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# STEWART COUNTY GOVERNMENT EMPLOYEE HANDBOOK

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## 1 INTRODUCTION

This document has been developed in order to familiarize employees with Stewart County Government and provide information about employment at Stewart County Government.

### 1.1 Changes in Policy

This manual supersedes all previous employee manuals and memorandums.

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

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

Amendments may be made periodically in the following process:

- Reviewed by the County Attorney
- Approved by the County Commission (if required), and
- Communicated to all Stewart County employees.

It is your responsibility to ensure you have the most up-to-date version of the Handbook. All questions pertaining to information found in this handbook should be referred to the County Mayor's Office or the County Attorney.

### 1.2 Policies for Employees of Elected Officials

Elected Officials have the jurisdiction to create, maintain and administer separate personnel policies and procedures, and at their discretion may supplement the policies set out in this Handbook. In these cases, the Elected Officials will provide the Handbook and Policies for their employees. A copy of these documents are on file in the Stewart County Clerk's Office. Elected Officials are responsible for any policies and procedures in their own separate policies and/or supplements. Elected Officials will ensure that the Stewart County Mayor's Office has a copy of any separate policy and/or supplements, and Elected Officials will coordinate with the Stewart County Mayor's Office to ensure accurate payroll and timekeeping reporting relevant to separate polices and/or supplements.

## 2 EMPLOYEE DEFINITION AND STATUS

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

- Full-Time Regular Employees are those that work a normal, full-time work schedule of

thirty (30) hours or more per week on a continual basis. These employees may be exempt or non-exempt, as defined by the Fair Labor Standards Act (FLSA).

- Part-Time Regular Employees are those who work less than thirty (30) hours per week on a continual basis. These employees may be exempt or non-exempt.
- Temporary or Seasonal Employees are those who work either full-time or part-time with the understanding that their employment will terminate upon the completion of a specific assignment. These employees may be exempt or non-exempt. Temporary or Seasonal County Employees do not include workers who are employed by a temporary staffing service that may be used to provide assistance to the County.

## 2.1 Employment Classification

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

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

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

**Classifying a position as "exempt"** is made on the basis of comparing actual job duties with criteria established by the Department of Labor. A job title, for example, is not sufficient data to classify a job as exempt from overtime status. Responsibility for classifying Stewart County positions as exempt or non-exempt lies with the County Mayor's Office and the County Attorney, who should consult with the appropriate manager/supervisor with responsibility for the position.

## 3 EMPLOYMENT POLICIES

### 3.1 Equal Employment Opportunity

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

### 3.2 At Will Employment

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

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

### **3.3 Americans with Disabilities Act**

Stewart County Government complies with the Americans with Disabilities Act of 1990, US Code Annotated 101-336 (ADA), which prohibits discrimination on the basis of disability with respect to selection and hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment as amended by the ADA Amendments Act of 2008 (ADAAA).

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

### **3.4 Immigration Law Compliance**

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

### **3.5 Employee Background Check**

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

### **3.6 Anniversary Date**

The first day an employee reports to work at his/her full-time position is their official anniversary date.

### **3.7 New Employee Orientation**

The formal welcoming process, or "new employee orientation," is conducted by the County Mayor's Office, and includes an overview of Stewart County and its policies.

### **3.8 Change of Personal Data**

It is important that you promptly report any change of your personal information to the County Mayor's Office. Be sure the County Mayor's Office always has:

- Your correct mailing address, email address and contact numbers such as telephone, mobilephone, etc.;
- Your marital status;
- Any changes to your IRS Form W-4;
- Any increase or decrease in number of dependents;
- Any changes affecting Social Security records;
- Your correct beneficiary;

The employee is responsible for his/her completion of the initial IRS Form W-4 completed at the New Employee Orientation and for any changes to the Form after the initial completion. Stewart County will not advise an employee on how to complete the IRS Form W-4. Stewart County strongly encourages each employee to visit the IRS website at [www.irs.gov](http://www.irs.gov) or to speak with his/her tax representative for questions on the IRS Form W-4.

### **3.9 Safety**

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

Any workplace accidents, incidents, injuries or safety hazards must be reported immediately to your direct supervisor and the County Mayor's Office. Your supervisor/department head will file a report within twenty-four (24) hours of the incident. If you are injured and unable to report immediately, then you should report the incident as soon as possible, as well as any witnesses to the incident.

For additional information about any safety concerns, please consult your supervisor/department head.

### **3.10 Personal Property**

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

### **3.11 Weather-Related and Emergency-Related Closings**

At times, emergencies such as severe weather, fires, power failures or other non-weather related emergencies can disrupt County operations. In such instances, the County Mayor will decide on the delayed opening and/or closures of certain non-emergency county buildings, and may consult with other Elected Officials before deciding.

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

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

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

**Official Closings Due to Inclement Weather or other non-weather emergency:** The County Mayor will decide if certain non-emergency county buildings/offices will be closed on normal work days during inclement weather. Each department head/elected official should develop a notification process for his/her employees.

- If you are scheduled to work during an inclement weather closing, you will receive administrative pay for your regularly scheduled working hours during the period of closing.
- If you are not scheduled to work during an inclement weather closing, you will not be paid for the closing.
- If you are on pre-approved annual, sick or any other leave with pay during the declared times of closing, you will receive administrative leave with pay and will not have to charge that time to your leave.

## 4 STANDARDS OF CONDUCT

### 4.1 General Guidelines

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

### 4.2 Workweek Schedules and Pay Periods

Stewart County Government's workweeks and pay periods vary depending on the department and/or job classification. Your direct supervisor will inform you of your work hours. Please contact the County Mayor's Office for any questions on payroll pay periods or paydays.

### 4.3 Attendance and Punctuality



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

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

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

#### **4.4 Absence and Tardiness**

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

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

Excessive absenteeism as determined by your supervisor will be grounds for discipline up to and including termination.

#### **4.5 Meal and Break Periods**

It is Stewart County Government's policy that each department is responsible for implementing their own meal break procedures. It is the Department Head or Elected Official's responsibility to their employees to implement a fair and equitable plan for meal and break periods. This information will be relayed to the employee by their direct supervisor.

#### **4.6 Discrimination, Harassment and Sexual Harassment Policy**

Stewart County Government strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Stewart County Government will not tolerate unlawful discrimination or harassment of any kind. Through

enforcement of this policy and by education of employees, Stewart County Government will seek to prevent, correct, and discipline behavior that violates this policy.

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

### **Prohibited Conduct Under This Policy**

Stewart County Government, in compliance with all applicable federal, state and local antidiscrimination and harassment laws and regulations, prohibits the following under this policy:

- **Discrimination**

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

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

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

- **Harassment**

Stewart County Government prohibits harassment, including sexual harassment, of any kind, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any written, verbal or physical conduct designed to threaten, intimidate or coerce an employee, coworker, or any person working for or on behalf of Stewart County Government.

- **Sexual Harassment**

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

*There are two types of Sexual Harassment:*

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

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

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

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

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

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

### **Consensual Romantic or Sexual Relationships**

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

#### **4.7 Confidential Information and Nondisclosure**

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

#### **4.8 Ethical Standards**

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

#### **4.9 Use of Equipment**

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

#### **4.10 Use of Computer, Internet, Phone and Mail**

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

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

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

- Monitoring your Internet usage;
- Reviewing any downloaded or uploaded material;
- Reviewing information technology sent or received by you; and/or

- Monitoring the content of stored files on your computer.

