

**BASE**

**PERSONNEL POLICIES FOR**

**SUPERINTENDENT OF ROADS**

**OF MARSHALL COUNTY,**

**TENNESSEE**

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**BASE PERSONNEL POLICIES  
FOR SUPERINTENDENT OF ROADS  
OF MARSHALL COUNTY, TENNESSEE**

**1. ADOPTION OF BASE PERSONNEL POLICIES**

Pursuant to Public Chapter 361 of the Public Acts of 1997 adopted by the Tennessee General Assembly, now codified as T.C.A. Section 5-23-101, et seq., the undersigned, Superintendent of Roads of Marshall County, Tennessee, does hereby adopt the following base personnel policies that will apply to employees of the Office of Superintendent of Roads as provided hereinafter.

There are also additional Base Personnel Policies, which apply to employees of MARSHALL COUNTY, TENNESSEE, attached as Addendum No. 3 (Code of Ethics) and Addendum No. 4 (Drug-Free Workplace Substance Abuse Policy for Marshall County Government

**2. EMPLOYMENT-AT-WILL**

Nothing contained in these policies shall create or give rise to any contractual rights, or obligations between the County and its employees. Nothing stated herein is intended to create a contract of employment or to affect the employment-at-will status of any employee. No policy, benefit, or procedure contained herein creates an employment contract for any period of time. All employees will be considered employees-at-will. This means that employees are free to resign their employment with the County at any time for any reason or no reason, with or without cause and with or without notice. Similarly, the County may terminate the employment relationship at any time, with or without cause and with or without notice, such as for failure to satisfactorily perform their duties or simply at the will of the employer, but employees shall not be terminated for a discriminatory or illegal purpose.

**3. OPEN DOOR / PROBLEM RESOLUTION**

It is the policy of the County to support and encourage the resolution of concerns of employees internally and informally if possible.

If you have concerns about any work-related issue, you are strongly encouraged to voice these concerns openly and directly to your immediate supervisors. If you are not satisfied with resolution with your immediate supervisor, the Superintendent of Roads should be notified. If the immediate supervisor or Superintendent of Roads is unavailable or the

employee believes it would be inappropriate to contact those persons, you may contact the County Mayor at 931-359-1279 or the Director of Human Resources at 931-422-2314. Management will make every effort to aid in the resolution of problems or disputes in a manner that is prompt, effective and impartial – based upon all the facts and circumstances.

Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and the work environment can be positive. We believe that the County amply demonstrates its commitment to employees by responding effectively to employee concerns.

Please note that in cases of alleged violations of our Equal Employment Opportunity Policy, our Anti-Harassment Policy and our Anti-Retaliation Policy, employees should follow the complaint procedures outlined in those policies.

#### **4. CODE OF ETHICS**

As required by the Ethics Reform Act, effective April 23, 2007, Marshall County has adopted a Code of Ethics which applies to Officials and Employees of the County. A copy of the Code of Ethics, which follows the Model of Ethical Standards developed by the County Technical Assistance Service, is set out in Addendum No. 3.

#### **5. NON-DISCRIMINATION, ANTI-HARRASSMENT AND ANTI-RETALIATION POLICIES**

##### **A. NON-DISCRIMINATION — EQUAL EMPLOYMENT OPPORTUNITY**

Marshall County is an equal opportunity employer. To provide equal employment and advancement opportunities to all qualified employees and applicants for employment, employment decisions at the County will be based on merit, qualifications, and abilities. It is the policy of Marshall County to prohibit discrimination on the basis of race, color, religion, gender (including pregnancy, childbirth, and related medical conditions), national origin, age (40 and over), disability, genetic information, citizenship, status as a veteran or special disabled veteran, or status in any other group protected by law. This policy extends to all terms and conditions of employment, including but not limited to hiring practices, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, training and benefits. This policy applies to unlawful discrimination by any means including but not limited to, in person, through the use of e-mail, voicemail telephone, audio or video devices and/or other electronic means, and computer or hard-copy documents. It is the policy of Marshall County to make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in undue

hardship.

Employees or applicants with questions or concerns about this policy or who believe any type of discrimination may be occurring in the workplace are encouraged to immediately bring these issues to the attention of their department head, or the Director of Human Resources, the County Mayor in accordance with the Anti-Discrimination/Harassment/Retaliation Complaint Procedure detailed in Section 5.D, below. Employees and applicants will not be discriminated or retaliated against for making good faith allegations of an unlawful employment practice or for participating in an investigation of such an allegation.

Do not wait to complain. We need to address these situations at the earliest possible time. The first time you believe improper conduct in violation of this policy has occurred, you should make your concerns known. All reports of possible discrimination will be investigated promptly. We will keep the investigation confidential to the extent possible under the circumstances. Employees can raise concerns and make complaints without fear of reprisal or retaliation. Anyone found to be engaging in any type of conduct in violation of this Non-Discrimination – Equal Employment Opportunity policy will be subject to disciplinary action, up to and including termination of employment.

#### **(1). HIRING PRACTICES**

Marshall County does not discriminate in its hiring practices on the basis of race, color, religion, gender (including pregnancy, childbirth, and related medical conditions), national origin, age (40 and over), disability, genetic information, citizenship, status as a veteran or special disabled veteran, or status in any other group protected by law. In order to give all interested parties an opportunity to apply for positions as they become open, job openings will be posted in the Office of Superintendent of Roads at 1593 Old Columbia Road, Lewisburg, Tennessee on the main bulletin board. All qualified applicants are urged to apply. Applications are retained in accordance with applicable law. Anyone applying for a subsequent job opening must submit a new application.

