



# Fayette County Government

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Jim Voss / County Mayor

TO: FAYETTE COUNTY COMMISSIONERS  
FROM: ANN WILLIAMS  
DATE: MARCH 16, 1999  
RE: COUNTY COMMISSION MEETING AGENDA

~~Attached are the minutes for the February 23<sup>rd</sup>, 1999, County Commission meeting that will be voted on at the next regular meeting.~~

Also attached are corrected minutes of the December 23, 1997 meeting. Somehow portions of personnel policies were deleted and in one instance, a portion of the Sheriff's personnel policy was substituted for the Mayor's personnel policy.

*Minutes  
as corrected*

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COUNTY COMMISSION MINUTES OF DECEMBER 23, 1997  
ADDITIONS/DELETIONS

**FILE COPY**

- Page 700 Third paragraph – Taken from tape of actual meeting.
- Page 702 “Page 5” removed at top of page.
- Page 703 Section d. – Added rest of section d.
- Page 705 “a. Continued” removed between first and second paragraph.
- Page 706 “Page 10” removed at top of page.
- Page 711 “Page 16” removed at top of page.
- Page 713 Personnel Policy for Sheriff’s Department in minutes twice—this should  
thru Page 724 have been Mayor’s policy.
- Second  
Page 713 Second copy of Sheriff’s Personnel Policy.  
Thru Page 724
- Page 728 7.1.5—part of paragraph left off, added missing part.
- Page 729 Under 7.3 Personnel Records, second paragraph; four lines left off, added  
missing part.
- Page 732 Under 7.5.6.1 – Definitions  
3. Five lines left off, missing part added  
4. This section left off, missing part added.
- Page 741 7.6.1.2 Military Leave  
First paragraph, three lines added  
Second paragraph added
- Page 756 “Page 7” removed at top of page.
- Page 768 Section VIII and Section X reversed in order.
- Pages 770 Copy of Sheriff’s Personnel Policy—deleted  
Thru Page 781

\* Corrected +  
Approved at  
March 23, 1999 CC Meeting

**FILE COPY**

*\* Revised \**  
**COUNTY LEGISLATIVE BODY**  
December 23, 1997

**BE IT REMEMBERED** That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 23rd day of December, 1997.

Present and presiding the Honorable Jim Voss, also present, Dell T. Graham, County Clerk and the following County Commissioners: John W. Arnett, Charles D. Brewer, Sr., Odis Cox, Robert L. Crawford, Thomas H. Fowler, Willie L. German, Jr., Ronald R. Harris, William Hayslett, David Kelley, Alonzo Morman, Sr., David Morris, Claude D. Oglesby, Jr., Hollis O. Robison, J. M. Sullivan, Jr., Rhea "Skip" Taylor, Wayne Thomas, Gordon Tomlin, Myles Wilson and Allen Yancey, Jr.

With all members being present, the following proceedings were had and entered of record, to-wit:

Motion was made by Commissioner Kelley, seconded by Commissioner Sullivan, and unanimously carried by the Board approving the minutes of the November 1997 meeting.

The matter now before the Board was an Amendment to the Zoning Ordinance presented by Tod Williams as recommended by the Planning Commission and County Development Committee. The floor was opened to the public for comments in favor of or in opposition to the amendment. With no comments being offered, the floor was declared closed.

Motion was then made by Commissioner Sullivan, seconded by Commissioner Robison and unanimously carried by the Board adopting the following Resolution:

**RESOLUTION OF AMENDMENT  
OF THE  
FAYETTE COUNTY ZONING RESOLUTION**

WHEREAS, Tennessee Code Annotated Section 13-7-105 empowers a county legislative body to amend any provision of a zoning ordinance following the amendment's submission for approval, disapproval or suggestions to the regional planning commission of the region in which the territory covered by the ordinance is located and following a public hearing the time and place of which is published in a newspaper of general circulation in the county; and

WHEREAS, Article IV, Section 3, of the Fayette County Zoning Resolution additionally requires a public hearing by the regional planning commission the time and place of which together with the amendment's content shall be advertised by at least one (1) publication in a newspaper of general circulation in Fayette County at least five (5) days in advance of the hearing by the planning commission and at least fifteen (15) days in advance of the hearing by the county commission; and

WHEREAS, notice of such hearings and the amendment's content was published in the Fayette County Review on November 26, 1997; and

WHEREAS, the Fayette County Regional Planning Commission at its regular monthly meeting held at the Fayette County Courthouse in Somerville, Tennessee, on December 2, 1997, following a public hearing; reviewed and recommended approved of said amendment by the Fayette County Commission; and

WHEREAS, the County Legislative Body and/or the Board of Commissioners of Fayette County, Tennessee, in regular session assembled at the Fayette County Courthouse on this 23rd day of December, 1997, have held a public hearing on the proposed amendment.

NOW, THEREFORE, BE IT RESOLVED, by the County Legislative Body and/or the Board of Commissioners of Fayette County, Tennessee, in regular session assembled at the Fayette County Courthouse on this 23rd day of December, 1997;

THAT ARTICLE VII OF THE ZONING RESOLUTION OF FAYETTE COUNTY, TENNESSEE, BE AMENDED AS FOLLOWS:

- A. Under Article VII - "Provisions for Land Use Districts," Sections 1.1 and 1.2.2 be amended as follows:
  - (1) Section 1.1 be deleted and replaced with "Permitted Uses: Forestry and agriculture; Churches; Private nonprofit schools; Public and semipublic uses."
  - (2) Section 1.2.2 be deleted and replaced with "For churches - One (1) acre."
- B. Under Section 5.1.1 "Permitted Uses" of Article VII - "Provisions for Land Use Districts," add to the present listing the permitted use "Cemeteries."
- C. Under Section 5.1.2 "Site Suitability Standards," of Article VII - "Provisions for Land Districts," add the following 2 new sections:
  - (1) Section 5.1.2.2.5 that would read "For Cemeteries - one acre; for expansion of an existing cemetery property - None.
  - (2) Section 5.1.2.3.5 that would read "For Cemeteries - 50 feet; for a cemetery abutting an affiliated church or cemetery property that has 50 feet of public road frontage - None.

This amendment shall become effective the day following its adoption, the public welfare requiring it.

Tod Williams then presented the rezoning request of Bruce Upchurch for Bruce Upchurch Homes, Inc. for property located in Civil District 7 be rezoned from R - 1 to R - 3 to be subdivided. Chairman Voss then opened the floor to the public for comments in favor of or in opposition to the rezoning. With no comments being offered, floor was closed.

Motion was then made by Commissioner Kelley, seconded by Commissioner Morris, and unanimously carried by the Board adopting the following Resolution:

The part of the property conveyed to Michael L. Reynolds and wife, Judith Reynolds by Warranty Deed in Deed Book 342, Page 530 in the REGisters Office of Fayette County, Tennessee, being the same property conveyed to L. E. Dickey and wife Katherine E. Dickey by Deed of Record in Book 106, Page 154 in said Register'f Office and being more particularly described as follows:

Beginning at the centerline of Donelson Road, said point being the southwesterly corner of the Hoertel 12.54 acre tract (Bk 315 Pa 916); thence westwardly along said centerline of Donelson Road N 86° 47' 18" W a distance of 582.21 feet; thence S 72° 50' 32" W a distance of 95.97 feet; thence S 60° 31' 30" W a distance of 91.03 feet; thence S 54° 10' 08" W a distance of 41.62 feet; thence N 05° 08' 35" E a distance of 1781.15 feet to a point in the southerly line of A. Hodge 162.8 acre tract (Bk. 110, Pg.22); thence N 89° 40' 32" E along said line a distance of 561.82 feet to a point being an external corner of the Luck 133 acre tract (Bk. 411, Pg. 425) tehcne S 85° 41' 17" E, along said line a distance of 173.74 feet to a point being an internal corner of said Luck's 133 acre tract; thence S 00° 24' 25" W along Luck's westerly line a distance of 1176.24 feet to a point being the northwesterly corner of said Hoertel's 12.54 acre tract; thence S 10° 46' 29" W along said line a distance of 525.82 feet to the point of beginning. Containing 30.67 acres.

Motion was then made by Commissioner Morris, seconded by Commissioner Arnett, and unanimously carried by the Board appointing the following as Notaries Public: District 1: L. G. Barker, Sr., Annie Woods; District 8: Gloria A. Kelley, Veronica Presley, T. W. Tomlin.

Reports were called for from the Board of Public Works and Board of Education, but none available.

Commissioner Sullivan presented the recommendation of the County Development Committee and moved for the acceptance of Woodsedge Subdivision Phase III, Willow Glyn Cove, Grand Branches Drive and Woodsedge Drive as County Public Roads. Motion was seconded by Commissioner Hayslett and unanimously carried by the Board making said acceptance.

Having been reviewed by the County Development Committee and presented with their recommendation, motion was made by Commissioner Sullivan seconded by Commissioner Brewer and unanimously carried by the Board to allow Ed Reddick with Fayette Ware High School to use the Spec Building north of Somerville for inside track on a temporary basis.

Report from the Education Committee was called for, but none available.

Commissioner Tomlin reported for the Health & Welfare Committee and presented their recommendation and moved that the name of Dr. John Morris be shown on the sign for the new Fayette County Health Department. Motion was seconded by Commissioner Fowler and unanimously carried by the Board.

Reports were called for from the Criminal Justice & Public Safety Committee, but none presented.

Commissioner Brewer said the Personnel Committee reviewed the policies and we found out that they were in order, and our County Attorney had reviewed them and we recommend passage of them, and I so move. All the offices in the County have submitted personnel policies and they have been reviewed by Mr. Tomlin. They are basically the same. There is one that is Mr. Kee's that Mr. Tomlin has some questions about. I was instructed to go ahead and it is not necessary to approve Mr. Kee's, just simply to acknowledge that it has been submitted and that it has been reviewed by the County Attorney and Mr. Tomlin has some questions about it and Mr. Tomlin will resolve those questions as a later date. We do have a motion that these be approved. Seconded by Commissioner Morris and unanimously carried by the Board.

#### **Employment At Will**

No policy, benefit, or procedure contained herein creates an employment contract for any period of time. All employees will be considered employment-at-will. Employees may be terminated for failure to satisfactorily perform their duties or simply at the will of the employer, but they shall not be terminated for a discriminatory or illegal purpose.

There will be a six (6) month probation period for all new employees. During this time everyone will be closely supervised in order to become familiar with duties and responsibilities.

There will be a performance evaluation each year for every employee. Employees will be evaluated on attitudes toward work and co-workers, the quality of work, and the willingness to assume responsibility. This evaluation will be personally discussed with each employee at intervals and placed in the employee file.

#### **Personnel Files**

An individualized personnel file will be maintained on each employee. It is the responsibility of each employee to provide accurate information to the employer. Employees are also responsible for reporting to the employer any changes in the information, which they have previously provided.

#### **Immigration Papers**

Upon initial employment, all employees are required to attest that they are lawfully eligible to work in the United States. Employees are further required to provide to the employer copies of documents proving this eligibility.

## **Fair Labor Standards Act**

**Workweek.** An employee will be paid a regular monthly salary which covers all hours worked up to thirty-five (35) during each workweek. The workweek will begin at 12:01 a.m. on Monday and end at 11:59 p.m. on Sunday.

**Overtime/Compensatory Time.** All eligible employees shall be paid overtime or given compensatory time (subject to allowable limits) for all hours worked over forty (40) during the workweek. No overtime or compensatory time will be earned until the employee has worked on the job over forty (40) hours for his/her work period. Overtime/compensatory time is scheduled at the discretion of the office holder.

**Overtime Rate.** An employee who works overtime will receive overtime pay at a rate of time and one-half. An employee's annual salary divided by fifty-two (52) weeks determines his/her weekly salary. The weekly salary is then divided by the number of hours in a normal workweek to determine the regular hourly rate of pay. That rate will then be multiplied by one and one-half to determine the overtime rate of pay which will be paid for all hours worked over forty (40) during a week, unless compensatory time is given. No additional compensation will be paid for hours worked under forty (40).

**Selection of Compensatory Time.** Employees who are required to work in excess of forty (40) hours per week may receive compensatory time off in lieu of overtime at the discretion of each office holder. Such compensatory time shall be earned at a rate of one and one-half hours for each hour of employment worked over forty (40) hours per week. An employee cannot accrue more than forty (40) hours of compensatory time.

The use of compensatory time is subject to approval by the employer. Such approval will not be denied unless undue disruption to the office or department will occur.

**Attendance.** In order for Fayette County to maintain and provide the highest level of service to the community, your attendance is absolutely necessary. In case of an illness or injury that would prevent you from reporting to work at your scheduled time, you are required to notify your employer prior to the start of each work day no later than 9:00 a.m. The time you call is important in preparing your workload.

**Records.** Office hours are Monday through Friday from 9:00 a.m. until 5:00 p.m. There is one hour where the employee is totally relieved of all duties for lunch. Each employee shall sign a schedule showing the particular employee's work schedule. Every month the employee has the duty to file a signed schedule form, which shall show sick leave, and vacation taken.

## Holidays

Generally, the following holidays will be declared official holidays, and employees will be excused from work without charge to leave.

New Year's Day.....	January 1
Martin Luther King, Jr. Day.....	3rd Monday in January
President's Day.....	3rd Monday in February
Good Friday.....	Friday before Easter
Memorial Day.....	Last Monday in May
Independence Day.....	July 4
Labor Day.....	1st Monday in September
Veteran's Day.....	November 11
Thanksgiving Day.....	4th Thursday in November
Friday After Thanksgiving.....	4th Friday in November
Christmas .....	(2 1/2 days)..... December 25

Christmas Holidays will be decided on a yearly basis depending on the day of the week that December 25 falls upon.

When a holiday falls on Saturday or Sunday, the Monday following the holiday is substituted. These holidays are subject to review and change by the Fayette County elected or appointed official.

**Special Pay Provisions.** Every effort will be made to allow all full-time employees off on each designated holiday. If it is necessary for an employee to work on a holiday, he shall be compensated at a rate that is one and one-half times the employee's regular rate of pay for the hour actually worked. The full-time employee may elect to receive compensatory time that shall be earned at the rate of one and one-half hour for each hour actually worked during the holiday at the discretion of the employer.

## Sick Leave

**Earning and Accumulating Sick Days.** Sick leave shall be considered a benefit and privilege and not a right. Full time employees will receive full pay during incapacity caused by illness if sick leave is taken. Sick leave is earned at the rate of one day per month (12 days per year).

There is no maximum accumulation of sick leave credits. Sick leave has no cash value. In the event of retirement, all unused sick leave will be credited toward time of service and used to calculate retirement benefits.

1. For the purpose of calculation, twenty (20) days of unused sick leave shall count as one (1) month toward retirement benefits.

If an employee is in a paid status for one-half of the month or more, he/she will be credited with one day of sick leave for the month. Other wise, he/she will not accrue any time for the month.

### General Sick Leave Rules and Procedures.

1. **Use of Sick Leave.** An employee may utilize sick leave allowance for absences due to his/her own illness or injury. Sick leave may be used during an illness of mother, father, wife, husband or children. Sick leave may also be used for appointments with a licensed doctor, dentist, or recognized practitioners. When appropriate, a partial sick day may be used rather than a full day. Employees who become ill during the period of their vacation may request that their vacation be temporarily terminated and the time changed to sick leave. However, such request must be justified by means of a doctor's statement upon return to work. No employee may give or loan sick leave to another employee.

**2. Documentation of Sick Leave.** Employees are required to notify the employer as early as possible on the first day of their sick leave absence. An employee must take part of a day as sick leave when doctor, dental or optical appointments are required for the employee or his/her children. Sick leave may be taken in multiples of not less than one-half (1/2) days. An employee who claims sick leave will, after the third consecutive day of illness, be required to furnish a certificate from a physician stating the nature of the sickness or injury. The doctor's statement should also provide that said employee has been incapacitated for work for the period of his/her absence, and that he/she is again physically able to perform his/her duties.

**3. Exhaustion of Sick Leave.** Employees who have used all of their accumulated sick leave will not receive financial compensation for additional days needed due to illness or injury. For any additional time needed, the employee will be considered as on a leave-without-pay-status unless the employee has any accumulated vacation time or compensatory time remaining. The employee may request that additional sick leave be credited against the remaining vacation or compensatory time. Accumulated sick leave shall not be used for worker's compensation benefits.

Any non-emergency surgery will be discussed with the employer before the surgery is scheduled. Evidence of abuse of this benefit will be grounds for dismissal or disciplinary action.

**4. Family Medical Leave Act.** Family Medical Leave time will be taken due to employee or eligible family member's illness or eligible condition. Sick leave will be used simultaneously until exhausted when Family Medical Leave time is authorized. Family Medical Leave policy shall be as follows:

**1. Definitions:**

- a. **Eligible employee:** Eligible employees are those who have been employed for at least twelve (12) months, who have provided at least 1,250 hours of service during the twelve (12) months before leave is requested and who work at a work site where at least fifty (50) employees are on the payroll (either at that site or within a seventy-five (75) mile radius).
- b. **Parent:** Mother or father of an employee, or an adult who had day-to-day responsibility for caring for the employee during his or her childhood years in place of the natural parents.
- c. **Son or daughter/child:** Biological, adopted, or foster child, a stepchild, legal ward, or child of a person standing in the position of parents, who are under the age of eighteen (18) years. Children who are eighteen (18) years or older qualify, if they are incapable of self-care because of mental or physical disability.
- d. **Serious health condition:** An illness, injury, impairment, or physical or mental condition involving either inpatient care or continuing treatment by a health care provider. Examples of serious health conditions include but are not limited to heart attacks, heart conditions requiring heart by-pass or valve operations, most cancers, back operations requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, severe arthritis, etc.

## **I. Leave Provisions:**

- a. An eligible employee may take up to twelve (12) weeks of unpaid leave in a twelve (12) month period for the birth of a child or the placement of a child for adoption or foster care. Under the Tennessee Maternity Leave Act, a female may take additional four (4) weeks of unpaid leave if the three (3) month advance notice is in compliance. Leave may also be taken to care for a child, spouse, or parent who have a serious health condition.**
- b. The right to take leave applies equally to male and female employees who are eligible.**
- c. Unpaid leave for the purposes of care for a newborn child or a newly adopted or foster care child must be taken before the end of the first twelve (12) months following the date of birth or placement.**
- d. An expectant mother may take unpaid medical leave upon the birth of the child, or prior to the birth of her child for necessary medical care and if her condition renders her unable to work. Similarly, for adoption or foster care, leave may be taken upon the placement of absence from work is required for the placement to proceed.**
- e. An employee may take unpaid leave to care for a parent or spouse of any age who, because of serious mental or physical condition, is in the hospital or other health care facility. An employee may also take leave to care for a spouse or a parent of any age who is unable to care for his or her own basic hygiene, nutritional needs or safety. Examples include a parent or spouse whose daily living activities are impaired by such conditions as Alzheimer's disease; stroke or who is recovering from major surgery or who is in final stages of terminal illness.**
- f. Eligible employees, who are unable to perform the functions of the position held because of a serious health condition, may request up to twelve (12) weeks unpaid leave. The term serious health condition is intended to cover conditions or illnesses that affect an employee's health to the extent that he or she may be absent from work on reoccurring bases or for more than a few days with treatment or recovery.**
- g. Employees requesting medical leave due to their own illness or injury must simultaneously exhaust any sick leave, annual leave, personal days or vacation days. The combination of sick leave, annual leave, floating holidays and unpaid leave may not exceed twelve (12) weeks. An employee who fails to return at the end of an approved leave of absence shall be considered to have resigned at the end of the leave of absence, but may be eligible for rehire in the full and complete discretion of the Fayette County official.**
- h. During periods of unpaid leave, an employee will not accrue any additional seniority or similar employment benefits during the leave.**
- i. If spouses are employed by the same employer and wish to take leave for the care of a new child or a sick parent; their aggregate leave is limited to twelve (12) weeks. For example, if the person takes eight (8) weeks of leave to care for a child, the mother will be entitled to four (4) weeks leave, for a total of twelve (12) weeks of leave.**

## **2. Notification and Scheduling:**

- a. An eligible employee must provide the employer at least thirty (30) days advance notice of the need for leave for birth, adoption or planned medical treatment, when the need for leave is foreseeable. This thirty (30) day advance notice is not required in cases of medical emergency or other unforeseeable events, such as premature birth, or sudden changes in a patient's condition that require a change in scheduled medical treatment.**
- b. Parents who are awaiting the adoption of a child and are given little notice of the availability of a child may also be exempt from this thirty (30) day notice.**

## **4. Certification:**

- a. The employer reserves the right to verify an employee's request for family medical/leave.**
- b. If an employee requests leave because of a serious health condition or to care for a family with a serious health condition, the employer requires that the request be supported by certification issued by the health care provider of the eligible employee or the family member as appropriate. If the employer has reason to question the original certification, the employer may, at the employer's expense, require a second opinion from a different health care provider chosen by the employer. The employer on a regular basis may not employ that health care provider. If a resolution of the conflict can not be obtained by a second opinion, a third opinion may be obtained from another provider and that opinion will be final and binding.**
- c. This certification must contain the date on which the serious health condition began, its probable direction, and appropriate medical facts with which the knowledge of the health care provider regarding the condition. The certification must also state the employee's need to care for the son, daughter, spouse or parent and must include an estimate of the amount of time the employee is needed to care for the family member.**
- d. Medical certification shall be treated as confidential and privileged information.**
- e. An employee will be required to report periodically to the employer of the status and the intention of the employee to return to work.**
- f. Employees who have taken unpaid leave under this policy must furnish the employer with a medical certification from the employee's health care provider that the employee is able to resume work before return is granted.**

**5. Maintenance of Health and COBRA Benefits During Unpaid Leave:**

- a. The employer shall maintain health insurance benefits, paid by the employer for the employee, during periods of unpaid leave without interruption. The employee must pay any payment for family coverage premiums, or other payroll deductibles for insurance policies, or the benefits may not be continued.
- b. The employer has a right to recover from the employee all health insurance premiums paid during the unpaid leave if the employee fails to return to work after leave. Employees who fail to return to work because they are unable to perform the functions of their job because of their own serious health condition or because of the continued necessity of caring for a seriously ill family member may be exempt from the recapture provision.
- c. Leave taken under this policy does not constitute a qualifying event that entitles an employee to COBRA insurance coverage. However, the qualifying event triggering COBRA coverage may occur when it becomes clearly known that an employee will not be returning to work, and therefore ceases to be entitled to leave under this policy.

