



Anderson County Government Employee Handbook

THIS HANDBOOK WAS PREPARED BY:

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

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1 INTRODUCTION

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

1.2 Changes in Policy

This manual supersedes all previous employee manuals and memorandums.

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

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

Amendments may be made periodically in the following process:

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

It is your responsibility to ensure you have the most up-to-date version of the Handbook. An updated copy will be made available on your secure employee self-service portal. All questions pertaining to information found in this handbook should be referred to the Human Resources and Risk Management Director.

1.3 Policies for Employees of Elected Officials

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

2 EMPLOYEE DEFINITION AND STATUS

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

- Full-Time Regular Employees are those that work a normal, full-time work schedule of thirty (30) hours or more per week on a continual basis. These employees may be exempt or non-exempt, as defined by the Fair Labor Standards Act (FLSA). There is a copy of the FLSA on file in the Human Resources and Risk Management Department.
- Part-Time Regular Employees are those who work less than thirty (30) hours per week on a continual basis. These employees may be exempt or non-exempt.
- Temporary or Seasonal Employees are those who work either full-time or part-time with the understanding that their employment will terminate upon the completion of a specific assignment, which will not exceed more than six (6) months as set forth in the Affordable Care Act (ACA) guidelines. These employees may be exempt or non-exempt. Temporary or Seasonal County Employees do not include workers who are employed by a temporary staffing service that may be used to provide assistance to the County

2.1 Employment Classification

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

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

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

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

2.2 Probationary Period for New Employees

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

3 EMPLOYMENT POLICIES

3.1 Equal Employment Opportunity

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

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

Equal Employment Opportunity Grievance Procedures

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

Procedure:

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

3.2 At Will Employment

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

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

3.3 Americans with Disabilities Act

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

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

3.4 Immigration Law Compliance

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

3.5 Employee Background Check

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

3.6 Anniversary Date

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

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

3.7 New Employee Orientation

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

Anderson County offers a secure employee OnBoarding system that allows new full and part-time staff members to complete required New Hire documentation electronically prior to their first day of work. Additionally, the OnBoarding procedure(s) can be completed in the Human Resources and Risk Management Department’s onsite kiosk.

3.8 Personnel Records and Administration

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

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

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

3.9 Change of Personal Data

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

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

Anderson County offers an employee self-service portal that allows employees to self-initiate, submit and track changes electronically. This method is a secure, efficient paperless method of completing and updating forms which can now be done from any desktop computer. The Human Resources and Risk Management Department also has an onsite kiosk center available for employee use in updating their data.

3.10 Safety

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

Any workplace accidents, incidents, injuries or safety hazards must be reported immediately to your direct supervisor and the Human Resources and Risk Management Department. You are required to complete a Workers Compensation Accident Report and send it to the Human Resources and Risk Management Department within twenty-four (24) hours. If you are injured and unable to report immediately, then you should report the incident as soon as possible. Your supervisor will also have to file a report, as well as any witnesses to the incident.

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

Personal Protective Equipment

Elected Officials and Department Heads shall have discretionary authority to institute protective measures and office policies including wearing of personal protective equipment ('PPE') to reduce employee exposure to hazards when engineering and administrative controls are not feasible or effective in decreasing health and safety risks to acceptable levels.

PPE is equipment worn to minimize exposure to hazards that cause serious workplace injuries and illnesses. These injuries and illnesses may result from contact with chemical, radiological, physical, electrical, mechanical, airborne pathogens, contact contagions or other workplace hazards or public health emergencies. PPE may include items such as gloves, masks, safety glasses, shoes, earplugs or muffs, hard hats, helmets, respirators, coveralls, vests, body armor, full body suits, reflective vests and clothing, ultraviolet lighting (UV/UVC) or any other item(s) deemed suitable by the elected official or department head needed to help minimize workplace hazards or the spread of harmful disease

All employees should understand that although PPE is helpful and effective when workplace hazards are present, it does not eliminate the hazard at the source and may result in employees being exposed to the hazard if the equipment fails; therefore, employees should take additional steps to ensure the PPE is fitted correctly, comfortable, in good condition, free from defects, clean and sanitized when need. There is no absolute and failsafe protection that is 100% effective and PPE should not be substituted for sound decision-making, personal hygiene, the frequent washing of hands and used PPE items, refraining from touching your face, and the sanitizing of the workspace.

Notwithstanding any policy to contrary, all employees shall have the ability to voluntarily wear PPE at their discretion when they believe it is necessary to protect the employees' health, safety and welfare or their fellow co-workers and family members.

Employee Safety is a top priority of Anderson County Government. Safety training and the implementation of safety procedures and equipment are key components to ensuring all employees have the knowledge and tools to perform their job duties in a safe, effective manner. PPE Training and applicable safety sheets, also known as white papers, are located on the Human Resources and Risk Management section of the County web site, <https://www.anderson-county.com/humanresources/>. Onsite training can also be scheduled by contacting the Human Resources and Risk Management Department. The Human Resources Department should be consulted when questions arise about the proper PPE needed for a specific workplace hazard or illness, when PPE training is needed, and interpretation of applicable OSHA laws and regulations.

3.11 Employee ID Badge System/Security

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

3.12 Personal Property

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

3.13 Nepotism

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

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

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

3.14 Weather-Related and Emergency-Related Closings

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

Inclement Weather without Official Closing: Inclement weather usually does not warrant closing of County offices. Absence due to inclement weather requires you to make a personal judgment pertaining to your safety in traveling to and from work. Loss of work time for this reason is charged to your accrued compensatory time or annual leave.

If you have no compensatory time or annual leave, then the time is charged as leave without pay.

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

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

- If you are scheduled to work during an inclement weather closing, you will receive administrative pay for your regularly scheduled working hours during the period of closing.
- If you are among the critical emergency service personnel who must work, you will receive wages plus compensatory time for the hours actually worked.
- If you are not scheduled to work during an inclement weather closing, you will not be paid for the closing.
- If you are on pre-approved annual, sick or any other leave with pay during the declared times of closing, you will receive administrative leave with pay and will not have to charge that time to your leave.

Teleworking: Teleworking is defined as a work flexibility arrangement under which an employee performs their work duties and responsibilities from an approved worksite. The primary use of Teleworking would be during weather or emergency related closings or restrictions.

You must receive pre-approved authorization from your Department Head to participate in Teleworking. Supervisors may ask you to perform duties outside of your job description in an effort to pull together as a team to ensure essential office duties are carried out. At any time, Teleworking privileges may be revoked, and you will be required to physically report to work. Additionally, you will be considered on-call when Teleworking to ensure availability during crucial work hours.

While working remotely, you must take steps to preserve the security and confidentiality of the County's and Department's information. You must keep confidential documents and materials in secure locations and maintain password protection to the same extent as required at the workplace, and keep confidential documents and records securely stored. Any suspected loss or theft of Employer documents, materials, or information, as well as any suspected hacks or breaches of security, must be reported to your supervisor immediately.

Teleworking arrangements do not change the basic terms and conditions of employment, including rate of pay and benefits. You are expected to comply with all County and Departmental policies, procedures and performance standards.

Sample Teleworking agreements can be obtained from the Human Resources and Risk Management Department.

4 STANDARDS OF CONDUCT

4.1 General Guidelines

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

4.2 Work Schedule

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

4.3 Attendance and Punctuality

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

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

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

4.4 Absence and Tardiness

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

- If you have to be late or miss work, make sure to call your immediate supervisor with as much notice as soon as possible, at least thirty (30) minutes before and not later than fifteen (15) minutes after the start of work on the first day of absence. Follow any additional guidelines set by your supervisor concerning tardiness/absences.
- Be sure your supervisor gets your message; do not rely upon your co-workers delivering your message.
- You are expected to complete your scheduled work shift. Failure to complete a scheduled work shift without permission may result in disciplinary action or loss of accrued time off.

- You are expected to leave for and return from breaks and lunch within a specified time schedule. Exceeding the time schedule set for lunch and breaks may result in disciplinary action.

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

4.5 Meal and Break Periods

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

4.6 Harassment Policy

Anderson County Government strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Employees and Elected Officials should be able to work and learn in a safe, yet stimulating atmosphere. The accomplishment of this goal is essential to the mission of Anderson County Government.