#### **B. PROHIBITION OF UNLAWFUL HARASSMENT IN THE WORKPLACE**

It is the policy of Marshall County to maintain a respectful work and public service environment. Marshall County prohibits and will not tolerate any form of unlawful harassment by or toward any employee, client, vendor or official. We are committed to having a workplace free from unlawful harassment and improper or unprofessional behavior. It is not easy to define unlawful harassment. However, employees should know that the County will not permit inappropriate conduct including, but not limited to, the following types of conduct:

- Unwelcome slurs, jokes, and harassing comments about someone's race,

color, religion, gender (including pregnancy, childbirth, and related medical conditions), national origin, citizenship, age (40 and over), disability, genetic information, veteran status, or any other legally protected status.

- Unwelcome graffiti, cartoons, drawings or other written comments about someone's race, color, religion, gender (including pregnancy, childbirth, and related medical conditions), national origin, citizenship, age (40 and over), disability, genetic information, veteran status, or any other legally protected status.
- Unwelcome sexual advances, repeated unwelcome requests for dates, and requests for sexual favors. Unwelcome or offensive touching or other physical conduct directed at an employee because of their race, color, religion, gender (including pregnancy, childbirth, and related medical conditions), national origin, citizenship, age (40 and over), disability, genetic information, veteran status, or any other legally protected status.
- Threatening or requiring an employee to submit to sexual advances in return for an employment benefit.
- Retaliation for having reported possible harassment.

The type of conduct prohibited under this policy is not limited to unlawful harassment, but also includes improper and/or unprofessional behavior.

This policy applies to unlawful harassment by any means including but not limited to, in person, through the use of e-mail, voicemail telephone, audio or video devices and/or other electronic means, and computer or hard-copy documents.

Marshall County is committed to making sure employees are not subject to unlawful harassment on the basis of race, color, religion, gender (including pregnancy, childbirth, and related medical conditions), national origin, age (40 and over), disability, genetic information, citizenship, status as a veteran or special disabled veteran, or status in any other group protected by law. Any employee or official who engages in such behavior is subject to disciplinary action, up to and including termination of employment. We need your help to make sure we have a workplace free from unlawful harassment. We need you to tell us immediately if you believe you are being subject to unlawful harassment or other violations of this policy or believe unlawful harassment or other violations of this policy is occurring within our work environment. Do not wait to complain.

The first time you believe improper conduct has occurred which may violate this policy you should make your concerns known, either formally or informally. You should report any possible harassment in accordance with the Anti-

Discrimination/Harassment/Retaliation Complaint Procedure detailed in Section 5.D, below.

One particular kind of harassing behavior is sexual harassment. Sexual harassment, which can consist of a wide range of unwanted and unwelcome sexually directed behavior, includes, but is not limited to:

*Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:*

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

Neither sexual harassment nor any other form of unlawful harassment will be tolerated in the workplace. Employees are urged to promptly report alleged incidents of unlawful harassment or other inappropriate conduct in violation of this policy in accordance with the Anti-Discrimination/Harassment/Retaliation Complaint Procedure detailed in Section 5.D, below.

### **C. ANTI-RETALIATION**

Marshall County considers retaliation for raising a concern under either its Non-Discrimination - Equal Employment Opportunity or Anti-Harassment policies a serious offense and it is likewise punishable by appropriate corrective action, up to and including termination of employment. If an employee believes that he or she has been subjected to retaliation because of he or she raised a concern of possible unlawful discrimination or harassment or participated in an investigation of a possible discrimination or harassment claim, the employee should immediately report the retaliation in the same manner that discrimination and harassment claims are to be reported, as detailed below in Section 5.D. It should be noted, however, that employees who make false statements or give false information during the course of a claim or an investigation can also be disciplined with appropriate corrective action up to and including termination.

### **D. ANTI-DISCRIMINATION/HARASSMENT/RETALIATION COMPLAINT PROCEDURE**

Discrimination, including unlawful harassment, in the workplace on the basis of race, color, religion, gender, national origin, age (40 and over), disability, genetic information,

citizenship, status as a veteran or special disabled veteran, or status in any other group protected by law, as well as retaliation for reporting such discrimination, is illegal. If an employee believes that he or she has been subjected to illegal discrimination or harassment related to employment with Marshall County, the employee should report the incident promptly to the County official or department head under whose direction the employee works. Any County official or department head receiving such a complaint pursuant to this policy must immediately report the complaint to the County Mayor, or to the Director of Human Resources.

If the problem is not resolved within a reasonable time after such a report is made, or if for any reason the employee feels uncomfortable reporting the problem to the County official or department head, then the problem should be reported directly to the Director of Human Resources, at 931-422-2314 or to the County Mayor, at 931-359-1279. Please note any supervisor receiving a concern pursuant to the County's Non-Discrimination – Equal Employment Opportunity, Anti-Harassment and/or Anti-Retaliation policies must promptly report such concern to either the Director of Human Resources, at 931-422-2314 or to the County Mayor at 931-359-1279. The County Mayor may act as a mediator between the affected employee and the County official or department head under whose direction the employee works to assist them in reaching an acceptable resolution of the problem, but the County Mayor has no legal authorization to make employment decisions on behalf of the County official or department head. No adverse personnel action will be taken against an employee for reporting a bona fide incident of discrimination or unlawful harassment or for assisting in the investigation of a complaint. However, disciplinary action may be taken against any individual providing false information in connection with a complaint.

