

CARTER COUNTY

EMPLOYEE HANDBOOK

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INTRODUCTORY STATEMENT/ EMPLOYMENT AT WILL

This Employee Handbook is designed to acquaint you with the County and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the Employee Handbook. It describes many of your responsibilities as an employee and outlines some of the programs developed by the County to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about policy. As circumstances change, the need may arise, and the County may revise, supplement, or rescind any policies or portions of the Employee Handbook from time to time as it deems appropriate, in its sole and absolute discretion. The only exception to any changes is the County's employment-at-will policy permitting you or the County to end the employment relationship for any reason at any time. Employees will, of course, be notified of such changes to the Employee Handbook as they occur.

As indicated above, the relationship between County and each of its employees is one of employment-at-will (except for elected officials and employees covered by the Civil Servant Law of 1974). This Employee Handbook, and other statements of the County's policies and procedures are prepared for informational purposes only. They are not intended, and should not be construed as, a contract that guarantees employment for any specific duration. Although we hope that your employment relationship with the County will be long-term, either you or the County may terminate this relationship at any time, for any lawful reason, with or without cause or notice. No supervisor, manager, or representative of the County, other than a majority vote of the Carter County Commission, has the authority to enter into any agreement with you for employment for any specified period or to make any promises or commitments contrary to the foregoing. Further, no employment agreement is enforceable unless it is in writing, designated as an employment agreement, and signed by the County Attorney on behalf of the Carter County Commission.

We wish you the best of luck and success in your position and hope that your employment relationship with Carter County will be a rewarding experience.

1.0 EMPLOYEE CLASSIFICATIONS

1.1 Introductory Period

All new and rehired individuals must complete an Introductory Period for the first 30 calendar days after their date of hire with the County before they are considered a Regular Full-Time or Regular Part-Time employee. Any significant absence will automatically extend an Introductory Period by the length of the absence. If the County determines that the designated Introductory Period does not allow sufficient time to thoroughly evaluate performance, the period may be extended for a specified period.

The Introductory Period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The County uses this period to evaluate capabilities, work habits, and overall performance. Either the team member or the County may end the employment relationship at will at any time during or after the Introductory Period, with or without cause or advance notice.

1.2 Definitions

Full-Time Regular Employees - Employees who, upon completion of the Introductory Period described above, work the County's normal, full-time, workweek on a regular basis. These employees may be "exempt" or "non-exempt" as defined below. These employees are generally eligible for employee benefits subject to the terms and conditions of each individual benefit plan.

Part-Time Regular Employees - Employees who, upon completion of the Introductory Period described above, to work fewer than thirty (30) hours per week on a regular basis. These employees may be "exempt" or "non-exempt" as defined below. These employees are generally not eligible for employee benefits, except social security, unemployment compensation insurance, and workers' compensation insurance.

Temporary Employees - Employees who are engaged to work either full time or part time with the understanding that their employment will terminate upon the completion of a specific assignment. The employees may be "exempt" or "non-exempt" as defined below. These employees are only eligible for social security, unemployment compensation insurance, and workers' compensation insurance.

Exempt Employees - Employees who are not required to be paid overtime, in accordance with federal wage and hour laws, for actual hours worked over forty (40) in a workweek. Executive employees, professional employees, and certain employees in administrative positions are typically exempt.

Non-Exempt Employees - Employees who are required to be paid overtime at time and one-half their regular rate of pay, in accordance with federal wage and hour laws, for actual hours worked over forty (40) in a workweek.

2.0 NON – DISCRIMINATION POLICIES

2.1 Non-discrimination - Equal Employment Opportunities

It is the policy of Carter County to provide equal employment opportunities to all individuals regardless of race, color, religion, sex, national origin, age, disability, status as a protected veteran, or status in any other group protected by law. This policy extends to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training. Employees or applicants with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of the immediate supervisor or department head, consistent with the Discrimination/Harassment Complaint Procedure found at page 13. Employees can raise concerns and make complaints without fear of reprisal and with assurance of protection from harassment or retaliation. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

2.2 Individuals With Disabilities

It is the desire and intent of the County to comply with the provisions of the Americans with Disabilities Act of 1990 (“ADA”), which prohibits discriminatory employment practices against qualified individuals with disabilities. We will make a good faith effort to provide reasonable accommodation to an otherwise qualified candidate with a disability who applies for a position or an employee who is able to perform the essential functions of his or her job, either with or without reasonable accommodation. Employees should notify their supervisor if an accommodation is needed due to a disability.