For that reason, Anderson County Government will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, Anderson County will seek to prevent, correct, and discipline behavior that violates this policy. In keeping with this commitment, we will not tolerate harassment of County employees by anyone, including any supervisor/manager, Elected Official, coworker, vendor, consultant, or visitor of this Government entity.

All employees and Elected Officials, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension or termination of employment.

Prohibited Conduct Under This Policy

Anderson County Government, in compliance with all applicable federal, state and local antidiscrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

Discrimination

It is a violation of Anderson County Government's policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information or marital status.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VI of the Civil Rights Act 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. This policy is intended to also comply with the prohibitions stated in these anti-discrimination laws.

Discrimination is violation of this policy will be subject to disciplinary measures up to and including termination.

Harassment

Anderson County Government prohibits harassment, including sexual harassment, of any kind, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any written, verbal or physical conduct designed to threaten, intimidate or coerce an employee, coworker, or any person working for or on behalf of Anderson County Government. Verbal taunting (including but not limited to racial and ethnic slurs) that, in the employee's opinion, impairs his or her ability to perform his or her job is included in the definition of harassment.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome including but not limited to a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group.

Sexual Harassment

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under Anderson County Government's anti-harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for employment decisions or such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.

There are two types of Sexual Harassment:

- "Quid pro quo" harassment, where submission to harassment is used as the basis for employment decisions. Employee benefits such as raises, promotions and better working hours are directly linked to compliance with sexual advances. Therefore, only someone in a supervisor capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Examples: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.
- "Hostile work environment," where the harassment creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees or customers. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials or even unwelcome physical contact as a regular part of the work environment. Texts, e-mails, cartoons or posters of a sexual nature; vulgar or lewd comments or jokes; or unwanted touching or fondling all fall into this category.

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Is made explicitly or implicitly a term or condition of employment.
- Is used as a basis for an employment decision.
- Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.

- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, photos, text messages, tweets and Internet postings; or other form of communication that is sexual in nature and offensive.
- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing and fondling and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, non-coercive interactions between employees, including men and women, that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

Retaliation No hardship, loss, benefit or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the review of a complaint.
- Serving as an investigator of a complaint.
- Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy. Any person who is found to have violated this aspect of the policy will be subject to sanctions up to and including termination of employment.

Consensual Romantic or Sexual Relationships

Anderson County Government strongly discourages romantic or sexual relationships between a Director, Elected Official or other supervisory employee and his or her staff (an employee who reports directly or indirectly to that person) because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts.

In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff employee. Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others or, at a later date, by the staff member as having been given as the result of coercion or intimidation.

The atmosphere created by such appearances of bias, favoritism, intimidation, coercion or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work environment. If there is such a relationship, the parties need to be aware that one or both may be moved to a different department, or other actions may be taken.

If any employee of Anderson County Government enters into a consensual relationship that is romantic or sexual in nature with a member of his or her staff (an employee who reports directly or indirectly to him or her), or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify the Human Resources and Risk Management Director or other appropriate County officer. Because of potential issues regarding quid pro quo harassment, Anderson County Government has made reporting mandatory. This requirement does not apply to employees who do not work in the same department or to parties who do not supervise or otherwise manage responsibilities over the other.

Once the relationship is made known to Anderson County Government, the County will review the situation with Human Resources and Risk Management Director in light of all the facts (reporting relationship between the parties, effect on co-workers, job titles of the parties, etc.) and will determine whether one or both parties need to be moved to another job or department. If it is determined that one party must be moved, and there are jobs in other departments available for both, the parties may decide who will be the one to apply for a new position. If the parties cannot amicably come to a decision, or the party is not chosen for the position to which he or she applied, the parties will contact Human Resources and Risk Management Department, which will decide which party should be moved. That decision will be based on which move will be least disruptive to the organization as a whole. If it is determined that one or both parties must be moved, but no other jobs are available for either party, the parties will be given the option of terminating their relationship or resigning.

4.7 Violence in the Workplace

Anderson County Government provides a safe workplace for all employees and Elected Officials. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand all provisions of this workplace violence policy.

Prohibited Conduct

Anderson County Government does not tolerate any type of workplace violence committed by or against employees. Employees and Elected Officials are prohibited from making threats or engaging in violent activities. This list of behaviors provides examples of conduct that is prohibited:

- Causing physical injury to another person.
- Making verbal or non-verbal threatening and unethical remarks.
- Libel gestures and written communication.
- Displaying aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
- Intentionally damaging employer property or property of another employee.

- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Reporting Procedures

Any potentially dangerous situations must be immediately reported to a supervisor or the Human Resource and Risk Management Department (HR). Reports can be made anonymously, and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately, and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled, and the results of reviews will be discussed with them. Anderson County Government will actively intervene at any indication of a possibly hostile or violent situation.

Risk Reduction Measures

Hiring

HR takes reasonable measures to conduct background reviews to review candidates' backgrounds and to reduce the risk of hiring individuals with a history of violent behavior.

Safety

Anderson County Government conducts annual inspections of the premises to evaluate and determine any vulnerability to workplace violence or hazards. Any necessary corrective action will be taken to reduce all risks.

Individual Situations

Although Anderson County Government does not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform the HR Department if any employee exhibits behavior that could be a sign of a potentially dangerous situation. Such behavior includes:

- Displaying overt signs of extreme stress, resentment, hostility or anger.
- Making threatening remarks.
- Showing sudden or significant deterioration of performance.
- Displaying irrational or inappropriate behavior.

Dangerous/Emergency Situations

Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, make constant eye contact and talk to the individual. If a supervisor can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, employees should cooperate and follow the instructions given. Call emergency services (911) when the situation dictates a response from police, fire or emergency medical services.

Enforcement

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Nonemployees engaged in violent acts on the employer's premises will be reported to the proper authorities and fully prosecuted.

Violations of this Policy by employees or those who encourage such conduct by others will be subject to appropriate corrective or disciplinary action, up to and including termination of employment.

Supervisory personnel who fail to take appropriate action upon learning of such conduct will be subject to corrective action or disciplinary action as well, up to and including termination of employment.

This policy applies to full-time and part-time employees and Elected Officials of Anderson County Government including interns. It does not apply to independent contractors, but other contract employees are included. This policy applies to any sponsors program, event or activity including, but not limited to, sponsored recreation programs and activities; and the performance by officers and employees of their employment related duties. The policy include electronic communications by any employee.

4.8 Bullying in the Workplace (Harassment)

Statement of Commitment, Values and Purpose

Anderson County Government is firmly committed to a workplace free from abusive conduct as defined herein. We strive to provide high quality service in an atmosphere of respect, collaboration, opened, safety, and equality. All employees have the right to be treated with dignity and respect. All complaints of negative and inappropriate workplace behaviors 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 full-time and part-time employees and Elected Officials of Anderson County Government including interns. It does not apply to independent contractors, but other contract employees are included. This policy applies to any sponsors program, event or activity including, but not limited to, sponsored recreation programs and activities; and the performance by officers and employees of their employment related duties. The 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.

Abusive Conduct Does Not Include:

- Disciplinary procedures in accordance with adopted policies of Anderson 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 style of personal expression.
- Passionate, loud expression with no intent to harm others.
- Differences of opinion on work-related concerns; or
- The non-abusive exercise of managerial prerogative.

Employer Responsibility

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 preventative measures in place and by dealing immediately with threatening or potentially violent situations;
- Provide good examples by treating all 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 action 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 Retaliation (Including Witnesses)

Employees shall treat all other employees with dignity and respect. No employee or Elected Official shall engage in threatening, violent, intimidating, or other abusive conduct or behaviors. Employees and Elected Officials 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 procedures.

Retaliation

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

4.9 Confidential Information and Nondisclosure

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

4.10 Ethical Standards

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

Anderson County Government staff, Elected Officials, supervisors, directors, and managers shall uphold the highest standards of intellectual honesty and integrity in their day to day conduct, on and off the clock.

By acting as good stewards, County employees will treat colleagues, vendors, and citizens with dignity and respect while performing assigned duties and professional responsibility in an honest and ethical manner as to further Anderson County Government's mission.

Furthermore, all employees and Elected Officials shall comply with all federal, state and local government laws, regulations and policies; refrain from discrimination, harassing, or intimidation of co-workers, Elected Officials, Department Heads or citizens.

