

FAYETTE COUNTY LEGISLATIVE BODY  
SEPTEMBER 28, 2021

**BE IT REMEMBERED** that the Fayette County Legislative Body met in regular session on September 28, 2021, at the Bill G. Kelley Criminal Justice Complex in Somerville, Tennessee. Present and presiding was County Mayor Rhea Taylor. Also, present were James R. “Bobby” Riles, Sheriff, Shana N. Burch, Fayette County Clerk, and the following County Commissioners: Charles E. Dacus, Jr., Ben Farley, Willie German, Jr., Jimmy Jordan, Terry Leggett, David Lilliard, Sylvester Logan, Jim Norton, Claude Oglesby, Tommy Perkins, Kevin J. Powers, Steve Reeves, Elizabeth Rice, Ray Seals, Bill Walker, and Larry Watkins.

A quorum was declared with sixteen (16) Commissioners present. Commissioner Tim Goodroe and Robert Sills were absent.

The floor was open to the public for comments on non-agenda items. Henry Coats, Piperton City Mayor reported on the article that was in the Fayette Falcon about the redistricting of Fayette County. Joel Breen stated that the Friends of Fayette County was misrepresented by the Fayette Falcon for the map that was printed in the newspaper. Leroy Shaw addressed the COVID relief fund that was presented to the county and wanted to represent the Commission on ageing. He also discussed the article in the paper about the redistricting of the county. Mike Brown, Oakland City Mayor reported for the growth of the city and the redistricting of the county.

Commissioner Powers moved to approve the August minutes from August 24, 2021. The motion was seconded by Commissioner Perkins and passed unanimously.

Commissioner Watkins moved to approve the following as notaries public: Carolyn D. Bailey, Annette Smith Carter, Nicole Doyle, Rosemarie Fiers, Sonya Hayslett, Janet Jackson, Shanette Janene Lott-Webb, Melanie R. McGuire, Gearlean Moore, Felicia Parrott, Mattie Poindexter, Tricia A. Porter, Kannan Rasiah, and Deborah B. Sullivan. The motion was seconded by Commissioner Walker and passed unanimously.

Next on the agenda was filling the vacancy for a commission seat, district four (4), position 1. The person will serve until the next election that will take place in August 2022. Commissioner Powers made the motion to table this to the next meeting due to commissioner's being absent. The motion was seconded by Commissioner Leggett. With a roll call vote of (4) four for yes and (12) for no, the motion did not pass. Commissioners Charles E. Dacus, JR., Willie German, JR., Terry Leggett, and Kevin J. Powers for yes. Commissioners Ben Farley, Jimmy Jordan, David Lilliard, Sylvester Logan, Jim Norton, Claude Oglesby, Tommy Perkins, Steve Reeves, Elizabeth Rice, Ray Seals, Bill Walker, and Larry Watkins voted no.

Commissioner Oglesby nominated David Webb.

Commissioner Powers nominated Debbie Hummel.

Both candidates were able to address the commission.

With a roll call voted, David Webb won with (14) fourteen votes for Webb and (2) two votes for Hummel. Commissioners Charles E. Dacus, Jr., Ben Farley, Willie German, Jr., Jimmy Jordan, David Lilliard, Sylvester Logan, Jim Norton, Claude Oglesby, Tommy Perkins, Steve Reeves, Elizabeth Rice, Ray Seals, Bill Walker, and Larry Watkins for David Webb. Commissioners Terry Leggett and Kevin J. Powers for Debbie Hummel. David Webb was sworn in by Mayor Rhea Taylor.

Commissioner Farley made the motion to approve the adoption of rules and procedures of the Fayette County Board of County Commissioners. The motion was seconded by Commissioner Watkins and passed unanimously.

# FAYETTE COUNTY BOARD OF COUNTY COMMISSIONERS 2021-22

## RULES

Rule 1: Convening the County Legislative Body

The County Legislative Body shall conduct its regular meetings at the Bill G. Kelley Justice Complex on the fourth Tuesday of each month at 7:00 p.m. Should any regular meeting fall on a legal holiday, or if an emergency shall arise, the County Legislative Body shall meet on such other date as shall be selected by the Chairman.

Rule 2: Quorum

A quorum for the transaction of business shall be a majority of the duly qualified and acting members of the County Legislative Body and where vacancy or vacancies exist in the County Legislative the same shall not be included in determining the membership of such County Legislative Body.

Rule 3: Order of Business

1. Call to order by the Presiding Officer
2. Roll Call
3. Invocation
4. Pledge of Allegiance
5. Comments on non-agenda items (10 minute maximum)
6. Reading and approval of minutes of previous meeting
7. Resolutions of memorial, sympathy and commendations
8. Public hearings
9. Elections, Appointment and Confirmations
10. Unfinished Business
  - a. Financial reports
  - b. Reports of Departments and Agencies
  - c. Report of Standing Committees and action thereon
  - d. Report of Special Committees and action thereon
  - e. Other unfinished business
11. New Business
12. Announcements and statements by members, officials and the public
13. Adjournment

Rule 4: General

Rule 4A: Who May Address the County Legislative Body

It is a Commissioner's right to address the Chairman and the County Legislative Body at any appropriate time after proper recognition by the Chairman, in which recognition will not be arbitrarily denied. Elected and appointed county official with expertise or information necessary for clarification of a matter under consideration by the County Legislative Body may address the County Legislative Body at any appropriate time after proper recognition by the Chair, which recognition will not be arbitrarily denied. Any Commissioner can, after being recognized by the Chair, relinquish his time on the floor to a citizen who has knowledge or expertise concerning the topic being debated. Citizens and their representatives are encouraged to speak for or against any agenda item under consideration and on any non-agenda item following the Pledge of Allegiance. Statements of citizens shall be limited to three (3) minutes per speaker and fifteen (15) minutes total for those speaking in favor and fifteen (15) minutes for those speaking in opposition to an item under consideration. These specified time limits may be extended by majority vote of the County Legislative Body.

Rule 4B: Gaining the Floor

In all cases, the member who shall first raise his hand and address the Chairman shall be entitled to speak first. When two or more members shall raise their hands and address the Chairman at the same time, the Chairman shall name the members who shall speak first followed by the other Member.

Rule 4C: Speaking

When any members wishes to speak in debate, discussion, or deliver any address on any matter whatsoever to the County Legislative Body, they shall respectfully address the Chairman and shall, after being recognized by the Chairman proceed with the remarks, confining such remarks strictly to the question under debate and avoiding all personalities.

Rule 4D: Consent to Yield

While a person is speaking, the speaker shall not be interrupted, except for a question. If the speaker declines to yield, the speaker shall not be interrupted, but shall yield to question at the end of the presentation.

Rule 4E: Points of Order

If any member, speaking or otherwise, transgresses the Rules of the County Legislative Body, the Chairman shall, or any member may, call him into order, in which case the member so-called to order shall immediately cease speaking at which time the point of order shall be at once decided by the Chairman, subject to an appeal to the County Legislative Body. After the decision is rendered, the member having the floor can proceed, subject to the decision made.

Rule 4F: Appeal on Ruling

Any member may appeal to the County Legislative Body any ruling of the Chairman, and a majority vote of the members present shall decide the appeal.

Rule 4G: Refusal to be in Order

If any person, member or otherwise, refuses to remain orderly, the Chairman shall have the right to call upon the Sheriff, Deputy Sheriff, or Officer in waiting upon the County Legislative Body to seat such person, and if such person refuses to be seated, or come to order, the Chairman shall have the right to declare such person in contempt and to order his removal from the courtroom. This person may return to the courtroom only on the approval of a majority of the members present.

Rule 4H: Introduction of a Resolution (Motion)

Any proposed resolution may be introduced by any member of the County Legislative Body.

Rule 4I: Committee Referrals

Any member wishing to introduce a measure which would require consideration or study shall refer the matter to the Chairman and he shall refer it to the appropriate committee without delay.

Rule 5

Motions and Resolutions

Rule 5A: Introduction and Debate

Motions may be made only by Commissioners. No motion shall be debated until the same is seconded and stated by the Chairman.

Rule 5B: Motions in Writing

When a motion shall be made and seconded, it shall be reduced to writing by the proponent or the Clerk and read by the Chairman prior to any debate or vote.

Rule 5C: Requiring Roll Call

Any motion, except a motion involving the appropriation of funds, may be put to the County Legislative Body for a voice vote by the Chairman, provided, however, any member may require a roll call by the raising of the hand or indication otherwise, either before or after the voice vote. All motions concerning appropriation of funds shall require a roll call vote.

Rule 5D: Vote Required to Pass a Motion

In order to pass any motion there must be a vote of a majority of the members constituting the County Legislative Body and, not merely a majority of the quorum present.

Rule 5E: Member May Change Vote

Any member of the County Legislative Body may change his vote before the result of a roll call is announced by the Clerk. It shall be the duty of the Clerk at the end of each roll call, to require of those who passed or were absent when the roll was called if they desire to vote; also, if anyone who has voted wishes to change his vote. Then the result shall be announced by the Clerk.

Rule 5F: Reconsideration of a Motion

When a question has been put to a vote, it shall be in order for any member of the prevailing side to move for reconsideration at anytime during that session of the County Legislative Body. The vote to reconsider requires a majority vote.

Rule 6 Elections and Appointments

Rule 6A: Elections with Nomination from the Floor

When the Chairman is to receive nomination from the floor, a member may nominate only one person. The floor will be kept open until every member has had an opportunity to nominate a person if he so desires before the nominations are closed.

Rule 6B: Appointive Office

The persons nominated will be introduced before the County Legislative Body if practical and a discussion of each appointee shall follow.

Rule 6C: Election or Confirmation

All ballots shall be cast by voice vote as each member's name is called by the Clerk. A majority of the full County Legislative Body is required for election or confirmation except as otherwise provided by state or private act.

Rule 6D: Second Ballot

If no one is elected on a given ballot, the person receiving the smallest number of votes will be dropped and the ballots cast again until a person is elected by the required majority.

Rule 7      County Legislative Body Committees

The members of all committees of the County Legislative Body, including standing committees, will be nominated by the County Mayor, and shall be approved by a majority vote of the County Legislative Body. Any commission member may call for a vote on individual approval of committee members. Each and every member shall serve on two standing committees. In the event a member is not able to serve, the position shall be filled in the manner the positions were originally filled.

Rule 8      Appropriation Request

Any and all requests requiring expenditure of local county funds shall be submitted in writing to the County Mayor for review by the appropriate committee and shall have an estimated cost included in or attached to the request or resolution. A reasonable summary of the request shall be included in or attached to the agenda which shall be available to all members of the County Legislative Body.

Rule 8A:    Appropriations Except by Bond Issue

Any and all appropriation except bond issues, to be assessed or approved must be filed in triplicate, the original with the County Mayor and copies to the Chairman and the Chairman of the appropriate committee at least fifteen days prior to the meeting of the County Legislative Body

Rule 8B:    Appropriations by Bond Issue

Notice of all proposed appropriations by bond issue shall be filed in triplicate, the original with County Mayor and copies to the Chairman and Chairman of the appropriate committee at least fifteen days prior to the meeting of the County Legislative Body. The notice shall contain the proposed amount of the bond issue, the purposes for which the bonds are to be issued, and the term of the bond issue.

Rule 8C:    Committee Recommendations

The committee to which the request has been referred shall assume one of the following positions: (1) adoption recommended, with or without conditions; (2) rejection recommend; or (3) submitted to the County Legislative Body without recommendation.

Rule 9      Amending or Suspending the Rules

Any rule or rules may be suspended or amended at any time by the county Legislative Body by a two-thirds majority of the members.

Rule 10      Robert's Rules of Order

All matters not covered herein shall be governed by Robert's Rules of Order as contained in the latest copyrighted edition.

Rule 11      Presiding Officer

Rule 11A:      Election

Annually, at its first session in September, the County Legislative Body shall elect a Chairman and a Chairman Pro Tempore. The Chairman may be a member of the County Legislative Body or the County Mayor. If the County Mayor is elected, and accepts the position, then the County Mayor shall have no veto.

Rule 11B:      Voting by the Chairman

If the County Mayor serves as Chairman, he may vote only in the case of a tie vote by the County Legislative Body or one of its committees. If a County Legislative Body member serves as Chairman, he or she may vote on all issues coming before the County Legislative Body but may not vote again to break a tie vote.

Rule 11C:      Call to Order

The County Legislative Body shall be called to order by the Chairman. In the absence of the Chairman the Chairman Pro Tempore shall preside. In the absence of the Chairman Pro Tempore, the County Legislative Body shall be called to order by the County Clerk, and shall elect one of its members to preside over deliberations.

Rule 11D:      Question of Order

The Presiding Officer shall preserve order and decorum. He may speak to points of order in preference to other members, rising from his seat for that purpose. He shall decide questions of order, subject to an appeal to the County Legislative Body by any member.

Rule 11E:      Members Speaking

Before a member is allowed to speak twice on the same subject, the Presiding Officer shall inquire if there is another member who has not spoken on that subject and who wishes to speak.

Rule 11F:      Motions

Once a motion has been made and duly seconded, the motion shall be reduced to writing by the proponent or the Clerk and read by the Presiding Officer so that debate on the motion may begin.

Rule 11G:      Putting the Question

The Presiding Officer shall rise to state or put a question and shall clearly state the question before the County Legislative Body before the vote on the question is taken. A member may ask for clarification of the question up until the result of the vote is announced.



Rule 11H: Agenda to Commissioners

A copy of the agenda, attachments, and notice calling each County Legislative Body meeting shall be delivered to each member on Thursday prior to the following Tuesday night.

Rule 12 County Clerk

Rule 12A: Minutes of the County Legislative Body

The County Clerk shall make copies of the minutes of each County Legislative Body meeting and distribute them not later than ten days after the meeting. The minutes shall be distributed as follows:

1. One copy to each member.
2. One copy upon request to each county office, department and/or commission head.
3. One copy upon request to all public, school and university libraries in the county.
4. One copy upon request to all licensed and operating commercial radio and television station in the county.
5. One copy upon request to all newspapers published in the county for sale and distribution to the general public.
6. One or more pages shall be made available to the general public at reasonable cost.

Rule 12B: Roll Call

On all appropriations, the Clerk shall call the roll for "Aye" and "No" votes. Names will be called in alphabetical order.

Rule 12C: Change of Vote

It shall be the duty of the Clerk at the end of each roll call, to inquire of those who passed or were absent when the roll was called if they desire to vote; also, if any one who has voted wishes to change his vote. Then the results shall be announced by the Clerk.

Rule 12D: Audio Tape of Meetings

The Clerk shall cause all County Legislative Body meeting and County Legislative Body committee meetings to be tape recorded and shall maintain such tape recordings indefinitely. Members and the public may listen to such tape recordings during the Clerk's normal office hours and copies thereof will be made available at reasonable cost.

Rule 13 The Sheriff

The Sheriff shall attend the County Legislative Body meeting while in session, or designate some other officer for that purpose, to preserve order and carry out the order of the presiding officer of the court.

Rule 14 County Attorney

The County Attorney shall attend meeting of the County Legislative Body to advise on matters of Law. He shall also attend committee meetings when called upon by the Chairman of the County Commission.

Rule 15 Committees General

Rule 15A: Officers Election

Upon approval to a committee by the County Legislative Body, the members of the committee shall convene and elect a chairman, vice chairman, and a secretary from its membership

Rule 15B: Committee Chairman and Agenda

Standing committee chairmen shall notify the Chairman of the major matters to be reported to the County Legislative Body at the next meeting. This should be done in time for the item to be included on the agenda. Committee agendas will be provided to all commissioners at least 3 days prior to committee meetings.

Rule 15C: Committee Meeting Open to the Public

All committee meetings shall be open to the public and shall allow members of the public a right to address the committee at its meetings.

Rule 15D: Authority of Committees

The role and jurisdiction of a County Legislative Body committee is to investigate and study matters, provide information and to present recommendations, as generally described in the title of the committee and as more specifically defined in the subject areas listed under the title. Should any question arise as to jurisdiction of any committee, it shall be referred to the County Legislative Body Chairman for determination, subject to an appeal to the County Legislative Body by any County Legislative Body member at the next regular meeting.

