ORIGINAL

RESOLUTION NO. 2012-11

RESOLUTION AUTHORIZING AMENDMENTS TO THE WEAKLEY COUNTY PERSONNEL HANDBOOK

WHEREAS, the Tennessee General Assembly adopted Public Chapter 361 on July 1, 1997, this Chapter requires all Tennessee counties to adopt personnel policies; and

WHEREAS, Weakley County complied with Public Chapter 361; and

WHEREAS, the last published personnel handbook was approved and printed in May 2008, the Weakley County Personnel/Legislative Committee has made amendments to this personnel handbook; and

NOW, THEREFORE BE IT RESOLVED, by the county legislative body of Weakley County, Tennessee assembled in regular session on this the 19th of September 2011 in Dresden, Tennessee that Appendix A as attached be adopted as the Weakley County Personnel Handbook.

NOW, THEREFORE BE IT FURTHER RESOLVED, that all resolutions of the Board of County Commissioners of Weakley County, Tennessee, which are in conflict with this resolution are hereby repealed.

NOW, THEREFORE BE IT FURTHER RESOLVED, that this resolution take effect from and after its passage, the public welfare requiring it. This resolution shall be spread upon the minutes of the Board of County Commissioners.

Pursuant To The Rules Of The Commission, This Resolution Is Sponsored By The Following Members Of The Weakley County Board Of County Commissioners:

SPONSORED BY: David Hawks

SPONSORED BY: Tommy Jones

ACKNOWLEDGED AND APPROVED:

Tommy Jones

Chairman, Personnel, Legislative, & Intergovernmental Affairs Committee

Motion made by Commissioner Jones that the foregoing resolution be adopted:

Motion seconded by Commissioner Hawks.

Upon being put to a ~~roll call~~ voice vote, Motion carried by a vote of 18 Yeas, 0 Nays,

0 Passed and 0 Absent.

ATTESTED:

Pat Scarbrough, County Clerk

APPROVED:

James H. Westbrook, Chairman

THIS THE 19th DAY OF SEPTEMBER, 2011.

APPROVED:

Houston W. Patrick, County Mayor

DATE:

09-22-11

VETOED:

Houston W. Patrick, County Mayor

DATE:

RESOLUTION NO. 2012-11
ADOPTED BY THE
WEAKLEY COUNTY BOARD OF COMMISSIONERS
September 19, 2011

WEAKLEY COUNTY MAYOR

Houston Patrick

REVIEWING ATTORNEY

Jeffery T. Washburn

Weakley County Department of Finance, Revisionist

TABLE OF CONTENTS

FOREWORD.....1

BASIC OBJECTIVES.....2

EMPLOYMENT AT WILL 3

PERSONNEL FILES.....3

IMMIGRATION PAPERS.....3-4

PAY PROCEDURES 4-6

REGULATION HOURS, ATTENDANCE AND HOLIDAYS.....6-8

LONGEVITY PAY.....9

RETIREMENT PENSION.....9

SICK LEAVE.....10

DONATION OF SICK LEAVE.....11

VACATION- ASSIGNMENTS, PAY, LEAVE 11-12

HIGHWAY DEPARTMENT LEAVE ACCURAL.....12

VOTING LEAVE 12

DEATH IN IMMEDIATE FAMILY 13

CIVIL LEAVE 13

PREGNANCY LEAVE 14-15

FAMILY MEDICAL LEAVE 15-16

IN-LINE-OF-DUTY INJURY LEAVE.....16

CODE OF ETHICS.....16

NEPOTISM POLICY.....16

CONFIDENTIALITY POLICY.....16

CONFLICT OF INTEREST POLICY.....17

SAFETY POLICIES.....17-19

ADMINISTRATIVE LEAVE WITH PAY 19

LEAVE WITHOUT PAY.....19

MILITARY LEAVE 20-22

TERMINATION PAY.....22

DEFINITIONS OF EMPLOYEE.....22-23

EQUAL OPPORTUNITY 23-24

SEXUALHARRASSMENT POLICY 24-25

DISCRIMINATION/ HARASSMENT COMPLAINT PROCEDURE 25-26

DRUG FREE POLICY.....26-28

COBRA.....28

COUNTY PROPERTY 28

FIRST AID 28

REINSTATEMENT PROCEDURES.....29

TRAVEL REGULATIONS.....30

T C A 39-16-504 30-31

AMENDMENT OF RULES.....31

FOREWORD

Employees of Weakley County Government

You are now a part of our County Government. The progress this county makes depends on our employees. We are glad you have chosen Weakley County to build your future and career.