3.0 EMPLOYEE LEAVE POLICIES

3.1 General Instructions

References to the employer means official or department head under whose direction the employee works. References to employment year means twelve (12) months from the date of hire.

3.2 Vacation Leave

Vacation is one way the County shows its appreciation to you for your contribution to the administration of the County government.

Full-time Regular employees shall begin accruing vacation time as of the date of their employment. Part-time and Temporary employees are not eligible for vacation leave.

Full-time Regular employees are eligible to use accumulated vacation time after successful completion of the first six months of employment, at which time five (5) days of vacation will be available.

Accumulation of Vacation Time - Vacation time may be accumulated and carried forward to the next year in an amount not to exceed twenty (20) days. Any days exceeding the twenty (20) day limit will be automatically converted to sick leave.

Use of Vacation Time - Vacation leave may be used only at times approved in advance by the employer/department head. Vacation requests will be honored to the extent possible, but subject to the needs of the employer. If two or more employees request vacation for the same period of time, it will be the employer's decision if this will create a hardship upon the department. No employee may give or loan vacation time to another employee.

All vacation leave shall be based on a maximum 40-hour week, i.e., 8 hours maximum is considered a vacation day.

Termination of Employment - Upon the termination of employment of an employee, he or she will receive payment for any unused vacation time which has accrued (up to applicable limits). Payment shall be made based upon the normal daily rate of compensation the employee receives as of the time of termination.

Vacation Time Schedule - The following schedule displays the vacation earning policy for each year of continuous and uninterrupted employment:

Full-Time Regular Employees

<u>Years of Service as of Anniversary Date</u>	<u>Length of Vacation With Pay</u>
<u>1</u> Through <u>9</u> Years	<u>10</u> Days
<u>10</u> Through <u>19</u> Years	<u>15</u> Days
<u>20</u> Years or more	<u>20</u> Days

3.3 Sick Leave

Earning and Accumulating Sick Days - Sick Leave will be considered a privilege and not a right. Full-time Regular employees will receive full pay during incapacity caused by illness if sick leave is taken. Sick leave is earned at the rate of one day per month (12 days per year). There is a maximum accumulation of sick leave credits of up to 200 days. Sick leave days have no cash value and the employee shall not be paid for accumulated sick leave credit days, but shall be able to count up to 180 unused sick leave credit days toward their retirement (in accordance with Tennessee Consolidated Retirement System Regulations).

Use of Sick Leave - An employee may use accumulated sick leave after successful completion of the first six months of employment for absence due to his or her own illness or injury or that of an immediate family member. Sick leave may also be used for appointments with a licensed doctor, dentist, or recognized practitioners. Employees who become ill during the period of their vacation may request that their vacation be temporarily terminated and the time changed to sick leave.

Notice of Sick Leave - Employees are required to notify the employer as early as possible on the first day of their sick leave absence. Any employee sick for three (3) or more continuous days shall furnish their employer with a doctor's certificate, certifying they were unable to work.

3.4 Sick Leave Donation Policy

Policy Purpose - The purpose of this policy is to provide an opportunity for Carter County employees to donate excess accrued sick leave to another Carter County employee in times of need if certain conditions are met. The sick leave donation program is completely voluntary and no employee shall be either rewarded or reprimanded in any way whatsoever based upon their individual decision to participate or not. No employee may directly or indirectly solicit any other employee for a donation of sick leave. An individual county employee will be permitted to donate his or her excess accrued sick leave directly to another county employee, regardless of department, under the following conditions:

Requirements for employee to donate sick leave to another employee:

1. The donating employee must be a full time regular employee of Carter County who has completed his or her probationary period.

2. The donating employee must have a minimum of twelve (12) working days of available accrued leave (vacation, sick, comp), to be eligible to donate.
3. The donating employee must complete the Sick Leave Donation Form and turn it in to his or her direct supervisor, who shall review the eligibility of the donating employee and forward the form to the office of the Finance Director.
4. No employee may donate sick leave to any other employee with direct supervisory authority over the donating employee.

Requirements for employee to receive sick leave donated by another employee:

1. The receiving employee must be a full time regular employee of Carter County who has completed his or her probationary period.
2. The receiving employee must have exhausted all available forms of leave (vacation, sick, comp).
3. The receiving employee may utilize the donated time only under circumstances whereby his or her own sick leave, if available, could be utilized. All current policies regarding the use of sick time are also applicable to use of the donated time by the employee actually utilizing said time.
4. No employee may receive donations of more than ninety (90) total working days of sick time from any combination of donating employees in a calendar year.
5. No employee may receive a donation of sick leave from any other employee over which the receiving employee has direct supervisory authority.

