 VOLUNTARY RESIGNATIONS

An employee who desires to terminate his/her employment shall submit a signed, written resignation at least two weeks in advance. Employees may request his/her Department Head or Elected Official to approve the withdrawal of a tendered resignation up until the end of the employee's last day actually worked. However, once a voluntary resignation has been tendered, the Department Head or Elected Official is not obligated to permit the employee to rescind the resignation.

15.0 REDUCTION IN FORCE

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

Procedure - Lay-offs shall be made within classes of positions in affected departments. The order of lay-off shall be determined by an objective review.

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

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

Recall – At their request, employees separated through no fault of their own may be placed on a recall list for a period of one year for re-instatement when a vacancy occurs in the class in the department from which the recall was made.

SECTION II

CLASSIFICATION AND COMPENSATION PLANS

1.0 CLASSIFICATION PLAN

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

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

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

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

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

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

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

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

Revision of Existing Classifications - The County Mayor or his/her designee shall periodically review the entire plan and recommend revisions to class descriptions to reflect gradual changes in the duties and responsibilities of existing classes over a period of time.

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

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

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

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

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

The County Mayor or his/her designee shall conduct a thorough analysis of the position. The analysis may include, but shall not be limited to, reviewing current class information, analyzing the completed Position Description Questionnaire, conducting a job observation, discussing the class with supervisors, and comparing this position with other positions in the class. The County Mayor or his/her designee shall recommend an appropriate classification based on the results of

this analysis. If there is a disagreement between a department head or elected official and the County Mayor or his/her designee regarding appropriate classification, the Sevier County Commission Intergovernmental Committee shall decide the issue.

2.0 PAY PLAN

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

- Provide compensation that is internally equitable;
- Provide compensation that is consistent with pay in the surrounding market area; Allow for flexibility and adjustments in response to changing economic and employment conditions in the local job market.

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

Composition of the Pay Plan - The Pay Plan consists of a system of sixteen (16) salary grades and a recommended pay range for each classification. There is a 50% spread between the minimum and maximum of each range with an established mid-point. There is a vertical spread of 10% between grades.

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

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

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

New Employee Education Credit - Employees hired by Sevier County can be compensated above the minimum entry rate to the first quartile based on education and experience of the candidate. Given the percentage spread between the minimum and first quartile on the Sevier County Pay Plan is 12.5%, an employee hired can earn up to 6.25% above the minimum for advanced education beyond the minimum requirements of their position (the other 6.25% for experience; see Experience Credit for details).

- The County Mayor or designee shall maintain a comprehensive list of all positions with their minimum education requirements and the advanced degree(s) that would warrant an increase up to 6.25% above the pay plan minimum for the respective position.
- New employees must present proof of degree to the County Mayor or designee to receive the additional salary benefit.
- The degree must be in a related field to the position.

Maximum Rate of Pay - An employee's rate of pay must be within the salary range for his/her classification. No employee shall receive a pay increase that exceeds the maximum rate of pay established for the class he/she occupies.

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

Annual Cost-of-Living Increase - An annual increase may be granted to all regular, full-time employees based on changes in the cost of living. When it is determined that the cost of living has increased in any one year, an across the board increase may be given. Employees at the maximum of their salary range will be given a one-time lump-sum bonus equal to the percentage increase. All cost of living increases are subject to the Sevier County Commission's approval and the availability of funds.

Holiday Pay - Regular, full-time employees who are required to work on an official holiday may receive holiday pay (twice regular pay) or may receive compensatory time.

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

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

As with newly hired employees, there are certain situations that may justify promoting an employee above the minimum of the salary grade including the following: promotion of an

employee whose qualifications greatly exceed minimum requirements for the position, a shortage of qualified employees available at the minimum entry rate, or the most qualified employees have declined employment at the entry rate. Promoting an employee above the minimum entry rate up to first quartile of the salary range shall be justified in writing by the hiring supervisor by indicating the education and experience that warrants further consideration and must be approved by the County Mayor. Hiring rates above the first quartile shall be justified in writing by the hiring supervisor and must be approved by the Sevier County Commission Intergovernmental Committee.

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

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

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

Current Employees Completing Advanced Higher Education Degrees - Current Employees who complete a degree from an accredited college or university (recognized by the United States Department of Education and the Council for Higher Education Accreditation via one of the regional accreditation agencies such a SACS) can receive the same percentage credit as a new employee based on the same guidelines in this policy and per the comprehensive list given the following conditions:

- The current employee completes a degree from an accredited college or university.
- The degree is above the minimum education requirements for that position.
 - For example, if the position requires a Bachelor's degree, the employee would get credit for a completed Master's Degree.
- The employee has not yet completed a degree on the same education level
 - For example, an employee cannot receive additional credit for completion of a second Bachelor's Degree.
- The degree must be in a related field to the position.
- The spirit of this policy is to ensure a current employee receives similar credit for a completed degree as they would if they were newly hired.
- Employees are required to report the completion of eligible degrees via their respective Department Head or Elected Official to the County Mayor or designee by June 1 of a respective year to receive the incentive during the next fiscal year.
 - This will ensure the proper funding is included in the upcoming budget.
 - Depending on when a particular pay period begins during the fiscal year, the incentive could begin after July 1.

Special Certification Credit - Current Employees and officials may be eligible for an additional stipend for obtaining predetermined certificates, classifications, or designations (CCD) related to one's position.

- The County Mayor or designee shall keep a comprehensive list of qualified certificates, classifications, or designations for each position. The County Mayor or designee will work with each department and office to determine what, if any, of these will be considered for an additional stipend. The following are suggested attributes for determining which, if any, CCDs should be considered. The CCD should be:
 - o Position related
 - o Academic or trade intensive
 - o Multi-month program
- The amount of a stipend will be determined via the budget process.
 - o A stipend/amount is not guaranteed.
- The employee or official must maintain their CCD and be in good standing in order to receive a stipend.
- The employee or official must report via their Department Head or Elected Official to the County Mayor or designee by June 1 their eligibility to receive a stipend.
 - o It is the employee or official's responsibility to report the completion of a CCD.
 - o The employee or official must maintain eligibility (required continuing education, classes, etc.) to continue to receive the stipend. This eligibility must be reported annually by the June 1 deadline.

3.0 OVERTIME

The Fair Labor Standards Act of 1938 (FLSA), as amended, is a federal statute of general application that establishes minimum wage, overtime pay, child labor, and equal-pay requirements. The provisions of Sevier County's Overtime Policy comply with all requirements of the Fair Labor Standards Act (FLSA). The FLSA prescribes forty (40) hours as the number of hours employees who are not exempted from the overtime-pay requirement are required to work during any workweek without extra compensation for overtime. The general overtime rate of pay cannot be less than one and one-half times the employee's regular rate, and the employee must receive the overtime rate for all hours worked in excess of forty hours during any workweek.

Employees Exempt from Overtime-pay Provisions - Section 13(a)(1) of the FLSA exempts from its wage-and-hour provisions any employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teach in elementary or secondary schools), or in the capacity of outside salesman. The term "exempt" means exempt from the requirement to pay overtime. "Non-exempt" employees must be paid overtime. Each job classification will be evaluated and each classification will be identified as "exempt" or "non-exempt" according to the definitions in the FLSA. The class specification will state the FLSA status as either "Exempt" or "Non-exempt" for each classification. Only employees in non-exempt classifications are eligible for overtime pay.

Authorized Overtime - Non-exempt employees shall not work more than 40 hours during any

workweek unless the overtime work is authorized by a supervisor and approved by the department head or elected official. Overtime pay is authorized for non-exempt employees for time worked in excess of 40 hours during the seven (7) day workweek at a rate not less than one and one-half times their regular rates of pay.

Time off for holidays when Sevier County offices are closed shall be considered time actually worked. Time off for annual leave, sick leave, jury duty, or other leave shall not be considered time actually worked.

All overtime must be authorized by appropriate supervisory staff prior to the assignment of overtime. All authorized overtime must be within budgetary limitations. It is the responsibility of supervisors, department heads, and elected officials to manage their human resources so as to minimize the necessity of overtime. If long-term overtime exists, management should analyze the staffing level to determine if additional staff should be hired rather than assigning overtime work. In the absence of a sufficient number of volunteers, supervisors may require any employee to work overtime if he/she deems it necessary to meet the demands of the work. Employees shall not work overtime without first receiving the approval of their supervisor. Any employee who works overtime without obtaining advance approval of the supervisor as required may be subject to disciplinary action, up to and including termination of employment. Hours for which an employee is paid but has not worked will be used in the calculation of overtime. For the Sheriff's Department, the overtime is defined as work in excess of the 171 hours in the twenty-eight (28) day work period.

4.0 EMERGENCY RESPONSE POLICY

When a Department Head or Supervisor determines that an emergency situation concerning the operation of their department arises, certain provisions will be in effect:

- Return to Work from Home
 - When a non-exempt employee is on-call and an emergency situation requires the employee to return to the work site from home without prior notice, the employee's compensation shall be determined from the time the employee arrives on the worksite and ends when the employee leaves the worksite. If the employee must stop for parts, supplies and/or equipment on his/her way to the worksite, the total work time shall include that time. The same provision applies for employees stopping to drop off parts, supplies and/or equipment after completion at the worksite.
- Minimum Hours
 - When an emergency requires the employee to work two (2) hours or less, the employee will be paid for two (2) hours. This guarantees to an employee a minimum of two (2) hours 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 actually worked.
- Normal Overtime Rules

- Under these provisions, normal overtime rules will be in effect including the substitution of pay for Compensatory Time.

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

- Employees working directly on response to the stated reason in the Declaration of a State of Emergency will be compensated via payment instead of Compensatory Time for time worked over their respective overtime threshold.
 - This time begins when the employee arrives to the set response location and ends when the employee leaves said response location (Emergency Operation Center, worksite, etc.).
- Exempt employees, as approved by the County Mayor, working directly on response to the stated reason in the Declaration of a State of Emergency, may be compensated via payment (at an overtime rate) for time worked over forty (40) hours.

5.0 WORKWEEK

Payroll periods for all departments and offices begin at midnight on Monday and end at midnight the following Sunday evening.

- Sheriff Department deputies shall have a twenty-eight-day work period in accordance with the 7 (k) exemptions provided under FLSA. Sheriff's Department begin and end their payroll period when shift change occurs at 6:00 AM on Monday instead of midnight.
- Ambulance Service will begin and end their payroll period when shift change occurs at 8:00 AM on Monday instead of midnight.