## **6. EMPLOYMENT CATEGORIES**

Each employee is designated as an “exempt employee” or a “nonexempt employee.”

Exempt employees are those who are not required to be paid overtime in accordance with federal wage and hour laws, for hours worked over forty (40) in a workweek.

Nonexempt employees are those who are required to be paid overtime at time-and-one-half their regular rate of pay, in accordance with federal wage and hour laws, for hours worked over forty (40) in a workweek. A full-time regular employee is any person hired to work on a regular basis thirty (30) or more hours every week and/or a minimum of 1560 hour per calendar year.

A part-time regular employee is an employee who is hired to work on a regular basis, but less than thirty (30) hours per week and/or a maximum of 1560 hour per calendar year.

A temporary employee is an employee who is engaged to work either full time or part time with the understanding that their employment will terminate upon the completion of a specific assignment. This employee may be “exempt” or “nonexempt” as defined herein.

The policies set out herein are not intended to establish paid leave of any kind for part-time regular employees or temporary employees.

## **7. PERSONNEL FILES**

An individualized personnel file will be maintained on each employee. It is the responsibility of each employee to provide accurate information to the employer. Employees are also responsible for reporting to the employer any change in the personnel data and information they have previously provided. Personal mailing address, telephone number, number and name of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times.

Pursuant to the Tennessee Public Records Act, personnel files of all County employees are open to public inspection. Information such as salary, disciplinary records, and employment applications is public record. However, other personal information such as Social Security numbers and bank account and routing numbers, unpublished phone numbers, medical records, and driver’s license information (unless driving is part of the employee’s duties or job description) is confidential and is not released. Other confidential and/or sensitive information, such as drug test results and certain records of police officers and National Guard members, are not open for public inspection.

## **8. EMPLOYMENT ELIGIBILITY VERIFICATION**

Upon initial employment, all employees are required to complete Form I-9 and provide the appropriate Identity and Employment Authorization thereunder in order to attest that they are lawfully eligible to work in the United States.

## **9. RECORD KEEPING**

Employees are required to record their hours on the forms provided by the employer for this purpose. Both exempt and nonexempt employees are required to fill in this form daily and, at the end of the workweek, sign and forward the form to the supervisor or department head for review and processing. The employee should ensure that the actual hours worked and leave time taken are recorded accurately. Falsifying these records is a crime under T.C.A. Section 39-16-504.

All required personnel records including, but not limited to, Form I-9 required under federal immigration laws and all wage and hour records required under state and/or federal laws, shall be maintained in the Office of Superintendent of Roads at 1593 Old Columbia Road, Lewisburg, Tennessee.

## 10. LEAVES OF ABSENCES

### A. ABSENCE DUE TO INCLEMENT WEATHER

On days of inclement weather, all employees are expected to be present for scheduled working hours unless a “no work day” has been declared by the Superintendent of Roads.

### B. HOLIDAYS

Observed Holidays — The following holidays will be declared official holidays and employees will be excused from work without charge to leave.

New Year's Day	January 1
Martin Luther King Jr., Day	3rd Monday in January
President's Day	3rd Monday of February
Good Friday	Friday prior to Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Columbus Day (Observed)	2 <sup>nd</sup> Monday in October
Veterans Day	November 11
Thanksgiving Day & Friday after Thanksgiving	4 <sup>th</sup> Thursday in November & following Friday in November
Christmas Eve	December 24
Christmas Day	December 25
Day after Christmas	December 26
New Year's Eve	December 31
Primary & County General Election Day	Varies
General Election Day	Varies

When a holiday falls on Saturday, the Friday prior to the holiday is substituted (exception to this is New Year's Day which will be observed on the following Monday). When a holiday falls on Sunday, the Monday following the holiday is substituted. On occasions when Christmas Day falls on Monday, the Christmas Eve Holiday will be observed on Friday preceding Christmas Day. On those occasions when Christmas

Day falls on Saturday, the Christmas Eve Holiday will be observed on the Thursday prior to Christmas Day.

To qualify for holiday compensation the employee must work the regularly scheduled day prior to and after the actual holiday. Scheduled vacation, sick time, or any other paid time off will qualify as a day worked.

## **C. SICK LEAVE**

### **(1). EARNING AND ACCUMULATING SICK DAYS.**

Sick leave shall be considered a benefit and a privilege and not a right. Full-time employees will receive full pay during incapacity caused by illness if sick leave is taken. Sick leave is earned at the rate of eighty (80) hours per year. New employees will earn seven (7) hours per month until July 1 following their hire date. There is no maximum accumulation of sick leave credits. Accumulated sick leave has no value except for the purpose granted, and in the event of retirement or separation, all unused sick leave days shall be credited toward service with retirement. Sick leave accumulation records are kept by the payroll department in accordance with that which is reported by the Department Head.