Electronic communications and the internet are for use on job-related activities during work hours. However, it is okay to use email and the Internet for personal (not for profit) use on a very limited basis. Remember, this is a privilege, and any and all communications may be monitored, and if you abuse this privilege, the County may take it away from you. Any use of the County's information technology systems to violate any policy of the County, including but not limited to the Harassment Policy or the Code of Ethics, is also a violation of the policy and will be grounds for discipline up to and including termination.

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

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

#### **4.11 Smoking Policy**

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

#### **4.12 Drug Free Workplace Substance Abuse Policy**

Stewart County Government is committed to providing a safe work environment and to fostering well-being and health of its employees and Elected Officials. Stewart County Government has established a separate Drug Free Workplace Policy, and that policy is delivered, reviewed and acknowledged by all new employees as part of the new employee orientation. A copy of the Drug Free Work Place Policy can be found in Appendix 9.2.

#### **4.13 Complaint Procedure**

If you feel wronged by an employment action or decision, including disciplinary action such as a warning, suspension, termination, or by an Stewart County Government policy being incorrectly applied, the best course of action is to discuss these differences with your direct supervisor, or department head to reach a prompt and fair resolution of the problem.

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

1. If your supervisor seems unwilling or unable to address the matter, you have the option to discuss your concerns with your Department Head or Elected Official,
2. If your problem or complaint is a situation that constitutes a violation of the Ethics Policy, Federal, State, or local laws and the Department Head or Elected Official seems unwilling or unable to address the matter, you have the right to discuss your concerns with the County Attorney.

3. You can also ask to speak to any other departmental supervisor, without your supervisor being present. However, in this case, the person with whom you meet has the right to share information from this meeting with your supervisor.

#### 4.14 Promotions, Transfers and Reassignments

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

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

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

#### 4.15 Disciplinary Action

All employees are expected to conduct themselves in an orderly and efficient manner at all times. When an employee violates the rules, regulations, or standards of conduct of Stewart County Government, or the department in which he or she is employed, disciplinary action may be taken. The employee's supervisor and department head are responsible for taking disciplinary action.

There are five primary types of action under this policy: verbal reprimand, written reprimand, suspension, demotion and dismissal.

#### 4.16 Suspensions and Demotions

The Department Head or Elected Official, or the appointed supervisor, may suspend you without pay for matters of poor performance or inappropriate conduct. Your supervisor, Department Head or Elected Official will inform you (and promptly notify the Stewart County Mayor's Office) if you may or may *not* take annual leave, sick leave or compensatory leave ("comp time") while on suspension.

#### 4.17 Employment Termination/Resignation

Your employment with Stewart County Government is a voluntary agreement (at-will employment) between you and the County. We regret when it becomes necessary to terminate the employment of one of our employees. An employee's service may be terminated and if so, no further time of service will accrue if any one of the following conditions occurs:

- You resign,
- You are discharged,
- You fail to report to work without notification,
- You fail to report to work without notification after a leave of absence or a vacation,

- You signify your intent to leave employment and leave the premises.

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

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

## **5 COMPENSATION POLICIES**

### **5.1 Job Classification**

All job classifications are based on an analysis of the duties and responsibilities of each position and include minimum requirements of education, training, experience, skills, knowledge, and abilities necessary for the job.

### **5.2 Base Compensation**

Stewart County Government strives to pay salaries that are competitive with those in our community and industry, while recognizing individual effort and contribution to the success of the County, as well as the current economic condition of the County.

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

### **5.3 Timekeeping Procedures**

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

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

It is the responsibility of each office to ensure fully signed time records are submitted to the County Mayor's Office by pay period due dates for employees to be paid accurately and on time. If an employee is on any type of leave (unpaid leave, vacation, FMLA, etc.), it is the responsibility of the employee and his/her supervisor to ensure that time records reflect any and all leave and are submitted to the County Mayor's Office by pay period due dates. For any

questions on pay period due dates, please contact the County Mayor's Office.

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

## **5.4 Overtime Pay**

In accordance with the Fair Labor Standards Act, Stewart County Government will either pay the employee overtime or grants nonexempt employees compensatory time off instead of payment for the time worked in excess of his/her standard workweek. Compensatory time will be granted at time and one-half for all time worked in excess of forty (40) hours. Emergency personnel departments may accrue overtime on a different basis, allowable by law. Please speak with your immediate supervisor on overtime policies if you are in an emergency personnel position.

Overtime is calculated based on time worked, not time compensated. Time not worked (e.g., sick pay, vacation pay, jury duty pay, or similar compensation for non-worked days) does not count toward the forty (40) hours of worked time. Time not worked (e.g., sick pay, vacation pay, jury duty pay, or similar compensation for non-worked days) that creates a total of hours more than the employee's standard workweek should not be included.

Overtime must be approved in advance. Failing to do so may warrant disciplinary action.

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

Compensatory time is cumulative to a maximum of 240 for all eligible Stewart County Government employees. No hours of compensatory time may be accrued beyond the maximum of 240 hours, except under the following circumstances:

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

In the event that Stewart County declares itself in a State of Emergency or in the event that Stewart County encounters a need to place its EOC into operation and the need to staff such EOC on other operation(s), all salaried Stewart County Employees engaged in the staffing and operations of such, may be paid at their hourly salaried rate from the time the incident/operations begin until time of closure. Said employees shall be eligible and paid over time in accordance with Federal Wage and Labor Requirement. Timesheets must be submitted to the Stewart County Mayor's Office for calculation of any eligible overtime.

All overtime hours must be submitted to the Stewart County Mayor's Office for accurate payroll purposes.

## **5.5 Longevity Pay**

Contingent upon each fiscal year budget being approved and adopted, longevity bonus pay may be included for eligible full-time employees. If applicable in any given fiscal year, longevity bonus pay will be paid out in the month of the employee's full-time anniversary date at \$50 per year of consecutive full-time employment. Note that employees paid under a state grant may or may not be eligible to receive longevity bonus pay and/or their yearly longevity bonus amount could differ from \$50 per year.



Part-time and temporary employees are not eligible to receive longevity bonus pay.

## **5.6 Payroll and Paydays**

Stewart County Government pays its employees on multiple pay periods depending on the department and/or job classification. Some pay dates may occur earlier due to holidays. Please contact the County Mayor's Office for any questions on payroll pay periods or paydays.

# **6 EMPLOYEE BENEFITS**

## **6.1 Benefits Summaries and Eligibility**

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

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

Stewart County Mayor's Office will determine the effective date of coverage for your benefits. Typically, it is the first of the calendar month following thirty (60) days of continuous employment. For example, if you were hired on January 5<sup>th</sup>, coverage would go into effect April 1<sup>st</sup>.

For complete information regarding any of our benefit programs, please refer to the Summary Plan Descriptions, which are provided to you separately during your new employee orientation or you may contact the Stewart County Mayor's Office for another copy.

If you do not receive paychecks to cover the entire month (and have premiums deducted), you may be required to submit a personal check to cover your portion of benefit costs.