It is also advised that Anderson County employees represent and protect human health and safety by reporting inappropriate conduct to the Human Resource and Risk Management Department.

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

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

4.11 Use of Equipment

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

4.12 Use of Computer, Internet, Phone and Mail

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

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

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

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

Electronic communications and the internet are for use on job-related activities during work hours. However, it is okay to use email and the Internet for personal (not for profit) use on a very limited basis. Remember, this is a privilege, and any and all communications may be

monitored, and if you abuse this privilege, the County may take it away from you. Any use of the County's information technology systems to violate any policy of the County, including but not limited to the Harassment Policy or the Code of Ethics, is also a violation of the policy and will be grounds for discipline up to and including termination.

Passwords: Employees shall maintain the confidentiality of all computer information and resources to which they have access by using passwords that are not obvious and easy to detect. Employees will not share passwords or disclose password to anyone.

Prohibited Uses: Inappropriate, illegal, threatening, and/or sexually explicit material is strictly prohibited; this includes, but is not limited to: the creation, receipt, transmission, sending, download, display, viewing, circulation or storage of such material. The email system may not be used to solicit or to conduct personal business ventures.

4.13 Social Media Policy

At Anderson County Government, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

This policy applies to all Elected Officials and employees who work for Anderson County Government. Elected Officials, Department Heads, and supervisors should contact the Human Resources and Risk Management Department for guidance in administering the policy.

Guidelines

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with Anderson County Government, as well as any other form of electronic communication.

The same principles and guidelines found in Anderson County Government policies and their basic beliefs apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates or otherwise adversely affects members, customers, citizens, suppliers, people who work on behalf of Anderson County Government or legitimate business interests may result in disciplinary action up to and including termination.

Know and Follow the Rules

Carefully read these guidelines, the Anderson County Government Statement of Ethics Policy, the Anderson County Government Information Policy, the Anderson County Government Violence in the Workplace and the Discrimination & Harassment Prevention Policy, and ensure your postings are consistent with these policies. Inappropriate postings that may include

discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Be Respectful

Always be fair and courteous to fellow associates, customers, members, citizens, suppliers, or people who work on behalf of Anderson County Government. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your coworkers or by utilizing Human Resource & Risk Management Department's Open Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening, harassing, or intimidating, that disparage customers, citizens, members, associates or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law or County policy.

Be Honest and Accurate

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched and unearthed. Never post any information or rumors that you know to be false about Anderson County Government, fellow associates, members, citizens, customers, suppliers, or people working on behalf of Anderson County Government.

Post Only Appropriate and Respectful Content

Do not create a link from your blog, website, or other social networking site to an Anderson County Government website without identifying yourself as an Anderson County Government associate.

Express only your personal opinions. Never represent yourself as a spokesperson for Anderson County Government unless authorized.

If Anderson County Government is a subject of the content you are creating, be clear and open about the fact that you are an associate and make it clear that your views do not represent those of Anderson County Government, fellow associates, members, customers, suppliers or people working on behalf of Anderson County Government.

If you do publish a blog or post online related to the work you do or subjects associated with Anderson County Government, make it clear that you are not speaking on behalf of Anderson

County Government. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of Anderson County Government”.

Using Social Media at Work

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your manager or consistent with the County Equipment Policy. Do not use Anderson County Government email addresses to register on social networks, blogs or other online tools utilized for personal use. Additionally, if you access your social media using Anderson County Government equipment, your account may be subject to monitoring without notice or prior consent.

Retaliation is Prohibited

Anderson County Government prohibits taking negative action against any associate for reporting a possible deviation from this policy or for cooperating in a review. Any associate who retaliates against another associate for reporting a possible deviation from this policy or for cooperating in a review will be subject to disciplinary action, up to and including termination.

If you have questions or need further guidance, please contact your Human Resource and Risk Management Department.

4.14 Use of Computer Software

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

4.15 Smoking Policy

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

4.16 Substance Abuse Policy

Anderson County Government is committed to providing a safe work environment and to fostering well-being and health of its employees and Elected Officials.

That commitment is jeopardized when any Anderson County employee illegally uses drugs on or off the job, comes to work under their influence, possesses, distributes, or sells drugs in the workplace, or abuses alcohol on the job,

Therefore, Anderson County has established the following policy, pursuant to T.C.A. §§ 50-9-100 *et. Seq.*:

- It is a violation of County policy for any employee or Elected Official to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job.
- It is a violation of County policy for any employee or Elected Official to report to work under the influence of, or while possessing in his or her body, blood or urine, illegal drugs in any detectable amount.
- It is a violation of County policy for any employee or Elected Official to report to work under the influence of, or impaired by alcohol during work hours.
- It is a violation of County policy for any employee or Elected Official to use prescription drugs illegally, i.e., to use prescription drugs that have not been legally obtained, or in a manner, or for a purpose other than is prescribed. However, nothing in this policy precludes the appropriate use of legally prescribed medication.
- Violations of this policy are subject to disciplinary action up to and including termination.
- It is the responsibility of the County's supervisors to counsel employees whenever they see changes in performance or behavior that suggest an employee has a drug problem. Although it is not the supervisor's job to diagnose personal problems, the supervisor should encourage such employees to seek help and advise them about available resources for getting help. Everyone shares responsibility for maintaining a safe work environment, and co-workers should encourage anyone who has a drug problem to seek help.

The goal of this policy is to balance our respect for the employees' constitutional rights with the need to maintain a safe, productive, and drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs and the abuse of alcohol are incompatible with employment at Anderson County.

The County offers an Employee Assistance Program (EAP) benefit for employees and their dependents. The EAP provides confidential assessment, referral and short-term counseling for employees who need or request it. If an EAP refers to a treatment provider outside the EAP network, cost may be covered by the employee's medical insurance, but the cost of such outside services are ultimately the employee's responsibilities.

Confidentiality is assured. NO information regarding the nature of the personnel problem will be made available to supervisors or any other Anderson County employee, nor will it be included in the permanent personnel file.

Participation in the EAP will not affect an employee's career advancement or employment, nor will it protect an employee from disciplinary action if substandard job performance continues. The EAP is a process used in conjunction with discipline, not a substitute for discipline.

The EAP can be accessed by an employee through self-referral or through referral by a supervisor. Human Resources and Risk Management Department will distribute information about the EAP to employees for their confidential use.

General Procedures

Any employee reporting to work visibly impaired will be deemed unable to perform required duties and will not be allowed to work. If possible the employee's supervisor will first seek another supervisor's opinion to confirm the employee's status.

Next, the supervisor will consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. If, in the opinion of the supervisor, the employee is considered impaired, the Human Resources and Risk Management Director should be contacted and the employee will be sent home or to a medical facility by taxi or other safe transportation alternative, dependent on the determination of the observed impairment and accompanied by the supervisors or another employee. If necessary, a drug or alcohol test may be in order. An impaired employee will not be allowed to drive.

Employees or applicants shall only be subjected to drug and alcohol testing based on articulable manifestations constituting reasonable suspicion of drug or alcohol use on the job, or random and pre-employment drug testing protocol for safety sensitive positions, or a search warrant based on probable cause.

Opportunity to Contest or Explain Test Results

Employees and job applicants for safety sensitive positions who have a positive confirmed drug or alcohol test result may explain or contest the result to the medical review officers within five (5) working days after receiving written notification of the test result from the medical review officer. If an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the County. Any employee or applicant may contest the drug test result pursuant to rules adopted by the Tennessee Department of Labor.

Confidentiality

The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained, except as otherwise provided by law.

Job Application Drug Testing

All job applicants for safety sensitive positions at Anderson County will undergo testing for substance abuse as a condition of employment. Any applicant with a confirmed positive test result will be denied employment. Safety Sensitive positions are those employees who perform job duties fraught with such risks of injury to others that even a momentary lapse of attention can have a disastrous consequence, such as, but not limited to employees, driving emergency

vehicles or heavy equipment, carrying firearms or other weapons, employees using machinery that require constant attention, or testing required by law.

Applicant(s) will be required to submit to urinalysis testing at a laboratory chosen by Anderson County, and by signing a consent agreement will release Anderson County from liability.

If the physician, official, or lab personnel have reasonable suspicion to believe that the job applicant has tampered with the specimen, the applicant will not be considered for employment.