### **(2). GENERAL SICK LEAVE RULES AND PROCEDURES.**

**(a). USE OF SICK LEAVE** — An employee may use sick leave allowance for absence due to his or her own illness or injury or that of any immediate family which shall be defined as spouse, parent, step-parent, children, step-children, and legal dependents.

**(b). DOCUMENTATION OF SICK LEAVE** — Employees are required to notify the employer as early as possible on the first day of their sick leave absence.

**(c). EXHAUSTION OF SICK LEAVE** — Employees who have used all of their accumulated sick leave will not receive financial compensation for additional days needed due to illness or injury. For any additional time needed, the employee will be considered on leave without pay status unless the employee has accumulated vacation time or compensatory time remaining. The employee may request that additional sick leave be credited against the remaining vacation or compensatory time.

## **D. BIRTHDAY LEAVE**

All fulltime employees are granted his or her Birthday off work with pay. The day off may be taken on the actual date of birth or (with the department head approval) within

thirty (30) calendar days thereafter. To qualify, the employee must work his/her regularly scheduled day prior to and after the date taken for Birthday Leave. Scheduled vacation, sick time, or any other paid time off will qualify as a day worked.

## **E. VACATION TIME**

**(1). QUALIFICATION FOR VACATION TIME** — Regular full-time employees (those who work 30 or more hours per week and/or 1,560 hours per year) shall earn paid vacation at a rate as follows:

1 year of service	40 Hours
2-4 years of service	80 Hours
5 or more years of service	120 Hours

Employees shall begin accruing vacation time as of the date of their employment. However, an employee is not eligible to use or receive compensation for vacation time until July 1 following their hire date. Part-time employees and temporary employees do not qualify for vacation leave.

**(2). USE OF VACATION LEAVE/TIME** — Vacation leave/time must be used only at time approved in advance by employer. Vacation leave/time requests will be honored to the extent possible. If two or more employees request vacation leave/time for the same period of time, it will be the employer's decision as to whether or not it will create a hardship upon the department to grant said requests. If it is determined that it is not possible for both employees to be on vacation leave at the same time, the request for vacation leave will be honored at the discretion of the elected official or department head. No employee may give, or loan vacation leave to another employee. Vacation leave/time may be accumulated to a maximum of one and one-half (1-1/2) times the employees annual vacation leaves at any point in time. Any unused vacation leave beyond the maximum accumulation will be forfeited. Employees will be paid for accrued, but unused vacation leave/time upon separation of employment for any reason.

## **F. PERSONAL LEAVE DAYS**

Personal leave days are provided for regular full-time employees. The employee will receive one (1) personal day per five (5) continuous years of employment and personal days will increase one day with each additional five (5) years of continuous service. The number of each employees' personal days is to be calculated from July 1 following their hire date. Any employee hired on or before July 1, 1998 will be eligible. Personal leave days will be forfeited if not used. They do not carry forward to the next fiscal year. Employees will not be paid for unused personal leave days

except in the event of death of the employee.

## **G. BEREAVEMENT LEAVE**

In the event of death in the employee's immediate family, the employee will be given three (3) working days paid leave which will not be charged to vacation leave. Immediate family shall be defined as spouse, parent, step-parent, children, step-children, brothers and sisters, mother-in-law, father-in-law, grandparents, grandchildren of the employee and legal guardians or dependents.

## **H. JURY AND COURT DUTY**

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

Upon receiving a summons to report for jury duty, the employee shall on the next day he or she is working, show the summons to his or her supervisor.

- (1).** The employee will be granted a leave of absence when the employee is subpoenaed or directed by proper authority to appear in Federal or State court as a witness or juror.
- (2).** The employee will receive his or her regular compensation during time served on jury duty or when subpoenaed as witness.
- (3).** However, the employee will forfeit any compensation received for jury service or serving as a witness to his or her employer.
- (4).** If the employee is relieved from jury duty during working hours after serving less than three hours, the employee must report back to the employer. If the employee is relieved from being a witness during working hours, the employee will report back to the employer.
- (5).** The above provisions concerning compensation for time in court do not apply if the employee is involved as a plaintiff or defendant in private litigation. On these occasions the employee must take vacation leave, compensatory time or leave without pay.

## **I. MILITARY LEAVE**

- (1).** Full-time employees who are members of any military reserve component

will be granted military training leave for such time as they are in the military service on field training or active duty for periods not to exceed fifteen (15) working days per calendar year. This time may not be used for weekend drills unless the employee is regularly scheduled to work on that weekend. Such requested leave shall be supported with copies of the armed forces orders.

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

(a). Occurs during the same calendar year; and

(b). Fulfills the employee's military training obligation for the subsequent calendar year.

(3). During such time the employee is on military training leave, the employee will receive full pay and benefits to which he or she would otherwise be entitled.

#### **J. IN THE LINE-OF-DUTY INJURY LEAVE (WORKER'S COMPENSATION LAW)**

Any employee sustaining an injury or an illness during the course and scope of his or her employment which is determined to be under the provisions of the Tennessee Occupational Accident Insurance Policy shall be entitled to receive in the line-of-duty injury leave. This leave shall not be counted against any accrued sick leave the employee has accumulated. The provisions of the Tennessee Occupational Accident Insurance Policy will determine the benefits which are received by the employee.

#### **K. LEAVE WITHOUT PAY**

Except as provided for otherwise herein, any employee, at the discretion of the employer, may be granted leave without pay for sufficient reason as to be determined by the employer. During the period of absence granted, the employee will not earn vacation, sick leave, or other benefits. The absence without pay leave shall not extend for a period in excess of one year.