You will want to know more about your job and your benefits. That is the purpose of this handbook—to help you become more acquainted with your employer; to briefly explain your benefits and what you should do to obtain them; and to prevent questions and problems before they arise.

It is to your advantage to read this handbook carefully and to keep it handy for future use. If, from time to time, some questions arise that are not covered in this handbook, feel free to ask your supervisor for assistance.

This handbook has many sections that do not apply to the certified teaching personnel of Weakley County Schools. These personnel are under individual contract. The contract is public information and can be located in the Weakley County Board of Education, 8319 Highway 22, Suite A, Dresden, TN 38225.

BASIC OBJECTIVES

The purpose of these policies is to bring into the service of Weakley County the high degree of understanding, cooperation, efficiency, and unity which comes through systematic application of good procedures in personnel administration, and to provide a uniform policy for all employees, with all the benefits such a program insures. The fundamental objectives of good personnel administration sought to be achieved by these policies are:

1. To promote and increase efficiency and responsiveness to the public and economy in Weakley County Government.
2. To provide fair and equal opportunity to all qualified citizens to enter Weakley County employment on the basis of demonstrated merit and fitness as ascertained through fair and practical methods of selection.
3. To develop a program of recruitment and advancement that will make Weakley County service attractive as a career and encourage each employee to render his/her best service.
4. To establish and promote high morale among Weakley County employees by providing good working relationships, a uniform personnel policy, opportunity for advancement, and consideration for employees needs and desires.

EMPLOYMENT AT WILL

No policy, benefit, or procedure contained herein creates an employment contract for any period of time. All employees will be considered employees-at-will. Employees may be terminated for failure to satisfactorily perform their duties or simply at the will of the employer, but they shall not be terminated for a discriminatory or illegal purpose. Certified Teaching Personnel are not included. For Board of Education employees: All persons who are employed in a position for which no teaching license is required shall be hired on a year-to-year contract. The Director of Schools shall provide a person who is employed in such a position fifteen-(15) days' notice of non renewal of the contract before the end of the contract period. (TCA 49-2-301,32)

PERSONNEL FILES

An individual personnel/payroll file will be maintained on each employee. It is the responsibility of each employee to provide accurate information to the employer. Employees are also responsible for reporting to the employer any change in the information that they have previously provided. All personnel/payroll files are to be kept centrally located in the Department of Finance.

IMMIGRATION PAPERS

In 1986, the U.S. Congress passed the Immigration Reform and Control Act. The purpose of this legislation was to preserve jobs for American citizens and aliens who are authorized to work in the United States. If for any reason you have not completed a Form I-9 for the purposes of complying with the Act, please tell your hiring authority immediately. 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 to the employer copies of documents proving this eligibility.

PAY PROCEDURES

The departments of Weakley County have different paydays and pay periods. You will be informed by your department head and/or supervisor of your specific payday. For hourly paid employees, a time sheet shall be turned in for each period signed by the employee to be paid for that period. This time sheet shall show sick leave, holiday leave, and vacation time if applicable. The workweek for Weakley County employees begins at 12:01 AM on Sunday and ends at 12:00 midnight on Saturday each week. The regular workweek for Weakley County employees is forty (40) hours, except certain law enforcement employees for whom a different work schedule is permissible under the Fair Labor Standards Act. Employees who are paid on an hourly basis will receive compensation at their regular rate of pay for all hours worked up to and including 40 in the workweek. All employees (excluding substitutes) will have their payroll disbursed over 12 *monthly* pay periods excluding highway department employees and they will be paid biweekly.

Direct Deposits may be obtained only at authorized disbursement times. If you wish for someone else to pick up your deposit slip the Department of Finance must have written or verbal permission.

OVERTIME (Certified Teaching Personnel are not included)

Overtime is the time physically worked over forty (40) hours in the workweek. Employees who work overtime are entitled to compensation for such hours, either in cash at the rate of one and one-half times their regular rate of pay, or (with a prior agreement or understanding between the employer and employee) compensatory time off at the rate of

one and one-half hour for each hour of overtime physically worked. 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.

COMPENSATORY TIME (Certified Teaching Personnel are not included)

Compensatory time may be given to those employees who work overtime as provided in the section on "Overtime" and with whom the county has a prior written agreement or understanding that the employee will accept compensatory time instead of cash payment for overtime. Employees must use their accrued compensatory time, and the county will make every effort to grant reasonable requests for the use of compensatory time when sufficient advance notice is given and the workplace is not unduly disrupted. The county reserves the right at any time to pay an employee in cash for any or all accrued compensatory time. Compensatory time is the time worked over forty (40) hours in the workweek. Accumulated compensatory time cannot exceed 240 hours *(Fair Labor Standards Act)*. (If possible, compensatory time must be used in the SAME pay period it was earned.)