Anderson County will not discriminate against applicants for employment because of a past history of drug or alcohol abuse. It is the current illegal use of drugs and/or abuse of alcohol that prevent employees from performing their jobs properly and Anderson County will not tolerate such behavior.

Employee Drug Testing

Anderson County has adopted testing practices to identify employees who use illegal drugs on or off the job, or who abuse alcohol on the job. It shall be a condition of employment for all safety sensitive employees to submit to substance abuse testing under the following circumstances:

- When there is reasonable suspicion of impairment has been observed. "Reasonable suspicion" is based on a belief that an employee is using or has used drugs or alcohol in violation of the employer's policy drawn from specific objective manifestations of impairment and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based on, but not limited to, the following:
 - Observable phenomena while at work such as direct observation of substance abuse or the physical symptoms or manifestations of being impaired due to substance abuse;
 - Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
 - A report of substance abuse provided by a reliable and credible source;
 - Evidence that an individual has tampered with any substance abuse test during his or her employment with the County;
 - Information that an employee has caused or contributed to an accident while at work while under the influence of drugs or alcohol; or
 - Evidence that an employee has used, possessed, sold, solicited or transferred drugs while working, or while on the employer's premises, or while operating the employer's vehicle, machinery or equipment.
- When reasonable suspicion of impairment has been observed and the employee has caused or contributed to an on-the-job injury that resulted in a loss of work-time, which

means any period of time during which an employee stops performing the normal duties of employment and leaves the place of employment to seek care from a licensed medical provider. An employer may send employees for a substance abuse test if they are involved in on-the-job accidents where personal injury or damage to County property occurs, but only if reasonable suspicion is observed.

- As part of a follow-up program to treatment for drug abuse and upon consent of employee or additional reasonable suspicion has been observed.
- Routine fitness-for-duty drug or alcohol testing for safety sensitive positions. A covered employer must require an employee to submit to a drug or alcohol test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination where the examinations are required by law, regulation, or part of the covered employer's established policy, or one that is scheduled randomly for all members of an employment classification group identified as safety sensitive.

Alcohol Testing

The consumption of alcoholic beverages on Anderson County's premises is prohibited. An employee whose normal faculties are impaired due to alcoholic beverages, or whose blood alcohol level test at any detectable amount, while on duty shall be guilty of misconduct, and shall be subject to discipline up to and including termination.

Refusal to Submit

Failure to submit to a required substance abuse test also is misconduct and also shall be subject to discipline up to and including termination.

Important Information for Job Applicants and Employees

When an employee or job applicant for safety sensitive positions submits to a drug and/or alcohol test, they will be given a form by the specimen collector that contains a list of common medication and substances which may alter or affect the outcome of a drug or alcohol test.

This form will also have a space for the donor to provide any information that he/she considers relevant to the test, including the identification of currently or recently used prescription or non-prescription medication or other relevant information. A copy of the information form should be kept by the job applicant or employee for their personal use.

If the job applicant or employee has a positive confirmed test result, a medical review officer will attempt to contact the individual in order to privately discuss the findings with that person.

It is the responsibility of every employee or job applicant to notify the testing laboratory of any administrative or civil action brought pursuant to TCA §§ 50-9-100 *et. seq.*, Drug-Free Workplace Programs.

The provisions of this policy are subject to any applicable collective bargaining agreement or contract and include the right of appeal to the applicable court.

Substance abuse testing for job applicants and employees who apply for safety sensitive positions will include a urinalysis screen for the following drugs:

- Any controlled substance not medically prescribed to the applicant or employee.
- Any “Alcoholic Beverage”, all liquid medication containing ethyl alcohol (ethanol). Please read the label for content. For example; Vicks Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contac Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).
- Amphetamines: “Speed, “uppers”, etc.
- Cannabinoids: THC, marijuana, hashish, “pot”, “grass”, “hash”, etc.
- Cocaine: “coke”, “crack”, etc.

- Phencyclidine: PCP.
- Opiates: Narcotics, Heroin, Codeine, Morphine.
- Benzodiazepines.
- Methamphetamines.

**An employer must test for these substances in order to be certified. The Rules & Guidelines of the Drug-Free Workplace Program do not prohibit an employer from testing for a broader range of substances.*

4.17 Complaint Procedure

Anderson County Government will courteously treat any person who invokes this complaint procedure and will handle all complaints swiftly and confidentially to the extent possible in light of the need to take appropriate corrective action. Lodging a valid complaint will in no way be used against the employee or have an adverse impact on the individual’s employment status. Because of the damaging nature of harassment to the victims and to the entire workforce, aggrieved employees are strongly urged to use this procedure. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation. All employees are responsible to help assure that we avoid harassment in the workplace. If you feel that you have witnessed harassment, you are to immediately notify the supervisor, manager, department head, elected official or the Director of Human Resources and Risk Management Department.

Formal/Informal Complaint

A complaint is defined as a statement by an employee about a problem or situation which concerns the employee and which the employee wishes to bring to the attention of the County. There are two types of complaints that can be used as a tool to ensure a proper outcome:

- Informal Complaint - Informal complaints may be submitted orally or written and may be presented to the employee’s supervisor, manager, department head, Elected official or

the Director of Human Resources and Risk Management Department. The County may respond to an informal complaint within ten (10) working days of being received. The objective of any complaint procedure is to be thorough while maintaining confidentiality.

- **Formal Complaint** - Formal complaints must be submitted in writing, signed, and dated to the employee's supervisor, manager, Department Head, Elected Official, or the Director of Human Resources and Risk Management Department. The formal complaint procedure can be found below.

Complaints concerning allegations of criminal conduct will be referred to the proper law enforcement authority or District Attorney General's Office for review. Normal time limitations embodied in this handbook for notifications and responses to allegations and complaints will not apply to cases involving criminal conduct or referrals to third-party investigators.

Anderson County's goal is to remain within the timeline set forth throughout; though, the goal is to conduct the review discretely while compiling all-inclusive data to ensure the procedure remains confidential and conclusive.

When formal/informal complaints relate to an isolated event, and is not an ongoing situation, the employee must bring the matter to the attention of the County within 30 days of its occurrence. If such a complaint remains unresolved ten days after it is submitted, the employee may proceed with filing a formal grievance, as set forth below. The employee has a maximum of 60 days from the date of the event, or adverse decision, (whichever is later), to file a formal complaint. Failure to follow this timeframe may result in the grievance being rejected. However, complaints may be accepted when it is determined timeliness was clearly beyond the control of the employee.

Complaint Process 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 and Risk Management 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 must be documented 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 Resource and Risk Management Director. Supervisors and appointing authorities are required to take reasonable steps to protect the complainant, including, but not limited to, separation of employees involved.

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

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

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

Confidentiality

To the extent permitted by law, Anderson County Government will maintain the confidentiality of each party involved in an 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, Anderson County Government cannot guarantee confidentiality.

The employee assistance program (EAP) provides confidential counseling services to Anderson County employees. Individuals wishing to discuss an incident confidentially or seeking information and advice of a personal nature are encouraged to contact the EAP. The role of the EAP in such cases will be limited to personal counseling and treatment for the person who is then an EAP client. Contacting the EAP will not qualify as notification to Anderson County Government of a potential harassment or discrimination issue (see below complaint procedure for more on how to notify the County of an issue or complaint).

During the complaint procedure, the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complaining person will be protected to as great a degree as is legally possible. The expressed wishes of the complaining person for confidentiality will be considered in the context of the County's legal obligation to act on the charge and the right of the charged party to obtain information. In most cases, however, confidentiality will be strictly maintained by the County and those involved in the investigation. In addition, any notes or documents written by or received by the person(s) conducting the review will be kept confidential to the extent possible and in accordance with any existing state or federal law.

Informal Complaint Procedure

The person complained against, known as the respondent, will be notified that an allegation has been made against them and informed of the review procedure.

Review

Reviews of alleged abusive conduct shall be conducted as soon as practicable and in accordance with the policies and practices of Anderson County Government. The objective of the review 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 review will be conducted thoroughly, objectively, with sensitivity, and with due respect for all parties. The reviewer will provide a copy of the investigative report to the appointing authority for further action. All affected parties will be informed of the findings.

