



BASE PERSONNEL POLICIES

FOR

MARSHALL COUNTY

BOARD OF PUBLIC UTILITIES

MARSHALL COUNTY, TENNESSEE

Revised: November 2021
Board approved November 16, 2021

TABLE OF CONTENTS

SECTION 1: INTRODUCTION

1.1	Adoption of Base Personnel Policies.....	1
1.2	Purpose and Objectives	1
1.3	Personnel Policy Statement.....	1
1.4	Employment at Will	2
1.5	Open Door/Problem Resolution	2
1.6	Code of Ethics.....	2

SECTION 2: EMPLOYMENT

2.1	Title VI Non-Discrimination Policy.....	3
2.2	Hiring Practices	3
2.3	Background Check Policy	4
2.3A	Criminal Records Background Check.....	5
2.3B	Credit Records Background Checks	6
2.3C	Audits	6
2.4	Minimum Age.....	6
2.5	Prohibition of Unlawful Harassment in the Workplace	6
2.6	Anti-Retaliation Policy.....	7
2.7	Title VI Non-Discrimination /Harassment/ Retaliation Complaint Procedure.....	7
2.8	Employment Categories.....	8
2.9	Personnel Files	8
2.10	Employment Eligibility Verification.....	8
2.11	Timekeeping.....	8
2.12	Call Out Procedure – General Rules.....	9
2.13	Probationary Period.....	9
2.14	General Rules for all Employees	9
2.15	Valid Driver’s License.....	10
2.16	On Call Procedures.....	10

SECTION 3: LEAVES OF ABSENCE

3.1	Holidays.....	10
3.2	Inclement Weather Attendance	11
3.3	Sick Leave	12
3.4	Birthday Leave.....	13
3.5	Vacation Leave	13
3.6	Personal Leave	13
3.7	Voting Leave.....	13
3.8	Bereavement Leave	14
3.9	Jury and Court Duty	14
3.10	Military Leave	14
3.11	On-the-Job Injury Leave.....	15
3.12	Leave Without Pay	15
3.13	Family Medical Leave Act (FMLA) Policy.....	16
3.14	Virus Pandemic Administrative Leave Policy...	20

SECTION 4: WAGE AND HOUR POLICIES

4.1	Workweek	21
4.2	Lunch Break.....	21
4.3	Flextime.....	21
4.4	Overtime	22
4.5	Compensatory Time	22
4.6	Other Compensatory Time – Gap Time	22
4.7	Exempt Employees.....	22
4.8	Telecommuting	23

SECTION 5: EMPLOYEE BENEFITS

5.1	Health Insurance	23
5.2	Family Medical Insurance.....	24
5.3	Life Insurance	24
5.4	Disability Insurance	24
5.5	Longevity Pay	24
5.6	Retirement	24

5.7	COBRA.....	25
5.8	Employee Assistant Program (EAP)	25
5.9	Light, Limited or Modified Duty Assignment...	26
5.10	Americans with Disabilities Act (ADA).....	27
5.11	Other Benefits	27

SECTION 6: DRUG-FREE WORKPLACE PROGRAM AND DRUG SCREENING

6.1	Policy Statement.....	28
6.2	Scope	29
6.3	Qualifications for Employment and Prohibited Conduct	32
6.4	Testing Circumstances	33
6.5	Alcohol Testing Methodology.....	35
6.6	Specimen Collection Procedures	36
6.7	Testing Methodology.....	37
6.8	Discipline and Consequences	38
6.9	Other Considerations.....	39

SECTION 7: MCBPU PROPERTY

7.1	Use of County Time, Facilities and Authority ..	40
7.2	Use of County Vehicles, Machinery and Equipment.....	40
7.3	Credit Card Policy.....	41
7.4	Email, Computer, and Internet Usage Policy..	41
7.5	Use of Telephone and Mail Systems.....	43
7.6	Personal Telephone Calls.....	43
7.7	MCBPU Vehicles and Cellphone Usage Policy	43
7.8	Bulletin Boards.....	44
7.9	Parking	44
7.10	Uniform Use and Responsibilities.....	44
7.11	Travel Policy.....	44

SECTION 8: CONDUCT

8.1	Attendance and Punctuality	46
8.2	Employee Conduct and Work Rules.....	47
8.3	Personal Appearance	48
8.4	Workplace Violence Prevention	48
8.5	Tobacco Use.....	49
8.6	Outside Employment	49
8.7	Social Media Policy	49

SECTION 9: SAFETY

9.1	Workplace Safety Program	50
9.2	Accidents.....	50
9.3	Workers’ Compensation Program	50
9.4	Driving Records	51
9.5	Infectious Disease Control Policy.....	51
9.6	Seat Belts	52

Amendment of Base Personnel Policies for Marshall County, Tennessee	53
Addendum No. 3 – Code of Ethics	53
Addendum No. 4 - Conflict of Interest & Lobbying Statement	56
Marshall County Conflict of Interest Disclosure Statement	57
Addendum No. 5 – Drug Free Workplace	58
Employee Acknowledgement of Personnel Policies.	69

SECTION 1: INTRODUCTION

1.1 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, The Board of Directors of Marshall County Board of Public Utilities, has adopted and approved the following base personnel policy that will apply to employees of Marshall County Board of Public Utilities, Marshall County, Tennessee. Marshall County Board of Public Utilities offers a Drug Free and Smoke Free workplace environment.

1.2 PURPOSE AND OBJECTIVES

The main purpose of these policies is to establish a high degree of understanding, cooperation, efficiency, and unity among employees of the Marshall County Board of Public Utilities (Board of Public Utilities), fostered by a systematic application of good procedures in personnel management. Another purpose is to provide uniform policies for all employees with all the benefits such a program ensures, without regard to race, color, creed, religion, national origin, gender, age, disability, or political affiliation.

The fundamental objectives of these personnel management policies are to:

- promote and increase effectiveness among employees of the Marshall County Board of Public Utilities; and
- provide fair and equal opportunity to all employees and qualified applicants based on demonstrated merit and fitness as ascertained through fair and practical methods of selection; and
- develop a program of recruitment, advancement, and tenure that will make employment with Marshall County Board of Public Utilities attractive as a career and encourage each employee to render the best service; and
- establish and promote high morale among the employees by providing a good working environment, a uniform personnel policy, opportunity for advancement, and consideration for employee needs and desires.

1.3 PERSONNEL POLICY STATEMENT

All qualified applicants will receive equal consideration for employment in accordance with Title VI of the Civil Rights Act of 1964, without regard to race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, disability, age (age 40 or older), genetic information, protected veteran status, or status in any other group protected by law. Throughout this handbook, the preceding statement will serve as the Marshall County Board of Public Utilities non-discrimination statement.

Employment and Placement:

It is the policy of the Marshall County Board of Public Utilities to apply and foster a sound program of personnel management. Specifically, it is the declared intent of the Marshall County Board of Public Utilities to:

- Ensure eligibility and other terms and conditions of employment benefits at the Marshall County Board of Public Utilities are governed by federal and state laws and regulations, and this non-discrimination statement is intended to be consistent with those laws and regulations.
- Act in accordance with the requirements of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.

- Investigate inquiries and charges in violation of Title VI Section 504. Americans with Disabilities Act, Age Discrimination in Employment Act, or protected veteran status should be directed to the Title VI Coordinator/Human Resources Director. Requests for accommodation of a disability should be directed to the Title VI/Human Resources Director.
- Establish programs for the promotion, transfer, demotion, dismissal, and reassignment of personnel in concert with applicable legislation.

1.4 EMPLOYMENT-AT-WILL

Nothing contained in these policies shall create or give rise to any contractual rights, or obligations between Marshall County Board of Public Utilities (MCBPU) 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. This document is a statement of current policies, practices, and procedures. These personnel policies and procedures shall be reviewed periodically. MCBPU reserves the right to change any or all such policies, practices, and procedures in whole or in part at any time, with or without notice to employees. All employees will be considered employees-at-will. This means that employees are free to resign their employment with MCBPU at any time for any reason or no reason, with or without cause and with or without notice. Similarly, MCBPU 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.

1.5 OPEN DOOR / PROBLEM RESOLUTION

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

Any employee who has concerns about any unlawful work-related issue is strongly encouraged to voice these concerns openly and directly to the Superintendent or department head under whose direction the employee works. If the superintendent or department head is unavailable, or the employee believes it would be inappropriate to contact those persons, you may contact the Human Resources Director 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 the Board of Public Utilities amply demonstrates its commitment to employees by responding effectively to employee concerns. Please note that in cases of alleged violations of our Title VI Non-Discrimination, Anti-Harassment Policy and/or our Anti-Retaliation Policy, employees should follow the complaint procedures outlined in those policies.

1.6 CODE OF ETHICS

As required by the Ethics Reform Act, effective April 23, 2007, Marshall County Board of Public Utilities has adopted Marshall County's Code of Ethics which applies to Officials and Employees of Marshall County Board of Public Utilities. 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.

SECTION 2: EMPLOYMENT

2.1 TITLE VI NON-DISCRIMINATION POLICY

Marshall County Board of Public Utilities ensures compliance with Title VI of the Civil Rights Act of 1964; 49 CFR, part 21; related statutes and regulations to the end that no person shall be excluded from participation in or be denied the benefits of or be subjected to discrimination under any program or activity receiving federal assistance on the grounds of race, color, sex, or national origin. To provide equal employment and advancement opportunities to all qualified employees and applicants for employment, employment decisions at the Board of Public Utilities will be based on merit, qualifications, and abilities. It is the policy of Marshall County Government to prohibit discrimination based on race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, disability, age (age 40 or older), genetic information, protected veteran status, 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 of employment, 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, using e-mail, text messages, voicemail, telephone, audio or video devices and/or other electronic means, and computer or hard-copy documents. It is the policy of Marshall County Board of Public Utilities 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 the Human Resources Director/Title VI Coordinator accordance with the Title VI Non-Discrimination/Anti- Harassment/Anti-Retaliation Complaint Procedure detailed in 2.7. 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.

Issues need to be addressed at the earliest possible time. The first time an employee believes improper conduct in violation of this policy has occurred, he/she should make their concerns known. All reports of possible discrimination will be investigated promptly. MCBPU 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/Anti-Harassment/Anti-Retaliation policy will be subject to disciplinary action, up to and including termination of employment.

2.2 HIRING PRACTICES

Marshall County Board of Public Utilities does not discriminate in its hiring practices based on race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, disability, age (age 40 or older), genetic information, protected veteran status or status in any other group protected by law. All job openings should be forwarded by completing Job Requisition Form to the Director of Human Resources who will work with the office of County Mayor for inclusion on the Marshall County website and bulletin boards. All qualified applicants are urged to apply. Applicants must apply for a specific job opening. Applications are retained in accordance with applicable law. Anyone applying for a subsequent job opening must submit a new application. Employees or applicants with questions or concerns about this policy or who believe any type of discrimination may be occurring in the hiring process are encouraged to immediately bring these issues to the attention of the Title VI Coordinator/Human Resources Director, in accordance with the Anti-Discrimination/Harassment/Retaliation Complaint Procedure detailed in Section 2.7.

2.3 BACKGROUND CHECK POLICY

Marshall County Board of Public Utilities carefully selects quality employees. Background checks help to ensure that new employees have the skills for the job and have performed well in the past.

The Board of Public Utilities conducts background checks on all job candidates after a contingent offer of employment has been extended. A background check may also be completed during reassignment or promotion of an employee. A third-party administrator may be used to conduct the background checks, and all background checks will be compliant with applicable laws, such as the Fair Credit Reporting Act (FCRA).

The information that may be collected includes, but is not limited to:

- o Criminal background
- o Employment history
- o Education and degrees
- o Professional and personal references
- o Motor Vehicle Report (MVR)

Criminal background checks may not be used as the sole reason for denying employment, unless it is job-related. Regardless, the Board of Public Utilities has the right to make the final decision about employing an individual after the background check is complete.

Checking professional and personal references is an important part of the background check process. This provides the Board of Public Utilities with information on the potential employee's work ethic, skills, and performance.

Information obtained from the background check process, including information from professional and personal references, will be used by the Board of Public Utilities only as part of the employment process and will be kept confidential by Human Resources.

All employees are subject to a criminal Background Check before hire. Employees in Human Resources, Finance/Budget, and County Officials who have access to confidential information such as employee data and Board of Public Utilities financial data may also be required to pass specific credit background checks. Motor vehicle checks may be done for employees involving the operation of Board of Public Utilities provided or authorized vehicles. To further protect our employees and the Board of Public Utilities business, Drug Testing may also be required of all employees (see Drug Free Workplace Policy).

Marshall County Board of Public Utilities expects honesty from its employees as well as job applicants. Employees must be a minimum of 16 years of age. Disclosure of criminal convictions is required on the employment application. A criminal conviction does not automatically disqualify an applicant but meeting designated criminal background check requirements determines hiring eligibility. Failure to report such accurately will disqualify candidates for consideration of employment. If this is not reported accurately on the employment application and is discovered after hire, the employee will be immediately separated from employment and will be ineligible for rehire.

Marshall County Board of Public Utilities requires that employees notify the Superintendent and the Human Resources Director immediately of any criminal conviction, felony or misdemeanor that occurs after their hire and during their employment with the Board of Public Utilities. Failure to do so will result in immediate separation from employment and ineligibility for rehire.

2.3A CRIMINAL RECORDS BACKGROUND CHECKS:

1. All Marshall County Board of Public Utilities employees must successfully pass a criminal Background Check upon verbal job offer per designated requirements in this Policy.
2. Criminal Background Checks typically include local, state, and federal resources and are conducted through a third-party vendor.
3. The Board of Public Utilities and the County commits to non-disclosure of background check results to anyone without the “need to know” and records are maintained confidentially.
4. Criminal Background Check history typically covers the following:
 - a) Social security numbers
 - b) Counties of residence
 - c) States of residence
 - d) Federal District Courts
 - e) Sex Offender Registries
 - f) Additional screenings as necessary and permitted by law
5. The Board of Public Utilities reserves the right not to hire a candidate in a “secure” position in HR, Legal, Finance, Budget, or County Officials at its sole discretion for a misdemeanor as described below.
6. Felony convictions: All Employees:
Negative or incomplete criminal background check results with a felony conviction date within seven (7) years prior to application will prohibit employment at any time as follows (additional requirement for Supervisors/Managers noted in #7):
 - a) Felony convictions of a violent nature, with or without weapons
 - b) Felony convictions involving deception, theft, fraud or financial misdealing
 - c) Felony convictions involving computer security infractions
 - d) Felony convictions involving the sale of controlled substances
 - e) Felony Sex Offenders (per National Sex Offenders Registry)
7. Felony convictions: Supervisors/Managers:
Negative or incomplete criminal background check results with a felony conviction date within ten (10) years prior to application will prohibit employment at any time as follows:
 - a) Felony convictions of a violent nature, with or without weapons
 - b) Felony convictions involving deception, theft, fraud or financial misdealing
 - c) Felony convictions involving computer security infractions
 - d) Felony convictions involving the sale of controlled substances
 - e) Felony Sex Offenders (per National Sex Offenders Registry)
8. Misdemeanor convictions: Supervisors/Managers/other Exempt positions: Negative or incomplete criminal background checks results with a misdemeanor conviction date within the past seven (7) years will prohibit employment in a supervisory or management position until seven (7) years without further convictions have passed.
 - a) Misdemeanor conviction for violence, with or without weapons
 - b) Misdemeanor conviction involving deception, theft, fraud or financial misdealing
 - c) Misdemeanor convictions involving computer security infractions
 - d) Misdemeanor convictions involving the sale of controlled substances
 - e) Misdemeanor convictions for sexual offenses (per National Sex Offender Registry)

9. Misdemeanor Convictions: Non-Management/Non-Exempt Employees: Negative or incomplete criminal background check results with a misdemeanor conviction date within the past three (3) years will prohibit employment in a non-management position until three (3) years without further convictions have passed.
 - a) Misdemeanor conviction for violence, with or without weapons
 - b) Misdemeanor conviction involving deception, theft, fraud or financial misdealing
 - c) Misdemeanor convictions involving computer security infractions
 - d) Misdemeanor convictions involving the sale of controlled substances
 - e) Misdemeanor convictions for sexual offenses (per National Sex Offender Registry)
 - f) The Board of Public Utilities reserves the right not to hire a candidate in a “secure” position in HR, Legal, Finance, Budget, or positions of County Officials at its sole discretion for a misdemeanor as described above. The Board of Public Utilities reserves the right to define “secure” positions.
10. In Summary:
All Employees with designated Felony Convictions: 7 years; Supervisors/Managers = 10 years
Non-Management/Exempt Employees with designated Misdemeanor Convictions: 3 years; Supervisors/Managers = 7 years
11. Marshall County Board of Public Utilities may delay hiring applicants who are awaiting or pending trial where a conviction may occur or who have a deferred status for crimes related to the above.
12. Typically, the Board of Public Utilities will conduct new Criminal Background Checks for employees who apply for Supervisory/Management or other Exempt positions; only those with passing results may be transferred or promoted into these positions in accordance with the above stated guidelines.