3.5 Bereavement Leave

In case of death in the employee's immediate family, the employee will be given five (5) days paid leave which will not be charged to vacation leave. Paid bereavement leave is for scheduled work days which would normally fall between the day of the death and the day following the funeral. Additional time off without pay may be granted in certain situations at the sole discretion of the Department Head.

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

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

3.6 Voting Leave

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

3.7 **Military Leave**

County employees who are members of any military component will be granted military leave for such time as they are in military service during which they are engaged in the performance of duty or training in the service of the State of Tennessee, or of the United States. Such military leave shall be supported with competent copies of the armed service orders.

County employees on such military leave shall be paid salary or compensation, and receive their normal benefits for a period, or periods, not exceeding fifteen (15) working days in one (1) calendar year, plus any such additional days which may result from a call to active state duty by the Governor of Tennessee. In addition, County employees scheduled for weekend work during such time as ordered to participate in weekend training drills will be paid their compensation and receive normal benefits for such time served, up to the 15 day maximum.

Should any County employee be on military leave for a period longer than 15 days, such employee's military leave after the expiration of the first 15 days will be unpaid and treated consistent with the Uniformed Services Employment and Reemployment Rights Act ("USERRA").

3.8 **Jury Duty**

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

- (a.) Upon receiving a summons to report for jury duty or a subpoena to testify in court, the employee shall on the next day she/he is working, show the summons to his or her supervisor.
- (b.) The employee will be granted a leave of absence when she/he is subpoenaed or directed by proper authority to appear in Federal or State court as a witness or juror.
- (c.) If the employee is relieved from jury duty during working hours after serving less than three hours, the employee must report back to the employer. If the employee is relieved from being a witness at any point during working hours, the employee must report back to the employer.
- (d.) If an employee summoned for jury duty is working a night shift or is working during hours preceding those in which court is normally held, such employee shall also be excused from his employment for the shift immediately preceding the first day of service on any lawsuit. After the first day of service, when such employee's responsibility for jury duty exceeds three (3) hours during a day, then such employee shall be excused from his next scheduled work period occurring within twenty-four (24) hours of such day of jury service.
- (e.) Eligible employees shall receive regular compensation during time served on jury duty or when subpoenaed as a witness.

- (f.) The employee may retain all compensation received for serving as a juror.
- (g.) The above provisions concerning compensation for time in court do not apply if the employee is involved as a plaintiff or defendant in private litigation. On these occasions the employee must take vacation leave, comp-time, or leave without pay.

3.9 **Leave Without Pay**

Any employee, at the discretion of the employer, may be granted leave without pay for sufficient reason as determined by the employer. During the period of absence, the employee will not accrue vacation, sick leave or other benefits.

3.10 **Family and Medical Leave Policy**

I. Eligibility

Employees who have worked for the County for at least twelve (12) months, and who have worked at least 1,250 hours during that prior twelve (12) month period, may take up to twelve (12) weeks of unpaid leave for the following reasons:

1. Birth and/or care of a child of the employee;
2. Placement of a child into the employee's family by adoption or other foster care arrangements;
3. Care of an employee's spouse, child or parent who has a serious illness or health condition; or
4. A serious health condition or illness which renders the employee unable to perform the functions of his or her job.

In the case of unpaid leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted unless both the employee and the County agree. Also, leave for the birth or placement of a child must be completed within twelve (12) months of the birth or placement.

In the case of an employee's serious health condition or illness, or in the case where an employee must care for a spouse, child or parent's serious health condition or illness, leave may be taken intermittently or on a reduced hourly basis, but only if such leave is medically necessary. If either intermittent leave or reduced hours is required, the County, at its sole discretion, may temporarily transfer the employee to another position with equivalent pay and benefits that better accommodate the leave. Although the alternative position will have equivalent pay and benefits, it will not necessarily entail equivalent duties.

When leave is needed to care for an immediate family member or for the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt business operations.

II. Health Insurance Benefits During Family or Medical Leave

During a family or medical leave of absence, the County will continue to pay its portion of the employee's health insurance premium and the employee must continue to pay his or her normal share of such premium, if applicable. Once the employee has received notification from the County that the employee's leave constitutes family or medical leave under this policy the employee must deliver, either by hand-delivery or by mail, an amount equivalent to the employee's share of health insurance premiums for one full pay period (if any) within three (3) days of the employee's first day of family or medical leave. For each subsequent pay period that the employee will be on family and medical leave, the employee must submit his/her share of health insurance premiums within three (3) days of the first day of the subsequent pay period.