Formal Complaint Procedure

Anderson County Government has established the following procedure for lodging a formal complaint of alleged harassment, discrimination, violence, or retaliation of Anderson County Policy violations. The County will treat all aspects of the procedure confidentially to the extent reasonably possible.

- An individual who feels harassed, discriminated, or retaliated against may initiate the complaint procedure by filing a complaint in writing with Anderson County Government's Human Resources and Risk Management (HR) Director. No formal action will be taken against any person under this policy unless HR has received a written and signed complaint containing sufficient details to determine if the policy may have been violated. The complainant (the employee making the complaint) may obtain the complaint form from the Human Resources and Risk Management Department. If a supervisor or manager becomes aware that harassment or discrimination is occurring, either from personal observation or as a result of an employee coming forward, the supervisor or manager should immediately report it to the HR Director.
- If an individual employee witnesses what is suspected to be harassment, he/she should also file a written complaint with the HR Director.
- Upon receiving a complaint or being advised by a supervisor or manager that a violation of policy may be occurring, the HR Director will notify the Elected Official or Department Head and review the complaint with the County's legal counsel.
- Within five (5) working days, when applicable, of receiving the complaint, the HR Director will notify the person(s) charged [hereafter referred to as "respondent(s)"] of a complaint; and
- Initiate the review to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.

- During the review, the HR Director, together with legal counsel or other management employees, will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.
- Within fifteen (15) working days, if possible, of the complaint being filed (or the matter being referred to the HR Director), the HR Director or other person conducting the review will conclude the review and submit a written report of his or her findings to the appropriate County representatives.
- If it is determined that harassment or discrimination in violation of this policy has occurred, the HR Director will recommend appropriate disciplinary action. The appropriate action will depend on the following factors: a) the severity, frequency and pervasiveness of the conduct; b) prior complaints made by the complainant; c) prior complaints made against the respondent; and d) the quality of the evidence (e.g., first-hand knowledge, credible corroboration).
- If the review is inconclusive or if it is determined that there has been no violation of policy, but potentially problematic conduct may have occurred, the HR Director may recommend appropriate preventive action.
- Within five (5) working days, if possible, after the review is concluded, the HR Director will meet with the complainant and the respondent separately, notify them of the findings of the review, and inform them of the action being recommended.
- The complainant and the respondent may submit statements to the HR Director challenging the factual basis of the findings. Any such statement must be submitted no later than five working days after the meeting with the HR Director in which the findings of the review are discussed.
- Within ten (10) working days, if possible, from the date the HR Director meets with the complainant and respondent, the County representatives involved will review the report and any statements submitted by the complainant or respondent, discuss results of the review with the HR Director and other management staff as may be appropriate, and decide what action, if any, will be taken. The HR Director will report the County's decision to the complainant, the respondent and the appropriate management assigned to the department(s) in which the complainant and the respondent work. The County's decision will be in writing and will include findings of fact and a statement for or against disciplinary action. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

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 Anderson County Government.

Any employee or Elected Official 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, or disciplinary action up to and including termination, or changes in job duties or location.

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

Any employees exhibiting continuing emotional or physical effects from the incident 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. Preventative measures may also be taken to reduce the reoccurrence of similar behavior or action.

Alternative Legal Remedies

Nothing in this policy may prevent the complainant or the respondent from pursuing formal legal remedies or resolution through local, state or federal agencies or the courts.

4.18 Promotions, Transfers and Reassignments

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

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

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

4.19 Suspensions and Demotions

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

4.20 Employment Termination/Resignation

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

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

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

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

4.21 Exit Interview

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

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

The Human Resources and Risk Management Department will meet with Elected Officials or Department Heads to provide information obtained at the exit interview in an effort to improve the departmental operations.

4.22 Solicitations and Distributions

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

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

5 COMPENSATION POLICIES

5.1 Job Classification

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

5.2 Base Compensation

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

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

5.3 Timekeeping Procedures

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

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

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

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

5.4 Overtime Pay

In accordance with the Fair Labor Standards Act, Anderson County generally grants nonexempt employees compensatory time off instead of payment for the time worked in excess of forty (40) hours in a workweek. Compensatory time will be granted at time and one-half for all time worked in excess of forty (40) hours.

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

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

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

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

5.5 Payroll and Paydays

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

6 EMPLOYEE BENEFITS

6.1 Benefits Summaries and Eligibility

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

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

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

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

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

6.2 Health Insurance and Dental Insurance

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

6.3 Identification Cards

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

6.4 Short Term Disability Insurance

Eligible employees are covered by Anderson County Government short-term disability plans after one hundred eighty (180) days of continuous full-time employment. This base benefit is paid in full by the County on your behalf. Short Term Disability insurance is designed to assist an employee with income should the employee become partially or totally disabled and be unable to perform the essential functions of his or her job. The summary plan descriptions explain short-term disability benefits.

6.5 Life, Accidental Death and Dismemberment Insurance

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

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

6.6 COBRA Notification

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

6.7 Insurance Deductions

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

If you miss a paycheck due to a work absence or unpaid time, you are responsible to contact Human Resources and Risk Management Department at 865-264-6300 to make payment arrangements. Insurance payments are due the 1st day of each month.

Benefit Coverage and Premiums During Leave (Including Workers' Compensation)

Health, pharmacy, vision and dental insurance benefits (core benefits), will continue at the level and under the conditions that coverage would have been provided if you had continued active employment. During any period of leave approved, the County shall continue to contribute the employer's portion toward the employee's core benefits. You will be eligible to continue these core benefit coverages provided you pay the related premiums equal to the employee contribution rates in effect at the time and any subsequent increase that may occur during the leave. During any period of leave approved, the County shall continue to cover the cost of your employer paid group term basic life insurance.

During any period of leave approved, you shall make arrangements with the Human Resources and Risk Management Department to pay the cost of other benefits for which you would ordinarily be responsible during any period of unpaid leave. Payment will be required in advance of the leave date or as soon as practicable after the start of the leave date and will cover the anticipated duration of the leave. The Human Resources and Risk Management Department shall terminate any benefits for which you have not made appropriate payment after such payment is past due for thirty (30) days. You shall be obligated to repay to Anderson County Government any insurance premiums which the County paid on your behalf.

All plan benefits are subject to vendor contractual language. Under no circumstances will Anderson County Government or its agents be held responsible for the vendor's implementation of certificate guidelines.

6.8 Annual Enrollment/Transfer Period

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

The Human Resources and Risk Management Department conducts Insurance Board of Trustees meetings along with open enrollment meetings for those needing assistance and information regarding the benefits. Additionally, plan year benefits and modifications are communicated via an Employee Benefit Guide. The Guide is made available prior to enrollment and uploaded on the County's employee portal for your convenience.

It is your responsibility to stay informed of benefit changes.

6.9 Workers' Compensation

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

If you should experience an on-the job injury or illness you are required to report the incident to your supervisor immediately, and complete a Workers Compensation Packet in its entirety and submit to the Human Resources and Risk Management Department within twenty-four (24) hours of the injury:

- Choose a physician from the panel of primary physicians provided to you by your supervisor,
- Keep all appointments with physicians as scheduled or notify the Human Resources and Risk Management Department to have the appointment rescheduled,
- Notify the Human Resources and Risk Management Department and your supervisor if the physician tells you not to return to work, to work with restrictions, and when he/she releases you to full duty.
- Give your supervisor a copy of Return to Work forms you receive from the physician.

If you require emergency medical treatment, you should use the emergency room at any local hospital. Notification to the Human Resources and Risk Management Department should be made immediately.

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

6.10 Retirement Plan

Anderson County Government participates in the Tennessee Consolidated Retirement System (TCRS). Membership to the retirement plan is mandatory for all full-time employees and the five percent (5%) employee contribution will begin after the six (6) month probation period. For those new hires who have prior TCRS membership, the TCRS probationary period will be waived and payroll deductions will start the following month after your date of hire. Anderson County Government contributes to the retirement fund for all eligible employees. TCRS information is available in the Human Resources and Risk Management Department or on the state website at <https://treasury.tn.gov/Retirement/Information-and-Resources/TCRS-Overview-and-Self-Service>

Effective fiscal year 2021, Anderson County part-time and full-time, regular employees will have the option to participate in the State of Tennessee's 401k and 457b. These optional retirement plans are available without County matching funds. The State's 401k and 457b information is available in the Human Resources and Risk Management Department or on the site website at <https://treasury.tn.gov/Retirement/Information-and-Resources/401-k-457-Investing>.