#### **L. FAMILY AND MEDICAL LEAVE POLICY**

Under the federal Family and Medical Leave Act of 1993 (FMLA), eligible county employees are entitled up to twelve (12) workweeks of unpaid leave during each rolling 12-month period beginning with the period measured forward from the date the employee's first FMLA leave begins.

**Eligible Reasons for FMLA Leave:** Eligible employees will be allowed to take up to 12 weeks of leave in a 12-month period for the following reasons:

1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
2. Because of the placement of a son or daughter with the employee for adoption or foster care.
3. To care for the serious health condition of the employee's spouse, son, daughter, or parent.
4. To care for the employee's own serious health condition that makes the employee unable to perform the functions of the position he or she holds.

Both male and female employees are eligible for leave in connection with the birth of a child or placement of a child for adoption or foster care, or the care of an immediate family member (as defined above) with a serious health condition, but special rules may apply if both husband and wife are county employees. To the maximum extent permitted by law, any leave of absence that is granted to employees under this policy (or any other leave for a purpose specified above under other County policies and practices) shall run concurrently and be credited against the 12-week limit contained in this policy.

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

**Notice:** An employee must provide at least thirty (30) days advance notice of the need to take FMLA leave under normal circumstances, i.e. if the leave is foreseeable. If the need for leave is foreseeable, employees must make a reasonable effort to plan medical treatment to reduce or avoid disruption to the County's operations.

**Medical Certification:** Medical certification also may be required. For example, requests for leave due to a serious health condition that prevents the employee from performing the functions of the employee's position, or for a family care leave to care for a child, parent, or spouse who has a serious health condition, must be supported by a medical certification issued by a health care provider. The certification must contain information including but not limited to: (1) the date the serious health condition will begin, or in cases of emergency began; (2) the probable duration of the serious health condition; (3) the estimated amount of time the employee's health care provider believes he/she will need for the medical/family care leave; and (4) in the case of a medical leave, certification that the employee is unable to work because of

the condition; or in the case of a family care leave, confirmation that you will be participating in the supervision, care, or treatment of the family member. Medical Certification Forms are available in the Office of the Director of Human Resources, Angela Desai, at 931-422-2314 or adesai@marshallcountyttn.com.

**Intermittent or Reduced Schedule Leaves:** Employees may take medical leave intermittently or on a reduced leave schedule in certain circumstances where the employee has a medical need for such leave. Employees must provide certification from a health care provider demonstrating that such intermittent leave is medically necessary and, when possible, setting forth the schedule for treatment. In the case of an intermittent or reduced schedule medical/family care leave, the County reserves the right, at its sole discretion, to transfer the employee temporarily to an alternative position for the intermittent period. **Effects on Benefits:** An employee who is granted a leave of absence under this policy must utilize any accrued paid leave at the beginning of the leave period. An employee, who is on leave for his or her own illness, also must utilize accrued sick, vacation and other accrued paid leave at the beginning of the leave period. Any portion of a leave that occurs after all applicable paid leave/time off benefits have been exhausted shall be without pay. However, if an employee's FMLA leave is the result of an on-the-job injury or illness, and the employee receives workers' compensation benefits, he/she will not be required to use applicable paid leave.

Health insurance benefits ordinarily provided by the County, and for which you are otherwise eligible, will be continued during the period of the leave on the same terms as before the leave for up to a maximum of 12 weeks, if you continue to pay your share of the premiums (if applicable) for such coverage. Failure to pay your share (if applicable) of the health insurance premiums on a timely basis may result in loss of health insurance coverage.

**Reinstatement:** When an employee returns to work following a medical leave, the employee must first provide a fitness for duty statement from the employee's health care provider indicating that the employee is fit and able to resume work.

If an employee satisfies all the conditions of this policy and return to work immediately following the expiration of his/her approved FMLA leave, the employee will be returned to his/her former position, or in a substantially similar position for which the employee is qualified, in accordance with applicable law.

**No Retaliation:** The County does not tolerate retaliation in any way against employees who exercise their right to FMLA and/or maternity leave under Tennessee's maternity leave law. Any employee who believes he or she has been subject to retaliation for taking FMLA leave should report such concerns immediately to the Office of the Director of Human Resources, Angela Desai, at 931-422-2314 or

adesai@marshallcountyttn.com. or to the County Mayor of Marshall County, Tennessee, Joe Boyd Liggett, at 931-359-1279 or jbl@marshallcountyttn.com.

**Miscellaneous:** Absences covered by this FMLA leave policy will not be counted against an employee's absenteeism record under any County attendance policy. However, employees will be subject to discipline up to and including discharge if, during their leave, they engage in activities inconsistent with the stated purpose for the leave. Misrepresentations or any act of dishonesty related to Family and Medical Leave will also be grounds for discipline up to and including termination of employment.

It is the policy of Marshall County to grant its employees leave in accordance with the requirements of the Family and Medical Leave Act. All employees should have a copy of the FMLA Fact Sheet, and employees may obtain additional copies of that publication as well as additional information about the FMLA and their rights and obligations under that law from their supervisor, or by contacting the Director of Human Resources, at 3309 Courthouse Annex, Lewisburg, Tennessee 37091.