2.3B CREDIT RECORDS BACKGROUND CHECKS:

Marshall County Board of Public Utilities complies with all rules of the Fair Credit Reporting Act (FCRA). If credit check results show as derogatory, the source of that information is provided, and candidates can dispute the records if needed. However, settlement of any dispute is required before hire to ensure candidates meet the background check requirements.

2.3C AUDITS:

From time-to-time Human Resources may conduct random audits to ensure Policy compliance. The Board of Public Utilities will cooperate with appropriate legal entities in the professional third-party audits as required.

2.4 MINIMUM AGE

Marshall County Board of Public Utilities will not hire any individual less than sixteen (16) years of age.

2.5 PROHIBITION OF UNLAWFUL HARASSMENT IN THE WORKPLACE

It is the policy of Marshall County Board of Public Utilities to maintain a respectful work and public service environment. Marshall County Board of Public Utilities prohibits and will not tolerate any form of unlawful harassment by or toward any employee, client, vendor or official. MCBPU is committed to having a workplace free from unlawful harassment and improper or unprofessional behavior. However, employees should know the Board of Public Utilities will not permit inappropriate conduct based on race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, disability, age (age 40 or older), genetic information,

protected veteran status or status in any other group protected by law, including, but not limited to, the following types of conduct:

- Unwelcome slurs, jokes, and harassing comments that are verbally, written or electronically transmitted.
- Unwelcome graffiti, cartoons, drawings or other written comments.
- Unwelcome sexual advances, repeated unwelcome requests for dates, requests for sexual favors or conduct explicitly or implicitly, or unwelcome or offensive touching or other physical conduct directed at an employee, client, vendor, or County Official.
- Threatening or requiring an employee to submit to sexual advances in return for an employment benefit.
- Retaliation for having reported possible harassment or discrimination.
- Such conduct that has the purpose or result of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

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

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 Title VI Non-Discrimination/Harassment/Retaliation Complaint Procedure detailed in Section 2.7.

2.6 ANTI-RETALIATION POLICY

Marshall County Board of Public Utilities considers retaliation for raising a concern under either its Title VI Non-Discrimination 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 in Section 2.7. It should be noted, however, that employees who make false statements or give false information during a claim or an investigation can also be disciplined with appropriate corrective action up to and including termination.

2.7 TITLE VI NON-DISCRIMINATION /HARASSMENT/RETALIATION COMPLAINT PROCEDURE

If an employee believes that he/she has been subjected to illegal discrimination, harassment, or retaliation related to employment with Marshall County Board of Public Utilities, the employee should report the incident promptly to the Title VI Coordinator. The County's complaint procedures will be followed. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting (s) between the affected parties and the Title VI Coordinator may be utilized for resolution at any stage of the process. The Title VI Coordinator will make every effort to pursue a resolution of the complaint. Initial reviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities. These procedures are part of an administrative process that does not provide remedies that include punitive damages or compensatory remuneration for the complaint. Additionally, these procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to speak with private counsel for complaints alleging discrimination.

2.8 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 the Fair Labor Standards Act (FLSA) 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-five (35) or more hours every week and/or a minimum of 1820 hours per calendar year.

A part-time regular employee is an employee who is hired to work on a regular basis, but less than thirty-five (35) hours per week and/or a maximum of 1820 hours 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.

2.9 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 Board of Public Utilities 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.

2.10 EMPLOYMENT ELIGIBILITY VERIFICATION

Upon hire all employees must attest to his/her employment authorization. They employee must also present acceptable documents evidencing identity and employment authorization. The County uses E-Verify to confirm employment eligibility.

2.11 TIMEKEEPING

Employees are required to record their hours on the forms provided by the employer for this purpose or electronically if required. All employees are required to record their daily hours worked. Both exempt and nonexempt employees are required to fill in this form daily and, at the end of the pay period, sign and forward the

form to the supervisor or department head for review and processing. Manual time sheets should be signed by both the employee and supervisor and submitted to payroll on Monday morning by 10:00 am following the close of the pay period. 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 FSLA shall be maintained in the Human Resources office for Marshall County, Tennessee, and the office of the Marshall County Board of Public Utilities.

2.12 CALL OUT PROCEDURE-GENERAL RULES

All employees are expected to be in their appointed place of work, ready to commence at the exact starting time of their work period.

When an employee is late or absent, he or she creates several problems, including but not limited to:

- a) Holding up a work crew.
- b) Unnecessarily wasting the time of co-workers or the Supervisors or the Superintendent.
- c) Most importantly, not being able to serve our customers.
- d) All employees are expected to call the appropriate Supervisor or Superintendent no more than 10 minutes after the beginning of the work period. If the Supervisor or Superintendent is not present, the other employee taking the call will make a written note, recording the exact time of the call. The employee is still responsible for contacting his or her appropriate supervisor.
- e) The employee must call in each day until a healthcare provider's note is turned in showing extended time employee will be off. In the event an employee does not comply with any of the above rules, sick pay may not be allowed for the day involved.
- f) It will be the responsibility of the Supervisor or Superintendent to make the decision as to whether an employee's tardiness or absenteeism is justified or not.
- g) If an employee fails to report to work or to notify the Board of Public Utilities for (3) consecutive workdays, the Supervisor or Superintendent will assume that the employee has quit on the last day worked and no further compensation will be paid.

2.13 PROBATIONARY PERIOD

All new employees will have a probationary period, which extends for 3 months from their employment date. This policy will allow the Board of Public Utilities a chance to evaluate the employee's on-the-job ability and attitude, and it will also allow time for the employee to decide whether he or she feels suited to their work.

This period is a time for training and getting acquainted. Each new employee will be formally reviewed after sixty (60) days and ninety (90) days of employment. This is not to be misinterpreted as an automatic raise, but as a review of the employee's progress and productivity.

Any employee may be terminated during the probationary period without written notice and without any further consideration.

2.14 GENERAL RULES FOR ALL EMPLOYEES

By virtue of your employment, you accept the responsibility for:

1. Safe and proper operation of all the Board of Public Utilities equipment and vehicles.
2. Safety of all personnel and general public.
 - a) Placement of caution signs.
 - b) Use of flagmen.
3. Prompt reporting of any violation of any Board of Public Utilities policy, local law, or OSHA Regulations.
4. Proper inspection, maintenance, and use of equipment and vehicles.
5. Care and custody of Board of Public Utilities properties. Failure to accept this responsibility resulting in injury to Board of Public Utilities personnel or general public and/or damage to public or private property may result in disciplinary action and/or termination.

2.15 VALID DRIVER'S LICENSE

Each employee of the Board of Public Utilities may be required to operate a vehicle at some time. All Board of Public Utilities vehicles are covered by a reliable insurance company. The insurance company runs an investigation on all the Board of Public Utilities drivers. If a driver does not have a valid driver's license the insurance company will not cover the vehicles. Therefore, it is the Board of Public Utilities policy to only hire and retain employees with a valid driver's license. Each employee is required to notify the Superintendent of any restrictions place on their driver's license. Failure to maintain a valid driver's license may result in disciplinary action and/or termination.

2.16 ON CALL PROCEDURES

Superintendent: The Superintendent is on call for any type of emergency at all times.

"On Call" Personnel: One employee is "on call" at all times to handle requests for assistance and emergencies. The "on call" duties may be rotated weekly among employees that the Superintendent deems qualified. On call employees should be not more than 30 minutes from the offices of Marshall County Board of Public Utilities, IE; main office or shop office.

The "on call" person will be permitted to drive a vehicle home during that week only. Failure to comply with any vehicle use, safety or maintenance policy may result in disciplinary action and/or termination.

SECTION 3: LEAVES OF ABSENCE

3.1 HOLIDAYS

Observed Holidays: The following holidays will be declared official holidays and employees will be excused from work without charge to leave. The county legislative body may authorize additional holidays at their discretion.

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	2 nd Monday in October
Veterans Day	November 11

Thanksgiving Day & Friday after	4th 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

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. When New Year's Day falls on a weekend it will be observed on the following Monday.

To qualify for holiday pay, 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.

Board of Public Utilities employees will observe the above holidays on the same schedule as the Marshall County Courthouse Annex. Marshall County Board of Public Utilities Board of Directors approved the Columbus Day holiday at the April 17, 2018, board meeting.

3.2 INCLEMENT WEATHER ATTENDANCE

Inclement Weather without Official Closing:

Marshall County Board of Public Utilities recognizes there will be instances when inclement weather causes concerns for employees. In general, however, inclement weather does not warrant the closing of county offices and it will be the policy of Marshall County Board of Public Utilities to make every effort to maintain normal working hours during periods of inclement weather to provide necessary services to the citizens of Marshall County.

Conditions caused by ordinary inclement weather require each employee to make a personal decision regarding safety in traveling to and from the workplace. As with any unexpected absence, employees who do not feel it is safe to travel should contact their supervisor for whom they work. Employees who do not report to work during periods of inclement weather may use accumulated vacation or compensatory time for their absence. If the employee has no vacation or compensatory time, then the absence is charged as leave without pay. Employees who make the effort and report to work within a reasonable period should not be required to take leave for that absence. To be eligible, the employee must leave for work at his or her normal departure time in anticipation of regular arrival time.

Occasionally, emergency conditions caused by extreme inclement weather may warrant the closing of county offices. When such conditions exist, the County Mayor will seek input from the Emergency Management Department, the Sheriff's Department, and the Emergency Medical Services Department, which may have necessary information, to determine whether county offices should be closed. The County Mayor will also seek input as needed from county department heads. The decision to close county offices will be made only by the County Mayor or his designee. Notice will be given to local media for broadcast to the general public. The County Mayor will notify his decision to close county offices to all county department heads. If county offices are closed, employees' other than those who work in a county office open 24- hours, shall be excused from work and granted discretionary leave with pay.

Employees who are required to work when county offices have been closed shall be granted compensatory time for hours actually worked during the period of closing. This does not apply to employees whose departments are

open 24 hours a day. Part-time employees are paid for hours worked and are not eligible for discretionary leave with pay or compensatory time. Employees on previously approved leave during the affected period must continue to charge the appropriate leave and will not be eligible for discretionary leave under this policy.

Under certain unusual/discrete circumstances such as death and attendance of funeral service of team member, building issue (too hot, no electricity etc.), training, or infectious disease etc. department head may decide to close the department for a short period of time. Employees will receive salary for the approved period of time. Marshall County Board of Public Utilities will close when the County Mayor closes county buildings. Marshall County Board of Public Utilities Board of Directors adopted County's policy April 20, 2021.

3.3 SICK LEAVE

A. 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 one day per month based on the employees scheduled hours for example a thirty-five (35) hour employee will earn 7 hours of sick leave a month, a thirty-seven and one-half (37.5) hour employee will earn 7.5 hours of sick leave a month and a forty (40) hour employee will earn 8 hours of sick leave a month. 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.

B. 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. If sick leave is used during a workweek, any time worked in excess of forty (40) hours will be paid at the employee's regular rate of pay. Overtime will not be paid during that week.
- b) **DOCUMENTATION OF SICK LEAVE** — Employees are required to notify their supervisor as early as possible on the first day of their sick leave absence. After an extended sick leave, a physician's release stating the employee may return to his or her normal work is required.
- 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) **LEAVE DONATION PROGRAM** — Under this program, the Board of Public Utilities will allow employees to voluntarily donate a portion of their accrued sick leave to another employee/coworker who has already exhausted their own paid leave for personal medical emergencies or catastrophic medical conditions. This program will allow recipient in dire medical situations to continue to take paid leave for what would otherwise be unpaid time, while also boosting morale by allowing employees to help one another. Donor employee will have to provide written instruction on how many sick days he/she is donating and full name of the recipient and department name. Board of Public Utilities and the County will keep all the information regarding the donor and recipient confidential under this program.
- e) **TRANSFER** — Employees from the State of Tennessee, another Tennessee County, or another Tennessee County Government transferring to Marshall County Government will keep their accrued sick days.

3.4 BIRTHDAY LEAVE

All full-time 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.

3.5 VACATION LEAVE

A. QUALIFICATION FOR VACATION LEAVE — Regular full-time employees (those who work 35 or more hours per week and/or 1,560 hours per year) shall earn paid vacation at a rate as follows:

6 months of service	5 Days
1-4 years of service	10 Days
5 or more years of service	15 Days

Employees shall begin accruing vacation leave as of the date of their employment. However, an employee is not eligible to use or receive compensation for vacation leave until the employee has completed six months of continuous service. Part-time employees and temporary employees do not qualify for vacation leave. A part-time employee who is later hired as a full-time employee is eligible for vacation leave if they have worked for one (1) year or more as a part-time employee with no breaks in service.

B. USE OF VACATION LEAVE — Vacation leave must be used only at time approved in advance by employer. Vacation leave requests will be honored to the extent possible. If two (2) or more employees request vacation leave 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 department head. No employee may give or loan vacation leave to another employee. Vacation leave/time must be used from the anniversary of a hire date to the anniversary of a hire date and does not carry forward to the next year. Employees will be paid for accrued, but unused vacation leave upon separation of employment for any reason. Employees injured while on the job and are on workers compensation will not forfeit their vacation days. It will carry forward to their next anniversary date.

3.6 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 their hire date. Personal leave days will be forfeited if not used. They do not carry forward to the employees next anniversary date. Employees will not be paid for unused personal leave. Employees injured while on the job will not forfeit their personal days if they are on workers compensation and cannot use their time. It will carry forward to their next anniversary date.

3.7 VOTING LEAVE

Any person entitled to vote in an election in this state may be absent from work to vote while the election polls are open in the county where the person is a resident for a reasonable period of time not to exceed three (3) hours. A voter who is absent from work to vote in compliance with this section may not be subjected to any penalty or

reduction in pay for such absence. If the employee is not scheduled to begin work until three (3) or more hours after the opening of the polls, or the employee's scheduled workday ends three (3) or more hours before the closing of the polls, of the county where the employee is a resident, the employee may not take time off under this section. The employer may specify the time the employee may be absent. The employee will receive regular compensation during this period and leave time will not be affected. Voting time shall not be considered as working time for overtime/compensatory computation. Application for such absence shall be made to Board of Public Utilities before twelve o'clock (12:00) noon of the day before the election.

3.8 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, stepparent, children, step-children, brothers and sisters, mother-in-law, father-in-law, grandparents, grandchildren of the employee and legal guardians or dependents.

3.9 JURY AND COURT DUTY

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

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.

- A. 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.
- B. The employee will receive his or her regular compensation during time served on jury duty or when subpoenaed as witness.
- C. However, the employee will forfeit any compensation received for jury service or serving as a witness to his or her employer.
- D. 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.
- E. 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.

3.10 MILITARY LEAVE

- A. 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.

- B. 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:
 - 1. Occurs during the same calendar year; and
 - 2. Fulfills the employee's military training obligation for the subsequent calendar year
- C. 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.