In the event that an employee on family or medical leave fails to make a premium contribution within thirty (30) days of the date that such contribution is due to the health insurance company, the County's obligation to maintain health insurance coverage ceases. Thus, failure of the employee to pay his or her share of the health insurance will result in loss of coverage. If the employee does not return to work after the expiration of the leave, or if the employee returns to work for less than thirty (30) calendar days after the employee's family or medical leave entitlement has expired, the employee will be required to reimburse the County for payment of health insurance premiums the County paid during the family or medical leave, unless the employee does not return due to the presence of a serious health condition that prevents the employee from performing his or her job duties or if circumstances exist which are beyond the control of the employee.

III. Twelve Month Period

This twelve (12) month period will be a rolling twelve (12) month period measured backward from the date an employee uses any FMLA leave. Therefore, each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the twelve (12) weeks which has not been used during the immediately preceding twelve (12) months. For example, if an employee has taken eight (8) weeks of leave during the past twelve (12) months, an additional four (4) weeks could be taken. As further example, if an employee used four (4) weeks beginning 2/1/2010, four (4) weeks beginning 6/1/2010, and four (4) weeks beginning 12/1/2010, the employee would not be entitled to any additional leave until 2/1/2011. However, beginning 2/1/2011, the employee would be entitled to four (4) weeks of leave and on 6/1/2011, the employee would be entitled to an additional four (4) weeks, etc.

IV. Earned Leave and Other Benefits

During family or medical leave, accrual of employment benefits such as vacation hours, sick leave time, or other benefits based upon the employee being actively at work, will be

suspended. Employment benefits accrued by the employee up to the day on which the family or medical leave begins will remain intact.

Employees who return to work from a family or medical leave of absence within the leave period or on the next business day following the expiration of the twelve (12) weeks are entitled to return to their position or an equivalent position without any loss of benefits or pay otherwise available.

Employees are required to use their available vacation hours, sick leave time, and/or other earned leave time during the twelve (12) week family or medical leave of absence. Use of such accrued leave time will be in compliance with the established policy and procedure for each leave benefit.

V. Procedure for Taking Family or Medical Leave

Before taking any leave, each employee must submit a request for leave by filling out a "Request for Leave" Form. That form must be obtained from the employee's supervisor. **ALL REQUESTS FOR LEAVE MUST BE SUBMITTED AT LEAST THIRTY (30) DAYS BEFORE THE LEAVE IS TO BEGIN**, or as soon as possible if thirty (30) days notice is not possible. If the reason for an employee's leave changes, the employee must request from his or her supervisor another "Request for Leave" Form and submit the new form to the County within **THREE (3) DAYS** of its receipt. If leave is requested due to a serious health condition of the employee or the employee's family member, that employee must obtain a "Certification of Serious Health Condition" Form. That form must be obtained from the employee's supervisor. **A CERTIFICATION OF SERIOUS HEALTH CONDITION FORM MUST BE SUBMITTED IN ORDER TO QUALIFY FOR FAMILY AND MEDICAL LEAVE DUE TO A SERIOUS HEALTH CONDITION.**

While on family and medical leave, **EACH EMPLOYEE MUST SUBMIT A "STATUS REPORT FORM" FOR EACH THIRTY (30) DAY PERIOD THAT HE/SHE IS ON FAMILY OR MEDICAL LEAVE.** This form must be obtained through the employee's supervisor and may be submitted to the County either by hand-delivery or by mail.

BEFORE BEING RESTORED TO HIS/HER FORMER EMPLOYMENT, EVERY EMPLOYEE WHO IS ON FAMILY OR MEDICAL LEAVE DUE TO A SERIOUS HEALTH CONDITION MUST SUBMIT A "FITNESS FOR DUTY CERTIFICATION" FORM. This form must be obtained through the employee's supervisor and must be completed by the employee and the employee's physician.

V. Family and Medical Leave Act Fact Sheet

It is the policy of Carter County to grant its employees leave in accordance with the requirements of the Family Medical Leave Act. All employees should have a copy of the FMLA Fact Sheet, and employees may obtain additional copies of that publication as well as additional information about the FMLA and their rights and obligations under that law from their supervisor, or by contacting the Carter County Executive's Office at 423-

542-1801. (See Page 19, Family Medical Leave Act of 1993).

3.11 Tennessee Maternity Leave Act Policy

Pursuant to state law, an employee who has been employed by the County for at least twelve (12) consecutive months as a Full-Time Regular employee, may be absent from employment for a period not to exceed four (4) months in connection with pregnancy and childbirth. However this law only applies if the County employs 100 or more people at the job site or location. Additionally, to be eligible for this leave, an employee must give at least three (3) months advance notice, except in emergency situations.