Rule 15E: Reporting Procedure

Reports of committees shall be given by the committee chairman at the proper place in the agenda for the County Commission. Recommendations passed by committees shall stand as motions for the Commission to debate and to take action on.

Rule 15F: Duties of Committee and Subcommittee Officers

The chairman's prime responsibility is to call meetings of the committee, to serve as presiding officer, and to serve as spokesman of the committee in any action or reporting to the County

Legislative Body. Further, the chairman should fully understand and make the committee aware of its authority and areas of jurisdiction. The vice-chairman is to assume the role and responsibility of the chairman in his absence. The secretary shall be responsible for the taking of minutes, and the filing and distribution of same. The chairman of each committee may vote on all issues coming before the body, just as any other member.

Rule 15G: Committee Meeting Minutes

The minutes of all committee meetings shall contain, the day, time and place the committee convenes, the members present, a summary of matters considered, a record of the voting on the action taken on each recommendation to the County Legislative Body, the time of adjournment, and a tape recording of the entire meeting. All recommendations, whether positive or negative, shall be recorded in the minutes that go to the Commissioners in their packer, with no censoring allowed.

Rule 15H: Vacancies on Committees

If for any reason one or more members of any respective committee vacate their position, the Commission Chairman, subject to the approval of the County Legislative Body, shall fill those vacancies in the same manner as the original members.

Rule 15I: Special Committees

The County Legislative Body may from time to time appoint such special committees as the circumstances require, but such a special committee shall be disbanded when its assigned work is completed and in no case shall it exist longer than one year unless extended by the County Legislative Body. No special committee shall be appointed for any purpose when there is a standing committee on the same subject.

Rule 15J: Reporting Referrals

The committee to which a request or resolution has been referred shall make a report to the County Legislative Body at the next regular meeting after its referral unless the County Legislative Body has specified otherwise in its request or resolution.

Rule 15 K: Failure to Meet

If for any reason the chairman of a committee fails to call a meeting, the County Legislative Body Chairman, or two members of a three member committee, or three members of a larger committee may do so.

Rule 15L: Quarterly Reports

The quarterly reports submitted by the County Officials and departments shall be presented as a part of the appropriate standing committee reports.

Rule 15M: Technical assistance

Committees have any and all authority necessary to request the assistance of county, regional, state and federal governmental departments, commission and agencies. Committees cannot obligate the county involving money without approval of the County Legislative Body.

Rule 16

Standing Committees

The Chairman shall be an ex-officio member of all committees and sub-committees. In this capacity, the Chairman shall offer assistance and advice as needed.

The standing committees of the County Legislative Body are as follows:

Criminal Justice and Public Safety: All matters pertaining to the criminal justice system including law enforcement, courts, and corrections; civil disturbance; juvenile delinquency; alcohol and drug abuse; emergency preparedness; fire prevention and control. The committee shall also serve as the Jail Committee and inspect the jail as required. (No fewer than Five members nor more than Six)

Health and Welfare: All matters pertaining to health care, comprehensive health planning, local health services, mental health and emergency medical services; social services and welfare programs, recreation, solid waste management; soil, water, and wildlife conservation; energy conservation, agriculture, flood prevention and control. (No fewer than Five members nor more than Six)

Education: All matters pertaining to elementary, secondary and adult education; vocational and technical education; library services. (No fewer than Five members nor more than Six)

County Development: All matters related to general county development; residential, commercial and industrial development; public facilities, subdivision regulation, zoning, building codes; road improvements, highway safety, airport development. (No fewer than Five members nor more than Six)

Personnel Committee: All general matters related to personnel; compliance with OSHA and TOSHA regulations including reports and training, personnel policy, Equal Employment Opportunity Legislation, job description, salary administration, salary classification, and employee benefits. This does not include budgetary issues regarding personnel salaries, requests for

additional personnel, personnel transfers, etc. (No fewer than Five members nor more than Six)

Budget: Taxation; finance; investments; property and intergovernmental relations, all matters pertaining to the financial resources of the county and reports and audit findings; issues regarding personnel salaries, requests for promotion, additional personnel and personnel transfer; health insurance plans. (Members are the five committee chairman and four other commissioners.)

Joint Committee: Committee will meet as a "committee of the whole" when issues warrant such a meeting and no other standing committee has jurisdiction. This committee will meet, if called, prior to the adoption of the annual budget. The Committee can be called to meet by the County Commission Chairman or a vote of the County Commission

Rule 17

Conflicts With Law

In the event that any portion of these rules is determined to be in conflict with applicable law, then that portion in conflict shall be null and of no effect and the remainder of the rules shall remain in full force and effect.

Next on the agenda was election of chairman. Commissioner German opened the floor for nominations. Commissioner Jordan nominated Rhea Taylor. Commissioner Oglesby made the motion to cease any other nominates and the

motion passed unanimously. The motion was seconded by Commissioner Watkins and passed unanimously.

Commissioner Logan made the motion to pass the resolution setting the salary of the Chairman to \$0.00. The motion was seconded by Commissioner Watkins and passed unanimously.

Commissioner Oglesby made the motion to elect Commissioner German as Chairman Pro Tempore. The motion passed unanimously.

Commissioner Logan made the motion to pass the resolution setting the salary of the Pro Tempore to \$0.00. The motion was seconded by Commissioner Farley and passed unanimously.

Commissioner Perkins made the motion to pass the election of committees with Robert Sills replacing Ray Seals and David Webb filling the vacant positions. The motion was seconded by Commissioner Norton and passed unanimously.

**Committee Nominees for 2021-22**

<u>Development</u>	<u>Health/Welfare</u>	<u>Personel</u>	<u>Education</u>	<u>Safety</u>	<u>Budget</u>
Ben Farley	Steve Reeves	David Lillard	Chuck Dacus	Betsy Rice	Development Chairman
Sylvester Logan	Tim Goodroe	Claude Oglesby	Jim Norton	Tim Goodroe	Health/Welfare Chairmam
Kevin Powers	Terry Leggett	Kevin Powers	Bill Walker	Terry Leggett	Personel Chairman
Bill Walker	Tommy Perkins	Jimmy Jordan	Jimmy Jordan	Tommy Perkins	Education Chairman
(Vacant)	Willie German	Larry Watkins	Larry Watkins	Jim Norton	Crimnal Justice and Public Safety Chairman
	Robert Sills	Ray Seals	(Vacant)	Ray Seals	Willie German
					Sylvester Logan
					Claude Oglesby
					Robert Sills

The chairman stated that the financial reports had been presented and for any questions to be directed to proper official.

The Chairman reported for the County Mayor’s office. He stated that the Memphis Regional Megasite landed \$5.5 billion investment from Ford Motor Company and SK Innovation. Fayette County has about (400) four hundred acres in the Megasite. Production should start in the year 2025 on electric vehicles. He

also stated that as of October 31, 2021, the Wing will no longer service Fayette County. The county has delinquent tax cards that were not sold in the auction at the Fayette County Courthouse and now the county must buy the property. A meeting will be held to discuss the properties.

The Sheriff present to the Commissioners a personnel and human resources policy packet.





**FAYETTE COUNTY  
SHERIFF'S OFFICE**

SHERIFF BOBBY RILES

**PERSONNEL / HUMAN RESOURCES POLICY**

<b>Effective Date:</b> September 29, 2021	<b>Number of Pages:</b> 25 + Appendix Table
<input type="checkbox"/> <b>New</b> <input type="checkbox"/> <b>Rescinds</b>  <input checked="" type="checkbox"/> <b>Amended</b>	<b>Revised Dates:</b> September 2016 September 2020 August 2020 September 2021

I. EMPLOYMENT INFORMATION

A. Employment At Will

1. 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.
2. There will be a probation period for each employee that shall last at least one year. During this time employees will be closely supervised in order to be become familiar with duties and responsibilities. This probation period may be extended at the discretion of the Sheriff.
3. All new hires not currently vested in the Tennessee Consolidated Retirement System shall have a 5% reduction in their agreed upon pay during their first six months of employment.

B. Personnel Files

1. 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.

C. Immigration Papers

1. 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 the employer copies of documents proving this eligibility.

D. Fair Labor Standards Act

1. Communications officers, detention officers, office staff, maintenance staff , and other non-law enforcement personnel will be paid on an hourly basis which covers all hours worked up to forty (40) during each workweek. The workweek will begin at 12:00 a.m. on Saturday and end at 11:59 p.m. on Friday. These employees will receive overtime compensation (in the form of overtime pay or compensatory time) for any hours worked over forty (40) in a workweek. No overtime will be earned until the employee has worked on the job over forty (40) hours for his/her workweek (vacation leave, sick leave, holiday hours, or any other form of paid leave shall not count towards the overtime threshold). An employee who works overtime will receive compensation at a rate of time and one-half. The Sheriff shall, at his discretion, choose whether compensation will be in the form of overtime pay or compensatory time in lieu of overtime pay. All employees shall have the understanding prior to performing work that compensatory time may be given in lieu of overtime pay. The employee's regular hourly pay rate will be multiplied by one and one half to determine the overtime rate of pay which will be paid for all hours actually worked over forty (40). Compensatory time will be calculated at a rate of time and one-half for all hours actually worked over forty (40) in a workweek. No additional overtime compensation will be given for hours worked under forty (40).
2. All law-enforcement employees will be paid on a 14-day pay period according to Fair Labor Standards Act law enforcement (7k) exemptions. A workweek will begin at 12:00 a.m. on Saturday and end at 11:59 p.m. on Friday. These employees will receive overtime compensation (in the form of overtime pay or compensatory time) for any hours worked over eighty-six (86) in a 14 day work period (vacation leave, sick leave, holiday hours, or any other form of paid leave shall not count towards the overtime threshold). The Sheriff shall, at his discretion, choose whether compensation will be in the form of overtime pay or compensatory time in lieu of overtime pay. All employees shall have the understanding prior to performing work that compensatory time may be given in lieu of overtime pay. An employee who works overtime will receive compensation at a rate of time and one-half. The employee's regular hourly pay rate will be multiplied by one and one half to determine the overtime rate of pay which will be paid for all hours actually worked over eighty six (86) in a fourteen day period. Compensatory time will be calculated at a rate of time and one-half for all hours actually worked over eighty six (86) in a fourteen day period. See #5 below regarding special funded overtime details.
3. Employees designated as salaried employees shall be paid a biweekly salary which covers all hours worked up to (40) in each workweek for non-law enforcement employees or 86 hours in a 14 day work period for law enforcement (7k exempt) employees. The workweek will begin at 12:00 a.m. on Saturday and end at 11:59 p.m. on Friday. Salaried employees will receive overtime compensation (in the form of overtime pay or compensatory time) for any hours worked over forty (40) in a workweek or eighty six (86) in a 14 day work period for 7k exempt law enforcement employees. The Sheriff shall, at his discretion, choose whether compensation will be in the form of overtime pay or compensatory time in lieu of overtime pay. All employees shall have the understanding prior to performing work that compensatory time may be given in lieu of overtime pay. An employee who works overtime will receive compensation at a rate of time and one-half. Salaried employees will not receive overtime compensation if their job description meets the tests set forth in the Fair

Labor Standards Act overtime exemption requirements. To be overtime exempt an employee must (a) be paid at least \$684 per week, and (b) be paid on a salary basis, and also (c) perform exempt job duties which require that the employee regularly supervises two or more other employees, **AND** has management as the primary duty of the position **AND** has some genuine input into the job status of other employees such as hiring, firing, promotions, or assignments. See #5 below regarding special funded overtime details.

4. No employee can accrue more than forty (40) hours of compensatory time unless approved by the Sheriff. The use of compensatory time is subject to the approval by the employer. Such approval will not be denied unless undue disruption to the office or department will occur.
5. Law enforcement employees working a detail designated as a grant funded or private funded reimbursement overtime detail shall be paid at a rate of time and one-half for all hours claimed over eighty (80) in a two week pay period. Any sick or vacation hours used during this pay period shall also be included when calculating hours claimed for grant funded or private funded reimbursement overtime details.

E. Holidays

1. Employees of the Fayette County Sheriff's Office will be eligible to receive thirteen (13) paid holidays per year. Generally, the following holidays will be declared official holidays and all employees will automatically receive 8 hours of regular paid compensation for these holidays during the month in which they occur:

New Years Day	January 1
Martin Luther King, Jr. Day	3 <sup>rd</sup> Monday in January
President's Day	3 <sup>rd</sup> Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 <sup>st</sup> Monday in September
Veteran's Day	November 11
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Friday after Thanksgiving <small>(observed in lieu of Columbus Day)</small>	4 <sup>th</sup> Friday in November
Christmas Eve	December 24
Christmas Day	December 25
New Years Eve	December 31

(See # 5 below for holiday observance policy if holiday falls on weekend.)

2. All full-time employees shall automatically receive 8 hours of holiday pay compensation paid at the employee's regular rate for each of the observed holidays. These hours shall be reported on the employee's timesheet under the holiday hours column. This 8 hours of compensation will be paid regardless of whether the employee is on his or her regular day off, on paid vacation leave, or on administrative paid leave (including suspension with pay). Holiday hours **will**

**not** be paid to any employee who is on disciplinary suspension without pay. Holiday hours **will not** be paid to any employee who uses sick leave on the last scheduled work day prior to the holiday, on the actual day of the holiday, or on the first scheduled work day following the holiday. Holiday hours shall not count as on the job hours when calculating overtime.

3. Office staff, maintenance staff, salaried employees, and any other staff designated by the Sheriff as non-essential shall be excused from reporting to work on designated holidays (see #4 and #5 below). The employee's timesheet shall reflect zero (0) regular hours for that date and 8 holiday hours in the appropriate columns. In the event that one of these excused employees is required to report for duty on a holiday, he/she shall be compensated at his/her regular rate of pay for all hours worked on the holiday which will be reported in the regular hours column of the employee's timesheet. This compensation shall be in addition to the automatic 8 holiday hours the employee receives.
4. Law Enforcement, Communications Officers, Detention Officers, and any other essential positions may be required to work on holidays as per their regular schedule. If an essential employee is scheduled to work on a holiday, he/she shall be compensated at his/her regular rate of pay, which will be reported in the hours worked column of the employee's timesheet. This compensation shall be in addition to the automatic 8 holiday hours the employee receives which shall be reported under the holiday hours column.
5. Holiday hours will be paid on the corresponding days according to the yearly holiday schedule published by the Sheriff. These holidays are generally observed on the day of the holiday, except when a holiday falls on a weekend, in which case the holiday schedule may reflect the holiday being observed on an alternate date Monday-Friday.
6. For office staff, maintenance staff, salaried employees, and any other staff excused from reporting for work on holidays – if that employee is regularly scheduled to work on a Saturday or Sunday that is the actual holiday, the employee may request approval to take off on the actual holiday but will be required to work on the weekday where that holiday is observed instead. This ensures that the employee will only receive the same amount of paid holidays as all other employees. (e.g. Salaried employee's RDO's are Thursday and Friday, July 4 falls on Sunday, the observed holiday is on Monday for most M-F office staff. If the employee wishes to be off on the actual date of July 4, this may be approved but the employee will be required to work that Monday when everyone else is observing the holiday, otherwise the employee would be receiving an extra day off compared to other employees).
7. To be eligible to receive holiday pay, an employee must be active full-time on the payroll during the month in which the holiday(s) occur. If an employee is out on paid leave and has exhausted all forms of paid leave (ex. sick or vacation) during a pay period and will not be receiving any form of paid compensation for that month, that employee will not be eligible to receive paid holidays for that pay period. Holiday pay will not be prorated, and an employee terminating employment will not be eligible to receive holiday pay for holidays occurring during months which the employee was not actively on the payroll.

F. Pascale Table (Step-Raise System)

1. The Fayette County Sheriff's Office shall establish a pay scale table which will be attached to this policy as Appendix A. This pay scale table may be updated independently as Appendix A without the need for an update to this base Human Resources Policy.