6.0 COMPENSATORY TIME

Sevier County, pursuant to 29 CFR S553.3, has established a Compensatory Time policy for eligible employees. Compensatory Time off is "paid" in lieu of monetary overtime compensation.

Eligibility

Compensatory Time may be given to those employees who work overtime as outlined in the Overtime Section of the Sevier County Employee Handbook. Exempt employees are not eligible to receive compensatory time as defined under this policy.

- Officials may grant an exempt employee compensatory time off at their discretion upon careful consideration of the amount and nature of extra hours worked in special circumstances. This time has no monetary value nor shall be compensated and is considered different than Compensatory Time as defined in this policy. The official must approve of the employee using this time and may deny its use at their discretion. If an employee does not use this time as defined above prior to end of employment, this time is not compensated.

Framework

Sevier County employees, when working overtime, shall default to Compensatory Time for compensation. Each office and department shall have in writing individual policies for their respective office/department stating how employees are compensated for overtime. Any office or department compensating overtime in cash must have a signed memorandum with the County Mayor defining the terms when cash compensation for overtime is appropriate.

Rate

Compensatory Time received by an employee in lieu of cash will be at the rate of 1.5 hours for each hour worked over the applicable overtime threshold (40 hours worked per week or the 7(k) threshold of 212 hours (fire) or 171 hours (law enforcement) worked in 28-day period).

There will be only limited situations where Compensatory Time would be received at the rate of one (1) hour for each hour worked. This would include situations where an employee worked extended hours on their regular shift during a week that included holiday time, bereavement leave, etc. Situations where an employee took compensatory time, annual leave, and/or sick leave during their workweek and worked extended hours on a regular shift would simply reduce the leave/time taken (in the order as listed above).

Accrual

Law enforcement, fire protection, and emergency response personnel and employees engaged in seasonal activities that are eligible may accrue up to 480 hours of comp time; all other employees may accrue up to 240 hours.

- If the employee reaches the maximum accrual level, any overtime worked must be compensated via pay at the proper rate until the employee decreases their accrual under their respective maximum accrual (see Use of Compensatory Time for further details).

The employee has up to twelve (12) months to use the respective accrued Compensatory Time.

- For Offices and Departments that have employees accrue varied amounts of Compensatory Time throughout the year and/or the management of the twelve (12) month use rule may be difficult, those offices and departments (with approval by the respective elected official) may set more restrictive rules and/or threshold dates to ensure management of Compensatory Time.
 - For example, the Sheriff may set a rule that employees within the Sheriff's Office can only accrue up to 100 hours of Compensatory Time at a given time. Or, the Sheriff could adopt a rule that states as of June 30 they may only carryover 100 hours of Compensatory Time with all other time over 100 hours compensated at the appropriate rate.
 - Any rules that compensates Compensatory Time prior to the stated maximum hours in the above section (480 or 240 hours) must adhere to the required signed memorandum with the County Mayor defining the terms of that policy.
- After the twelve (12) month deadline expires, the employee will be compensated for the expired time via pay at regular time at the time the employee receives such pay (see Use of Compensatory Time for further details).
 - Unless other rules are set via the process above.

Use of Compensatory Time

An employee will be permitted to use accrued Compensatory Time as long as the employee notifies their supervisor/official in ample time and such request does not “unduly disrupt” the operations of the department/office.

When an employee uses Compensatory Time during a work week, the amount of Compensatory Time necessary to pay the employee the maximum work hours allowed prior to overtime (or as otherwise noted below) is all that will be charged against the employee’s accrued Compensatory Time. Compensatory Time is never to be used to pay in excess of this amount.

- For most employees, this amount is forty (40) hours per work period.
 - For ambulance employees who work 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 212 hours (fire) or 171 hours (law enforcement).
 - Some departments may have shifts that regularly require over 40 hours per week. The scheduled shift hours will determine the threshold as approved by the Mayor.

Given an employee can only accrual up to 240 or 480 hours of Compensatory Time, a department head/official must make a management effort to ensure employees do not consistently maintain the maximum accrual rate as to create a consistent pay situation for overtime.

Given an employee has twelve (12) months to use accrued time (or other rules as set forth via policy), an employee must make an effort to schedule leave off within the given time. Both the employee and department head/official have a duty to ensure Compensatory Time that is accrued is used prior to the expiration of such time.

Termination of Employment

If the employee’s employment is terminated (by either the employee or employer), any accrued Compensatory Time is paid at a rate of compensation of not less than the average regular rate received during the last few years of the employee’s employment or the final rate received by such employee, whichever is higher.

7.0 TIME RECORDS

Employees are required to record their hours on the forms provided for this purpose. Both exempt and nonexempt employees are required to fill in this form each pay period, sign and forward them to your supervisor for review and processing. Please ensure that your actual hours worked and leave time taken are recorded accurately. Falsifying these records is a crime under T.C.A. 39-16-504. Time records shall be maintained at the County Mayor’s Office.

8.0 IMMIGRATION PAPERS

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

SECTION III

GENERAL CONDITIONS OF EMPLOYMENT

1.0 WORKPLACE VIOLENCE PREVENTION POLICY

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

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

Definitions:

Threat: The expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional, or future.

Physical attack: Unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, or throwing objects.

Weapon: Includes an explosive device or its component parts or an explosive weapon principally designed, made, or adapted for delivering or shooting an explosive weapon. A firearm including a machine gun, a short-barrel rifle or shotgun, or a handgun (also includes knuckles, or any other implement for infliction of bodily injury, serious bodily injury, or death which has no common lawful purpose.)

On the Work Site: Includes all property owned or occupied by Sevier County (including company job sites) or in a company vehicle.

Possession: Shall include, but is not limited to, the presence of a weapon on the

employee or in vehicles, lunch boxes, lockers, tool kits, bags, purses, cabinets, offices, etc.

Property damage: Intentional damage to property which includes property owned by Sevier County, employees, visitors, or vendors.

General Examples of Workplace Violence:

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

Specific Examples of Workplace Violence:

1. Hitting or shoving an individual.
2. Threatening to harm an individual, family members, friends, or associates.
3. Damaging another person's property.
4. The intentional destruction or threat of destruction of property owned, operated, or controlled by Sevier County government.
5. Making harassing or threatening telephone calls.
6. Sending harassing or threatening letters, other forms of written communication, or electronic messages.

Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of Sevier County.

Harassing surveillance, also known as "stalking" the willful, malicious, and repeated following of another person or making a credible threat with

intent to place the other person in reasonable fear of personal safety.

Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on Sevier County property.

Reporting Violations of the Workplace Violence Prevention Policy:

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

Management's Response to Reports of Workplace Violence - Each supervisor shall promptly refer any such incidents to his/her Department Head or Elected Official who shall initiate an appropriate response in accordance with Sevier County's Personnel Policies and Procedures. The County Mayor or his/her designee shall investigate the complaint. At the conclusion of the investigation, additional administrative and/or criminal action may be taken against any individual in violation of this policy. An employee who violates this policy shall be subject to disciplinary action up to and including termination.

2.0 WORKPLACE SEARCHES POLICY

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

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

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

3.0 WORKERS COMPENSATION

All employees shall immediately report injuries occurring on-the-job to their direct supervisor. If the direct supervisor is unavailable, the employee shall report the injury immediately to the next supervisor in the chain-of-command. If nobody in the chain-of-command is available, the employee shall call the Insurance & Accounting Technician and/or Human Resources Director located in the Mayor's administrative offices immediately to report the injury. An employee who fails to immediately report an on-the-job injury shall be subject to disciplinary action. All employees involved in a work-related accident and/or is injured on the job will be required to complete a post accident drug screen within four (4) hours of the accident and/or injury. The employee is to be transported by their immediate supervisor or someone in their direct chain of command.

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

Injuries After Normal Business Hours - If an employee has an on-the-job injury after normal business hours that requires medical attention, the supervisor should take the employee to the Emergency Department at LeConte Medical Center. After initial evaluation, the employee should be referred back to one of the physicians listed on the approved panel of physicians for Sevier County employees for all follow-up treatment. Sevier County's policy requires that all employees have a post-accident alcohol and drug test when involved in an accident where there is personal injury and/or property damage. Drug and alcohol tests will be done as directed by the HR Dept. The supervisor shall be responsible for telling the hospital staff that the employee is required to have a breath alcohol test and urine drug test. The Emergency Department staff will then arrange for these tests. The supervisor shall also be responsible for telling hospital staff that the employee's injuries have been reported as work related and a claim will be filed with Sevier County's workers compensation insurance. The supervisor shall make certain the employee does

not provide the hospital with his/her personal health insurance information. The supervisor shall notify the County Mayor's office of this injury at the start of the next business day and shall complete all required paperwork at that time.

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

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

Failure to Report Accidents and Injuries - Employees and/or supervisors who fail to immediately notify the County Mayor's office of an on-the-job injury shall be subject to disciplinary action and/or may be denied benefits.

4.0 REFERENCES FOR FORMER EMPLOYEES

It shall be the policy of Sevier County Government, when contacted as a reference source regarding past employees and their employment, to provide only the name of the employee and their dates of employment. No other aspect of the employee's work history is authorized for release. This information is to be provided only after a signed reference release complete with a "hold harmless clause" is received by Sevier County.

5.0 NON-DISCRIMINATION POLICIES

Non-discrimination – Equal Employment Opportunities: It is the policy of Sevier County to provide equal employment opportunities to all individuals regardless of race, color, religion, sex, national origin, age, disability, sexual orientation, status as a Vietnam-era veteran or special disabled veteran, or status in any other group protected by law. This policy extends to all terms and conditions of employment, including but not limited to hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training. It is the policy of Sevier County to make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in undue hardship. Employees or applicants with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of the immediate supervisor, Elected Official or Department Head.

Employees can raise concerns and make complaints without fear of reprisal and with assurance of protection from harassment or retaliation. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment. Sevier County does not discriminate in its hiring practice on the basis of race, color, religion, sex, national origin, age, disability, sexual orientation, status as a Vietnam-era veteran or special disabled veteran, or status in any group protected by law.

6.0 ABUSIVE CONDUCT PREVENTION POLICY **(Pursuant to Public Chapter 997, the Healthy Workplace Act 29 – new state requirement)**

Statement of Commitment, Values and Purpose

Sevier County Government is firmly committed to a workplace free from abusive conduct as defined herein. Sevier County Government 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. All complaints of negative and/or inappropriate behaviors in the workplace will be taken seriously and followed through to resolution. Employees who file complaints will not suffer negative consequences for reporting others for inappropriate behavior.

This policy applies to all full-time and part-time 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 of their employment related duties. This policy includes electronic communications by any employee.