**6. Reduced and Intermittent Leave:**

- a. Leave taken under the policy can be taken intermittently or on a reduced leave schedule when medically necessary as certified by the health care provider. Intermittent leave or reduced leave schedules for routine care of a new child may be taken only with the approval of the employer. The employee and the employer must mutually agree upon the schedule.
- b. The employer may temporarily transfer employees on intermittent or reduced leave schedules to an equivalent alternative position that may better accommodate the intermittent or reduced leave schedule.
- c. Intermittent or reduced leave may be spread over a period of time longer than (12) weeks total leave in a one twelve (12) month period.

**7. Restoration:**

- a. Employees who are granted leave under this policy shall be reinstated to an equivalent or the same position held prior to the commencement of their leave.
- b. Certain highly compensated employees, who are salaried and among the ten percent (10%) highest paid employees, may be denied restoration. Restoration may be denied if (a) the employer shows that such a denial is necessary to prevent substantial and grievous injury to the employer's operations, (b) the employer notifies the employee that it intends to deny restoration on such basis at the time the employer determines that such injury would occur, and (c) in any case which the leave has commenced, the employee elects not to return to work within a reasonable period of time after receiving such notice.

**8. The Twelve (12) Month Period.**

**The twelve (12) month period during which an employee is entitled to twelve (12) work weeks of Family Medical Leave Act is measured forward beginning January 1 of each year.**

**Time Off**

**Inclement Weather.** Every employee must make a personal judgment about safety in traveling to and from work during inclement weather. If the office is open during inclement weather and should you chose not to travel to work, the time will be charged to your vacation. Should vacation not be available for the individual employee, the time will be considered leave without pay.

**Maternity Leave**

**Tennessee Code Annotated 4-21-408.**

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

**A female employee who gives at least three months advance notice of maternity leave, her length of maternity leave, and her intention to return to full-time employment after maternity leave, shall be restored to her previous or a similar position with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of her leave.**

**A female employee who is prevented from giving three month's advance notice because of a medical emergency which necessitates that maternity leave begin earlier than originally anticipated, shall not forfeit her rights and benefits under this part solely because of her failure to give three months advance notice.**

**An employee may utilize accrued but unused sick leave, vacation leave, or compensatory time to remain on a paid status during maternity leave. Any leave taken after those accrued days have expired shall be without pay. Maternity leave shall not affect the employee's right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which she was eligible at the date of her leave, any other benefits or rights of her employment incident to her employment position; provided, however, that the employer need not provide for the cost of any benefits, plans or programs during the period of maternity leave unless such employer so provides for all employees on leave of absence.**

**If an employee's job position is so unique that the employer cannot, after reasonable efforts, fill that position temporarily, then the employer shall not be liable under this part for failure to reinstate the employee at the end of her maternity leave period.**

**The purpose of this part is to provide leave time to female employees for pregnancy, childbirth, and nursing the infant, where applicable; therefore, if an employer finds that the female employee has utilized the period of maternity leave to actively pursue other employment opportunities, or if the employer finds that the employee has worked part-time or full-time for another employer during the period of maternity leave, then the employer shall not be liable under this part for failure to reinstate the employee at the end of her maternity leave.**

## **Vacation Leave**

**Qualification for Vacation Time.** Vacations will be granted to regular full time employees calculated on the basis of one (1) day per month (for vacation purposes, one week is defined as five (5) work days. No more than 15 days time can be carried over to the next year.

**Use of Vacation Time.** Vacation time will not be available for use by an employee until it is accrued. Vacation leave may be used only at times approved in advance by the employer. Vacation requests will be honored to the extent possible. Seniority will be used to determine any leave request conflicts. No employees may give or loan vacation to another employee.

## **Disposition of Accrued Vacation Leave Upon Termination**

Except as otherwise provided and subject to the limitation stated in this section, upon termination of the employment, the employee shall be paid for all accrued but unused vacation leave he or she may have as of his or her last working day. Also, each terminating employee shall be paid a prorated portion of unaccrued vacation leave. Payment shall be, at the option of the employer, either by terminal leave or by lump sum payment. In either event, or whether termination is voluntary or involuntary, the discretion to determine the employee's last working day is reserved to the appropriate authority.

Terminal leave is that period during which an employee remains on the payroll beyond his or her last working day until all of his or her accrued annual leave has been exhausted.

If an employee is paid for his or her accrued but unused annual leave by terminal leave, the date on which his or her annual leave is exhausted shall be the official day of termination.

During a period of terminal leave, an employee shall not earn additional annual or sick leave and shall not be eligible for use of sick leave, and shall not be eligible for any salary increase. However, an employee shall receive credit for any official holidays occurring during a period of terminal leave.

If a terminating employee elects to be paid for his or her accrued but unused annual leave by lump sum payment, the employee's last working days shall be the official date of termination.

Payment for accrued annual leave under this section shall not be limited to the maximum accumulation amount which may be carried forward from one calendar year to the next if the last working days occurs prior to January 1 (even if the terminal leave period extends beyond January 1).

An employee who is dismissed for gross misconduct or who resigns to avoid dismissal for gross misconduct shall not be entitled to any compensation for accrued but unused annual leave at the time of dismissal.

All personnel entitled to accrue annual leave may request use of annual leave at the specified time by application to the discretion of the approving authority, who is responsible for planning the work under his or her control, and should be approved only at such times as the employee can best be spared.

## **Bereavement Leave**

In the case of death in the employee's immediate family (father, mother, husband, wife, child, or grandchild) the employee will be given two (2) working days paid leave which will not be charged to vacation leave. If the employee has accumulated sick leave, the employee may take additional three (3) days of sick leave to extend bereavement leave for an immediate family member.

The employee shall be given one (1) working day paid leave which will not be charged to vacation leave in the case of death of a stepchild, brother, sister, mother-in-law, father-in-law, or grandparent of the employee. If the employee has accumulated sick leave, they may take an additional two (2) days of their sick leave.

For any other blood relative or close friend, the employee may take one (1) day of accumulated sick leave if available.

## **Jury and Court Duty**

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

- (1) The employee will be granted a leave of absence when the employee is subpoenaed or directed by proper authority to appear in Federal or State Court as a witness or juror.
- (2) The employee will receive his regular compensation during the time he/she is serving as a juror.
- (3) The employee must refund to his employer all compensation of fees that he receives for serving as a juror during normal working hours.
- (4) If the employee is relieved from court or jury duty during working hours, the employee must report back to his/her employer.
- (5) The above provisions concerning compensation for time in court do not apply if the employee is involved in private litigation. On these occasions the employee must take vacation leave, compensatory times or leave without pay.

## **In Line of Duty Injury Leave**

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

## **Military Leave**

Full-time employees who are members of any military reserve component will be granted military leave for such time as they are in the military service on field training or active duty for periods not to exceed fifteen (15) working days per calendar year. This time may not be used for weekend drills. Such requested leave shall be supported with copies of the armed forces orders.

Full-time employees who are members of a military reserve unit who have completed their military-training duty for the calendar year, and are reactivated for additional training, will be allowed an additional fifteen (15) days military leave if the additional military training:

- (1) Occurs during the calendar year; and
- (2) Fulfills the employee's military training obligation for the subsequent calendar year.

During such time that the employee is on military training leave, he/she shall receive full pay and benefits to which he/she would otherwise be entitled.

#### **Part Time/Temporary Employees**

A part-time/temporary employee designation will be used for those employees whose regular assigned work schedule includes no more than thirty-two (32) hours per week. The benefits set out in this manual are intended to apply only to full-time employees. These rules and regulations are not intended to establish paid leave of any kind for part-time/temporary employees.

#### **Discrimination Statement**

As an equal opportunity employer, employment will be based upon consideration of the qualification of all applicants for employment. Discrimination based upon an applicant's race, color, sex, religion, national origin, age or disability will not be tolerated. An employee will report alleged discriminatory activity to the elected official. If the problem occurs with the elected official, then the employee will report to the County Mayor.

#### **Sexual Harassment**

As part of Fayette County's continuing commitment to equal employment opportunity, the County adheres to the following policy:

- (1) It is illegal and against the policies of the County for any employee, male or female, to sexually harass another employee by (a) making unwelcome sexual advances or requests for sexual favors or other verbal or physical contact of a sexual nature a condition of an employee's continued employment, or (b) making submission to or rejections of such conduct the basis for employment by such conduct.
- (2) Any employee who believes he or she has been the subject of sexual harassment should report the alleged act or conduct immediately to the County Mayor or appropriate elected official.
- (3) All information reported will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.
- (4) The County will fulfill its obligation to undertake an appropriate investigation, which may include informing the alleged harasser of the complaint and giving that person an opportunity to respond to the allegation.

- (5) Any person who has been found by the County after investigation to have sexually harassed an employee will be subject to appropriate sanctions depending on the circumstances, from a warning in his or her file up to and including termination.
- (6) Any retaliatory action of any kind taken by any persons as a result of an individual making a report of sexual harassment is prohibited and shall be regarded as a separate and distinct cause for complaint.

### **Alcohol and Drugs**

Fayette County recognizes that alcohol and drug abuse in the work place has become a major concern. We believe that by reducing drug and alcohol use we will improve the safety, health and productivity of employees. The object of the county's alcohol and drug policy is to provide a safe and healthy work place for all employees, to comply with federal and state health and safety regulations, and to prevent accidents.

The use, possession, sale, transfer, purchase or being under the influence of intoxicating liquor, illegal drugs or other intoxicants by employees anytime on company premises or while on company business is prohibited. The illegal use of any drug, narcotic or controlled substance is prohibited. Employees must not report for duty or be on company property while under the influence of, or have in their possession while on company property, any intoxicating liquor, marijuana or illegally obtained drug, narcotic or other illegal substance.

### **Mistakes & Errors**

All mistakes and/or errors will be reported to the employer immediately before any action is taken to correct the mistake or error. Any errors made by an employee that involves the receiving or disbursing of cash which causes a shortage in funds that cannot be collected by the employee from the person receiving the funds, shall be the responsibility of the employee. The employee shall reimburse the lost funds upon demand of the employer. Failure to reimburse lost funds for any mistakes and/or errors may be grounds for termination.

### **Confidentiality of Office Records**

Any record filed in this office or matter pertaining to this office will not be discussed outside the office. All records are open to the public except those exempted by statute. Any person desiring to review any record not exempted by statute will be allowed to do so in person inside the office. No employee will take any record outside the office or discuss any record outside the office with any person. Improper disclosure of office records may be grounds for termination.

### **Gift Policy**

An employee shall not accept cash as a gift or gratuity from a customer or vendor. Small gifts (i.e. candy, cookies, and fruit) may be accepted by an employee and shared with the entire office. The employer should be notified of any gift received by the office in order to express our appreciation. In a case where an item is in question, the matter should be referred to the Employer.

### **Conflict of Interest**

No employee of this office will accept employment or any payment for services from a business or vendor that would receive or provide service to or from this office through that employee. Any questions regarding this policy should be referred to the Official. Furthermore, no employee will contract work from a business or vendor that would receive or provide services to or from this office through that employee.

### **Amendment of Rules**

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

### **Acknowledgment of Receipt of Personnel Policies**

As indicated by my signature below, I hereby acknowledge receipt of a copy of the Personnel Policies.

I further acknowledge that:

- (1) I will read these personnel policies and any questions which I have concerning these rules and regulations will be addressed to my employer; and
- (2) I understand that my employment will be subject to the provisions contained in these personnel policies along with any subsequent changes or amendments.

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Employee's Signature

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Date

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Employer's Signature

**FAYETTE COUNTY  
MAYOR'S PERSONNEL  
EMPLOYEE HANDBOOK**

**Personnel Policies**

**Employment At Will**

No policy, benefit, or procedure contained herein creates an employment contract for any period of time. All employees will be considered employment-at-will. Employees may be terminated for failure to satisfactorily perform their duties or simply at the will of the employer, but they shall not be terminated for a discriminatory or illegal purpose.

There will be a six (6) month probation period for all new employees. During this time everyone will be closely supervised in order to become familiar with duties and responsibilities.

There will be a performance evaluation each year for every employee. Employees will be evaluated on attitudes toward work and co-workers, the quality of work, and the willingness to assume responsibility. This evaluation will be personally discussed with each employee at intervals and placed in the employee file.

**Personnel Files**

An individualized personnel file will be maintained on each employee. It is the responsibility of each employee to provide accurate information to the employer. Employees are also responsible for reporting to the employer any changes in the information, which they have previously provided.

**Immigration Papers**

Upon initial employment, all employees are required to attest that they are lawfully eligible to work in the United States. Employees are further required to provide to the employer copies of documents proving this eligibility.

**Fair Labor Standards Act**

**Workweek.** An employee will be paid a regular monthly salary which covers all hours worked up to thirty-five (35) during each workweek. The workweek will begin at 12:01 a.m. on Monday and end at 11:59 p.m. on Sunday.

**Overtime/Compensatory Time.** All eligible employees shall be paid overtime or given compensatory time (subject to allowable limits) for all hours worked over forty (40) during the workweek. No overtime or compensatory time will be earned until the employee has worked on the job over forty (40) hours for his/her work period. Overtime/compensatory time is scheduled at the discretion of the office holder. Ineligible persons for overtime/compensatory time include the following: Appointed or Elected persons, Department Heads, and such others as are allowed under the Federal Wage and Hour Laws.

**Overtime Rate.** An employee who works overtime will receive overtime pay at a rate of time and one-half. An employee's annual salary divided by fifty-two (52) weeks determines his/her weekly salary. The weekly salary is then divided by the number of hours in a normal workweek to determine the regular hourly rate of pay. That rate will then be multiplied by one and one-half to determine the overtime rate of pay which will be paid for all hours worked over forty (40) during a week, unless compensatory time is given. No additional compensation will be paid for hours worked under forty (40).

**Selection of Compensatory Time.** Employees who are required to work in excess of forty (40) hours per week may receive compensatory time off in lieu of overtime at the discretion of each office holder. Such compensatory time shall be earned at a rate of one and one-half hours for each hour of employment worked over forty (40) hours per week. An employee cannot accrue more than forty (40) hours of compensatory time. Ineligible persons for overtime/compensatory time include the following: Appointed or Elected persons, Department Heads, and such others as are allowed under the Federal Wage and Hour Laws.

The use of compensatory time is subject to approval by the employer. Such approval will not be denied unless undue disruption to the office or department will occur.

**Attendance.** In order for Fayette County to maintain and provide the highest level of service to the community, your attendance is absolutely necessary. In case of an illness or injury that would prevent you from reporting to work at your scheduled time, you are required to notify your employer prior to the start of each work day no later than 8:00 a.m. The time you call is important in preparing your workload.

**Records.** Office hours are Monday through Friday from 8:00 a.m. until 5:00 p.m. There is one hour where the employee is totally relieved of all duties for lunch. Each employee shall sign a schedule showing the particular employee's work schedule. Every month the employee has the duty to file a signed schedule form, which shall show sick leave, and vacation taken.

#### Holidays

Generally, the following holidays will be declared official holidays, and employees will be excused from work without charge to leave.

New Year's Day.....	January 1
Martin Luther King, Jr. Day.....	3rd Monday in January
President's Day.....	3rd Monday in February
Good Friday.....	Friday before Easter
Memorial Day.....	Last Monday in May
Independence Day.....	July 4
Labor Day.....	1st Monday in September
Veteran's Day.....	November 11
Thanksgiving Day.....	4th Thursday in November
Friday After Thanksgiving.....	4th Friday in November
Christmas .....	(2 1/2 days)..... December 25

Christmas Holidays will be decided on a yearly basis depending on the day of the week that December 25 falls upon.

When a holiday falls on Saturday or Sunday, the Monday following the holiday is substituted. These holidays are subject to review and change by the Fayette County elected or appointed official.

**Special Pay Provisions.** Every effort will be made to allow all full-time employees off on each designated holiday. If it is necessary for an employee to work on a holiday, he shall be compensated at a rate that is one and one-half times the employee's regular rate of pay for the hour actually worked. The full-time employee may elect to receive compensatory time that shall be earned at the rate of one and one-half hour for each hour actually worked during the holiday at the discretion of the employer.

#### Sick Leave

**Earning and Accumulating Sick Days.** Sick leave shall be considered a benefit and privilege and not a right. Full time employees will receive full pay during incapacity caused by illness if sick leave is taken. Sick leave is earned at the rate of one day per month (12 days per year).

**There is no maximum accumulation of sick leave credits. Sick leave has no cash value. In the event of retirement, all unused sick leave will be credited toward time of service and used to calculate retirement benefits.**

- 1. For the purpose of calculation, twenty (20) days of unused sick leave shall count as one (1) month toward retirement benefits.**

**If an employee is in a paid status for one-half of the month or more, he/she will be credited with one day of sick leave for the month. Other wise, he/she will not accrue any time for the month.**

#### **General Sick Leave Rules and Procedures.**

**1. Use of Sick Leave.** An employee may utilize sick leave allowance for absences due to his/her own illness or injury. Sick leave may be used during an illness of mother, father, wife, husband or children. Sick leave may also be used for appointments with a licensed doctor, dentist, or recognized practitioners. When appropriate, a partial sick day may be used rather than a full day. Employees who become ill during the period of their vacation may request that their vacation be temporarily terminated and the time changed to sick leave. However, such request must be justified by means of a doctor's statement upon return to work. No employee may give or loan sick leave to another employee.

**2. Documentation of Sick Leave.** Employees are required to notify the employer as early as possible on the first day of their sick leave absence. An employee must take part of a day as sick leave when doctor, dental or optical appointments are required for the employee or his/her children. Sick leave may be taken in multiples of not less than one-half (1/2) days. An employee who claims sick leave will, after the third consecutive day of illness, be required to furnish a certificate from a physician stating the nature of the sickness or injury. The doctor's statement should also provide that said employee has been incapacitated for work for the period of his/her absence, and that he/she is again physically able to perform his/her duties.

**3. Exhaustion of Sick Leave.** Employees who have used all of their accumulated sick leave will not receive financial compensation for additional days needed due to illness or injury. For any additional time needed, the employee will be considered as on a leave-without-pay-status unless the employee has any accumulated vacation time or compensatory time remaining. The employee may request that additional sick leave be credited against the remaining vacation or compensatory time. Accumulated sick leave shall not be used for worker's compensation benefits.

**Any non-emergency surgery will be discussed with the employer before the surgery is scheduled. Evidence of abuse of this benefit will be grounds for dismissal or disciplinary action.**

**4. Family Medical Leave Act.** Family Medical Leave time will be taken due to employee or eligible family member's illness or eligible condition. Sick leave will be used simultaneously until exhausted when Family Medical Leave time is authorized. Family Medical Leave policy shall be as follows:

##### **1. Definitions:**

- a. Eligible employee:** Eligible employees are those who have been employed for at least twelve (12) months, who have provided at least 1,250 hours of service during the twelve (12) months before leave is requested and who work at a work site where at least fifty (50) employees are on the payroll (either at that site or within a seventy-five (75) mile radius).