**Tennessee's Maternity Leave Law:** In addition to the FMLA, Tennessee has a maternity leave law (T.C.A. Section 4-21-408) which applies to all employers who employ 100 or more full-time employees at a job site or location. This state law allows employees who have been employed for twelve (12) months to take up to four (4) months of unpaid leave for pregnancy, childbirth and nursing the infant. To be eligible for this leave, the employee must give at least three (3) month's advance notice, except in the case of a medical emergency. This leave will run concurrently with any leave to which the employee may be entitled under the FMLA or otherwise. Subject to certain conditions, accrued paid leave may be substituted for the unpaid maternity leave. Employees may obtain a copy of the Tennessee maternity leave statute by contacting the office of the Human Resources Director of Marshall County, Tennessee, at 3309 Courthouse Annex, Lewisburg, Tennessee 37091.

#### **Military Family Leave under the FMLA:**

FMLA leave is also available for a covered family member's service in the Armed Forces for any one, or for a combination of the following reasons:

##### **Leave Related to the Deployment of Military Family Member ("Qualifying Exigency" Leave)**

An employee is entitled to take leave for a "qualifying exigency" (as defined below) arising out of the fact that a spouse, son, daughter, or parent of the employee is on covered active duty or has been notified of an impending call to a covered active duty in support of a military operation in which armed forces are or may become involved

in actions against an enemy or opposing force, or during a war or national emergency. This leave is subject to the 12-workweek limitation on FMLA leave in a 12-month period.

The United States Department of Labor (“DOL”) has identified nine broad categories of qualifying exigencies, as follows:

- 1) Issues arising from the military member’s short notice deployment (i.e., deployment within seven or less days of notice). For a period of up to seven days from the day the military member receives notice of deployment, an employee may take qualifying exigency leave to address any issue that arises from the short-notice deployment.
- 2) Attending military events and related activities, such as official ceremonies, programs, events and informational briefings, or family support or assistance programs sponsored by the military, military service organizations, or the American Red Cross that are related to the member’s deployment.
- 3) Certain childcare and related activities arising from the military member’s covered active duty, including arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling in or transferring a child to a new school or day care facility.

Note: The employee taking FMLA qualifying exigency leave does not need to be related to the military member’s child. However, (1) the military member must be the parent, spouse, son or daughter of the employee taking FMLA leave, and (2) the child must be the child of the military member (including a child to whom the military member stands in loco parentis).

- 4) Certain activities arising from the military member’s covered active duty related to care of the military member’s parent who is incapable of self-care, such as arranging for alternative care, providing care on a non-routine, urgent, immediate need basis, admitting or transferring a parent to a new care facility, and attending certain meetings with staff at a care facility, such as meetings with hospice or social service providers.

Note: The employee taking FMLA qualifying exigency leave does not need to be related to the military member’s parent. However, (1) the military member must be the parent, spouse, son or daughter of the employee taking FMLA leave, and (2) the parent must be the parent of the military member (including an individual who stood in loco parentis to the military

member when the member was a child).

- 5) Making or updating financial and legal arrangements to address a military member's absence while on covered active duty, including preparing and executing financial and healthcare powers of attorney, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), or obtaining military identification cards.
- 6) Attending counseling for the employee, the military member, or the child of the military member when the need for that counseling arises from the covered active duty of the military member and is provided by someone other than a health care provider.
- 7) Taking up to 15 calendar days of leave to spend time with a military member who is on short-term, temporary Rest and Recuperation leave during deployment. The employee's leave for this reason must be taken while the military member is on Rest and Recuperation leave.
- 8) Certain post-deployment activities within 90 days of the end of the military member's covered active duty, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military, and addressing issues arising from the death of a military member, including attending the funeral.
- 9) Any other event that the employee and the County agree is a qualifying exigency.

**Leave Related to the Seriously Injured or Ill Service member or Veteran (Military Caregiver Leave)**

An employee who is the spouse, son, daughter, parent, or next of kin (nearest blood relative) of a service member who is undergoing medical treatment, recuperation, or therapy, or is otherwise in outpatient status or on the temporary disability retired list for a serious injury or illness incurred while on active duty, may take up to 26 workweeks in a 12-month period to care for the service member. However, this leave will be combined with any other FMLA leave the employee takes in the same period, and the combined total is not to exceed 26 workweeks. Also, this leave is available only during the single 12-month period.

Generally, the requirements of the FMLA apply to these service-member categories of leave as well. For example:

An employee must meet the requirements for eligibility for FMLA leave (have been

employed for at least 12 months and have worked at least 1,250 hours in the preceding 12-month period).

If the employee requests intermittent leave or leave on a reduced schedule, the County may require the employee to transfer temporarily to an alternative position with equivalent pay and benefits that better accommodates the leave.

The leave is not required to be compensated. However, the County may require, or the employee may elect, to substitute any accrued paid vacation, personal leave, family leave, or medical or sick leave (but not if the employers' sick leave policy would not otherwise allow leave to be taken for this purpose).

If the need for leave is foreseeable, the employee must give at least 30 days' notice, or as much notice as is practicable.

Leave of a husband and wife employed by the same employer is limited to a combined total of 26 workweeks for service member family leave, and to 12 workweeks for a qualifying exigency.

Medical certification may be required, as appropriate. For "qualifying exigency" leave, certification may be required as provided under DOL regulations.