## **6.2 Health Insurance, Dental Insurance and Vision Insurance**

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

## **6.3 Identification Cards**

If you enroll in medical or dental benefits, identification cards will be mailed to your home address. If you enroll in vision benefits, your card will be mailed to the Stewart County Mayor's Office and given to you directly by the Mayor's Office. If you should not receive your card, or

lose it, please contact the Stewart County Mayor's Office to request a new identification card.

## **6.4 Life, Accidental Death and Dismemberment Insurance**

The Stewart County Government Group Life Insurance covers all eligible full-time employees. This insurance is payable in the event of the employee's death, in accordance with the policy, while the employee is insured. Accidental death and dismemberment Insurance is also included in the employee's life insurance coverage. The summary plan booklet provided by our insurance company includes details on employee life insurance and accidental death and dismemberment coverage.

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

## **6.5 COBRA Notification**

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

## **6.6 Insurance Deductions**

You are responsible to review your paycheck to ensure the appropriate benefit deductions have been taken. Your medical, dental, vision, life insurance, and any voluntary product deductions will be taken out of twenty-four (24) pay periods per year. If you are an employee paid on a bi-weekly basis, there will be two (2) pay periods each year in which no insurance deductions will be taken.

If you miss a paycheck due to a work absence or unpaid time, you are responsible to contact the Stewart County Mayor's Office to make payment arrangements on those missed deductions or the deductions will be taken on a future paycheck. Insurance providers require payment by the county in advance, so employee insurance deductions are deducted in the month prior to the applicable month of coverage.

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

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

During any period of leave approved, you shall make arrangements with the Stewart County Mayor's Office to pay the cost of other benefits for which you would ordinarily be responsible

during any period of unpaid leave. Payment will be required in advance of the leave date or as soon as practicable after the start of the leave date and will cover the anticipated duration of the leave. The Stewart County Mayor's Office may terminate any benefits for which you have not made appropriate payment after such payment is past due for thirty (30) days. You shall be obligated to repay to Stewart County Government any insurance premiums which the County paid on your behalf.

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

## **6.7 Annual Enrollment/Transfer Period**

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

## **6.8 Workers' Compensation**

You are protected under the State of Tennessee Workers' Compensation Law for injuries and occupational diseases that result "out of and in the course of employment." This includes injuries that take place when you are performing tasks you were hired or directed to perform. If you should experience an on-the job injury or illness you are required to report the incident to your supervisor and the Stewart County Mayor's Office immediately. Your supervisor/department head will coordinate with you to file a report within twenty-four (24) hours of the incident. If you are injured and unable to report immediately, then you should report the incident as soon as possible, as well as any witnesses to the incident.

As part of the Workers' Compensation reporting, you are required to do the following:

- Choose a physician from the panel of primary physicians provided to you by your supervisor, if applicable,
- Keep all appointments with physicians as scheduled or have the appointment rescheduled, if necessary,
- Notify your supervisor and the Stewart County Mayor's Office if the physician tells you not to return to work, to work with restrictions, and when he/she releases you to full duty.
- Give your supervisor and the Stewart County Mayor's Office a copy of Return to Work forms you receive from the physician.

If you require emergency medical treatment, you should use the emergency room at any local hospital. Notification to your supervisor and Stewart County Mayor's Office should be made immediately.

Stewart County Government's Insurance provider has final authority to determine if a claim is accepted as a Workers' Compensation injury or is rejected and should be applied to your medical insurance.

## 6.9 Retirement Plan

Stewart County Government participates in the Tennessee Consolidated Retirement System (TCRS). Membership to the retirement plan is mandatory for all full-time employees and the five percent (5%) employee contribution will begin at the time of full-time employment. Stewart County Government contributes to the retirement fund for all eligible employees. TCRS information is available on the state website at <https://treasury.tn.gov/Retirement/Information-and-Resources/TCRS-Overview-and-Self-Service>

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

If you are considering retirement from Stewart County Government, you should inform your supervisor and the Stewart County Mayor's Office approximately three (3) months before your retirement date.

### 120 Day Contract Provision:

In accordance with T.C.A., Section 8-36-805, retired TCRS members can accept temporary employment without suspension of retirement benefits. The retired member must have been retired 60 days and cannot accrue additional retirement credits as a result of employment.

Additionally, compensation cannot exceed 60% of the retiree's final year's salary plus 5% compounded annually since retirement. Disability retirees are subject to a disability earnings limitation in addition to these limits on the number of days worked and salary.

The department head must approve and then coordinate with the Stewart County Mayor's Office to ensure requirements have been met and that TCRS paperwork is provided to the State prior to start date.

## 7 TIME-OFF BENEFITS

### 7.1 Holiday Policy

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

New Years Day	Columbus Day
Martin Luther King, Jr. Day	Veterans Day
Presidents Day	Thanksgiving Day
Good Friday	Friday after Thanksgiving
Memorial Day	Christmas Eve
Juneteenth	Christmas Day
Independence Day	3 <sup>rd</sup> Christmas Holiday*
Labor Day	New Years Eve

\* *This is a discretionary day for offices to be closed either the day before Christmas Eve or the day after Christmas Day.*

If a holiday listed above falls on a non-business day for a particular county departmental office, the holiday will be observed on the nearest business day before or after the non-business day.

If a holiday listed above falls on a non-business day for a particular county departmental office, but its nearest business day is an observed holiday itself, then the holiday that falls on the non-business day will be observed immediately next to the holiday that falls on a business day (i.e. Christmas Eve that falls on a Sunday would be observed the Tuesday after Christmas Day).

The holiday listing above shall not necessarily apply to public safety employees and public health and welfare employees, as those county departmental offices may have a specific holiday policy due to the nature of their department and hours of operation. Please refer to your supervisor for questions on holiday pay. Any county departmental office that does not follow the observed holiday policies above (i.e., public safety, public health and welfare, etc.) will be required to provide their paid holiday policy to the Stewart County Mayor's Office, and such office will be responsible for the tracking and documentation of holiday pay for their respective employees.

This holiday policy shall not apply to any county employees working under a state or federal grant that has its own specific holiday policy according to state or federal guidelines.

If a holiday falls within your vacation period, the day will be treated as a holiday and not as annual leave.

## 7.2 Vacation Time

Time away from work allows you to pursue personal interest, relax and enjoy outside activities. Stewart County Government encourages employees to take their vacation days each year. Your annual vacation time is based upon the length of continuous full-time service (employment) you have with the County as of your anniversary (hire) date of each year. An employee is not eligible to use vacation time until the employee has completed twelve (12) months of continuous service, at which time five (5) days of vacation will be available. From that point forward, vacation hours will be applied each calendar year on January 1<sup>st</sup> as a lump sum. The following schedule is based upon a 40 hour work week.

Years of Service	Days of Leave
1-2	5
3-9	10
10+	15

Vacation time may *not* be accumulated and carried forward to the next calendar year. Any unused vacation days will be lost if not used prior to the end of the calendar year, which is December 31<sup>st</sup>. In rare circumstances where your supervisor/department head has contacted the Stewart County Mayor's Office by written request with the extenuating circumstances of allowing an employee's vacation balance to carry forward into the next calendar year, the

circumstance will be reviewed and you will be notified by your supervisor if it has been approved.