2. The Sheriff shall review the pay scale table annually at a minimum and make appropriate adjustments to the pay scale table structure, rates and ranks based upon the budget approved and adopted by the County Legislative Body.
3. Employees hired into entry level positions (Deputy, Corrections Officer, Communications Officer, Maintenance, Administrative Personnel, Animal Control Officer) will generally be hired in as a Level 5 of their respective title on the pay scale. New hires having 3 years of equivalent job experience may be hired in as a level 4 of their respective title on the pay scale.
4. Employees shall be evaluated prior to their anniversary hire date to determine satisfactory job performance. An employee receiving a satisfactory performance evaluation will generally be advanced to the next entry level position in the pay scale at the beginning of the pay period following their anniversary date (Ex. Deputy 3 will advance to Deputy 2). An employee who does not receive a satisfactory performance evaluation may not be eligible for advancement to the next level in the pay scale and may only be eligible after receiving a satisfactory performance evaluation on their NEXT anniversary date.
5. Deputies and Corrections Officers may be advanced to supervisory positions at the discretion of the Sheriff. An employee advanced from a non-supervisory position to the title of Sergeant will generally be advanced to the level of Sergeant 2 on the pay scale. After three years of satisfactory job performance the employee will generally be advanced to the level of Sergeant 1 at the next pay period following the anniversary of their promotion to their current rank.
6. A Deputy or Corrections Officer advanced from a non-supervisory position or a Sergeants Position to the title of Lieutenant will generally be advanced to the level of Lieutenant 2 on the pay scale. After three years of satisfactory job performance the employee will generally be advanced to the level of Lieutenant 1 at the next pay period following the anniversary of their promotion to their current rank.
7. An employee advanced to a specialized rank such as Investigator from a lower paygrade will generally be advanced to the level 2 paygrade of that position. After three years of satisfactory job performance the employee will generally be advanced to the level 1 paygrade of that position at the next pay period following the anniversary of their promotion to their current rank.
8. Level 1 shall be the top out pay level in the pay scale for all entry level, supervisory or other positions.
9. A demotion in rank will generally result in an employee receiving a reduction in pay and the employee should be moved into the respective pay grade of the position they have been demoted to.
10. An employee's hire or advancement to a particular level in this pay scale table shall not solely be limited by the guidelines set out in 1-9 of this section. The Sheriff, at his discretion, may choose to hire or advance an individual to any level in the pay scale which is deemed appropriate based upon factors including but not limited to experience, job knowledge, or job duties contingent upon funding being available in the current fiscal year's budget to support such.
11. Any Cost of Living Adjustment percentages or rates agreed upon by the County Legislative Body for employees shall be applied universally to each paygrade in the pay scale table and shall apply to all employees regardless of date of hire.

G. Longevity Pay

The County Commission adopted a policy to pay a stipend for years of service. The following criteria must be met to receive the stipend:

1. A full-time employee working a minimum of 35 hours per week.
2. Longevity pay shall be calculated:
  - a. For each complete year of service ending on October 31st of each budget year, beginning with five (5) years minimum unbroken full-time service
  - b. Payment of \$100.00 per year up to fifteen (15) years or \$1,500.00 maximum.
3. To be eligible for the minimum \$500.00 payment, the employee's full-time employment start date must be on, or prior to, November 30th of their hire year.
4. Elected officials are not eligible.

H. "Whistle Blower" and Unlawful Termination Protection for Employees

The State of Tennessee has instituted laws to protect employees from being terminated for alerting the proper authorities concerning fraud and abuse, or from being coerced into remaining silent about fraud and abuse. Also included is protection for certain employee activities that occur when not at work. The appropriate section of law is TCA 50-1-304, and is current with the 2016 legislative session.

II. EMPLOYEE LEAVEA. Absenteeism

1. Regular job attendance and reporting to work on time are expected of all Sheriff's Office employees because the office's operations must function efficiently. To facilitate these goals, the Sheriff has implemented an occurrence-based, progressive discipline policy to minimize absenteeism.
2. An "absence," for the purpose of this policy, is defined as an unscheduled absence for more than four hours during a workday. An absence does not include use of vacation time or sick leave that has been approved in advance by an employee's supervisor.
3. This absenteeism policy applies to all employees, even to employees who have sufficient vacation time or sick time to otherwise cover an absence. The fact that an employee may have vacation time available to him or her will not retroactively cover an employee's unexcused absence.
4. This policy does not apply to absences approved as FMLA leave, military leave, worker's compensation leave, any legally federal or state mandated leave, or any other specially designated leave (as per the Sheriff's authority in section II.- Q. - 6). The fact that an employee has accumulated sick or vacation time to cover an absence will not prevent such absence from becoming an occurrence unless the absence falls into one of these specific categories.
5. Each absence constitutes one (1) "occurrence" under the policy. An absence of two (2) or more consecutive days for the same reason counts as only one (1) occurrence.

6. The guidelines for occurrence-based, progressive discipline are not based on a fixed fiscal or calendar year, but rather on a rolling six-month cycle. (Example: an absence on 9/1/18 is reviewed back to 3/1/18).
7. An employee who has any occurrence during any probationary period shall receive a verbal warning from the employee's supervisor. A probationary employee who has a second occurrence shall be called to appear before the Sheriff's Command Staff and shall receive a written warning which shall serve as a "final warning". Three occurrences during an employee's probationary period may be grounds for termination. This rule shall also apply to any employee who has been returned to probation status as a disciplinary step.
8. An non-probationary employee who accumulates four (4) occurrences in any rolling six-month period shall be called to appear before the Sheriff's Command Staff and will receive a verbal warning. A record of this verbal warning will be kept in the employee's personnel file.
9. A non-probationary employee who accumulates an additional occurrence (for a total of five (5) occurrences) in a rolling six-month period shall be called to appear before the Sheriff's Command Staff and will receive a written warning. A copy of this written warning will be kept in the employee's personnel file.
10. A non-probationary employee who accumulates yet another occurrence (for a total of six (6) occurrences) in a rolling six-month period shall be called to appear before the Sheriff's Command Staff and will receive a one-day suspension without pay. This shall serve as a "final warning". A record of this suspension will be kept in the employee's personnel file.
11. A non-probationary employee who accumulates yet another occurrence (for a total of seven (7) occurrences) in a rolling six-month period will be terminated.

B. Sick Leave Accrual

1. In order for Fayette County Sheriff's Office to maintain and provide the highest level of service to the community, employee attendance is absolutely necessary.
2. Sick leave shall be considered a benefit and privilege and not a right. It is a common misconception that because an employee has a certain number of sick leave hours accrued, the employee has the right to take those hours of leave for any reason. Sick leave days are not personal days for use at will by an employee. Employees may only use sick leave for the purposes allowed per this policy.
3. Full time employees will receive full pay during incapacity caused by illness if sick leave is taken.
4. Sick leave is earned at the rate of 8 hours per month.
5. 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.
6. If an employee is in a paid status for one-half of the month or more, he/she will be credited with 8 hours sick leave for the month. Otherwise, he/she will not accrue any time for the month.

C. Use of Sick Leave

1. An employee may utilize sick leave allowances for absences due to his/her own illness or injury.
2. Sick leave may be used during an illness of mother, father, wife, husband, or children.
3. Sick leave may also be used for appointments with a licensed doctor, dentist, or recognized practitioners.
4. When appropriate, a partial sick day may be used rather than a full day.
5. In case of an unscheduled absence due to illness or injury that would prevent an employee from reporting to work at their scheduled time, employees are required to notify their immediate supervisor at least **two hours** prior to the start of their shift. The time an employee calls is important in preparing for the shift's workload. The employee should also inform the supervisor how long the absence is expected to last.
6. 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. Such request, however, must be justified by means of a doctor's statement upon return to work.
7. No employee may give or loan sick leave to another employee. Employees are strongly encouraged to use sick leave benefits sparingly as well as to explore the short-term and long-term disability insurance products offered through payroll deduction.
8. Any non-emergency surgery will be discussed with the employer before the surgery is scheduled.
9. An employee shall notify their supervisor and file a sick leave request for scheduled absences (e.g. for scheduled appointments) at least 48 hours in advance of the date and time requested. Any request with less than 48 hours notice shall be considered an unscheduled absence.
10. Since sick leave is not personal time and shall only be granted for the express purposes listed in this policy, employees taking sick leave are to remain at home during the period of sick leave except for personal needs related to the reason for being on sick leave. Exceptions to this requirement would be if an employee needs medical treatment, is attending appointments with a licensed doctor, dentist or recognized practitioner or at a pharmacy retrieving prescriptions or if an employee receives written permission from the Sheriff to travel.
11. The Sheriff reserves the right to verify that employees are at home during the use of sick leave by conducting a home visit. Employees not at home during the use of sick leave may have such leave denied and the absence will be considered leave without pay and the employee shall be subject to disciplinary action. In the event that an employee is attending a doctor visit during a sick leave / home check verification, it shall be the responsibility of the employee to provide proof of such.
12. Employees shall not be permitted to work any other form of outside employment during the use of sick leave unless expressly permitted to do so by the Sheriff.
13. Employees may not use sick leave in the event they choose not to travel to work due to inclement weather or other hazardous conditions.
14. Evidence of abuse of sick leave benefit will result in the leave being unpaid and shall be grounds for disciplinary action or termination. Evidence of abuse of sick leave may include but not be limited to:



- a. Social media posts indicating that an employee was not at home during the time of leave except as provided for by #10 above.
- b. Observance of an employee away from home except as provided for by #10 above.
- c. Evidence of an employee attending recreational activities or other employment while on sick leave.
- d. Employee has a vacation request denied and calls in sick on those days without a doctor's statement confirming the employee's incapacitation for work during that period.

D. Documentation of Sick Leave

- 1. Employees are required to notify the employer as early as possible on the first day of their sick leave absence.
- 2. An employee may take part of a day as sick leave when doctor, dental, or optical appointments are required for the employee or his/her children.
- 3. Sick leave may be taken in multiples of not less than one-half days.
- 4. Paystubs or any materials which refer to sick leave in terms of "days" shall be considered to reference 8 hour days and any employee working 10 or 12 hour schedules shall calculate the use of those days accordingly (e.g. a 10 hour employee would use 5 "days" of vacation leave to equal 40 hrs.)
- 5. An employee who claims three consecutive days or more of sick leave shall furnish a doctor's statement upon the employee's next shift that they return to work. The doctor's statement should provide that the employee has been incapacitated for work for the period of his/her absence, and that he/she is again physically AND mentally able to perform his/her duties.
- 6. An employee may be required to furnish a doctor's statement for the use of any sick leave, even if such leave is does not fall consecutively as per #4 above, if there is suspicion that the employee is abusing the sick leave benefit. Grounds for suspicion of abuse of the sick leave benefit shall include but not be limited to:
  - a. Employee takes the day off sick before, on, or after a holiday
  - b. Employee calls in sick on the same days each week, month or year
  - c. Employee has a vacation request denied and calls in sick on those days
  - d. Employee has an unusual number of sick days occurring on days consecutive to the employee's regular days off
  - e. Excessive use of sick leave during periods of progressive discipline or immediately prior to retirement
  - f. Sick leave taken when standard work assignment is cancelled for that day (e.g. S.R.O. or Court Officer calls in sick to avoid a patrol assignment for that day)

- g. Sick leave taken when difficult or "undesirable" assignments are scheduled (e.g. prisoner transports, hospital guard assignments)
- h. "Seasonal absences" associated with given times of the year (e.g. hunting season) or holidays
- i. Employee otherwise creates suspicion or shows an unusual pattern of sick leave use

7. In situations where an employee is on leave due to a serious health condition preventing the performance of his or her job duties, an employee may be required to provide, as a condition of the employee's restoration to their position, a medical fitness-for-duty certification. A fitness-for-duty certification is a medical examination from a health care provider of a current employee to determine whether the employee is physically or psychologically able to return to work and perform the essential functions of the job. This requirement must be uniform and consistently applied to all employees taking leave under similar circumstances. Fitness-for-duty examinations shall be at the expense of the Sheriff's Office. Circumstances which may require a fitness-for-duty certification include:

- a. Reasonable belief that the employee's condition may prevent the employee from performing the job's essential functions
- b. Reasonable belief that the employee poses a direct threat to his or her own safety or the safety of others

E. Exhaustion of Sick leave

- 1. Employees who have used all of their accumulated sick leave will not receive financial compensation for additional days needed due to illness or injury unless the employee has any accumulated vacation time or compensatory time remaining.
- 2. The employee may request that additional sick leave be credited against the remaining vacation or compensatory time.
- 3. Employees who have exhausted all available sick leave, vacation time, and compensatory time and do not immediately return to duty will be subject to termination for failure to report for duty.
- 4. Accumulated sick leave shall not be used for worker's compensation benefits.

F. Family Medical Leave Act

- 1. 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 is authorized.
- 2. Eligible employees are those who have been employed for at least twelve months, who have provided at least 1250 hours of service during twelve months before leave is requested, and who at a work site where at least fifty employees are on the payroll (either at that site or within a seventy-five mile radius).
- 3. Parent is defined as a 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.

4. Son or daughter or child is defined as the 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 18 years. Children who are 18 years or older qualify, if they are incapable of self-care because of mental or physical disability.
5. Serious health condition is defined as an illness, injury, impairment, or physical or mental condition involving either in-patient 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 bypass or valve operations, most cancers, back operations requiring extensive therapy or surgical procedures, strokes, respiratory conditions, spinal injuries, severe arthritis, etc.
6. An eligible employee may take up to twelve weeks of unpaid leave in a twelve 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 weeks of unpaid leave if the three month advance notice is in compliance. Leave may also be taken to care for a child, spouse, or parents who have a serious health condition.
7. The right to take leave applies equally to male and female employees who are eligible.
8. 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 months following the date of birth or placement.
9. 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 if absence from work is required for the placement to proceed.
10. 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 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, who is recovering from major surgery, or who is in the final stages of terminal illness.
11. Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
12. Eligible employees may take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

13. Eligible employees, who are unable to perform the functions of the position held because of a serious health condition, may request up to twelve 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.
14. 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 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 rehiring in the full and complete discretion of the Sheriff.
15. During periods of unpaid leave, an employee will not accrue any additional seniority or similar employment benefits during the leave.
16. 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 weeks. For example, if the person takes eight weeks of leave to care for the child, the mother will be entitled to four weeks leave, for a total of twelve weeks of leave.
17. An eligible employee must provide the employer at least thirty days advance notice of the need for leave for birth, adoption, or planned medical treatment, when the need for leave is foreseeable. This thirty 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.
18. 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 day notice.
19. The employer reserves the right to verify an employee's request for family medical leave.
20. If an employee requests leave because of a serious health condition or to care for a family member 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 cannot be obtained by a second opinion, a third opinion may be obtained from another provider and that opinion will be final and binding.
21. The certification must contain the date on which the serious health condition began, its probable direction, and appropriate medical facts 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.
22. Medical certification shall be treated as confidential and privileged information.
23. An employee will be required to report periodically to the employer of the status and the intention of the employee to return to work.
24. 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.

25. 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.
26. The employer has the 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.
27. 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.
28. Leave taken under this 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.
29. 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.
30. Intermittent or reduced leave may be spread over a period of time longer than twelve weeks total leave in one twelve month period.
31. 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.
32. Certain highly compensated employees, who are salaried and among the ten percent 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.
33. The twelve month period during which an employee is entitled to twelve weeks of Family Medical Leave is measured forward beginning January 1 of each year.

G. Leave for Adoption, Pregnancy, Childbirth and Nursing an Infant (T.C.A. 4-21-408)

1. Employees who have been employed for at least twelve (12) consecutive months as full-time employees, as determined at the job site or location, may be absent from such employment for a period not to exceed four (4) months for adoption, pregnancy, childbirth and nursing an infant, where applicable, referred to as "leave" in this section. With regard to adoption, the four-month period shall begin at the time an employee receives custody of the child.
2. Employees who give at least three (3) months' advance notice of their anticipated date of departure for such leave, their length of leave, and their intention to return

to full-time employment after leave, shall be restored to their previous or similar positions with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of their leave.