TIME RECORDS (Certified Teaching Personnel are not included)

Employees are required to record their hours on the forms provided for this purpose. Employees are required to fill in this form and at the end of the payroll period, sign and forward them to your supervisor for review and processing. Please ensure that actual hours worked and leave taken are recorded accurately. Falsifying these records is a crime under T.C.A. §39-16-504.

REGULATION HOURS, ATTENDANCE AND HOLIDAYS

ABSENCE

An employee who fails to report to work is required to notify his/her department head or other authorized person immediately, stating the reasons for absence.

ATTENDANCE AND PUNCTUALITY

Employees will be at their places of work in accordance with established working hours. Regular attendance and punctuality are essential if we are to accomplish the objective of providing efficient services to the public. If you are unable to arrive at work on time, either notify your Department head and/ or supervisor or make arrangements for someone else to contact him/ her no later than one hour prior to work time.

AUTHORIZED WORKING HOURS

Business hours for all offices in all departments' and/or agencies are as follows (with some variations):

Courthouse

Monday through Friday: Open 8:00 AM - close at 4:30 PM

Highway Department

Monday through Thursday: Open 6:30 AM - close at 4:45 PM

School Central Office

Monday through Friday: Open 8:00 AM - close at 4:00 PM

Department of Finance

Monday through Friday: Open 8:00 AM - close at 4:30 PM

Library

Monday through Thursday: Open 9:00 AM - close at 5:00 PM
Friday: Open 9:00 AM - close 5:30 PM
Saturday: Open 9:00 AM - close 12:00 Noon

Election Commission Office

Monday through Friday: Open 8:30 AM – close 4:00 PM

Office on Aging

Monday through Friday: Open 8:30 AM – close 4:00 PM
(Dresden Center)
Monday through Friday: Open 8:30 AM – close 4:00 PM
(Sharon Center)

Holidays (Certified Teaching Personnel are not included)

Because of the variety of county services, all county employees may not observe holidays on the same day. If your schedule requires a deviation from the holiday schedule, your supervisor will tell you about it.

The authorized holidays are the following:

New Year's Day
Martin Luther King's Birthday

President's Day
Good Friday
Memorial Day
Independence Day
Labor Day
Veterans Day
Thanksgiving (2 days)
Christmas (3 days)
One (1) additional day as approved and authorized by the department head

- Any exceptions to the above will be handled on a departmental basis.

Non Certified school system employees that work fewer than 229 days per year receive five paid holidays per year which are: New Years Day; Good Friday; Labor Day; Thanksgiving Day; and Christmas Day.

HOLIDAYS WITHIN THE VACATION PERIOD

When an authorized holiday falls within an employee's vacation period, an additional day of vacation shall be credited to the employee.

LONGEVITY PAY

Longevity pay is to be paid only to full-time regular employees in the Highway Department, General Fund, and non-certified school employees. A non-certified school employee must work a minimum of five hours daily on one or more jobs and be considered regular full-time to be eligible for longevity. An employee must be considered regular full-time for three consecutive years as of his/her anniversary date and be employed when the longevity checks are disbursed. Bus drivers must be considered regular full-time, not substitutes, to be eligible for longevity. If an employee is part time and becomes full time, the date the employee turned full-time is the starting point for longevity. Longevity checks are paid on the end of the month payroll cycle following the employee's anniversary date. An employee will not receive longevity pay if on an unpaid leave. At the time of this publication, the rate of longevity pay is $50 per year of employment up to a maximum of 20 years.

RETIREMENT PENSION

This benefit is available to full-time employees only who work at least 25 hours per week. Weakley County participates in the Tennessee Consolidated Retirement System. For purposes of retirement, regular full-time (not substitute) bus drivers are considered eligible. If you are currently part-time and your hours change to 25 hours per week contact the Department of Finance for enrollment information. For more information, contact the Department of Finance.

SICK LEAVE

(Certified Teaching Personnel are not included)

Paid sick leave shall be provided for regular full-time employees who work at least 30 hours per week at the rate of one (1) day per month worked. Employees with less than six months service will accumulate sick leave at the rate of ½ day per month. Sick leave can be accumulated to a maximum of ninety (90) days. No employee for any reason (death, termination, resignation, etc.) shall be paid for unused sick leave. Sick leave may be transferred with the approval of the department head of the department to which an employee is transferring. Abuse of sick leave by an employee will result in the withholding of payment of the sick leave and possible addition of disciplinary action. Sick leave may not be taken until earned and may not be advanced. Unused sick leave up to the maximum shall be reported to the retirement system for service credit upon retirement. Paid sick leave for non-certified school system employees that work fewer than 229 days per year shall be earned at the rate of 4 days per school year.