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

120 Day Contract Provision:

In accordance with T.C.A., Section 8-36-805, retired TCRS members can accept temporary employment without suspension of retirement benefits. The retired member must have been retired 60 days and cannot accrue additional retirement credits as a result of employment. Additionally, compensation cannot exceed 60% of the retiree's final year's salary plus 5% compounded annually since retirement. Disability retirees are subject to a disability earnings limitation in addition to these limits on the number of days worked and salary.

The department head must approve and TCRS paperwork must be provided to the State and filed with the Human Resources & Risk Management Department prior to start date.

7 TIME-OFF BENEFITS

7.1 Holiday Policy

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

- New Year's Day
- Martin Luther King's Birthday
- President's Day

- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving
- Christmas

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

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

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

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

Hours per Week	Holiday/Vacation Credit
40	8.00
39	7.75
38	7.50

37	7.50
36	7.25
35	7.00
34	6.75
33	6.50
32	6.50
31	6.25
30	6.00

7.2 Vacation Time

Time away from work allows you to pursue personal interest, relax and enjoy outside activities. Anderson County Government encourages employees to take their vacation days each year. Your annual vacation time is based upon the length of continuous service (employment) you have with the County as of your anniversary (hire) date of each year. An employee is not eligible to use vacation time until the employee has completed six (6) months of continuous service, at which time five (5) days of vacation will be available. The remaining five (5) days will be available on the employee's anniversary date. Vacation hours will be pro-rated from your anniversary date through June 30th. From that point forward, vacation hours will be applied on or around July 1st as a lump sum. The following schedule is based upon a 40 hour work week.

Employees who work less than forty (40) hours per week will have adjusted vacation leave (number of hours per week divided by five (5) days).

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

Vacation time may be accumulated and carried forward to the next year in an amount not to exceed one hundred sixty (160) hours. Any accumulated hours exceeding the one hundred sixty (160) hours limit will convert to sick time, for retirement purposes.

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

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

7.3 Sick Leave

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

Sick leave is considered a privilege and not a right. Full time employees will receive full pay for a work day, with the exception of EMS 24-hour shift employees who will receive pay based on a twelve hour day. Sick leave in the amount of twelve (12) work days per year is earned at the rate of one (1) work day per month. If an employee is in a paid status for one-half the month, he/she will be credited one day of sick leave for the month. Accumulated sick leave has no

value except for the purpose granted, and in the event of retirement, accumulated sick leave may be credited toward retirement provided this is permitted under the rules and regulations of the Tennessee Consolidated Retirement System. Otherwise, all unused sick leave shall be forfeited.

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

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

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

The Department of Labor regulations require an employee to be incapacitated for three (3) full consecutive days before the employee's health condition invokes the protection of Family Medical Leave. Absences more than three (3) days to care for a sick or injured member of the employee's family is considered a Family and Medical leave eligible event as well (refer to Section 7.7 Family and Medical Leave for more information).

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

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

Employees who have used all of their accumulated sick leave will not receive financial compensation for additional days of leave needed due to illness or injury. For any additional time needed, the employee will be considered on leave without pay status unless the employee has accumulated vacation time or compensatory leave time available, subject to supervisor's approval.

7.4 Bereavement Leave

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

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

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

7.5 Jury and Witness Duty

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

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

7.6 Military Reserves or National Guard Leaves of Absence

Regular, full-time employees who are members of any military reserve component, including the Tennessee Army and the Air National Guard, will be granted a leave of absence for all periods of military service during which they are engaged in the performance of duty or training for this state or for the United States of America under competent orders. While on leave, the employee will receive their regular compensation for a period not to exceed 30 working days or equivalent to 240 hours per calendar year, plus any additional days that may result from a call to active duty by the Governor pursuant to the explicit terms of Tenn. Code Ann. 58-1-106.

Such requested leave shall be supported with copies of the armed forces order and submission of verified attendance record signed by the commanding officer upon return to regular, full-time County employment.

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

Employees in military service shall be governed by the requirements of, and shall have all of the rights and benefits conferred upon such persons by state law found in T.C.A. Title 8, Chapter 33, and under USERRA, which is on file with the Human Resources and Risk Management and Risk Management Department.

Leave exceeding this limit may be charged to accrued annual leave, holidays, compensatory time, or the employee may elect to take leave without pay. Employees who elect to utilize leave must submit the request to their supervisor who then must communicate the leave with the Human Resources and Risk Management Department.

An employee required to report for military training shall show the appropriate orders to their supervisor. A Change of Status form shall be completed and forwarded, along with a copy of the employee's military orders, to the Human Resources and Risk Management Department. USERRA Section 4312 (c) / 20 CFR 1002.9-103 states reemployment rights are subject to cumulative length of service to not exceed five (5) years. Department Heads should communicate all employee military leave to the Human Resources and Risk Management Department to ensure required record keeping of cumulative military leave.

In accordance with Section 4317 (b) / 20 CFR 1002.168 of USERRA mandating regular, full-time employee's benefits be reinstated immediately upon reemployment, all returning military personnel must report to the Human Resources and Risk Management Department as soon as possible to complete benefit enrollment.

7.7 Family/Medical Leaves of Absence

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

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

Military Caregiver Leave

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

Leave Duration

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

For example:

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

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

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

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

Intermittent Leave

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

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

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

- For example, one who takes intermittent leave under this policy, who normally works a five (5) days a week schedule and who takes one day of leave under this policy will use one-fifth of one week of leave available. With this intermittent schedule, the employee

could take one day (one-fifth of a week) for up to fifty-two (52) weeks (or one year) to get the full twelve (12) weeks of FMLA.

- Under a reduced schedule for FMLA, if a full-time employee who regularly works five (5) days a week must take off one half of the workweek, one half week (or two and one half days) of leave under this Policy is used each week. Thus it could take the employee up to twenty-four (24) weeks to use the entire entitlement of FMLA.
- An exempt employee taking FMLA by the hour is not a violation of the employee's exempt status under the Fair Labor Standards Act.

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

Notification Procedure

You are responsible for notifying your immediate supervisor and the Human Resources and Risk Management Department, preferably in writing, that a leave of absence will be required. The Human Resource and Risk Management Department will provide you with the required forms as mandated by the Department of Labor (DOL). FML forms must be submitted to the Human Resources and Risk Management Department by you or your provider in accordance with Federal Guidelines, which is currently fifteen (15) days from the time you receive the required forms. If FML is approved, the Human Resources and Risk Management Department will notify you and your supervisor, as required by the DOL.

The Human Resources and Risk Management Department is responsible for compliance with this policy ensuring that all employees eligible for FMLA are granted time off in a non-discriminatory manner. The Human Resources and Risk Management Department is responsible for ensuring that you are provided with a written notice detailing the specific expectations and your obligations and explaining the consequences of a failure to meet these obligations. Medical certification is required for leave due to your own serious health condition or that of a family member **before** approving a request for Family or Medical leave or **before** an employee may return to work at the conclusion of a leave. All FML Forms must be submitted to the Human Resources and Risk Management Department to ensure the County remains compliant with Health Insurance Portability and Accountability Act (HIPPA) guidelines.

During FML, your immediate supervisor and/or the Human Resources and Risk Management Department may request you to report periodically (typically every two weeks) on the status of the situation and your intention to return to work. If the amount of leave that you need changes, you must notify the Human Resources and Risk Management Department within three (3) business days of the date you know of the change and circumstances. The Human Resources and Risk Management Department will provide the requirements of the requested extension and notify your supervisor of the change. You are responsible for remaining in contact with your supervisor during your absence.

Pay During Leave

All FMLA absences are unpaid. However, you shall first take any paid leave available under the provisions and limitations of Sick Leave; then exhaust any accrued compensatory time under the provisions of Compensatory Leave; then may choose to exhaust any paid Annual Leave available under the provisions of Annual Leave and then shall be in a leave without pay status

for the balance of the twelve (12) week leave period. Any sick and/or annual leave time taken will be regarded as part of FMLA leave.