To view the full text of the Family and Medical Leave Act, as amended, visit this site: [www.dol.gov/whd/fmla/fmlaAmended.htm](http://www.dol.gov/whd/fmla/fmlaAmended.htm)

For additional assistance regarding the application of the FMLA, visit here: [www.dol.gov/whd/fmla](http://www.dol.gov/whd/fmla)

## **11. WAGE AND HOUR POLICIES**

### **A. WORKWEEK**

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

## **B. OVERTIME**

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

## **C. COMPENSATORY TIME**

Compensatory time may be given to those employees who work overtime as provided in the section on “Overtime” and with whom the employer has a prior agreement or understanding that the employee will accept compensatory time in lieu of cash payment for overtime. Employees are encouraged to use their accrued compensatory time, and the county will make every effort to grant reasonable requests for the use of compensatory time when sufficient advance notice is given, and the workplace is not unduly disrupted. The maximum number of compensatory time hours that an employee may accrue is 240. Any employee who has reached this maximum shall not work any additional overtime until the employee’s accrued compensatory time has fallen below the maximum allowed, unless the employee receives advance written authorization and receives payment in cash for any such additional overtime. The county reserves the right at any time to pay an employee in cash for any or all accrued compensatory time.

## **12. EMPLOYEE BENEFITS**

### **A. HEALTH INSURANCE**

Marshall County will provide health insurance for its employees. Marshall County will provide employee only insurance at no cost to the employee for the lowest cost plan. To qualify for this benefit, the employee must work for Marshall County one (1) month. The employee will be added to the group plan on the first of the month following the one (1) month waiting period.

### **B. FAMILY HEALTH INSURANCE**

Marshall County employees will have the opportunity to purchase dependent insurance for their qualified dependents. Marshall County may pay a portion of the

dependent coverage based on funding provided by the county legislative body. The same initial waiting period applies to dependents as employees. Marshall County will payroll deduct this premium from the employee's paycheck the month prior to when the bill is due. In the event an employee is off without pay or does not earn enough during a pay period to cover a his/her portion of the premium, it is the employee's responsibility to contact the Marshall County Director of Human Resources office and make arrangements to pay the amount due. This benefit will begin January 1, 1999.

### **C. LIFE INSURANCE**

Marshall County will provide life insurance for its employees at no cost to their employees. To qualify for this benefit, the employee must work for Marshall County one (1) month. The employee will be added to the group plan on the first of the month following the one (1) month waiting period. The amount of coverage is regulated by the schedule of benefits within each insurance carrier. Because each carrier varies, the amount of coverage will be determined according to the policy in force at the time a benefit is drawn.

### **D. DISABILITY INSURANCE**

Marshall County will provide Long Term Disability Insurance for its employees at no cost to the employee. To qualify for this benefit, the employee must work for Marshall County one (1) month. The employee will be added to the group plan on the first of the month following the one (1) month waiting period.

### **E. LONGEVITY PAY**

Longevity pay is provided for full time employees beginning after five (5) consecutive years of employment. The qualifying of this benefit is to be determined by the last actual hire date and no interruption in employment. The amount earned will be \$50 per year of service, up to twenty (20) years of service. The cut-off date to qualify for this benefit is October 31 of each year, no exceptions. Those employees whose salaries are mandated by state statute are exempt from this benefit. This benefit will begin November 1, 1997 and will be included on the payroll check closest to the 15<sup>th</sup> November.

### **F. RETIREMENT**

It is mandatory that all Marshall County employees participate in its retirement program. After six (6) months employment, the employee will contribute five percent (5%) of their pay toward their retirement account that is with Tennessee Consolidated Retirement System. (If the employee chooses, he or she may buy back this waiting period at a later date). The amount contributed on the employee's behalf is pre-taxed

dollars. After a five (5) year contribution period, the employee will become fully vested. Marshall County will match the employee's contribution and upon retirement, the employee will receive the employer match in his or her distribution.

### **G. CHRISTMAS BONUS**

All full-time employees will receive a Christmas Bonus in the amount of two hundred dollars (\$200.00). This bonus will be given with the last payroll check before the Christmas Holidays.

## **13. DRUG-FREE WORKPLACE AND DRUG SCREENING**

The illegal use of drugs and the abuse of alcohol are problems that invade the workplace, endangering the health and safety of the abusers and those around them. Marshall County Government is committed to creating and maintaining an environment free of substance abuse without jeopardizing valued employees' job security.

To address this problem, Marshall County Government has developed a policy regarding the illegal use of drugs and the abuse of alcohol that it believes well serves the interests of all employees and the community. The policy formally and clearly states that the illegal use of drugs or the abuse of alcohol or prescription drugs will not be tolerated. As a means of maintaining the policy, pre-employment and active employee substance abuse testing has been implemented, and includes:

### **A. PRE-EMPLOYMENT**

Applicants must successfully pass a drug test prior to becoming an employee of Marshall County.

### **B. POST-ACCIDENT**

In the event of a work-related accident, all employees involved will be drug tested within 24 hours of said accident.

### **C. REASONABLE SUSPICION**

When there is a reasonable suspicion to believe that an employee is illegally using drugs or abusing alcohol or prescription drugs, reasonable suspicion testing may be required. Reasonable suspicion is based on a belief that an employee is using or has used drugs or alcohol in violation of Marshall County Government's policy drawn from specific objective and explainable facts and reasonable inferences drawn from those facts in light of experience and/or training.