The department head may require a physician's statement of illness or injury before payment for sick leave in question is made. A physician's statement of ability to work may be required before the employee is allowed to resume work.

Upon re-employment in regular status, the sick leave account of a former Weakley County employee shall be credited with the sick leave accumulation at the time of termination provided it can be verified from official records.

DONATION OF SICK LEAVE

With the approval of the department head, Weakly County non-certified personnel *may donate any accrued sick days*, maximum donation of 90 days per fiscal year, to an employee who has exhausted their sick days and is experiencing an illness or a medical emergency to themselves or an immediate family member. The employee must write a statement stating the name of the person they wish to receive the days and sign and date the statement.

VACATION ASSIGNMENTS

(Certified Teaching Personnel are not included)

Vacation may be taken any time during the year with the approval of the department head. The department head will endeavor to schedule vacation for the convenience of the employee, but the needs of the department must be the controlling factor.

VACATION PAY

(Certified Teaching Personnel are not included)

Paychecks for vacation periods shall be computed on the regular payroll day and will be available for employees at the normal time and place. No checks will be issued in advance for vacations. Vacation time cannot be worked for pay in addition to regular pay.

VACATION LEAVE

(Certified Teaching Personnel are not included)

Paid vacation leave will be earned (and will accumulate if unused) at the rate of one (1) day per month worked for

employees who work at least 30 hours per week. Employees with less than six months of service will accumulate vacation days at the rate of ½ per month. Vacation leave may not be used until it is accumulated. Vacation leave can be accumulated to a maximum of fifteen (15) days at fiscal year end. Any vacation time accumulated during the fiscal year exceeding the fifteen will be allowed to roll over into sick leave up to the maximum. Vacation leave may be transferred with the approval of the department head of the department to which the employee is transferring. Non-certified school system employees that work fewer than 229 days per year do not earn vacation days. Upon termination of employment (before retirement) accumulated vacation leave (up to the maximum of 15) shall be paid to the employee.

HIGHWAY DEPARTMENT LEAVE ACCURAL

Vacation and sick leave time are accrued in hours per day. Show up time: Employees will receive four (4) hours for showing up to work when weather conditions are such that no work can be done. The employee must clock in and be available to do another job if one is available. Call out time: Employees will receive overtime for call out work if they have the required forty (40) hours worked in that time period. A minimum of four hours will be paid for call out but time will not be paid for two or more locations in the same call out.

VOTING LEAVE

Any persons entitled to vote in an election in this state may be absent from work to vote while the election polls are open for a period of time not to exceed three hours. The employer 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.

DEATH IN IMMEDIATE FAMILY

(Certified Teaching Personnel are not included)

In the case of death in the employee's immediate family, he/she will be given three (3) *consecutive* days of paid leave, with the approval of the department head, which will not be charged to vacation leave. Immediate family here is defined to mean spouse, parent, mother and father-in-law, daughter and son-in-law, brother, sister, children of the employee, brothers and sisters-in-law and grandparents. This benefit shall be for full time employees only.

CIVIL LEAVE

An employee may be granted a leave of absence without loss of pay when subpoenaed or directed by proper authority to appear when:

1. Performing jury duty.
2. Appearance before a court, public bodies or commission as a witness without personal interest in the litigation.
3. If released from either of the above during working hours, the employee is expected to return to work

An employee will receive the difference between his/her normal county pay and his/her jury duty pay. Notice shall be given to the department head.

Vacation leave will be charged if the employee is involved in private litigation. The employee shall retain all compensation and fees received for this service.

PREGNANCY LEAVE

Pregnancy, childbirth and related conditions will be treated the same as any other temporary medical disability with regard to leave policies. Leave is available under the same terms and conditions as for other similar purposes.

Tennessee law requires that the following provisions be included in this Personnel Manual. The provisions may or may not apply, depending upon the circumstances. T.C.A. 4-21-408. Maternity leave:

(a) A female employee who has been employed by the same employer for at least twelve (12) consecutive months as a full-time employee, as determined by the employer at the job site or location, may be absent from such employment for a period not to exceed four (4) months for pregnancy, childbirth and nursing the infant, where applicable (such period to be hereinafter referred to as "maternity leave").

(b) (1) A female employee who gives at least three months' advance notice to her employer of her anticipated date of departure for maternity leave, her length of maternity leave, and her intention to return to full-time employment after maternity leave, shall be restored to her previous or a similar position with the same status, pay, length of service credit and seniority, wherever applicable, as the date of her leave. (2) A female employee who is prevented from giving three months' advance notice because of a medical emergency which necessitates that maternity leave begin earlier than originally anticipated, shall not forfeit her rights and benefits under this part solely because of her failure to give three months' advance notice.