Definition of Abusive Conduct

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 in accordance with 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

Employer Responsibility

COMMENT: *This section specifies responsibilities of the employer including expectations for supervisors and that employees will be informed of the abusive conduct policy.*

Supervisors and others in positions of authority have a particular responsibility to ensure that healthy and appropriate behaviors are exhibited at all times and that complaints to the contrary are addressed in a timely manner. Supervisors will:

- Provide a working environment as safe as possible by having preventive measures in place and by dealing with threatening or potentially violent situations;
- Provide good examples by treating others with courtesy and respect
- Ensure that all employees have access to and are aware of the abusive conduct 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 corrective action(s) to resolve the behavior before it escalates;
- Respond promptly, sensitively and confidentially to all situations where abusive behavior is observed or alleged to have occurred.

Employee Responsibility (including witnesses)

COMMENT: *This section states general expectations for employees including people who witness incidents of abusive conduct.*

Employees shall treat all other employees with dignity and respect. No employee shall engage in threatening, violent, intimidating or other abusive conduct or behaviors. Employees are expected to assume personal responsibility to promote fairness and equity in the workplace and report any incidents of abusive conduct in accordance with this policy.

Employees should co-operate with preventative measures introduced by supervisors and recognize that a finding of unacceptable behaviors at work will be dealt with through appropriate disciplinary measures.

Retaliation

COMMENT: *This section defines retaliation and indicates that it will not be tolerated.*

Retaliation is a violation of this policy. Retaliation is *any* act of reprisal, interference, restraint, penalty, discrimination, intimidation or harassment against any individual or individuals exercising their rights under this policy.

Training for Supervisors and Employees

COMMENT: *This section encourages all supervisors and employees to participate in training and provides general guidelines for training content.*

All Supervisors and employees are encouraged to undergo training on abusive conduct prevention conduct as directed by Sevier County Government. Training should identify factors that contribute to a respectful workplace, familiarize participants with responsibilities under this policy, and provide steps to address an abusive conduct incident.

Complaint Process

COMMENT: *The next several subsections address the actual process for filing complaints, the procedures for investigation, and the resulting actions for the various parties involved. To avoid confusion, this section needs to mirror existing disciplinary processes.*

Reporting

Employees: Any employee who feels he or she has been subjected to abusive conduct is encouraged to report the matter orally or in writing to a supervisor including his or her supervisor, manager, appointing authority, elected official, or to the Human Resources Director. Employees should not feel obligated to report their complaints to their immediate supervisor first before bringing the matter to the attention of one of the representatives identified above.

Any employee seeking to file a complaint should ensure the complaint consists of precise details of each incident of abusive conduct including dates, times, locations and any witnesses. Formal complaints should be documented in writing, but are not required to be in writing.

Witnesses: An employee who witnesses or is made aware of behavior that may satisfy the definition of abusive conduct (as defined herein) should report any and all incidents as set forth herein.

Supervisors: Supervisors must timely report known incidents involving workplace abuse, intimidation, or violence to the Human Resources Director. Supervisors and appointing authorities are required to take reasonable steps to protect the complainant, including, but not limited to, separation of the employees involved.

The person complained against will be notified that an allegation has been made against him or her and informed of the investigative procedure.

Investigation

Investigations of abusive conduct shall be conducted as soon as practicable and in accordance with the policies and practices of Sevier County Government. The objective of the investigation is to ascertain whether the behaviors complained of occurred, and therefore will include interviewing the complainant, accused, and witnesses with direct knowledge of the alleged behaviors. All interviews will be appropriately documented. The investigation will be conducted thoroughly, objectively, with sensitivity and with due respect for all parties. The investigator will provide a copy of the investigative report to the appointing authority for further action. All affected parties will be informed of the investigation's outcome.

Corrective Action

In the event of a finding of abusive conduct, the employer will take immediate and appropriate corrective action. Remedies may be determined by weighing the severity and frequency of the incidences of abusive conduct and in accordance with existing disciplinary policies of Sevier County Government.

Any employee who engages in conduct that violates this policy or who encourages such conduct by others will be subject to corrective action. Such corrective action may include but is not limited to participation in counseling, training and disciplinary action up to and including termination, or changes in job duties or location.

Supervisory personnel who allow abusive conduct to continue or fail to take appropriate action upon learning of such conduct will be subject to corrective action. Such corrective action may include but is not limited to participation in counseling, training and disciplinary action up to and including termination, or changes in job duties or location.

While the Sevier County Government encourages all employees to raise any concern(s) under this policy and procedure, the Sevier County Government recognizes that intentional or malicious false allegations can have a serious effect on innocent people. Individuals falsely accusing another of violations of this policy will be disciplined in accordance with the disciplinary policy of Sevier County Government.

Any employees exhibiting continuing emotional and/or physical effects from the incident(s) in question should be informed of established employee assistance programs or other available resources.

When abusive conduct has been confirmed, the employer will continue to keep the situation under review and may take additional corrective actions if necessary. Preventive measures may also be taken to reduce the reoccurrence of similar behavior(s) or action(s).

Confidentiality

COMMENT: This section expresses intent to maintain confidentiality but notes that, because of the Tennessee Open Records Act, government entities cannot guarantee that complaints will be kept completely confidential.

The extent permitted by law, the Sevier County Government will maintain the confidentiality of each party involved in the abusive conduct investigation, complaint or charge, provided it does not interfere with the ability to investigate the allegations or to take corrective action. However, state law may prevent the employer from maintaining confidentiality of public records. Therefore, Sevier County Government cannot guarantee confidentiality.

SECTION IV EMPLOYEE BENEFITS

1.0 ANNUAL LEAVE

Annual Leave is one way the county shows its appreciation to employees for their contributions to the administration of county government. Eligible employees will accrue per the table below:

8-HOUR AND 10-HOUR SHIFT EMPLOYEES

	1st Year	Year 2-10	Year 11-20	Year 21 +
Hours Accrued Per Month	4 hrs./month	8 hrs./month	12 hrs./month	16 hrs./month
Hours Per Year	48	96	144	192
Shifts for 8/10 Hour Shift	6/4.8 Shifts	12/9.6 Shifts	18/14.4 Shifts	24/19.2 Shifts

12-HOUR SHIFT EMPLOYEES

	1st Year	Year 2-10	Year 11-20	Year 21 +
Hours Accrued Per Month	4 hrs./month	10 hrs./month	14 hrs./month	18 hrs./month
Hours Per Year	48	120	168	216
Shifts for 12-Hour Shift	4 Shifts	10 Shifts	14 Shifts	18 Shifts

16-HOUR AND 24-HOUR SHIFT EMPLOYEES

	1st Year	Year 2-10	Year 11-20	Year 21 +
Hours Accrued Per Month	6 hrs./month	12 hrs./month	18 hrs./month	24 hrs./month
Hours Per Year	72	144	216	288
Shifts for 16/24 Hour Shift	4.5/3 Shifts	9/6 Shifts	13.5/9 Shifts	18/12 Shifts

Eligibility

Employees are eligible for Annual Leave if they meet the following requirements:

- Employee must be full-time and on regular status for at least fifteen (15) days of a particular month.
 - Employees on leave without pay (for more than 15 days of the month) are not eligible to accrue until the employee returns to regular status.

Monthly Accrual

Employees who are eligible for annual leave will accrue annual leave hours per month per the table above.

Employees may begin accrual once hired; however, employees may not use annual leave until after completion of 90-day initial period of employment.

Service time is determined on January 1 of each year.

- The first year of employment for accrual is defined as the full-time date of hire to December 31st. The January 1st following full time hire date begins Year 2 and the next accrual step.
- Each accrual step after the first year is achieved on the January 1st following a particular service milestone.

- For example, an employee completing their 10th year (starting their 11th year) in August 2020 will continue accruing 8 hours per month until December 2020 and begin the Year 11-20 accrual step and accrue 12 hours per month on January 1, 2021.

Carryover

Employees can carry over to the next calendar year up to 96 unused annual hours. Hours over the 96 unused amount will be lost.

- For example, an employee on Year 2-10 accrual step begins the year with 80 accumulated hours. The employee accrues 8 hours per month and takes no annual leave during the year. On December 31, the employee has accrued a total of 176 hours (80 prior hours + 96 hours) and is permitted to carryover 96 hours to the next year and loses 80 hours. During the next year, the employee accrues another 96 hours and uses 40 hours throughout the year. On December 31, the employee has 152 hours (96 hours + 96 accrued hours – 40 used hours). The employee is permitted to carryover 96 hours to the next year and loses the other 56 hours.

Value of Accrued Time

Employees whom their employment ends (regardless of cause) within 1 year of their full time hire date will not be eligible to be compensated for any accrued annual hours.

After 1 year, an employee whose employment has ended can be compensated for unused annual hours at their regular rate per hour up to 96 accrued hours. All hours over the total permitted accrual hours will be rolled into the employee's sick bank to be used toward TCRS retirement credit.

Use of Annual Time

Employees may use annual leave only at times approved in advance via policy as set by their respective Department Head or Elected Official. Requests can be denied by the respective Department Head or Official for reasons that would place the office or department in hardship.

- No employee may give or loan annual leave to another employee.
- Annual Leave may be taken in minimum 15-minute increments.
- When an employee takes annual leave during a work week, the amount of annual leave necessary to pay the employee the maximum work hours allowed prior to overtime (or as otherwise noted below) is all that will be charged against the employee's accrued Annual Leave. Annual Leave is never to be used to pay in excess of this amount.
 - For most employees, this amount is forty (40) hours per work period.
 - For ambulance employees who work 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 212 hours (fire) or 171 hours (law enforcement).
 - Some departments may have shifts that regularly require over 40 hours per week. The scheduled shift hours will determine the threshold as approved by the 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 reduced to Compensatory Time first, then Annual Leave, then finally to Sick Leave.
- Annual Leave is not considered time worked when calculating overtime.

Separation of Employment

During a submitted notice period for employment separation, an employee may not use annual time.

An employee who does not submit and fulfill at least a two-week notice for employment separation will not be eligible to receive payment for any annual leave.

2.0 SICK LEAVE

Sick Leave is considered a benefit provided to eligible county employees, not a right. Eligible employees would accrue per the table below:

8-HOUR AND 10-HOUR SHIFT EMPLOYEES

	Term
Hours Accrued Per Month	8 hrs./month
Hours Per Year	96
Shifts for 8/10 Hour Shift	12/9.6 Shifts

12-HOUR SHIFT EMPLOYEES

	Term
Hours Accrued Per Month	10 hrs./month
Hours Per Year	120
Shifts for 12-Hour Shift	10 Shifts

16-HOUR AND 24-HOUR SHIFT EMPLOYEES

	Term
Hours Accrued Per Month	12 hrs./month
Hours Per Year	144
Shifts for 16/24 Hour Shift	9/6 Shifts

Eligibility

Employees are eligible for Sick Leave if they meet the following requirements:

- Employees must be full-time and on regular status for at least fifteen (15) days of a particular month.