If you become eligible for leave under this policy and the County's Family and Medical Leave policy, the leave counts against your entitlement under both laws. The specific content of the Tennessee Maternity Leave Act found at T.C.A. § 4-21-408 is reproduced below:

TENNESSEE MATERNITY LEAVE ACT ("TMLA")

§ 4-21-408. Maternity leave

(a) Employees who have been employed by the same employer for at least twelve (12) consecutive months as full-time employees, as determined by the employer at the job site or location, may be absent from such employment for a period not to exceed four (4) months for adoption, pregnancy, childbirth and nursing the infant, where applicable (such period to be hereinafter referred to as "leave"). With regard to adoption, the four (4) month period shall begin at the time an employee receives custody of the child.

(b)(1) Employees who give at least three (3) months' advance notice to their employer 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.

(2) Employees who are prevented from giving three (3) months' advance notice because of a medical emergency which 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.

(3) 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.

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

(2) 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 section for failure to reinstate the employee at the end of such leave period.

(3) 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 such leave.

(4) Whenever the employer shall determine that the employee will not be reinstated at the end of such leave because the employee's position cannot be filled temporarily or because the employee has used such leave to pursue employment opportunities or to work for another employer, the employer shall so notify the employee.

(d) Nothing contained within the provisions of this section shall be construed to:

(1) Affect any bargaining agreement or company policy which provides for greater or additional benefits than those required under this section;

(2) Apply to any employer who employs fewer than one hundred (100) full-time employees on a permanent basis at the job site or location; or

(3) Diminish or restrict the rights of teachers to leave pursuant to title 49, chapter 5, part 7 or to return or reinstatement after leave.

(e) The provisions of this section shall be included in the next employee handbook published by the employer after passage of this section.

3.12 In-Line-of-Duty Injury Leave (Workers' Compensation Insurance)

Any employee sustaining an injury or an illness during the course and scope of his or her employment which is determined to be compensable under the provisions of the

Workers' Compensation Law shall be entitled to receive in-line-of-duty injury leave. This leave shall not be counted against any accrued sick leave which the employee has accumulated. Benefits which are receivable by the employee will be determined by the provisions of the Workers' Compensation Law. However, any and all work-related injuries or illnesses must be immediately reported to the employee's supervisor or other County management. Failure to immediately report a work related injury or illness may jeopardize an employee's entitlement to workers' compensation benefits, including but not limited to the leave provided in this policy.

3.13 **Holidays**

All offices will be closed the following holidays.

New Years Day	Labor Day
Martin Luther King's Birthday	Veterans' Day
Presidents' Day	Thanksgiving Day and the day after
Good Friday	Elections Days
Memorial Day	Christmas Day - Plus two (2) days
Independence Day	which shall be the work day before
	Christmas Day and the work day after
	Christmas Day.

Each official will determine whether it is necessary to stay open on any of the above holidays. If an employee is required to work on a Holiday, he or she will be paid double their regular rate of pay for hours worked on said holiday. Employees will not be allowed to accumulate holidays.

3.14 **Leave Records**

Employees requesting any type of leave are required to do so on forms provided by the County. The forms are to be given to the County official or department head by the employee once completed. The leave forms are to be maintained at each County official's or department head's office.

4.0 SEXUAL HARASSMENT POLICIES AND DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

4.1 Unlawful Harassment in the Workplace

It is the policy of Carter County to maintain a respectful work and public service environment. Carter County prohibits and will not tolerate any form of unlawful harassment by or towards any employee or official on the basis of race, color, religion, sex, national origin, age, disability, status as a protected veteran, or status in any other group protected by law. Any employee or official who engages in such behavior is subject to disciplinary action, up to and including termination of employment.

One particular kind of harassing behavior is sexual harassment. Sexual harassment, which can consist of a wide range of unwanted and unwelcome behavior based on an employee's gender, is defined as:

Unwelcome sexual advances, requests for sexual favors and/or other verbal or physical conduct based on an employee's gender when:

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

However, harassment is prohibited when it is based on *any of the characteristics listed above, not just gender*. Neither sexual harassment nor any other form of unlawful harassment will be tolerated in the workplace. Employees are urged to report alleged incidents of unlawful harassment, without fear of reprisal, as described below.