(c) (1) Maternity leave may be with or without pay at the discretion of the employer. Maternity leave shall not affect the employee's right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which she was eligible at the date of her leave, and any other benefits or right of her employment position; provided that the employer need not provide for the cost of any benefits, plans or programs during the period of maternity leave unless such employer so provides for all employees on leave of absence.

FAMILY MEDICAL LEAVE

Under the federal Family and Medical Leave Act of 1993 (FMLA), eligible county employees are entitled to up to twelve (12) workweeks of unpaid leave during each 12-month period beginning July 1 and ending June 30 (fiscal year) for the birth of a child, the placement of a child for adoption or foster care, a serious health condition of the employee that makes the employee unable to perform the functions of his or her job, or the serious health condition of a spouse, son, daughter or parent which requires the employee's presence. Both male and female employees are eligible for leave in connection with the birth or replacement of a child or a family illness, but special rules may apply if both husband and wife are county employees. Subject to certain conditions, accrued paid leave may be substituted for unpaid FMLA leave. Eligible employees are those who have been employed by the county for at least 12 months, and who have worked at least 1,250 hours during the 12 month period immediately before leave is requested. An employee must provide at least (30) days advance notice of the need to take FMLA leave under normal circumstances. Medical certification also may be required. It is the policy of Weakley County to grant its employees leave in accordance with the requirements of the

Family and Medical Leave Act. (The FMLA leave and state maternity leave entitlements will run concurrently, so that employees get a total of four months under both laws combined.) All employees should have a copy of the FMLA Fact Sheet, and employees may obtain additional information about the FMLA and their rights and obligations under that law from their supervisor, or by contacting the Department of Finance.

IN-LINE-OF-DUTY INJURY LEAVE

Any employee sustaining an injury or an illness during the course and scope of his or her employment which is determined to be compensable under the provisions of the Worker's Compensation Law shall be entitled to receive in-line-of-duty injury leave. This leave shall not be counted against any accrued sick leave, which the employee has accumulated. The provisions of the Workers' Compensation Law will determine benefits that are receivable by the employee.

CODE OF ETHICS

Weakley County has a Code of Ethics Policy. A copy of the entire policy may be obtained on the Weakley County Government website www.weakleycountytn.gov or by contacting the Department of Finance.

NEPOTISM POLICY

Weakley County does not have a Nepotism Policy.

CONFIDENTIALITY POLICY

Weakley County does not have a Confidentiality Policy.

CONFLICT OF INTEREST POLICY

The director, purchasing agent, members of the committee, members of the county legislative body, or other officials, employees or members of the board of education or highway commission shall not be financially interested or have any personal beneficial interest, either directly or indirectly, in the purchase of any supplies, materials, or equipment for the county.

No firm, corporation, partnership, association or individual furnishing any such supplies, materials or equipment, shall give or offer nor shall the director or purchasing agent or any assistant or employee accept or receive directly or indirectly from any person, firm, corporation, partnership or directly or association to whom any contract may be awarded, by rebate, gift, or otherwise, any money or other things of value whatsoever, or any promise, obligation or contract for future reward or compensation (Acts 1981, ch. 325, § 21).

SAFETY POLICIES

No job is completely free of hazards; therefore, safety is an important aspect of employment to you and the county. Accidents cost the county money through worker hours lost from work. Also, accidents can result in serious harm to the employee.

Weakley County has established a job safety and health protection program for its employees which is approved by the state. The Safety Director is responsible for keeping the latest information on file and keeping the handbook in agreement with the county safety policies.

However, employees also have responsibility to comply with TOSHA standards, rules, regulations, and orders issued pursuant to the program.

All injuries or accidents, no matter how minor they seem, whether it be to an employee or a visitor, must be reported at once to the Department Head. In compliance with the Tennessee Occupational Safety and Health Act of 1972, the Tennessee Worker's Compensation Form is to be filled-out by the supervisor or department Head within twenty-four (24) hours of an accident. One copy is to be retained in the department and one copy is to be forwarded to the OSHA/Personnel Director. TOSHA Form 200 will be maintained at the Weakley County Courthouse by the TOSHA/Administration Assistant.

All employees should cooperate in helping prevent injury to themselves, other employees, and visitors by observing the following Safety Rules.