3.11 ON THE JOB INJURY LEAVE (WORKERS' 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 Workers' Compensation Law shall be entitled to receive on the job injury leave. This leave shall not be counted against any accrued sick leave the employee has accumulated. The provisions of the Tennessee Workers' Compensation Law and the County's insurance carrier will determine the benefits which are received by the employee. Any full-time employee receiving on the job injury/illness leave will not forfeit their accrued vacation leave or personnel leave on their anniversary.

3.12 LEAVE WITHOUT PAY

Marshall County Board of Public Utilities recognizes that on occasion, employees may need time away from work due to compelling personal reasons. Leave without pay is defined as an approved, unpaid absence from work for a specified period of time where the situation and timing does not qualify an employee for other specified leaves.

Full-time and part-time regular employees with 60 days of service, if applicable, are eligible to apply for leave without pay.

Leave of Absence Without Pay due to Illness, Injury or Pregnancy

Employees who do not meet the criteria for Family and Medical Leave/Tennessee Maternity Leave Act and have exhausted their allowable leave, may apply for a leave without pay for their own illness, injury or pregnancy. The employee must provide a healthcare provider's statement which advises on his/her physical inability to perform the job. The approval and duration of the leave is at the discretion of the Superintendent or supervisor who has the authority to approve leave and will be based on a healthcare provider's statement, the individual's ability to perform job duties, and the needs of the employing department. Leave granted under this provision will normally not exceed 26 weeks duration, (less may be granted if the employee's continuing absence would substantially conflict with the needs of the department).

Leave of Absence Without Pay Due to Personal Reasons

A leave of absence without pay may be granted to a regular an employee for personal reasons only after eligible leave with pay (vacation, sick, and compensatory time) has been exhausted. Consideration of a request for personal leave shall be based-upon the effect of such leave on the department's workload and the reason for the leave. Leave granted under this provision will normally not exceed 26 weeks duration.

Requests and Approvals for Leave of Absence Without Pay

All requests for leave of absence without pay must be submitted in writing. Such requests should be made in advance if possible and as soon as the employee determines leave is necessary. The employee should fully outline the purpose for the request, and attach any pertinent documentation such as a statement from the healthcare provider, etc. The leave of absence must be approved by the Superintendent. The Superintendent is urged to consult with the Human Resources Director if unsure whether a particular request qualifies for the type of leave requested.

Benefits Administration During the Leave

An employee due to go on a leave without pay for any reason should contact the Benefits Coordinator immediately to discuss benefits during leave. If possible, this should be done in advance of the leave without pay.

Accrued leave benefits are to be handled as follows:

- Accrued vacation leave, sick leave, and compensatory time must be exhausted prior to taking leave without pay under the provisions of the Family and Medical Leave Act-unless the leave is due to a workers' compensation injury or illness. The use of sick leave is strictly limited to those situations clearly falling within the definition of sick leave contained in the Sick Leave Policy.
- Leave taken under any of the provisions stated in this policy does not entitle the employee to receive the Board of Public Utilities contribution in any month in which no salary is paid.
- In all instances, the employee must pay the monthly employee's contribution, and the Board of Public Utilities contribution, by specified deadlines each month to retain coverage. Coverage discontinued while on leave of absence without pay will not be automatically reinstated upon return to employment. Some coverage may be reinstated only with evidence of insurability.

General Provisions:

Failure to return to work upon expiration of approved leave will be considered a voluntary termination of employment. In such cases, an individual desiring to return to work will be treated as a new applicant.

An employee who returns to employment at the termination of an approved leave of absence without pay will normally be reinstated in the same position he/she formerly held, or in a position of similar status or pay.

3.13 FAMILY AND MEDICAL LEAVE ACT POLICY

Under the federal Family and Medical Leave Act of 1993 (FMLA), eligible Board of Public Utilities employees are entitled up to twelve (12) workweeks of unpaid leave during each rolling twelve (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 twelve (12) weeks of leave in a twelve (12)-month period for the following reasons:

1. The birth of a child and to bond with the newborn child within one year of birth.
2. The placement with the employee of a child for adoption or foster care and to bond with the newly placed child within one (1) year of placement.
3. A serious health condition that makes the employee unable to perform the functions of his/her job.
4. To care for the employee's spouse, son, daughter, or parent who has a serious health condition.
5. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty.
6. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember (military caregiver leave).

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 Board of Public Utilities 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 Board of Public Utilities policies and practices) shall run concurrently and be credited against the twelve (12) week limit contained in this policy.

Employee Eligibility: Eligible employees are those who have been employed by Board of Public Utilities for at least 12 months, and who have worked at least 1,250 hours during the twelve (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 Board of Public Utilities' 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 healthcare 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 Human Resources Department.

Intermittent or Reduced Schedule Leaves: Employees may take FMLA 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 healthcare 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 Board of Public Utilities 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 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, personal 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 Board of Public Utilities, and for which you are otherwise eligible, will be continued during FMLA leave on the same terms as before the leave began, for up to a maximum of twelve (12) weeks if the employee continues to pay his/her share of the premiums (if applicable) for such coverage. Failure to pay employee's 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: Board of Public Utilities 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 Human Resources Director at 931-422-2314.

Miscellaneous: Absences covered by this FMLA leave policy will not be counted against an employee’s absenteeism record under any Board of Public Utilities 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 Board of Public Utilities 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 Human Resources Director

Tennessee’s Maternity Leave Act: In addition to FMLA, Tennessee’s Maternity Leave Law (T.C.A. Section 4-21-408) 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 Human Resources Director at 931-422-2314.

Military Family Leave under the FMLA:

FMLA leave is also available for a covered family member’s service in the Armed Forces for anyone, 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 Marshall County Board of Public Utilities 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 Board of Public Utilities 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 Board of Public Utilities 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.

For additional information regarding FMLA, visit: www.dol.gov/whd/fmla.

3.14 VIRUS PANDEMIC ADMINISTRATIVE LEAVE POLICY

During times of nonspecific virus pandemic outbreaks as described below, this program may be implemented.

Management for the Board of Public Utilities believes there is a need for administrative leave during a pandemic and have determined the best course of action would be to operate with a reduced office and field staff. MCBPU is an essential department and will have limited staff available as well as keeping the offices closed to the public for the length of time as deemed necessary by an Executive Order of Local, State, and/or Federal Government. During office closures, the drive thru window and night drop will remain open as well as making payments online or over the phone with a debit/credit card.

During a virus outbreak on a national level for a need to eradicate a virus and to keep from spreading a virus through the entire department, it is necessary to split staff into two (2) equally but separate working teams in order to maintain the integrity of the department, water system and warrant small groups (10 people or less). The alternate teams shall be split into a diversity of skills knowledge and/or training. The alternate teams work schedule for a virus outbreak shall qualify for Administrative Leave and insure the employee will receive their regular pay and benefits as if they were at work. All personnel will receive full compensation during the reduced hours without using accrued sick, vacation, personal, or comp leave. Employees are asked to remain at home during regular work hours on the days they are not scheduled in order to reduce the risk of exposure.

The employee must be ready to report to work immediately at any given notice. In the event the employee fails to report for duty, then disciplinary action will be taken to include but not limited to the loss of pay from Administrative Leave and/or termination. In the event an employee falls ill, then their return to work must be accompanied with a doctor return to work release. At all times employees shall maintain social distancing (maintain six (6) feet or more) and limit themselves to small groups (10 people or less).

During the pandemic, the employees will practice social distancing, disinfect the offices and vehicles, and reduce staff to limit transmission of a virus. Two (2) employees will be at the office daily, Monday – Friday 8:00 a.m. – 4:00 p.m. and Four (4) - five (5) employees will be in the field Monday - Friday 7:00 a.m. - 3:30 p.m.

Marshall County Board of Public Utilities staff, 624 West Commerce St., Lewisburg, TN 37091 will begin our Administrative Leave Policy beginning March 24, 2020.

SECTION 4: WAGE AND HOUR POLICIES

4.1 WORKWEEK

The workweek for employees of Marshall County Board of Public Utilities begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on Saturday each week. The regular workweek for employees of Marshall County Board of Public Utilities varies according to building. Board of Public Utilities office employees work a thirty-five (35) hour work schedule. The Board of Public Utilities “shop” employees work a forty (40) hour work schedule.

Employees for whom the thirty-five (35) hour or forty (40) hour workweek is applicable and who are paid on an hourly basis will receive compensation at their regular rate of pay for all hours worked up to and including thirty-five (35) and forty (40) hours in the workweek. The salary paid to salaried employees is compensation for all hours worked by such employees up to and including thirty-five (35) hours and forty (40) hours in the workweek. The actual work schedule for each employee will be arranged by that employee’s supervisor.

4.2 LUNCH BREAK

State law required that employees must be provided a thirty (30) minute unpaid meal or rest period if scheduled six (6) consecutive hours, except in workplace environments that by their nature of business provides for ample opportunity to rest or take an appropriate break. An example would be a person employed in the food/beverage industry or security guards.

The failure to provide a thirty (30) minute meal or rest period is a violation of state law: Tenn. Code Ann. § 50-2-103 (2)(A)(B).

Marshall County Board of Public Utilities provides a one (1)-hour unpaid lunch break to its office employees, “shop” employees are provided a thirty (30) minute unpaid lunch break. Supervisors can approve at their discretion a flexible work schedule allowing a 30-minute unpaid work break after six (6) hours of work. Supervisors should ensure their staff takes the provided lunch break and properly records the lunch break on their time sheet.

4.3 FLEX TIME

Marshall County Board of Public Utilities standard office hours vary between departments. Flextime is an option available to improve departmental efficiency and morale. Flextime may not be appropriate for all departments or all positions. It is each manager’s responsibility to manage the program so that it will serve the business requirements of the department. The basic principles of flextime are:

- Manager approval is necessary for any department to participate in flextime.

- The work commitments of the department must be able to be met effectively and efficiently without compromising service to internal or external customers.
- Each employee must recognize his or her responsibilities to the County and to colleagues.
- Each employee that uses flextime must work cooperatively to ensure that no problems arise with regard to internal or external service.
- Employees utilizing flextime should establish “standard” hours (i.e., 7 a.m. to 4 p.m. every day) and should not vary hours from day to day, week to week or month to month

Employees cannot work through their lunch period to make up time unless prior supervisor approval is obtained.

4.4 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 who work in excess of forty (40) hours and use vacation time, personal time, compensatory time, or have a holiday in the same workweek will be paid overtime. These hours will serve as time 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.

4.5 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 Board of Public Utilities 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. Marshall County Board of Public Utilities reserves the right at any time to pay an employee in cash for any or all accrued compensatory time.

4.6 OTHER COMPENSATORY TIME — GAP TIME

Compensatory time off that is non-FLSA compensatory time will be granted for time worked in excess of thirty-five (35) hours, but less than forty (40) hours as follows: equal time off for time worked.

4.7 EXEMPT EMPLOYEES

Superintendent and other staff who are classified as exempt will maintain a normal work schedule as approved by their supervisor. Exempt employees who use Skyward must clock in and out using Truetime to record their actual hours worked each week. If Skyward is not available, exempt employees must maintain a paper time sheet that accurately reports their actual hours worked each week. Exempt employees should work with minimum number of hours established for their office, i.e., 35, 37.5 or 40 hours each week.

Exempt employees time sheet should reflect all hours worked including those worked above their normal work schedule. Truetime records the hours worked above an employee's normal schedule as "comp time." The reason for excess hours worked should be recorded on the employee's time sheet.

Marshall County recognizes that exempt employees work many hours over their normal work schedules. Exempt employees will be allowed to take paid time off for hours worked above their normal schedules ("Comp Time") up to fifteen (15) days each fiscal year (40-hour employee = 120 hours, 37.5 hour employee=112.50 and 35 hour employee = 105 hours) subject to supervisor approval. Exempt employees will not receive compensation for any hours worked above their normal schedules ("Comp Time") in the event of resignation or termination of employment.

4.8 TELECOMMUTING

In the event of an emergency such as a weather disaster or pandemic, the County Mayor, department heads and elected officials, may allow or require employees to work from home temporarily to ensure continuity of county business.

Procedures:

In the event of an emergency, the Superintendent, the County Mayor, or elected officials may allow or require certain employees to work remotely. These employees will be advised of such requirements by the Superintendent/office manager. Preparations should be made by employees and supervisors in advance to allow remote work in emergency circumstances. This includes appropriate equipment needs, such as hardware, software, phone, and data lines. The County's IT vendors are available to review these equipment needs with employees and to provide support to employees in advance of emergency telework situations.

The employee and the Superintendent/office manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement, including equipment needs, workspace design considerations and scheduling issues. Where telecommuting is deemed appropriate, a telecommuting agreement will be prepared by the Superintendent or the elected official and signed by the employee and his/her supervisor.

The employee will establish an appropriate work environment within his/her home for work purposes. Marshall County Board of Public Utilities will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture, or lighting, nor for repairs or modifications to the home office space.

The superintendent will determine the equipment needs for each employee on a case-by-case basis, subject to approval by the Budget Office, unless previously budgeted. Equipment supplied by the Board of Public Utilities is to be used for Board of Public Utilities purposes only. Employee will follow all Email, Computer, and Internet usage policy as outline in Personnel Policy 7.4

Employees should not assume any specified period of time for emergency telecommuting arrangements, and the department head or elected official may require employees to return to regular, in-office work at any time. The employee understands that the superintendent/office manager retains the right to modify this agreement on a temporary or permanent basis for any reason at any time.

SECTION 5: EMPLOYEE BENEFITS

5.1 HEALTH INSURANCE

Marshall County Board of Public Utilities will provide health insurance for its employees. Marshall County Board of Public Utilities will provide employee only insurance at no cost to full time employees and part time employees who qualify under ACA for insurance for the lowest cost plan. To qualify for this benefit, the employee must work for Marshall County Board of Public Utilities 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.

5.2 FAMILY HEALTH INSURANCE

Marshall County Board of Public Utilities employees will have the opportunity to purchase dependent insurance for their qualified dependents. Marshall County Board of Public Utilities 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 Board of Public Utilities will payroll deduct this premium from the employee's paycheck the month prior to when coverage begins. 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 Human Resources Office and make arrangements to pay the amount due.

5.3 LIFE INSURANCE

Marshall County Board of Public Utilities 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 Board of Public Utilities 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.

5.4 DISABILITY INSURANCE

Marshall County Board of Public Utilities 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 Board of Public Utilities 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.

5.5 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 15th November.

5.6 RETIREMENT

Marshall County Board of Public Utilities is a member of the Tennessee Consolidated Retirement System. Participation is mandatory for all full-time employees. Employees contribute 5% of their pay (pretax) and the county

currently contributes a 7.5% employer match. After a five (5) year contribution period, the employee will become fully vested. To learn more, go to <https://mytcrs.tn.gov>.

5.7 COBRA

Pursuant to Federal law the Consolidated Omnibus Budget Reconciliation Act (COBRA), the Board of Public Utilities offers eligible participants (including dependents) in the Marshall County's group health insurance programs the opportunity to extend, at their own expense, their health insurance coverages temporarily in certain instances, called "qualifying events," in which coverage under the group health plan would otherwise terminate. An administrative processing fee of up to two percent (2%) may be added to the premium by the COBRA administrator.

Qualifying Events for Employees

- Voluntary or involuntary termination of employment for reasons other than gross misconduct.
- Reduction in the number of hours of employment below plan eligibility requirements.

Qualifying Events for Spouses

- Voluntary or involuntary termination of the covered employee's employment for any reason other than gross misconduct.
- Reduction in the hours worked by the covered employee below plan eligibility requirements.
- Covered employee's becoming entitled to Medicare.
- Divorce or legal separation of the covered employee.
- Death of the covered employee.

Qualifying Events for Dependent Children

- Loss of dependent child status under the plan rules.
- Voluntary or involuntary termination of the covered employee's employment for any reason other than gross misconduct.
- Reduction in the hours worked by the covered employee below plan eligibility requirements.
- Covered employee's becoming entitled to Medicare.
- Divorce or legal separation of the covered employee.
- Death of the covered employee.