3. Employees who are prevented from giving three (3) months' advance notice because of a medical emergency that necessitates that leave begin earlier than originally anticipated shall not forfeit their rights and benefits under this section solely because of their failure to give three (3) months' advance notice. Employees who are prevented from giving three (3) months' advance notice because the notice of adoption was received less than three (3) months in advance shall not forfeit their rights and benefits under this section solely because of their failure to give three (3) month's advance notice.
4. An employee may utilize accrued but unused sick leave, vacation leave, or compensatory time to remain on a paid status during leave under this section. Any leave taken after those accrued days have expired shall be without pay. Leave under this section shall not affect the employee's right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, or programs for which she was eligible for 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 leave unless such employer so provides for all employees on leave of absence.
5. The employer need not provide for the cost of any benefits, plans, or programs during the period of leave under this section unless such employer so provides for all employees on leave of absence.
6. 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 the leave period.
7. The purpose of this section is to provide leave time to employees for adoption, pregnancy, childbirth and nursing the infant, where applicable; therefore, if an employer finds that the employee has utilized the period of 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 leave, then the employer shall not be liable under this section for failure to reinstate the employee at the end of the leave.
8. Whenever the employer shall determine that the employee will not be reinstated at the end of the leave because the employee's position cannot be filled temporarily or because the employee has used the leave to pursue employment opportunities or to work for another employer, the employer shall so notify the employee.

G. Bereavement Leave

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

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

H. Jury and Court Duty

1. 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.
2. The employee will be granted a leave of absence when the employee is subpoenaed or directed by property authority to appear in federal or state court as a witness or juror.
3. The employee will receive his regular compensation during the time he/she is serving as a juror.
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 court or jury duty during working hours, the employee must report back to his/her employer.
6. 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 or leave without pay.

I. In the Line of Duty Injury Leave

1. 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 the 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.

J. Military Leave

1. This section is written with the express purpose of compliance with The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) as well as Tennessee Code Annotated 8-33-101 through T.C.A. 8-33-110 which addresses employees in military service.
2. Full-time employees who are, or may become, members of any reserve component of the armed forces of the United States, including members of the Tennessee army and air national guard, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave or vacation, impairment of efficiency rating, or any other rights or benefits to which otherwise entitled, for all periods of military service during which they are engaged in the performance of duty or training in the service of this state, or of the United States, under competent orders. An officer or employee while on such leave shall be paid salary or compensation for a period, or periods, not exceeding twenty (20) working days in any one (1) calendar year.

3. After the twenty (20) working days of paid compensation has been exhausted, members of any reserve component of the armed forces of the United States, including members of the Tennessee army and air national guard, may use up to five (5) days of sick leave in lieu of annual leave for the purposes of not having to take leave without pay.
4. In addition to the leave of absence provided for in part 1 of this section, employees who are members of the Tennessee army and air national guard on active state duty or the Tennessee state guard and civil air patrol shall be entitled to an unpaid leave of absence from their respective duties, without loss of time, pay not specifically related to leave of absence time, regular leave or vacation or impairment of efficiency rating for all periods of service during which under competent orders they are engaged in the performance of duty or training in the service of this state, including the performance of duties in an emergency.
5. An employee on unpaid military leave status may use vacation time in order to receive compensation, however employees are not required to use vacation time.
6. Any person who is restored to a position in accordance with T.C.A. 8-33-101 through T.C.A. 8-33-108 shall not be discharged from such position without cause within one (1) year after such restoration, and shall, without limiting such person's rights conferred by this or other sections, be considered as having been on furlough or leave of absence during the period of military duty. Such person shall be restored without loss of seniority (including, upon promotion or other advancement following completion of any period of employment required therefor, a seniority date in the advanced position which will place such person ahead of all persons previously junior to such person who advanced to the position during the absence in armed forces). The employee shall also be entitled on reinstatement to participate in insurance (including retirement, pension plans, and medical insurance) and other benefits dependent on length of employment, including vacation privilege and severance pay. The employee shall be protected against reduction in seniority, status, or pay during employment, except as such reduction may be made for all employees whose employment situations are similar.
7. All employees shall be granted a leave of absence for the purpose of being inducted or otherwise entering military duty. If not accepted for such duty, the employee shall be reinstated in such position without loss of seniority or status or reduction in rate of pay. During such period, the employee shall for all purposes be considered to have rendered service and to have been compensated therefor at the employee's regular rate of pay.
8. Upon the employee's return from military service such employee shall be re-employed within a reasonable period of time in the same position or a similar position as he would have, had he/she remained on employment status, provided he/she is still qualified to perform the duties of his/her former position upon completion of military service and provided his tour of duty has not exceeded five (5) years.
9. Upon the employee's return from military service, the employee must report back to work within the following guidelines:
  - a. 1-30 days of service: Report next scheduled work day after safe travel and 8 hours rest
  - b. 31-180 days of service: Report within 14 days after completion of service
  - c. 181+ days of service: Report within 90 days after completion of service
10. Employees who are members of any reserve component of the armed forces of the United States, including members of the Tennessee army and air national



guard must provide advanced notification to the Sheriff's Office by submitting a request for military leave to attend any training, schooling or other military service. The employee cannot simply fail to show up for work because of a military obligation. Advanced notice shall be at least 30 days prior when possible or immediately upon activation or notification if less than 30 days. A copy of the employee's military orders, if available, shall be attached.

11. If an employee is in a paid status for one-half of the month or more, he/she will be credited with 8 hours sick leave and 8 hours of vacation leave for the month. Otherwise, he/she will not accrue any leave time for the month.

K. Extended Leave – Law Enforcement Powers

1. Law Enforcement employees who are on extended leave are considered to be on a non-enforcement status and are relieved of all law enforcement powers and authority until they return to duty. Any law enforcement officer on non-enforcement status shall not wear Sheriff's Office uniform or display their badge or identification.
2. Any period of leave beyond 3 consecutive days of leave, other than pre-approved vacation leave, may be considered extended leave for the purposes of this section.

L. Vacation Leave Accrual

1. Vacation time will be accrued by regular full-time members of the department calculated on the basis of 8 hours per month (for vacation purposes one week is defined as five work days.)
2. Any vacation time in excess of 120 hours at the end of a calendar year shall be automatically credited to the sick time the employee has accumulated to be applied towards retirement.
3. No employees may give or loan vacation to another employee, unless used for a serious sickness or serious injury.

M. Request for Vacation Leave

1. A vacation calendar will be posted in each division. Members may sign up for up vacation leave during this time if they wish to reserve a particular time period.
2. Employees may not sign up for vacation leave prior to ninety days (90) before the dates of the actual leave being requested unless authorized to do so by the Sheriff.
3. Vacation leave will be granted on a first come first served basis.
4. No more than one member per shift of the Uniformed Patrol Division will be allowed vacation leave during the same time. In all other divisions, only one member of that division will be allowed vacation leave during a given time. Only one supervisor in each division will be allowed vacation leave during a given time. Command Staff excluded from this restriction with approval of the Sheriff.
5. Vacation time shall only be taken at the rate of one week per request unless otherwise approved by the Sheriff. Only one vacation request (one week) will be allowed per one month period unless approved by the Sheriff.

6. Employees shall not be allowed to request vacation leave until after their first year of employment has been completed. An employee who hires on with a pre-planned vacation or necessary leave at their time of hire shall notify the Sheriff in writing immediately to request special approval of such during their first year of service. An employee who fails to notify the Sheriff of a pre-planned vacation or necessary leave at the time of hire shall be grounds for denial of that request if it is made at any other time during the first year of employment.
7. Any employee who is on a probation status shall not be allowed to request vacation. The Sheriff may cancel or deny any prior approved vacation requests for an employee who has been returned to probation status as a disciplinary step.
8. Vacation Request Forms must be submitted 30 days in advance of the proposed date of leave and shall be submitted to the member's division commander. The division commander shall conduct a manpower assessment and approve or disapprove the request. Requests not approved shall state the reason for disapproval.
9. Vacation leave requests submitted later than 30 days prior to the proposed date of leave may be summarily disapproved and no reason for disapproval shall be required.
10. After review of Vacation Leave Request Forms, the division commander shall forward the request to the Chief Deputy for final review by the Sheriff. A copy of the approved or denied request will be sent to the employee, his/her supervisor and the division commander.
11. Paystubs or any materials which refer to vacation leave in terms of "days" shall be considered to reference 8 hour days and any employee working 10 or 12 hour schedules shall calculate the use of those days accordingly (e.g. a 10 hour employee would use 5 "days" of vacation leave to equal 40 hrs.)

N. Applicability of Vacation Leave

1. All vacation leave is subject to the guidelines set forth by the Sheriff.

O. Cancellation of Vacation Leave

1. Every member taking authorized vacation leave shall be subject to be ordered to report for duty at any time.
2. Scheduled vacation leave shall be subject to cancellation by the Sheriff or division commander at any time if manpower requirements dictate such necessity.

P. Disposition of Accrued Vacation Leave Upon Termination

1. 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 time 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 Sheriff.
2. 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.

3. 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.
4. 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.
5. 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 day shall be the official date of termination.
6. 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 day occurs prior to January 1 (even if the terminal leave period extends beyond January 1.)
7. 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 vacation leave at the time of dismissal.
8. All personnel entitled to accrue vacation leave may request use of vacation leave at the specified time by application to the discretion of the Sheriff, 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.

Q. Inclement Weather / Hazardous Conditions

1. Every employee must make a personal judgment about safety in traveling to and from work during inclement weather or other hazardous conditions. The Sheriff's Office has multiple essential positions which must be staffed 24 hours per day 365 days per year (including but not limited to patrol, dispatch and jail positions) regardless of inclement weather or hazardous conditions. With that in mind, employees are expected to report for work and to plan ahead to anticipate any difficulties that might be encountered.
2. The Sheriff may designate the office as closed for non-essential administrative office staff during periods of inclement weather or other hazardous conditions. In the event the Sheriff designates the office as closed, non-essential administrative office staff may be absent from the office with pay for their normal scheduled hours without having those hours charged against their vacation leave.
3. Sworn law enforcement employees in the Patrol and C.I.D. Divisions that are provided with take-home vehicles are required to work their assigned shifts despite inclement weather or hazardous conditions. In the event of inclement weather or other hazardous conditions the Sheriff may arrange for transportation of essential employees in the jail or dispatch to and from the office by members of the Patrol, C.I.D. Division or other division of the agency.
4. If the office is open during inclement weather and an employee chooses not to travel to work, the time will be charged to the employee's vacation. Should vacation not be available for the individual employee, the time will be considered leave without pay.
5. Employees may not use sick leave in the event they choose not to travel to work due to inclement weather or other hazardous conditions if the office is declared open or the employee is in an essential position.

6. The Sheriff may designate events other than weather related events as hazardous conditions for the purpose of this section. Other events can include but not be limited to: pandemic, terrorist attack, any natural or manmade disaster, any declared state of emergency.
8. When the Sheriff has declared an event or situation as a hazardous condition, the Sheriff shall have the authority to suspend, waive or temporarily alter any rules, regulations or procedures found in this or any agency policy handbook in the interest of providing the most efficient service to the public while best maintaining the health and safety of all employees.

R. Part-Time Employees Not Included / Leave Benefits

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

III. DRUG / ALCOHOL FREE WORKPLACE POLICY

- A. The Fayette County Sheriff's Office is a drug and alcohol free workplace. Fayette County recognizes that alcohol and drug abuse in the workplace has become a major concern. We believe that by reducing drug and alcohol use we will improve the safety, health, and productivity of the 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.
- B. All employees are subject to pre-employment drug / alcohol testing requirements as well as random drug / alcohol screens as per the Fayette County Drug and Alcohol Free Workplace Policy.
- C. A copy of this policy is maintained in its entirety by the Sheriff's Office and shall be available for review by employees.
- D. Each employee is responsible for becoming familiar with this policy. All employees shall sign an acknowledgement that they are familiar with the drug and alcohol free workplace policy and will follow the guidelines set forth in this policy.

IV. HARASSMENT (SEXUAL, ETHNIC, RACIAL, OR RELIGIOUS)

- A. In order to maintain a quality working environment for all employees or potential employees of this Department so that they may work free from intimidation, humiliation, insult, or be subject to offensive, physical or verbal abuse or actions of a sexual, ethnic, racial or religious nature, the Fayette County Sheriff's Office adopts this policy against sexual, ethnic, racial or religious harassment or otherwise defined as unwanted conduct.
- B. Sexual, ethnic, racial or religious harassment is an offense, first against this Sheriff's Office, and second, an offense against any specific employee or group of employees. Offenses refer to physical or verbal actions that have the purpose or effect of creating a hostile, offensive, or intimidating working environment that have sexual, ethnic, racial or religious basis. Examples would include, but are not limited to physical contact of a

sexual nature; sexual, ethnic, racial or religious related jokes, comments, insults, cartoons, innuendo, or personal contact or mannerisms that could be construed as intentionally offensive in these described areas.

- C. It is this Department's position to take affirmative action to prevent such unwarranted and unwanted conduct from occurring and to deal with all such reported incidents in a fair, impartial and expeditious manner. All complaints or incidents will be investigated on a case-by-case basis. In those instances where a violation has been shown to occur, immediate action will be taken to remedy the situation and to prevent its recurrence.
- D. All persons who violate this policy will be subjected to disciplinary procedures up to and including discharge.
- E. It is each employee's responsibility to help to eliminate all forms of prohibited harassment and unwanted conduct. It will be every supervisor's responsibility to prevent such behavior from occurring within his work jurisdiction.
- F. Employees filing a complaint under this policy shall be free to do so without fear of reprisal, retaliation, or further harassment.
- G. Procedure Concerning Harassment Complaints
  1. A member of the Sheriff's Office should clearly tell the offending party to stop the offensive conduct because it is perceived to be in violation of this order. The rationale behind this is to ensure that the potential offender realizes the conduct is being perceived as offensive and not just as harmless activity.
  2. If the unwanted conduct continues, the offended employee should contact his/her supervisor.
  3. Employees are free to contact their supervisor directly, without notifying the offending party.
  4. Due to the nature of harassment complaints and the possibility that a supervisor may be involved, member wishing to make a harassment complaint may make direct contact with the divisional commander of the party involved or the Sheriff.
  5. In the event that complaint shall be made against the Sheriff, the complaint shall be filed with County Mayor for investigation.
  6. All complaints shall be filed in writing and signed by the individual filing the complaint.
  7. The supervisor or individual conducting the investigation shall file a written report detailing the investigation, the findings of the investigation, and the corrective action taken against the offending party if the complaint is founded.

V. DEPARTMENTAL VEHICLE POLICY

- A. Each Sheriff's Office employee who has been assigned a take home vehicle must strictly adhere to the following rules of conduct:

1. With the exception of de minimis personal use, Sheriff's Office vehicles will be used for official Sheriff's Office business only.
2. Sheriff's Office employees are subject to be called to duty during times of emergency or manpower shortages. Both law enforcement and non-law enforcement employees assigned a take home vehicle shall be required to commute to and from work in their Sheriff's Office vehicle due to this always "on-call" status.
3. Employees are responsible for the security of the vehicle and its contents while on and off-duty.
4. Unattended vehicles will be locked at all times. When vehicles are not in use, keys must be removed and vehicles locked.
5. Unauthorized individuals are not to operate any Sheriff's Office vehicle at any time.
6. No vehicle shall be driven while consuming alcohol nor may any alcoholic beverages be transported in the vehicle except that which is seized as evidence.
7. All accidents (on or off the road), whether at fault or not at fault, shall be reported to the Sheriff or his designee as soon as possible. Accidents shall be immediately reported to the proper jurisdictional law enforcement agency.
8. Employees will follow all traffic laws while operating his/her assigned vehicle except when responding to an emergency call and then following T.C.A. 55-8-108.
9. Seat belts shall be used while the vehicle is in motion except when officer safety dictates otherwise.
10. Unauthorized bumper stickers or window stickers are not permitted.
11. Vehicles are subject to random inspection and or searches at any time without notice.
12. All Sheriff's Office vehicles shall be kept clean and in orderly condition.
13. All Sheriff's Office vehicles shall be maintained in good mechanical order.
14. Employees will use the most direct route while travelling to and from home.