1. Keep informed on fire rules. Know the location of fire extinguishers and your duties in case of fire. Fire extinguishers are provided in all county buildings.
2. Stay informed concerning first aid treatment.
3. Avoid accidents by eliminating hazards.
4. Never operate electrical equipment with wet hands.
5. Report to your department head or safety officer any unsafe conditions, such as:
    a. wet or slippery floors,
    b. equipment left in halls or on walks,
    c. use of defective equipment,
    d. use of combustible materials near open flame.
6. All accidents and/or injuries must be reported immediately to your supervisor. Failure to report may result in your termination.

7. Fighting, horseplay, intoxication or being under the influence of alcohol or narcotics while on duty are strictly prohibited. Violations may result in your termination.
8. Good housekeeping practices must be maintained on county property.
9. All tools, equipment and machinery shall be used and/or operated only by authorized personnel or as directed by your supervisor.
10. Any damage to county property must be reported immediately.
11. No one except authorized personnel may repair, adjust, or alter machinery or electrical equipment.
12. The prescribed clothing and safety equipment for the work being performed must be worn at all times.
13. All safety signs must be obeyed.

ADMINISTRATIVE LEAVE WITH PAY

A special leave with pay may be granted by the department head to attend special conferences, conventions, or short schools, or to visit other counties or cities in the interest of Weakley County government. Other special leave with pay may be granted for good cause as determined by the department head. This leave shall not exceed five (5) working days per year unless exceptional circumstances exist.

LEAVE WITHOUT PAY

Any employee, at the discretion of the department head, may be granted leave without pay for sufficient reason as determined by the department head. During the period of absence, the employee will not accrue vacation, sick leave or other benefits. The absence without pay leave shall not extend for a period in excess of one year.

MILITARY LEAVE

A. Full-time employees who are members of any military reserve component will be granted paid military training leave for such time as they are in the military service on field training or active duty for periods not to exceed fifteen (15) working days per calendar year. This time may not be used for weekend drills. Such requested leave shall be supported with copies of the armed forces orders.
B. Full-time employees who are members of a military reserve unit who have completed their military training duty for the calendar year, and are reactivated for additional training, will be allowed an additional fifteen (15) days paid military leave if the additional military training: (1) occurs during the same calendar year; and (2) fulfills the employee's military training obligation for the subsequent calendar year.
C. Sections 8-33-102, 103, and 104, *Tenn Code Ann.* Grant rights and benefits to employees who are reserve military personnel when called to active duty. These rights and benefits are in addition to those set forth in subsections A and B of the *Military Leave* section of this handbook, A copy of these Code Sections can be obtained from the County Finance Office upon request.

"Qualifying Exigency" Leave"

An employee is entitled to take leave for a "qualifying exigency" arising out of the fact that a spouse, son, daughter, or parent of the employee is on active duty or has been notified of an impending call to active duty in support of a military operation is which armed forces are or may become involved in actions against an enemy or opposing force, or during a war or national emergency. This leave is subject to the 12-workweek limitation on FMLA leave in a 12-month period.

Service Member Family Leave

An employee who is the spouse, son, daughter, parent or next of kin (nearest blood relative) of a servicemember who is undergoing medical treatment, recuperation, or therapy, or is otherwise in outpatient status or on the temporary disability retired list for a serious injury or illness incurred while on active duty, may take up to 26 workweeks in 12-month period to care for the servicemember. However, this leave will be combined with any other FMLA leave the employee takes in the same period, and the combined total is not to exceed 26 workweeks. Also, this leave is available only during a single 12-month period.

An employee must meet the requirements for eligibility for FMLA leave (have been employed for at least 12 months and have worked at least 1,250 hours in the preceding 12-month period.)

If the employee requests intermittent leave or leave on a reduced schedule, the employer may require the employee to transfer temporarily to an alternative position with equivalent pay and benefits that better accommodates the leave.

The leave is not required to be compensated. However, the employer may require or the employee may elect, to substitute any accrued paid vacation, personal leave, family leave, or medical or sick leave.

If the need for leave is foreseeable, the employee must give at least 30 days notice, or as much notice as is practicable.

Leave of a husband and wife employed by the same employer is limited to a combined total of 26 workweeks for servicemember family leave, and to 12 workweeks for a qualifying exigency.

Medical certification may be required, as appropriate. For "qualifying exigency" leave, certification may be required as provided under the new regulations.

TERMINATION PAY

(Certified Teaching Personnel are not included)

An employee whose services are being terminated, either voluntarily or involuntarily, shall be paid all regular earnings which are due and accrued plus all accrued vacation time (up to the maximum of 15), overtime and compensatory time. The employee will not be compensated for unused sick leave days. In the event of death, the amount owed to the employee shall be paid to the employee's estate or to the surviving spouse as may be required by law.