- Employees on leave without pay (for more than 15 days of the month) are not eligible to accrue until the employee returns to regular status.

Monthly Accrual

Employees who are eligible for sick leave will accrue sick leave hours per month per the table above.

Carryover

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

Use of Sick Leave

- An employee may use Sick Leave for absence due to his/her own illness or injury or for the illness or injury of their spouse, children or parents.
- Sick Leave may also be used for appointments with a licensed doctor, dentist, or recognized practitioners.
- Sick Leave is not to be abused and will be granted with pay only when the employee:
 - Calls to his/her supervisor and gives proper notice.
 - An employee must notify the appropriate designee as defined by policy adopted by a Department Head or Elected Official by the beginning of the employee's work shift, or in the case of an emergency, as early as possible on the first day of their sick leave absence.
 - Tells his/her supervisor the general nature and expected duration of illness.
 - Provides a physician statement, if requested by the Department Head or Elected Official.
 - The physician statement must include: employee's name, name of treating physician, and dates when employee was unable to work.
 - Upon returning to work, the physician statement must contain the date the employee is released back to work, whether they are released for their normal work/duty, with or without restriction. If no restrictions are listed, it will be presumed that the employee is released to his/her normal work duties with no restrictions.
 - Having no restrictions listed only applies when the employee has a minor illness and is not acceptable for personal or work-related injuries.
 - Any absence may require a physician statement if requested by a Department Head or Elected Official.
 - Any absence of three (3) consecutive shifts will require a physician statement.
 - Keeps the supervisor informed, daily if necessary, of the status of the illness.

Employees returning to work after a non-occupational accident or after leave of absence due to illness may be required to undergo a medical examination by a physician designated by the county to determine fitness for duty.

Using Sick Leave under false pretense is a serious violation of Sevier County policy and is grounds for discipline, including dismissal.

- An employee will not work a job/position outside of their county position at the same time he/she is on paid sick leave.

- Employees who attend an appointment at the Sevier County Wellness Center do not have to use Sick Leave for their absence at the appointment. Any time outside of the appointment requires the use of Sick Leave.
- Sick Leave can be taken in 15-minute increments.
- No employee shall be paid for accumulated Sick Leave; there is no monetary value to Sick Leave.
- When an employee takes Sick Leave during a work week, the amount of Sick Leave necessary to pay the employee the maximum work hours allowed prior to overtime (or as otherwise noted below) is all that will be charged against the employee's accrued Sick Leave. Sick Leave is never to be used to pay in excess of this amount.
 - o For most employees, this amount is forty (40) hours per work period.
 - For ambulance employees who work 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 212 hours (fire) or 171 hours (law enforcement).
 - Some departments may have shifts that regularly require over 40 hours per week. The scheduled shift hours will determine the threshold as approved by the Mayor.
 - o 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 reduced to Compensatory Time first, then Annual Leave, then finally to Sick Leave.
- Sick Leave is not considered time worked when calculating overtime.

TCRS

When an employee retires, any unused sick leave may be used for additional TCRS credit in accordance to rules and regulations as governed by TCRS and Sevier County. Per TCRS, an employee may receive an additional month 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:

- o 8 Hour Accrual – Unused Hours divided by 8
- o 10 Hour Accrual – Unused Hours divided by 10
- o 12 Hour Accrual – Unused Hours divided by 12
- o Examples:
 - An employee who is retiring has worked positions within the county that have always been at 8 hours per shift. Therefore, the employee accrued 8 hours per month for sick over the course of his/her employment. The employee has 808 unused sick hours as of the date of retirement. The employee has a total of 101 days (808/8) to be used toward TCRS retirement which equates to 5 months and 1 day.
 - An employee who is retiring has worked positions within the county that have various hours per shift. The employee has 2,010 unused sick hours as of the date of retirement. Of the 2,010 hours, 1,200 are credited while employed in a position that was a 24-hour shift (the employee accrued 12 hours per month during that time), and 810 are credited as an employee in a position that was a 10-hour shift. The employee has a total of 201.25 days

(1,200/12 and 810/8) to be used toward TCRS retirement which equates to 10.07 months. If time is difficult to determine between the accruals, a ratio will be used. See below for an example on calculating a ratio.

Employees that accrued hours under any plan prior to January 1, 2020 will follow the same accrual rules as set above except for accruals more than 12 hours per month. If the employee accrued more than 12 hours per month, those hours will be divided by 12.

○ Examples:

- An employee who is retiring on December 1, 2019 worked in a position that accrued 24 hours per month. The employee has unused sick leave of 4,800 at the time of retirement. The employee has a total of 400 days (4,800/12) to be used toward TCRS retirement which equates to 20 months.
- An employee who is retiring on December 31, 2025 worked in a position that accrued 24 hours per month prior to January 1, 2020 and 12 hours per month afterward. The employee had a total of 6,000 hours as of retirement, with a total of 5,400 hours as of December 31, 2019. The employee has a total of 500 days to be used toward TCRS retirement which equates to 25 months of service.
 - Calculation: Take the total unused sick hours prior to January 1, 2020 and divide by 12 (5,400 / 12 = 450). Next, take the unused sick leave hours at the time of retirement minus the unused sick leave hours as of January 1, 2020 to establish the hours credited to the new plan. Then, divide by 12 (6,000 – 5,400 = 600 / 12 = 50). This equates to 500 days divided by 20 equals 25 months.

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, for employees whose hours are difficult to match, a ratio will be used to determine hours.

○ Example:

- An employee has accrued unused hours of 5,600 while accruing hours at multiple rates as of retirement date; however, attributing the unused hours to a particular shift accrual is difficult. The employee worked in a 24-hour shift position that accrued 24 hours per month for 20 years (240 months) and then transitioned to 12 hours per month accrual for 5 years (60 months). Total unused sick leave at the time of retirement is 5,600. The employee has a total of 466.68 days to be used toward TCRS retirement which equates to 23.34 months.
 - Calculation: Take maximum amount of time accrued -- 20 years x 24 hours per month = 5,760 plus 5 years x 12 hours per month = 720 added together 6,480 – to establish ratio of 89% credited to 24-hour accrual (5,760 is 89% of 6,480) and 11% credited to 12-hour accrual (720 is 11% of 6,480). Therefore, 89% of the unused Sick Leave amount of 5,600 is credited to 24-hour accrual and calculated as 5,600 x 89% = 4,984 / 12 = 415.34; and 11% of the unused Sick Leave amount of 5,600 is credited to 12-hour accrual and calculated as 5,600 x 11% = 616 / 12 = 51.34. Add 415.34 and 51.34 together for the total accrued days of 466.68 or 23.34 months.

3.0 BEREAVEMENT LEAVE

In case of death in the employee's immediate family, the employee will be given 24 work hours paid leave which will not be charged to vacation leave. Paid bereavement leave is for scheduled workdays, which normally fall between the day of the death and the day following the funeral. Additional time off without pay may be granted in certain situations.

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

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

4.0 VOTING LEAVE

Any person entitled to vote in an election in this state may be absent from work to vote while the election polls are open for a period of time not to exceed one (1) hour. The Elected Official or Department Head may specify the time the employee may be absent. The employee will receive regular compensation during this period and leave time will not be affected. Voting time shall not be counted as working time for overtime computation. If the employee's work period begins three (3) or more hours after the opening of the polls or ends three (3) or more hours before the closing of the polls, then the Elected Official or Department Head does not have to allow additional time off from work.

5.0 MILITARY LEAVE

Full time employees who are members of any federal or state military reserve component will be granted military training leave for such time as they are in the military service on field training 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. During such time that the employee is on military training leave, the employee will receive full pay and benefits to which he or she would otherwise be entitled. Military Leave shall be granted in accordance with TCA 8-33-101 to 8-33-109. Should the full-time employee enter the military on an active duty basis, the employee must present their orders to their supervisor as soon as they receive them. The full-time employee will be granted an unpaid leave of absence to serve a tour of duty. The employee will receive their regular compensation from Sevier County minus the amount of 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 provide for the accumulation of annual or sick leave while a covered employee is on military leave. USERRA does provide for the continuation of health insurance benefits for the employee and dependents. An employee who is performing military service in an active duty status may elect such coverage for up to eighteen (18) months and will be required to pay not more than 102

percent of full premium under the plan; however if the employee's military service is less than 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 of his or her intent to return to work within a specific time period depending upon the length of time the employee was in service. The position into which a returning employee is reinstated is also based upon the length of military service. An employee assigned to active duty status should contact the Human Resources Director for additional information regarding return to work notifications and reinstatement requirements.

6.0 JURY DUTY LEAVE

The County encourages all employees to fulfill their duty to serve as members of juries or to testify when called in both Federal and State courts. Therefore, the following procedures shall apply when an employee is called for jury duty or subpoenaed to court:

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

7.0 LEAVE WITHOUT PAY

A Leave without Pay may be granted to regular full-time employees experiencing serious medical issues who have exhausted all entitled leave at the recommendation of their department head/elected official and approval by the County Mayor. Family and Medical Leave (FMLA) benefits will be initiated at the beginning of this leave of absence or at the beginning of the fourth month to run concurrently with the leave of absence without pay. Employees on a leave of absence without pay must report their return to work status at least weekly to their immediate supervisor. Failure to do so could possibly result in termination of their employment. During this leave of absence employees will be responsible for paying their portion of applicable employee benefits (i.e. health insurance, dental insurance, etc.) no later than the 15th of each month. Failure to pay their portion in a timely manner may result in the termination of their leave of absence without pay status and possibly their continued employment. Other accumulated fringe benefits such as seniority, retirement, service credits, sick pay, vacation pay, holiday pay, etc., shall not accrue during any unpaid Leave without Pay. In the event the employee needs additional leave without pay a “reasonable accommodation” may be made depending upon the circumstances involved and the employee has a reasonable expectation of returning to work.