B. Employees who are assigned a Sheriff's Office vehicle and are required to drive them to and from work are permitted to carry as passengers members of their households and those non-members of their households listed below, to the following destinations when the employee has no other reasonable convenient means of transporting those people. Such use shall be considered de minimis use:

1. Members of the employee's household may be transported:
  - a. To and from school and work, using the most direct route to those destinations, when the employee himself or herself is driving to and from work or carrying out legitimate and necessary Sheriff's Office business.
  - b. To and from babysitters, childcare centers, residences and businesses of family members, friends and neighbors; or any other reasonable destination

where safety, security, comfort, and well-being of the officer's household members will be secured or promoted when the officer is required to respond to a call to perform legitimate and necessary Sheriff's Office business.

- C. The Sheriff may authorize the personal use of unmarked police vehicles under the following circumstances:
  - 1. Personal use must be incident to use for law-enforcement purposes; i.e., no vacation use.
  - 2. The vehicle must be used by a full-time law enforcement officer; i.e. officer authorized to carry firearms, execute warrants, and make arrests. The officer must regularly carry firearms, except when it is not possible to do so because of the requirements of undercover work.
- D. The use of marked and unmarked vehicles by law enforcement officers, including the use to commute to and from home and duty station, shall be considered qualified non-personal use and therefore a working condition benefit which will be excluded from the employee's wages as a fringe benefit for tax computation purposes.
- E. Take home vehicles provided to non-law enforcement members shall use the I.R.S. Commuting Valuation Rule whereby the employee shall report fringe benefit use of the vehicle in the value of \$1.50 for each one way commute between home and duty station and/or duty station to home.

#### VI. NO SMOKING POLICY

- A. There shall be no smoking in any enclosed building over which Fayette County Government has control. Each supervisor / elected official shall adhere to this policy and shall make every effort to enforce this regulation over the general public and their employees.
- B. Any employee who violates this provision shall receive an initial reprimand from their supervisor / elected official, which shall be placed in their personnel file. A second violation shall result in forfeiture of one day's pay, and a report placed in their personnel file. A third violation will result in termination from employment.
- C. All supervisors and elected officials are required to enforce this provision. Any elected official found violating this policy, either personally or by allowing the general public or their employees to violate this policy, waives any protection from the county and accepts personal responsibility of the fines the state law imposes.

#### VII. WIRELESS TELECOMMUNICATIONS DEVICES AND DRIVING PROHIBITIONS (T.C.A. 55-8-199)

- A. A person, while operating a motor vehicle on any road or highway in this state, shall not physically hold or support, with any part of the person's body a wireless telecommunications device. "Wireless telecommunications device" means a cellular telephone, a portable telephone, a text-messaging device, a personal digital assistant, a stand-alone computer, a global positioning system receiver, or substantially similar portable wireless device that is used to initiate or receive communication, information, or data. "Wireless telecommunications device" does not include a radio, citizens band radio, citizens band radio hybrid, commercial two-way radio communication device or its functional equivalent, subscription-based emergency communication device, prescribed

medical device, amateur or ham radio device, or in-vehicle security, navigation, autonomous technology, or remote diagnostics system.

- B. This does not prohibit an employee from using an earpiece, headphone device, or device worn on a wrist to conduct a voice-based communication; or using only one (1) button on a wireless telecommunications device to initiate or terminate a voice communication; or operating a stand-alone electronic device. "Stand-alone electronic device" means a portable device other than a wireless telecommunications device that stores audio or video data files to be retrieved on demand by a user.
- C. A person, while operating a motor vehicle on any road or highway in this state, shall not write, send, or read any text-based communication, including, but not limited to, a text message, instant message, email, or internet data on a wireless telecommunications device or stand-alone electronic device.
- D. This does not prohibit an employee from using such devices to automatically convert a voice-based communication to be sent as a message in a written form; or for navigation of the motor vehicle through use of a device's global positioning system.
- E. A person, while operating a motor vehicle on any road or highway in this state, shall not reach for a wireless telecommunications device or stand-alone electronic device in a manner that requires the driver to no longer be in a seated driving position or properly restrained by a safety belt.
- F. A person, while operating a motor vehicle on any road or highway in this state, shall not watch a video or movie on a wireless telecommunications device or stand-alone electronic device other than viewing data related to the navigation of the motor vehicle.
- G. A person, while operating a motor vehicle on any road or highway in this state, shall not record or broadcast video on a wireless telecommunications device or stand-alone electronic device. This does not apply to electronic devices used for the sole purpose of continuously recording or broadcasting video within or outside of the motor vehicle. This section does not apply to law enforcement body camera or dash camera systems.
- H. T.C.A. 55-8-199 does not apply to officers of this state or of any county, city, or town charged with the enforcement of the laws of this state, or federal law enforcement officers when in the actual discharge of their official duties.
- I. T.C.A. 55-8-199 does not apply to persons who are lawfully stopped or parked in their motor vehicles or who lawfully leave standing their motor vehicles.

#### VIII. TITLE VI COMPLIANCE

- A. Title VI covers all agencies receiving federal funds.
- B. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under the direction of the Fayette County Sheriff's Office.
- C. Anyone who believes that the Fayette County Sheriff's Office has discriminated against someone on the basis of race, color, or national origin has a right to file a complaint within 180 days of the alleged discrimination.



- D. Title VI complaints may be filed with the Title VI coordinator, in writing, within 180 days of the alleged discrimination. Complaint forms may be obtained by contacting the Title VI coordinator.
- E. The Fayette County Sheriff's Office shall remain in compliance with all laws, rules, and regulations with regard to Title VI discrimination.

IV. REVIEW OF PROCESS

- A. The Sheriff's Command Staff shall conduct a periodic review of this policy to determine if it should be revised, cancelled or continued in its present form.
- B. This policy shall remain in effect until revoked or superseded by competent authority.

\_\_\_\_\_  
Bobby Riles  
Sheriff

\_\_\_\_\_  
Date

This policy to be read into the minutes of the Fayette County Commission meeting occurring September 28, 2021.

Paygrade	Hourly Rate	Sworn Officers				Non-Sworn / Non-Law Enforcement					
		86 Hour Biweekly Equivalent	Deputies	Invest.	Other	80 Hour Biweekly Equivalent	Corrections	Maint/Mech	Admin	Comms	An. Ctrl.
20	\$ 28.00	\$ 2,408.00	Chief Deputy			\$ 2,240.00					
19	\$ 27.50	\$ 2,365.00				\$ 2,200.00	Jail Admin				
18	\$ 26.80	\$ 2,304.80	Captain (Dep)			\$ 2,144.00					
17	\$ 25.00	\$ 2,150.00	LT 1 (Dep)			\$ 2,000.00					
16	\$ 24.00	\$ 2,064.00	LT 2 (Dep)			\$ 1,920.00					
15	\$ 23.00	\$ 1,978.00	SGT 1 (Dep)	INV 1	GDI	\$ 1,840.00					
14	\$ 22.85	\$ 1,965.10	SGT 2 (Dep)	INV 2		\$ 1,828.00					
13	\$ 22.30	\$ 1,917.80	DEP 1		SPECIALIST	\$ 1,784.00	Captain (CO)	Maint Sup			
12	\$ 20.45	\$ 1,758.70	DEP 2			\$ 1,636.00	LT 1 (CO)				
11	\$ 20.20	\$ 1,737.20	DEP 3			\$ 1,616.00	LT 2 (CO)		Admin Sup		
10	\$ 19.94	\$ 1,714.84	DEP 4			\$ 1,595.20	SGT 1 (CO)		Admin Spec		
9	\$ 19.25	\$ 1,655.50	DEP 5			\$ 1,540.00	SGT 2 (CO)		Admin 1	Comms Sup	
9	\$ 19.00	\$ 1,634.00				\$ 1,520.00	CO1	Mech Sup	Admin 2	Comms 1	
7	\$ 18.25	\$ 1,569.50				\$ 1,460.00		Maint 1	Admin 3		
6	\$ 18.15	\$ 1,560.90	DEP PT			\$ 1,452.00	CO2	Maint 2	Admin 4		AC 1
5	\$ 18.00	\$ 1,548.00				\$ 1,440.00			Admin 5	Comms 2	AC 2
4	\$ 17.50	\$ 1,505.00				\$ 1,400.00	CO 3	Maint 3		Comms 3	AC 3
3	\$ 17.00	\$ 1,462.00				\$ 1,360.00	CO 4	Maint 4		Comms 4	AC 4
2	\$ 16.50	\$ 1,419.00				\$ 1,320.00	CO 5	Maint 5		Comms 5	AC 5
1	\$ 15.50	\$ 1,333.00				\$ 1,240.00		Maint PT	Admin PT	Comms PT	

Dr. Hamlett did not have any new reports for the School Board but expressed her gratitude to the Sheriff's office for the quick response on the latest cyber threats against the Fayette Ware High School.

There were no reports from Juvenile Court, Board of Public Works, Trustee, and the Planning and Development.

Commissioner Farley reported for the Development Committee which met on September 13, 2021. The Committee discussed the Airport COVID Grant Budget, Airport donation budget, Airport show shirt sale, airport hangar insulation, courthouse grant, assistant planner to the Fayette County Director of Planning.

## DEVELOPMENT COMMITTEE

**Minutes**  
**September 13, 2021**

### Present

Farley            Powers            Walker, B            Sills

- 1) Airport COVID Grant Budget Amendment
  - Rusty Bliss, Fayette County Airport Manager, requested that he be allowed to accept a COVID-related grant to refurbish an agricultural pad at the airport.
  - After discussion, motion passed to recommend approval on a motion by Sills, seconded by Walker
- 2) Airport Donation Budget Amendment
  - Rusty Bliss asked to have the received donations for the upcoming airshow allocated for expenses. The funds are in reserved and revenue lines.
  - After discussion, the committee voted to recommend acceptance on a motion by Sills, seconded by Walker
- 3) Airport Show Shirt sale permission
  - Rusty Bliss asked that shirts be allowed to be sold at the air show. The purchase price is \$9.50, and the sale price is \$20. There are about 250 shirts.
  - After discussion, the committee voted to recommend approval of the sales on a motion by Walker, seconded by Sills.
- 4) Airport Hangar insulation
  - Rusty Bliss updated the committee on the progress of cleaning out the old insulation on the two big hangars. Once they are clean, he needs to re-insulate them. The cost to do both hangars is approximately \$50,000 and will have to be bid out.
  - After discussion, the committee recommended \$55,000 to allow some room if the bids are higher than expect. The motion was made by Powers, seconded by Walker.
- 5) Courthouse Grant update
  - Mayor Taylor reported to the committee that he had received the funds for the grant and was working to get information on firms to start a contract to over the grant. If enough information is obtained by Commission meeting, he may try to bring it to the table to move the grant along. Time is becoming short since the grant must be spent or obligated by June 30<sup>th</sup> of next year.
- 6) Assistant Planner
  - John Pitner, Fayette County Director of Planning, had asked in last year's budget for an assistant and \$25,000 was budgeted starting in January 2022. While this may look like an equivalent of \$50,000 per year for the salary, no authorization was made to establish the \$50,000 as the salary. This is request for that to happen.

- After discussion, the committee voted to recommend the salary to be a maximum of \$50,000 starting in Fiscal Year 2022-23 budget on a motion by Powers, seconded by Sills.

Meeting adjourned.

Commissioner Reeves reported for the Health and Welfare Committee which met on September 13, 2021. The committee discussed the Property Donation, Ambulance Reports, COVID Ambulance Budget, Solid Waste Truck Transfer, and the Animal Shelter.

## HEALTH AND WELFARE COMMITTEE

### Minutes

September 13, 2021

#### Present

Leggett          Reeves          Goodroe          Perkins          German          Sills

- 1) Property Donation – Dandridge
  - Warner Speakman addressed the committee as a representative of Cathey Dandridge. Mr. Dandridge owns some property north of the Justice Complex and would like to donate a portion of the property to help with county projects. He would like an easement to rest of his property in exchange.
  - Mr. Speakman described the property and how it would benefit the county by allowing access to an outlet to Somerville.
  - The committee discussed the proposal and how an easement could be described in a way that would satisfy the request.
  - The committee asked to consider it and take it up at a later meeting.
- 2) Ambulance Reports
  - Glenn Miller, Fayette County Ambulance Director, reported to the committee that there was a total of 4796 calls last year.
  - For August of this year, there were 502 calls, up from 403, many of those are COVID related. The trend is starting to decline for the number of COVID transports.
  - There were 47 times when all ambulances were out, and 5 times when calls came in and no ambulances were available at the time.
  - The committee discussed the amount of write-offs and what they encompassed. The committee asked Mr. Miller to do an analysis so they could better understand the situation.
- 3) COVID Ambulance Budget Amendment
  - Mr. Miller asked that a COVID grant that Ambulance had received be budgeted to use. It will cover masks, gloves and purchased Laryngoscopes.
  - After discussion the committee voted to recommend acceptance on a motion by Sills, seconded by Perkins.
- 4) Solid Waste Truck Transfer to Public Works
  - Charles Traylor, Fayette County Solid Waste Director, asked that a surplus old truck be transferred to Fayette County Public Works.
  - After discussion, the committee recommended approval on a motion by German, seconded by Perkins.
- 5) Animal Shelter update
  - Mayor Taylor reported to the committee that clearing at the site was proceeding. Once it is cleared sufficiently, samples for Phase 1 environmental would be taken to make sure there are no environmental issues. After that, the architects would convene with the committee to finalize a plan and timeline to build the shelter.

Meeting adjourned.

- After discussion, the committee voted to recommend the salary to be a maximum of \$50,000 starting in Fiscal Year 2022-23 budget on a motion by Powers, seconded by Sills.

Meeting adjourned.

Commissioner Walker reported for the Education Committee which met on September 14, 2021. The committee discussed the School Budget Amendments.

**EDUCATION COMMITTEE**

**Minutes**

**September 14, 2021**

**Present**

Watkins          Norton          Jordan          Walker

1) School Budget Amendments

- Fund 142 – Turn-Around Grant
- Fund 142 – Epidemiology COVID site grant
- Fund 142 – IDEA System K-12 grant (special needs)
- Fund 142 – IDEA Pre-school grant (special needs)
- Information was presented by Vincent Harvell (School Budget Director) and Ray Washington (Assistant Superintendent).
- The committee discussed the request and recommended approval on a motion by Norton and seconded by Jordan.

Meeting Adjourned.

Commissioner Rice reported for the Criminal Justice and Public Safety Committee which met on September 14, 2021. The committee discussed the

Sheriff's report, Inmate Monitory System, Sherriff's employee school budget, Fire Department Budget on insurance recovery, Fire Department repair shop, Law Book Disposal, and the Fire Tanker disposal.