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

Part-time and temporary employees are not eligible to receive paid vacation days.

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

### 7.3 Sick Leave

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

Sick leave is considered a privilege and not a right. Full time employees will receive full pay for a work day. Sick leave in the amount of twelve (12) work days per year is earned at the rate of one (1) work day per month accrued at the end of the month. Accumulated sick leave has no value except for the purpose granted, and in the event of retirement, accumulated sick leave may be credited toward retirement provided this is permitted under the rules and regulations of the Tennessee Consolidated Retirement System. Otherwise, all unused sick leave shall be forfeited.

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

- An employee's own illness;
- An employee's medical or dental appointment which cannot be accomplished during off-duty hours;
- To care for an employee's child, spouse, parent, or a relative residing in employee's home as a result of an illness;
- To accompany a spouse, child, or parent to medical/dental appointments;
- Enforced quarantine of the employee in accordance with community health regulations;
- Childbirth, adoption, or foster care placement;
- On-the-job injury.

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

The Department of Labor regulations require an employee to be incapacitated for three (3) full

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

Part-time and temporary employees are not eligible to receive paid sick leave.

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

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

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

Any unused sick hours at the end of each calendar year will be carried into the next calendar year.

## 7.4 Bereavement Leave

In the case of an immediate family member's death, you may take up to a maximum of three (3) paid working days to arrange and/or attend the funeral of an immediate family member without charge to your leave time. At the discretion of the Elected Official or Department Head, one (1) paid working day for an *extended* family member may be granted. Any additional time off must first be approved by the employee's supervisor and shall be vacation leave, compensatory time leave, or leave without pay. Immediate family members include:

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

## 7.5 Jury and Witness Duty

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

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

## **7.6 Military Reserves or National Guard Leaves of Absence**

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

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

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

Employees in military service shall be governed by the requirements of, and shall have all of the rights and benefits conferred upon such persons by state law found in T.C.A. Title 8, Chapter 33, and under USERRA.

Leave exceeding this limit may be charged to accrued annual leave, holidays, compensatory time, or the employee may elect to take leave without pay. Employees who elect to utilize leave must submit the request to their supervisor who then must communicate the leave with the Stewart County Mayor's Office.

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

In accordance with Section 4317 (b) / 20 CFR 1002.168 of USERRA mandating regular, full-



time employee's benefits be reinstated immediately upon reemployment, all returning military personnel must report to the Stewart County Mayor's Office as soon as possible to complete benefit enrollment.

## 7.7 Family/Medical Leaves of Absence

All employees who: 1) have been employed by Stewart County Government for at least twelve (12) months, and 2) have been employed for at least 1,250 hours of service during the twelve (12) month period immediately preceding the commencement of the leave, shall be entitled to benefits under the Family and Medical Leave Act (FMLA). Eligible employees should provide as much notice as possible, but at least a thirty (30) day notice, of their intention to take FMLA. Notice should be made to the Stewart County Mayor's Office. In emergency situations, less notice may be given. Employees entitled to FMLA may take up to a total of twelve (12) weeks of leave per year:

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

### Military Caregiver Leave

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

### Leave Duration

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

*For example:*

- An employee who becomes eligible for FMLA on September 1, 2020 does not have an

established FMLA twelve (12) month period until the employee requests this leave for a particular purpose.

- Pursuant to an appropriate first request, the above employee goes on a FMLA on January 15, 2021. This employee's twelve (12) month leave period runs from January 15, 2021 to January 14, 2022. On January 15, 2022, or any date thereafter, the employee is eligible for a second twelve (12) weeks of FMLA, provided that the employee has worked 1250 hours during the previous twelve (12) months.

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

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

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

### **Intermittent Leave**

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

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

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

- For example, one who takes intermittent leave under this policy, who normally works a five (5) days a week schedule and who takes one day of leave under this policy will use one-fifth of one week of leave available. With this intermittent schedule, the employee could take one day (one-fifth of a week) for up to fifty-two (52) weeks (or one year) to get the full twelve (12) weeks of FMLA.
- Under a reduced schedule for FMLA, if a full-time employee who regularly works five(5) days a week must take off one half of the workweek, one half week (or two and one half days) of leave under this Policy is used each week. Thus it could take the employee up to twenty-four (24) weeks to use the entire entitlement of FMLA.
- An exempt employee taking FMLA by the hour is not a violation of the employee's exempt status under the Fair Labor Standards Act.

If leave is taken on an intermittent or reduced work schedule, the County retains the discretion

to transfer the employee temporarily to an alternative position with equivalent pay and benefits that better accommodates the employee's leave schedule.

### **Notification Procedure**

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

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

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

### **Pay During Leave**

All FMLA absences are unpaid. However, you may take any paid leave available under the provisions and limitations of Sick Leave, accrued compensatory time under the provisions of Compensatory Leave, and choose to exhaust any paid Annual Leave available under the provisions of Annual Leave and then shall be in a leave without pay status for the balance of the twelve (12) week leave period. Any sick and/or annual leave time taken will be regarded as part of FMLA leave.

You will continue to accrue sick and annual leave time during an approved FMLA leave of absence.

Your supervisor will be responsible for submitting timesheets to the Stewart County Mayor's Office during your FMLA absence, and you need to coordinate with your supervisor on any use of paid leave being documented on the timesheet during your FMLA absence. If timesheets are not submitted to the Stewart County Mayor's Office during the FMLA absence for payroll purposes, the county has discretion to exhaust any sick leave, accrued compensatory time, and paid annual leave available of the employee during the time of FMLA absence.

### **Benefits Coverage and Premiums during Leave**

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

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

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

### **Return to Work**

It is your responsibility to timely respond to any inquiry concerning your intention to return to work and to advise the County, specifically your supervisor and the Stewart County Mayor's Office, as soon as you know that you will not be returning to work.

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

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

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

If you are unable to return to work on the estimated date, you must notify your supervisor and the Stewart County Mayor's Office prior to the return date and must obtain a new statement with another estimated or firm date of return. If you fail to notify Stewart County Government or furnish this statement you may be subjected to disciplinary action up to and including discharge.

An employee who returns from FMLA within twelve (12) weeks from the commencement of the leave is entitled to be returned to the same position the employee held when leave

commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

The Department of Labor Notice of Rights can be found in Appendix 9.1. For additional information concerning FMLA, employees should consult with the Stewart County Mayor's Office.

## **7.8 Paid Personal Leave or Administrative Leave**

At the discretion of the Elected Official or Department Head, paid personal leave or administrative leave may be granted. Each department head/Elected Official may grant to an employee paid personal leave not to exceed a maximum of two (2) work days per fiscal year. The county's fiscal year is July 1<sup>st</sup> to June 30<sup>th</sup>. This is done at the sole discretion of the department head. Personal leave days should be reported on the employee's timesheet when submitted to the Stewart County Mayor's Office. Personal leave days may *not* be accumulated and carried forward to the next fiscal year. Part-time and temporary employees are not eligible to receive paid personal leave.

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

**8 ACKNOWLEDGMENT**

I, \_\_\_\_\_ acknowledge that I have received a copy and/or link to the Stewart County Government Employee Handbook, and I do commit to read and follow these policies.