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

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

- 1) Employees are eligible if they have been actively employed for at least 12 months, and have been employed for at least 1250 hours of service (an average of 25 hours per week) during the 12-month period immediately preceding the commencement of leave. Salary continuation under any leave period shall depend on the employee’s qualifying for disability pay under our Disability Policy. FMLA leave provided for under this policy shall run concurrently with any Tennessee maternity leave entitlements.
- 2) Under circumstances set forth below, each eligible employee shall have up to a total of 12 weeks during any one-year period. Pursuant to this policy, the 12 – month period utilized is a “rolling” 12 – month period measured backward from the date an employee uses any FMLA leave.
- 3) Family and Medical Leave will be granted to eligible employees for one or more of the following reasons:
 - a) For birth of a son or daughter, and to care for the newborn child;
 - b) For placement with the employee of a son or daughter for adoption or foster care;
 - c) To care for the employee’s spouse, son, daughter, or parent with a serious health condition; and

- d) Because of a serious health condition that makes the employee unable to perform the functions of the employee's job.
- 4) For the purposes of this policy the following definitions apply for the purposes of an employee qualifying to take FMLA leave:
- a) Spouse means a husband or wife as defined or recognized under State law for purposes of marriage in the state where the employee resides, including common law marriage in states where it is recognized;
 - b) Parent means biological parent or an individual who stands or stood *in loco parentis* to an employee when the employee was a son or daughter as defined in (c) below. This term does not include parents "in law";
 - c) Son or daughter means a biological, adopted, or foster child, 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.
 - d) Persons who are "*in loco parentis*" include those with day-to-day responsibilities to care for and financially support a child or, in the case of employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
 - e) The County reserves the right to require for the purposes of confirmation of a family relationship that the employee giving notice of the need for leave provide reasonable documentation or a statement of family relationship.
- 5) Whenever possible, and subject to your health care provider's approval and certification, when planning medical treatment, eligible employees must consult with their Department Head or Elected Official and make a reasonable effort to schedule the leave so as not to unduly disrupt the Department's operations.
- a) Employees are expected to consult with the Department Head or Elected Official prior to scheduling treatment in order to work out a treatment schedule which best suits the needs of both the employee and the County;
 - b) If an employee who provides notice of the need to take FMLA leave on an intermittent leave basis for planned medical treatment fails to consult with the Department Head or Elected Official to make a reasonable attempt to arrange the schedule of treatment so as not to unduly disrupt the County's operations, the Department Head or Elected Official will initiate discussions with the employee and require the employee to attempt to make such arrangements, subject to the approval of the employee's health care provider.

- 6) If an employee submits a certification signed by a health care provider, the County may, with the employee's permission, have a health care provider representing the Employer contact the employee's health care provider for purposes of clarification and authenticity of the medical certification. Under appropriate circumstances the County may require the employee to obtain a second opinion at the County's expense. The health care provider utilized in these circumstances will be designated by the County to furnish a second and/or third opinion, but the selected health care provider will not be one that is employed by the County on a regular basis.
- 7) In those circumstances when the approximate timing of the need for leave is not foreseeable, the employee should provide the County notice of the need for FMLA leave as soon as practicable under the facts and circumstances of the situation. It is expected by the County that an employee will give notice to their Department Head or Elected Official within no more than one or two working days of learning of the need for leave, except in extraordinary circumstances where such notice is not feasible. In all instances of FMLA leave the County reserves the right to request medical certification outlining the expected duration and nature of the illness, as it relates to the employee's ability to come to work, or the need for that employee's need to care for family members with serious health conditions or for other FMLA qualifying reasons.
- 8) When the need for leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member, 30 days advance notice is required. In the event 30 days notice is not practicable due to a lack of knowledge of approximately when the leave will be required to begin or due to a change in circumstances or medical emergency, notice must be given by an employee as soon as practicable.
 - a) To assist the County in arranging work assignments during an employee's absence, the County requests that employee's give the County prior notice, to the extent possible, of an expected birth or adoption, as well as an indication, to the extent known, of the employee's expected return to work date;
 - b) To facilitate an employee's return to work, the County requests that the employee provide the employee's Department Head or Elected Official with two weeks advance notification of the employee's intended return to work date;
 - c) If an employee fails to give timely notice when the need for FMLA leave is foreseeable, the employee may be required to delay the taking of FMLA leave until 30 days after the date the employee provides appropriate notice to the County of the need for FMLA leave;
 - d) The County understands that under certain circumstances it may be necessary for an employee to take more leave than originally anticipated or an employee may discover after the beginning of FMLA leave that circumstances have changed and the amount of leave originally anticipated is no longer necessary. In these situations, the employee is required to provide the County reasonable notice, within two business days, of the changed circumstances where foreseeable;

- e) If an employee advises the Employer either before or during the taking of FMLA leave that the employee does not intend to return to work, the employment relationship will end and the employee's entitlement to continued leave, maintenance of health benefits, and restoration to the job shall cease; and
 - f) If an employee is able to return to work earlier than anticipated, the employee shall provide his/her Department Head or Elected Official two weeks advanced notice when feasible prior to returning to work.
- 9) For purposes of FMLA leave, "serious health condition" entitling an employee to FMLA leave means an illness, injury, impairment, or physical or mental condition that involves:
- a) In-patient care (an overnight stay) in a hospital, hospice or residential medical care facility including any period of incapacity such as an inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from, or any subsequent treatment in connection with such in-patient care; or
 - b) Continuing treatment by a health care provider which includes one or more of the following:
 - 1) a period of incapacity (inability to work, attend school or perform other regularly daily activities due to the serious health condition, treatment therefore, or recovery there from, of more than 3 consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves additional treatment by a health care provider, nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services such as a physical therapist, under orders of, or on referral by a health care provider or treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of a health care provider.
- 10) Leave of absence rights, annual leave and/or sick leave available to employees under other sections of our policies may be counted towards the total time off available under our FMLA policy, if the leave is FMLA qualifying.
- 11) On return from FMLA leave employees will be returned to the same position the employee held when leave commenced, or to an equivalent position.
- a) If an employee is unable to perform an essential function of his/her position because of a physical or mental condition, including the continuation of a serious health condition, the employee will have no right to restoration to another position under the Family and Medical Leave Act;

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

NOTE: In addition to the FMLA, Tennessee has a maternity leave law (T.C.A. 4-21-408) which applies to all employers who employ 100 or more full-time employees at a job site or location. This state law allows employees who have been employed for twelve (12) consecutive months to take up to four (4) months of unpaid leave for pregnancy, childbirth and nursing the infant. To be eligible for this leave, the employee must give at least three (3) months advance notice, except in cases of medical emergency. This leave will run concurrently with the FMLA with any leave to which the employee may be entitled under the FMLA or otherwise. Subject to certain conditions, accrued paid leave may be substituted for the unpaid maternity leave.

NOTE: This leave of absence is being provided to you in compliance with the Family and Medical Leave Act of 1993 as amended by the passage of the military family leave provisions in the National Defense Authorization Act (NDAA) of 2008, Public Law 110-181. Sevier County will comply with all of the requirements of this Act. To determine if you are eligible for the leave of absence, please contact Sevier County.

9.0 HOLIDAYS

The following days are considered by Sevier County as paid holidays:

NEW YEAR'S DAY	January 1
MARTIN LUTHER KING DAY	Third Monday in January
GOOD FRIDAY	Friday Prior to Easter
MEMORIAL DAY	Last Monday in May
INDEPENDENCE DAY	July 4
LABOR DAY	First Monday in September
VETERAN'S DAY	November 11
THANKSGIVING	Fourth Thursday and following Friday in Nov.
CHRISTMAS	December 25 and 26

Eligibility

Employees are eligible for Holiday pay if they meet the following requirements:

- Must be classified as a Regular Full-Time employee
 - Employees on leave without pay at time of Holiday are not eligible.
 - Employees on Workers' Compensation at time of Holiday are not eligible.
 - Employees on Military Leave at time of Holiday will be eligible.

Other Information

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 prior to the official observance of paid holidays or for a separately declared day. Holiday pay is not considered time worked when calculating overtime.

Options

Sevier County employees, due to the variety of county services, may not be able to observe holidays on the same day as noted above. If your work schedule requires a deviation from the holiday schedule, your Elected Official or Department Head will notify you. For those employees who work on holidays or are scheduled for a regular day off on the holiday, they will be compensated via payment at regular time, or they will be provided compensatory time at regular time per the decision of their Department Head or Elected Official. Employees whom fall under these provisions will be compensated per the schedule below:

8-HOUR AND 10-HOUR SHIFT EMPLOYEES

	Term
Holiday Hours	8 Hours

12-HOUR, 16-HOUR, AND 24-HOUR SHIFT EMPLOYEES

	Term
Holiday Hours	12 Hours

10.0 LEAVE RECORDS

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



SECTION V INSURANCE, HEALTH AND SAFETY BENEFITS

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

1.0 WORKING CONDITIONS

Employees shall be provided safe, sanitary and healthy working conditions. If an employee has questions or concerns regarding workplace safety, they should contact their supervisor, Dept. Head or Elected Official, or Safety Director.

2.0 BENEFITS

In addition to the holiday and leave benefits provided by Sevier County to its employees, there are numerous other benefit programs that are provided. Some of these programs are provided automatically and some are voluntary. Additional information about all of the benefits offered by Sevier County is available at the Office of the County Mayor.

None of the employee benefits set forth 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 Commission.

The following additional benefits will be provided to the employees:

1. Retirement Plan – 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. This is a mandatory program.

2. Social Security – Sevier County participates in the Federal Social Security Program, the cost of which is shared by Sevier County. Participation is mandatory.

3. Health Insurance – All regular full-time employees and employees in their initial period of employment who are normally scheduled to work thirty (30) or more hours a week are provided a health insurance plan. Employees must enroll within thirty (30) days of employment and coverage under the health insurance plan begins the day of the month following completion of a sixty (60) day waiting period.

Health insurance coverage is available to the employee’s dependents.

An employee who is covered by the insurance plan and would lose coverage as the result of going from full-time to part-time, going on leave of absence or layoff, retiring or being terminated may have a right to continuation of coverage. An employee’s spouse or dependent children may have continuation rights if they are covered by the plan and would lose coverage for any of the above reasons or would lose coverage because the employee has died, the employee has become eligible for Medicare, the employee and the spouse are divorced, or the dependent child ceases to be a dependent as defined by the insurer.

4. Prescription Drug Program – Sevier County participates in a prescription drug program that allows the employee and any dependents covered under the group health insurance plan to obtain

prescription medications at a specified cost. This program is available to regular full-time employees. Coverage under this program begins the first day of the month following completion of a sixty (60) day waiting period.

5. Group Short-Term and Long-Term Disability and Life Insurance – Employees enrolled in the health insurance plan are eligible for Short-Term and Long-Term and Life insurance.