**CRIMINAL JUSTICE & PUBLIC SAFETY COMMITTEE**

**Minutes  
September 14, 2021**

**Present**

Norton                  Rice                  Leggett                  Perkins                  Goodroe

- 1) Sheriff's Report
  - The committee reviewed the statistics from the previous month.
  - The report included an update on Opioid incidents in the county.
- 2) Inmate Monitory System
  - Sheriff Riles asked that funding be allocated toward an inmate monitoring system that would ensure better monitoring and protect the county from lawsuits.
  - After discussion, the committee voted to recommend approval on a motion by Leggett, seconded by Goodroe.
- 3) Sheriff's Employee School Budget Amendment
  - Sheriff Riles asked that the allocated funding in this year's budget be placed in the appropriate lines so that it can follow his employee salary schedule.
  - After discussion, the committee voted to recommend approval on a motion by Leggett, seconded by Goodroe.
- 4) Fire Department Budget Amendment – Insurance recovery
  - Chief Richard Hartfield, Fayette County Fire Chief, asked that a recent insurance recovery from a wreck be placed back into the budget to expend.
  - After discussion, the committee voted to recommend approval on a motion by Leggett, seconded by Goodroe.
- 5) Fire Department Repair Shop
  - Mayor Taylor reported to the committee that the Fire Department for the last several years has used a shop to repair fire equipment without any compensation to the owner. The utilities, repairs and insurance have been provided by the owner. Going forward, an agreement to pay \$30/hr that the shop is used will be implemented. The funds are already in the budget and no further action is needed.
- 6) Law Book Disposal
  - Comm. Betsy Rice, Fayette County Archivist, reported to the committee that several law books are surplus. Ed Pulliam, General Session Court Clerk, whose office originally had the books, has said he has no need of them. The request is to allow auction or disposal of the books.
  - After discussion, the committee voted to recommend approval of the request on a motion by Leggett, seconded by Perkins.
- 7) Fire Tanker Disposal
  - Chief Hartfield reported to the committee that an old tanker has not been used for several years and he would like to dispose of it by auction.
  - After discussion the committee voted to recommend approval on a motion by Norton, seconded by Perkins.

Meeting Adjourned.



The chairman introduced a representative from A2H to the board about a contract that was submitted for the Fayette County Courthouse.

Commissioner German reported for the Budget Committee which met on September 14, 2021.

## BUDGET COMMITTEE

### Minutes

September 14, 2021

**Present**

Reeves      Oglesby      Farley      Dacus      Rice      German      Lillard      Seals

- 1) Attorney Fees for Ongoing Lawsuits
  - Budget amendment requested to appropriate funds for current lawsuits.
  - After discussion, the committee recommended approval on a motion by Rice, seconded by Farley.
- 2) Airport Donation Budget Amendment
  - Rusty Bliss, Fayette County Airport Manager, asked to have the received donations for the upcoming airshow allocated for expenses. The funds are in reserved and revenue lines.
  - After discussion, the committee voted to recommend acceptance on a motion by Farley, seconded by Reeves.
- 3) Airport COVID Grant Budget Amendment
  - Rusty Bliss requested that he be allowed to accept a COVID-related grant to refurbish an agricultural pad at the airport.
  - After discussion, motion passed to recommend approval on a motion by Farley, seconded by Seals
- 4) Airport Hangar insulation
  - Rusty Bliss updated the committee on the progress of cleaning out the old insulation on the two big hangars. Once they are clean, he needs to re-insulate them. The cost to do both hangars is approximately \$50,000 and will have to be bid out.
  - After discussion, the committee recommended \$55,000 to allow some room if the bids are higher than expect. The motion was made by Farley, seconded by Reeves.
- 5) Airport Show Shirt sale permission
  - Rusty Bliss asked that shirts be allowed to be sold at the air show. The purchase price is \$9.50, and the sale price is \$20. There are about 250 shirts.
  - After discussion, the committee voted to recommend approval of the sales on a motion by Farley, seconded by Seals.
- 6) COVID Ambulance Budget Amendment
  - Mr. Miller asked that a COVID grant that Ambulance had received be budgeted to use. It will cover masks, gloves and purchased Laryngoscopes.
  - After discussion the committee voted to recommend acceptance on a motion by Reeves, seconded by Farley.
- 7) Sheriff's Employee School Budget Amendment
  - Sheriff Riles asked that the allocated funding in this year's budget be placed in the appropriate lines so that it can follow his employee salary schedule.
  - After discussion, the committee voted to recommend approval on a motion by Rice, seconded by Oglesby.

- 8) Fire Department Budget Amendment – Insurance recovery
  - Chief Richard Hartfield, Fayette County Fire Chief, asked that a recent insurance recovery from a wreck be placed back into the budget to expend.
  - After discussion, the committee voted to recommend approval on a motion by Rice, seconded by Seals.
- 9) School Budget Amendments
  - Fund 142 – Turn-Around Grant
  - Fund 142 – Epidemiology COVID site grant
  - Fund 142 – IDEA System K-12 grant (special needs)
  - Fund 142 – IDEA Pre-school grant (special needs)
  - Information was presented by Vincent Harvell (School Budget Director) and Ray Washington (Assistant Superintendent).
  - The committee discussed the request and recommended approval on a motion by Rice and seconded by Lillard.
- 10) Inmate Monitory System
  - Sheriff Riles asked that funding be allocated toward an inmate monitoring system that would ensure better monitoring and protect the county from lawsuits.
  - After discussion, the committee voted to recommend approval on a motion by Rice, seconded by Oglesby.
- 11) Solid Waste Truck Transfer to Public Works
  - Charles Traylor, Fayette County Solid Waste Director, asked that a surplus old truck be transferred to Fayette County Public Works.
  - After discussion, the committee recommended approval on a motion by Reeves, seconded by Oglesby.
- 12) Assistant Planner
  - John Pitner, Fayette County Director of Planning, had asked in last year’s budget for an assistant and \$25,000 was budgeted starting in January 2022. While this may look like an equivalent of \$50,000 per year for the salary, no authorization was made to establish the \$50,000 as the salary. This is request for that to happen.
  - After discussion, the committee voted to recommend the salary to be a maximum of \$50,000 starting in Fiscal Year 2022-23 budget on a motion by Rice, seconded by Reeves.
- 13) Fire Tanker Disposal
  - Chief Hartfield reported to the committee that an old tanker has not been used for several years and he would like to dispose of it by auction.
  - After discussion the committee voted to recommend approval on a motion by Rice, seconded by Seals.
- 14) Law Book Disposal
  - Comm. Betsy Rice, Fayette County Archivist, reported to the committee that several law books are surplus. Ed Pulliam, General Session Court Clerk, whose office originally had the books, has said he has no need of them. The request is to allow auction or disposal of the books.
  - After discussion, the committee voted to recommend approval of the request on a motion by Oglesby, seconded by Rice.

Meeting Adjourned.

Commissioner German made the motion to pass the resolution for additional attorney fees. The motion was seconded by Commissioner Farley and passed unanimously.

**RESOLUTION**

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular sessions on this 28th day of September, 2021, it being the fourth Tuesday of the month and the regular monthly meeting of the County Legislative Body in the Criminal Justice Center in Somerville, Tennessee.

That the General Fund #101 Budget be amended in the following words and figures, to wit:

**COUNTY GENERAL FUND  
BUDGET AMENDMENT  
F/Y 21/22  
Sep-21**

<u>Adjustment to Expenditure Accounts:</u>	<u>DECREASE</u>	<u>INCREASE</u>
<b>51400</b>		
<b>County Attorney</b>		
189 Other Salary & Wages		\$ 9,477.29
<b>Subtotal-51400</b>	\$ -	\$ 9,477.29
<b>58600</b>		
<b>Employee Benefits</b>		
201 Social Security		\$ 588.00
204 State Retirement		\$ 337.00
210 Unemployment Compensation		\$ 138.00
<b>Subtotal-58600</b>	\$ -	\$ 1,063.00
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:</b>	<u>\$ -</u>	<u>\$ 10,540.29</u>
<b>Prior Estimated Expenditures</b>		\$ 21,493,954.80
<b>Total Estimated Expenditures this Amendment</b>		\$ 21,504,495.09
<b>Projected Fund Balance before Amendment</b>		\$ 6,640,638.20
<b>Change in Fund Balance this Amendment</b>		\$ (10,540.29)
<b>Estimated Ending Fund Balance as of June 30, 2022</b>		\$ 6,630,097.91

Commissioner German made the motion to pass the resolution for the Airshow with no change to the fund balance. The motion was seconded by Commissioner Perkins and passed unanimously.

## RESOLUTION

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular sessions on this 28th day of September, 2021, it being the fourth Tuesday of the month and the regular monthly meeting of the County Legislative Body in the Criminal Justice Center in Somerville, Tennessee.

That the General Fund #101 Budget be amended in the following words and figures, to wit:

### COUNTY GENERAL FUND BUDGET AMENDMENT F/Y 21/22 Sep-21

<u>Adjustment to Reserve Accounts:</u>	<u>DECREASE</u>	<u>INCREASE</u>
34535 <b>Restricted for Social, Cultural, &amp; Rec.</b>	\$      2,112.00	
<b>TOTAL INCREASE/DECREASE TO RESERVE ACCOUNTS:</b>	<b>\$      2,112.00</b>	<b>\$      -</b>
<u>Adjustment to Revenue Accounts:</u>	<u>INCREASE</u>	<u>DECREASE</u>
48610 <b>Donations</b>	\$      9,350.00	
<b>TOTAL INCREASE/DECREASE TO REVENUE ACCOUNTS:</b>	<b>\$      9,350.00</b>	<b>\$      -</b>
<u>Adjustment to Expenditure Accounts:</u>	<u>DECREASE</u>	<u>INCREASE</u>
<b>58220      Airport</b>		
312 <b>Contracts w/ Private Agencies</b>		\$    11,462.00
<b>Subtotal-58220</b>	<b>\$      -</b>	<b>\$    11,462.00</b>
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:</b>	<b>\$      -</b>	<b>\$    11,462.00</b>
<b>Prior Estimated Expenditures</b>		<b>\$   21,988,991.24</b>
<b>Total Estimated Expenditures this Amendment</b>		<b>\$   22,000,453.24</b>
<b>Projected Fund Balance before Amendment</b>		<b>\$   6,626,625.07</b>
<b>Change in Fund Balance this Amendment</b>		<b>\$                    -</b>
<b>Estimated Ending Fund Balance as of June 30, 2021</b>		<b>\$   6,626,625.07</b>

Commissioner German made the motion to approve the resolution for the Airport ACRGP Grant. The motion was seconded by Commissioner Powers and passed unanimously.

**RESOLUTION**

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular sessions on this 28th day of September, 2021, it being the fourth Tuesday of the month and the regular monthly meeting of the County Legislative Body in the Criminal Justice Center in Somerville, Tennessee.

That the General Fund #101 Budget be amended in the following words and figures, to wit:

**COUNTY GENERAL FUND  
BUDGET AMENDMENT  
F/Y 21/22  
Sep-21**

<u>Adjustment to Revenue Accounts:</u>		<u>INCREASE</u>	<u>DECREASE</u>
<b>47304</b>	<b>COVID-19 Grant #4</b>	\$ 13,000.00	
<b>TOTAL INCREASE/DECREASE TO REVENUE ACCOUNTS:</b>		<u>\$ 13,000.00</u>	<u>\$ -</u>
<u>Adjustment to Expenditure Accounts:</u>		<u>DECREASE</u>	<u>INCREASE</u>
<b>58004</b>	<b>COVID-19 Grant #4</b>		
335	Repairs & Maintenance - Building		\$ 13,000.00
	<b>Subtotal-58004</b>	\$ -	\$ 13,000.00
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:</b>		<u>\$ -</u>	<u>\$ 13,000.00</u>
<b>Prior Estimated Expenditures</b>			\$ 21,493,954.80
<b>Total Estimated Expenditures this Amendment</b>			\$ 21,506,954.80
<b>Projected Fund Balance before Amendment</b>			\$ 6,640,638.20
<b>Change in Fund Balance this Amendment</b>			\$ -
<b>Estimated Ending Fund Balance as of June 30, 2022</b>			\$ 6,640,638.20

Commissioner German made the motion to approve the resolution for the Sheriff's Salary Schedule with no change to fund balance. The motion was seconded by Commissioner Oglesby and passed unanimously.

## RESOLUTION

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular sessions on this 28th day of September, 2021, it being the fourth Tuesday of the month and the regular monthly meeting of the County Legislative Body in the Criminal Justice Center in Somerville, Tennessee.

That the General Fund #101 Budget be amended in the following words and figures, to wit:

### COUNTY GENERAL FUND BUDGET AMENDMENT F/Y 21/22 Sep-21

<u>Adjustment to Expenditure Accounts:</u>		<u>DECREASE</u>	<u>INCREASE</u>
<b>54110</b>	<b>Sheriff's Department</b>		
105	Supervisor / Director		\$ 802.00
106	Deputies	\$ 60,681.00	
108	Investigators		\$ 1,456.00
109	Captains		\$ 10,770.00
110	Lieutenants		\$ 10,140.00
115	Sergeants		\$ 2,884.00
121	Data Processing	\$ 334.00	
169	Part-Time		\$ 518.00
	<b>Subtotal-54110</b>	<b>\$ 61,015.00</b>	<b>\$ 26,570.00</b>
<b>54150</b>	<b>Drug Enforcement</b>		
108	Investigators		\$ 659.00
110	Lieutenants		\$ 4,695.00
	<b>Subtotal-54150</b>	<b>\$ -</b>	<b>\$ 5,354.00</b>
<b>54210</b>	<b>Jail</b>		
103	Assistant		\$ 2,625.00
105	Supervisor / Director		\$ 802.00
109	Captains		\$ 5,156.00
110	Lieutenants		\$ 6,641.00
115	Sergeants		\$ 3,431.00
121	Data Processing		\$ 1,025.00
148	Dispatchers	\$ 9,426.00	
160	Guards		\$ 10,723.00
161	Secretaries		\$ 3,270.00
167	Maintenance		\$ 4,479.00
169	Part-Time		\$ 904.00
	<b>Subtotal-54210</b>	<b>\$ 9,426.00</b>	<b>\$ 39,056.00</b>
<b>54900</b>	<b>Sheriff's Shop</b>		
142	Mechanics		\$ 1,312.00
	<b>Subtotal-54900</b>	<b>\$ -</b>	<b>\$ 1,312.00</b>

<b>55120</b>		<b>Animal Control</b>	
106	Deputies	\$ 1,179.00	
108	Investigators	\$ 672.00	
	<b>Subtotal-55120</b>	<b>\$ 1,851.00</b>	<b>\$ -</b>
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:</b>		<b>\$ 72,292.00</b>	<b>\$ 72,292.00</b>
<b>Prior Estimated Expenditures</b>			<b>\$ 21,493,954.80</b>
<b>Total Estimated Expenditures this Amendment</b>			<b>\$ 21,493,954.80</b>
<b>Projected Fund Balance before Amendment</b>			<b>\$ 6,640,638.20</b>
<b>Change in Fund Balance this Amendment</b>			<b>\$ -</b>
<b>Estimated Ending Fund Balance as of June 30, 2022</b>			<b>\$ 6,640,638.20</b>

Commissioner German made the motion to approve the resolution for the Fire Department Insurance Recovery with no change to the fund balance. The motion was seconded by Commissioner Leggett and passed unanimously.

**RESOLUTION**

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular sessions on this 28th day of September, 2021, it being the fourth Tuesday of the month and the regular monthly meeting of the County Legislative Body in the Criminal Justice Center in Somerville, Tennessee.

That the General Fund #101 Budget be amended in the following words and figures, to wit:

**COUNTY GENERAL FUND  
BUDGET AMENDMENT  
F/Y 21/22  
Sep-21**

<u>Adjustment to Revenue Accounts:</u>		<u>INCREASE</u>	<u>DECREASE</u>
<b>49700</b>	<b>Insurance Recovery</b>	\$ 6,163.52	
<b>TOTAL INCREASE/DECREASE TO REVENUE ACCOUNTS:</b>		<u>\$ 6,163.52</u>	<u>\$ -</u>
<u>Adjustment to Expenditure Accounts:</u>		<u>DECREASE</u>	<u>INCREASE</u>
<b>54310</b>	<b>Fire Department</b>		
718	Vehicles		\$ 6,163.52
	<b>Subtotal-54310</b>	\$ -	\$ 6,163.52
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:</b>		<u>\$ -</u>	<u>\$ 6,163.52</u>
<b>Prior Estimated Expenditures</b>			\$ 21,493,954.80
<b>Total Estimated Expenditures this Amendment</b>			\$ 21,500,118.32
<b>Projected Fund Balance before Amendment</b>			\$ 6,640,638.20
<b>Change in Fund Balance this Amendment</b>			\$ -
<b>Estimated Ending Fund Balance as of June 30, 2022</b>			\$ 6,640,638.20

Commissioner German made the motion to pass the resolution for the School's Federal Projects. The motion was seconded by Commissioner Norton and passed unanimously.