- b. Parent: Mother or father of an employee, or an adult who had day-to-day responsibility for caring for the employee during his or her childhood years in place of the natural parents.**
- c. Son or daughter/child: Biological, adopted, or foster child, a stepchild, legal ward, or child of a person standing in the position of parents, who are under the age of eighteen (18) years. Children who are eighteen (18) years or older qualify, if they are incapable of self-care because of mental or physical disability.**
- d. Serious health condition: An illness, injury, impairment, or physical or mental condition involving either inpatient care or continuing treatment by a health care provider. Examples of serious health conditions include but are not limited to heart attacks, heart conditions requiring heart by-pass or valve operations, most cancers, back operations requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, severe arthritis, etc.**

#### **1. Leave Provisions:**

- a. An eligible employee may take up to twelve (12) weeks of unpaid leave in a twelve (12) month period for the birth of a child or the placement of a child for adoption or foster care. Under the Tennessee Maternity Leave Act, a female may take additional four (4) weeks of unpaid leave if the three (3) month advance notice is in compliance. Leave may also be taken to care for a child, spouse, or parent who have a serious health condition.**
- b. The right to take leave applies equally to male and female employees who are eligible.**
- c. Unpaid leave for the purposes of care for a newborn child or a newly adopted or foster care child must be taken before the end of the first twelve (12) months following the date of birth or placement.**
- d. An expectant mother may take unpaid medical leave upon the birth of the child, or prior to the birth of her child for necessary medical care and if her condition renders her unable to work. Similarly, for adoption or foster care, leave may be taken upon the placement of absence from work is required for the placement to proceed.**
- e. An employee may take unpaid leave to care for a parent or spouse of any age who, because of serious mental or physical condition, is in the hospital or other health care facility. An employee may also take leave to care for a spouse or a parent of any age who is unable to care for his or her own basic hygiene, nutritional needs or safety. Examples include a parent or spouse whose daily living activities are impaired by such conditions as Alzheimer's disease; stroke or who is recovering from major surgery or who is in final stages of terminal illness.**
- f. Eligible employees, who are unable to perform the functions of the position held because of a serious health condition, may request up to twelve (12) weeks unpaid leave. The term serious health condition is intended to cover conditions or illnesses that affect an employee's health to the extent that he or she may be absent from work on reoccurring bases or for more than a few days with treatment or recovery.**

- g. Employees requesting medical leave due to their own illness or injury must simultaneously exhaust any sick leave, annual leave, personal days or vacation days. The combination of sick leave, annual leave, floating holidays and unpaid leave may not exceed twelve (12) weeks. An employee who fails to return at the end of an approved leave of absence shall be considered to have resigned at the end of the leave of absence, but may be eligible for rehire in the full and complete discretion of the Fayette County official.**
- h. During periods of unpaid leave, an employee will not accrue any additional seniority or similar employment benefits during the leave.**
- i. If spouses are employed by the same employer and wish to take leave for the care of a new child or a sick parent; their aggregate leave is limited to twelve (12) weeks. For example, if the person takes eight (8) weeks of leave to care for a child, the mother will be entitled to four (4) weeks leave, for a total of twelve (12) weeks of leave.**

## **2. Notification and Scheduling:**

- a. An eligible employee must provide the employer at least thirty (30) days advance notice of the need for leave for birth, adoption or planned medical treatment, when the need for leave is foreseeable. This thirty (30) day advance notice is not required in cases of medical emergency or other unforeseeable events, such as premature birth, or sudden changes in a patient's condition that require a change in scheduled medical treatment.**
- b. Parents who are awaiting the adoption of a child and are given little notice of the availability of a child may also be exempt from this thirty (30) day notice.**

## **4. Certification:**

- a. The employer reserves the right to verify an employee's request for family medical/leave.**
- b. If an employee requests leave because of a serious health condition or to care for a family with a serious health condition, the employer requires that the request be supported by certification issued by the health care provider of the eligible employee or the family member as appropriate. If the employer has reason to question the original certification, the employer may, at the employer's expense, require a second opinion from a different health care provider chosen by the employer. The employer on a regular basis may not employ that health care provider. If a resolution of the conflict can not be obtained by a second opinion, a third opinion may be obtained from another provider and that opinion will be final and binding.**
- c. This certification must contain the date on which the serious health condition began, its probable direction, and appropriate medical facts with which the knowledge of the health care provider regarding the condition. The certification must also state the employee's need to care for the son, daughter, spouse or parent and must include an estimate of the amount of time the employee is needed to care for the family member.**
- d. Medical certification shall be treated as confidential and privileged information.**

- e. An employee will be required to report periodically to the employer of the status and the intention of the employee to return to work.**
- f. Employees who have taken unpaid leave under this policy must furnish the employer with a medical certification from the employee's health care provider that the employee is able to resume work before return is granted.**

**5. Maintenance of Health and COBRA Benefits During Unpaid Leave:**

- a. The employer shall maintain health insurance benefits, paid by the employer for the employee, during periods of unpaid leave without interruption. The employee must pay any payment for family coverage premiums, or other payroll deductibles for insurance policies, or the benefits may not be continued.**
- b. The employer has a right to recover from the employee all health insurance premiums paid during the unpaid leave if the employee fails to return to work after leave. Employees who fail to return to work because they are unable to perform the functions of their job because of their own serious health condition or because of the continued necessity of caring for a seriously ill family member may be exempt from the recapture provision.**
- c. Leave taken under this policy does not constitute a qualifying event that entitles an employee to COBRA insurance coverage. However, the qualifying event triggering COBRA coverage may occur when it becomes clearly known that an employee will not be returning to work, and therefore ceases to be entitled to leave under this policy.**

**6. Reduced and Intermittent Leave:**

- a. Leave taken under the policy can be taken intermittently or on a reduced leave schedule when medically necessary as certified by the health care provider. Intermittent leave or reduced leave schedules for routine care of a new child may be taken only with the approval of the employer. The employee and the employer must mutually agree upon the schedule.**
- b. The employer may temporarily transfer employees on intermittent or reduced leave schedules to an equivalent alternative position that may better accommodate the intermittent or reduced leave schedule.**
- c. Intermittent or reduced leave may be spread over a period of time longer than (12) weeks total leave in a one (twelve (12) month period.**

**7. Restoration:**

- a. Employees who are granted leave under this policy shall be reinstated to an equivalent or the same position held prior to the commencement of their leave.**
- b. Certain highly compensated employees, who are salaried and among the ten percent (10%) highest paid employees, may be denied restoration. Restoration may be denied if (a) the employer shows that such a denial is necessary to prevent substantial and grievous injury to the employer's operations, (b) the employer notifies the employee that it intends to deny restoration on such basis at the time the employer determines that such injury would occur, and (c) in any case which the leave has commenced, the employee elects not to return to work within a reasonable period of time after receiving such notice.**

## **8. The Twelve (12) Month Period.**

**The twelve (12) month period during which an employee is entitled to twelve (12) work weeks of Family Medical Leave Act is measured forward beginning January 1 of each year.**

### **Time Off**

**Inclement Weather.** Every employee must make a personal judgment about safety in traveling to and from work during inclement weather. If the office is open during inclement weather and should you chose not to travel to work, the time will be charged to your vacation. Should vacation not be available for the individual employee, the time will be considered leave without pay.

### **Maternity Leave**

**Tennessee Code Annotated 4-21-408.**

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

**A female employee who gives at least three months advance notice of maternity leave, her length of maternity leave, and her intention to return to full-time employment after maternity leave, shall be restored to her previous or a similar position with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of her leave.**

**A female employee who is prevented from giving three month's advance notice because of a medical emergency which necessitates that maternity leave begin earlier than originally anticipated, shall not forfeit her rights and benefits under this part solely because of her failure to give three months advance notice.**

**An employee may utilize accrued but unused sick leave, vacation leave, or compensatory time to remain on a paid status during maternity leave. Any leave taken after those accrued days have expired shall be without pay. Maternity leave shall not affect the employee's right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which she was eligible at the date of her leave, any other benefits or rights of her employment incident to her employment position; provided, however, that the employer need not provide for the cost of any benefits, plans or programs during the period of maternity leave unless such employer so provides for all employees on leave of absence.**

**If an employee's job position is so unique that the employer cannot, after reasonable efforts, fill that position temporarily, then the employer shall not be liable under this part for failure to reinstate the employee at the end of her maternity leave period.**

**The purpose of this part is to provide leave time to female employees for pregnancy, childbirth, and nursing the infant, where applicable; therefore, if an employer finds that the female employee has utilized the period of maternity leave to actively pursue other employment opportunities, or if the employer finds that the employee has worked part-time or full-time for another employer during the period of maternity leave, then the employer shall not be liable under this part for failure to reinstate the employee at the end of her maternity leave.**

## Vacation Leave

**Qualification for Vacation Time.** Vacations will be granted to regular full time employees calculated on the basis of one (1) day per month (for vacation purposes, one week is defined as five (5) work days. No more than 15 days time can be carried over to the next year.

**Use of Vacation Time.** Vacation time will not be available for use by an employee until it is accrued. Vacation leave may be used only at times approved in advance by the employer. Vacation requests will be honored to the extent possible. Seniority will be used to determine any leave request conflicts. No employees may give or loan vacation to another employee.

### Disposition of Accrued Vacation Leave Upon Termination

Except as other wise provided and subject to the limitation stated in this section, upon termination of the employment, the employee shall be paid for all accrued but unused vacation leave he or she may have as of his or her last working day. Also, each terminating employee shall be paid a prorated portion of unaccrued vacation leave. Payment shall be, at the option of the employer, either by terminal leave or by lump sum payment. In either event, or whether termination is voluntary or involuntary, the discretion to determine the employee's last working day is reserved to the appropriate authority.

Terminal leave is that period during which an employee remains on the payroll beyond his or her last working day until all of his or her accrued annual leave has been exhausted.

If an employee is paid for his or her accrued but unused annual leave by terminal leave, the date on which his or her annual leave is exhausted shall be the official day of termination.

During a period of terminal leave, an employee shall not earn additional annual or sick leave and shall not be eligible for use of sick leave, and shall not be eligible for any salary increase. However, an employee shall receive credit for any official holidays occurring during a period of terminal leave.

If a terminating employee elects to be paid for his or her accrued but unused annual leave by lump sum payment, the employee's last working days shall be the official date of termination.

Payment for accrued annual leave under this section shall not be limited to the maximum accumulation amount which may be carried forward from one calendar year to the next if the last working days occurs prior to January 1 (even if the terminal leave period extends beyond January 1).

An employee who is dismissed for gross misconduct or who resigns to avoid dismissal for gross misconduct shall not be entitled to any compensation for accrued but unused annual leave at the time of dismissal.

All personnel entitled to accrue annual leave may request use of annual leave at the specified time by application to the discretion of the approving authority, who is responsible for planning the work under his or her control, and should be approved only at such times as the employee can best be spared.

### **Bereavement Leave**

**In the case of death in the employee's immediate family (father, mother, husband, wife, child, or grandchild) the employee will be given two (2) working days paid leave which will not be charged to vacation leave. If the employee has accumulated sick leave, the employee may take additional three (3) days of sick leave to extend bereavement leave for an immediate family member.**

**The employee shall be given one (1) working day paid leave which will not be charged to vacation leave in the case of death of a stepchild, brother, sister, mother-in-law, father-in-law, or grandparent of the employee. If the employee has accumulated sick leave, they may take an additional two (2) days of their sick leave.**

**For any other blood relative or close friend, the employee may take one (1) day of accumulated sick leave if available.**

### **Jury and Court Duty**

**It is desirous for all employees to fulfill their duty to serve as members of juries or to testify when called in both Federal and State courts. Therefore, the following procedures shall regulate when an employee is called for jury duty or subpoenaed to court.**

- (1) The employee will be granted a leave of absence when the employee is subpoenaed or directed by proper authority to appear in Federal or State Court as a witness or juror.**
- (2) The employee will receive his regular compensation during the time he/she is serving as a juror.**
- (3) The employee must refund to his employer all compensation of fees that he receives for serving as a juror during normal working hours.**
- (4) If the employee is relieved from court or jury duty during working hours, the employee must report back to his/her employer.**
- (5) The above provisions concerning compensation for time in court do not apply if the employee is involved in private litigation. On these occasions the employee must take vacation leave, compensatory times or leave without pay.**

### **In-Line of Duty Injury Leave**

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

### **Military Leave**

**Full-time employees who are members of any military reserve component will be granted military leave for such time as they are in the military service on field training or active duty for periods not to exceed fifteen (15) working days per calendar year. This time may not be used for weekend drills. Such requested leave shall be supported with copies of the armed forces orders.**

Full-time employees who are members of a military reserve unit who have completed their military-training duty for the calendar year, and are reactivated for additional training, will be allowed an additional fifteen (15) days military leave if the additional military training:

- (1) Occurs during the calendar year; and
- (2) Fulfills the employee's military training obligation for the subsequent calendar year.

During such time that the employee is on military training leave, he/she shall receive full pay and benefits to which he/she would otherwise be entitled.

#### Part Time/Temporary Employees

A part-time/temporary employee designation will be used for those employees whose regular assigned work schedule includes no more than thirty-two (32) hours per week. The benefits set out in this manual are intended to apply only to full-time employees. These rules and regulations are not intended to establish paid leave of any kind for part-time/temporary employees.

#### Discrimination Statement

As an equal opportunity employer, employment will be based upon consideration of the qualification of all applicants for employment. Discrimination based upon an applicant's race, color, sex, religion, national origin, age or disability will not be tolerated. An employee will report alleged discriminatory activity to the elected official. If the problem occurs with the elected official, then the employee will report to the County Mayor.

#### Sexual Harassment

As part of Fayette County's continuing commitment to equal employment opportunity, the County adheres to the following policy:

- (1) It is illegal and against the policies of the County for any employee, male or female, to sexually harass another employee by (a) making unwelcome sexual advances or requests for sexual favors or other verbal or physical contact of a sexual nature a condition of an employee's continued employment, or (b) making submission to or rejections of such conduct the basis for employment by such conduct.
- (2) Any employee who believes he or she has been the subject of sexual harassment should report the alleged act or conduct immediately to the County Mayor or appropriate elected official.
- (3) All information reported will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.
- (4) The County will fulfill its obligation to undertake an appropriate investigation, which may include informing the alleged harasser of the complaint and giving that person an opportunity to respond to the allegation.
- (5) Any person who has been found by the County after investigation to have sexually harassed an employee will be subject to appropriate sanctions depending on the circumstances, from a warning in his or her file up to and including termination.
- (6) Any retaliatory action of any kind taken by any persons as a result of an individual making a report of sexual harassment is prohibited and shall be regarded as a separate and distinct cause for complaint.

## **Alcohol and Drugs**

Fayette County recognizes that alcohol and drug abuse in the work place has become a major concern. We believe that by reducing drug and alcohol use we will improve the safety, health and productivity of employees. The object of the county's alcohol and drug policy is to provide a safe and healthy work place for all employees, to comply with federal and state health and safety regulations, and to prevent accidents.

The use, possession, sale, transfer, purchase or being under the influence of intoxicating liquor, illegal drugs or other intoxicants by employees anytime on company premises or while on company business is prohibited. The illegal use of any drug, narcotic or controlled substance is prohibited. Employees must not report for duty or be on company property while under the influence of, or have in their possession while on company property, any intoxicating liquor, marijuana or illegally obtained drug, narcotic or other illegal substance.

## **Mistakes & Errors**

All mistakes and/or errors will be reported to the employer immediately before any action is taken to correct the mistake or error. Any errors made by an employee that involves the receiving or disbursing of cash which causes a shortage in funds that cannot be collected by the employee from the person receiving the funds, shall be the responsibility of the employee. The employee shall reimburse the lost funds upon demand of the employer. Failure to reimburse lost funds for any mistakes and/or errors may be grounds for termination.

## **Confidentiality of Office Records**

Any record filed in this office or matter pertaining to this office will not be discussed outside the office. All records are open to the public except those exempted by statute. Any person desiring to review any record not exempted by statute will be allowed to do so in person inside the office. No employee will take any record outside the office or discuss any record outside the office with any person. Improper disclosure of office records may be grounds for termination.

## **Gift Policy**

An employee shall not accept cash as a gift or gratuity from a customer or vendor. Small gifts (i.e. candy, cookies, and fruit) may be accepted by an employee and shared with the entire office. The employer should be notified of any gift received by the office in order to express our appreciation. In a case where an item is in question, the matter should be referred to the Employer.

## **Conflict of Interest**

No employee of this office will accept employment or any payment for services from a business or vendor that would receive or provide service to or from this office through that employee. Any questions regarding this policy should be referred to the Official. Furthermore, no employee will contract work from a business or vendor that would receive or provide services to or from this office through that employee.

## **Amendment of Rules**

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

**Acknowledgment of Receipt  
of Personnel Policies**

**As indicated by my signature below, I hereby acknowledge receipt of a copy of the Personnel Policies.**

**I further acknowledge that:**

- (1) I will read these personnel policies and any questions which I have concerning these rules and regulations will be addressed to my employer; and**
- (2) I understand that my employment will be subject to the provisions contained in these personnel policies along with any subsequent changes or amendments.**

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

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Employer's Signature**

Fayette County Sheriff's Department  
Personnel Policies

Fayette County Sheriff's Department  
Personnel Policies

Employment At Will

No policy, benefit, or procedure contained herein creates an employment contract for any period of time. All employees will be considered employment-at-will. Employees may be terminated for failure to satisfactorily perform their duties or simply at the will of the employer, but they shall not be terminated for a discriminatory or illegal purpose.

There will be a six (6) month probation period for all new employees. during this time everyone will be closely supervised in order to become familiar with duties and responsibilities.

There will be a performance evaluation each year for every employee. Employees will be evaluated on attitudes toward work and co-workers, the quality of work, and the willingness to assume responsibility. This evaluation will be personally discussed with each employee at intervals and placed in employee file.

Personnel Files

An individualized personnel file will be maintained on each employee. It is the responsibility of each employee to provide accurate information to the employer. Employees are also responsible for reporting to the employer any changes in the information, which they have previously provided.

Immigration Papers

Upon initial employment, all employees are required to attest that they are lawfully eligible to work in the United States. Employees are further required to provide to the employer copies of documents proving this eligibility.

Fair Labor Standards Act

Workweek. Each eligible employee will be paid a regular monthly salary which covers all hours worked up to Forty (40) during each workweek. The workweek will began at 12:01 a.m. on Monday and end at 11:59 p.m. on Sunday.

Overtime/Compensatory Time. All eligible employees shall be paid overtime or given compensatory time (subject to allowable limits) for all hours worked over forty two (42) during the workweek. No overtime or compensatory time will be earned until the employee has worked on the job over (42) hours for his/her work period. Overtime/Compensatory time is scheduled at the discretion of the office holder.

Overtime Rate. An employee who works overtime will receive overtime pay at a rate of time and one-half. An employee's annual salary divided by fifty-two (52) weeks determines his/her weekly salary. The weekly salary is then divided by the number of hours in a normal workweek to determine the regular hourly rate of pay. That rate will then be multiplied by one and one-half to determine the overtime rate of pay which will be paid for all hours worked over one hundred seventy one (171) in a 28 day pay period, unless compensatory time is given. No additional compensation will be paid for hours worked under one hundred seventy one (171).

Selection of Compensatory time. Employees who are required to work in excess of forty (40) hours per week may receive compensatory time off in lieu of overtime at the discretion of each office holder. Such compensatory time shall be earned at a rate of one and one-half hours for each hour of employment worked over forty (40) hours per week. An employee cannot accrue more then two-hundred-forty (240) hours of compensatory time.

The use of compensatory time is subject to approval by the employer. Such approval will not be denied unless undue disruption to the office or department will occur.

Attendance. In order for Fayette County Sheriff's Department to maintain and provide the highest level of service to the community, your attendance is absolutely necessary. In case of an illness or injury that would prevent you from reporting to work at your scheduled time, you are required to notify your immediate supervisor at least two (2) hours prior to the start of your shift. The time you call is important in preparing the workload.

Records. Office hours are Monday through Friday from 8:00 a.m. until 4:00 p.m. There is one hour where employee is totally relieved of all duties for lunch. Each employee shall sign a schedule showing the particular employee's work schedule. Every month the employee has the duty to file a signed schedule form, which shall show sick leave, and vacation taken.

### Holidays

Generally, the following holidays will be declared official holidays, and employees will be excused from work without charge to leave.

New Year's Day.....	January 1
Martin Luther King, Jr. Day.....	3rd Monday in January
President's Day.....	3rd Monday in February
Good Friday.....	Friday before Easter
Memorial Day.....	Last Monday in May
Independence Day.....	July 4
Labor Day.....	1st Monday in September
Veteran's Day.....	November 11
Thanksgiving Day.....	4th Thursday in November
Friday After Thanksgiving.....	4th Friday in November
Christmas .....	(2 1/2 days)..... December 25

Christmas Holidays will be decided on a yearly basis depending on the day of the week that December 25 falls upon.

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

### Sick Leave

Earning and Accumulating Sick Days. Sick leave shall be considered a benefit and privilege and not a right. Full time employees will receive full pay during incapacity caused by illness if sick leave is taken. Sick leave is earned at the rate of one day per month (12 days per year).

There is no maximum accumulation of sick leave credits. Sick leave has no cash value. In the event of retirement, all unused sick leave will be credited toward time of service and used to calculate retirement benefits.

If an employee is in a paid status for one-half of the month or more, he/she will be credited with one day of sick leave for the month. Other wise, he/she will not accrue any time for the month.

### General Sick Leave Rules and Procedures.

1. Use of Sick Leave. An employee may utilize sick leave allowance for absences due to his/her own illness or injury. Sick leave may be used during an illness of mother, father, wife, husband or children. Sick leave may also be used for appointments with a licensed doctor, dentist, or recognized practitioners. when appropriate, a partial sick day may be used rather than a full day. Employees who become ill during the period of their vacation may request that their vacation be temporarily terminated and the time be changed to sick leave. However, such request must be justified by means of a doctor's statement upon return to work. No employee may give or loan sick leave to another employee, unless loaned for a serious illness or serious injury.

2. Documentation of Sick Leave. Employees are required to notify the employer as early as possible on the first day of their sick leave absence. An employee must take part of a day as sick leave when doctor, dental or optical appointments are required for the employee or his/her children. Sick leave may be taken in multiples of not less than one-half (1/2) days. An employee who claims sick leave "may" after the third consecutive day of illness, be required to furnish a certificate from a physician stating the nature of the sickness or injury. The doctor's statement should also provide that said employee has been incapacitated for work for the period of his/her absence, and that he/she is again physically able to perform his/her duties.