4.2 Discrimination/Harassment Complaint Procedure

Discrimination, including harassment, in the workplace on the basis of race, color, religion, sex, national origin, age, disability, status as a protected veteran, or status in any other group protected by law is illegal. If an employee believes that he or she has been subjected to illegal discrimination or harassment related to employment with Carter County, the employee should report the incident promptly to the County official or department head under whose direction the employee works. If the problem is not resolved within a reasonable time, or if for any reason the employee feels uncomfortable reporting the problem to the County official or department head, then the problem should be reported to the Carter County Executive. The County Attorney may act as a mediator between the affected employee and the county official or department head under whose direction the employee works to assist them in reaching an acceptable resolution of the problem, but the County Attorney has no authorization to make employment decisions on behalf of the county official or department head. No form of retaliation will be taken against an employee for reporting a bona fide incident of

discrimination or harassment or for assisting in the investigation of a complaint. However, disciplinary action may be taken against any individual providing false information in connection with a complaint.

5.0 WAGE AND HOUR POLICIES

5.1 Workweek

The workweek for employees of Carter County begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on Saturday of each week. Employees who are paid on an hourly basis will receive compensation at their regular rate of pay for all hours worked up to and including 40 in the workweek. The salary paid to salaried employees is compensation for all hours worked by such employees up to and including 40 in the workweek. The actual work schedule for each employee will be arranged by that employee's supervisor.

Sheriff Department deputies shall have a twenty-eight (28) day work period in accordance with the 7 (k) exemption provided under FLSA. The work period begins at 12:01 a.m. on Saturday and ends at 12:00 midnight 28 days following. The Sheriff's Department employees shall have a forty (40) hour work week except for deputies (Their work is period is defined in the previous sentence). **(NOTE: ONLY IF SHERIFF DEPARTMENT IS A PART OF COUNTY WIDE POLICIES)**

5.2 Overtime

"Overtime" is defined as time actually worked in excess of 40 hours in a workweek by a non-exempt employee. Non-exempt employees, as defined herein, who work over 40 hours in a workweek are entitled to compensation for such hours, either in cash at the rate of one and one-half times their regular rate of pay, or (with a prior agreement or understanding between the employer and employee) compensatory time off at the rate of one and one-half hour for each hour of overtime worked. Employees shall not work overtime without first receiving the approval of their supervisor. Any employee who works overtime without obtaining advance approval of the supervisor as required may be subject to disciplinary action, up to and including termination of employment. For the Sheriff's deputies, the overtime is defined as work in excess of 171 hours in the 28 day work period.

5.3 Compensatory Time

Compensatory time may be given to those employees who work overtime as provided in the section on "Overtime" and with whom the County has a prior agreement or understanding that the employee will accept compensatory time in lieu of cash payment for overtime. Employees are encouraged to use their accrued compensatory time, and the County will make every effort to grant reasonable requests for the use of compensatory time when sufficient advance notice is given and the workplace is not unduly disrupted. The maximum number of compensatory time hours that an employee may accrue is one hundred (100). Any employee who has reached this maximum shall not work any additional overtime until the employee's accrued compensatory time has fallen below the maximum allowed, unless the employee receives advance written authorization and receives payment in cash for any such additional overtime. The County reserves the right at any time to pay an employee in cash for any or all accrued compensatory time. In addition, the County reserves the right at any time to require employees to use any or all accrued compensatory time.

5.4 **Time Records**

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

Time records shall be maintained at the Carter County Executive's Office.

5.5 **Payroll and Salary Deductions**

The law requires that the County make certain deductions from every employee's compensation, including, but not limited to, applicable federal, state, and local income taxes. Social Security taxes also must be deducted from each employee's earnings. The County matches the amount of Social Security taxes paid by each employee.

The County may offer programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs. Contact your supervisor with questions concerning deductions and how they are calculated.

The County prohibits deductions from the salary of a salaried exempt employee based on the quality or quantity of work performed or any other reason that is inconsistent with pay on a salary basis under federal wage and hour regulations. Subject to certain exceptions, a salaried-exempt employee must receive his or her full salary for any week in which he or she performs any work without regard to the number of days or hours worked. Exceptions to this general rule include the following:

1. The County need not pay the salary of a salaried-exempt employee for any workweek in which the employee performs no work.
2. The County may make deductions from salary for an exempt employee's absence for one or more full days for personal reasons, other than sickness or disability.
3. The County may make deductions from salary for absences of one or more full days occasioned by sickness or disability so long as the County maintains a bona fide leave plan that provides compensation for loss of pay occasioned by such sickness or disability. (Deductions for such full day absences may be made, for instance, before the employee has qualified under the plan or after the employee has exhausted his or her leave under the plan.)
4. The County will not make deductions from salary for absences of an exempt employee occasioned by jury duty, attendance as a witness, or temporary military leave. The County can offset any amounts received by an employee as jury fees,

witness fees, or military pay for a particular week against the salary due for that particular week.