**RESOLUTION**

8/19/21 WS

BE IT RESOLVED, by the Board of Education of Fayette County, Tennessee, in Regular Sessions on this 2nd day of September, 2021, it being the first Thursday of the month at the Board of Education in Somerville, Tennessee.

**That the Federal Funds #142 Budget be amended in the following words and figures, to wit:**

**BOARD OF EDUCATION FEDERAL FUND  
BUDGET AMENDMENT  
F/Y 21/22  
Sep-21**

<u>Adjustment to Reserve Accounts:</u>			<u>DECREASE</u>	<u>INCREASE</u>
<b>TOTAL INCREASE/DECREASE TO RESERVE ACCOUNTS:</b>			\$ -	\$ -
<u>Adjustment to Revenue Accounts:</u> Turn Around Grant			<u>INCREASE</u>	<u>DECREASE</u>
<b>47141</b>	<b>175</b>	<b>Title I</b>	\$ 100,000.00	
<b>TOTAL INCREASE/DECREASE TO REVENUE ACCOUNTS:</b>			\$ 100,000.00	\$ -
<u>Adjustment to Expenditure Accounts:</u>			<u>DECREASE</u>	<u>INCREASE</u>
<b>72210</b>		<b>Supervisor of Instruction</b>		
189	175	Other Salaries and Wages		\$ 60,000.00
201	175	Social Security		\$ 3,720.00
204	175	Retirement		\$ 6,180.00
207	175	Medical Insurance		\$ 7,000.00
212	175	Medicare		\$ 870.00
355	175	Travel		\$ 1,000.00
399	175	Other Contracted Services		\$ 9,624.00
499	175	Other Supplies and Materials		\$ 2,195.94
524	175	In-Service/ Staff Development		\$ 3,523.00
790	175	Other Equipment		\$ 3,277.00
		<b>Subtotal-72210</b>	\$ -	\$ 97,389.94
<b>99100</b>		<b>Transfers Out</b>		
504	175	Indirect Cost		\$ 2,610.06
		<b>Subtotal-99100</b>	\$ -	\$ 2,610.06
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:</b>			\$ -	\$ 100,000.00
<b>Prior Estimated Expenditures</b>				<b>0.00</b>
<b>Total Estimated Expenditures this Amendment</b>				<b>\$ 100,000.00</b>
<b>Projected Undesignated Fund Balance before Amendment</b>				<b>0.00</b>
<b>Change in Undesignated Fund Balance this Amendment</b>				<b>0.00</b>
<b>Estimated Ending Undesignated Fund Balance as of June 30, 2021</b>				<b>0.00</b>

**RESOLUTION**

8-19-21 W/S

BE IT RESOLVED, by the Board of Education of Fayette County, Tennessee, in Regular Sessions on this 2nd day of September, 2021, it being the first Thursday of the month at the Board of Education in Somerville, Tennessee:

That the Federal Funds #142 Budget be amended in the following words and figures, to wit:

**BOARD OF EDUCATION FEDERAL FUND  
BUDGET AMENDMENT  
F/Y 21/22  
Sep-21**

<u>Adjustment to Reserve Accounts:</u>			<u>DECREASE</u>	<u>INCREASE</u>
<b>TOTAL INCREASE/DECREASE TO RESERVE ACCOUNTS:</b>			\$ -	\$ -
<u>Adjustment to Revenue Accounts:</u>			<u>INCREASE</u>	<u>DECREASE</u>
Epidemiology & Laboratory Capacity				
47590	940	Other Federal through State	\$ 884,078.10	
<b>TOTAL INCREASE/DECREASE TO REVENUE ACCOUNTS:</b>			\$ 884,078.10	\$ -
<u>Adjustment to Expenditure Accounts:</u>			<u>DECREASE</u>	<u>INCREASE</u>
<b>72120</b>		<b>Health Services</b>		
	131	940 Medical Personnel		\$ 95,000.00
	188	940 Bonus Payments		\$ 24,000.00
	201	940 Social Security		\$ 7,400.00
	204	940 State Retirement		\$ 12,300.00
	207	940 Medical Insurance		\$ 16,000.00
	212	940 Employer Medicare		\$ 1,800.00
	307	940 Communication		\$ 8,000.00
	312	940 Contracts with Private Agencies		\$ 162,818.10
	348	940 Postal Charges		\$ 2,000.00
	355	940 Travel		\$ 3,000.00
	399	940 Other Contracted Service		\$ 8,000.00
	413	940 Drugs & Medical Supplies		\$ 90,000.00
	735	940 Health Equipment		\$ 59,130.00
	790	940 Other Equipment		\$ 18,500.00
		<b>Subtotal-72120</b>	\$ -	\$ 507,948.10
<b>72130</b>		<b>Other Student Support</b>		
	499	940 Other Supplies and Materials		\$ 40,000.00
		<b>Subtotal-72130</b>	\$ -	\$ 40,000.00
<b>72610</b>		<b>Operation of Plant</b>		
	160	940 Guards		\$ 35,000.00
	166	940 Custodial Personnel		\$ 15,000.00
	201	940 Social Security		\$ 2,300.00
	204	940 State Retirement		\$ 1,980.00
	207	940 Medical Insurance		\$ 6,000.00
	212	940 Employer Medicare		\$ 850.00
		<b>Subtotal-72610</b>	\$ -	\$ 61,130.00
<b>76100</b>		<b>Regular Capital Outlay</b>		
	706	940 Building Construction		\$ 275,000.00
		<b>Subtotal-76100</b>	\$ -	\$ 275,000.00
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:</b>			\$ -	\$ 884,078.10
Prior Estimated Expenditures				0.00
Total Estimated Expenditures this Amendment				\$ 884,078.10
Projected Undesignated Fund Balance before Amendment				0.00
Change in Undesignated Fund Balance this Amendment				0.00
Estimated Ending Undesignated Fund Balance as of June 30, 2021				0.00

**RESOLUTION**

8/19/21 WS

BE IT RESOLVED, by the Board of Education of Fayette County, Tennessee, in Regular Sessions on this 2nd day of September, 2021, it being the first Thursday of the month at the Board of Education in Somerville, Tennessee.

That the Federal Funds #142 Budget be amended in the following words and figures, to wit:

**BOARD OF EDUCATION FEDERAL FUND  
BUDGET AMENDMENT  
F/Y 21/22  
Sep-21**

<u>Adjustment to Reserve Accounts:</u>		<u>DECREASE</u>	<u>INCREASE</u>
<b>TOTAL INCREASE/DECREASE TO RESERVE ACCOUNTS:</b>		\$ -	\$ -
<u>Adjustment to Revenue Accounts:</u>	<b>IDEA Systemic Change K-12</b>	<u>INCREASE</u>	<u>DECREASE</u>
47143	895 Special Education Grants IDEA B	\$ 95,430.50	
<b>TOTAL INCREASE/DECREASE TO REVENUE ACCOUNTS:</b>		\$ 95,430.50	\$ -
<u>Adjustment to Expenditure Accounts:</u>		<u>DECREASE</u>	<u>INCREASE</u>
71200	<b>Supervisor of Instruction</b>		
429	895 Instructional Supplies and Materials		\$ 68,530.50
	Subtotal-71200	\$ -	\$ 68,530.50
72220	<b>Support Services Special Education</b>		
524	895 In-Service/ Staff Development		\$ 26,900.00
	Subtotal-72220	\$ -	\$ 26,900.00
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:</b>		\$ -	\$ 95,430.50
<b>Prior Estimated Expenditures</b>			<b>0.00</b>
<b>Total Estimated Expenditures this Amendment</b>			<b>\$ 95,430.50</b>
<b>Projected Undesignated Fund Balance before Amendment</b>			<b>0.00</b>
<b>Change in Undesignated Fund Balance this Amendment</b>			<b>0.00</b>
<b>Estimated Ending Undesignated Fund Balance as of June 30, 2021</b>			<b>0.00</b>

**RESOLUTION**

8/19/21 WS

BE IT RESOLVED, by the Board of Education of Fayette County, Tennessee, in Regular Sessions on this 2nd day of September 2021, it being the first Thursday of the month at the Board of Education in Somerville, Tennessee.

**That the Federal Funds #142 Budget be amended in the following words and figures, to wit:**

**BOARD OF EDUCATION FEDERAL FUND  
BUDGET AMENDMENT  
F/Y 21/22  
Sep-21**

<u>Adjustment to Reserve Accounts:</u>			<u>DECREASE</u>	<u>INCREASE</u>
<b>TOTAL INCREASE/DECREASE TO RESERVE ACCOUNTS:</b>			\$ -	\$ -
<u>Adjustment to Revenue Accounts:</u>			<u>INCREASE</u>	<u>DECREASE</u>
<b>47145</b>	<b>896</b>	<b>IDEA Systemic Change PreSchool Special Education Preschool IDEA</b>	\$ 10,000.00	
<b>TOTAL INCREASE/DECREASE TO REVENUE ACCOUNTS:</b>			\$ 10,000.00	\$ -
<u>Adjustment to Expenditure Accounts:</u>			<u>DECREASE</u>	<u>INCREASE</u>
<b>71200</b>		<b>Supervisor of Instruction</b>		
	189	896 Other Salaries & Wages		\$ 6,000.00
	201	896 Social Security		\$ 375.00
	204	896 State Retirement		\$ 618.00
	212	896 Employer Medicare		\$ 90.00
	499	896 Other Supplies and Materials		\$ 917.00
	524	896 In-Service/ Staff Development		
		Subtotal-71200	\$ -	\$ 8,000.00
<b>72220</b>		<b>Support Services Special Education</b>		
	524	896 In-Service/ Staff Development		\$ 2,000.00
		Subtotal-72220	\$ -	\$ 2,000.00
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:</b>			\$ -	\$ 10,000.00
Prior Estimated Expenditures				0.00
Total Estimated Expenditures this Amendment				\$ 10,000.00
Projected Undesignated Fund Balance before Amendment				0.00
Change in Undesignated Fund Balance this Amendment				0.00
Estimated Ending Undesignated Fund Balance as of June 30, 2021				0.00

Commissioner German made the motion to pass the inmate monitoring systems. The motion was seconded by Commissioner Rice and passed unanimously.



**Price Quote & Terms**

August 25, 2021

**Fayette County Sheriff's Office**

Sheriff Bobby Riles  
901-465-3456

This quote is for the Fayette County Sheriff's Office ("County"), and these terms plus the integrated online terms, govern use of Life Check Systems ("LCS") goods and services at this facility:

Fayette County Detention Center  
705 Justice Drive  
Somerville, TN 38068

Bed Capacity: 189

1. Software Licensing Fee. The County will pay a one-time software license fee of **\$3,500** covering lifetime system use and future upgrades at the specified facility.
2. Monthly Service Fee. The County will pay **\$425** per month to LCS for continuous system maintenance, software updates, tech support, cellular service, website storage, etc.
3. Location Tags. The County will pay **\$112** for 75 location tags and shall install and label the tags on its own with emailed instructions from LCS.
4. Included Equipment. At no additional charge, LCS will provide 8 mobile devices, 8 holsters, and 3 charging pads (3-Bay).
5. Additional Equipment. The County can buy additional equipment, but prices are subject to change:
 

· Mobile Devices	\$725	· Holsters	\$37	· 3-Bay Charging Pad	\$65
		· Location Tags	\$3	· 1-Bay Charging Pad	\$30
6. Shipping & Taxes. The County will pay all LCS's shipping costs and sales tax if applicable.
7. Training. LCS will not charge for online training, but for in-person training the County shall pay LCS **\$500** per training day, plus actual cost of any airfare, hotel, and/or rental car.
8. Term & Automatic Renewal. The agreement term is **3 years** from the date the County executes this quote, and this agreement will automatically renew for an identical term, unless the County cancels in writing before the end of the original term.
9. 60-Day Trial Period. The County may give written cancellation notice within the term's first 60 days, and LCS shall then refund the license fee and cost of LCS equipment purchased—so long as the County provided sufficient Wi-Fi, used LCS continuously for at least 30 days, and returns the equipment undamaged.
10. Warranty. LCS warranties new mobile devices for one-year for defects other than physical damage. LCS disclaims all other warranties, express or implied.



11. Wi-Fi Responsibility. County shall provide a reliable Wi-Fi network to serve as the primary internet connection for LCS devices and ensure there is sufficient coverage everywhere LCS is used. LCS does not provide Wi-Fi.
12. Backup Cellular Connection. As a backup internet connection only, LCS provides a service connection to Verizon's 4G and LTE Networks. County shall identify areas with weak Verizon coverage and install boosters as desired. LCS does not install boosters.
13. Monthly Cellular Data Cost. LCS will pay its monthly Verizon data charges from the County's LCS devices up to \$50 total a month, which the County should never exceed with sufficient Wi-Fi coverage. However, LCS may invoice the County monthly for such charges exceeding \$50.
14. Offline Operation & Alerts. LCS cannot provide accurate alerts without an internet connection. The Special Watch function does not work without a connection. The Security Inspection and General Observation functions will continue to operate with no connection by locally storing data and uploading it when a connection is restored. With no connection though, there will be false alerts and neither devices nor the website will update until a connection is restored.
15. Tech Support. LCS will provide technical support free of charge.
16. No Responsibility to Monitor. LCS personnel have no responsibility to monitor inmates, or to review any of the County's data, visual media, policies, watches, observations, or inspections. LCS personnel will not take any action because of alerts or late checks. Rather, the County retains and assumes all responsibility and liability for inmate safety and regulation compliance, and the County shall indemnify LCS for any claims, damages, and/or costs (including reasonable attorneys' fees) arising from the County's use of LCS technology.

Approved:

Life Check Systems, LLC  
Brandt McMillan, CEO  
8/25/2021 1:29 PM

Approved:

\_\_\_\_\_  
Fayette County Tennessee

By: \_\_\_\_\_ (name)

Title: \_\_\_\_\_

Commissioner German made the motion to approve the vehicle transfer from Solid Waste to the Fayette County Public Works. The motion was seconded by Commissioner Perkins and passed unanimously.

# Memorandum

**To:** Health & Welfare/ County Commission

**From:** Fayette County Solid Waste

**Date:** 8/24/2021

**Re:** 2003 Chevy Pickup

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Fayette County Solid Waste is requesting to transfer the following truck to Fayette County Public Works.

2003 Chevy Sci Pickup

VIN: 1GCEC14VX3Z228368

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CONFIDENTIAL

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Commissioner German made the motion to approve T-shirts to be sold at the Fayette County Airshow. The motion was seconded by Commissioner Norton and passed unanimously.

Commissioner German made the motion to approve the Assistant Planner annual salary of a maximum of \$50,000.00 for the 2022-2023 calendar year. The motion was seconded by Commissioner Lillard and passed unanimously.



**Fayette County**  
**Office of Planning and Development**  
16265 Highway 64 Phone: 901-465-5250  
Somerville, TN 38068 Fax: 901-465-5259

September 6, 2021

To : Rhea Taylor, County Mayor

From: John R. Pitner, Planning Director

RE : Assistant Planner

Please facilitate me to whatever administrative and/or legislative measures are necessary to permit the hiring of a full-time graduate educated Assistant Planner in the Fayette County Planning Office. Presently the department's FY'22 budget allocates \$25,000.00 for the new position with a start date on or after January 1, 2022, so the annual salary will be not less than \$50,000.00.

Once an applicant has been assessed relative to experience and skills, and then selected, it will be timely to undertake separation of the chiefly planning elements of the department from its routine zoning administration and building code aspects, to describe the endeavor very broadly.

The selection should be a collaboration of the planning director with the county mayor and planning commission chairman, along with any other person(s) the county mayor conscripts to participate, as the successful applicant may become the next Director of Planning upon the writer's retirement in the not-remote future. Of course, the person selected may not be elevated to the directorship ultimately, or even want the job, but regardless, the post needs filling as soon as a suitable candidate can be found, first to best inform in what manner, and how rapidly, current functions can be split, as well as to best stability in both functions going forward.