If separation or reduction in hours is the qualifying event that triggers continuation coverage, then it can be in effect for up to 18 months. All other qualifying events will trigger continuation coverage that lasts up to 36 months.

Employees and family members have the responsibility to inform the Benefits Coordinator or Plan Administrator about any change in status. Failure to do so may terminate rights to continued coverage. Those eligible for COBRA coverage have 60 days from the date they would normally lose coverage to elect to continue under the COBRA provision.

5.8 EMPLOYEE ASSISTANCE PROGRAM (EAP)

Marshall County Board of Public Utilities provides an employee assistance program where employees, spouses and dependents may choose to obtain confidential counseling and other services. An employee assistance program (EAP) is an employer sponsored benefit that is designed to assist in the early identification and resolution of workplace productivity problems work/life balance, supervisor and employee training, substance abuse assessment and treatment services, management consultation and legal assistance. These include, but are not

limited to health, relationship issues, family problems, financial concerns, alcohol and drug issues, legal issues, emotional problems, grief, and stress.

The employee's right to privacy, records, and discussions regarding the nature of personal problems will be handled in a highly confidential manner. Employee's records will be kept at the offices of the EAP administrator, and the contents will be released only upon the employee's written permission.

However, supervisors may make mandatory referrals when the employee's job performance is affected. If this occurs, the employee will sign an agreement that will allow the Marshall County Board of Public Utilities to obtain information on treatment and progress to aid the supervisor in making decisions related to the employee's ability to perform the job and/or return to work.

Information about how to contact the Marshall County Board of Public Utilities EAP is available from supervisors, department heads and/or from Benefits Coordinator.

5.9 LIGHT, LIMITED, OR MODIFIED DUTY ASSIGNMENTS

To help reduce workers' compensation and other related costs, and to assist employees who are incapacitated in their return to work, Marshall County Board of Public Utilities may, at its sole discretion, offer temporary light-duty job assignments for employees with temporary work-related restrictions due to an illness or injury. Employees who wish to return to work with temporary restrictions due to injuries or illnesses should, if desired, contact their supervisors about light-duty assignments.

Light-duty assignments under this policy are temporary job assignments for employees injured or otherwise incapacitated. Such light-duty assignments are temporary assignments only, are not vacant or permanent positions within the Marshall County Board of Public Utilities workforce and are not available to employees on a permanent basis under any circumstances. The availability of such light-duty assignments depends on the employee's restrictions and the business needs of the Marshall County Board of Public Utilities. The existence of this light duty policy does not in any way guarantee that light duty will be available at any given time, or for any employee who requests it.

In most cases, some temporary modification of duties can be made for an employee that would allow them to return to work in a limited capacity, subject to his/her medical restrictions. Temporary restructuring may include modification of essential or non-essential functions of the job, limitation of working hours, changes in working conditions, or physical modification of the workplace. Non-Workers-Compensation temporary assignments are limited in duration to 45 days.

If at any point an employee is medically determined to have sustained permanent restrictions, the creation or continuation of a temporary light duty assignment will not be considered. In that event, the County will review the employee's situation separately, to determine the appropriate steps to be taken, if any, under the Americans with Disabilities Act, other applicable law, and other relevant Marshall County Board of Public Utilities policies.

Reasonable Accommodation

Reasonable accommodation is the modification or adjustment to a job, the work environment, or the way things are usually done that enables a qualified person with a disability or injury to enjoy equal employment opportunity.

It is expected that most requests for reasonable accommodation will involve existing employees who have become disabled, through an injury or illness. The most common request will include the restructuring of jobs or tasks

within a job, reassignment to a vacant position in another classification, modification of the existing work site, or acquisitions of special equipment and devices.

A common request of a worker upon return to work after an extended absence may be for a complete job reassignment. While it is preferable to consider other accommodations that will enable the employee to return to his/her customary job, if this is not feasible, the Marshall County Board of Public Utilities may seek to move the employee into another job classification for which the employee is qualified. This position may be at the same rate of pay, or a lower rate of pay.

5.10 AMERICANS WITH DISABILITIES ACT (ADA)

The Americans with Disabilities Act (ADA) protects the rights of people with disabilities by eliminating barriers to their participation in many aspects of working and living in America. To be protected by the ADA, one must have a disability, which is defined by the ADA as a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered.

On-the-job injuries and/or illnesses must be severe enough to substantially limit a major life activity to invoke the protections of the ADA. If not, the injury and/or illness may only be temporary or have minimal long-term impact. Additionally, an employee does not automatically satisfy the recorded impairment definition under the ADA by merely filing a workers' compensation claim. The employee must have history of, or been misclassified as having, an impairment that substantially limits a major life activity.

What the Law Requires

To be protected by the ADA, an individual with a disability or an injury must be qualified for the job that he/she is seeking. Qualified means the individual must meet all requirements for a job and be able to perform its essential functions with or without reasonable accommodations.

What the Law Does Not Require

Only injured workers who meet the ADA's definition of an "individual with a disability" will be considered disabled under the ADA, regardless of whether they satisfy criteria for receiving benefits under workers' compensation or other disability laws. A worker also must be "qualified, " with or without reasonable accommodation, in order to be protected by the ADA.

The ADA does not require that the County accommodate an injured employee by reassigning the essential functions of his/her job to another employee, even if the injured worker requests such an accommodation. The ADA also does not require that an employee be reassigned to another position in order to provide him/her with a job, especially if the employee is not qualified to perform the new job.

5.11 Other Benefits

Active employees who are full-time regular employee are provided with basic Life/Accidental Death and Dismemberment (AD&D) insurance coverage through the county's group Life/AD&D Insurance Program.

Long-Term Care Insurance

Long-term care benefit is intended to provide care in the event of a long-term illness or a chronic condition. Long-term care insurance will help ensure financial resources are in place should an employee require extended care at home, in an assisted living facility or nursing home.

Short-Term Disability Insurance

Employees can buy Short Term Disability Insurance voluntarily. Long-term disability pays a full-time regular employee a percentage of their monthly earnings if they become disabled. The gross monthly benefit is 60% of base pay after 180-day elimination period and after sick leave is exhausted. The benefits are offset with other continuation benefits (see insurance certificate for details). The maximum benefit duration is to age 65 or to the age the employee reaches their full retirement age.

Other Optional Employee Benefits

The Marshall County Board of Public Utilities offers other employee benefits that are optional to the employee and available at the employee's own expense. Employees may purchase from vendors additional insurance coverage and options. Premiums for optional coverage shall be deducted from the respective employees' paychecks. Eligible employees may also enroll into 457 (b) and/or 401(k) retirement plans.

SECTION 6: DRUG-FREE WORKPLACE AND DRUG SCREENING

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. Cost incurred may include absenteeism, accidents, equipment damage, and increased medical costs and insurance premiums.

Research indicated that health insurance costs for employees with alcohol problems are approximately 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 leave as those who do not.

Each person reacts differently to drugs and alcohol, but one thing is clear---these substances affect our judgment and our ability to perform. Their abuse places employees of Marshall County Government, co-workers, and the community at risk.

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, Marshall County Government has adopted a substance abuse policy in accordance with the Tennessee Worker's Compensation Reform Act of 1996. The intention of this policy is to make Marshall County Government a safe. and better place to work.

6.1 POLICY STATEMENT

Marshall County Board of Public Utilities is committed to providing a safe work environment and to fostering the wellbeing and health of its employees. This commitment is jeopardized when any Marshall County Board of Utilities employee illegally uses drugs on or off the job, comes to work under the influence, possesses, distributes, or sells drugs in the workplace, or abuses alcohol on the job. Therefore, Marshall County Government has established the following policy pursuant to Tennessee Code Annotated Section 50-9-100 et. Seq.:

- 1) It is a violation of Marshall County Board of Public Utilities and Marshall County Government policy for any employee to use, possess, sell, trade, offer for sale or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job.

- 2) It is a violation of Marshall County Board of Public Utilities and Marshall County Government policy for an employee to report to work under the influence of or while possessing illegal drugs in his or her body, blood, or urine, in any detectable amount.
- 3) It is a violation of Marshall County Board of Public Utilities and Marshall County Government policy for any employee to report to work under the influence or impaired by alcohol or to engage in the use of alcohol during work hours.
- 4) It is a violation of Marshall County Board of Public Utilities and Marshall County Government policy for any employee to use prescription drugs illegally, i.e., to use prescription drugs that have not been legally obtained or in a manner or for a purpose other than prescribed. Note that this policy in no way precludes the appropriate use of legally prescribed medications.
- 5) Violations of this policy are subject to disciplinary action up to and including termination.
- 6) As a condition of employment, employees must abide by the terms of this policy and must notify Marshall County Board of Public Utilities or Marshall County Government in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

6.2 SCOPE

Employees Subject to Testing:

All employees of Marshall County Government will be subject to testing for the use of alcohol and illegal drugs.

Alcohol:

Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including but not limited to methyl and isopropyl alcohol.

No employee shall report to work or remain at work while having an alcohol concentration of any amount.

Possession of alcoholic beverages at the worksite is prohibited.

No employee shall be on duty or operate a commercial motor vehicle while possessing alcohol unless the alcohol is manifested and transported as part of a shipment. Employees shall not operate a vehicle in the performance of work duties while having an alcohol concentration of any amount. No employee required to take a post-accident test shall consume alcohol for four (4) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first. An employee is required to take a post-accident alcohol test immediately provided there is not some reason beyond the employee's control that such testing cannot timely occur. In no case shall more than four (4) hours elapse before the test is administered.

Controlled Substances:

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

No employee shall report to work or remain at work while using or under the influence of 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 functions.

No employee shall report to work or remain at work if the employee tests positive for controlled substances.

Prescribed Medications or Non-Prescribed Over-the-Counter Medications:

All employees taking prescribed medications or non-prescribed over-the-counter medications that could impair their ability to safely perform their work functions must report this to their immediate supervisor prior to engaging in work related activities and as otherwise indicated in this policy.

DEFINITIONS:

“ALCOHOL” as used in these rules shall have the same meaning as in the federal regulations describing procedures for the testing of alcohol by programs operating pursuant to the authority of the United States Department of Transportation as currently complied at 49 Code of Federal Regulations (C.F.R.) Part 40. This definition shall be changed to conform to any future revision of the Department of Transportation’s regulations.

“ALCOHOL TEST” means an analysis of blood, or any other analysis, which determines the presence or level of alcohol as authorized by the relevant regulations of this policy.

“CERTIFIED LABORATORY” means any facility equipped to perform the procedures prescribed in this chapter, in accordance with the standards of the United States Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA), or the College of American Pathologists-Forensic Urine Drug Testing (CAP-FUDT).

“CHAIN OF CUSTODY” refers to the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing accountability at each stage in handling, testing, and storing specimens and reporting test results.

“CONFIRMATION TEST”, “CONFIRMED TEST”, OR “CONFIRMED DRUG TEST” means a second analytical procedure used to identify the presence of a specific drug, or alcohol, or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

“COVERED EMPLOYER” means a person or entity that employs a person, is covered by the Worker’s Compensation Law, maintains a drug-free workplace pursuant to these rules, and includes on the posting required by T.C.A. Section 50-9-105 a specific statement that the policy is being implemented pursuant to the provisions of these rules. These rules shall have no effect on employers who do not meet this definition.

“DRUG” means any drug subject to testing pursuant to drug testing regulations adopted by the United States Department of Transportation. A covered employer may test an individual for any or all of such drugs.

“DRUG REHABILITATION PROGRAM” means a service provider that provides confidential, timely, and expert identification, assessment and resolution of employee drug or alcohol abuse.

“DRUG TEST” or “TEST” means any chemical, biological, or physical instrumental analysis administered by a certified laboratory for the purpose of determining the presence or absence of a drug or its metabolites or alcohol pursuant to regulations governing drug or alcohol testing adopted by the United States Department of Transportation or such other recognized authority approved by rule by the commissioner of labor.

“EMPLOYEE” means any person who works for a salary, wages, or other remuneration for a covered employer.

“EMPLOYEE ASSISTANCE PROGRAM” means an established program capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee drug or alcohol abuse; referrals of employees for appropriate diagnosis, treatment and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work. If, in addition to the above activities, an employee assistance program provides diagnostic and treatment services, these services shall in all cases be provided by the program.

“EMPLOYER” means a person or entity that employs a person and is covered by the Worker’s Compensation Law.

“INJURY” means a harm or damage to any employee, occurring in the workplace or in the scope of employment which must be recorded, in accordance with Occupational Safety and Health Administration (OSHA) reporting guidelines, in covered employer’s OSHA 200 Log.

“INITIAL DRUG TEST” means a procedure that qualifies as a “screening test” or “initial test” pursuant to regulations governing drug or alcohol testing adopted by the United States Department of Transportation or such other recognized authority approved by rule by the commissioner of labor.

“JOB APPLICANT” means a person who has applied for a position with a covered employer and has been offered employment conditioned upon successfully passing a drug or alcohol test and may have begun work pending the results of the drug or alcohol test.

“MEDICAL REVIEW OFFICER” or “MRO” means a licensed physician, employed with or contracted with a covered employer, who has knowledge of substance abuse disorders, laboratory testing procedures and chain of custody collection procedures; who verifies positive, confirmed tests results; and who has the necessary medical training to interpret and evaluate an employee’s positive test result in relation to the employee’s medical history or any other relevant biomedical information.

“REASONABLE-SUSPICION DRUG TESTING” means drug testing based on a belief that an employee is using or has used drugs or alcohol in violation of the covered employer’s policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts considering experience. Among other things, such facts and inferences may be based upon:

- 1) Observable phenomena while at work, such as direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol;
- 2) Abnormal conduct or erratic behavior while at work or a significant deterioration in workplace performance.
- 3) A report of drug or alcohol abuse, provided by a reliable and credible source;
- 4) Evidence that an individual has tampered with a drug or alcohol test during his employment with his/her current covered employer;
- 5) Information that an employee has caused, contributed to, or been involved in an accident at work; or
- 6) Evidence that an employee has used, possessed, sold, or transferred drugs or alcohol while working or while covered employer’s premises or while operating the covered employer’s vehicles, machinery, or equipment.

“SAFETY SENSITIVE POSITION” means a position involving a safety-sensitive function pursuant to regulations governing drug testing adopted by the United States Department of Transportation. For drug-free workplaces, the commissioner is authorized, with the approval of the Advisory Council on Worker’s Compensation, to promulgate rules expanding the scope of safety-sensitive position to cases where impairment may present a clear and present risk to co-workers or other persons. “Safety-sensitive position” means, with respect to a public employer, a position in which a drug impairment constitutes and immediate and direct threat to public health or safety, such

as a position that requires the employee to carry a firearm, perform life threatening procedures, work with confidential information or documents pertaining to criminal investigations or work with controlled substances, or a position in which momentary lapse in attention could result in injury or death to another person.

“SPECIMEN” means tissue, fluid, or a product of the human body capable of revealing the presence of alcohol, drugs, or their metabolites.

“SPLIT SPECIMEN” means the procedure by which each urine specimen is divided in two and put into a primary specimen container and secondary, or “split”, specimen container. Only the primary specimen is opened and used for the initial screening and confirmation test. The split specimen container remains sealed and is stored at the testing laboratory.

“THRESHOLD DETECTION LEVEL” means the level at which the presence of a drug or alcohol can be reasonably expected to be detected by an initial and a confirmatory test performed by a certified laboratory. The threshold detection level indicates the level at which a valid conclusion can be drawn that the drug or alcohol is present in the employee or job applicant’s sample.

6.3 QUALIFICATIONS FOR EMPLOYMENT AND PROHIBITED CONDUCT

Prohibited Conduct:

Alcohol: Alcohol is defined as any food, beverage, mixture, or preparation, including any medication, containing ethyl alcohol. Testing for the use of alcohol will be done using approved screening or evidential breath testing (EBT) devices approved by the federal government. Testing requirements for alcohol follows US Department of Transportation regulations.