I am aware that if, at any time, I have questions regarding Stewart County Government policies I should direct them to my supervisor or the Stewart County Mayor's Office.

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

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

\_\_\_\_\_  
Employee's Printed Name

\_\_\_\_\_  
Position

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

\_\_\_\_\_  
Date

Stewart County may change, delete, suspend or discontinue parts or the policy in its entirety, at any time without prior notice. In the event of a policy change, employees will be notified. Any such action shall apply to existing as well as to future employees.

## 9 APPENDICES

## 9.1 Notice of Rights (FMLA)

### EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

#### Basic Leave Entitlement

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

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

#### Military Family Leave Entitlements

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

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness<sup>2</sup>; 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.<sup>3</sup>

#### THE FMLA DEFINITION OF "SERIOUS HEALTH CONDITION".

#### Benefits and Protections

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

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

#### Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months<sup>4</sup>, and if at least 50 employees are employed by the employer within 75 miles.

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

#### Definition of Serious Health Condition

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

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

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

#### Use of Leave

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

#### Substitution of Paid Leave for Unpaid Leave

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

#### Employee Responsibilities

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

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

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

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

#### Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

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

#### Enforcement

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

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

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



For additional information:  
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627  
[WWW.WAGEHOUR.DOL.GOV](http://WWW.WAGEHOUR.DOL.GOV)

U.S. Department of Labor | Wage and Hour Division



WHD Publication 1420 - Revised February 2013



## 9.2 Drug Free Workplace Substance Abuse Policy

It has been estimated that American companies spend over one hundred billion dollars each year on the consequences of substance abuse in the workplace. This considerable amount of money covers the costs of absenteeism, accidents and equipment damage, as well as the increased medical costs and insurance premiums that accompany such events.

We know for example, that health insurance costs for employees with alcohol problems are about twice those of other employees. It has also been estimated that employees who abuse alcohol or drugs have two times as many accidents, three times as many vehicular accidents, and use three times as much sick time as those who do not.

The financial cost of substance abuse is substantial; however, the emotional impact of losing a friend, co-worker, or family member to drugs or alcohol is even greater. In fact, there is no way to calculate the enormity of this kind of loss.

Each of us reacts differently to drugs and alcohol, but one thing is clear – these substances affect our judgment and our ability to perform. The danger of abusing these substances becomes especially clear when you add a motor vehicle to this picture.

To maintain a drug-free work force and to eliminate the safety risks, lost time and reduced productivity that results from the use and the influence of alcohol and/or drugs in the workplace, Stewart County Government, hereafter call Company, has adopted a substance abuse policy. The intention of this policy is to make the Company a safer and better place to work.

This policy is designed to be in compliance with the Tennessee Drug-Free Workplace statutes, which are intended to discourage drug and alcohol use in the workplace. Employees who choose to engage in drug and alcohol abuse face the risk of unemployment and the forfeiture of worker's compensation benefits. (Ref. T.C.A. Section 50-9-101)

### **POLICY STATEMENT:**

The use, possession, purchase, sale or manufacture of alcohol, illegal drugs, or non-prescribed drugs or being under the influence of alcohol, illegal drugs, or non-prescribed drugs while on Company property, while operating Company owned or leased vehicles, or while engaging in Company business is strictly prohibited.

### **SCOPE:**

#### **Employees Subject to Testing:**

All employees of Stewart County Government will be subject to testing.

#### **Alcohol:**

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

No employee shall report for work or remain at work while having an alcohol concentration of 0.04 or greater. Possession of alcoholic beverages at the work site is prohibited.

No employee shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment.

No employee shall report for work within four hours after using alcohol.

No employee required to take a post-accident test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

Controlled Substance:

The Tennessee Workers' Compensation Reform Act of 1996 allows for testing pursuant to drug testing regulations adopted by the United States Department of Transportation, which includes amphetamines, cannabinoids, cocaine, opiates and phencyclidine.

No employee shall report for work or remain at work when the employee uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely perform his or her work function.

No employee shall report for work, or remain at work if the employee tests positive for controlled substances, subject to the exception in the preceding statement.

Prescribed Medications:

All employees taking prescribed medications that could impair their ability to safely perform their work function, must report this to their immediate supervisor or substance abuse manager as directed by this policy.

**QUALIFICATIONS FOR EMPLOYMENT AND PROHIBITED CONDUCT:**

Prohibited Conduct:

Company prohibits any alcohol misuse and/or any drug use that could affect performance of employee's job functions, including:

Alcohol:

1. Use is prohibited during working hours.
2. Use is prohibited 4 hours prior to time scheduled on the job.
3. Reporting for work or remaining at work with an alcohol concentration of 0.04 or greater is prohibited.
4. Possession of alcohol unless, the alcohol is manifested and transported as part of a shipment is prohibited.
5. Use during the 8 hours following an accident, or until he/she undergoes a post-accident test is prohibited.
6. Refusal to take a required alcohol test is interpreted as a positive alcohol test result.

NOTE: An employee found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety sensitive functions for at least 24 hours. (Safety Sensitive functions are defined below.)

Safety Sensitive functions are defined as: driving a Company owned or leased vehicle; operating motorized mobile equipment such as a forklift, a backhoe, etc.

Controlled Substance:

1. Use of any drug, except by doctor's prescription, and then only if the doctor has advised the employee that the drug will not adversely affect the employee's ability to safely perform his or her job function is prohibited.

Employee is required to advise his/her supervisor of the use of any prescription medication, over-the-counter medication, or other substance which displays a warning advising the user of a danger of drowsiness or any possible impairment to mental ability or physical dexterity.

2. Refusal to take a required test is interpreted as a positive controlled substance test result.

#### Consequences and Disqualifications:

1. The employee shall not perform or be permitted to perform, a work function if any of the above listed prohibitions are violated.

The following is the Company's return to work policy following confirmation of an employee's employment history "first" positive drug or alcohol test: (referred to as offending employee)

- Offending employee will be referred to a Substance Abuse Professional (SAP) for evaluation and suspended from work, without pay, until offending employee completes the recommended treatment program as directed by the SAP. Offending employee will forfeit all benefits related to that time period.
- Following the successful completion of the treatment program (as directed by the SAP) and the suspension period, and at Company's sole discretion, offending employee may be allowed to return to work, provided he/she is determined to be fit and capable of performing all essential job functions of their position in a safe and productive manner. The offending employee must be released by the SAP in order to return to work. The Company will require "Return to Duty Testing" as described herein. The offending employee must provide all documentation from the SAP.
- The re-instated offending employee's employment status will be considered probationary until he/she has completed twelve (12) months of continuous employment, following the reinstatement, without incidence of further drug or alcohol abuse. The re-instated employee shall be subject to "Follow-up Testing" as described in this policy. All costs associated with follow-up testing will be the offending employee's responsibility, including loss of pay for time off, and any related benefits to the period absent.
- An offending employee, who again (for a second time) violates Company Drug-Free Workplace/Substance Abuse Policy at any time following their initial first violation, shall be immediately terminated from Company employment.