DEFINITIONS OF EMPLOYEE

(Certified Teaching Personnel are not included)

EMPLOYEE: Any person working in the paid service of the County Government.

FULL-TIME EMPLOYEE: Any person working full-time who was appointed/hired/elected into a regular position which requires a minimum of thirty (30) hours weekly and any additional time required to fulfill the duties of the position he/she holds except for bus drivers and longevity (see page 9).

REGULAR FULL-TIME EMPLOYEE: Any person hired/appointed into a regular job who in full-time capacity has successfully completed a six-month period of initial employment of work.

PART-TIME EMPLOYEE: Any person who is normally assigned to work fewer than thirty (30) hours weekly.

NOTATION: Bus drivers are considered part-time employees but are eligible for retirement and longevity.

TEMPORARY (Seasonal): Any person who in a given calendar year works fewer than six calendar months, or who is employed to work full-time for a fixed period of time which does not exceed six calendar months at a time, or who is engaged for a specific project involving a period of time of more than six (6) months.

NEWLY HIRED EMPLOYEE: Any person hired or appointed who in a full-time or part-time job capacity has not completed a six (6) month period of successful performance of work.

PERIOD OF INITIAL EMPLOYMENT: Each new county employee who has been appointed to a regular full-time position is required to serve a period of initial employment of at least six (6) months. This does not apply to trainees, who begin the initial employment period at the end of training.

During the period of initial employment, the department head and/or supervisor will provide training assistance and close supervision to aid in becoming thoroughly familiar with duties and responsibilities. Attitude toward work, co-workers, the quality of work, and willingness to assume responsibility will be carefully observed. During the period of initial employment a supervisor can determine abilities. This period of time also provides the opportunity to decide whether to continue service for county government.

EQUAL OPPORTUNITY

It is the policy of Weakley County to provide equal employment opportunities to all individuals regardless of race, color, religion, sex, national origin, age, disability, status as a Vietnam-era veteran or special disabled veteran, or status in

any other group protected by law. This policy extends to all terms and conditions of employment, including but not limited to hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence compensation and training. It is the policy of Weakley 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 or department head. Employees can raise concerns and make complaints without fear of reprisal and with the 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.

SEXUAL HARASSMENT POLICY

It is the policy of Weakley County to maintain a respectful work and public service environment. Weakley County prohibits and will not tolerate any form of unlawful harassment by or towards any employee or official 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. Any employee or official who engages in such behavior is subject to disciplinary action, up to and including termination of employment.

One particular kind of harassing behavior is sexual harassment. Sexual harassment, which can consist of a wide range of unwanted and unwelcome sexually directed behavior, is defined as:

Unwelcome sexual advance, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's employment or of obtaining public services; OR
2. Submitting to or rejecting the conduct is used as the basis for an employment decision affecting an individual's employment of public services; OR
3. Such conduct has the purpose or result of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Neither sexual harassment nor any other form of unlawful harassment will be tolerated in the workplace. Employees are urged to report alleged incidents of unlawful harassment.

DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

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 any employee believes that he or she has been subjected to illegal discrimination or harassment related to employment with Weakley County, the employee should report the incident promptly to the county 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 county official or department head, then the problem should be reported to the County Mayor. 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 off a complaint. However,

disciplinary action may be taken against any individual providing false information in connection with a complaint.

DRUG FREE POLICY

It is the policy of Weakley County to provide a safe and healthy environment for its employees. Therefore, the following are strictly prohibited during working hours, while on Weakley County property, or while on Weakley County business:

1. being under the influence of illegal drugs or alcohol;
2. the sale, possession, transfer or purchase of illegal drugs; or
3. the possession or consumption of alcoholic beverages.

Any employee whose off-duty substance abuse results in on-the-job impairment (including but not limited to excess absenteeism or tardiness, carelessness or disregard for safety, or poor work), or who commits an unlawful act or whose conduct discredits Weakley County in any way is in violation of the policy.

The foregoing constitutes the policy of Weakley County on substance abuse. Violation of this policy is grounds for disciplinary action, up to and including immediate termination from employment. Weakley County may take all appropriate actions against violators, which may include referral for legal prosecution or requiring the employee to satisfactorily complete an approved drug use/alcohol abuse assistance or rehabilitation program. A copy of the Weakly County Government's Drug Free Workplace and Substance Abuse Policy for Weakley County General Fund and Highway Department employees may be obtained at the Weakley County Department of Finance.

ADOPTED DRUG POLICY FOR WEAKLEY COUNTY TRANSPORTATION PERSONNEL

(Transportation Personnel is defined to mean any employee whose job requires a Commercial Driver's License.)