- 1) Use and/or possession are prohibited during working hours.
- 2) A screening test will be conducted first, and a result of any amount is considered positive. Although not considered a positive test, a CDL holder or an employee in a Public Health and Safety sensitive category (Non-CDL drivers, Water Treatment Personnel, Hazardous Duty Workers, Security and Related Law Enforcement, Fire, EMS and Related Supported Personnel, and Care Givers known as PHS) shall be removed from driving and/or performing a PHS function with an alcohol concentration of any amount, and is subject to retesting and possible referral to a Substance Abuse Professional for assessment. Marshall County Board of Public Utilities reserves the right to additional testing.
- 3) Reporting for work or remaining at work with an alcohol concentration of any amount is prohibited.
- 4) Operating a vehicle in the performance or work duties with an alcohol concentration of any amount is prohibited.
- 5) Possession of alcohol in an open container on County property or in a county vehicle or during regular work hours is prohibited.
- 6) Use during the eight hours following an accident or until the employee undergoes a post-accident test is prohibited.
- 7) Refusal to take a required alcohol test is interpreted as a positive alcohol test result.
- 8) Driving a county vehicle while under the influence of drugs or alcohol is strictly prohibited.

Controlled Substance:

- 1) Use of any illegal drug is prohibited during working hours, except by a doctor’s prescription written for that individual, 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 functions.

- 2) Possession of any illegal drug is prohibited any time an employee is on the job unless it is in the performance of his/her work duties.
- 3) 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 of mental ability or physical dexterity.
- 4) 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 conditions is violated.
- 2) Any employee reporting to work visibly impaired will be deemed unable to perform required duties and will not be allowed to work. If possible, the employee's supervisor will first seek another supervisor's opinion to confirm the employee's status. Next, the supervisor will consult privately with the employee to determine the cause of the observation, including whether the substance abuse has occurred. If, in the opinion of the supervisor, the employee is considered impaired, the employee will then be sent home or to a drug and alcohol testing facility by taxi or other safe transportation— depending on the determination of the observed impairment—and accompanied by the supervisor or another employee if necessary.

Opportunity to Consent or Explain Test Results:

Employees and job applicants who have a positive confirmed drug or alcohol test result may explain or contest the result to the medical review officer within five (5) working days after receiving written notification of the test result from the medical review officer. If an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the county. A person may contest the drug test result pursuant to rules adopted by the Tennessee Department of Transportation.

Confidentiality:

The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained except as otherwise prohibited by law.

6.4 TESTING CIRCUMSTANCES

Pre-Employment Testing:

All job applicants at Marshall County Board of Public Utilities will undergo testing for substance abuse as a condition of employment prior to beginning official work duties. A confirmed positive result will result in the revocation of the conditional employment.

Applicants will be required to submit voluntarily to a urinalysis test at a collection site and conducted by a laboratory chosen by the Marshall County Government/Board of Public Utilities and by signing consent agreement will release Marshall County Government/Board of Public Utilities from liability.

If the physician, collection site personnel, or lab has a reasonable suspicion to believe that the job applicant has tampered with the specimen, the applicant will not be considered for employment.

Marshall County Board of Public Utilities will not discriminate against applicants for employment because of a history of drug or alcohol abuse. It is the current illegal use of drugs and/or alcohol which is of concern. Note that the applicant may be excluded from eligibility for employment through other policies prohibiting the employment

of a person with a criminal record which may have resulted from alcohol and/or drug abuse. A history of drug or alcohol abuse is not an adequate reason for exclusion from employment eligibility.

Post-Accident Testing:

Any employee involved in a work-related accident which causes an injury to himself/herself or another person sufficient to require treatment for the injury or which disables a vehicle or equipment while carrying out official duties will be required to submit to an alcohol and controlled substance test. Testing will be administered immediately following the accident or as soon as medically and legally possible. In no case shall more than four (4) hours elapse before the test is administered. It is the employee's responsibility to notify Marshall County Board of Public Utilities immediately to ensure actions are taken to meet the testing requirements. The employees must refrain from consuming alcohol for eight hours following the accident or until he/she submits to an alcohol test, whichever comes first.

The drug test must be administered within four (4) hours following the accident. The employee must remain available for testing or Marshall County Board of Public Utilities will consider the employee to have refused to submit to testing. If an injured employee refuses to submit to a test for alcohol and/or illegal drugs, the employee forfeits eligibility for worker's compensation benefits.

In case of non-emergency injuries reported after the fact, the injured employee must submit to testing at the time the injury is entered into the OSHA 200 log or any authorized replacement for the OSHA 200 log.

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

Random Testing:

Employees of Marshall County Board of Public Utilities who are under the CDL guidelines or in a safety-sensitive position will be subject to random testing for controlled substances and alcohol. Random testing will be conducted on a percentage basis in a fair and equitable manner.

Safety-sensitive positions are defined as following but not limited to:

- EMT's
- Paramedics
- Volunteer Firefighters/Rescue Personnel
- Dispatchers
- Law Enforcement/Corrections Officers
- Maintenance
- Any person who drives a county vehicle

Drug and alcohol testing may be conducted at any time the employee is at work for Marshall County Board of Public Utilities.

The selection of employees for random drug testing will be based on a computer-generated random number that is administered by an outside source contracted by the Marshall County Government.

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. When notified that they have been selected for random testing, employees will proceed immediately to the collection site, which may be on the work site.

Reasonable Suspicion Testing:

When there is a reasonable suspicion to believe that an employee is illegally using drugs or abusing alcohol 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 Board of Public Utilities policy drawn from specific objective and explainable facts and reasonable inferences drawn from those facts considering experience and/or training.

It shall be a condition of employment for all employees to submit to reasonable suspicion substance abuse testing including but not limited to the following circumstances:

- 1) Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse.
- 2) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- 3) A report of substance abuse provided by a reliable and credible source.
- 4) Evidence that an individual has tampered with any substance test during his or her employment with the Marshall County Board of Public Utilities.
- 5) Information that an employee has used, possessed, sold, solicited, or transferred drugs while on Marshall County Government's/Board of Public Utilities property or while operating Marshall County Board of Public Utilities' vehicle, machinery, or equipment.
- 6) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while on Marshall County Government/Board of Public Utilities' property or while operating Marshall County Board of Public Utilities property or while operating Marshall County Board of Public Utilities vehicle, machinery, or equipment.

Return to Duty Testing:

Any employee who can return to duty, based on Marshall County Board of Public Utilities approval, following referral, evaluation, and treatment because of positive alcohol or drug test will be required to submit to a return-to-duty alcohol and/or controlled substance test. Zero alcohol concentration and a negative drug test will be required before a return-to-duty decision is made.

Follow-Up Testing

In the event the employee is allowed to return to duty following referral, evaluation and treatment, a minimum of four (4) unannounced alcohol and/or drugs tests will be required during the next 24 months of employment all at the employee's expense.

Alcohol and controlled substance testing may be performed at any time the employee is at work for the Marshall County Board of Public Utilities.

6.5 ALCOHOL TESTING METHODOLOGY

Alcohol testing will only be performed by the drawing of blood by trained medical personnel and tested by a laboratory certified by the Department of Health and Human Services. All alcohol testing will be conducted in a location that affords visual and aural privacy to the individual being testing. Unauthorized persons will not be permitted access to the testing location when a test is in progress.

Alcohol Testing Procedures:

When the result is zero concentration no further testing is authorized, and the result will be transmitted to Marshall County Board of Public Utilities in a confidential manner and will be stored to ensure confidentiality is maintained.

When the results are any amount of alcohol a confirmation test must be performed to verify the initial test. The confirmation test will be conducted no less than 15 minutes and no more than 20 minutes after the initial test. In the event the initial and confirmation test results are different, the confirmation test 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, a form will be signed to certify the results. 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 submit to testing will be treated the same as if the result is with any amount of concentration. Marshall County Board of Public Utilities will maintain alcohol and drug tests in a secure and confidential manner, so that disclosure of information to unauthorized persons does not occur. Employee 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, Marshall County Board of Public Utilities shall disclose post-accident testing information to the National Transportation Safety Board as part of an accident investigation.

Marshall County Board of Public Utilities will make records available to a subsequent or prospective employer upon receipt of a written request from the tested employee. Marshall County Board of Public Utilities may disclose information to the employee or the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual or in defense of Marshall County Government/Board of Public Utilities.

6.6 SPECIMEN COLLECTION PROCEDURES

Specific guidelines provided by the U.S. Department of Transportation 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 the collection, shipment, and accession of the urine specimens from Marshall County Board of Public Utilities 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.

Collection facilities chosen by the Marshall County Board of Public Utilities must meet security requirements as specified by DHHS guidelines. The collection site will be a secure location to allow for privacy, which includes a toilet for completion of urination and a source of water for washing hands excluded from the area provided for urination.

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).

Employee will be required to wash his/her hands prior to providing specimen.

Employee will be allowed to provide his/her specimen in the privacy of a stall or individual restroom.

Specimen cup is equipped with a temperature strip, which must read between ninety (90) and one hundred (100) degrees F. Specimen out of temperature is unacceptable. Employee's temperature may be taken to ensure that body temperature is within normal range. If body temperature is consistent with sample, results will be noted and reported to lab and Medical Review Officer. If body temperature is within range a second sample will be collected and both temperatures reported to lab and Medical Review Officer.

In all cases the employee and the collection site personnel shall always keep the specimen in view prior to being sealed and labeled. The specimen will be labeled with tamper proof seals and the employee will sign appropriate places on the Chain of Custody form and initial the seal on the bottle attesting to the fact that the specimen is specific to the person providing the sample. A failure of the employee to cooperate will be considered a refusal to test which is considered a verified positive test result. The terms of this policy will then be administered.

6.7 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 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 to the Medical Review Officer 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 collection site, and the drug testing laboratory identification number. As with alcohol testing, every reasonable precaution will be taken to maintain the confidentiality of the test results.

The Medical Review Officer (MRO) is a licensed physician and possesses knowledge of drug abuse disorders. The MRO may be an employee of Marshall County Government/Board of Public Utilities or one contracted to provide the services required. The MRO will review and interpret 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 an 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 Employee Benefits Coordinator and Marshall County Board of Public Utilities Superintendent as prescribed below.

If during the course of an interview with the individual 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 Marshall County Board of Public Utilities. An employee or applicant should report his/her use of prescription drugs to the MRO prior to taking a drug or alcohol test, or, in any event, no later than the time of the MRO's post-test review of the results with the individual. The individual's disclosure to the MRO of the use of prescription or non-prescription drugs will be kept confidential.

The MRO will notify each employee or applicant who has a confirmed positive test that the individual has 72 hours in which to request a split specimen. If the individual makes such a request, the MRO will direct, in writing, the laboratory to provide a specimen to another certified laboratory for analysis. If the analysis of the specimen fails

to reconfirm the presence of the drug(s) or metabolites(s) found in the primary specimen, or if the specimen is unavailable or inadequate for testing, the MRO will cancel the test, report the cancellation and the reasons for it to the employee and Marshall County Board of Public Utilities. A request for re-testing of the sample and associated costs are the responsibility of the individual. Marshall County Board of Public Utilities will comply with any additional rules promulgated by the Tennessee Department of Labor regarding the contesting of the drug test results.

If the MRO, after making and documenting all reasonable efforts, is unable to contact the testing person, the MRO will contact a designated management official of Marshall County Board of Public Utilities. He/she will arrange for the tested person to contact the MRO. If the person does not do so, the MRO will verify the test as positive and report it to the appropriate person.

An employee or applicant may have certain appeal rights to the courts under Worker's Compensation Reform Act of 1996. It is the employee's or applicant's responsibility to notify the testing laboratory of any administrative or civil action brought pursuant to the Act.

6.8 DISCIPLINE AND CONSEQUENCES

Pre-Employment:

An applicant for employment with a verified positive controlled substance test will be denied employment. If the individual has been allowed to begin performing duties, the person will be compensated for the time worked and terminated.

Reasonable Suspicion:

Any employee of Marshall County Board of Public Utilities 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 a blood alcohol confirmed test result of any amount (vehicular or workplace accident) will be subject to disciplinary action up to and including termination. Whether or not he/she is terminated, the employee will be referred to a list of qualified substance abuse professionals.

Post-Accident:

Any employee of Marshall County Board of Public Utilities 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 blood alcohol test result of any amount (vehicular or workplace accident) will be subject to disciplinary action up to and including termination. Whether or not he/she is terminated, the employee will be referred to a list of qualified substance abuse professionals.

Random:

Any employee of Marshall County Board of Public Utilities subject to the terms of this policy, as a result of a random test, with a verified positive controlled substance test result and/or a blood alcohol test with a confirmed test result of any amount, will be subject to disciplinary action up to and including termination. Whether or not he/she is terminated, the employee will be referred to a list of qualified substance abuse professionals.

Return-to-Duty:

Any employee of Marshall County Board of Public Utilities with a verified positive controlled substance test result and/or a confirmed blood alcohol test of any amount, as the results of a return-to-duty test will be terminated and referred to a list of substance abuse professionals for evaluation, referral, and treatment. The employee is responsible for any expense incurred under such treatment or rehabilitation.

Follow-up:

Any employee returning to duty after a positive test and a negative return-to-duty test must be tested four (4) times within a 24-month work period. Any employee with a verified positive controlled substance test or blood alcohol test of any amount during this period will be subject to disciplinary action up to and including termination.

6.9 OTHER CONSIDERATIONS

In all cases a refusal to submit to a test will be treated as a “positive” test result for purposes of discipline and decision making.

Supervisory and employee training as required under the guidelines of the Tennessee Drug-Free Workplace initiative will be provided.

Should an employee voluntarily approach Marshall County Board of Public Utilities administrative personnel for assistance through rehabilitation for drug abuse or alcohol prior to a testing request by Marshall County Board of Public Utilities, all possible and positive consideration for a medical leave of absence for treatment and/or counseling will be pursued. The employee will not be discharged or otherwise discriminated against because he/she voluntarily sought treatment if he/she has not previously tested “positive” for alcohol or illegal drug use or entered an alcohol or drug rehabilitation program. If an employee’s employment is terminated, however, Marshall County Board of Public Utilities will not be obligated to provide assistance beyond the last day of employment.

Marshall County Board of Public Utilities offers resource information on various means of employee assistance in our community, including but not limited to drug and alcohol abuse programs. Employees are encouraged to use this resource. In addition, we will distribute this information to employees for their confidential use.

Substance abuse testing for job applicants and employees will include a urinalysis screen and/or blood alcohol test (not required for job applicant testing) for the following drugs:

Alcohol (employees only): Any “alcoholic beverage”, all liquid medications containing ethyl alcohol (ethanol) or other low molecular weight alcohol including but not limited to methyl and isopropyl alcohol. Please read label for content. For example: Vicks Nyquil is 25% ethyl alcohol, Comtrex is 20%, Contac Severe Cold Formula Night Strength is 25%, and Listerine is 26.9%.

Amphetamines: “speed”, “uppers”, etc.

Barbiturates: secobarbital, amobarbital, butobarbital, butalbital

Benzodiazepines: clorazepate, chlordiazepoxide, temazepam, oxazepam, diazepam, alprazolam, clonazepam, prazepam, flunitrazepam, triazolam

Cannabinoids: THC, marijuana, hashish, “pot”, “grass”, “hash”, etc.

Cocaine: “coke”, “crack”, etc.

Phencyclidine: PCP, “angel dust”

Opiates: Narcotics, Heroin, Codeine, Morphine, “smack, dope, etc....”

SECTION 7: MARSHALL COUNTY BOARD OF PUBLIC UTILITIES (MCBPU) PROPERTY

7.1 USE OF MARSHALL COUNTY BOARD OF PUBLIC UTILITIES TIME, FACILITIES, AND AUTHORITY

An employee may not use MCBPU facilities, equipment, and supplies for personal needs either during or beyond normal working hours unless authorized by MCBPU. In addition, employees may not make or attempt to make private purchases using the Marshall County Board of Public Utilities name or resources including cash and purchasing cards.