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

Benefits Coverage and Premiums during Leave

Health, pharmacy, vision, and dental benefits (core benefits) will continue at the level and under the conditions that coverage would have been provided if you had continued active employment. During any period of leave approved, the County shall continue to contribute the employer's portion toward the employee's core benefits. You will be eligible to continue Group Insurance coverage provided you pay the related premiums equal to the employee contribution rates in effect at the time and any subsequent increase that may occur during the leave. During any period of leave approved, the County shall continue to cover the cost of your employer paid group term life insurance.

During any period of leave approved, you shall make arrangements with the Human Resources and Risk Management Department to pay the cost of other benefits for which you would ordinarily be responsible during any period of unpaid leave. Payment will be required in advance of the leave date or as soon as practicable after the start of the leave date and will cover the anticipated duration of the leave. The Human Resources and Risk Management Department shall terminate any benefits for which you have not made appropriate payment after such payment is past due for thirty (30) days. You shall be obligated to repay to Anderson County Government any insurance premiums which the County paid on your behalf, if you fail to return to Anderson County Government employment after an approved period of leave, and if you fail to return to work.

All plan benefits are subject to vendor contractual language. Under no circumstances will Anderson County Government or its agents be held responsible for the vendor's implementation of certificate guidelines.

Return to Work

It is your responsibility to timely respond to any inquiry concerning your intention to return to work and to advise the County, specifically the Human Resources and Risk Management Department, as soon as you know that you will not be returning to work.

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

certificate must be completed by the same health care provider that attended the illness that necessitated the FMLA absence.

Examples of situations where your right to reinstatement may be limited follow:

- If you fail to provide a required fitness-for-duty certificate;
- If you are unable to perform the essential functions of the job, with or without reasonable accommodation;
- If you fraudulently obtain FMLA Leave

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

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

The Department of Labor Notice of Rights can be found in Appendix 9.3. For additional information concerning FMLA, employees should consult with the Human Resources and Risk Management Department.

7.8 Voting Leave

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

Anderson County strongly encourages its employees to utilize the early voting period to lessen the burden of staffing shortages, or exercise their voting privileges during regularly scheduled off days; however, if necessary and previously approved by the employee's supervisor, any employee entitled to vote in an election in this state may be absent from work for a reasonable period of time, not to exceed three (3) hours, necessary to vote while the polls are open in the County where the employee resides. An employee who is absent from work to vote may not be subjected to any penalty or reduction in pay for such absence, if the employee complies with this policy.

If the shift of an employee begins three (3) or more hours after the opening of the polls or ends three (3) or more hours before the closing of the polls of the County where the employee is a resident, the employee may not take time off under this section.

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

To be eligible for voting leave, employees must:

- Have prior approval from their supervisor,
- Be registered to vote,
- Vote, and
- Be scheduled to work on Election Day during the hours of 7:00am and 7:00pm local time.

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

7.9 Maternity/Paternity Leave

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

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

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

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

7.10 Personal Leaves of Absence

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

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

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

While you might originally request a leave of absence for a period of three (3) months, it is possible that extensions may be granted. However, the total leave and extensions for any one cause cannot exceed one (1) year. You do not accrue sick and vacation leave while you are on an approved leave of absence.

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

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

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

7.11 Paid Personal Leave or Administrative Leave

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

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

It is the County's general policy to grant up to three (3) days of paid personal leave to its employees. This leave must be granted in advance. The privilege of personal leave is permissive only and may be restricted or eliminated when it is not convenient for the employee to take personal leave or where the employee takes excessive personal leave. Personal leave is earned at the rate of twenty-four (24) hours per year and is applied at the beginning of each fiscal year, July 1st. Personal leave will be prorated at two (2) hours per month from date of hire until June 30th for employees hired mid-year. Personal leave that is remaining at the end of the fiscal year will be converted to sick leave and accumulated on the records of the employee as sick leave.

8 ACKNOWLEDGMENT

I, _____ acknowledge that I have received a copy and/or link to the Anderson County Employee Handbook, and I do commit to read and follow these policies. Policies that have been discussed are as follows (but are not limited to):

(Check/Initial acknowledging that said policy was given to you)

_____ **Section 3 Employment Policies**

- 3.1 Equal Employment Opportunity & Grievance Procedures
- 3.3 Americans with Disabilities Act

_____ **Section 4 Standards of Conduct**

- 4.6 Harassment & Complaint Process
- 4.7 Violence in the Workplace & Enforcement
- 4.8 Bullying in the Workplace & Complaint Process
- 4.17 Complaint Process

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

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

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

Employee's Printed Name

Position

Employee's Signature

Date

9 APPENDICES

9.1 Employee Badge / Building Access System

1. PURPOSE:

- a. To help ensure the safety and security of the employees of Anderson County Courthouse, Jolley Building, General Sessions II and all satellite office locations, it is the policy of Anderson County Government that all employees, including volunteer employees, are required to visibly display their badge on their person while on Anderson County property. In addition, contractors and their employees may also be required to obtain a badge by the issuing official and display identification including their name and the company they work for. This Policy further establishes uniform procedures for employee badge policies regarding utilization, distribution, replacements and return and/or destroy upon termination.

2. ORGANIZATIONS AFFECTED

- a. All Anderson County Government Departments and Offices, as well as any persons providing on-going services to Anderson County Government.

3. DEFINITIONS

- a. **Anderson County Government Employee Badge:** A badge provided by the organization for the purpose of identifying those who are employed by Anderson County Government or provide on-going service to the County. The badge will contain the facial photo, name, ACG Department affiliation and select credentials of the wearer.
- b. **Access Control System:** The badge system in place is to provide a reasonably safe and secure environment for the Anderson County Courthouse, Jolley Building, General Sessions II and all satellite offices.
- c. **Issuing Official:** Elected Officials, Department Heads or their designees who are authorized to request issuance, door access deletion/addition, replacement or surrender of badge for their assigned locations only.
- d. **Badge Office:** A facility maintained by the Anderson County Sheriff Office with assistance from the Human Resources and Risk Management Department and/or IT Department, as approved by the ACSO, for the issuance and management of badges.
- e. **Official Capacity:** Includes any time while in Anderson County Government property working for or representing the County, including break periods.
- f. **Property:** Any property owned or leased by Anderson County Government.

4. PROCEDURE:

- a. Select employees and other persons formally associated with or acting on behalf of Anderson County Government that perform activities on the property, will be issued an official Anderson County Government employee identification badge. The badge will be issued by an Issuing Official, and must be worn prominently on the outer clothing between shoulder and waist with the photo side out when an employee is in an official capacity.
- b. It is the responsibility of the Issuing Official to ensure that every individual required to possess a badge obtains it the first day they begin work at Anderson County Government. To obtain a badge, the Issuing Official must complete the required badge form.
- c. Multiple Locations: If an employee must have access to multiple locations due to the nature of their position, each Department Head must approve the Multi-Location Employee Badge form via signature as the Issuing Official, authorizing access to their individual department.
- d. Use of Identification Badge will:
 - i. Provide reliable and controlled identification.
 - ii. Provide a cost-efficient and controlled method of obtaining access to certain areas of the property.
 - iii. Confirm to other members of the workforce the authorized presence of a person.
- e. The face of the badge will contain the following:
 - i. Name (first, middle initial, last). If space for the full name is insufficient, the first name may be reduced to an initial. Hyphenated last names will be allowed. *Security Exception:* If an individual feels the appearance of their full name on the badge may present a significant personal threat, they can petition for an exception to the policy. To do so, the individual should submit a request to the Department Head stating the reason for the request. The Department Head will evaluate and approve or disapprove the request. If approved, the Department Head will file a request with the Badge Office to issue a replacement badge. At a minimum, the replacement badge will bear the possessor's last name and office on the front.
 - ii. Photograph – a full-face color image with exceptions for ACCSO personnel and any others deemed necessary by the Issuing Official who require no photo for their own security.
 - iii. Credentials – a maximum of nine (9) alpha character may appear on a separate line.
 - iv. Department – the responsible department or organization issuing the badge.