6. Optional Insurance Programs – Sevier County provides regular full-time employees with the opportunity to participate in a variety of insurance programs through payroll deduction. The insurance programs offered are authorized by Sevier County and participation is at the employee's discretion. Sevier County does not contribute financially to these programs; all expenses are incurred by the employee. Group dental insurance is one such program offered.

7. Deferred Compensation – Sevier County participates in a deferred compensation plan. This is a voluntary program that allows employees to defer a portion of their income every month for investment purposes.

8. Retiree Insurance – The criteria for eligibility in the retiree insurance program is as follows:

- At least fifteen (15) years of service with the Sevier County Retirement Plan, which is through TCRS, and
- Who retires under the Sevier County Retirement Plan may continue coverage under this plan until attainment of age 65 or becomes eligible for Medicare, whichever comes first.
- A covered person has 31 days from the date of retirement to elect such continuation. Coverage will continue only if the employee makes written request for coverage on a form approved by the employer and within 31 days of retirement. If an employee fails to enroll within 31 days of retirement, the employee will be deemed to have declined coverage.
- The retiree will be required to pay 100% of the cost of the monthly medical contributions as paid by active employees for individual and dependent coverage. This contribution will cover both the individual and any eligible dependents of the retiree.
- Dependent coverage may be continued on eligible dependents as long as the dependent meets the eligibility rules of the plan.
- If the retiree becomes covered under another group health plan, this plan will be secondary.

SECTION VI EMPLOYEE CONDUCT

1.0 PURPOSE

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

2.0 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 particularly careful that their personal interests and activities do not negatively impact or conflict with their Sevier County 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:

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

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

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

3.0 USE OF TECHNOLOGY RESOURCES

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

Equipment and Computer Hardware - Sevier County's purchasing and information systems staff or their designees should be consulted before purchasing and

installing technology equipment. Only Sevier County's information systems staff or their designees are authorized to connect, disconnect, move, or attach devices to company-owned computer equipment.

Computer Software

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

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

Games - Employees are prohibited from playing un-authorized computer games during working hours. Only games authorized and installed by Sevier County information systems staff are permitted on Sevier County computer equipment.

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

Accessing the Network - Employees shall observe established network log-on and log-off guidelines. Each employee shall protect his/her files and communications from unauthorized access by logging out or activating screen savers when leaving his/her computer unattended. Employees shall obtain permission before using another employee's computer. Accessing another employee's files or directories with intent to read, browse, modify, copy, or delete without the owner's permission is prohibited except as defined by the Workplace Search Policy. Each employee is responsible for the documents, messages, and data created or deleted under his/her log-on identification and password. Employees who temporarily share a password are jointly responsible for all information created or deleted. When access to the shared information is no longer necessary, the owner of the account is responsible for setting a new password to ensure that he/she is the sole user.

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

addressed to “Everyone” must pertain to Sevier County business and be urgent in nature or of informational use to all employees.

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

Inappropriate Material - Employees shall not copy, download, upload, or print offensive, illegal, discriminatory, pornographic or other inappropriate material using any Sevier County technology resource.

Telephones - Personal calls from office or company provided cellular phones should be brief in nature and limited to those which are necessary but cannot be made outside of work hours.

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

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

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

4.0 SOCIAL MEDIA POLICY

These guidelines apply to all employees or contractors who create or contribute to blogs, wikis, social networks, virtual worlds, or any other kind of Social Media. Whether you Twitter, Yelp, Wikipedia, MySpace, or have a Facebook page, utilize Instagram, Snapchat or comment on online media stories – these guidelines apply to you.

While all employees are welcome to participate in Social Media, we expect everyone who participates in online commentary to understand and to follow these simple but important guidelines. These rules might sound strict or contain a bit of legal sounding jargon but please

keep in mind that our overall goal is simple: to participate online in a respectful, relevant way that protects our reputation and of course follows the letter and spirit of the law.

1. Be transparent and state that you work for Sevier County Government. Your honesty will be noted in the Social Media environment. If you are writing about Sevier County Government or other entity, use your real name, identify that you work for Sevier County Government, and be clear about your role. If you have a vested interest in what you are discussing, be the first to say so.

2. Never represent yourself or Sevier County Government in a false or misleading way. All statements must be true and not misleading; all claims must be substantiated.

3. Post meaningful, respectful comments – in other words, no spam and remarks that are off-topic or offensive.

4. Use common sense and common courtesy; for example, it is best to ask permission to publish or report on conversations that are meant to be private or internal to Sevier County Government. Make sure your efforts are transparent and don't violate Sevier County Government's privacy, confidentiality, and legal guidelines for external speech.

5. Stick your area of expertise and do not feel free to provide unique, individual perspectives on non-confidential activities at Sevier County.

6. When disagreeing with other's opinions, keep it appropriate and polite. If you find yourself in a situation online that looks as if it becoming antagonistic, do not get overly defensive and do not disengage from the conversation abruptly; feel free to ask the appropriate supervisory staff for advice and/or to disengage from the dialogue in a polite manner that reflects well on Sevier County Government.

7. If you want to write about other public entities or individuals, make sure you behave diplomatically, have the facts straight and that you have the appropriate permission(s).

8. Never comment on anything related to legal matters, litigation, or any parties Sevier County Government may be in litigation with.

9. Never participate in Social Media when the topic being discussed may be considered a crisis situation. Even anonymous comments may be traced back to your or Sevier County Government's IP address. Refer all Social Media activity around crisis topics to the appropriate supervisory personnel.

10. Be smart about protecting yourself, your privacy, and Sevier County Government's confidential information. What you publish is widely accessible and will be around for a long time, so consider the content carefully. Google has a long memory.

Note: Mainstream media inquiries must be referred to the County Mayors' office.

5.0 EMPLOYEE ONLINE PRIVACY ACT OF 2014

The Employee Online Privacy Act of 2014 prohibits employers from taking the following actions:

- Requesting a password to access the personal internet account of an employee or applicant
- Requiring an applicant or employee to add the employer to the individual's private contact lists
- Requiring an employee or applicant to access his or her personal internet account in the presence of the employer, so the employer may review the contents; and
- Taking an adverse action against an employee or applicant because of his or her failure to disclose a password or take an action listed above.

The Act will not, however, prohibit employers from accessing content available in the public domain – only content in a personal internet account. Moreover, the term “personal internet account” has been specifically defined as:

- (A) An online account that is used by an employee or applicant exclusively for personal communications unrelated to any business purpose of the employer; and includes any electronic medium or service where users may create, share or view content, including emails, messages, instant messages, text messages, blogs, podcasts, photographs, videos or user-created profiles; and
- (B) Does not include an account created, maintained, used, or accessed by an employee or applicant for business-related communications or for the business purpose of the employer.

Employers are permitted to require the disclosure of personal internet account passwords where there is an investigation of employee violations of applicable laws, regulatory requirements, or prohibitions against workplace employee misconduct. This exception will also apply where there is an investigation of leaked business information, confidential information, or financial data to an employee's personal internet account.

Employers will maintain the right to request information that is legitimately related to applicant screening and will not affect an employer's right to monitor the use of or information stored on employer owned equipment or accounts.

6.0 USE OF INFORMATION OBTAINED ON THE JOB

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

7.0 OUTSIDE EMPLOYMENT

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

The following types of outside employment are prohibited:

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

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

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

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

The following restrictions are placed on outside employment activities:

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

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

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

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

8.0 VIOLATIONS OF SEVIER COUNTY'S POLICIES AND PROCEDURES

Employees will be subject to disciplinary action if they violate any Sevier County policy and/or procedure. The type of action taken must be determined in relation to the specific violation according to Section VII: Disciplinary Action. All applicable laws, regulations, and procedures

will be followed when disciplinary action is taken. In addition, violations of Federal criminal statutes may subject the violator to criminal prosecution. An employee is responsible for reporting to his supervisor any violation of law and Sevier County policies and procedures committed by another employee when he/she has knowledge of such activities. If the violation is committed by the employee's supervisor, the report should be filed with the next official in the chain of command.

9.0 POLITICAL ACTIVITY

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 for the purpose of interfering with or affecting the results of an election or nomination for office including activities such as threatening to deny promotion to any employee who does not vote for certain candidates.

Coercing directly, coercing indirectly, attempting to coerce, or commanding or advising an employee to contribute to a political activity is prohibited.

Permitted Activities

Employees may be candidates in non-partisan or partisan elections. However, before deciding to run for public office, employees should be aware of possible conflicts of interest. If an employee is elected to office, the 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. Sevier County employees running for any county wide office will be required to take a leave of absence without pay for thirty (30) days prior to the election. Elected officials are not required to take a leave of absence.

10.0 SAFETY

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

OSHA has officially declared that texting while driving is a workplace hazard and a safety violation and the National Traffic Safety Board recently recommends a total ban on the use of cell phones or similar devices by drivers. Sevier County strongly encourages employees who must utilize their cell phone or other mobile devices while driving to pull over if safely possible,

keep conversations short, keep your eyes on the road and not answer if driving in heavy traffic or the conversation involves considerable concentration.

11.0 HARASSMENT POLICY

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

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

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

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

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

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

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

any individual providing false information in connection with a complaint.

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

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

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

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

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

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

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

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

12.0 SMOKE-FREE WORKPLACE POLICY

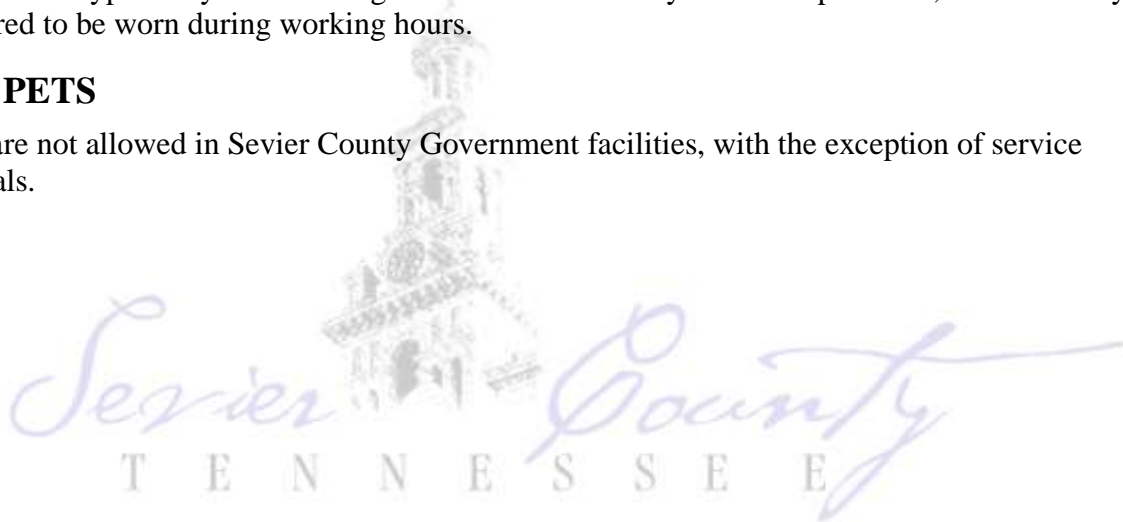
Due to the adverse health effects of second-hand smoke, all facilities owned and operated by Sevier County are designated as smoke-free environments. Employees are prohibited from smoking tobacco products including e-cigarettes in any county-owned facilities. The use of smokeless tobacco in county-owned properties will be at the discretion of the Department Head/Elected Official and approved by the County Mayor.