Employees of the MCBPU may not use or attempt to use their position to secure any privilege or exemption for themselves or others that is not authorized by the State law or policy of the MCBPU. A MCBPU employee in his/her relationships with any person, may not use the power or authority of his/her office or position in a manner intended to induce or coerce another person to provide, directly or indirectly, anything of value that will provide an advantage, benefit, or economic gain of the employee, or any other person.

No employee may use his/her official influence to assist any person for compensation, other than as done in the course of assigned duties and responsibilities.

No MCBPU employee may have any financial interest in the profits of any contract, service, or their work performed by MCBPU; or personally profit directly or indirectly from any contract, purchase, sale, or service between MCBPU and any person or company; or personally, or as an agent, provide any surety, bail, or bond required by law or subject to approval by the Marshall County Board of Public Utilities Board of Directors. No employee may accept any free or preferred services, benefits, or concessions from any person or company that might reasonably be interpreted as an attempt to influence his/her actions with respect to MCBPU business.

7.2 USE OF MCBPU VEHICLES, MACHINERY AND EQUIPMENT

MCBPU vehicles, machinery and equipment are for official use only.

No MCBPU vehicles, machinery or equipment may be operated outside of Marshall County limits by any employee unless so authorized by the supervisor of that employee.

Employment with the MCBPU will require the employee to operate one or more vehicles. If an employee is assigned a vehicle, that employee is totally responsible for the vehicle. The employee must check all fluid levels and mechanical operations daily.

The employee is to report any problems to his Supervisor immediately. The employee is responsible for the safe operation of any and all vehicles to insure the protection of the public as well as other personnel and vehicles.

The employee is responsible to properly secure all vehicles before leaving any vehicle unattended. Proper use of safety lighting and safety hitches during transportation is the responsibility of the employee.

Department vehicles are for business use and are not to be used for personal activities, during the workday. Employees may stop at a grocery or restaurant to get lunch. If an employee goes home to eat, he will use his own vehicle.

The one exception to this rule is the employee who is assigned a vehicle with permission to drive it home at night. Vehicles driven home at night are for "on call" status. It is expected that the employee will respond if called for an

emergency. If an employee needs to stop at some place of business on his or her way to or from work, and the business is on a reasonable route from his or her home to work, the employee may make such stop in the M.C.B.P.U. vehicle provided the employee is on his or her own time.

All tools placed and kept on vehicles shall be listed and a file kept by the Superintendent. Such list shall be checked quarterly and any tools missing shall be accounted for by the normal operator of that equipment or vehicle (for inventory purposes)

At the time of separation of employment, and prior to receiving final monies due, the employee shall return to his or her department all assets, books, keys, manuals, records, uniforms, tools, and other items of MCBPU property in the employee's care and custody. Certification to this effect shall be made by the employee's supervisor or department head, and all monies due MCBPU because of any shortages or unreturned property shall be deducted from the employee's separation pay or otherwise collected.

7.3 CREDIT CARD POLICY

MCBPU credit cards can be used for MCBPU purchases, MCBPU related travel expenses, and the paying of online dues, memberships, and licensing fees. Department heads and employees using the credit cards must follow MCBPU'S purchasing policy when applicable.

The Superintendent will be responsible for the authorization of the credit card within his/her department and use of the credit card by any employee in their department. Credit cards may not be used for personal use. Unauthorized use of a MCBPU credit card will result in disciplinary action up to and including termination of employment.

The MCBPU reserves the right to payroll deduct from department heads and employee pay checks the unauthorized use of a MCBPU credit card. An example would be the reservation of a motel room for a conference the employee or department head did not attend, or a meal charge more than the travel policy, etc.

7.4 EMAIL, COMPUTER, AND INTERNET USAGE POLICY

MCBPU's computers, computer files and equipment, including but not limited to its e-mail communications system and Internet access, and software are the property of MCBPU and intended for business use and job-related activities. Any work, processing, or data entry entered into the MCBPU's computer becomes the property of MCBPU.

Access to MCBPU's network is a privilege and carries responsibilities reflecting responsible, lawful, and ethical use. Use of the MCBPU's network constitutes the individual's acceptance of this policy. Employees are expected to be knowledgeable of these and all policies of MCBPU. Violations of this or any other policy may subject the employee to disciplinary action, up to and including termination.

All Internet data that is composed, transmitted, or received via the MCBPU's network is part of the official records of MCBPU and, as such, may be subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in email messages and other transmissions is accurate, appropriate, ethical, and lawful.

All computer hardware and software used by MCBPU employees to perform their job functions are, and shall remain, the property of Marshall County Board of Public Utilities. All electronic mail, documents, spreadsheets,

databases, and any other material generated by and on these computer systems are also the property of Marshall County Board of Public Utilities.

No Expectation of Privacy: Employees should have no expectation of privacy in anything they create, store, access, send or receive using the MCBPU's computer. MCBPU reserves the right to examine e-mail, all computer file directories, and other information stored on the County's network as deemed necessary and appropriate without prior notice or permission. E-mail communications are public communication and are not private. All communications including text and images can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.

Internet access is available for use by county personnel. This is a computer service that is provided by Marshall County Board of Public Utilities. MCBPU reserves the right to monitor Internet use by any user at any time. Access to unacceptable Internet sites will not be tolerated. Any Internet usage in which acceptable use is questionable should be avoided. If a user is in doubt, he or she should seek policy clarification prior to pursuing the activity.

As users, MCBPU employees shall agree to the following guidelines:

- a) The employee will use the information and computer resources of Marshall County Board of Public Utilities for authorized county business. The employee will be accountable for and accept full responsibility for all transactions performed using their computer access codes.
- b) The employee will maintain the confidentiality of all computer information and resources to which he/she has access. The employee will maintain confidentiality by using passwords that are not obvious and easy to detect. The employee will not share passwords or disclose passwords. The employee will not disclose any information or documentation obtained from, or pertaining to, MCBPU's computer system to any third party, except in the routine lawful conduct of the County's business.

Unacceptable Use of the Internet and MCBPU's Computer:

MCBPU strives to maintain a workplace free of unlawful harassment that is sensitive to the diversity of its employees. Therefore, MCBPU prohibits the use of its computer network, including its e-mail system, in ways that are disruptive, offensive to others, or harmful to morale. Each employee is responsible for the content of all text, audio or images that they place or send over MCBPU's network. Fraudulent, harassing or obscene messages are prohibited. No abusive, profane, threatening, harassing, intimidating, disruptive or offensive language or materials is to be transmitted through MCBPU's network. For example, the display or transmission of pornographic or sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, gender-specific comments, off-color jokes, or anything that may be construed as discrimination, unlawful harassment or showing disrespect for others. Unless expressly authorized to do so, employees are prohibited from sending, transmitting, or otherwise distribute proprietary information, data, or other confidential information.

Personal use of MCBPU's network is discouraged. MCBPU's network, including e-mail and Internet access, also should not be used for personal gain or advancement of individual views. Solicitation of non-company business, such as for commercial ventures, religious or political causes, outside organizations or other non-County business matters through or on MCBPU's network is strictly prohibited.

Violation of, or disregard for, this policy or its guidelines may result in disciplinary action, up to and including termination.

7.5 USE OF TELEPHONE AND MAIL SYSTEMS

MCBPU telephone and mail systems are intended for MCBPU business use only. MCBPU recognizes that there may be times when employees may have to make personal telephone calls, however, employees are required to keep such personal telephone use to a minimum. Excessive personal calls during the workday can interfere with employee productivity and be distracting to others and are to be avoided. Employees may be required to reimburse MCBPU for any charges resulting from their personal long distance, including international, use of MCBPU's telephone system. Lengthy personal phone conversations on non-emergency matters may result in disciplinary action.

Telephone Courtesy:

The telephone is often the only contact citizens have with MCBPU. Telephone courtesy is essential. When employees answer general telephone lines, they should state "Marshall County Board of Public Utilities". Employees who answer a direct line or a transferred call should identify themselves. Employees should be pleasant, courteous, and professional to callers at all times.

Use of County-Provided Cell Phones:

MCBPU employees are provided cell phones to perform their essential job functions. Employees are encouraged to turn their cell phones off, turn them to silent mode, or ignore them while driving a MCBPU vehicle. The use of hands free devices or pulling off to the side of the road before speaking on the phone is encouraged if electronic devices are not turned off. Under no circumstances should an employee text while operating a MCBPU vehicle. As with any policy, management staff is expected to serve as role models for proper compliance with the provisions of this policy and are encouraged to regularly remind employees of their responsibilities in complying with this policy. Supervisors need to refrain from calling or e-mailing employees when they know employees are on the road.

MCBPU cell phones should be password protected in the event that one is lost or stolen. If an employee loses or has a cell phone stolen, they should contact their supervisor.

7.6 PERSONAL TELEPHONE CALLS

Use of Personal Cell Phones:

Employee time is valuable, and work hours must be fully used for MCBPU business. However, reasonable "use of personal cell phones" policies can be imposed at the department level. MCBPU may limit or prohibit the use of personal cell phones, pagers, or other personal wireless devices during on-duty time and/or on MCBPU property by issuing departmental policies.

7.7 MCBPU VEHICLES AND CELL PHONE USAGE POLICY

Employees whose job responsibilities include regular or occasional driving and are using a MCBPU issued or personal cell phone for business, are expected to refrain from using their phone while driving except for emergency responders. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are expected to pull off to the side of the road and safely stop the vehicle before placing or accepting a call, retrieving voice mail messages, and/or reading or sending a text message. Under no circumstances are employees allowed to place themselves or property for which MCBPU is responsible at risk to fulfill business or personal needs.

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

Violations of this policy will be subject to the highest forms of discipline, up to and including termination.

7.8 BULLETIN BOARDS

MCBPU maintains bulletin boards in two (2) buildings: the “shop” and office on which important information connected with an employee’s work and information required for public notice is posted from time to time. Cooperation is needed in protecting the posted material. All material to be placed on the bulletin boards must be approved by the appropriate department head before being posted.

7.9 PARKING

MCBPU provides employees space for parking personal vehicles. MCBPU assumes no responsibility for loss or damage to employee vehicles or their contents, including any losses arising from fire, theft, or personal liability.

7.10 UNIFORM USE AND RESPONSIBILITIES

MCBPU provides uniforms for various job classifications. MCBPU desires uniforms that are well maintained to emphasize the professionalism of the workforce and to promote pride in the Marshall County Board of Public Utilities. Uniforms issued by MCBPU are MCBPU property, are the responsibility of the employee, and are not to be worn other than while on the job for MCBPU and, optionally, while commuting to and from work for MCBPU. At the time of separation of employment, and prior to receiving final moneys due, the employee shall return any uniforms in the employee’s care and custody, certification to this effect shall be made by the employee’s supervisor or department head. **Any uniform(s) that are damaged or not returned will be deducted from the employee’s final check or otherwise collected.**

7.11 TRAVEL POLICY

It is the intent of these regulations that employees do not suffer additional cost as a result of travel incurred to carry out assigned duties. Employees shall be reimbursed for such expenses subject to the limitations provided in this travel policy.

MCBPU employees should be as conservative as circumstances permit when traveling. The lower cost should be selected whenever practical. Reimbursement for travel will be based upon the most direct or expeditious route possible.

Employees traveling by an indirect route must assume any extra expense incurred. It is the responsibility of the employee to be familiar with and adhere to the county travel policy. Deliberate disregard of these regulations or the intentional filing of a fraudulent travel claim is grounds for disciplinary action up to and including termination of employment.

Marshall County Board of Public Utilities will use the State of Tennessee’s current standard reimbursement rate schedule. These rates can be found on the State of Tennessee’s website under the Department of Finance and Administration. The maximum reimbursement rates for out of state travel are the same as those maintained by the U.S. General Services Administration for federal employees within the continental United States (CONUS). The CONUS list, available on the General Services Administration web site, contains a standard reimbursement rate for lodging and meals and incidentals.

Travel Authorization: Travel may not be undertaken unless it is authorized in advance by the department head. Approved MCBPU travel is the basis for reimbursement in accordance with these provisions. The employee is

considered to be on official travel status and eligible for reimbursement, at the time of departure from his/her official station or residence, whichever is applicable.

Official Station: The department head is responsible for establishing the official station of the employee. Typically, the employee's official station is their work location. The workstation closest to an employee's residence should be designated as the official station for an employee with multiple workstations.

Reimbursement Procedures: Employees should submit claims for reimbursement for travel expense no later than 30 days after completion of travel. The employee and their department head are required to sign the claim for reimbursement.

Conference agendas and mileage from either the official state map or from MapQuest showing the miles driven should be attached to the claim.

Travel Advances: Travel advances are available only under extraordinary circumstances. Advances are subject to the approval of the Superintendent and will be allowed only if the employee can justify the existence of extraordinary circumstances that warrant an advance. The amount of the advance will be based on the per diem rate for meals and incidentals and mileage.

Immediately upon return the employee must file a claim for reimbursement regardless of whether he/she owes advance monies back to the county or is due an additional reimbursement.

Each employee receiving a travel advance must sign a payroll deduction authorization form which will allow for the county to recover the advance from any salary owed the employee in the event of termination or failure to submit a travel claim.

Air Travel and Taxi Fares: Advance booking and discount fares should be taken whenever practical. Fares should not exceed the regular tourist or coach fares offered the general public. Reasonable taxi fares are allowed from airports and for traveling to and from the hotel to meeting or conference sites. Receipts are required for reimbursement.

Travel – Personally Owned Automobile: Department head authorization is required for the use of personally owned automobiles in the daily performance of duties. Unnecessary expenses which result from the use of an automobile for reasons of personal convenience will not be allowed.

Commuting mileage between the employee's residence and official station is not allowed.

Only mileage on official county business may be claimed for reimbursement. Only Mileage as shown by the official state map or MapQuest will be regarded as official. Reasonable vicinity mileage will be allowed.

Reimbursable mileage for an employee who begins or ends a trip from his/her official station will be the mileage from the official station to the destination.

Reimbursable mileage for an employee who begins a trip from his/her residence without stopping at his/her official station will be the actual mileage from their residence to the destination.

Automobile Rental: Advance authorization from the Marshall County Board Superintendent is required for automobile rental whether in-state or out-of-state.

Parking: Charges for routine parking while on travel status will be reimbursed. Receipts are required if the parking charge exceeds the allowance stated in the rate schedule.

Lodging: The employee will be reimbursed for actual lodging costs plus tax incurred up to the applicable maximum amounts as indicated on the State of TN rate schedule. Lodging receipts are required and must itemize room charges and taxes by date.

If a convention rate exceeds the maximum reimbursement rate and is documented by a convention brochure or registration form, a higher reimbursement rate will be allowed.

If a room is shared with other than a county employee, actual costs subject to the applicable maximum rate in the reimbursement rate schedule shall apply. In the event of double occupancy for county employees on official travel, both employees should attach an explanation to his/her travel claim detailing the dates and other employees with whom the room was shared. The lodging cost may be claimed by the employee who incurred the cost.

Per Diem Rates for Meals and Incidentals: The department head or elected official has the discretion to reimburse travel cost to employees at a per diem rate and/or actual expenses. Actual expenses cannot exceed the amount of the per diem rate total per day. If claiming actual expenses receipts should be attached to the claim for reimbursement.

The maximum per diem rates includes a fixed allowance for meals and incidental expenses (M&I). The M&I rate, or fraction thereof, is payable to the traveler without itemization of expenses or receipts. Incidentals are intended to include miscellaneous costs associated with travel such as tips for baggage handling, phone calls to home, etc. Generally, the applicable maximum per diem rate for each calendar day of travel shall be determined by the location of lodging for the traveler.

Reimbursement for meals and incidentals for the day of departure shall be made at three-fourths of the appropriate M & I Rate (either the state M & I rate or CONUS rate for out of state travel). Reimbursement for the day of return shall be three-fourths of the appropriate M & I rate.

Reimbursement for a single meal (or meals) for employees on one-day travel status with no overnight stay is not permitted. Employees receiving meals as part of a conference or training event should deduct the cost of those meals from the per diem for that day using the per diem schedule.