3. Exhaustion of Sick Leave. Employees who have used all of their accumulated sick leave will not receive financial compensation for additional days needed due to illness or injury. For additional time needed, the employee will be considered as on a leave-with-out-pay-status unless the employee has any accumulated vacation time or compensatory time remaining. The employee may request that additional sick leave be credited against the remaining vacation or compensatory time. Accumulated sick leave shall not be used for worker's compensation benefits.

Any non-emergency surgery will be discussed with the employer before the surgery is scheduled. Evidence of abuse of this benefit will be grounds for dismissal or disciplinary action.

4. Family Medical Leave Act. Family Medical Leave time will be taken due to employee or eligible family member's illness or eligible condition. Sick leave will be used simultaneously until exhausted when Family Medical Leave time is authorized. Family Medical Leave policy shall be as follows:

1. Definitions:

- a. Eligible employee: Eligible employees are those who have been employed for at least twelve (12) months, who have provided at least 1,250 hours of service during the twelve (12) months before leave is requested and who work at a work site where at least fifty (50) employees are on the payroll (either at that site or within a seventy-five (75) mile radius).
- b. Parent: Mother or father of an employee, or an adult who had day-to-day responsibility for caring for the employee during his or her childhood years in place of the natural parents.

- c. **Son or daughter/child:** Biological, adopted, or foster child, a stepchild, legal ward, or child of a person standing in the position of parents, who are under the age of eighteen (18) years. Children who are eighteen (18) years or older qualify, if they are incapable of self-care because of mental or physical disability.
- d. **Serious health condition:** An illness, injury, impairment, or physical or mental condition involving either inpatient care or continuing treatment by a health care provider. Examples of serious health conditions include but are not limited to heart attacks, heart conditions requiring heart by-pass or valve operations, most cancers, back operations requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, severe arthritis, etc.

#### **1. Leave Provisions:**

- a. An eligible employee may take up to twelve (12) weeks of unpaid leave in a twelve (12) month period for the birth of a child or the placement of a child for adoption or foster care. Under the Tennessee Maternity Leave Act, a female may take additional four (4) weeks of unpaid leave if the three (3) month advance notice is in compliance. Leave may also be taken to care for a child, spouse, or parent who have a serious health condition.
- b. The right to take leave applies equally to male and female employees who are eligible.
- c. Unpaid leave for the purposes of care for a newborn child or a newly adopted or foster care child must be taken before the end of the first twelve (12) months following the date of birth or placement.
- d. An expectant mother may take unpaid medical leave upon the birth of the child, or prior to the birth of her child for necessary medical care and if her condition renders her unable to work. Similarly, for adoption or foster care, leave may be taken upon the placement of absence from work is required for the placement to proceed.
- e. An employee may take unpaid leave to care for a parent or spouse of any age who, because of serious mental or physical condition, is in the hospital or other health care facility. An employee may also take leave to care for a spouse or a parent of any age who is unable to care for his or her own basic hygiene, nutritional needs or safety. Examples include a parent or spouse whose daily living activities are impaired by such conditions as Alzheimer's disease; stroke or who is recovering from major surgery or who is in final stages of terminal illness.
- f. Eligible employees, who are unable to perform the functions of the position held because of a serious health condition, may request up to twelve (12) weeks unpaid leave. The term serious health condition is intended to cover conditions or illnesses that affect an employee's health to the extent that he or she may be absent from work on reoccurring bases or for more than a few days with treatment or recovery.
- g. Employees requesting medical leave due to their own illness or injury must simultaneously exhaust any sick leave, annual leave, personal days or vacation days. The combination of sick leave, annual leave, floating holidays and unpaid leave may not exceed twelve (12) weeks. An employee who fails to return at the end of an approved leave of absence shall be considered to have resigned at the end of the leave of absence, but may be eligible for rehire in the full and complete discretion of the Fayette County official.

- h. During periods of unpaid leave, an employee will not accrue any additional seniority or similar employment benefits during the leave.
- i. If spouses are employed by the same employer and wish to take leave for the care of a new child or a sick parent; their aggregate leave is limited to twelve (12) weeks. For example, if the person takes eight (8) weeks of leave to care for a child, the mother will be entitled to four (4) weeks leave, for a total of twelve (12) weeks of leave.

## 2. Notification and Scheduling:

- a. An eligible employee must provide the employer at least thirty (30) days advance notice of the need for leave for birth, adoption or planned medical treatment, when the need for leave is foreseeable.  
This thirty (30) day advance notice is not required in cases of medical emergency or other unforeseeable events, such as premature birth, or sudden changes in a patient's condition that require a change in scheduled medical treatment.
- b. Parents who are awaiting the adoption of a child and are given little notice of the availability of a child may also be exempt from this thirty (30) day notice.

## 4. Certification:

- a. The employer reserves the right to verify an employee's request for family medical/leave.
- b. If an employee requests leave because of a serious health condition or to care for a family with a serious health condition, the employer requires that the request be supported by certification issued by the health care provider of the eligible employee or the family member as appropriate. If the employer has reason to question the original certification, the employer may, at the employer's expense, require a second opinion from a different health care provider chosen by the employer. The employer on a regular basis may not employ that health care provider. If a resolution of the conflict can not be obtained by a second opinion, a third opinion may be obtained from another provider and that opinion will be final and binding.
- c. This certification must contain the date on which the serious health condition began, its probable direction, and appropriate medical facts with which the knowledge of the health care provider regarding the condition. The certification must also state the employee's need to care for the son, daughter, spouse or parent and must include an estimate of the amount of time the employee is needed to care for the family member.
- d. Medical certification shall be treated as confidential and privileged information.
- e. An employee will be required to report periodically to the employer of the status and the intention of the employee to return to work.
- f. Employees who have taken unpaid leave under this policy must furnish the employer with a medical certification from the employee's health care provider that the employee is able to resume work before return is granted.

**5. Maintenance of Health and COBRA Benefits During Unpaid Leave:**

- a. The employer shall maintain health insurance benefits, paid by the employer for the employee, during periods of unpaid leave without interruption. The employee must pay any payment for family coverage premiums, or other payroll deductibles for insurance policies, or the benefits may not be continued.
- b. The employer has a right to recover from the employee all health insurance premiums paid during the unpaid leave if the employee fails to return to work after leave. Employees who fail to return to work because they are unable to perform the functions of their job because of their own serious health condition or because of the continued necessity of caring for a seriously ill family member may be exempt from the recapture provision.
- c. Leave taken under this policy does not constitute a qualifying event that entitles an employee to COBRA insurance coverage. However, the qualifying event triggering COBRA coverage may occur when it becomes clearly known that an employee will not be returning to work, and therefore ceases to be entitled to leave under this policy.

**6. Reduced and Intermittent Leave:**

- a. Leave taken under the policy can be taken intermittently or on a reduced leave schedule when medically necessary as certified by the health care provider. Intermittent leave or reduced leave schedules for routine care of a new child may be taken only with the approval of the employer. The employee and the employer must mutually agree upon the schedule.
- b. The employer may temporarily transfer employees on intermittent or reduced leave schedules to an equivalent alternative position that may better accommodate the intermittent or reduced leave schedule.
- c. Intermittent or reduced leave may be spread over a period of time longer than (12) weeks total leave in a one twelve (12) month period.

**7. Restoration:**

- a. Employees who are granted leave under this policy shall be reinstated to an equivalent or the same position held prior to the commencement of their leave.
- b. Certain highly compensated employees, who are salaried and among the ten percent (10%) highest paid employees, may be denied restoration. Restoration may be denied if (a) the employer shows that such a denial is necessary to prevent substantial and grievous injury to the employer's operations, (b) the employer notifies the employee that it intends to deny restoration on such basis at the time the employer determines that such injury would occur, and (c) in any case which the leave has commenced, the employee elects not to return to work within a reasonable period of time after receiving such notice.

**8. The Twelve (12) Month Period.**

The twelve (12) month period during which an employee is entitled to twelve (12) work weeks of Family Medical Leave Act is measured forward beginning January 1 of each year.

## Time Off

**Inclement Weather.** Every employee must make a personal judgment about safety in traveling to and from work during inclement weather. If the office is open during inclement weather and should you chose not to travel to work, the time will be charged to your vacation. Should vacation not be available for the individual employee, the time will be considered leave without pay.

### Maternity Leave

Tennessee Code Annotated 4-21-408.

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

A female employee who gives at least three months advance notice of maternity leave, her length of maternity leave, and her intention to return to full-time employment after maternity leave, shall be restored to her previous or a similar position with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of her leave.

A female employee who is prevented from giving three month's advance notice because of a medical emergency which necessitates that maternity leave begin earlier than originally anticipated, shall not forfeit her rights and benefits under this part solely because of her failure to give three months advance notice.

An employee may utilize accrued but unused sick leave, vacation leave, or compensatory time to remain on a paid status during maternity leave. Any leave taken after those accrued days have expired shall be without pay. Maternity leave shall not affect the employee's right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which she was eligible at the date of her leave, any other benefits or rights of her employment incident to her employment position; provided, however, that the employer need not provide for the cost of any benefits, plans or programs during the period of maternity leave unless such employer so provides for all employees on leave of absence.

If an employee's job position is so unique that the employer cannot, after reasonable efforts, fill that position temporarily, then the employer shall not be liable under this part for failure to reinstate the employee at the end of her maternity leave period.

The purpose of this part is to provide leave time to female employees for pregnancy, childbirth, and nursing the infant, where applicable; therefore, if an employer finds that the female employee has utilized the period of maternity leave to actively pursue other employment opportunities, or if the employer finds that the employee has worked part-time or full-time for another employer during this period of maternity leave, then the employer shall not be liable under this part for failure to reinstate the employee at the end of her maternity leave.

### Vacation Leave

**Qualification for Vacation Time.** Vacations will be granted to regular full time employees calculated on the basis of one (1) day per month (for vacation purposes, one week is defined as five (5) work days. No more than 15 days can be carried over to the next year.

**Use of Vacation Time.** Vacation time will not be available for use by an employee until it is accrued. Vacation leave may be used only at times approved in advance by the employer. Vacation request will be honored to the extent possible. Seniority will be used to determine any leave request conflicts. No employees may give or loan vacation to another employee, unless used for a serious sickness or serious injury.

#### **Disposition of Accrued Vacation Leave Upon Termination**

Except as otherwise provided and subject to the limitation stated in this section, upon termination of the employment, the employee shall be paid for all accrued but unused vacation leave he or she may have as of his or her last working day. Also, each terminating employee shall be paid a prorated portion of unaccrued vacation leave. Payment shall be, at the option of the employer either by terminal leave or by lump sum payment. In either event, or whether termination is voluntary or involuntary, the discretion to determine the employee's last working day is reserved to the appropriate authority.

**Terminal leave is that period during which an employee remains on the payroll beyond his or her last working day until all of his or her accrued annual leave has been exhausted.**

**If an employee is paid for his or her accrued but unused annual leave by terminal leave, the date on which his or her annual leave is exhausted shall be the official day of termination.**

**During a period of terminal leave, an employee shall not earn additional annual or sick leave and shall not be eligible for use of sick leave, and shall not be eligible for any salary increase. However, an employee shall receive credit for any official holidays occurring during a period of terminal leave.**

**If a terminating employee elects to be paid for his or her accrued but unused annual leave by lump sum payment, the employee's last working days shall be the official date of termination.**

**Payment for accrued annual leave under this section shall not be limited to the maximum accumulation amount which may be carried forward from one calendar year to the next if the last working days occurs prior to January 1 (even if the terminal leave period extends beyond January 1).**

**An employee who is dismissed for gross misconduct or who resigns to avoid dismissal for gross misconduct shall not be entitled to any compensation for accrued but unused annual leave at the time of dismissal.**

**All personnel entitled to accrue annual leave may request use of annual leave at the specified time by application to the discretion of the approving authority, who is responsible for planning the work under his or her control, and should be approved only at such times as the employee can best be spared.**

#### **Bereavement Leave**

**In the case of death in the employee's immediate family (father, mother, husband, wife, child, or grandchild) the employee will be given two (2) working days paid leave which will not be charged to vacation leave. If the employee has accumulated sick leave, the employee may take additional three (3) days of sick leave to extend bereavement leave for an immediate family member.**

**The employee shall be given one (1) working day paid leave which will not be charged to vacation leave in the case of death of a stepchild, brother, sister, mother-in-law, father-in-law, or grandparent of the employee. If the employee has accumulated sick leave, they may take an additional two (2) days of their sick leave.**

**For any other blood relative or close friend, the employee may take one (1) day of accumulated sick leave if available.**

### Jury and Court Duty

It is desirous for all employees to fulfill to serve as members of juries or to testify when called in both Federal and State courts. Therefore, the following procedures shall regulate when an employee is called for jury duty or subpoenaed to court.

- (1) The employee will be granted a leave of absence when the employee is subpoenaed or directed by proper authority to appear in Federal or State Court as a witness or juror.
- (2) The employee will receive his regular compensation during the time he/she is serving as a juror.
- (3) The employee must refund to his employer all compensation of fees that he receives for serving as a juror during normal working hours.
- (4) If the employee is relieved from court or jury duty during working hours, the employee must report back to his/her employer.
- (5) The above provisions concerning compensation for time in court do not apply if the employee is involved in private litigation. On these occasions the employee must take vacation leave, compensatory times or leave without pay.

### In Line of Duty Injury Leave

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

### Military Leave

Full-time employees who are members of any military reserve component will be granted military leave for such time as they are in the military service on field training or active duty for periods not to exceed fifteen (15) working days per calendar year. This time may not be used for weekend drills. Such requested leave shall be supported with copies of the armed forces orders.

Full-time employees who are members of a military reserve unit who have completed their military-training duty for the calendar year, and are reactivated for additional training, will be allowed an additional fifteen (15) days military leave if the additional military training:

- (1) Occurs during the calendar year; and
- (2) Fulfills the employee's military training obligation for the subsequent calendar year.

During such time that the employee is on military training leave, he/she shall receive full pay and benefits to which he/she would otherwise be entitled.

### Part Time/Temporary Employees

A part-time/temporary employee designation will be used for those employees whose regular assigned work schedule includes no more than thirty-two (32) hours per week. The benefits set out in this manual are intended to apply only to full-time employees. These rules and regulations are not intended to establish paid leave of any kind for part-time/temporary employees.

## **Discrimination Statement**

**As an equal opportunity employer, employment will be based upon consideration of the qualification of all applicants for employment. Discrimination based upon an applicant's race, color, sex, religion, national origin, age or disability will not be tolerated. An employee will report alleged discriminatory activity to the elected official. If the problem occurs with the elected official, then the employee will report to the County Mayor.**

## **Sexual Harassment**

**As part of Fayette County's continuing commitment to equal employment opportunity, the County adheres to the following policy:**

- (1) It is illegal and against the policies of the County for any employee, male or female, to sexually harass another employee by (a) making unwelcome sexual advances or requests for sexual favors or other verbal or physical contact of a sexual nature a condition of an employee's continued employment, or (b) making submission to or rejections of such conduct the basis for employment by such conduct.**
- (2) Any employee who believes he or she has been the subject of sexual harassment should report the alleged act or conduct immediately to the County Mayor or appropriate elected official.**
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**The use, possession, sale, transfer, purchase or being under the influence of intoxicating liquor, illegal drugs or other intoxicants by employees anytime on company premises or while on company business is prohibited. The illegal use of any drug, narcotic or controlled substance is prohibited. Employees must not report for duty or be on company property while under the influence of, or have in their possession while on company property, any intoxicating liquor, marijuana or illegally obtained drug, narcotic or other illegal substance.**

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**Acknowledgment of Receipt  
of Personnel Policies**

**As indicated by my signature below, I hereby acknowledge receipt of a copy of the Personnel Policies.**

**I further acknowledge that:**

- (1) I will read these personnel policies and any questions which I have concerning these rules and regulations will be addressed to my employer; and**
- (2) I understand that my employment will be subject to the provisions contained in these personnel policies along with any subsequent changes or amendments.**

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**Employee's Signature**

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**Date**

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**Employer's Signature**

Board of Education

Section 7 PERSONNEL

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**7.1    General Policy Statement**

The Fayette County Board of Education recognizes that an efficient staff is necessary to maintain a constantly improving educational program. The Board is interested in its personnel as individuals, and recognizes its responsibility for promoting the general welfare of the staff.

**7.1.1    Goals and Objectives**

The Board is committed to providing a coordinated professional staff of specially trained personnel to the end that each area of responsibility is properly designed with a procedure for evaluation so that each area may have proper emphasis in the school system organization.

The Board recognizes that good work done by secretaries, cafeteria, and maintenance workers, aides, bus drivers, and other support staff members contributes greatly to a smooth and effective operation. The Board seeks to attract and keep concerned and capable men and women to carry on support services assignments. The board desires that the relationship between the instructional and support services staff be that of partners working together for better schools.

The Board will strive, within budgetary limits, to provide a working environment for all staff that will contribute to efficient job performance and pride in and rewards for work well done.

**7.1.2    Equal Opportunity Employment**

The Fayette County Board of Education is an equal opportunity employer. The Board shall comply with all government regulations. The Board considers applicants for all positions without regard to race, color, religion, sex, national origin, age or handicapping condition. No person shall be denied employment, reemployment, or advancement, nor shall they be evaluated on the basis of sex, marital status, race, color, national origin, age, or handicapping condition. Age shall be considered only with respect to minimums set by law and retirement as specified by the state or policies of the Board of Education.

**7.1.2.1    Title VI of the Civil Rights Act of 1964**

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

### 7.1.3 Staff Involvement in Decision Making

The administration shall attempt to appropriately involve the staff in major decisions about organization and program concerns. Involvement of staff members in individual buildings shall be emphasized in making major decisions in the building. These statements are designed to encourage involvement of the professional staff in providing input and considering alternatives. The Board does hold the Director (Superintendent) and the administrative staff accountable for all major decisions and recommendations to the Board.

The overall goal of staff involvement shall be to achieve major organizational decisions that have the support and commitment to the total staff. The Board does believe that decisions made with appropriate processes of involvement should be supported by staff members of the school system.

### 7.1.4 Career Ladder

The Board encourages employees to participate to the fullest extent in the Career Ladder program established by the State Legislature. The Board will cooperate in the administration of the program so that its employees may receive the maximum benefits from participation. The following guidelines will apply to the program:

1. The Director shall recommend to the Board necessary actions to insure that local responsibilities for implementation of the Career Ladder are exercised.
2. The Board desires to keep outstanding teachers who have been designated as Career Ladder Level III teachers in the classroom to the maximum extent possible. The Board considers ten days away from teaching duties for evaluative purposes to be a maximum. However, the Board will cooperate with the State and will consider requests for use of Career Ladder III teachers for more than ten days a year on a case to case basis. Such requests will be approved by the Board upon the recommendation of the Director (Superintendent). The Director is empowered to grant such permission in the event times does not permit Board consideration. However, the Director will report each request for use of a Career Level III Teacher for more than ten days to the Board at its next meeting.
3. Career Level II administrators and supervisors may be used by the State for more than ten days if approved by the Board. Requests for use of Career Level II administrators and supervisors shall be made to the Director who shall make a recommendation to the Board of Education at its next regular meeting.

### 7.1.5 Professional Development Opportunities

Each certificated staff member shall have a positive responsibility for continuing personal growth in teaching skills, knowledge of child growth and development, and nature of the curriculum and society. The administration shall direct the development of inservice programs to achieve these purposes and/or to provide opportunities for self-selection of staff development programs.

### 7.1.6 Inservice Education

All certificated personnel are required to participate in the regular inservice activities conducted during the days set aside for such purposes during the regular school year or on days immediately preceding or following the school year. In addition, a portion of the inservice requirements may be met through a system of professional growth credit points.

## 7.2 Staff Community Relations

The Board of Education encourages its employees to take an active interest in the community affairs of Fayette County.

### 7.2.1 Participation in Community Activities

Personnel of the Fayette County Schools are encouraged to participate in community activities, but conflicts with employee duties and responsibilities must be avoided.

### 7.2.2 Political Activities

The Board of Education recognizes that its employees have the same fundamental civic responsibilities and privileges as other citizens. Among these are campaigning for or holding an elective public office. Certificated employees on tenure may be granted a leave of absence without pay for the purpose of campaigning for an elective office. Leave of absence must be taken during the time that the person holds a full-time elective office. The Board recognizes that school time, paid for all of the people, shall not be used for political purposes.

### 7.2.3 Public Appearances

Employees of the Board of Education are encouraged to make themselves available for group or individual conferences and speaking engagements to acquaint the citizens of the county and the public in general with the achievements and needs of the schools.

## 7.3 Personnel Records

It is the responsibility of new employees to complete personnel records by furnishing the required credentials and accurate information concerning their qualifications, training, and experiences. Each applicant for employment shall be provided a listing of the information necessary for personnel and payroll records.

A personnel record shall be maintained in the Director's (Superintendent's) office for all certificated employees in the school system. Information contained in these records shall be treated in a confidential manner. Materials in this record will include college transcripts, personnel evaluations, salary schedules, certifications records, health records, and other items deemed necessary for good management.

Personnel records shall be directly available only to the Director or other persons authorized by the Director. Discussion of the contents of personnel records with unauthorized personnel shall be considered unethical except with prior approval of the employees. All personnel record files will be retained on a permanent basis.

Personnel records shall be maintained on file in the Director of Personnel's office for the following non-certificated employees: teacher assistants, school secretaries, Central Office staff, and material clerks. In addition, the Director of Personnel shall maintain a database of all employees.