Please know my conviction that this manner of proceeding will enable the best possible transitions and arrangements that can be readied to the future at the close of my two-and-a-half decades' service to Fayette County.

Thank you.



Commissioner German made the motion for the disposal of law books from General Sessions Court. The motion was seconded by Commissioner Rice and passed unanimously.

Commissioner German made the motion for the disposal of a fire tanker. The motion was seconded by Commissioner Perkins and passed unanimously.

Commissioner German made the motion for a contract bid of \$55,000.00 cap for the Fayette County Airport Hanger. The motion was seconded by Commissioner Norton and passed unanimously.

Next on the agenda was the approval of the contract from A2H for the modernization of the Fayette County Courthouse due to not having any diagram or measurements. Commissioner Perkins made the motion for approval. The motion was seconded by Commissioner Oglesby and passed unanimously.



September 20, 2021

Rhea Taylor  
Mayor, Fayette County  
Fayette County, TN  
P.O Box 218  
13095 N. Main Street  
Somerville, TN 38068

Re: Fayette County, TN  
Courthouse Modernization  
Somerville, TN

**A2H # 21319**

Dear Mayor Taylor,

A2H is pleased to submit our Contract for design and consulting related services for this project. As a full service Engineering, Architectural and Planning firm, A2H offers all services required to successfully complete this project. If you agree with the terms as outlined within the enclosed Contract, please acknowledge your acceptance by signing and dating the Contract and initialing the Terms and Conditions in the spaces indicated and return one executed Contract to our office.

If selected, please note that Jeff Eakes will serve as Project Manager for this project and will be your contact person in our office. If you have any questions or require additional information, please do not hesitate to contact either me or Jeff at any time.

Thank you for giving us the opportunity to submit this Contract.

Sincerely,

**A2H, INC.**

Pat Harcourt, PE  
CEO | Principal

Jeff Eakes, RA  
Senior Architect | Manager



September 20, 2021

Rhea Taylor  
Mayor, Fayette County  
Fayette County, TN  
P.O Box 218  
13095 N. Main Street  
Somerville, TN 38068

Re: Fayette County, TN  
Courthouse Modernization  
Somerville, TN

**A2H # 21319**

Dear Mayor Taylor,

We are pleased to respond to your request for Professional Services on the above referenced project. By way of this Contract, we are enclosing our understanding of the scope of work required for the project and shall perform the Professional Services upon the terms and conditions set forth in this letter.

**I. The following represents our understanding of the project description:**

A2H will be responsible for professional design and consulting services necessary for the Courthouse Modernization proposed in Somerville, TN. This first phase of services is part of a larger scope of effort for the Courthouse Modernization. The fees for this first phase will be rolled into the overall fee.

Additional aspects of the project include the following:

- A. A2H will provide a Limited Property Condition Assessment of the Courthouse Building. The Assessment will be limited to the condition of the Exterior Envelope architecturally and structurally.
- B. A2H will develop Measured Drawings of the existing Basement Plan, First Floor Plan, Second Floor Plan, Tower Plan, Roof Plan, and all four Exterior Elevations.
- C. Develop a list of repair work to be completed, develop a list of improvements that Fayette County wants to implement, prioritize the list based upon cost and available funds.

**II. It is our understanding that the Basic Scope of Services includes:**

A2H will provide the following as part of our Basic Scope of Services working closely with Fayette County, TN to provide these services in support of the project:

- Project Management
- Planning
- Architecture
- Structural Engineering

The phases described below represent our understanding of the project requirements as indicated by the Client:

#### **Limited Property Condition Assessment**

- A. The Property Condition Assessment performed will be a limited Baseline Property Condition Assessment based upon ASTM E 2018, Standard Guide for Property Condition Assessments. The assessment performed will be limited to the review and evaluation of the Exterior Envelope (Roof and Walls) condition architecturally and structurally.
- B. Hazardous Materials Survey of the exterior building envelope will be conducted in a later Phase by a Specialty Consultant when repair documents are underway.
- C. Fayette County will need to provide the use of a lift of some sort for a day so that the upper floors of the Exterior can be properly evaluated.

#### **Measured Drawing Floor Plans and Elevations**

- A. A2H will prepare Measured Drawings from on-site measurements of the existing building. PDF's of the Measured Drawings will be given to Fayette County for its use.
- B. The drawings will include the Basement Plan, First Floor Plan, Second Floor Plan, & Tower Plan. These plans will be used as tool to define and organize the modernization effort.
- C. The drawings will include the four Exterior Elevations. These elevations will be used as a tool to define the extent of the modernization effort on the exterior of the building. A Specialty Consultant will be employed to laser scan the four elevations of the building. This is to ensure accuracy and time savings.

### **III. Exclusions from our Basic Scope of Services are as follows:**

Services not set forth above as Basic Scope of Services in this Contract are excluded from the scope of our work and we assume no responsibility to perform such services, including but not limited to:

- A. Services required because of significant changes in the project, including changes in size, quality, complexity, schedule or methods of bidding.
- B. Any plan review fees required by local or state entity, application fees and/or permit fees.
- C. Environmental Site Assessment.
- D. Any offsite improvements not specifically stated above.
- E. Hazardous Materials identification or testing.
- F. Furniture, Fixture, and Equipment planning.
- G. Construction cost estimating.
- H. Advertisement for Bid.
- I. Construction Administration.
- J. Quality Assurance Testing Services including but not limited to testing and special inspections.
- K. The preparation of Record Drawings after completion of construction.
- L. Building commissioning services.
- M. Value Engineering.
- N. Design, Construction Drawings, & Specifications.

**IV. Our proposed schedule of deliverables for the above referenced Basic Scope of Services is as follows:**

- A. A2H will provide the Client with a schedule for phase deliverables and construction within two weeks of the Notice To Proceed.
- B. The following is a preliminary anticipated schedule:

September 28, 2021	Anticipated Notice To Proceed from Client.
October 28, 2021	The Limited Property Condition Assessment phase is to be completed within 4 weeks after Notice to Proceed.
November 30, 2021	Measured Drawing Floor Plans and Elevations phase is to be completed within 4 weeks after Client approval of Limited Property Condition Assessment phase.

**V. Our proposed compensation for the above referenced Basic Scope of Services is as follows:**

Limited Property Condition Assessment	\$	7,250.00
Measured Drawing Floor Plans and Elevations	\$	8,250.00
<b>Compensation for Basic Scope of Services</b>	<b>\$</b>	<b>15,500.00</b>
Reimbursable Expense Fee (Courier Service, Mileage, Travel, and Printing)	\$	500.00

**VI. Additional Services:**

Additional services shall consist of all services not included in the Basic Services as set forth above. No work will be performed beyond the services noted above without an express written agreement between A2H and **Fayette County, TN**. Additional Services will be billed either on an hourly basis in accordance with the hourly rate schedule contained herein, or a negotiated fixed fee based on the scope of additional services requested. The A2H Hourly Rate Schedule is as follows:

STAFF MEMBER	LEVEL I	LEVEL II	LEVEL III
Principal	\$ 200.00	\$ 215.00	\$ 225.00
Project Manager	\$ 130.00	\$ 145.00	\$ 170.00
Project Coordinator	\$ 80.00	\$ 90.00	\$ 100.00
Architect	\$ 130.00	\$ 145.00	\$ 170.00
Engineer	\$ 125.00	\$ 140.00	\$ 165.00
Landscape Architect	\$ 100.00	\$ 115.00	\$ 135.00
Land Surveyor	\$ 100.00	\$ 110.00	\$ 120.00
Interior Designer	\$ 85.00	\$ 105.00	\$ 120.00
Construction Administrator	\$ 90.00	\$ 95.00	\$ 115.00
Designer	\$ 80.00	\$ 90.00	\$ 105.00
BIM/CAD Technician	\$ 75.00	\$ 85.00	\$ 105.00
Survey Crew Member	\$ 60.00	\$ 70.00	\$ 80.00
Administrator	\$ 65.00	\$ 75.00	\$ 90.00

If this Contract and the Terms and Conditions attached hereto and incorporated herein satisfactorily set forth your understanding and the agreement between us, we would appreciate your signing the enclosed copy of this letter agreement in the space provided below and initialing the Terms and Conditions in the space provided and returning them to us.

This Contract will be open for acceptance for 30 calendar days. We certainly look forward to working with you on this project and thank you for giving us the opportunity to submit this Contract.

If you have any questions, please call.

Sincerely,  
**A2H, INC.**



Pat Harcourt, PE  
CEO | Principal

Attachment: Terms and Conditions

**AGENT FOR: FAYETTE COUNTY, TN**

**ACCEPTED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_

TERMS AND CONDITIONS

1. The parties agree that **FAYETTE COUNTY, TN** is solely responsible for payment in accordance with the following terms. A2H, Inc. (hereinafter sometimes "the Consultant") shall submit monthly invoices for work in progress. Payment shall be due upon receipt. Invoices more than 30 days old will be subject to a finance charge of 1.5% per month. The Consultant shall have the right to cease work if payment is not received within 45 days of each invoice. In addition, **FAYETTE COUNTY, TN** agrees to pay any and all legal expenses and other costs incurred in the collection of any overdue amount.
2. **FAYETTE COUNTY, TN** shall reimburse the Consultant all expenses incurred for courier service, (e.g. Federal Express, United Parcel Service, etc.) mileage, travel, and printing. Reimbursable Expenses Fee shall be billed as a flat rate per section V of the contract.
3. In the event of any litigation arising from or related to this agreement or the services provided under this Agreement, the "prevailing party" shall be entitled to recover from the "non-prevailing party" all reasonable legal expenses and attorney's fees incurred in such litigation. For the purposes of this provision, a party asserting a claim shall be considered the "prevailing party" only if it recovers 50% or more of the amount claimed. If it does not, the claimant shall be the "non-prevailing party."
4. **FAYETTE COUNTY, TN** shall make no claim for professional negligence, either directly or by way of a cross complaint against the Consultant unless **FAYETTE COUNTY, TN** has first provided the Consultant with a written certification executed by an independent Consultant currently practicing in the same discipline as the Consultant and licensed in the State of the project. This certification shall: a) contain the name and license number of the certifier; b) specify the acts or omissions that the certifier contends are not in conformance with the standard of care for a consultant performing professional services under similar circumstances; and c) state in detail the basis for the certifier's opinion that such acts or omissions do not conform to the standard of care. This certification shall be provided to the Consultant not less than thirty (30) calendar days prior to the presentation of any claim or the institution of any arbitration or judicial proceeding. This Certificate of Merit clause takes precedence over any existing state law in force at the time of the claim or demand for arbitration."
5. The Consultant shall commence services within seven (7) days of receiving executed acceptance of this agreement from **FAYETTE COUNTY, TN** along with all project information needed to commence services. The Consultant shall perform the work with due diligence commensurate with sound professional practice.
6. The Consultant shall be responsible for the design of the items listed in the scope of services only. Responsibility for any other items not specifically mentioned in the scope of services or shown on the drawings produced by the Consultant shall be borne by **FAYETTE COUNTY, TN**.
7. In preparation of Contract Documents, the Consultant is entitled to rely upon the accuracy and completeness of information (electronic or otherwise) furnished by **FAYETTE COUNTY, TN**, or its independent consultants. Such information includes but is not limited to topographic and/or boundary surveys, grading and drainage plans, building information, geotechnical reports, dimensions of existing construction, property data, and zoning and land use information. The Consultant is not responsible for recommendations or criteria provided in the geotechnical report. Such recommendations include, but are not limited to, foundation design criteria, anticipated movement criteria, and proposed construction methods.
8. Notwithstanding any other provision of this agreement or the parties' contract, in providing services under this agreement, the Consultant shall endeavor to perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances.
9. Construction Documents are by necessity drawn to a small scale and in many cases schematic in nature. Construction Documents cannot be perfectly prepared. Drawings and specifications need continually to be interpreted and clarified, and sometimes must be corrected or updated. Accordingly, if **FAYETTE COUNTY, TN** does not engage the Consultant for full customary Construction Administration of this Project, **FAYETTE COUNTY, TN** agrees to indemnify, release and hold harmless the Consultant and its employees and consultants from and against any claims of liability arising from defects in the design and/or construction work.
10. In the event **FAYETTE COUNTY, TN** should require Consultant to perform construction administration services, **FAYETTE COUNTY, TN** acknowledges that the purpose of construction observation by the Consultant is to ascertain in general whether the work when complete will be in substantial compliance with the Contract Documents. In no event shall the Consultant perform exhaustive or continuous inspection. The Consultant is not responsible for, and shall not have control of construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the construction work, nor will it be responsible for the Contractor's failure to carry out the construction work in accordance with the Contract Documents. The Consultant shall not be responsible for, nor have control or charge over the acts or omissions of the Contractor, Subcontractor, nor any of their agents or employees, or any other person performing any of the construction work. The Consultant shall not have the authority nor the responsibility to supervise or direct the construction work.
11. The Consultant's review of shop drawings is solely to determine whether the submittal generally conforms to the design concept expressed in the Contract Documents and is not to verify dimensions and quantities.

Initials

Date

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A2H, Inc.  
Page 100

September 20, 2021

Next was the guidelines to the Redistricting Committee to take Commissioner German off the committee. Commissioner Oglesby made the motion for approval. Commissioner Leggett presented to the Board a modified resolution with taking Commissioner German and Chairman Rhea Taylor off of the committee and having Commissioner Tim Goodroe in Commissioner German's

place as long as with Josh Tapp as Supervisor of Elections, Alisha Logan as the School Board Member, Vip Lewis as the Community Representative, Civil Miller Watkins as Chairman of the Fayette County Democratic Party, Kevin Powers as Chairman of the Fayette County Republican Party, and as nonvoting advisory members would be all of the Mayors of Fayette County. With a roll call vote of four (4) yes and thirteen (13) no the motion did not pass. Commissioners Charles E. Dacus, Jr, Willie German, Jr, Terry Leggett, and Kevin J. Powers for yes. Commissioners Ben Farley, Jimmy Jordan, David Lilliard, Sylvester Logan, Jim Norton, Claude Oglesby, Tommy Perkins, Steve Reeves, Elizabeth Rice, Ray Seals, Bill Walker, Larry Watkins, and David Webb for no.

Commissioner Norton nominated Commissioner Sills for the opening position.

Commissioner Logan nominated Commissioner Rice for the opening position.

With a roll call vote Commissioner Rice was voted in to fill the position. With Commissioners Charles E. Dacus, Jr., Ben Farley, Willie German, Jr., David Lilliard, Sylvester Logan, Claude Oglesby, Elizabeth Rice, Ray Seals, Bill Walker, and Larry Watkins for Commissioner Rice. Commissioners Terry Leggett, Jim Norton, Tommy Perkins, Kevin J. Powers, Steve Reeves for Commissioner Sills. Commissioner Jimmy Jordan abstained. The motion passed with ten (10) votes for Rice, six (6) votes for Sills and one (1) abstained.

Commissioner Farley made the motion to have the redistricting committee produce plans that are as closely as possible to have nineteen (19) commissioners. With a roll call vote of 8 for yes and 9 for no, the motion did not pass. Commissioner's Ben Farley, David Lilliard, Sylvester Logan, Claude Oglesby, Elizabeth Rice, Ray Seals, Bill Walker, and Larry Watkins for the motion. Commissioners Charles E. Dacus, JR., Willie German, JR., Jimmy Jordan, Terry Leggett, Jim Norton, Tommy Perkins, Kevin J. Powers, Steve Reeves, and David Webb against.

The Chairman presented the board with nineteen (19) commissioners so that the County could be equally represented. Commissioner Oglesby made the motion for approval. The motion was seconded by Commissioner Leggett and passed unanimously.



The Chairman stated that Centralized Accounting has been presented by CTAS and would like to move forward with it. Commissioner Leggett stated that he would like to hear from all the County Officials on what the official's thoughts are on the subject. The chairman stated that it would be presented to the board on the October 2021 meeting.

With no further business before the Board the meeting was adjourned.

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Rhea Taylor, County Mayor

ATTEST:

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Shana N. Burch, County Clerk