It shall be the policy of Weakley County to require all transportation personnel to report to the department head, or the Director of Pupil Transportation, the use of any prescription drug that could affect the central nervous system or impair their reaction time. Further, all transportation employees shall give notice of such non-prescription (over-the-counter) drugs being taken on a regular basis. The notice shall include the duration on ingestion and the possible side effects thereof.

It shall be the policy of Weakley County to require all transportation personnel to submit to drug testing, without advance notice, in order to ensure a maximum degree of safety. Any employee testing positive is subject to the following disciplinary actions:

1. Employees testing POSITIVE for the use of prescribed or non-prescribed drugs, absent the notice required above, shall be suspended for two working days without pay for each violation of this policy. Re-testing with Negative results of the presence of drugs shall be required as a prerequisite for reinstatement.
2. Employees testing POSITIVE for the use of Controlled Substances shall be terminated on the first offense.

It shall be the policy of Weakley County that transportation employees shall be required to notify the department head or the Director of Pupil Transportation, of any criminal drug

statue conviction no later than five days after such conviction. Further, new applicants shall state upon the application form any conviction of a federal or state drug statute, including the penalty assessed for the conviction.

Pre-employment drug screening: Prior to employment, as a condition of any job offer, substance screens will be required for individuals applying for the following position:

All county positions at the Highway Department and School Bus Garage.

COBRA

An individual covered by the employee health plan has the right to seek continued health coverage, *at the employee's expense,* upon the occurrence of certain events, such as termination of employment, which might affect that individual's coverage. The employee or covered individual should consult the health care plan administrator.

COUNTY PROPERTY

Personal use of county owned property is strictly prohibited. Violations may result in disciplinary action taken by your department head and/or supervisor.

FIRST AID

First Aid equipment will be provided in all county buildings. Department heads and/or supervisors in each building will designate a first aid area and appoint an individual responsible for area and supplies.

REINSTATEMENT PROCEDURES

(Certified Teaching Personnel are not included)

FOLLOWING LAYOFF

A person who was laid off, including a former temporary employee separated upon completion of duties, may be recalled to work at any time provided the person remains qualified to perform the duties of the position.

FOLLOWING MEDICAL SEPARATION

A person who was separated for incapacity due to mental or physical disorders, and not in conflict with the Americans With Disabilities Act, may be reinstated in the person's former type of position or other appropriate position given reasonable accommodation following such separation; provided the reason for the incapacity has been removed to the satisfaction of the hiring authority, and the reinstatement would be in the best interest of the county and reasonable accommodations may be made.

FOLLOWING TERMINATION FOR CAUSE
(Certified Teaching Personnel are not included)

A person who was removed from the employment of the county may be (but is not required to be) reinstated, if in the opinion of the hiring authority the cause for the removal no longer exists, the person remains qualified to perform the duties of the position, and the reinstatement would be in the best interest of the county.

REINSTATEMENT OF VETERANS

A former regular employee who left the county service in good standing to enter the active military service and who completed such service under honorable conditions has a right to be restored to his/her original position, if it still exists

and is not held by a person with greater seniority, or otherwise to a position of like seniority status and pay. The returning veteran must make application for re-employment within ninety (90) days from discharge (TCA 8-33-102). Such returning employee shall not be discharged from his/her public position without cause within one (1) year after restoration of employment (TCA 8-33-104).

TRAVEL REGULATIONS FOR EMPLOYEES OF WEAKLEY COUNTY

The establishment and revision of the reimbursement rates shall mirror and automatically adjust to be in accord with those authorized by the *IRS federal mileage and per diem rate reimbursements for county employees, Weakley County, TN Resolution No. 2008-47.* Authorization for travel will not be granted and expenses will not be reimbursed unless the travel made and reimbursement claimed is in accordance with federal travel regulations. These regulations will be distributed to each office holder upon any revisions and can be found on the county website: www.weakleycountytn.gov.

EXCEPTIONS

The County Commission shall have the authority to grant exemption from any part of all of these rules and regulations when deemed appropriate and necessary.

TENNESSEE CODE ANNOTATED 39-16-504

(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 of thing with knowledge of its falsity and with intent

that it will be taken as a genuine governmental record; or

(3) Intentionally and unlawfully destroy, conceal, remove, or otherwise impair the verity, legibility, or availability of a governmental record.

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

AMENDMENT OF RULES

It is the responsibility of all employees to carry out and comply with the rules and regulations contained in this document. The employee should be aware that these rules and regulations are subject to periodic review and change by the employer. Before relying upon the provisions set out herein, it is the employee's responsibility to check with the employer to see if any changes have occurred.