Department heads of Food Service, Maintenance, and Transportation shall be responsible for the custody, security, and maintenance of personnel records for employees in their division.

#### 7.4 Payroll Deductions

The following payroll deductions are authorized upon request. Requests for deductions or changes in deductions shall be made in writing to the Business Manager and kept on file.

1. Group hospital insurance plans approved by the Board of Education;
2. annuity plans approved by the Board of Education;
3. fees for membership in the professional teachers' organizations;
4. savings or payments to the Memphis Area Teacher's Credit Union - (requests are to be made directly to Credit Union office);
5. other deductions where required by law or recommended by the Director (Superintendent) and approved by the Board.

Payroll deductions shall also be made for absences from work which are not approved under existing leave policy and for legal garnishments.

#### 7.5 Recruitment and Employment of Certificated Personnel

The Board believes that descriptions of work assignments are helpful in the selection of personnel. Job descriptions for various positions shall be used as a reference in the recruitment and selection of certificated personnel. Sources of personnel supply shall be identified, candidates recruited on the basis of need, and data on each candidate gathered and carefully evaluated before employment is offered.

It shall be the policy of the Board to recruit and select for employment the best qualified applicant for each position without regard to race, color, creed, national origin; nor shall any person be denied employment solely because of age, sex, or marital status. The provisions of existing Court Orders pertaining to employment ratios and procedures shall be adhered to in the recruitment and selection process.

To be eligible for employment as a regular teacher in Fayette County Schools, an applicant shall hold at least a Bachelor's Degree from an accredited teacher training institution with an academic major in an appropriate subject matter field and shall hold a valid Tennessee Teacher's Certificate. The minimum professional training for vocational teachers shall be the same as required by the State Department of Education for certification in respective vocational areas.

It is the duty of the Director (Superintendent) to employ, transfer, suspend, non-renew, and dismiss all personnel with the exception of granting tenure. (TCA 49-2-20301(f)(31)). It is the duty of the Board of Education to elect, upon the recommendation of the Director, teachers who have attained or are eligible for tenure. (TCA 49-2-203(a)(1)).

All employees new to the school system shall be required to take a physical examination by a licensed physician and to furnish the examining physician's statement certifying fitness for the position and freedom from communicable diseases. Physical examinations shall be at the expense of the employee. Any employee may be required to furnish a physician's certificate of satisfactory health at any time it may be requested by the Director.

#### 7.5.1 Credit for Experience

Professional personnel employed by the Fayette County Schools from other school systems will be given credit on the salary schedule for teaching experience not to exceed fifteen years.

#### 7.5.2 Compensation and Contracts

Professional employees upon initial employment with the Board of Education will be provided a written contract with specified salary before entering upon their duties. Such contracts shall be in a form approved by the Board and signed in duplicate. The original shall be returned to the Director's Office. The duplicate shall be retained by the employee.

In accordance with TCA 49-1306 which makes provision for continuing contracts, the Board will not issue written contracts to professional employee after their initial employment. Professional employees shall continue in service until they have received written notice from the Board of their dismissal or failure of reelection.

#### 7.5.3 Assignment and Orientation

The Director shall assign each elementary teacher to the elementary school in which he/she believes the teacher can be of the greatest benefit to the total educational program.

Secondary teachers (9-12) may be assigned any classes for which they are qualified and certificated. Such assignment shall be in the best interest of the educational program.

Elementary and secondary teachers of special area subjects, librarians, and supportive services personnel may be assigned to more than one school if the assignment is determined to be in the best interest of the school program. In such cases the schedules are determined by the principals of the schools served and the appropriate central staff. The teacher is responsible to the principal of the building in which they are teaching.

Whenever possible, no two members of the immediate family shall be assigned to the same school and in no instance shall two members of the same family be assigned to the same school when one of the members is the principal of the school.

When other factors which have bearing on pupil welfare are equal, seniority becomes a factor to be considered in assignment. However, seniority does not justify overloading beginning teachers nor the assignments of persons to positions for which they do not possess the best qualifications available.

All new teaching personnel shall be required to participate in a one day pre-school orientation program. This program will be scheduled on a day prior to the system's pre-school inservice program for all teaching personnel.

#### 7.5.4 Probationary Period

Teachers must serve a probationary period of three years or not less than twenty-seven (27) months within a five (5) year period before acquiring "permanent" tenure status.

#### 7.5.5 Tenure

Any teacher having a Bachelor's Degree and a professional certificate who has completed a probationary period of three years within the last five year period, and who is retained for the fourth year, is under permanent tenure.

Permanent tenure shall apply to any teacher who

1. has a degree from an approved four (4) year college or to any vocational teacher who has the equivalent amount of training established and certified by the State Board of Education,
2. holds a valid professional certificate based on training covering the subjects or grades he/she is teaching,
3. has completed the required probationary period, and
4. is reemployed by the Board.

Limited tenure shall apply to those teachers presently employed who have less than a Bachelor's Degree, hold a a valid professional certificate, have completed the probationary period of three years, and are reemployed by the Board.

The Fayette County Board of Education shall comply with the provisions of the Teacher Tenure Law of the State of Tennessee (TCA 49-5-501 - 49-5-515).

#### 7.5.6 Grievance Procedure

The Fayette County Board of Education shall adhere to the grievance procedures from the negotiated agreement with the Fayette County Education Association. The procedures (sections 7.5.6.1 - 7.5.6.7) listed below are from the negotiated agreement.

##### **7.5.6.1 Definitions**

1. A "Grievance" shall mean any claim by a professional employee that there has been a violation, misinterpretation, or misapplication of a specific provision of this agreement.
2. The term "Grievant" is defined as any professional employee of the negotiating unit.
3. The term "days" shall mean any day, Monday through Friday, on which schools are open during the normal school year. The first day to be counted shall begin at 8:00 A.M. the day following the day on which the time limits are based. After the last day of the normal school year, a day shall be Monday through Friday, excluding holidays.
4. The term "Class Action Grievance" is defined as a grievance filed on behalf of a group of people who have a common grievance.

## **7.5.6.2 Procedures**

The Association and the Board shall provide standardized grievance forms for filing grievances. Class action grievances shall be presented in the name of the Association with the President of the Association or other elected officer as principal grievant. Hearings under this article shall be conducted during non-school hours.

### **7.5.6.2.1 STEP 1:**

The grievant must present the grievances in writing on a standardized grievance form within seven (7) days from knowledge of the occurrence to the immediately involved supervisor. The statement of grievance shall include the date the alleged violation took place, date filed, name of grievant, a factual statement of the grievance, and specific provisions of the Agreement violated. The statement shall also indicate the specific relief sought.

After receipt of the grievance form, the immediately involved supervisor will arrange for a meeting to take place within five (5) days. The grievant and the immediately involved supervisor shall be present for the meeting. A duly designated representative of the Association shall be present at this meeting if requested by the grievant. The grievant shall be provided with the supervisor's written responses within seven (7) days of the meeting. A copy of the response shall be forwarded to the Association and the Director. Failure of the supervisor to communicate the decision on the grievance within the specified time limit shall permit the grievant to present the grievance at the next step.

### **7.5.6.2.2 STEP 2:**

If the grievance is not resolved at Step 1, or the Step 1 time limits expires without the issuance of a written response by the immediately involved supervisor, the grievant may present the grievance to the Director or his/her designated representative within six (6) days after receipt of the Step 1 answer. The Director or his/her designated representative, if the grievant so desires, for a meeting to take place within ten (10) days of receipt of the request.

The Director, or his/her designated representative, shall provide the grievant and the Association President with a written response, including the reasons for the decision, within five (5) days of the meeting.

### **7.5.6.2.3 STEP 3:**

If the grievance is not resolved at Step 2, or the time limits expire without the issuance of a written response by the Director or his/her designated representative, the grievant may request to submit the grievance to advisory arbitration or a review by the Board. The request shall not be changed from one channel to the other.

#### **7.5.6.2.3.1 STEP 3a: Advisory Arbitration**

If the Association chooses to submit the grievance to advisory arbitration, the following procedures shall be followed:

1. A joint request form for a list of seven (7) arbitrators to be supplied by the Federal Mediation Conciliation Service shall be submitted within ten (10) days after the response from Step 2 or expiration of the time limits.

2. Upon receipt of the joint request from the Association, the Director or designated representative shall within five (5) days sign such request and forward it to the Federal Mediation and Conciliation Service.
3. Within seven (7) days of receipt of the list of arbitrators a representative of the Association shall advise the Director or his/her designated representative that it is ready to select an arbitrator to hear the grievance.
4. Selection from the list shall be made by each party alternately crossing out a name until only one (1) remains. The Association shall be the first to cross off a name.
5. If a request for arbitration is not made within ten (10) days from the date of the Step 2 response, the grievance shall be deemed withdrawn.
6. The fees and expenses of the arbitrator shall be shared equally by the Association and the Board.
7. If the arbitrator's recommendation is received seven (7) days prior to the next regularly scheduled meeting of the Board, the recommendation will be presented at that Board meeting. When the arbitrator's recommendation is received less than seven (7) days before the next regular meeting, the matter will be presented to the Board at the second regular meeting following receipt of the report.
8. The arbitrator's recommendation shall be upheld unless overturned by a majority vote of the Board members present. The Board shall respond in writing within twenty (20) days after the meeting in which the arbitrator's recommendation is presented. Copies of the Board decision will be forwarded to the grievant, President of the Association, and the Director.
9. The arbitrator's decision will be in writing and will set forth his/her findings, reasoning, and conclusions on the issue submitted. The arbitrator will be without power or authority to make any decision which requires the commission of an act prohibited by law or which is violative of the terms of this agreement. The decision of the arbitrator shall be advisory only. The arbitrator shall not have the power to alter, add to, or detract from the provisions of this agreement.

#### **7.5.6.2.3.2 STEP 3b: Review by the Board**

If the Association chooses to submit the grievance to the Board, the Following procedure shall be followed:

1. The request for review by the Board shall be submitted to the Director within ten (10) days after the response from Step 2 or the expiration of the time limit.
2. The request shall be made in writing to the Director who will forward it to the Board. If the request is not submitted within ten (10) days, the grievance shall be deemed withdrawn.
3. If more than one grievance is being submitted for review by the Board, the Association shall list them in order of priority at least five (5) days before the Board meets to review the grievance.

4. The Board when notified seven (7) days in advance shall hear the grievance at the next regular meeting and allot one (1) hour for review of grievance. A grievance not completed or not reviewed shall be carried over to the next regular meeting of the Board and reviewed in order of priority as established by the Association.
5. Either party shall have the right to submit written statements of position prior to or after the review.
6. Participants making presentations before the Board shall be limited to the grievant and local Association representative, and the Director and/or his/her designated representative. However, by notifying each other at least five (5) days in advance, both parties may have present as counsel one person who is outside of the school system.
7. The Board shall respond in writing within twenty (20) days after the review is completed. Copies will be forwarded to the grievant, the Association President, and the Director.

#### **7.5.6.3 Time Limits**

It is understood that time is of the essence, and the time limits provided for in this article will be strictly adhered to, subject to the following procedures:

1. Time limits provided for in this Article may be extended by mutual agreement when signed by both parties.
2. Any grievance which is not advanced by the grievant or the Association from one step to the next, within the time limits provided for in that step, shall result in the grievance being considered withdrawn.
3. Failure to respond to the grievance within the time limits provided for in this Article shall allow the Association or the grievant to advance the grievance to the next step.

#### **7.5.6.4 Representatives**

The Board acknowledges the right of the Association's grievance representative to participate in the processing of a grievance at Step 1 and 2 if the grievant so desires.

#### **7.5.6.5 Resolution of Grievances**

Any resolution of a grievance shall not be inconsistent with the terms of this agreement.

#### **7.5.6.6 Filing of Materials**

All documents, communications, and records dealing with the processing of a grievance shall be filed separately from the personnel files of the participants.

#### **7.5.6.7 No Reprisals**

No reprisals shall be taken by the Board or administration, or the Association and its membership against any person because of his/her participation in a grievance.

#### **7.5.6.8 Grievance and the Americans with Disabilities Act**

For this sub-section, the term "grievance" shall be defined as a complaint by an individual that he/she has been discriminated against because of some real or perceived disability.

#### **7.5.6.8.1 Coordinator**

An employee shall be designated to be responsible for coordinating the system's efforts to comply with the Americans with Disabilities Act (ADA). Information about the designation of such employee shall be disseminated to all staff members, students, the parents and/or guardians of students, and other interested citizens.

#### **7.5.6.8.2 Procedures**

All grievances must be presented to the ADA Coordinator. If satisfactory resolution of the problem cannot be reached after ample opportunity for consideration of the matter, the grievant may discuss the matter with the Director of Schools. After review of the case, the Director shall take action as he/she deems appropriate and shall notify all parties concerned of his/her decision. The grievant may appeal the Director's decision to the Board.

The Board will hear only those complaints which have been carried through the proper procedure from the point of origin.

### **7.5.7 Evaluation and Supervision**

Principals shall be responsible for the supervision of the teachers who are assigned to their administrative unit. Supervisors and Department Directors shall observe classes and confer with teachers in accordance with their responsibilities.

The Fayette County Board of Education believes that proper evaluation of personnel in an organization is essential to the accomplishment of its goals. If the personnel employed fail to have the skills, attitudes, and knowledge essential to the accomplishment of its goals, the organization will not succeed. Skills, attitudes, and knowledge of each employee should be inventoried before he/she is hired, but these attributes may be only at a minimum level at the time of employment. If employees are to make a maximum contribution to the school, they must develop in all areas. If employees are to make a significant contribution to the school system, they should have a desire to grow through career development opportunities.

The appraisal of performance is a cooperative and shared endeavor on the part of the teacher, the principal, and other administrative personnel. The State Model for Local Evaluation has been adopted by the Board of Education. This model is to serve as a guideline for the evaluation of all teachers effective at the beginning of the 1985-86 school year. The State Model for Local Evaluation reflects procedures, rules, and criteria set forth in the Comprehensive Education Reform Act of 1984 and subsequent amendment to the Act.

Persons charged with the responsibility for evaluating professional employees shall receive training in the use for the State Model and accompanying instruments. The primary goal of evaluation is instructional improvement. Multiple observations of teaching are necessary to obtain a reliable picture of teaching competencies. Teachers are to be evaluated in the following major areas of competency: planning, teaching strategies, evaluation, classroom management, leadership, and communication.

The frequency of observations and formal evaluations shall be, at a minimum, in accordance with the recommendations in the State Model and the Career Ladder status of the teacher. Additional observations and evaluations shall be conducted as deemed necessary by the principal or supervisor.

Tenured teachers not participating in Career Ladder professional development should be evaluated annually if there are areas of unsatisfactory performance and at least once every three (3) years to meet minimum standards.

#### **7.5.7.1 Transfer and Filling of Vacancy**

The Director (Superintendent), may transfer a teacher from one location to another within the school system, or from one type of work to another for which he/she is qualified and certificated. (TCA 49-2-310(f)(12) and (31))

The welfare of pupils is the primary consideration in all school matters. This must be the foremost factor in both original and future assignments. Of course, teacher welfare indirectly affects pupil welfare and is always a consideration in the Fayette County Schools. However, when necessary to the efficient operation of school, transfers will be made.

In the event that a sufficient number of qualified and certificated teachers, principals, and/or other qualified school personnel are not available for election and assignment on or before the 15th day of May preceding the school year for which such personnel shall be employed, then after that date the Director may locate, employ, and assign such qualified and certificated teachers, or other school personnel. A person employed in an administrative capacity may be transferred to a lesser administrative position or to a teaching position by the Director. Tenure applies to employment in the system, not to position.

#### **7.5.7.2 Promotions**

As general policy, personnel from within the system shall be favored for promotions to fill a vacancy. However, as in all school matters, the guiding principle remains the welfare of the children. Thus, when it is in the best interests of the educational program to do so, vacancies will be filled with personnel outside the system.

Upon the occurrence of a vacancy within the system, a notice of said vacancy will be posted at every campus. Personnel interested may submit a letter of intent to the Director of Schools. The Director or his/her designee will interview applicants before filling the vacancy.

#### **7.5.7.3 Resignation, Separation, and Suspension**

Teachers in service and under control of the public elementary and high schools of Tennessee shall continue in such service until they have received written notice from the Director of their dismissal or failure of reelection. Said notice must be prior to April 15. (TCA 49-5-409)

Resignations shall, if at all possible be submitted in writing to the Director of Schools prior to March 1 and in every instance at least one (1) month before resignation date. Should the resignation require that an employee be released from a contract, the Director reserves the right to either accept or reject the resignation.

When employees are dismissed, the Board of Education obligates itself to give at least a thirty (30) day notice or in lieu thereof thirty (30) days severance pay before action is taken, unless the separation occurs within the first six (6) months of employment. Dismissal within the first six (6) months of employment does not imply the thirty (30)-day notice obligation.

Separation of a tenured teacher will follow the procedure set forth in Tennessee Code Annotated. (TCA 49-5-511, 49-5-512, and 49-5-513)

Whenever there is any aspect of a certificated employee's work that is deemed unsatisfactory, he/she shall be advised of this condition and given ample opportunity and help to correct it. If the condition persists and suspension is considered necessary, he/she shall be informed in writing of the action and the reason for such action. The Director (Superintendent) is authorized to suspend any employee for professional or personal conduct pending a hearing by the Board.

#### **7.5.7.4 Retirement**

Notice of retirement, other than compulsory retirement, shall follow the same procedure as that for resignation.

Fayette County Board of Education favors retirement at age 65 for all employees. However, the Board will grant permission for a professional employee to remain in a professional position beyond this recommended retirement age if the Director (Superintendent) can show that continued employment is in the best interest of the school system. In accordance with TCA 49-5-507, a teacher's tenure status shall terminate as of July 1, following the sixty-fifth anniversary of his/her birth. If employment is extended, it will be on a year to year basis and will not revive rights under the tenure law.

A teacher desiring to teach past this recommended retirement age shall make such request in writing to the Director of Schools by February 1 of his/her last year of teaching before age 65. Any teacher requesting to teach beyond age 65 must receive a favorable recommendation from his/her principal. After researching the request, the Director shall submit the request along with his/her recommendation to the Board of Education for their consideration by the first regular board meeting in April.

#### **7.5.7.5 Vacation Pay**

Teachers will receive at least the state required minimum number of paid vacation days per year as required by the State Department of Education. Should a teacher's employment cease at some time during the school year, vacation pay will be pro-rated according to the number of days worked.

#### **7.5.7.6 Time Schedules**

The teaching day for all positions from kindergarten through the twelfth grade (both inclusive) shall include:

1. the hours classes are scheduled to be in session at the school or schools to which the teacher is assigned;
2. a reasonable time set by the administration before the scheduled time of beginning classes in the morning, at noon, and after the scheduled time for dismissal of classes. (The minimum time should be at least fifteen (15) minutes before school opens in the morning and fifteen (15) minutes after school closes in the afternoon.);

3. a reasonable assignment by the principal of extracurricular, playground, corridor, or similar activities outside of school hours or at noon, or both; and
4. such additional time, not necessarily at school, as may be needed by the teacher to fulfill satisfactorily the responsibilities of planning lessons, conferring with parents of students about their work, evaluating pupil responses, working at athletic contests, and the like.

#### **7.5.7.7 Traveling Expenses**

Itinerant teachers who must move between schools will receive travel expenses.

Teachers of home bound students will receive travel expenses.

#### **7.5.7.8 Non-school Employment**

Teachers will be discouraged from engaging in gainful employment during the term of their contract.

Gainful employment shall not be construed to apply to occasional (as distinguished from regular) services which, in the opinion of the Board of Education, do not conflict with the regular duties of the teacher, nor shall this resolution apply to any regular employment performed on Saturday or Sunday.

#### **7.5.7.9 Tutoring for Pay**

Teacher shall not tutor for pay, students who are assigned to their regular instructional program.

### **7.5.3 Drug-free Workplace Policy**

Illegal and excessive use of drugs has become an epidemic in our state. Any abuse and/or use at the workplace are subjects of immediate concern in our society. From a safety perspective, the users of drugs may impair the well-being of all employees, the public at large, and result in damage to state and county property. Drug use may also seriously impair an employee's ability to perform his/her job; therefore it is the policy of the State of Tennessee and Fayette County Board of Education that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the state's or county's workplace is prohibited. Any employees violating this policy will be subject to discipline up to and including termination. The specifics of this policy are as follows:

1. The unlawful manufacture, distribution, possession or use of a controlled substance is prohibited in or on the workplace. Such manufacture, distribution, possession, or use while on the job, state property, or county property will subject the violator to discipline up to and including termination.
2. The term "controlled substance" means any drug listed in 21.U.S.C. 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to, Heroin, Marijuana, Cocaine, PCP, and "Crack". They also include "legal drugs" which are not prescribed by a licensed physician to an alleged violator.
3. Each employee is required by law to inform this agency within five (5) days after he/she is convicted for violation of any federal or state criminal drug statute where such violation occurred on state or county property.
4. The Director of Education Personnel, (615) 741-1356, 100 Cordell Hull Building, must notify the U.S. Government agency with which the grant was made within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of such a conviction.

5. If an employee is convicted of violating any criminal drug statute while on the workplace, he/she will be subject to discipline up to and including termination. Alternatively the Department and the Board of Education may require the employee to successfully finish a drug abuse program sponsored by an approved institution.
6. As a condition of employment or continued employment of any federal government grant, the law requires all employees to abide by this policy.