5. The County may make deductions from the salary of exempt employees for penalties imposed in good faith for infractions of safety rules of major significance.

6. The County may make deductions from the salary of exempt employees for unpaid disciplinary suspensions of one or more full days imposed in good faith for infractions of workplace conduct rules.

7. The County is not required to pay the full salary of a salaried-exempt employee in the initial or terminal week of his or her employment if the employee works a partial week during such week.

8. The County is not required to pay the full salary of a salaried-exempt employee for weeks in which an exempt employee takes unpaid leave under the Family Medical Leave Act.

5.6 **Legal Work Status**

The Immigration Reform and Control Act of 1986 requires that all employees hired by the County provide documentation providing that they have a legal right to work in the United States. In compliance with this Act, all job offers extended to successful applicants are made contingent upon the receipt of the required documentation and completion of INS Form I-9. Only those successful applicants who complete Form I-9 will be permitted to begin work. New employees must provide the required documentation within three (3) business days of the date of hire.

5.7 **Direct Deposit Policy**

As of September 1, 2017, new and current full-time and part-time employees, temporary employees and elected officials will be required to participate in mandatory direct deposit. The County will no longer issue paychecks. In certain cases, the initial pay for a new employee may be provided by paycheck to allow for sufficient time to process direct deposit information with the participating banking institution. An employee who fails to timely complete and submit the direct deposit form shall not receive wages and/or compensation. The employee's wages will be placed in a holding account until such time as the process is completed to establish direct deposit. Once direct deposit information is received payment will be processed with the next regular payroll. The employee may have funds deposited into an account at any financial institution that is able to receive electronic payments.

6.0 MEDICAL INSURANCE

Carter County has a comprehensive group health insurance plan in which all Regular Full-Time employees are eligible to participate subject to the terms and conditions of the group health insurance plan document. The Premium for a County employee's individual coverage is typically paid by the County for all Regular Full-Time employees, subject to approval of funds for the same in the County's operating budget.

A retiring employee fifty-five (55) years of age with at least twenty (20) years of continuous service will remain on County health insurance until the age of sixty-five (65) at the expense of the County, provided he/she is not covered under another individual health insurance plan.

7.0 EMPLOYEE WORK RULES

7.1 Employee Conduct & Work Rules

To ensure orderly operations and provide the best possible work environment, the County expects employees to follow rules of conduct that will protect the interests and safety of all employees and the County.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples, but *do not* constitute an exhaustive list, of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- * Theft or inappropriate removal or possession of property
- * Falsification of timekeeping records
- * Working under the influence of alcohol or illegal drugs
- * Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace while on duty, or while operating County owned vehicles or equipment
- * Fighting or threatening violence in the workplace
- * Boisterous or disruptive activity in the workplace
- * Negligence or improper conduct leading to damage of County owned or third party owned property
- * Insubordination or other disrespectful conduct
- * Violation of safety or health rules
- * Smoking in prohibited areas
- * Sexual or other unlawful or unwelcome harassment
- * Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- * Excessive absenteeism or any absence without notice
- * Unauthorized absence from work station during the workday
- * Unauthorized use of telephones, mail system, or other County owned equipment
- * Unauthorized disclosure of confidential information
- * Violation of personnel policies
- * Unsatisfactory performance or conduct

Employment with Carter County is at the mutual consent of the County and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

7.2 Attendance & Punctuality

To maintain a safe and productive work environment, the County expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the County. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

7.3 Smoking

Pursuant to the Non-Smoker Protection Act, Tennessee Code Annotated §§ 39-17-1801 through 1810, smoking is prohibited in enclosed areas of the employer's property, including but not limited to, cafeterias, employee lounges, hallways, meeting rooms, offices, restrooms, and employer vehicles (unless occupied solely by the operator). Smoking may take place only in designated unenclosed areas. Any violation of this provision may result in disciplinary action, up to and including termination.

7.4 County Property & Equipment

The County has invested a tremendous amount of resources to provide you with the efficient technology for you to perform your job. Your cooperation in the care and use of this equipment is necessary to maintain it in operating condition.

Care should be exercised at all times. Gross employee negligence causing damage to County property or equipment may result in an employee being held financially liable for the damage.

Upon the separation of your employment, for any reason, you must return in good working condition any and all equipment issued to you.

NO SOFTWARE WILL BE INSTALLED WITHOUT THE APPROVAL OF AN EMPLOYEE'S SUPERVISOR.