**IT IS IMPERATIVE THAT COMPANY EMPLOYEES BOTH RECOGNIZE AND UNDERSTAND THAT THE VIOLATION OF THIS POLICY MAY RESULT IN BOTH LOSS OF COMPANY EMPLOYMENT AND DENIAL OF WORKER'S COMPENSATION BENEFITS RELATING TO WORK RELATED ACCIDENTS AND INJURIES.**

2. Any employee violating these prohibitions will be referred to a Substance Abuse Professional (SAP) for evaluation, or to an Employee Assistance Program (EAP) for treatment, and will be subject to discipline up to or including termination, regardless of employment status. The cost of any evaluation or treatment resulting from the Company's referral to a SAP or a EAP will be paid for by the employee, and any required time off work would not be compensated by the Company, and benefits relating to the period absent will be forfeited. Please refer to Company's "Leave of Absence Policy".

#### **TESTING CIRCUMSTANCES:**

##### Pre-Employment Testing:

All applicants for positions at the Company will be directed to submit to a Controlled Substance test.

A drug test will be conducted during the pre-employment process and a negative drug test result must be received before employment begins.

#### Post-Accident Testing:

If any employee is involved in an accident, which, causes an injury to himself/herself or another person sufficient to require treatment for the injury and is OSHA recordable, that employee will be required to submit to an alcohol and controlled substances test. This will also apply to any employee/driver of a Company owned or leased vehicle (Safety Sensitive) involved in any vehicular accident during normal working hours, regardless of personal injury. Testing will be administered immediately following the accident or as soon as medically and legally possible.

The alcohol test must be administered within two (2) hours following the accident and in no case shall more than eight (8) hours elapse before the test is administered. It is the employee's responsibility to notify the Company immediately to ensure actions are taken to meet the testing requirements.

The employee must refrain from using alcohol for eight (8) hours following the accident, or until he/she submits to an alcohol test, whichever comes first.

The drug test must be administered within thirty-two (32) hours following the accident. The employee must remain available for testing, or the Company will consider the employee to have refused to submit to testing.

NOTE: Nothing in this requirement should be construed as to require the delay of necessary medical attention for injured people following an accident.

#### Random Testing:

All employees of the Company may be subject to random testing for controlled substances and alcohol. Random testing will be done on percentage basis in a fair and equitable manner.

Selection of employees for a computer-based random number generator will make random testing that is matched with employees' social security numbers. Each time a random selection is made, every employee will have an equal chance of being selected. Random tests will be unannounced and spread reasonably throughout the year. Employees, when notified that they have been selected for random testing, will proceed immediately to the collection site.

#### Reasonable Suspicion Testing:

Any employee while on Company property, while operating a Company vehicle, or while engaging in Company business, who acts in an abnormal manner sufficient to cause reasonable suspicion that he/she has violated this policy, will be required to submit to an alcohol and/or a controlled substance test upon the approval and direction of any authorized Company supervisor who has received the required Drug-Free Workplace Program supervisory training. This may include certain designated Company Officers, Company Field Superintendents and members of the Company's Operations Management or Project Management Teams.

#### Return to Duty Testing:

Any employee based on Company approval, that is allowed to return to duty following referral, evaluation and treatment as a result of a positive alcohol or drug test will be required to submit to a return-to-duty alcohol and/or controlled substance test. An alcohol concentration of less than 0.02 and a negative drug test will be required before a return-to-duty decision is made.

### Follow-Up Testing:

In the event an employee is allowed to return to duty following referral, evaluation and treatment, a minimum of one (1) unannounced alcohol and/or drug tests will be required during the next twelve (12) months of employment. Follow-up testing may continue for up to sixty (60) months following return to duty at the Company's discretion, based on recommendations from the Substance Abuse Professional, if applicable.

Alcohol and controlled substance testing may be performed at any time the employee is at work for the Company.

### ALCOHOL TESTING METHODOLOGY:

#### Breath Alcohol Technician (BAT):

Alcohol testing will only be performed by a certified Breath Alcohol Technician (BAT) trained and certified in the principles of Evidential Breath Testing Devices (EBT) methodology, operation, and calibration checks; the fundamentals of breath analysis for alcohol content; and the procedures required for obtaining a breath sample, and interpreting and recording EBT results.

#### Evidential Breath Testing Devices (EBT):

Alcohol testing will only be performed using evidential breath testing devices (EBT's) approved by the National Highway Traffic Safety Administration (NHTSA).

Alcohol testing must be performed by either a Certified BAT employed by the Company or an outside BAT. All alcohol testing will be conducted in a location that affords visual and aural privacy to the individual being tested. Unauthorized persons will not be permitted access to the testing location when a test is in progress.

### ALCOHOL TESTING PROCEDURES:

Using the Evidential Breath Testing Device, the certified Breath Alcohol Technician will open an individually sealed mouthpiece and attach it to the EBT. The employee will be instructed to blow into the mouthpiece forcefully until an adequate amount of breath has been obtained.

The EBT will record the result and display it on the device and print the result immediately. The result will be recorded on the Breath Testing form and attached to the form with tamper proof tape.

When the result is less than 0.02, no further testing is authorized and the result will be transmitted to the Company in a confidential manner and will be stored to ensure confidentiality is maintained.

When the result is 0.02 or greater, a confirmation test must be performed to verify the initial test. The confirmation test will be conducted no less than fifteen (15) minutes and no more than twenty (20) minutes after the initial test. In the event the initial and confirmation test results are different, the confirmation test result is deemed to be the final result upon which any action under the terms of this policy shall be based.

Following the completion of the test, the BAT will date the form and sign the certification on the form. The employee will sign the certification and fill in the date on the form. This ensures that each employee is attesting to the fact that the reported result is specific to the employee.

Refusal to test will be treated the same as if the result is 0.04 or greater. The Company will maintain alcohol and drug test results in a secure and confidential manner, so that disclosure of information to unauthorized persons does not occur. Employee information shall only be released as required by law or as expressly

authorized.

- An employee shall have access to any of his/her alcohol and drug testing records upon written request.
- When requested, the Company shall disclose post-accident testing information to the National Transportation Safety Board as part of an accident investigation.
- The Company will make records available to a subsequent employer upon receipt of a written request from the employee.
- The Company may disclose information to the employee or to the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual. This may include worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.

If an employee attempts but fails to provide an adequate amount of breath, the Company will be immediately notified and will direct the employee to obtain, as soon as practical, an evaluation from a licensed physician who is acceptable to the Company concerning the employee's medical ability to provide an adequate amount of breath. If the physician determines that there is a medical reason that prevents the employee from providing an adequate amount of breath, he/she will provide the Company with a written statement of the basis for his or her conclusion. If the physician determines there is no medical reason to prevent the employee from providing an adequate amount of breath, he/she will provide the Company with a written statement of the basis for his or her conclusion and it will be regarded as a refusal to take the test. The terms of this policy will then be administered.

#### **SPECIMEN COLLECTION PROCEDURES:**

Specific guidelines will be followed in urine specimen collections for the purpose of drug testing. In accordance with the Department of Health and Human Services (DHHS) guidelines, a clear and well-documented procedure for collection, shipment and accession of urine specimens from the Company to the laboratory has been established. Procedures will account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.