13.0 EMPLOYEE APPEARANCE

Sevier County employees should observe good habits of grooming, personal appearance and personal hygiene. Please dress appropriately when performing your job duties. For certain department positions, the department supervisor may establish more specific guidelines for suitable appearance. Concern for safety or the portrayal of professionalism may necessitate that a particular type or style of clothing be worn while on duty. In some positions, uniforms may be required to be worn during working hours.

14.0 PETS

Pets are not allowed in Sevier County Government facilities, with the exception of service animals.



SECTION VII

DISCIPLINARY ACTION

1.0 POLICY

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

2.0 REASONS FOR DISCIPLINE

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

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

- Violating a safety rule or safety practice.

3.0 DEFINITIONS OF DISCIPLINARY ACTIONS

Reprimand

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

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

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

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

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

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

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

An employee may be demoted for disciplinary reasons when an employee's

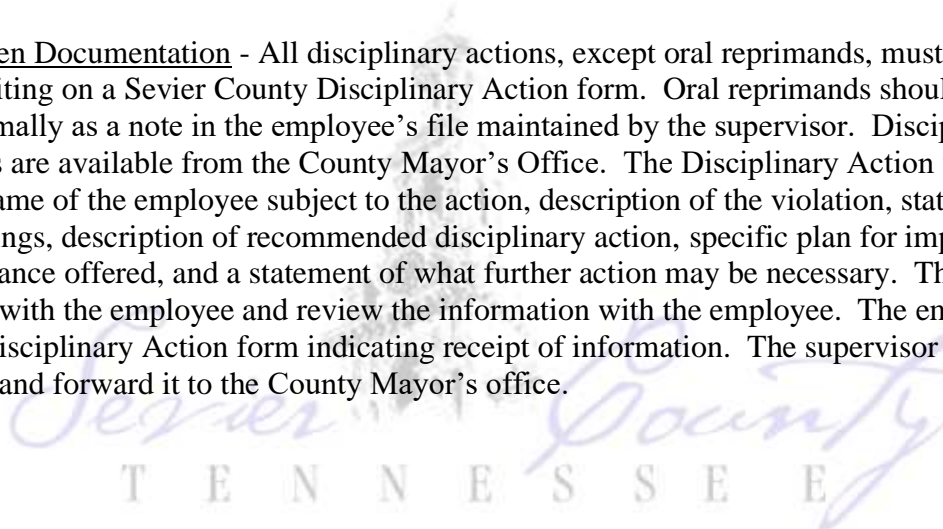
behavior is deemed to be serious misconduct.

Dismissal - An employee who gives unsatisfactory service or who is guilty of any substantial violation of Sevier County's policies and procedures shall be subject to dismissal at the will of the employer. Dismissal may be the culmination of a series of events for which disciplinary actions have been taken. Dismissal may also be the result of a single event that is serious enough to warrant immediate termination.

4.0 PROCEDURE FOR DISCIPLINARY ACTIONS

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

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



SECTION VIII

ALCOHOL AND DRUG POLICY

1.0 PURPOSE

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

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

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

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

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

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

- Post-offer testing for job applicants
- Reasonable suspicion testing
- Assignment to a position requiring a CDL
- Return-to-duty testing
- Treatment completion and follow-up testing

- Random testing for CDL employees and employees in safety sensitive positions
- Post-accident involving company vehicles

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

2.0 GENERAL RULES

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

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

Possession, Distribution, Sale and/or Manufacture of Alcohol and Drugs is Prohibited – Sevier County prohibits employees from the possession, distribution, sale, and/or manufacture of any controlled substances on Sevier County property.

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

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

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

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

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

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

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

Laboratory Testing Requirements

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

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

Confidentiality of Test Results

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

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

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

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

Violation of Criminal Drug Statute in the Workplace - Any employee convicted of violating a criminal drug statute in the workplace shall inform his/her supervisor of such conviction (including pleas of guilty and nolo contendere) within five (5) days of the conviction occurring. Failure to so inform Sevier County subjects the employee to disciplinary action up to and including dismissal for the first offense. Sevier County will

notify the federal contracting officer pursuant to applicable provisions of the Drug-Free Workplace Act and the Omnibus Transportation Employee Testing Act.

Treatment – Employees, at the discretion of the Dept. Head/Elected Official, may be referred to the County healthcare provider for treatment. Employees must use sick time if they miss work for treatment.

3.0 APPLICANT TESTING FOR POSITIONS NOT REQUIRING A CDL

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

Existence and requirements of Sevier County’s Alcohol and Drug Policy;

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

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

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

Proof of identification is required at the collection site;

Applicant is responsible for calling the County Mayor’s office from the collection site if he/she has a problem complying with Sevier County testing procedures;

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

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

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

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

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

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

Failure to Provide Proof of Identification - Failure and/or refusal by an applicant to provide proof of identification at the collection site, shall be considered refusal to consent to alcohol and/or drug testing and shall result in withdrawal of the conditional offer of

employment. Photo identification is required.

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

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

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

Rights and Remedies

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

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

4.0 APPLICANT TESTING FOR POSITIONS REQUIRING A CDL

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

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

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

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

Notification of the time and location of alcohol and/or drug testing specimen

collection;

Proof of identification is required at the collection site;

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

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

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

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

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

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

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

Failure to Provide Proof of Identification - Failure and/or refusal by an applicant to provide proof of identification at the collection site, shall be considered refusal to consent to alcohol and/or drug testing and shall result in withdrawal of the conditional offer of employment. Photo identification is required.

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

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

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

specimen.

Rights and Remedies

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

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

5.0 EMPLOYEE TESTING FOR POSITIONS NOT REQUIRING A CDL

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

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

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

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

Notification of the time and location of alcohol and/or drug testing specimen collection;

Proof of identification is required at the collection site;

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

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

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

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

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

alcohol and/or drugs.

Testing Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Treatment - An employee prior to taking a drug screen, admits to drug use, may be referred to an approved education or treatment program. Payment for the treatment cost is the responsibility of the employee and is strictly dependent upon the provisions of the individual's health plan options.

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

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

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

normally be determined by negative results from Sevier County authorized alcohol and/or drug tests.

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

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

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

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

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

Rights and Remedies

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

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

6.0 EMPLOYEE TESTING FOR POSITIONS REQUIRING A CDL

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

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

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

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

Notification of the time and location of alcohol and/or drug testing specimen collection;

Proof of identification is required at the collection site;

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

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

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

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

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

Testing Conditions

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

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

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

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

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

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

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

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

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

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

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

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

Assignment to a Position Requiring a Commercial Drivers License - An employee shall

be required to submit to alcohol and/or drug testing as a condition of promotion, special assignment, or transfer into a position requiring a Commercial Drivers License.

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

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

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

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

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

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

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

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

Treatment - An employee prior to taking a drug screen, admits to drug use, may be referred to an approved education or treatment program. Payment for the treatment cost is the responsibility of the employee and is strictly dependent upon the provisions of the individual's health plan options.

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

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

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

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

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

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

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

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

Rights and Remedies

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

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



Section IX MISCELLANEOUS PROVISIONS

1.0 PERSONNEL FILES

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

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

Access to Personnel Files – TCA 8-50-108 Notwithstanding any other provisions of this title to the contrary, any state (county) employee, regardless of position or classification, shall be entitled to have access at any reasonable time to such employee's personnel files. The employee may request copies of any material contained in such personnel files, which copies shall be furnished to the employee upon the employee's payment of the cost of such reproduction.

2.0 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

Elected officials / department heads may require an employee to undergo a fitness for duty physical examination and/or a psychological examination in the event the employee demonstrates the inability to successfully perform their job-related duties. The examining physician or psychologist will be one that is mutually acceptable to both the County and the employee and is well qualified to make a proper determination as to the employee's ability to successfully perform their job.

3.0 PAYDAY

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 prior to payday.

4.0 MEAL PERIODS

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. The two fifteen-minute breaks are considered compensable time however the thirty (30) minute lunch break is not compensable time. Thirty minutes of the one-hour lunch break are considered compensable time. The employee will not be required to perform any work during the meal break.

5.0 ABSENCE DUE TO INCLEMENT WEATHER

Annual leave will be charged to any employee who is absent due to weather conditions unless a “no work period” has been officially declared. If a “no work period” has been declared, your Elected Official/Department Head will attempt to contact you but you are encouraged to listen to the local radio stations, check the county Web site and watch local television stations for information. A “no work period” and/or snow schedule may be declared by the County Mayor depending upon the severity of weather conditions. If you are absent on annual leave or sick leave when a “no work period” is officially declared, you will not be charged with annual leave or sick leave. When the County Mayor declares a snow schedule is in place, all facilities will open on the same schedule.

6.0 ADMINISTRATIVE CLOSING OF COURTHOUSE

There may be occasions when the County Mayor deems it necessary to close the courthouse.

7.0 TERMINATION PAY

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

8.0 DISCIPLINARY ACTION

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

9.0 HOUSEKEEPING

Care in handling equipment will help avoid unnecessary losses. Employees are not allowed to remove any equipment from his or her office without the prior approval of the employee’s Elected Official or Department Head.

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

10.0 TELEPHONE USAGE

When an employee is talking to people over the telephone, the employee represents Sevier County and his or her department. What the employee says and how the employee says it can

help or hurt the County and the image of the employee's department. Employees are urged to follow the following telephone tips:

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

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

11.0 EMPLOYEE COURTESY

All county employees are encouraged to conduct themselves as follows:

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

8. We all make errors and mistakes, but if you make one, try to correct it immediately and let your Department Head or Elected Official know of the problem.
9. We certainly cannot and do not want to dictate off-the-job activities, but bear in mind that as public employees we are held in a special light. Off-the-job activities do reflect on the offices and the respective Department Heads and Elected Officials.