TENNESSEE CODE ANNOTATED § 39-16-504

§ 39-16-504. Destruction of and Tempering with Governmental Records

(a) It is unlawful for any person to:

(1) Knowingly make a false entry in, or false alteration of, a governmental record;

(2) Make, present, or use any record, document or thing with knowledge of its falsity and with intent that it will be taken as a genuine governmental record; or

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

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

7.5 **Computer Services, Internet Access and Electronic Mail**

Carter County employees access the Internet from County-owned computers. This access is intended for business-related purposes (such as communicating with customers, suppliers, colleagues, to research relevant topics and to obtain useful business information.) When determining whether an employee's use of the Internet is appropriate, one may ask: "If I were doing this same activity in some other way (e.g. telephone, library, in person, by hand), would this activity be considered inappropriate?" Additionally an employee's use of the Internet should not cause incremental expense to the County, nor should County time be wasted. County time should be spent conducting County business. Employees should not play games, send mass mailings or run private businesses.

The public may access the Internet from County-owned computers at a number of locations. All existing laws and County policies apply to conduct when accessing the Internet on County owned computers, especially those that deal with intellectual property protection, privacy, misuse of County resources, sexual harassment, data security, and confidentiality.

Detailed Internet Policy Provisions:

- World Wide Web access from County-owned computer is filtered by a third-party service in the following categories: Adult content, nudity, sex, gambling, illegal/questionable, proxy avoidance systems, racism/hate, tasteless, and violence. If an employee wants to report a particular web page that they feel should fall into one of these categories, they should contact their immediate supervisor.
- County-owned computers may not be used to download or distribute software or data without prior written permission. Any software or files downloaded via the Internet may be used only in ways that are consistent with their licenses or copyrights.
- County-owned computers may not be used to deliberately propagate any virus, worm, Trojan horse, trap-door, or back-door program code or knowingly disable or overload any computer system, network, or to circumvent any system intended to protect the privacy or security of another user.
- County-owned computers may not be used to knowingly violate the laws and regulation of the United States or any other nation, or the laws and regulations of any country, county, province, or local jurisdiction in any material way.
- County employees shall not install, remove, or otherwise modify any hardware or software for the purpose of bypassing, avoiding, or defeating any filtering, monitoring, or other security measures the County may have in place.
- County employees shall identify themselves honestly, accurately, and completely when corresponding or participating in interactive activities, and shall not send unsolicited mass electronic mail.
- County employees should not automatically assume that any County data or databases are subject to the Freedom of Information Act. There are numerous exclusions to this law and such data or databases may not be uploaded or otherwise transferred to non-County entities without appropriate approvals.
- County employees should not have any expectation of privacy as to his or her

Internet usage. The County may monitor Internet usage patterns and the County may inspect any and all files stored on County resources to the extent necessary to ensure compliance.

- For County employees, infractions of these policies constitute misuse of County assets and is considered a violation of the Carter County Policies and may result in disciplinary actions ranging from a verbal reprimand up to dismissal.

7.6 **Cell Phone Usage in the Workplace**

The County recognizes that many employees have cell phones that they bring to work. The use of such cell phones, however, must not interfere with an employee's duties or performance. An employee whose cell phone use does become disruptive or interferes with the employee's or co-worker's ability to do the job will not be allowed to bring a cell phone into the workplace. Some employees may have cell phones that also contain cameras. Employees who use camera phones to violate any County policy, including but not limited to the policy against harassment or confidentiality, will be subject to disciplinary action, up to and including discharge. This policy also applies to the use of cell phone text messaging by employees.

7.7 **Personal Appearance**

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the public image County employees present to the community.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

Consult your supervisor or department head if you have questions as to what constitutes appropriate attire.

EMPLOYEE ACKNOWLEDGMENT FORM

COMPENSATORY TIME AGREEMENT FORM

AND

EMPLOYEE TIME SHEET

(see pages following)

EMPLOYEE ACKNOWLEDGMENT

By signing this form, I acknowledge that I have received a copy of the personnel policies currently in effect for my office as of this date, and I understand that it is my responsibility to read and comply with the policies. These policies cannot and are not intended to answer every question about my employment with Carter County. I understand that I should consult _____ [County Official] regarding any part of the policies that I do not understand or any questions I may have about my employment with Carter County which are not answered in the policies. The current policies will always be on file in the office of the Carter County Clerk, and I may examine them there at any time during normal business hours.

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

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

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

Employee Name (type or print)

Employee Signature

Date

COMPENSATORY TIME AGREEMENT

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

Employee Signature

Date