To assist in providing a safe and healthy environment Marshall County Government also maintains a resource file of information of various means of employee assistance in the community, including but not limited to drug and alcohol abuse programs. Employees are encouraged to use this resource file located on bulletin boards throughout the system. In addition, the information will be distributed to employees for their confidential use.

A complete copy of the Drug-Free Workplace Substance Abuse Policy for Marshall County Government is attached as Addendum No. 4 and is part of this Employee Handbook. An employee whose conduct violates this Policy will be disciplined up to and including termination. Thank you for helping ensure that Marshall County Government is a safe place to work.

#### **14. CREDIT CARD POLICY**

All County credit cards are to be used for County purchases and/or County related travel expenses only. No County credit card may be used for personal use.

Each department head will be responsible for the authorization of the credit card within his/her department and the use of the credit card by that user. It is further understood that misuse of a County credit card will be grounds for dismissal.

#### **15. SAFETY**

To assist in providing a safe and healthy work environment for employees and the public, the County has established a workplace safety program. Its success depends on the alertness and personal commitment of all.

The County provides information to employees about workplace safety and health issues through regular internal communication channels such as bulletin board and intranet postings, memos, or other written communications.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to their supervisor, or Department Head. If the employee feels the matter is not being addressed, he/she may contact the Director of Human Resources, at 931-422-2314 or the County Mayor, at 931-359-1279. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may

appear, employees should immediately notify their supervisor or Department Head. Such reports are necessary to comply with applicable laws and initiate insurance and workers' compensation benefits procedures.

**16. AMENDMENT OF BASE PERSONNEL POLICIES FOR THE OFFICE OF SUPERINTENDENT OF ROADS FOR MARSHALL COUNTY, TENNESSEE**

The policies set forth herein may be changed or amended by the Superintendent of Roads from time to time as permitted by law. Amendments will be on file in the office of the County Clerk at the Marshall County Court House Annex Building.

**EMPLOYEE ACKNOWLEDGMENT  
OF PERSONNEL POLICIES  
FOR THE OFFICE OF SUPERINTENDENT OF ROADS  
OF MARSHALL COUNTY, TENNESSEE**

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

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

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

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

I further acknowledge that I have received from my employer a copy of T.C.A. Section 39-16-504, relative to falsifying, destroying, or tampering with governmental records.

\_\_\_\_\_  
EMPLOYEE NAME (TYPE OR PRINT)

\_\_\_\_\_  
EMPLOYEE SIGNATURE

\_\_\_\_\_  
DATE

## ADDENDUM 3

### CODE OF ETHICS MARSHALL COUNTY, TENNESSEE

ADOPTED BY RESOLUTION 07-04-11 OF THE MARSHALL COUNTY  
COMMISSION ON APRIL  
23, 2007

#### **Section 1. Definitions.**

(1). "County" means Marshall 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 the 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 judgement 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 or the Tennessee Association of Utility Districts.

**Section 5. Ethics Complaints.** A County Ethics Committee (the “Ethics Committee”) consisting of five members shall be appointed to two-year terms by the Nominating Committee 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 three members of the committee shall be members of the county legislative body; one member shall be a constitutional officer or, should no constitutional county officer be willing to accept appointment, an additional member of the county legislative body; and the remaining member may be either a member of a board, committee, commission, authority, corporation, or other instrumentality governed by this policy, or an additional member of the county legislative body. The Ethics Committee shall convene as soon as practicable after their appointment and elect a chair and 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 the 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 judgement, constitutes a violation of the 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. § 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 co 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.

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 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.

**MODEL ETHICS POLICY MARSHALL 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):

\_\_\_\_\_

Signature of official or employee

\_\_\_\_\_

Witness Signature

\_\_\_\_\_

Printed name of witness

# MARSHALL COUNTY

Joe B. Liggett  
County Mayor  
1108 Courthouse  
Annex  
Lewisburg, Tennessee  
37091-3371 Office  
(931) 359-1279  
[jbl@marshallcountyttn.com](mailto:jbl@marshallcountyttn.com)

## *TN Drug Free Workplace Program*

July 28, 2008

The illegal use of drugs and the abuse of alcohol are problems that invade the workplace, endangering the health and safety of the abusers and those around them. Marshall County Government is committed to creating and maintaining an environment free of substance abuse without jeopardizing valued employees' job security.

To address this problem, Marshall County Government has developed a policy regarding the illegal use of drugs and the abuse of alcohol that it believes well serves the interests of all employees and the community. The policy formally and clearly states that the illegal use of drugs or the abuse of alcohol or prescription drugs will not be tolerated. As a means of maintaining the policy, pre-employment and active employee substance abuse testing has been implemented.

To assist in providing a safe and healthy environment Marshall County Government maintains a resource file of information of various means of employee assistance in the community, including but not limited to drug and alcohol abuse programs. Employees are encouraged to use this resource file located on bulletin boards throughout the system. In addition, the information will be distributed to employees for their confidential use.

An employee whose conduct violates Marshall County Government's Substance Abuse Policy will be disciplined up to and including termination. Thank you for helping ensure that Marshall County Government is a safe place to work.

Sincerely,

Joe B. Liggett  
County Mayor