This policy stated herein is being adopted by the Fayette County Board of Education in compliance with the Drug-Free Workplace Act.

## 7.6 Leaves of Absence for Certificated Personnel

Any person holding a position which requires a teacher's certificate shall be granted leave for military service, legislative service, maternity, adoption, or recuperation of health and may be granted leave for education improvements or other sufficient reason without forfeiture of accumulated leave credits or tenure status. All leaves shall be requested in writing at least thirty (30) days in advance on forms adopted by the Board of Education and uniformly used throughout the school system. The thirty (30) day notice may be waived or reduced by the Board or upon a certified statement of a physician approved by the Board of Education. The teacher's application for leave forms shall require, but not be limited to:

1. a description of the type of leave requested;
2. the requested dates for beginning and ending the leave;
3. a statement of intent to return to the position from which leave is granted.

Each request for leave must be acted upon by the Board of Education at the next regular Board meeting with such action to become a part of the official minutes. Each applicant shall be notified in writing of the action of the Board, and the beginning and ending dates of the leave which is granted. All leaves, except military leave, shall be from a date certain to a date certain; however, any leave may be extended to a later specified date upon written request from the teacher. Upon written application before the commencement date of a leave which already has been granted, but the vacancy not filled, a teacher may withdraw his/her request for leave.

Positions vacated for less than twelve (12) months by teachers on leave shall be filled with an interim teacher for such time as the teacher is on leave. Upon return of said teacher within the twelve (12) months, the interim teacher shall relinquish the position and the teacher shall return thereto. If the leave exceeds twelve (12) months, the teacher shall be placed in the same or a comparable position upon return from leave.

Part-time leaves may be granted upon written request with the conditions prevailing as recorded in the minutes of the Board of Education.

Any teacher on leave shall, at least thirty (30) days prior to the date of return, notify the Director in writing if said teacher does not intend to return to the position from which he/she is on leave. Failure to render such notice, except in emergency, may be considered breach of contract.

Leave to hold legislative office shall not be granted for more than any portion of four (4) calendar years without the consent of the Board of Education and nothing contained in this section shall be construed to require the Board or school system to pay such teacher during such leave of absence. (TCA 49-5-713)

#### **7.6.1 Leave of Absence - Special Provisions**

The fitness of a teacher to teach during the period immediately preceding or immediately following a requested medical leave shall be primarily a matter for the determination of the teacher and attending physician, except that;

1. The Director of Schools may, in his/her discretion, require a teacher to furnish the attending physician's certification of health on a form provided by the school system. The certification will be accepted by the Director except that the Director may, for good cause and with the concurrence of the Board, reach a different conclusion as to the teacher's ability to teach during the relevant periods and adjust the leave as exigencies of the case may require.
2. The Director may, to facilitate administrative planning toward the important objective of continuity, require, when circumstances of the case permit, that the commencement of the leave be advanced by as much as thirty (30) days to cause the date of commencement to coincide with a scheduled break in the school grading period; and in case of termination of the leave, the Director may cause the date thereof to be deferred until the end of a semester or school year, whichever event occurs first.

##### **7.6.1.1 General Disability**

In case of emotional or physical disabilities which affect the performance of a teacher's duties and for which no request for leave has been made, the Director, with the concurrence of the Board, may require a medical leave of absence. The teacher involved shall have the right to a full hearing before the Board specially convened for that purpose after which the Board may reaffirm its original action of concurrence with the Director or the Board may reinstate the teacher. Such hearing shall be conducted as promptly as possible after receipt of a written request therefore made by the teacher to the Director within five (5) days after the initial action of the Director.

##### **7.6.1.2 Military Leave**

Employees who are members of any reserve component of the Armed Forces of the United States shall be granted leave of absence for all periods of military service during which they are engaged in the performance of duty or training in the service of the state or the United States. Reservists who anticipate military duty during the school year must give written notice to the Director of Schools, within thirty (30) days of the dates of the anticipated duty. While performing such duty or training, the employee shall be paid his regular salary up to a maximum of fifteen (15) working days in any one (1) calendar year, plus such additional days as may result from any call to active state duty. (U.S.C 2024(d) and 2021(a)(b), TCA 8-33-109)

Request for leaves and extension of leaves shall conform to state law and Board policy governing all leaves of absence. Failure to comply with applicable laws and policies shall constitute grounds for dismissal.

The employee shall supply a copy of the orders for duty, including the dates of departure and return it to the Director, prior to or simultaneous with, requesting leave.

#### **7.6.1.3 Educational Improvement Leave**

A leave of absence without pay for advance educational study may be granted to tenured personnel for professional improvement. Ordinarily the leave will be for one school year, but may be for a longer period of time upon the recommendation of the Director.

### **7.6.2 Sick Leave**

One day of sick leave is allowed for each 20 day school month of employment. Sick leave refers to leave of absence because of illness of an employee from natural causes or accident, quarantine, illness or death of a member of the immediate family of the employee. The immediate family is considered as including the spouse, parents, grandparents, children, brothers, sisters, mother-in-law, father-in-law, daughter-in-law, son-in-law, brothers-in-law, sisters-in-law, and grandchildren.

The Fayette County Board of Education authorizes retirement credit for unused accumulated sick leave pursuant to Tennessee Code Annotated 8-34-604(c) for all personnel. Sick leave is to accrue one (1) day per month with twenty (20) days sick leave equaling one (1) month of service credit towards retirement, with no limit on the number of days which can be accrued. This policy shall be effective July 1, 1992.

#### **7.6.2.1 Sick Leave Reporting**

All affected School Board employees, including the Director, administrators, and principals must complete a leave report each time sick leave is taken. These reports should be turned in to the Payroll Department immediately following each absence.

### **7.6.3 Personal Leave**

Each certificated employee is entitled to a maximum of two (2) days personal leave per school year. This leave is to be non accruable. Personal leave may be taken by personnel for all purposes and no reasons or explanations are required. The following conditions to this policy are noted:

1. With exception of emergency situations, personal leave will not be granted:
  - a. If more than ten percent (10%) of the teachers in any given school request its use on the same day, provided, however, on making this calculation any major fraction shall be considered as one (1); and in schools of five (5) teachers or less, one (1) teacher may take personal leave at his/her discretion;
  - b. If personal leave is requested during any prior established student examination period; or
  - c. If personal leave is requested on the day immediately preceding or following a holiday vacation period.
2. At least one day's notice in writing is to be given the building principal except in emergency situations.

An emergency situation is defined as any business of a personal nature which requires immediate attention and definitely cannot be deferred until school is not in session. The employee will be expected to show cause as to why the matter must be attended to on school time.

While personal leave is non accruable, any unused personal leave will be converted into sick leave at the end of the school year.

#### **7.6.4 Professional Leave**

Certificated personnel may make application for professional leave for activities which will directly enhance the professional growth of the individual in his/her job assignment within the school system.

Professional leave may also be a short, temporary absence for the purpose of attending workshops and other meetings relating to school business or serving on boards and commissions which meet during daytime hours when appointed by a mayor, city council, county executive, or county commission. In addition, certificated employees shall be granted leave to serve on any board or commission of the state when the appointment is made by the Governor or General Assembly.

Request shall be submitted to the principal or supervisor at least five (5) working days prior to requested leave of absence. The individual making application for professional leave must first obtain the approval of the building principal and then have the application forwarded to the Director for final approval.

In rendering a decision, the principal and Director should take into account not only the relationship the activity will have on the professional growth of the applicant but also the attitude and enthusiasm of the teacher toward his/her job and the effect such a leave will have on the overall operation of the school.

Professional leave, when granted, will be without loss of pay to the applicant, and the school system, at the discretion of the Director, may reimburse the applicant for any and all of the actual and necessary expenses incurred based on the Board adopted travel policy. Such leave shall not be counted against any other accumulated leave credits.

#### **7.6.5 Jury Duty**

Under state law, teachers are exempt from liability to act as jurors but may choose to serve as a juror (TCA 22-1-103). This exemption does not apply in federal court. The following procedures shall regulate the leave for jury duty for teachers who choose to take it:

1. The teacher shall present written evidence that he has been summoned to serve on a jury; and, shall include a written statement that he wishes to perform such duty; and
2. The teacher shall be entitled only the compensation received as a juror (ACO U83-080 (June 13, 1983)).

#### **7.6.6 Emergency Leave**

An immediate supervisor may grant a certificated employee emergency leave during the workday for a sudden, unexpected occurrence demanding immediate attention. Leave shall be taken as personal leave, sick leave, or leave without pay. The employee who uses emergency leave shall confirm said leave the day after returning to work on forms provided by the Board. (TCA 49-5-711)

Principals or administrative supervisors shall keep a tally of the amount of time individual employees are released under this policy and when the total time reaches one (1) day, the employee shall be charged with one (1) day of applicable leave.

#### **7.6.7 Court Appearances**

If a teacher appears in state court because of a personal interest, whether as a plaintiff, defendant, or witness or voluntarily appears in behalf of family or friends, or when a teacher is required to appear in court either as a defendant or plaintiff in a civil case, personal leave or leave without pay shall be granted in accordance with the board policies on leaves.

#### **7.6.8 Maternity Leave**

In the interest of appropriate planning and the educational needs of the school system, as well as the general welfare of its employees, certain procedures for granting maternity leave must be followed.

##### **7.6.8.1 General Guidelines**

1. Any person holding a position which requires a license shall be granted maternity leave due to pregnancy and childbirth.
2. Any licensed employee on maternity leave shall be permitted to use accumulated sick leave during the period of actual physical disability only. Otherwise, the maternity leave shall be unpaid leave.
3. A physician's statement may be required by the Board when determining the period of actual physical disability.
4. Request for leaves and extension of leaves shall conform to state law governing all leaves of absences. (TCA 49-5-702)
5. Every licensed employee shall notify the Director in writing at least three (3) months prior to the expected date of delivery.
6. The Director or his/her designee and the licensed employee shall determine the beginning and ending dates of the leave, which shall be recommended to the Board.
7. If no agreement can be reached between the Director and the licensed employee, the delivery date shall become the beginning date and the Board shall set the ending date.

##### **7.6.8.2 Extended Maternity Leave**

The Board shall consider the request of extended maternity leave according to the needs of the system and the wishes of the licensed employee, giving particular attention to the impact of the proposed leave on the instructional program. (TCA 49-5-704) To the greatest extent possible, the beginning and ending of maternity leave shall coincide with the beginning and ending of semesters.

Any female teacher requesting an extension for pregnancy, childbirth and/or nursing the infant shall be granted up to four (4) months without pay. (TCA 4-21-408)

#### **7.6.9 Vacation Leave**

Beginning July 1, 1994, the maximum number of unused vacation days that any employee may be paid for at the time of termination of employment shall not exceed fifteen (15) days. The maximum number of vacation days which can be carried over into the next calendar year shall not exceed fifteen (15) days.

For all employees having more than 30 days of accumulated vacation leave, the amount over 30 days shall be transferred to accumulated sick leave.

#### **7.6.10 Election Officials**

Teachers selected to serve as election officials will be paid only the differences between regular salary and the amount of compensation for serving as such official.

### **7.7 Substitute Teachers**

A quality instructional program requires the availability of qualified persons to substitute for teachers who must be absent for legitimate reasons. When a teacher is unable to report to work for any reason he/she shall call the principal as soon as possible so that a substitute may be notified. The principal and/or the person in charge of securing substitutes shall secure the most capable and best qualified substitute available at the time. The absent teacher shall notify the principal no later than the day before he/she intends to return to work so that the substitute teacher can be notified.

The principal shall be responsible for the supervision of substitute teachers on the same basis that he/she is for regular teachers.

Principals shall forward the report of absentees and substitutes to the Board of Education Office at the end of each week. Substitutes shall be paid for their services monthly.

#### **7.7.1 Method of Selecting Substitutes**

1. In the event of a planned absence(s) a substitute shall be selected from a listing established by the Board. Wherever possible, each substitute should hold a valid Tennessee teacher's certificate or permit based on a degree from an approved four (4) year university or college.
2. In the event of an unexpected absence(s) a substitute should be selected from the listing.
3. In all instances when a regular teacher has been out of the classroom for twenty (20) consecutive days for any reason, a certificated teacher endorsed in the discipline(s) to be taught shall be used as a substitute.

#### **7.7.2 Responsibilities**

In order to make the work of the substitute teacher as satisfactory as possible, the regular teacher must:

1. have a daily schedule of work posted,
2. have a class roll available,
3. have plans and other information concerning his/her teaching available for the substitute teacher.

Basic information must be provided to the substitute by the regular teacher regarding day-to-day operation of the class.

Substitutes have an obligation to notify the school system regarding their unavailability for whatever reason. They should give reasonable notice if they wish to be removed from the approved list.

### **7.7.3 Duties**

Substitute teachers shall assume general duties of the teacher for whom they are teaching, including all extra duty assignments. However, they are not authorized to administer corporal punishment. Substitute teachers shall refer students to the principal if they think corporal punishment is needed.

### **7.7.4 General Qualifications**

A substitute teacher should be an experienced, mature person, preferably qualified in the field in which he/she is substituting. Substitute teachers who have degrees and certification will be given preference. A substitute teacher should, in the judgment of the administration, be fully capable of carrying on successfully in the absence of the regular teacher. In service training shall be provided for substitute teachers to acquaint them with guidelines and procedures that may affect their performance.

A retired teacher may serve as a substitute; however, he/she may not return to temporary employment until the expiration of sixty (60) calendar days from the effective date of retirement. A retired teacher may serve as a substitute one hundred (100) days within a twelve (12) month period without loss of retirement benefits.

### **7.7.5 Evaluation**

Evaluation of the performance of substitute teachers shall consist of a review of the responses to items on the back of the report forms which are sent to the Director's office weekly. Annually the list of substitutes shall be critically reviewed and those with less than satisfactory performance removed.

### **7.7.6 Part Time Teachers**

When regular teachers take leave or are absent beyond accumulated sick leave days the Board may employ interim or substitute teachers for temporary periods.

The substitute who is teaching for a regular teacher on leave whose accumulated leave days are exhausted shall hold a valid Tennessee teacher's certificate or permit, and shall be paid in accordance with the State salary schedule.

## **7.8 Non-Certificated Personnel**

Policies in this section apply to employees of the Fayette County Board of Education who do not require a certificate issued by the Tennessee Department of Education.

### **7.8.1 General Policy Statement**

Non-certificated personnel fall into several categories and may be governed by additional sets of guidelines because of the sources of funding and variances in applicable laws and regulations.

Normally non-certificated personnel are organized and assigned by their own department, but when working in a school building, these employees are directly responsible to the principal of the school. The relationship of non-certificated and certificated personnel should be that of partners working together to provide the best learning situation for the youth of Fayette County.

### **7.8.2 Definition of Positions**

The non-certificated personnel currently employed by the Fayette County Board of Education will fall into the following work-type categories:

1. business manager, clerks, bookkeepers, and secretaries at the administrative offices including secretary at the Vocational Center,
2. secretaries at the school building level,
3. data clerks, material clerks, and educational assistants including Special Education and Title I,
4. maintenance employees and the department head at the administrative office,
5. custodial and janitorial employees at the school building level,
6. cafeteria workers, managers, and department head,
7. bus drivers, mechanics, and the department head at the administrative office.

### **7.8.3 Applications**

Applications for employment with the maintenance, food service, and transportation departments shall be submitted to the respective department head at the respective administrative office in Somerville. Applications for secretaries, clerks, aides, and other non-certificated personnel shall be submitted to the administrative offices in Somerville.

### **7.8.4 Hiring**

Non-certificated personnel shall be employed by the Director (Superintendent) of Schools (TCA 49-2-301(f)(31) and (32)). Qualifications, job descriptions, and job standards will be the responsibility of each department. The administrative staff shall be responsible for the development of procedures which ensure the employment of the best qualified applicants based on personal characteristics, skills, knowledge, previous work experience, and potential for growth.

### **7.8.5 Assignments**

The department head shall assign non-certificated personnel with the advice and consent of the building principals directly involved. The building principal will interview and help select the secretary and custodians for the school directly involved.

### **7.8.6 Compensation**

Salary schedules shall be maintained for each category of supportive personnel and shall be subject to annual review and change upon recommendation of the Director and approval by the Board. New employees shall be placed at the proper step in the salary schedule based on experience and college semester hours as documented by an official college transcript. Experience for the purpose of placement on the pay schedule shall be defined as total years of experience in the Fayette County School System. A break or breaks in service shall not be used to penalize employees in terms of calculating total years of experience.

### **7.8.7 Evaluation and Supervision**

Job descriptions, where available, will be used as a basis for evaluation. The evaluation process will be of a continuing nature. Job evaluation forms may be developed by the various departments. Evaluation reports shall be submitted to department heads by principals or immediate supervisors.

### **7.8.8 Promotion**

Promotion within a department or within a program should depend upon several different variables. Some of these variables might be evaluation reports, seniority in the program as well as in the system, and work records.

In all cases, promotion will be made for the greater benefit of the students involved and will be made by the Director of Schools.

### **7.8.9 Transfer**

Transfers from school to school as well as transfers from program to program can be made. Such transfers must be discussed by the person being transferred, the supervisor(s) of the program(s), and the principal(s) of the school(s) who will recommend transfer approval or denial to the Director. It is assumed that transfers will be approved only if greater benefit to the students involved will be realized. The final decision in transfer matters rests with the Director of Schools (TCA 49-2-301(f)(31)).

### **7.8.10 Resignation**

Resignations must be submitted in writing at least two (2) weeks before the proposed ending date. Exceptions to this policy can be granted in emergencies as determined by the employee, the supervisor of the program, and the Director.

### **7.8.11 Retirement**

Notice of retirement other than compulsory retirement should follow the same procedure as that for resignation.

Compulsory retirement for non-certificated employees, other than bus drivers, shall be taken when the employee reaches sixty-five (65) years of age prior to July 1st of the year in which they are to be employed.

#### **7.8.12 Lay-Off and Dismissals**

Because of declining enrollments and changing of funding sources, it may become necessary from time to time to lay-off personnel. Such layoffs will be with the utmost caution and will be determined on the basis of seniority: the last hired will be the first to be laid-off.

Personnel who have been subjected to a lay-off in one program or school may apply for a job in another program or school where a vacancy exists. A concerted effort will be made to place such personnel in another job for which they are suited. In all cases, when vacancies do occur in the program from which the employee was laid-off, such personnel will be offered the vacancies as soon as they occur. Non-certificated personnel who have been subjected to a lay-off may submit an application for further employment with the Fayette County Board of Education.

Personnel may be dismissed when it is determined by the principal of the school and the supervisor of the program that continued employment of such personnel would not be in the best interest of the students directly involved. Such dismissal will be based on work records, evaluation records, and other variables that reflect the lack of ability for the employee to continue in the job.

Final decisions in matters of dismissal shall be made by the Director of Schools (TCA 49-2-301(f)(31) and (33)).

#### **7.8.13 Time Schedules**

The Board of Education recognizes the difficulty in starting a time schedule for each position; however, the time schedule and work load shall be discussed with each employee prior to his/her employment, and deviations from this schedule shall be explained to the employee. The number of weeks worked per year varies for different categories of non-certificated personnel.

#### **7.8.14 Leaves**

Each request for leave must be acted upon by the Board of Education at the next regular Board meeting with such action to become a part of the official minutes. Each applicant shall be notified in writing of the action of the Board, and the beginning and ending dates of the leave which is granted. All leaves, except military leave, shall be from a date certain to a date certain; however, any leave may be extended to a later specified date upon written request from the employee. Upon written application before the commencement date of a leave which already has been granted, but the vacancy not filled, an employee may withdraw his/her request for leave.

**7.8.14.1 Military Leave**

Employees who are members of any reserve component of the Armed Forces of the United States shall be granted leave of absence for all periods of military service during which they are engaged in the performance of duty or training in the service of the state or the United States. Reservists who anticipate military duty during the school year must give written notice to the Director of Schools, within thirty (30) days of the dates of the anticipated duty. While performing such duty or training, the employee shall be paid his regular salary up to a maximum of fifteen (15) working days in any one (1) calendar year, plus such additional days as may result from any call to active state duty. (U.S.C 2024(d) and 2021(a)(b), TCA 8-33-109)

Request for leaves and extension of leaves shall conform to state law and Board policy governing all leaves of absence. Failure to comply with applicable laws and policies shall constitute grounds for dismissal.

The employee shall supply a copy of the orders for duty, including the dates of departure and return it to the Director prior to or simultaneous with requesting leave.

**7.8.14.2 Educational Improvement Leave**

A leave of absence without pay for advanced educational study may be granted to personnel for professional improvement. Ordinarily the leave will be for one school year, but may be for a longer period of time upon the recommendation of the Director.

**7.8.14.3 Sick Leave for Non-Certificated Personnel**

One day of sick leave is allowed for each 20 day school month of employment for full-time employees. Sick leave refers to leave of absence because of illness of an employee from natural causes or accident, quarantine or illness or death of a member of the immediate family of the employee. The immediate family is considered as including the spouse, parents, grandparents, children, brothers, sisters, mother-in-law, father-in-law, daughter-in-law, son-in-law, brothers-in-law, sisters-in-law, and grandchildren.

Sick leave will accumulate for non-certificated personnel, only if employed with the school district on a full-time basis. For the purposes of this policy, "full-time" shall be interpreted as having a normal working day, including the lunch hours of at least seven (7) hours per day, and/or thirty-five (35) hours per week. The policy shall not apply, and no sick leave shall be granted or accumulate, for personnel who are employed less than seven (7) hours per day and/or thirty-five (35) hours per week.