Telecommunications costs while on Travel Status: Local phone calls, FAX charges and long-distance calls for county business will be reimbursed. Employees must provide a statement furnishing the date, name and location called for long distance calls and FAX charges.

Exceptions: The Marshall County Board of Public Utilities Superintendent shall have the authority to grant exception to any or all of these rules and regulations when deemed appropriate for an employee or group of employees on official county travel.

SECTION 8: CONDUCT

8.1 ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, MCBPU expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on MCBPU. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible, but must speak with their supervisor by telephone within one (1) hour of the start of their scheduled workday. In the event that the supervisor is unavailable, the employee must speak with his/her Department head within one (1) hour of the start of their scheduled workday.

Poor attendance and/or excessive tardiness are disruptive to our work environment and either may lead to disciplinary action, up to and including termination of employment. Medical verification of illness may be required for any illness or injury, regardless of length.

Leaves of absence taken pursuant to MCBPU's Family and Medical Leave Policy will not be counted against an employee for purposes of this Attendance and Punctuality policy.

8.2 EMPLOYEE CONDUCT AND WORK RULES

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

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. However, the following is a non-exhaustive list of examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or possession of MCBPU property
- Falsification of timekeeping records
- Working under the influence of alcohol, illegal drugs or abuse of prescription drugs (see Drug-Free Workplace and Drug Screening Policy and Drug-Free Workplace Substance Abuse Policy for Marshall County Government, attached as Addendum No. 4) Marshall County Board of Public Utilities has adopted Marshall County Government's policy for Drug Free Workplace.
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment (see Drug-Free Workplace and Drug Screening Policy and Drug-Free Workplace Substance Abuse Policy for Marshall County Government, attached as Addendum No. 4) Marshall County Board of Public Utilities has adopted Marshall County Government's policy for Drug Free Workplace.
- Fighting or threatening violence
- Boisterous or disruptive activity
- Negligence or improper conduct leading to damage of MCBPU-owned property.
- Lewd conduct
- Sleeping on the job
- Smoking in prohibited areas
- Engaging in any form of discrimination, unlawful harassment, or retaliation (see Non-Discrimination - Equal Employment Opportunity, Anti-Harassment, and Anti-Retaliation Policies)
- Possession of dangerous or unauthorized materials, such as explosives or firearms in the workplace or while performing any work for MCBPU (except by authorized personnel)
- Abuse of MCBPU's Attendance and Punctuality policy or absence without notice
- Unauthorized absence from workstation during the workday (Example: Running a non-work-related errand away from work without authorization while being paid by MCBPU)
- Unauthorized use of telephones, computers, internet and mail systems, or other employer-owned equipment
- Unauthorized disclosure of MCBPU personnel non-public information
- Violation of any personnel policies, procedures, or practices
- Unsatisfactory work performance
- Dishonesty (including but not limited to conduct that involves the misuse of MCBPU money or property or taking steps designed to lead to theft, attempts to circumvent internal accounting controls, policies and/or procedures, forgery, or the falsification of records)

- Insubordination or other disrespectful conduct (for example, failure or intentional refusal to follow directions or to perform assigned work; failure to comply with established practices and/or the use of profane or abusive language or gestures to supervisory personnel)
- Misconduct (Conduct which is deemed to be adverse to the safety and welfare of the MCBPU or its employees)

Nothing in this Employee Conduct and Work Rules alters or is intended to alter MCBPU employees' at-will status. Employment with the MCBPU is at the mutual consent of MCBPU and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

8.3 PERSONAL APPEARANCE

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the MCBPU presents to the public. During business hours or when representing the MCBPU, you are expected to present a clean, neat, and tasteful appearance. You should dress and groom yourself according to the requirements of your position and accepted social standards. If the MCBPU feels your personal appearance is inappropriate, you may be asked to leave the workplace until you are properly dressed or groomed. Under such circumstance, you may not be compensated for the time away from work. Consult your supervisor or department head if you have questions as to what constitutes appropriate appearance.

8.4 WORKPLACE VIOLENCE PREVENTION

The MCBPU is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, MCBPU has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are prohibited from engaging in fighting, "horseplay," or other conduct that may be dangerous to others. Unauthorized firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of MCBPU

Conduct that threatens, intimidates, or coerces another employee, or a member of the public at any time, including off-duty periods, will not be tolerated.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril.

MCBPU will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities in our work environment. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, MCBPU may suspend employees, either with or without pay, pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

MCBPU encourages employees to bring their disputes or differences with other employees to the attention of their supervisor or Department head before the situation escalates into potential violence. MCBPU is eager to assist in and facilitate the resolution of employee disputes.

8.5 TOBACCO USE

In keeping with MCBPU's intent to provide a safe and healthful, smoke-free work environment, smoking or use of other forms of tobacco is prohibited throughout the M.C.B.P.U buildings. Those who smoke or use other forms of tobacco will be allowed to do so only in designated areas outside MCBPU buildings.

8.6 OUTSIDE EMPLOYMENT

An employee may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with MCBPU and as long as there is no conflict of interest. All employees will be judged by the same performance standards and will be subject to MCBPU scheduling demands, regardless of any existing outside work requirements.

If MCBPU determines, at its sole discretion, that an employee's outside work interferes with performance or the ability to meet the requirements of MCBPU, as they may be modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain employed with MCBPU

8.7 SOCIAL MEDIA POLICY

Social networking and social media refer to any activity that involves interaction in online communities. This interaction includes, but is not limited to, browsing profiles and photos, reading messages sent through social networking forums and participating in instant messaging services. Examples of popular social networking sites include Facebook, Twitter, Tumblr, Instagram, Vine, Classmates.com, LinkedIn etc.

Prohibited Use:

It is important that employees use their time at work for business purposes. Employees are not blocked from access to social networking sites on county computers because, under some circumstances, social networking is a powerful business tool that can be channeled to gain positive publicity for the Board of Public Utilities and to connect with employees and public. Having your own individual social networking account and using it on your own time is certainly permissible. However, keep in mind that some actions on your personal site are visible for the entire social networking community and may no longer be considered private matters. The Board of Public Utilities has put in place a set of conduct guidelines to protect its business and prevent the unwanted disclosure of confidential information.

Please follow these guidelines:

We urge you to consider resolving workplace grievances internally. If you choose to address a grievance using social media, we recommend you refrain from posting comments and materials that could be viewed as malicious, obscene, threatening, intimidating or that could create a hostile environment on the basis of race, sex, disability, religion or any other status protected by law. We also recommend you refrain from posting any disrespectful, reckless, or maliciously untrue comments. These communications may not be protected by law.

Do not impersonate Marshall County Board of Public Utilities, or its employees, make statements on behalf of the Board of Public Utilities without authorization, or make statements that can be construed as establishing official position or policy on any issue.

The Board of Public Utilities will impose disciplinary sanctions on employees who violate the above policies. The severity of the imposed sanctions will be appropriate to the violation and/or any prior discipline issued to that employee up to and including termination of employment.

SECTION 9: SAFETY

9.1 WORKPLACE SAFETY PROGRAM

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.

MCBPU 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 Safety Director at 931-422-2314. 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.

9.2 ACCIDENTS

In the event of accident or injury the highest-ranking employee on the site is responsible for reporting such accident to the office immediately. Any employee injured is required to seek medical attention and get a doctor's release before reporting to work. After reporting an accident, the employee is required to take a drug screen at the hospital lab.

The MCBPU suggests that the injured person be taken to the nearest hospital for attention. The following emergency services are available, Marshall County Emergency Ambulance service 359-6132 and Marshall Medical 359-6241. Any employee failing to report or refusing to accept medical treatment at time of injury may forfeit his or her right under Workman's Compensation. Failure to comply with these procedures may result in disciplinary action and/or termination. In the event of a work-related accident, all employees involved will be drug tested within 24 hours of said accident.

9.3 WORKERS' COMPENSATION PROGRAM

All injuries arising out of and in the course of one's employment shall be governed by the Tennessee Workers' Compensation Law. Employees on work-related injury/illness leave shall receive disability benefits in accordance with Tennessee Department of Labor regulations. The Director of Human Resources, under the direction of the insurance carrier or its representatives, shall coordinate all workers' compensation claims. The employee shall be

required to communicate to and coordinate all activities (i.e., medical care, restricted duty, return to work, etc.) through the Human Resources Department. Failure to follow proper procedure may result in disciplinary action and/or denial or loss of workers' compensation benefits.

The date of injury and the first seven (7) calendar days immediately following are a waiting period and no disability benefits are payable by the insurance carrier unless the disability period lasts at least fourteen (14) calendar days, in which case disability benefits shall be calculated beginning with the day following the injury. Disability benefits are based on two-thirds (2/3) of the employee's gross average weekly wage for the last fifty-two (52) weeks worked prior to the injury, subject to the minimum and maximum benefits as provided by law.

On the day or shift of the work-related injury, and during the first seven (7) calendar days immediately following the date of injury of any work-related injury leave, the injured employee shall be paid in full by the Marshall County Board of Public Utilities his or her wages or salary the same as if that employee had worked during that time as scheduled.

After the first seven (7) calendar days immediately following the date of injury, the injured employee will not be paid wages or salary while on work-related injury leave but any workers' compensation disability benefits paid by the insurance carrier for that same period of time shall be credited to the injured employee. Accrued leave with pay may not be utilized at any time during work-related injury leave.

The Marshall County Board of Public Utilities will NOT be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the Board of Public Utilities, unless the program has been approved by the Superintendent.

9.4 DRIVING RECORDS

Any employee who is required as an employment condition to possess and maintain a valid Tennessee driver's or commercial driver's license in order to perform functions of their Board of Public Utilities job must immediately, or at the latest upon reporting for duty the next workday, inform his or her supervisor should his or her license become denied, expired, restricted, suspended, or revoked any time during employment with the Board of Public Utilities.

An employee's driving record may be subject to periodic MVR checks. Any employee who is required as an employment condition to possess and maintain a valid Tennessee driver's or commercial driver's license in order to perform functions of their Board of Public Utilities job, whose license is not currently valid, and who has not so informed his or her supervisor of such invalidity, shall be subject to disciplinary measures.

9.5 INFECTIOUS DISEASE CONTROL POLICY

In providing public services, employees may encounter life-threatening infectious diseases that can be transmitted through job-related activities. It is important that both public and employees be protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Some employees are assumed to be at a higher risk for blood borne infections material from potentially infected individuals.

Personal Protective Equipment (PPE) is provided to high risk employees at no cost to them. Training in the use of the appropriate PPE for specific tasks or procedures is provided by the employee's supervisor. The Board of Public Utilities implements various methods of exposure control including:

- Body substance isolation
- Engineering and work practice controls
- Personal protective equipment
- Hepatitis B vaccination
- Post-exposure evaluation and follow-up
- Communication of hazards to employees and training
- Recordkeeping
- Procedures for evaluating circumstances surrounding exposure incidents

Employees covered by the blood borne pathogens standard receive an explanation of the exposure control plan during their initial training. It will also be reviewed in their annual refresher training. Each department will provide, maintain, and ensure adequate supplies of all necessary Personal Protective Equipment (PPE), engineering controls (e.g., sharps containers), labels, and red bags as required by the standard. Regulated waste is placed in containers which are closable, constructed to contain all contents and prevent leakage, appropriately labeled or color-coded, and closed prior to removal to prevent spillage or protrusion of contents during handling.

The Safety Coordinator will:

- Make an exposure determination for all employee positions to determine a possible exposure to blood or other potentially infectious materials;
- Maintain records of all employees and incidents subject to the provisions of the policy;
- Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;
- Coordinate and document all relevant training activities in support of the infection control policy;
- Identify all housekeeping operations involving substantial risk of direct exposure to potentially infectious materials and shall address the proper precautions to be taken while cleaning rooms and blood spills; and
- Perform such other duties and exercise such other authority as may be prescribed by the Marshall County Board of Public Utilities and the Marshall County Mayor.

9.6 SEAT BELTS

All Board of Public Utilities employees must wear seat belts when they are driving or riding in a Board of Public Utilities or County vehicle. Seat belts must be fastened and remain fastened until the vehicle comes to a complete stop. This applies to both licensed and off the road, non-licensed vehicles whenever seat belts are provided.

AMENDMENT OF BASE PERSONNEL POLICIES FOR MARSHALL COUNTY, TENNESSEE

The policies set forth herein may be changed or be amended 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.

ADDENDUM NO. 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" mean 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 T.C.A. (T.C.A.) sections indicated.

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.



**MARSHALL COUNTY GOVERNMENT STANDARD OF CONDUCT
CONFLICT OF INTEREST & LOBBYING STATEMENT**

Conflict of Interest (Uniform Administrative Requirements – 200.318(c)(1)- No employee, officer or agent participating in the selection, award or administration of a contract supported by a federal award can have a real or apparent conflict of interest. Such conflict of interest would have arisen when the employee, officer, or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties indicated for a contract. The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts.

No part of a grant contract amount will be paid directly or indirectly to an employee or official of the State of Tennessee as wages, compensation, or gifts in exchange for acting as an officer, agent, employee, subcontractor, or consultant in connection with any work contemplated or performed relative to a grant agreement.

Lobbying – No federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, Member of Congress, and Officer, or employee of Congress, or an employee or member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this contract, grant, loan or cooperative agreement, the employee shall disclose and submit Standard Form – LLL, “Disclosure of Lobbying Activities,” in accordance with its instructions to the Marshall County Mayor.

Marshall County Government – Resolution 07-04-11-Code of Ethics for Officials and Employees of Marshall County Government.



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

Addendum No. 5

DRUG-FREE WORKPLACE SUBSTANCE ABUSE POLICY FOR MARSHALL COUNTY GOVERNMENT



Joe B. Liggett
County Mayor
1108 Courthouse Annex
Lewisburg, Tennessee 37091-3371
Office (931) 359-1279
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

**DRUG-FREE WORKPLACE
SUBSTANCE ABUSE POLICY FOR
MARSHALL COUNTY GOVERNMENT**

It has been estimated that American companies spend over one hundred billion dollars each year on the consequences of substance abuse in the workplace. Cost incurred may include absenteeism, accidents, equipment damage, and increased medical costs and insurance premiums.

Research indicated that health insurance costs for employees with alcohol problems are approximately 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 leave as those who do not.

Each person reacts differently to drugs and alcohol, but one thing is clear---these substances affect our judgment and our ability to perform. Their abuse places employees of Marshall County Government, coworkers and the community at risk.

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, Marshall County Government has adopted a substance abuse policy in accordance with the Tennessee Worker's Compensation Reform Act of 1996. The intention of this policy is to make Marshall County Government a safe. and better place to work.

POLICY STATEMENT

Marshall County Government is committed to providing a safe work environment and to fostering the well- being and health of its employees. This commitment is jeopardized when any Marshall County Government employee illegally uses drugs on or off the job, comes to work under the influence, possesses, distributes, or sells drugs in the workplace, or abuses alcohol on the job. Therefore, Marshall County Government has established the following policy pursuant to Tennessee Code Annotated Section 50-9-100 et. Seq.:

1. It is a violation of Marshall County Government policy for any employee to use, possess, sell, trade, offer for sale or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job.
2. It is a violation of Marshall County Government policy for an employee to report to work under the influence of or while possessing illegal drugs in his or her body, blood, or urine, in any detectable amount
3. It is a violation of Marshall County Government policy for any employee to report to work under the influence or impaired by alcohol or to engage in the use of alcohol during work hours.
4. It is a violation of Marshall County Government policy for any employee to use prescription drugs illegally, i.e. to use prescription drugs that have not been legally obtained or in a manner or for a purpose other than prescribed. Note that this policy in no way precludes the appropriate use of legally prescribed medications.
5. Violations of this policy are subject to disciplinary action up to and including termination.
6. As a condition of employment, employees must abide by the terms of this policy and must notify Marshall County Government in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

SCOPE:

Employees Subject to Testing:

All employees of Marshall County Government will be subject to testing for the use of alcohol and illegal drugs.