- v. Anderson County Seal – the County seal along with Anderson County Government will appear on the badge.
- f. The official badge may not be defaced, pierced or visually obstructed in any manner. Stickers, pins or other items affixed to the badge will impair its purpose and performance.
- g. The badge will be used solely by the person authorized by the Issuing Official, and under no instances will it be transferred to another individual. If an employee is found to allow others to utilize their badge in any capacity, they may face disciplinary actions up to termination.
- h. Employees will only be authorized to be issued on badge.
- i. Lost, damaged or stolen badges must be reported immediately to the issuing department and to the Badge Office. Failure to do so may result in disciplinary action, due to the possibility of unauthorized usage and/or access to government offices. A replacement badge will be provided when:
 - i. Person's name changes (supporting documentation required);
 - ii. The badge breaks (old badge turned in);
 - iii. Badge is lost or misplaced (subject to applicable fee).
- j. The badge will be maintained until the relationship with Anderson County Government has been terminated, or upon demand of the employee's supervisor or department head. If an employee terminates employment or transfers from one department to another, it is the responsibility of the Issuing Official in the department which the employee is leaving to obtain the badge from the employee and submit the change to the Badge Office for destruction. In the case of a transfer, it is the responsibility of the Issuing Official in the employee's new department to ensure that the employee is issued a new badge with appropriate department listed. Upon termination of employment, the Badge Office will suspend the badge in the system immediately allowing the buildings and staff to remain secure.
- k. Issuing Officials are responsible for establishing their office procedure that assures adherence to all guidelines contained in this policy. Disciplinary action is strongly recommended to be taken if an employee chooses not to abide by the Policy.

5. BADGE TO SERVE AS KEY CARD

- a. There will be a series of badge readers throughout the Anderson County Courthouse, Jolley Building and various satellite locations. The employee badges will serve as keys to access certain areas, as well as the courthouse after hours. Courthouse doors will automatically lock and unlock during designated times.

- b. To ensure that the building will be unlocked for certain meetings after hours, the individual responsible for the meeting must submit in writing/email the request to the designated person(s) at the Anderson County Sheriff's Office.
- c. The badge DOES NOT have the ability to lock any interior office doors. The assigned badge only has the ability to serve as a way to gain entry while tracking the entries for security purposes. You must physically lock the interior doors, as they DO NOT have strikes on them.
- d. Elected Official and Department Heads will have the authority to request reports for their assigned locations/offices/doors only. Reports will be supplied within seven (7) days of the request.

6. ACCESS CONTROL SYSTEM

- a. It is the responsibility of the Anderson County Sheriff's Office as the Badge Office to monitor the function, proper operation, individual programming and issuance of badges for the access control system. Additionally, the IT Director and the Human Resources and Risk Management Department may be called upon to assist with the programming and issues with the access control system.
- b. Issuing Officials will be responsible for authorizing the level of access each employee has to their specific department.
- c. Elected Officials, Department Heads/Managers, etc. will orient individuals on the specific procedures for entering and exiting the department to ensure their staff remain in compliance with this policy as well as each departments' procedures.
- d. In the event of an emergency, two temporary access badges will be maintained in the Sheriff's Office Dispatch and must be logged out by the temporary user(s). These badges will only be used in situations such as a bomb threat or medical emergencies.
- e. The temporary access badges will be a different color then the standard "white" issued cards.

9.2 Receipt of Anderson County Government Badge Policy

As indicated by my signature below, I hereby acknowledge receipt of a copy of the Employee Badge Policy. I further acknowledge that I will read the Policy and any questions which I have will be addressed to my Supervisor, Human Resources and Risk Management Department and/or the Anderson County Sheriff's Office.

Employee's Printed Name

Position

Employee's Signature

Date

9.3 Code of Ethics – Anderson County Government

Section 1. Definitions.

- (1) “County” means Anderson County Tennessee, which shall include all boards, committees, commissions, authorities, corporations, or any other instrumentalities of Anderson County Government appointed or created by the County, or an official of the County, and including the County School Board, the County Election Commission, the County Health Department, and Utility Districts of the County.
- (2) “Official and employee” means and includes any Anderson County official, singular or plural, whether elected or appointed, officer, employee, or any member of any board, agency, commission, authority or corporation (whether compensated or not) or any person employed or appointed by Anderson County.
- (3) “Personal interest” means, for the purpose of disclosure of personal interests in accordance with this Code of Ethics, a financial interest of the official or employee, or a financial interest of the official’s or employee’s spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, decided or otherwise acted upon in an official capacity.

Section 2. Disclosure of Personal Interest in Voting Matters.

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

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

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

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

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

- (1) For the performance of an act, or refraining from performance from an act, that he or she would be expected to perform or refrain from performing in the regular course of his or her County duties; or
- (2) That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing County business.

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

Nothing contained within this policy shall prevent employees from obtaining secondary employment for off-duty time, provided that such employment is approved by the supervising department director or elected official.

Section 5. County Ethics Commission.

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

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

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

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

The Commission shall convene as soon as practical after their appointment and elect a Chair and Secretary. All meetings, with the exception of executive sessions, shall be open to the public and publicly

noticed in a newspaper of general circulation in the County for at least one time no less than five (5) days prior to the meeting. The Ethics Commission Secretary shall prepare an agenda for each meeting subject to approval by the Commission Chair. All meeting notices, agendas and supporting materials shall be mailed or hand-delivered to members no less than five (5) days prior to the scheduled meeting.

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

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

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

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

Section 6. Complaints.

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

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

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

Section 7. Ombudsman.

The County Law Director shall serve in the position of Ombudsman and shall receive and investigate all complaints regarding violations of this Code of Ethics. The Ombudsman shall make an initial inquiry to determine if the act complained of lies within the original jurisdiction of this Code and Commission, as defined herein. If the Ombudsman determines that jurisdiction is vested with the Commission then the alleged violation will be investigated and referred to the Commission for further action. The Ombudsman is charged with presenting evidence and prosecuting cases brought before the Commission for a requested

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hearing. The Ombudsman shall cause reasonable notice to be given to the affected official or supervising department head when an ethics complaint is received. All ethical violations defined herein will be referred to the Commission.

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

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

Section 8. Enforcement Options.

Prior to making a decision on any available enforcement options the Ethics Commission may, by majority vote, request a hearing to receive additional information regarding any ethics complaint noticed to the Commission by the Ombudsman. When Ethics Commission hearings are conducted the accused employee or official shall have the right to be represented by counsel, appear and be heard before the Commission and present all relevant evidence in support or defense of their alleged conduct. Accused employees or officials shall be notified by certified mail of the hearing date no less than five (5) days prior to the hearing. Continuances shall be granted for good cause only. Continuance requests shall be in writing and directed to the Commission Chair for decision.

The Commission may, upon majority vote:

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

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

violation of a personnel policy or civil service policy, the violation shall be dealt with as a violation of the personnel or civil service policy provisions rather than a violation of this policy.

Section 9. Applicable State Laws.

In addition to the ethical principles set out in this Code, state law also provides a framework for the ethical behavior of County officials and employees in the performance of their duties. Officials and employees should familiarize themselves with state laws applicable to their office, position and the performance of their duties. To the extent that an issue is addressed by state law, (law of general application, public law of local application, local option law, or private act), the provisions of state law, to the extent they are more restrictive, shall control. The following is a brief nonexclusive survey of selected state laws concerning ethics in County government. For the full text of these statutes see the identified Tennessee Code Annotated (T.C.A.) sections.

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

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

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

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

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

Conflict of Interest – T.C.A. §5-21-121 is part of the County Financial Management System of 1981, lawfully adopted and in effect in Anderson County. It prohibits the director, purchasing agent, members the committee, members of the county legislative body, or other officials, employees, or members of the board of education or highway commission from being financially interested or have any personal interest, either directly or indirectly, in the purchase of any supplies, materials or equipment for the county.

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

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

Gifts – T.C.A. § 5-21-121 provides that no firm, corporation, partnership, association or individual furnishing any such supplies, materials or equipment, shall give or offer not shall the director or purchasing agent or any assistant or employee accept or receive directly or indirectly from any person, firm, corporation, partnership 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

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

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

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

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

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

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

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

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

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

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

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

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

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

9.4 Notice of Rights (FMLA)

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

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

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

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

***The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

Benefits and Protections

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

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

Eligibility Requirements

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

***Special hours of service eligibility requirements apply to airline flight crew employees.**

Definition of Serious Health Condition

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

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

a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

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

Substitution of Paid Leave for Unpaid Leave

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

Employee Responsibilities

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

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

Employer Responsibilities

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

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

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

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

Enforcement

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

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

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