**7.8.14.3.1 Sick Leave Reporting**

All affected School Board employees, including the Director, administrators, and principals must complete a leave report each time sick leave is taken. These reports should be turned in to the Payroll Department immediately following each absence.

**7.8.14.4 Personal Leave**

Each twelve (12) month non-certificated employee is entitled to a maximum of two (2) days personal leave per school year. This leave is to be non accruable. Personal leave may be taken by personnel for all purposes and no reasons or explanations are required. The following conditions to this policy are noted:

1. With exception of emergency situations, personal leave will not be granted:
  - a. If more than ten percent (10%) of the teachers in any given school request its use on the same day, provided, however, on making this calculation any major fraction shall be considered as one (1); and in schools of five (5) teachers or less, one (1) teacher may take personal leave at his/her discretion;
  - b. If personal leave is requested during any prior established student examination period; or
  - c. If personal leave is requested on the day immediately preceding or following a holiday vacation period.
2. At least one day's notice in writing is to be given the building principal except in emergency situations.

An emergency situation is defined as any business of a personal nature which requires immediate attention and definitely cannot be deferred until school is not in session. The employee will be expected to show cause as to why the matter must be attended to on school time.

While personal leave is non accruable, any unused personal leave will be converted into sick leave at the end of the school year.

#### **7.8.14.5 Emergency Leave**

An immediate supervisor may grant a certificated employee emergency leave during the workday for a sudden, unexpected occurrence demanding immediate attention. Leave shall be taken as personal leave, sick leave or leave without pay. The employee who uses emergency leave shall confirm said leave the day after returning to work on forms provided by the Board. (TCA 49-5-711)

Principals or administrative supervisors shall keep a tally of the amount of time individual employees are released under this policy and when the total time reaches one (1) day, the employee shall be charged with one (1) day of applicable leave.

#### **7.8.14.6 Maternity Leave for Support Personnel**

1. Female non-certificated/non-licensed employees who have been employed in a full-time position for at least twelve (12) consecutive months shall be granted, without pay a maximum of four (4) months maternity leave for pregnancy, childbirth and/or nursing the infant.
2. Employees may use sick leave during actual periods of physical disability due to pregnancy and childbirth.
3. Employees shall notify the Director in writing at least three (3) months prior to the expected date of delivery.

#### **7.8.15 Vacations and Holidays**

Because of the various guidelines accompanying the funding sources that are used by Fayette County Schools, the vacation and holiday schedule will differ from program to program. The Board believes that vacation and holidays for non-certified personnel shall be based upon the school calendar which is adopted each spring and that vacations and holidays should not be taken while schools are in session.

The Board offers, as a guideline only, the directions that govern the employment of assistants, school secretaries, and bus drivers.

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1. Assistants are paid for five (5) days of vacation per year. Assistants receive the five (5) following holidays: Labor Day, Thanksgiving Day, New Year's Day, Martin Luther King Day, and Christmas Day.
  2. School secretaries receive five (5) work days when schools are not in session along with the days outlined above for assistants.
  3. Bus drivers are paid for five (5) holidays.

#### **7.8.15.1 Vacation Leave**

Beginning July 1, 1994, the maximum number of unused vacation days that any employee may be paid for at the time of termination of employment shall not exceed fifteen (15) days. The maximum number of vacation days which can be carried over into the next calendar year shall not exceed fifteen (15) days.

All affected School Board employees, including the Director, administrators, and principals must complete a leave report each time vacation leave is taken. These reports should be turned in to the Payroll Department immediately following each absence.

For all employees having more than 30 days of accumulated vacation leave, the amount over 30 days shall be transferred to accumulated sick leave.

#### **7.8.16 Inservice**

Inservice instruction is to be offered and designed by the supervisor of each program that utilizes non-certified personnel according to the guidelines that originate with the funding sources.

The purpose of such inservice should be to publicize the new developments in the program, to acquaint personnel with new techniques in working with the target population, and to acquaint personnel with new policies, guidelines, and/or regulations that may affect their performance.

\* \* \* \* \*

Office of Public Works Department

### **Personnel Policies**

#### **Employment At Will**

No policy, benefit, or procedure contained herein creates an employment contract for any period of time. All employees will be considered employment-at-will. Employees may be terminated for failure to satisfactorily perform their duties or simply at the will of the employer, but they shall not be terminated for a discriminatory or illegal purpose.

There will be a a six (6) month probation period for all new employees. During this time everyone will be closely supervised in order to become familiar with duties and responsibilities.

There will be a performance evaluation each year for every employee. Employees will be evaluated on attitudes toward work and co-workers, the quality of work, and the willingness to assume responsibility. This evaluation will be personally discussed with each employee at intervals and placed in the employee file.

### **Employment Definitions**

Following are definitions of various employment terms or types referred to in the personnel policy.

"Regular Employees" are those hired to work the Departments normal, full time work week on a regular basis. These employees may be salaried or hourly paid.

"Seasonal/Temporary Employees" are those hired to work full time with the understanding that their employment will terminate upon completion of specific assignments. They may be salaried or hourly paid.

"Newly Hired Employees" are those who have been employed by the Department for less than six months. They may be salaried or hourly paid.

"Salaried Employees" are those compensated on an annual basis with payments made twice a month.

"Hourly Employees" are those compensated on a hourly rate with payments made every 2 weeks.

"Exempt Employees" are those exempted from the required Overtime/Compensatory time provisions of FLSA.

"Non-exempt Employees" are those not exempted from FLSA.

### **PERSONNEL FILES**

An individualized personnel file will be maintained on each employee. It is the responsibility of each employee to provide accurate information to the employer. Employees are also responsible for reporting to the employer any change in the in the information which they have previously provided.

### **IMMIGRATION PAPERS**

Upon initial employment, all employees are required to attest that they are lawfully eligible to work in the United States. Employees are further required to supply to the employer copies of documents providing this eligibility.

### **DISCRIMINATION STATEMENT**

As an equal opportunity employer, employment will be based upon consideration of the qualification of all applicants for employment. Discrimination based upon an applicant's race, color, sex, religion, national origin, age or disability will not be tolerated. An employee will report alleged discriminatory activity to the Superintendent. If the problem occurs with the superintendent, then the employee will report to the County Attorney.

## **SEXUAL HARASSMENT**

As part of Fayette County's continuing commitment to equal employment opportunity, the County adheres to the following policy:

- (1) It is illegal and against the policies of the County for any employee, male or female, to sexually harass another employee by (a) making unwelcome sexual advances or requests for sexual favors or other verbal or physical contact of a sexual nature a condition of an employee's continued employment, or (b) making submission to or rejections of such conduct the basis for employment by such conduct.
- (2) Any employee who believes he or she has been the subject of sexual harassment should report the alleged act or conduct immediately to the Superintendent or County Attorney.
- (3) All information reported will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.
- (4) The County will fulfill its obligation to undertake an appropriate investigation, which may include informing the alleged harasser of the complaint and giving that person an opportunity to respond to the allegation.
- (5) Any person who has been found by the County after investigation to have sexually harassed an employee will be subject to appropriate sanctions depending on the circumstances, from a warning in his or her file up to and including termination.
- (6) Any retaliatory action of any kind taken by any persons as a result of an individual making a report of sexual harassment is prohibited and shall be regarded as a separate and distinct cause for complaint.

## **FAIR LABOR STANDARDS ACT**

The Department will comply with all provisions of the Fair Labor Standards Act (FLSA). No employee shall be paid less than minimum wage (currently 9-1-97, \$5.15/hour).

## **WORKWEEK**

The workweek will begin at 12:01 a.m. Monday and end at 11:59 p.m. on Sunday. At the Central Highway Complex, salaried employees will be paid a regular salary which covers all hours worked up to forty (40) during each workweek. At Public Works Administration Center, salaried employees will be paid a regular salary which covers all hours worked up to thirty-five (35) during each workweek. Hourly employees will be paid for all hours worked at either location. Paychecks will be issued every 2 weeks if hourly paid and twice monthly if salaried.

## **OVERTIME**

All hourly employees will receive overtime pay at the rate of one and one-half (1½) times their regular rate of hourly pay for those hours worked over 40 during a workweek. The overtime rate applies only to hours worked over 40 and not to paid leave hours. Overtime is scheduled at the discretion of the Superintendent,

## COMPENSATORY TIME

All salaried non-exempt employees shall receive compensatory time off for all hours worked over their normal workweek in lieu of paid overtime. For all hours worked over 40, the compensatory time off will be 1½ times the hours worked. Compensatory time is scheduled at the discretion of the Superintendent. An employee cannot accrue more than (40) hours of regular compensatory time off. Use of compensatory time is subject to Superintendent's approval but will not be denied unless it would cause undue disruption to the Department.

## FLSA EXEMPT EMPLOYEES (POSITIONS)

The following positions are defined as Exempt from FLSA required overtime or compensatory provisions

Public Works Superintendent  
Public Works Engineer/Assistant Supt.  
Supervisor

## EMERGENCY CALL OUT

To protect the public safety and to protect County liability, all employees shall respond to emergency call outs after normal work hours at the direction of the Superintendent or his designee. To encourage this response and to compensate employees for the extra travel time to and from work, and the harsh, dangerous working conditions, all employees will be paid overtime or receive compensatory time at the rate of 1½ times for hours worked during emergency call outs after normal work hours. The compensatory time accrued through emergency call out is limited to 240 hours as prescribed in Federal Law.

## FAMILY & MEDICAL LEAVE POLICY

Under the federal Family and Medical Leave Act of 1993 (FMLA), eligible county employees are entitled to up to twelve (12) workweeks of unpaid leave during each 12-month period beginning the calendar year, for the birth of a child, the placement of a child for adoption or foster care, a serious health condition of the employee that makes the employee unable to perform the functions of his or her job, or the serious health condition of a spouse, son, daughter or parent which requires the employee's presence. Both male and female employees are eligible for leave in connection with the birth or placement of a child or a family illness, but special rules may apply if both husband and wife are county employees. Subject to certain conditions, accrued paid leave may be substituted for unpaid FMLA leave.

Eligible employees are those who have been employed by the county for at least 12 months, and who have worked at least 1,250 hours during the 12 month period immediately before leave is requested.

An employee must provide at least thirty (30) days advance notice of the need to take FMLA leave under normal circumstances. Medical certification also may be required.

It is the policy of Fayette County to grant its employees leave in accordance with the requirements of the Family and Medical Leave Act. All employees should have a copy of the FMLA Fact Sheet, and employees may obtain additional copies of that publication as well as additional information about the FMLA and their rights and obligations under that law from their supervisor, or by contacting County Attorney at (901)-465-2702.

In addition to the FMLA, Tennessee has a maternity leave law (T.C.A. §4-21-408) which applies to all employers who employ 100 or more full-time employees at a job site or location. This state law allows employees who have been employed for twelve (12) months to take up to four (4) months of unpaid leave for pregnancy, childbirth and nursing the infant. To be eligible for this leave, the employee must give at least three (3) months advance notice, except in cases of medical emergency. This leave will run concurrently with any leave to which the employee may be entitled under the FMLA or otherwise. Subject to certain conditions, accrued paid leave may be substituted for the unpaid maternity leave. Employees may obtain a copy of the Tennessee maternity leave statute by contacting County Attorney at (901)-465-2702.

#### **MILITARY LEAVE**

Full-time employees who are members of any military reserve component will be granted military leave for such time as they are in the military service on field training or active duty for periods not to exceed fifteen (15) working days per calendar year. This time may not be used for weekend drills. Such requested leave shall be supported with copies of the armed forces orders.

Full-time employees who are members of a military reserve unit who have completed their military-training duty for the calendar year, and are reactivated for additional training, will be allowed an additional fifteen (15) days military leave if the additional military training:

- (1) Occurs during the calendar, year; and
- (2) Fulfills the employee's military training obligation for the subsequent calendar year.

During such time that the employee is on military training leave, he/she shall receive full pay and benefits to which he/she would otherwise be entitled.

#### **SICK LEAVE**

- A. Earning and Accumulating Sick Days - Sick leave shall be considered a benefit and privilege and not a right. Full time employees will receive full pay during incapacity caused by illness if sick leave is taken. Sick leave is earned at the rate of one day per month (12 days per year). Accumulated sick leave has no value except for the purpose granted and in the event of separation, all unused sick leave shall be forfeited. In the event of full service retirement sick days may be added to service time. Twenty (20) days of unused sick days equals one month of service toward retirement, with no limit on the number of days which can be accrued. Accumulated sick days will not be paid in cash but only credited to service retirement.
- B. General Sick Leave Rules and Procedures
  - 1) Use of Sick Leave - An employee may use sick leave allowance for absence due to his or her own illness or injury. Sick leave may also be used for appointments with licensed doctor, dentist, or recognized practitioners. When appropriate, a partial sick day may be used rather than a full day. Employees who become ill during the period of their vacation may request that their vacation be temporarily terminated and the time changed to sick leave. No employee may give or loan sick leave time to another employee.

- 2) Documentation of Sick Leave - Employees are required to notify the employer as early as possible on the first day of their sick leave absence. An employee who claims sick leave may, at the discretion of the employer, be required to furnish a certificate from a physician stating that the employee has been incapacitated from work for the period of absence, and that the employee is again physically able to perform his or her duties. After the second consecutive day of sick time absence a doctor's statement is required for continued payment of sick days. Regular or excessive absence can lead to termination.
- 3) Exhaustion of Sick Leave - Employees who have used all of their accumulated sick leave will not receive financial compensation for additional days 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 remaining. The employee may request that additional sick leave be credited against remaining vacation time.

#### VACATION DAYS

- 1) Qualification for Vacation Time - Full time employees (those who work more than 35 hours per week) shall earn twelve (12) days of paid vacation per year. These are earned at the rate of one (1) day per month worked. For Highway, five (5) days are payable between Christmas and New Years, if you are a current working employee, and seven (7) days at any other time of year subject to work scheduling and your Supervisor's permission.
- 2) Accumulation of Vacation Time - Vacation time may be accumulated and carried forward to the next year in the amount not to exceed 15 days. Any days exceeding 15 day limit will be lost if not used prior to the end of the current employment year.
- 3) Use of Vacation Time - Vacation leave may be used only at times approved in advance by the employer. Vacation requests will be honored to the extent possible. If two or more employees request vacation for the same period of time, it will be the employer's decision if this will create a hardship upon the department. If it is determined that it is not possible for both employees to be on vacation at the same time, the request of the employee who first asked for vacation time will be honored. No employee may give or loan vacation time to another employee.
- 4) Termination of Employment - Upon the termination of employment of an employee, he or she shall be entitled to payment for any unused vacation time which has accrued. Payment shall be made based upon the daily rate of compensation the employee receives as of the time of termination.

#### VOTING LEAVE

Any person entitled to vote in an election in this state may be absent from work to vote while the election polls are open for a period of time not to exceed three hours. The employer will specify the time the employee may be absent. The employee will receive regular compensation during this period and leave time will not be affected. Voting time shall not be counted as working time for overtime computation.

## JURY AND COURT DUTY

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

1. Upon receiving a summons to report for jury duty, the employee shall on the next day he/she working, show the summons to their supervisor.
2. The employee will be granted a leave of absence when the employee is subpoenaed or directed by proper authority to appear in Federal or State court as a witness or juror.
3. The employee will receive his or her regular compensation during time served on jury duty or when subpoenaed as a witness.
4. The employee must refund to his employer all compensation of fees that he receives for serving as a juror during normal working hours.
5. If the employee is relieved from jury duty during working hours after serving less than three hours, the employee must report back to the employer. If the employee is relieved from being a witness during working hours, the employee will report back to the employer.
6. The above provisions concerning compensation for time in court do not apply if the employee is involved as a plaintiff or defendant in private litigation. On these occasions the employee must take vacation leave, comp. time or leave without pay.

## HOLIDAY PAY

Holiday pay of 8 hours or the regular rate of pay is provided for those employees who are working and those who are being paid their accumulated sick or vacation days continuously up to the holiday. Holiday pay is not provided for those who are absent without pay prior to the holiday.

Following is a list of Fayette County Public Works Department paid Holidays.

New Year's Day  
 Dr. King's Birthday  
 President's Day  
 Good Friday  
 Memorial Day  
 Independence Day  
 Labor Day  
 Veteran's Day Not always on the day which is falls  
 Thanksgiving Day Thursday and the Friday after  
 Christmas Eve  
 Christmas Day

**WORKER'S COMPENSATION  
OCCUPATIONAL DISABILITY OR INJURY LEAVE POLICY**

Occupational disability or injury leave shall be granted to employees who sustain an injury or an illness during the course of their employment which is determined to be compensable under the provisions of the Worker's Compensation Law. Since the first five (5) working days are not compensable under State Law, an employee's regular pay will be continued during this period if the absence is due to a job related injury.

Employees on Occupational Disability Leave shall receive such benefits in lieu of pay as are provided by the Worker's compensation Law.

Employees on occupational disability leave who have accrued sick leave may at their own choosing, chose to receive full pay and charge such disability leave against their accrued sick leave. Under no circumstances shall an employee receive both full time sick pay and worker's compensation benefit pay for the same time off from work. Any monies received by the employee as a benefit under worker's compensation shall be made payable jointly to the appropriate County Department and the employee. If the employee has opted to utilize their sick leave, any monies received by the employee as a benefit under worker's compensation shall be submitted in original check or draft from the departmental office and deposited with the Trustee.

- 1) Notice of Injury - Every injured employee or his representative shall, immediately upon the occurrence of an injury, however minor, give or cause to be given to the employer written notice of the injury. The employee shall not be entitled to benefits hereunder from the date of the accident to the giving of such notice, unless it can be shown that the employer had actual knowledge of the accident.
- 2) Injuries Not Covered - No benefits shall be allowed for an injury due to the employee's willful misconduct or intentional, self-inflicted injury, or due to intoxication, or sports-related injury unless participation in sports is required by the job description, or willful failure or refusal to use a safety appliance or perform a duty required by law. This exclusion does not apply to mandatory physical fitness programs as developed and mandated by the employer.
- 3) Period of Compensation - Injury leave shall extend for such time as the injured employee is unable to return to work, but in no event beyond six months for the same or recurring injury.
- 4) Extended Injury Leave - Whenever an employee is on extended leave due to a work related injury or illness, the employee must provide the employer with an update of the employee's medical condition every 30 calendar days. The employer has the right to instruct the employee to be evaluated by the attending physician. The employer shall be responsible for placing the employee back to work as soon as he is physically capable of resuming employment. If the employee fails to report every 30 days the employer has the right to terminate employment.

**ABSENTEEISM AND REPORTING LATE OR LEAVING EARLY**

Regular attendance by all employees is required because of the urgent nature of work done by the Public Works Department. If an employee is unable to report for work, he must notify management immediately. Such notice must be given as far in advance of the time to report to work as possible if the absence is to be excused. Failure of an employee to give proper notice of absence will result in an unexcused absence for which there will be no compensation. If an employee is absent for three (3) consecutive days or three (3) days during a three (3) month period without notifying management, he or she will be terminated immediately.

(6)

After an employee has used all of his or her sick leave, an absence due to illness will require a certificate from a physician stating that the employee was unable to work for the period absent due to illness. An employee failing to provide this documentation will be charged with an unexcused absence. Two (2) unexcused absences of this nature within a one (1) year period will result in termination of employment.

Employees must check with his or her supervisor when reporting late for work or find it necessary to leave early. Common courtesy requires a word of explanation when one is tardy. Employees will be docked for tardiness or for early departure in the exact amount of non-work time. An employee will be allowed four (4) excused tardies in a six (6) month period. A fifth (5th) tardy in this period will result in a three (3) day suspension from work without pay and a sixth (6th) tardy in this period will result in termination of employment.

An employee will be considered tardy when he or she reports for work later than seven and a half (7 1/2) minutes after the official start of the work day which is presently 7:00 A.M. Any employee if found to be punching a time card for a tardy employee to avoid a tardy will be terminated immediately.

#### **REQUIRED DEDUCTIONS**

1. **FEDERAL SOCIAL SECURITY TAXES:** These taxes are paid by both the County and the employee with both payments credited to the employee's account with the Social Security Administration.
2. **FEDERAL INCOME TAXES:** Employees with questions about these deductions should ask the payroll clerk. At the beginning of employment each employee will fill out a W-4 form to instruct the payroll clerk on what to deduct.
3. **GARNISHMENTS:** Court ordered federal and state garnishments will be deducted as prescribed by law.
4. **RETIREMENT DEDUCTION** of 5% will be deducted each pay period following 6 months of employment for full time employees and deposited with Tennessee Consolidated Retirement.

#### **INSURANCE PROTECTION FOR YOU AND YOUR FAMILY**

Every full-time employee becomes an eligible participant in the County's group insurance plan on the first of the month following 30 days continuous employment. Your group insurance plan offers you and your family protection through hospitalization, surgical benefits, and major medical insurance. The department pays at the present time the total cost of the premium for the employee. The employee is responsible for full premium for family coverage.

#### **TERMINATION**

The departments supervisors will discuss problems with an employee prior to termination in order that the problem may be corrected. There are several types of termination procedures:

1. **Resignation:** Employees who find it necessary to terminate their services with the department should give at least a two week written notice to their supervisor. In this way, the department will have an opportunity to secure replacement.