12.0 ATTENDANCE POLICY

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

13.0 SOLICITATION – DISTRIBUTION

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

14.0 VEHICLE USE GUIDELINES

Guidelines

Sevier County Government provides vehicles necessary for the performance of Sevier County business and controls all aspects of vehicle ownership and usage to ensure safe, effective, and cost-efficient operations.

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

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

Use of a County vehicle is a revocable privilege which accrues to a job position and not to a specific employee. Employees may lose the use of a vehicle when their supervisor, together with the County Mayor, decides this is in the best interest of the County. This may result from abuse or failure to maintain a vehicle properly; violations of vehicle use guidelines; unsafe operation and/or occurrence of preventable accidents; change in job position or duties, etc. Non-emergency personnel who use County vehicles must sign take-home-use form(s).

General Guidelines

Vehicle Use: The primary purpose for the ownership and operation of vehicles by Sevier County is to enable the performance of job duties by its employees.

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

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

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

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

Operation: Employees driving Sevier County vehicles shall operate them in a safe, lawful, efficient and courteous manner and shall obey all traffic laws, parking regulations and rules of the road. Traffic and parking violations are the operator's responsibility and may result in disciplinary action when warranted. Common sense security precautions and good driving habits shall be observed.

Transfer, Sale or Donation of Vehicles: The Sevier County Mayor is the only person authorized to approve the sale, donation or transfer of county-owned vehicles.

County Vehicles

Sevier County vehicles will be marked with government license plates or a Sevier County tag, unless otherwise approved by the Sheriff and/or County Mayor.

Alcohol and Drug Policy

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

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

Maintenance

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

County Fleet Department shall determine warranty status if any and also shall coordinate all warranty, extended warranty, and recall work. All service work except emergency repairs should be scheduled in advance. Service work will be reported monthly to the Elected Official/Department Head.

- III. Accident Damage Repair: All accidents must be properly reported as is described in the section entitled "Vehicle Accidents and Damage to County Vehicles." The County Fleet Department is responsible for determining whether repairs will be done in-house or contracted out. Vehicles that may still be driven will be scheduled for body damage repair as soon as possible. The County Fleet Department must make a decision on the safety of any damaged vehicle if it is to be used until repaired. Damage repairs will be reported to the Elected Official/Department Head.
- IV. Fueling: Sevier County Government utilizes the Sevier County Farmer's Co-op for fuel purchases. Fueling stations are accessed by a computerized card activated system. During the fueling process, no smoking is allowed and the vehicle must have the ignition shut off. Gasoline may not be pumped into any container and no vehicle, except authorized service vehicles, may carry containers of fuel. No gasoline or fuel may be used for personal reasons nor may they be used as a cleaning fluid. Fuel use is to be tracked and closely monitored by the Elected Official/Department Head.
- V. Vehicle Cleanliness: The operator is required to maintain a clean and presentable vehicle, inside and out.

Vehicle Accidents and Damage to County Vehicles

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

SEVIER COUNTY GOVERNMENT VEHICLE ACCIDENT REPORTING PROCEDURES

1. It is important to get all necessary information while at the accident scene to properly complete the accident report (WRITE IT DOWN!!!). The following information is important!
 - a. Location of accident – names of the streets
 - b. Name, address, phone # (home & work) of other driver(s).
 - c. Name, address, phone # of other driver's insurance company
 - d. INJURIES: Get name, address, phone # (home & work) of all injured persons, describe the injury, and where the injured was taken, if known.
 - e. WITNESSES: Get name, address, phone # (home & work) of all witnesses
 - f. SCENE DESCRIPTION: Observe the accident scene for length and location of skid marks, debris, scuff or gouge marks on pavement, slick spots, etc. (measure or step-off length of skid marks).

- g. Get make, year model, and describe damage to all involved autos and where taken.
 - h. Do NOT admit liability.
Do NOT say you could have avoided the accident
Do NOT discuss what you did in the accident with anyone at the accident scene except the investigating officer or your supervisor.
 - i. Call the appropriate LAW ENFORCEMENT AGENCY.
 2. Report promptly to your supervisor.
 3. Bring or fax the Accident Report Forms (obtained at the Sevierville Police Department, Sevier County Sheriff's Department or Tennessee Highway Patrol) to the County Mayor's Office.

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

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

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

Supplemental "Non-Owned" Auto Insurance Coverage: The Tennessee Governmental Tort Liability Act states that to the extent that a county would be held liable in an automobile accident, that the county employee is immune as long as the employee is within the scope of his or her employment at the time of the accident. It has not been determined whether or not the individual employee could be held personally liable for amounts above the government's liability under the act. *The limit to which the government (Sevier County) could be held liable under this act is \$300,000 for any one person or \$700,000 for any one accident or \$100,000 for the injury or destruction to property in one accident.*

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

15.0 PROHIBITION OF WEAPONS IN COUNTY BUILDINGS

Pursuant to T.C.A. § 39-17-1359, Sevier County has banned weapons within county buildings. Failure to comply with this prohibition is punishable as a criminal act under state law and may subject the violator to a fine of not more than five hundred dollars (\$500).

16.0 SEVIER COUNTY OPEN RECORDS POLICY

Sevier County has adapted its "Open Records Policy" from Section 6 of Public Chapter 1179, Acts of 2008. The Tennessee Public Records Act grants Tennessee citizens the right to request a copy of a public record to which access is granted under state law.

1. Anyone requesting access to or copies of public records must show a valid Tennessee Driver's License or other government issued identification containing an address prior to accessing the requested records or information.
2. An "Inspection/Duplication of Records Request" form is to be filled out by the records custodian. If the requestor brings the form in, sections 1-4 should be filled out. Otherwise the records custodian is to fill in sections 1-5 and 8. This form can be found at www.comptroller.state.tn.us/openrecords/index.htm. Do not sign and date the signature line until the records are delivered to the requestor.
3. If the records requested are not readily available, within seven (7) business days the records custodian will reply as follows:
 - a. Allow access to the requested records;
 - b. Deny the request in writing with the legal basis for the denial cited;
 - c. Provide, in writing, the reasonable and/or necessary time needed to produce the requested records.
4. When copies of documents are requested, the records custodian will assess a charge of fifteen (15) cents per page for each standard 8 ½ x 11 or 8 ½ x 14 black and white copy produced or any other charge provided by law. A records custodian may assess a requestor a charge for a duplex copy that is the equivalent of the charge for two (2) separate copies. If a public record is maintained in color and the record can be produced in color, and the requestor requests a color copy, a records custodian may assess a charge of fifty (50) cents per page. Citizens are entitled to receive an estimate of reasonable costs to produce copies. Pursuant to Tennessee law, a records custodian may require payment for the requested copies or duplication prior to the production of copies.
5. If the actual costs are higher than those reflected above or if the requested records are produced on a medium other than standard paper, the records custodian may develop its own charge.

6. Outside vendor expenses to produce copies of requested records because the custodian is legitimately unable to produce the copies in his/her office may be recovered from the requestor.
7. If the records custodian is assessed a charge to retrieve requested records from archives or any other entity having possession of requested records, the records custodian may assess the requestor the cost assessed the government entity for the retrieval of records.
8. No outside duplicating equipment or supplies may be brought into Sevier County Government offices for purposes of making copies of public records.
9. A records custodian is permitted to charge the hourly wage of the employee(s) reasonably necessary to produce the requested record when the time spent locating, retrieving, reviewing, redacting and reproducing the records exceeds one hour. In calculating the charge for labor, the records custodian shall determine the number of hours each employee spent producing a request. The records custodian shall then subtract the one hour from the highest paid employee in determining the total amount of labor that can be charged.
10. The records custodian will not accept e-mails, phone calls, faxes or voice mails as a request for records. Written requests for records that are mailed will be accepted if they are certified or have some other proof of delivery. The mailed written request must provide a notarized copy of a valid Tennessee driver's license or other government issued identification containing an address.
11. This policy excludes requests for records from the Register of Deeds office, E-911 Central Dispatch, the Property Assessor's office and Sevier County Ambulance. Also excluded are marriage license and death certificates requests.
12. All records requests must be made to the Archive Department of Sevier County at:
126 West Bruce Street
Sevierville, TN 37862



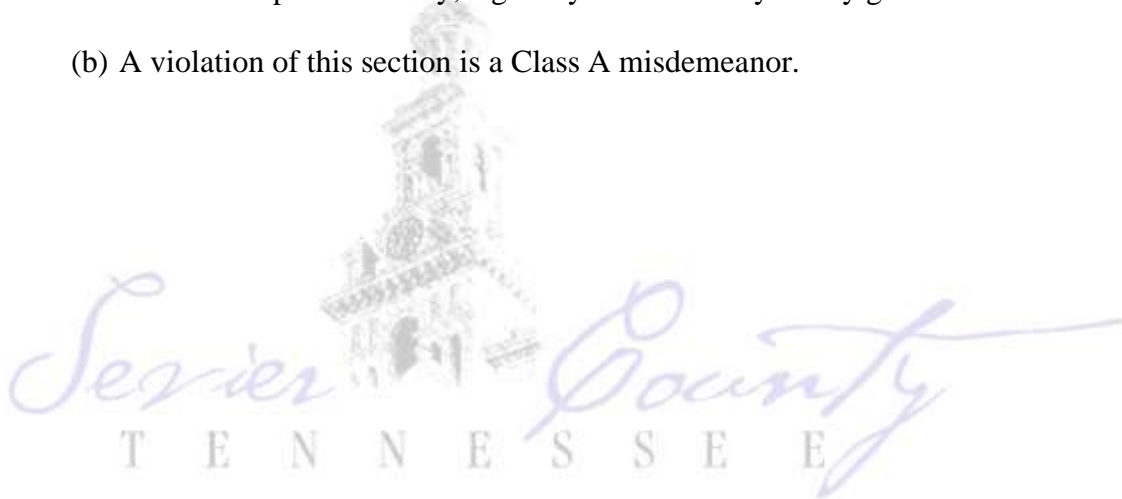
TENNESSEE CODE ANNOTATED SECTION 39-16-504

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

(a) It is unlawful for any person to:

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

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



EMPLOYEE ACKNOWLEDGEMENT

By signing this form, I acknowledge that I have received a copy of the personnel policies currently in effect for my office as of this date, and I understand that it is my responsibility to read and comply with the policies. These policies cannot and are not intended to answer every question about my employment with Sevier County. I understand that I should consult Human Resources personnel regarding any part of the policies that I do not understand or any questions I may have about my employment with Sevier County which are not answered in the policies. The 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 normal business hours.

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

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

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

Employee Name (type or print)

Employee Signature

Date