The Company may choose to do urine specimen collections in-house or utilize the services of an outside source, which may be a doctor's office, clinic, hospital or other facility that meets security requirements as specified by DHHS guidelines. The collection site will be a secure location to allow for maximum privacy, which includes a toilet for completion of urination, a source of water for washing hands excluded from the area provided for urination.

No other person will be present or gain access to the collection area during the collection process. All specimens must remain in the direct control of the collection site person. No one other than the collection site person may handle specimens prior to their being placed securely in the mailing container. When reporting to a collection site for specimen collection, each employee will be required to provide a photo I.D. Employees will be asked to remove all unnecessary outer garments (i.e., coat or jacket) and secure all personal belongings (individual may retain his/her wallet).

Employees will be allowed to provide his/her specimen in the privacy of a stall.

If the collection site person believes tampering or adulteration has occurred, a second specimen shall be collected immediately under the direct observation of a same-gender collection site person. Both samples will be sent to the lab.

Refusal to test will be handled the same as a verified positive result.

In all cases the employee and the collection site person shall keep the specimen in view at all times prior to being sealed and labeled. The specimen will be labeled with tamperproof seals and the employee will sign

appropriate places on the Chain of Custody and initial the seal on the bottle attesting to the fact that the specimen is specific to the individual providing the sample.

### **TESTING METHODOLOGY:**

Only laboratories certified by the Department of Health and Human Services (DHHS) will be used for drug urinalysis.

Every specimen is required to undergo an initial screen followed by confirmation of all positive screen results. This screen-confirmation process utilizes highly sophisticated techniques to detect minute levels of prohibited substances in urine.

#### **Reporting of Results:**

The laboratory is required to report the test results directly to the Company's Medical Review Officer (MRO) within five (5) working days. The report shall indicate the drug/metabolites tested for, whether the results are positive or negative, the specimen number assigned by the Company and the drug testing laboratory identification number.

#### **Review of Results/MRO:**

The medical review officer (MRO) is a licensed physician and possesses knowledge of drug abuse disorders. The MRO may be an employee of the Company or one contracted to provide the services required. The MRO will review and interpret positive results obtained from the laboratory. The MRO through a verification process will assess and determine whether alternate medical explanations could account for the positive test results. The MRO may conduct medical interviews of the employee, review the employee's medical history and review any other relevant bio-medical factors. Additionally, the MRO will examine all medical records and data made available by the tested individual, such as evidence of prescribed medications.

The MRO will give the individual testing positive an opportunity to discuss the test results prior to making a final decision. After the final decision is made, the MRO will notify the Company as prescribed below.

If during the course of an interview with an employee who has tested positive, the MRO learns of a medical condition, which could, in the MRO's reasonable medical judgment, pose a risk to safety, the MRO may report that information to the Company.

The MRO will notify each employee who has a confirmed positive test that the employee has seventy-two (72) hours in which to request a test of the split specimen. If the employee makes such a request, the MRO will direct, in writing, the laboratory to provide the specimen to another certified laboratory for analysis. If the analysis of the specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the specimen is unavailable, inadequate for testing, or untestable, the MRO will cancel the test and report cancellation and the reasons for it to the Company and the employee. A request for re-testing of the sample and associated costs are the responsibility of the employee.

If the MRO, after making and documenting all reasonable efforts, is unable to contact the tested person, the MRO will contact a designated management official of the Company to arrange for the employee to contact the MRO prior to going off duty. If within five (5) days after a documented contact by designated management official of the Company instructing the employee to contact the MRO, the employee has not done so, the MRO will verify the test positive and report it to the Company.

### **DISCIPLINE AND CONSEQUENCES:**

#### **Pre-Employment/Pre-Duty:**

An applicant for employment with a verified positive controlled substance test result will be denied employment.

Reasonable Suspicion/Cause: (See Return to Work Policy steps, after first incidence, discussed previously)

Any employee of the Company subject to the terms of this policy, as a result of reasonable suspicion/cause testing, with a verified positive controlled substance test result and/or an alcohol breath test with a confirmed test result of 0.04 or greater will be subject to disciplinary action up to or including termination. If terminated, the employee will be referred to a qualified Substance Abuse Professional or to an Employee Assistance Program (EAP).\*

If the confirmed alcohol breath test result is 0.02 or greater, but less than 0.04, the employee will be subject to disciplinary action including, but not necessarily limited to, a twenty-four (24) hour suspension followed by a retest of the employee's Breath Alcohol content at his or her expense.

When an employee appears to be visibly impaired, and is directed to submit to testing under this Reasonable Suspicion policy provision, the impaired employee will not be allowed to drive to the testing collection site.

Post-Accident: (See Return to Work Policy steps, after first incidence, discussed previously)

Any employee of the Company subject to the terms of this policy, as a result of a post-accident test, with a verified positive controlled substance test result and/or a confirmed alcohol breath test with a confirmed test result of 0.04 or greater, will be subject to disciplinary action up to or including termination. If terminated, employee will be referred to a qualified Substance Abuse Professional, or to an Employee Assistance Program.\*

If the confirmed alcohol breath test result is 0.02 or greater, but less than 0.04; the employee will be subject to disciplinary action including, but not necessarily limited to, a twenty-four (24) hour suspension followed by a retest of the employee's Breath Alcohol content at his or her expense.

The employee required to drug or alcohol test in a post-accident scenario will be allowed to drive to the testing collection site, if they appear to be capable.

Random: (See Return to Work Policy steps, after first incidence, discussed previously)

Any employee of the Company subject to the terms of this policy, as a result of a random test, with a verified positive controlled substance test result; will be subject to disciplinary action up to or including termination. If terminated, employee will be referred to a qualified Substance Abuse Professional, or to an Employee Assistance Program.\*

Return to Duty: (See Return to Work Policy steps, after first incidence, discussed previously)

In all cases with a verified positive controlled substance test result and/or a confirmed alcohol breath test result, the employee will be referred to a Substance Abuse Professional (SAP) for evaluation, or to an Employee Assistance Program (EAP) for treatment.\* The referral to the SAP or to the EAP applies even if the employee is terminated.

**\*The cost of any evaluation or treatment resulting from the Company's referral to a SAP or an EAP will be paid for by the employee, and any required time off work would not be compensated by the Company, and benefits relating to the period absent will be forfeited. Please refer to Company's "Leave of Absence Policy" in the Employee Handbook.**



Supervisory Training as required will be provided to all supervisors. If an employee should approach the Company for assistance through rehabilitation for drug abuse or alcohol abuse prior to a testing request by the Company, all possible and positive consideration for a medical leave of absence, without pay and related benefits, for treatment and/or counseling will be pursued.

Preservation of Rights Statement:

The Company is solely responsible for the content and administration of this Drug-Free Workplace Program/Substance Abuse Policy and reserves the absolute right to interpret, change, rescind, or depart from this policy in whole or in part with appropriate notice to its employees.

## DRUG FREE WORKPLACE SUBSTANCE ABUSE POLICY CONSENT FORM

I have read and understand Stewart County Government's Drug Free Workplace Substance Abuse Policy, which is based upon the Tennessee Drug-Free Workplace Program, on Alcohol and Drug Testing for all employees. I understand that my failure to comply with this policy may result in my employment termination, and in the loss of Worker's Compensation benefits for work related injuries, and I agree to abide by the policy and the consequences of my own actions as they relate to this policy. I release the medical review officer from the confidentiality rule and allow him/her to discuss the results of any positive tests with authorized company officials.