2. Quitting: This is the term applied when an employee leaves without proper notice. This is a very poor practice which causes the employee's record to carry a bad termination report. Employees who quit without proper notice forfeit their claim to all accrued benefits.
3. Dismissal: This is the termination for serious reasons imposed by the authority of the Management of the Department.

There are two general conditions that can subject an employee to suspension and/or immediate dismissal. The first is failure to carry out the reasonable direction of management (insubordination or unsatisfactory service).

The second includes immediate dismissal for misconduct, such as abuse of another employee, abuses or destruction of property; intoxication; drug abuse; theft; fighting.

#### TERMINATION PAY

An employee whose services are being terminate, either voluntarily or involuntarily, shall be paid for all regular earnings which are due and accrued plus all accrued vacation time, and overtime. The employee will not be compensated for any unused sick leave days. In the event of death, the amount owing to the employee shall be paid to the employee's spouse or beneficiary as may be required by law.

#### FAYETTE COUNTY PUBLIC WORKS DEPARTMENT

##### ANTI-DRUG PLAN

Fayette County Public Works Department recognizes its responsibility to provide safe and efficient operations for its employees, and the general public. The Department's commitment to providing safe and efficient operations is shown by the implementation of programs and procedures which ensure compliance with appropriate safety measures, as well as the letter and intent of all applicable law and regulations.

Because of the nature of highway, bridge, and solid waste work, it is imperative that we ensure the safety of our employees and the public. With the inherent operation of potentially dangerous tools, heavy vehicles, and heavy moving equipment under all traffic conditions on all highway and roads and/or near all employees, the use of illegal drugs impairing even one employee can cause disastrous harm in severely injuring himself, a fellow employee, or the public. To preserve the

reputation of the Public Works Department and the service provided to the public, and to protect the safety and health of its employees and the public, Department has implemented a substance abuse program.

The program is designed to meet two goals:

- (1) to provide a drug-free and safe workplace for the employees and
- (2) to aid employees who voluntarily seek help with a drug problem

This plan is subject to review and/or revision annually or as needed.

**I. SCOPE AND COMPLIANCE**

This plan is written in compliance with the guidelines of the Department of Health and Human Services and NIDA for a Drug-Free Workplace Program.

Effective July 1, 1993, Fayette County Public Works Department will conduct drug urine tests for all current and future employees. This is applicable to the Highway Division and the Solid Waste Division.

In the event of a conflict between this plan and those of the DHHS or NIDA Plan, the provision of the latter will prevail.

**II. DEFINITIONS**

The meaning as used in this plan:

**ACCIDENT** - A reportable incident involving personal injury or equipment damage.

**CHAIN OF CUSTODY** - A procedure to account for the integrity of each urine specimen from collection of final disposition.

**COLLECTION SITE** - A place designated by FCPWD where an employee provides a specimen of his/her urine to be analyzed for the presence of a prohibited drug.

**CONFIRMATORY TEST** - A second analytical procedure to identify the presence of a specific drug.

**COVERED JOB CLASSIFICATION** - A job classification which is covered under the provisions of this program.

**DOT** - The United States Department of Transportation and/or one of its administering agencies, such as the RSPA.

**DOT PROCEDURES** - The "Procedures for Transportation Workplace Drug Testing Programs" published by the Office of the Secretary of Transportation as 49 CFR-Part 40.

**EMPLOYEE** - An individual presently employed by FCPWD in a covered job classification.

**FAIL A DRUG TEST** - The confirmation test results show positive evidence of the presence of a prohibited drug.

**FCPWD - Fayette County Public Works Department**

**INITIAL TEST** - An immunoassay screen to eliminate negative urine specimens.

**MEDICAL REVIEW OFFICER (MRO)** - A licensed physician responsible for receiving laboratory results and evaluating an employee's positive test results together with his/her medical history and any other relevant biomedical information.

**PASS A DRUG TEST** - The initial test or confirmation test does not show evidence of the presence of a prohibited drug.

**PROHIBITED DRUG** - Any of the following substances: marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

**REHABILITATION COMMITTEE** - A committee consisting of the Department Superintendent, Medical Review Office (MRO) and a representative of the firm providing the Employee Assistance Program.

**MED EXPRESS**

National Laboratory Center, Inc. - 4022 Willow Lake Blvd.  
Memphis, Tennessee 38118

**I. DRUG TEST REQUIRED**

DOT agency drug testing programs require that operators test for marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP) (Part 199.11 and 40.21)

FCPWD will conduct the following drug tests for all covered employees for the presence of these prohibited drugs:

**PRE-EMPLOYMENT TESTING**

All final applications for employment in a covered job Classification must pass a drug test prior to employment. Any applicant who refuses or fails a drug test will not be considered for employment.

**POST-ACCIDENT TESTING**

Any employee whose performance either contributed to an accident or cannot be completely discounted as a contributing factor to an accident will be drug tested within 32 hours after the accident.

If an employee is injured, unconscious, or otherwise unable to evidence consent to the drug test, all reasonable steps must be taken to obtain a urine sample.

**RANDOM TESTING**

At least 50 percent of the total number of covered employees of FCPWD will be subject to random testing each year. FCPWD employees will be selected for testing by Med Express. Random testing will be done quarterly. Random testing will be done by site first, then 50% of the site, and will continue in this manner until the required percentage of tests has been reached.

**TESTING BASED ON REASONABLE CAUSE**

FCPWD will drug test any employee when there is reasonable cause to believe that the employee is using a prohibited drug. The decision to test must be based on a reasonable and articulable belief that the employee is using a prohibited drug on the basis of specific, contemporaneous physical, behavioral, or performance indicators of probable drug use. The employee's supervisor, who is trained in detection of the possible symptoms of drug use, shall substantiate the decision to test an employee.

**TESTING AFTER REHABILITATION**

Any employee who has completed rehabilitation must pass a drug test before returning to work. If the employee refuses to take the drug test or fails the drug test, he/she will no longer be considered for employment. After the employee has passed the required drug test, the employee will be subject to a reasonable program of follow-up drug testing without prior notice for not more than 60 months after his/her return to work, as determined by the Rehabilitation Committee.

**IV. EMPLOYEES**

Employees in the following job classifications are subject to the requirements of this plan:

- |                    |              |             |
|--------------------|--------------|-------------|
| Superintendent     | Supervisor   | Accountants |
| Foreman            | Truck Driver | Clerical    |
| Equipment Operator | Crewman      | Engineers   |
| Mechanic           | Seasonal     |             |

Any employee, with less than 12 months consecutive employment, who fails a drug test and the MRO has determined no legitimate medical reason for a confirmed positive test will be terminated.

Any employees, with 12 months consecutive employment, who fails a drug test will be given rehabilitation one (1) time. (see Rehabilitation below)

Any employee who refuses to take a drug test as required by this plan will be terminated.

**REHABILITATION**

Any employee who voluntarily comes forward and wishes to seek rehabilitation will be given a 35 day leave of absence without pay. Any employee, with 12 months consecutive employment, who test positive will be given rehabilitation only one (1) time. Rehabilitation will be given at the employees own expense in the amount not payable under FCPWD current insurance plan. After rehabilitation has been completed, the employee will be treated like a new employee and will be given a pre-employment drug test.

The employee must also enroll in a counseling program. Employee may only come forward voluntarily one (1) time.

Any employee who returns to work after rehabilitation will be subject to a schedule of unannounced tests for up to 60 months.

If the employee should ever fail a drug test, the employee will be terminated.

**V. SPECIMEN COLLECTION AND TESTING LABORATORY**

Specimen collection will be performed at Rhea Clinic, PC, 613 Fayette E., Somerville, Tennessee

Employees will be given twenty (20) minutes notice before a scheduled drug test.

Below is a checklist for employees which explains the procedures in specimen collection. Please read this carefully.

CHECKLIST FOR EMPLOYEES

1. Present required photo identification to the collector.
2. Remove any unnecessary outer garments. (coat, jacket)  
All personal belongings (purse, briefcase) must remain with outer garment(s). You may keep your wallet.
3. Collector will instruct you to wash and dry your hands.
4. Provide the specimen in the privacy of a stall or otherwise partitioned area. It will be necessary for you to provide a specimen at least 60 milliliters. If you are unable to provide the specimen when first requested to do so, you will remain in the test area under close/direct supervision. You should consume liquids until you are able to give specimen.
5. You should keep the specimen in view at all times prior to it being sealed and labeled.
6. Within a maximum of 4 minutes after a specimen is obtained, the collector will record the specimens temperature. Note the temperature reading on the bottle and verify that the temperature was correctly recorded by the collector in the proper space on the form.
7. When instructed by the collector, complete the Drug Testing form. Read, sign and date the certification statement certifying that the specimen in the bottle is yours, and came from your body at the time of collection.

An employee may be asked to give a specimen under direct observation when:

1. The employee has presented a urine specimen that falls outside the normal temperature range.
2. The last urine specimen provided by the employee was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .g/L.
3. The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample.
4. The employee has previously been determined to have used a controlled substance without medical authorization and the particular test was being conducted under a DOT agency regulation providing for follow-up testing upon or after return to service.

All specimens will be shipped to the following laboratory for analysis:

Med Express  
National Laboratory Center, Inc.  
4022 Willow Lake Blvd.  
Memphis, Tennessee 38118  
1-800-526-6339

The laboratory used by FCPWD is a NIDA approved laboratory.

Test results will be reported to FCPWD's Medical Review Officer within an average of five(5) working days after receipt of the specimens.

The laboratory/Med Express shall provide to FCPWD Drug Program Coordinator a quarterly statistical summary of urinalysis testing of FCPWD's employees but shall not include any personal identifying information. Initial and confirmation data shall be included from test results reported within that quarter.

## VI. REVIEW OF TESTS RESULTS

The Medical Review Officer for the FCPWD is:

The Medical Review Officer must be a licensed physician who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate positive drug test results.

His responsibilities are as follows:

1. Receive test results from the laboratory.
2. If test is a confirmed positive, the MRO will review laboratory report and custody and control from for completeness, content and accuracy.
3. MRO will notify employee of a confirmed positive test within 24 hours. Contact at this point is directly between the MRO and the employee. IF the MRO is unable to contact the employee within 24 hours, the MRO will contact the employer's Drug Program Coordinator and request that the employee contact the MRO. No other information is given to the employer at this time.  
If the employee has not contacted the MRO within 5 days, the MRO will contact the employer's Drug Program Coordinator and advise them to remove the employee from his safety sensitive position for medical reasons, pending an interview with employee.
4. The MRO must provide a positive test employee an opportunity to discuss the test result. The employee at this time should give the MRO information regarding legally prescribed medications, if any. The employee must provide documentation (doctors report, copy of a prescription) as proof of legitimate use of medication within 5 days after being contacted by the MRO or the Drug Program Coordinator. This information will help the MRO determine if a confirmed positive test is a result from legally prescribed medication.

If the MRO is satisfied that there exists a valid medical explanation for the positive test, the MRO will inform the employee of this finding and reassure the individual that all information relating to the positive test and valid explanation will remain confidential. The MRO will verify the test result as negative and any report to the employer will indicate the test is negative. If the affected employee voluntarily confirms to the MRO illegal use of the positive test drug, the MRO should advise the employee that a verified positive test report will be sent to the appropriate personnel or administrative officer for further proceedings in accordance with the employer's anti-drug program.

5. A positive test employee can request a retest of the original specimen at a different lab. This will be done at the employee's expense and only after the MRO has notified the employer of a verified positive test. Only the MRO can arrange for a retest.
6. The MRO will review results of the rehabilitation evaluation. The MRO will determine whether or when an employee may return to work after a rehabilitation program has been completed. The MRO will also establish an unannounced drug testing program for the individual.

The MRO may verify a test as positive without having communicated directly with the employee about the test in three circumstances:

1. The employee expressly declines the opportunity to discuss the test
2. The Drug Program Coordinator has successfully made and documented a contract with the employee and instructed the employee to contact the MRO and more than five (5) days has passed since the date the employee was successfully contacted by the Drug Program Coordinator.
3. Other circumstances provided for in DOT agency drug testing regulations.

## VII. RETENTION OF SAMPLES AND RETESTING

All samples that yield confirmed positive results must be retained by the laboratory in properly secured, long-term, frozen storage for at least 365 days. Within this 365-day period, the employee or the Department may submit a written request that the laboratory retain the sample for an additional period. If the MRO determines there is no legitimate medical explanation for a confirmed positive other than the unauthorized use of a prohibited, the employee may make a written request for retesting within 60 days of receipt of the final test results from the MRO. The employee may specify retesting by the original laboratory or by a second laboratory that is certified by the Department of Health and Human Services. This retesting will be done at the employee's expense.

Since some analytes may deteriorate during storage, detected levels of the drug below the detection limits established in the DOT procedures, but equal to or greater than the established sensitivity of the assay, must, as technically appropriate, be reported and considered corroborative of the original positive results.

FCPWD will provide an employee assistance program (EAP) for its employees and training for supervisory personnel who will determine whether an employee must be drug tested based on reasonable cause.

The EAP will include:

- Education - display and distribution of information material  
display and distribution of a community service hot-line telephone number for employee assistance  
display and distribution of the employee's policy regarding the use of prohibited drugs  
(Above information will be displayed on the employee's bulletin board)
- Training - Supervisory personnel who will determine whether an employee must be drug tested based on reasonable cause, will receive one 60 minute period of training on the specific, contemporaneous physical, behavioral, and performance indicators of probably drug use.

#### X. RECORD KEEPING

FCPWD will keep the following records for the periods specified:

1. Records that demonstrate that the collection process conforms to the Plan must be kept for a least 3 years.
2. Records of employee drug test results that show employees failed a drug test, and the type of test failed (e.g., post-accident, random) and records that demonstrate rehabilitation, if any, must be kept for at least 5 years.

The following information must be included:

- (i) The functions performed by employees who failed a drug test.
  - (ii) The prohibited drugs which were used by employees who failed a drug test.
  - (iii) The disposition of employees who failed a drug test (e.g. termination, rehabilitation, leave without pay).
  - (iv) The age of each employee who failed a drug test.
3. Records of employee drug test results that show employees passed a drug test must be kept for at least 1 year.
  4. A record of the number of employees tested, by type of test (e.g. post-accident, random), must be kept for at least 5 years.
  5. Records confirming that supervisors and employees have been trained as required by this part must be kept for at least 3 years.

Information regarding an employee's drug testing results or rehabilitation may be released only upon the written consent of the individual. However, such information must be released regardless of consent to the representative of a state agency upon request as part of an accident investigation

Statistical data related to drug testing and rehabilitation th. is not name-specific and training records must be made available to the representative of a state agency upon request.

**ACKNOWLEDGE OF RECEIPT  
OF EMPLOYEE HANDBOOK**

As indicated by my signature below, I hereby acknowledge receipt of a copy of the Employee Handbook.

I further acknowledge that:

(1) I will read the Handbook and any questions which I have will be addressed to my employer or I will seek the assistance of my personal attorney if I do not understand any of the rules and regulations; and

(2) I understand that my employment will be subject to the provisions contained in this Handbook along with any subsequent changes or amendments.

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

\_\_\_\_\_  
Date

**COMPENSATORY TIME AGREEMENT**

In accordance with the Fair Labor Standards Act, Fayette County has a policy of granting employees compensatory time off in lieu of compensation for time worked in excess of 40 hours in a workweek (or other permissible schedules for law enforcement, firefighters, and certain other employees). A copy of this policy is on file in the office of the County Clerk. I understand that compensatory time will be granted at time and one half for all time worked in excess of 40 hours (or other permissible work schedules). I further understand that accrued compensatory time may be used in accordance with county policy and the applicable laws, rules and regulations of the U.S. Department of Labor. I voluntarily and knowingly agree to accept compensatory time off in lieu of cash compensation for overtime work and to the use of accrued compensatory time off in accordance with the county's policy and the laws, rules and regulations of the U.S. Department of Labor.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

Having been reviewed by the Budget Committee and received their recommendation, Commissioner Harris presented and moved the addition of a Deputy III employee to the General Sessions Court at \$16,435. Motion was seconded by Commissioner Robison and unanimously carried by the Board.

Commissioner Harris presented the recommendatin of the Budget Committee that no calls to made to the City of Somerville for fire protection service, that the dispatchers to advised of this and that the City of Somerville be refunded on a pro-rata bases. Motion was made by Commissioner Harris, seconded by Commissioner Fowler, and carried adopting the recommendation as presented.

As recommended by the Budget Committee, motion was made by Commissioner Harris, seconded by Commissioner Brewer and unanimously carried by the Board approving a contract with Management Cost Contral Service.

As approved by the Budget Committee, Commissioner Harris presented and moved for the adoption of the following Resolution amending the General Purpose School Budget #141. Said motion was seconded by Commissioner Oglesby, and unanimously carried by the Board. Same being as follows:

R E S O L U T I O N

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 23rd day of December, 1997, it being the fourth Tuesday of the month and the regular monthly meeting date of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the General Purpose School Budget #141, for the fiscal year ending June 30, 1998 be, and the same is hereby, amended in the following words and figures, to-wit:

FAYETTE COUNTY BOARD OF EDUCATION

GENERAL PURPOSE FUND

FUND 141

DECEMBER, 1997

	INCREASE	DECREASE
71000		
INSTRUCTION		
71100		
REGULAR INSTRUCTION PROGRAM		
71100 116 TRP Teachers	\$6,320.00	
71100 163 TRP Teacher Assistants	\$4,320.00	
71100 201 TRP Social Security	\$659.68	
71100 204 TRP State Retirement	\$245.85	
71100 212 TRP Medicare	\$154.28	
71100 322 TRP Evaluation and Testing	\$1,000.00	

71100 355 TRP	Travel	\$1,000.00	
71100 399 TRP	Other Contracted Services	\$6,880.00	
71100 429 TRP	Instructional Supplies and Materials	\$6,620.19	
71100 722 TRP	REGULAR Education Equipment	\$2,800.00	
	TOTAL:	\$30,000.00	\$0.00
<hr/>			
72000	SUPPORT SERVICES		
72220	SPECIAL EDUCATION PROGRAM		
72220 308 TRAN	Consultants	\$200.00	
72220 355 TRAN	Travel	\$6,804.10	
72220 599 TRAN	Other Charges	\$495.90	
	TOTAL:	\$7,500.00	\$0.00
	GRAND TOTAL:	\$37,500.00	\$0.00

Total Increase: \$37,500.00

Revenues:	46590 TRP Other State Education Funds	\$30,000.00
	46590 TRAN Other State Education Funds	\$7,500.00
	Total:	\$37,500.00

Revenue:	Prior Total Available Funds	\$18,591,383.92
	Total Increase This Amendment	\$37,500.00
	Total Available Funds This Amendment	\$18,628,883.92

Expenditure:	Prior Total Estimated Expenditures	\$17,049,362.00
	Total Increase This Amendment	\$37,500.00
	Total Est. Expenditures This Amendment	\$17,086,862.00

Also recommended by the Budget Committee was the following Resolution amending the General Fund, #101. Motion was made by Commissioner Harris, seconded by Commissioner Arnett and unanimously carried by the Board adopting same as follows:

R E S O L U T I O N

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 23rd day of December, 1997, it being the fourth Tuesday of the month and the regular monthly meeting date of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the General Fund Budget Amendment #101, for the fiscal year ending June 30, 1998 be, and the same is hereby, amended in the following words and figures, to-wit:

COUNTY GENERAL FUND  
 BUDGET AMENDMENT  
 FY 97/98  
 December, 1997

Total Funds Available This Amendment	\$6,337,637.51
 <u>Adjustment to Revenue Accounts:</u>	
48140 Contracted Services	\$+ 30,000.00
Total Increase This Amendment	\$ 30,000.00
Total Funds Available This Amendment	\$6,367,637.51
 <u>Adjustment to Expenditure Accounts:</u>	
53100 <u>Circuit Court</u>	
106 Deputies	\$+ 7,618.00
169 Part-time Personnel	- 5,510.00
	\$+ 2,108.00
53310 <u>General Sessions Judge</u>	
105 Supervisor/Director	\$+ 17,500.00
201 Social Security	+ 1,085.00
204 State Retirement	+ 595.00
205 Employee and Dependent Insurance	+ 1,016.00
212 Employer Medicare	+ 254.00
355 Travel	+ 3,000.00
499 Other Supplies & Materials	+ 6,550.00
	\$+ 30,000.00
58600 <u>Employee Benefits</u>	
201 Social Security	\$+ 131.00
204 State Retirement	+ 259.00
205 Employee & Dependent Insurance	+ 871.00
212 Employer Medicare	+ 31.00
	\$+ 1,292.00
Total Expenditure Increase This Amendment	\$ 33,400.00
Prior Estimated Expenditures	\$5,789,477.00
Total Estimated Expenditures	\$5,822,877.00
Estimated Ending Fund Balance as of June 30, 1998	\$ 544,760.51

\* \* \* \* \*

At this time the matter of Fire Department coverage with the City of Somerville was brought up for discussion. Much discussion came up and many suggestions made. Motion was made by Commissioner Thomas, seconded by Commissioner Robison and carried by the Board ( one vote against) to pay the City of Somerville the additional funds requested (\$21,500), but if a contract is not signed for these funds by December 31, 1997, that the Emergency Management Director be instructed to implement his plan without Somerville as an answering department.

Thereupon, said meeting adjourned.

\_\_\_\_\_  
 JIM VOSS - Chairman  
 County Mayor

ATTEST:

\_\_\_\_\_  
 Dell T. Graham, County Clerk