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

\_\_\_\_\_  
Date

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## STEWART COUNTY GOVERNMENT

### DRUG FREE WORKPLACE SUBSTANCE ABUSE POLICY ACKNOWLEDMENT FORM

No employee shall unlawfully manufacture, distribute, dispense, possess or use on or in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in federal law. "Workplace" shall include any county owned building or premise; or any county owned or leased vehicle; or during any county event or function.

As condition of employment, each employee shall notify his supervisor of his conviction of any criminal drug statute for violation occurring in the workplace as defined above no later than five (5) days after conviction.

Any employee who violates the terms of this policy shall be suspended and shall be subject to dismissal.

The county mayor and the county highway superintendent shall be responsible for providing a copy of this policy to all employees that fall under their direction. The employees shall sign that they received, read and understand the above policy as a condition of their employment.

I, \_\_\_\_\_, certify that I have received, read, and understand the above policy and that I will abide by this policy as a condition of my employment with Stewart County Government.

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Employee Signature

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Date

## 9.3 Code of Ethics – Stewart County, Tennessee

### SECTION 1. DEFINITIONS.

(1) "County" means Stewart County, which includes all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the county or an official of the county, and specifically including the county school board, the county election commission, the county health department, and utility districts in the county.

(2) "Officials and employees" means and includes any official, whether elected or appointed, officer, employee or servant, or any member of any board, agency, commission, authority or corporation (whether compensated or not), or any officer, employee or servant thereof, of the county.

(3) "Personal interest" means, for the purpose of disclosure of personal interests in accordance with this Code of Ethics, a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

### SECTION 2. DISCLOSURE OF PERSONAL INTEREST IN VOTING MATTERS.

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

### SECTION 3. DISCLOSURE OF PERSONAL INTEREST IN NON-VOTING MATTERS.

An official or employee who must exercise discretion relative to any matter other than casting a vote and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on the attached disclosure form and file the disclosure form with the county clerk. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

### SECTION 4. ACCEPTANCE OF GIFTS AND OTHER THINGS OF VALUE.

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

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing county business.

It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of county government officials or by an umbrella or affiliate organization of

such statewide association of county government officials.

#### SECTION 5. ETHICS COMPLAINTS.

A County Ethics Committee (the "Ethics Committee") consisting of seven members shall be appointed to one-year terms by the County Mayor with confirmation by the county legislative body, to be appointed each year at the same time as internal committees of the county legislative body. At least one member of the committee shall be a county employee; one member shall be a member of the commission; and the remainder shall be non-government affiliated county residents. The Ethics Committee shall convene as soon as practicable after their appointment and elect a chair and a secretary. The records of the Ethics Committee shall be maintained by the secretary and shall be filed in the office of the county clerk, where they shall be open to public inspection.

Questions and complaints regarding violations of this Code of Ethics or of any violation of state law governing ethical conduct should be directed to the chair of the Ethics Committee. Complaints shall be in writing and signed by the person making the complaint, and shall set forth in reasonable detail the facts upon which the complaint is based.

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

The Committee may:

- (1) refer the matter to the County Attorney for a legal opinion and/or recommendations for action;
- (2) in the case of an official, refer the matter to the county legislative body for possible public censure if the county legislative body finds such action warranted;
- (3) in the case of an employee, refer the matter to the official responsible for supervision of the employee for possible disciplinary action if the official finds discipline warranted;
- (4) in a case involving possible violation of state statutes, refer the matter to the district attorney for possible ouster or criminal prosecution;

The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this Code of Ethics. When a violation of this Code of Ethics also constitutes a violation of a personnel policy or a civil service policy, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this Code of Ethics.

#### SECTION 6. APPLICABLE STATE LAWS.

In addition to the ethical principles set out in this Code of Ethics, state laws also provide a framework for the ethical behavior of county officials and employees in the performance of their duties. Officials and employees should familiarize themselves with the state laws applicable to their office or position and the performance of their duties. To the extent that an issue is addressed

by state law (law of general application, public law of local application, local option law, or private act), the provisions of that state law, to the extent they are more restrictive, shall control. Following is a brief summary of selected state laws concerning ethics in county government. For the full text of these statutes, see the Tennessee Code Annotated (T.C.A.) sections indicated.

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

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

**Conflict of Interest** – T.C.A. 49-6-2003 applies to the department of education in all counties and prohibits direct and indirect conflicts of interest in the sale of supplies for use in public schools.

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

**Conflict of Interest** – T.C.A. 54-7-203 applies in all counties that are governed by the County uniform Highway Law. It prohibits officials and employees in the highway department and members of the county legislative body from having any personal interest in purchases of supplies, materials, machinery, and equipment for the highway department.

**Conflict of Interest** – T.C.A. 5-14-114 applies in counties that have adopted the County Purchasing Law of 1957. It prohibits the purchasing agent, members of the purchasing commission, and all county officials from having any financial or other personal beneficial interest in any contract or purchase of goods or services for any department or agency of the county.

**Conflict of Interest** – T.C.A. 5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits all county officials and employees from having any financial or other personal beneficial interest in the purchase of any supplies, materials or equipment for the county.

**Conflict of Interest** – T.C.A. 5-5-102 and 12-4-101 govern disclosures and abstentions from voting due to conflicts of interest of members of county legislative bodies.

**Conflict of Interest Disclosure Statements** – T.C.A. 8-50-501 and the following sections require candidates and appointees to local public offices to file a disclosure statement with the state ethics commission listing major sources of income, investments, lobbying activities, professional services provided, bankruptcies, certain loans, and other information, and to keep these statements up to date.

**Gifts** – T.C.A. 5-14-114 applies in counties that have adopted the County Purchasing Law of 1957. It prohibits the purchasing agent, members of the purchasing commission, and all county officials from receiving anything of value, directly or indirectly, from anyone who may have or obtain a contract or purchase order with the county.

**Gifts** – T.C.A. 5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits the finance director, purchasing agent, and employees in those departments from accepting anything of value, directly or indirectly, from anyone who furnishes

supplies, materials or equipment to the county.

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

Private Use of Public Property – T.C.A. 54-7-202 applies in counties that are governed by the County uniform Highway Law. It prohibits the private use of equipment, rock, and other highway materials.

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

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

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

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

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

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

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

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

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

Ouster Law – T.C.A. 8-47-101 sets out conduct that is punishable by ouster from office, including misconduct in office and neglect of duty.

STEWART COUNTY CODE OF ETHICS  
CONFLICT OF INTEREST DISCLOSURE STATEMENT

**Instructions:** This form is for reporting personal interests required to be disclosed under Section 3 of the Code of Ethics of this county. Officials and employees are required to disclose personal interests in matters that affect or would lead a reasonable person to infer that it would affect the exercise of discretion of an official or employee.

1. Date of Disclosure: \_\_\_\_\_

2. Name of Official or Employee: \_\_\_\_\_

3. Office and Position: \_\_\_\_\_

4. Description of Personal Interest (describe below in detail):

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Signature of Official or Employee

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Printed Name of Witness