Alcohol:

Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including but not limited to methyl and isopropyl alcohol.

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

No employee shall be on duty or operate a commercial motor vehicle while possessing alcohol, unless the alcohol is manifested and transported as part of a shipment. Employees shall not operate a vehicle in the performance of work duties while having an alcohol concentration of 0.04 or greater.

No employee required to take a post-accident test shall consume alcohol for four (4) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first. An employee is required to take a post-accident alcohol test immediately provided there is not some reason beyond the employee's control that such testing cannot timely occur. In no case shall more than four (4) hours elapse before the test is administered.

Controlled Substances:

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

No employee shall report to work or remain at work while using or under the influence of 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 functions.

No employee shall report to work or remain at work if the employee tests positive for controlled substances.

Prescribed Medications or Non-Prescribed Over-the-Counter Medications:

All employees taking prescribed medications or non-prescribed over-the-counter medications that could impair their ability to safely perform their work functions must report this to their immediate supervisor prior to engaging in work related activities and as otherwise indicated in this policy.

DEFINITIONS:

"ALCOHOL" as used in these rules shall have the same meaning as in the federal regulations describing procedures for the testing of alcohol by programs operating pursuant to the authority of the United States Department of Transportation as currently complied at 49 Code of Federal Regulations (C.F.R.) Part 40. This definition shall be changed to conform to any future revision of the Department of Transportation's regulations.

"ALCOHOL TEST" means an analysis of blood, or any other analysis, which determines the presence or level of alcohol as authorized by the relevant regulations of this policy.

"CERTIFIED LABORATORY" means any facility equipped to perform the procedures prescribed in this chapter, in accordance with the standards of the United States Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (ASMHS), or the College of American Pathologists-Forensic Urine Drug Testing (CAP-FUDT).

"CHAIN OF CUSTODY" refers to the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing accountability at each stage in handling, testing, and storing specimens and reporting test results.

"CONFIRMATION TEST", "CONFIRMED TEST", OR "CONFIRMED DRUG TEST" means a second analytical procedure used to identify the presence of a specific drug, or alcohol, or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

"COVERED EMPLOYER" means a person or entity that employs a person, is covered by the Worker's Compensation Law, maintains a drug-free workplace pursuant to these rules, and also includes on the posting required by T.C.A. Section 50-9-105

a specific statement that the policy is being implemented pursuant to the provisions of these rules. These rules shall have no effect on employers who do not meet this definition.

“DRUG” means any drug subject to testing pursuant to drug testing regulations adopted by the United States Department of Transportation. A covered employer may test an individual for any or all of such drugs.

“DRUG REHABILITATION PROGRAM” means a service provider that provides confidential, timely, and expert identification, assessment and resolution of employee drug or alcohol abuse.

“DRUG TEST” or “TEST” means any chemical, biological, or physical instrumental analysis administered by a certified laboratory for the purpose of determining the presence or absence of a drug or its metabolites or alcohol pursuant to regulations governing drug or alcohol testing adopted by the United States Department of Transportation or such other recognized authority approved by rule by the commissioner of labor.

“EMPLOYEE” means any person who works for a salary, wages, or other remuneration for a covered employer.

“EMPLOYEE ASSISTANCE PROGRAM” means an established program capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee drug or alcohol abuse; referrals of employees for appropriate diagnosis, treatment and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work. If, in addition to the above activities, an employee assistance program provides diagnostic and treatment services, these services shall in all cases be provided by the program.

“EMPLOYER” means a person or entity that employs a person and is covered by the Worker’s Compensation Law.

“INJURY” means a harm or damage to any employee, occurring in the workplace or in the scope of employment which must be recorded, in accordance with Occupational Safety and Health Administration (OSHA) reporting guidelines, in covered employer’s OSHA 200 Log.

“INITIAL DRUG TEST” means a procedure that qualifies as a “screening test” or “initial test” pursuant to regulations governing drug or alcohol testing adopted by the United States Department of Transportation or such other recognized authority approved by rule by the commissioner of labor.

“JOB APPLICANT” means a person who has applied for a position with a covered employer and has been offered employment conditioned upon successfully passing a drug or alcohol test, and may have begun work pending the results of the drug or alcohol test.

“MEDICAL REVIEW OFFICER” or “MRO” means a licensed physician, employed with or contracted with a covered employer, who has knowledge of substance abuse disorders, laboratory testing procedures and chain of custody collection procedures; who verifies positive, confirmed tests results; and who has the necessary medical training to interpret and evaluate an employee’s positive test result in relation to the employee’s medical history or any other relevant biomedical information.

“REASONABLE-SUSPICION DRUG TESTING” means drug testing based on a belief that an employee is using or has used drugs or alcohol in violation of the covered employer’s policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

- (a) Observable phenomena while at work, such as direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol;
- (b) Abnormal conduct or erratic behavior while at work or a significant deterioration in workplace performance.
- (c) A report of drug or alcohol abuse, provided by a reliable and credible source;
- (d) Evidence that an individual has tampered with a drug or alcohol test during his employment with his/her current covered employer;
- (e) Information that an employee has caused, contributed to, or been involved in an accident at work; or
- (f) Evidence that an employee has used, possessed, sold, or transferred drugs or alcohol while working or while covered employer’s premises or while operating the covered employer’s vehicles, machinery, or equipment.

“SAFETY SENSITIVE POSITION” means a position involving a safety-sensitive function pursuant to regulations governing drug testing adopted by the United States Department of Transportation. For drug-free workplaces, the commissioner is authorized, with the approval of the Advisory Council on Worker’s Compensation, to promulgate rules expanding the scope of safety-sensitive position to cases where impairment may present a clear and present risk to co-workers or other persons. “Safety-sensitive position” means, with respect to a public employer, a position in which a drug impairment constitutes and immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations or work with controlled substances, or a position in which momentary lapse in attention could result in injury or death to another person.

“SPECIMEN” means tissue, fluid, or a product of the human body capable of revealing the presence of alcohol, drugs or their metabolites.

“SPLIT SPECIMEN” means the procedure by which each urine specimen is divided in two and put into a primary specimen container and secondary, or “split”, specimen container. Only the primary specimen is opened and used for the initial screening and confirmation test. The split specimen container remains sealed and is stored at the testing laboratory.

“THRESHOLD DETECTION LEVEL” means the level at which the presence of a drug or alcohol can be reasonably expected to be detected by an initial and a confirmatory test performed by a certified laboratory. The threshold detection level indicates the level at which a valid conclusion can be drawn that the drug or alcohol is present in the employee or job applicant’s sample.

QUALIFICATIONS FOR EMPLOYMENT AND PROHIBITED CONDUCT:

Prohibited Conduct:

Alcohol:

1. Use and/or possession are prohibited during working hours.
2. Reporting for work or remaining at work with an alcohol concentration of 0.04 or greater is prohibited.
3. Operating a vehicle in the performance or work duties with an alcohol concentration of 0.04 or greater is prohibited.
4. Possession of alcohol in an open container on County property or in a County vehicle or during regular work hours is prohibited.
5. Use during the eight hours following an accident or until the employee undergoes a post-accident test is prohibited.
6. Refusal to take a required alcohol test is interpreted as a positive alcohol test result.
7. Driving a County vehicle while under the influence of drugs or alcohol is strictly prohibited.

Controlled Substance:

1. Use of any illegal drug is prohibited during working hours, except by a doctor’s prescription written for that individual, 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 functions.
2. Possession of any illegal drug is prohibited any time an employee is on the job unless it is in the performance of his/her work duties.
3. 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 of mental ability or physical dexterity.
4. 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 conditions is violated.
2. Any employee reporting to work visibly impaired will be deemed unable to perform required duties and will not be allowed to work. If possible the employee’s supervisor will first seek another supervisor’s opinion to confirm the employee’s status. Next, the supervisor will consult privately with the employee to determine the cause of the observation, including whether the substance abuse has occurred. If, in the opinion of the supervisor, the employee is considered impaired, the employee will then be sent home or to a drug and alcohol testing facility by taxi or other

safe transportation—depending on the determination of the observed impairment—and accompanied by the supervisor or another employee if necessary.

Opportunity to Consent or Explain Test Results:

Employees and job applicants who have a positive confirmed drug or alcohol test result may explain or contest the result to the medical review officer within five (5) working days after receiving written notification of the test result from the medical review officer. If an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the county. A person may contest the drug test result pursuant to rules adopted by the Tennessee Department of Labor.

Confidentiality:

The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained except as otherwise prohibited by law.

TESTING CIRCUMSTANCES:

Pre-Employment Testing:

All job applicants at Marshall County Government will undergo testing for substance abuse as a condition of employment prior to beginning official work duties. A confirmed positive result will result in the revocation of the conditional employment.

Applicants will be required to submit voluntarily to a urinalysis test at a collection site and conducted by a laboratory chosen by the Marshall County Government and by signing consent agreement will release Marshall County Government from liability.

If the physician, collection site personnel, or lab has a reasonable suspicion to believe that the job applicant has tampered with the specimen, the applicant will not be considered for employment.

Marshall County Government will not discriminate against applicants for employment because of a past history of drug or alcohol abuse. It is the current illegal use of drugs and/or alcohol which is of concern. *Note that the applicant may be excluded from eligibility for employment through other policies prohibiting the employment of a person with a criminal record which may have resulted from alcohol and/or drug abuse. A past history of drug or alcohol abuse in itself is not an adequate reason for exclusion from employment eligibility.*

Post-Accident Testing:

Any employee involved in a work-related accident which causes an injury to himself/herself or another person sufficient to require treatment for the injury or which disables a vehicle or equipment while carrying out official duties will be required to submit to an alcohol and controlled substance test. Testing will be administered immediately following the accident or as soon as medically and legally possible. In no case shall more than four (4) hours elapse before the test is administered. It is the employee's responsibility to notify Marshall County Government immediately to ensure actions are taken to meet the testing requirements.

The employees must refrain from consuming alcohol for eight hours following the accident or until he/she submits to an alcohol test, whichever comes first.

The drug test must be administered within four (4) hours following the accident. The employee must remain available for testing or Marshall County Government will consider the employee to have refused to submit to testing. If an injured employee refuses to submit to a test for alcohol and/or illegal drugs, the employee forfeits eligibility for worker's compensation benefits.

In case of non-emergency injuries reported after the fact, the injured employee must submit to testing at the time the injury is entered into the OSHA 200 log or any authorized replacement for the OSHA 200 log.

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

Random Testing:

Employees of Marshall County Government who are under the CDL guidelines or in a safety-sensitive position will be subject to random testing for controlled substances and alcohol. Random testing will be conducted on a percentage basis in a fair and equitable manner.

Safety-sensitive positions are defined as following but not limited to: EMT's; Paramedics; Volunteer Firefighters/Rescue Personnel; Dispatchers; Law Enforcement/Corrections Officers; Maintenance; any person who drives a county vehicle

Drug and alcohol testing may be conducted at any time the employee is at work for Marshall County Government.

The selection of employees for random drug testing will be based on a computer-generated random number that is administered by an outside source contracted by the Marshall County Government.

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. When notified that they have been selected for random testing, employees will proceed immediately to the collection site, which may be on the work site.

Reasonable Suspicion Testing:

When there is a reasonable suspicion to believe that an employee is illegally using drugs or abusing alcohol 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.

It shall be a condition of employment for all employees to submit to reasonable suspicion substance abuse testing including but not limited to the following circumstances:

1. Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse.
2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
3. A report of substance abuse provided by a reliable and credible source.
4. Evidence that an individual has tampered with any substance test during his or her employment with the Marshall County Government.
5. Information that an employee has used, possessed, sold, solicited, or transferred drugs while on Marshall County Government's property or while operating Marshall County Government's vehicle, machinery, or equipment.
6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while on Marshall County Government's property or while operating Marshall County Government's property or while operating Marshall County Government's vehicle, machinery, or equipment.

Return to Duty Testing:

Any employee who is allowed to return to duty, based on Marshall County Government's approval, following referral, evaluation, and treatment as a result of 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 0.04 and a negative drug test will be required before a return-to-duty decision is made.

Follow-Up Testing:

In the event the employee is allowed to return to duty following referral, evaluation and treatment, a minimum of four (4) unannounced alcohol and/or drugs tests will be required during the next 24 months of employment all at the employee's expense.

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

ALCOHOL TESTING METHODOLOGY:

Alcohol testing will only be performed by the drawing of blood by a trained medical personnel and tested by a laboratory certified by the Department of Health and Human Services. All alcohol testing will be conducted in a location that affords visual and aural privacy to the individual being testing. Unauthorized persons will not be permitted access to the testing location when a test is in progress.

ALCOHOL TESTING PROCEDURES:

When the result is less than 0.04 no further testing is authorized and the result will be transmitted to Marshall County Government in a confidential manner and will be stored to ensure confidentiality is maintained.

When the results are 0.04 or greater a confirmation test must be performed to verify the initial test. The confirmation test will be conducted no less than 15 minutes and no more than 20 minutes after the initial test. In the event the initial and confirmation test results are different, the confirmation test 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, a form will be signed to certify the results. 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 submit to testing will be treated the same as if the result is 0.04 or greater. Marshall County Government will maintain alcohol and drug tests in a secure and confidential manner, so that disclosure of information to unauthorized persons does not occur. Employee 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, Marshall County Government shall disclose post-accident testing information to the National Transportation Safety Board as part of an accident investigation.

Marshall County Government will make records available to a subsequent or prospective employer upon receipt of a written request from the tested employee. Marshall County Government may disclose information to the employee or the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual or in defense of Marshall County Government.

SPECIMEN COLLECTION PROCEDURES:

Specific guidelines provided by the U.S. Department of Transportation 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 the collection, shipment, and accession of the urine specimens from Marshall County Government 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.

Collection facilities chosen by the Marshall County Government must meet security requirements as specified by DHHS guidelines. The collection site will be a secure location to allow for privacy, which includes a toilet for completion of urination and a source of water for washing hands excluded from the area provided for urination.

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).

Employee will be required to wash his/her hands prior to providing specimen. Employee will be allowed to provide his/her specimen in the privacy of a stall or individual restroom.

Specimen cup is equipped with a temperature strip, which must read between 90 and 100 degrees F. Specimen out of temperature is unacceptable. Employee's temperature may be taken to ensure that body temperature is within normal range. If body temperature is consistent with sample, results will be noted and reported to lab and Medical Review Officer. If body

temperature is within range a second sample will be collected and both temperatures reported to lab and Medical Review Officer.

In all cases the employee and the collection site personnel shall keep the specimen in view at all times prior to being sealed and labeled. The specimen will be labeled with tamper proof seals and the employee will sign appropriate places on the Chain of Custody form and initial the seal on the bottle attesting to the fact that the specimen is specific to the person providing the sample. A failure of the employee to cooperate will be considered a refusal to test which is considered a verified positive test result. The terms of this policy will then be administered.

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 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 to the Medical Review Officer 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 collection site, and the drug testing laboratory identification number. As with alcohol testing, every reasonable precaution will be taken to maintain the confidentiality of the test results.

The Medical Review Officer (MRO) is a licensed physician and possesses knowledge of drug abuse disorders. The MRO may be an employee of Marshall County Government or one contracted to provide the services required. The MRO will review and interpret 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 an 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 Employee Benefits Coordinator or the Finance Director in the absence of the Employee Benefits Coordinator as prescribed below.

If during the course of an interview with the individual 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 Marshall County Government. An employee or applicant should report his/her use of prescription drugs to the MRO prior to taking a drug or alcohol test, or, in any event, no later than the time of the MRO's post-test review of the results with the individual. The individual's disclosure to the MRO of the use of prescription or non-prescription drugs will be kept confidential.

The MRO will notify each employee or applicant who has a confirmed positive test that the individual has 72 hours in which to request a split specimen. If the individual makes such a request, the MRO will direct, in writing, the laboratory to provide a specimen to another certified laboratory for analysis. If the analysis of the specimen fails to reconfirm the presence of the drug(s) or metabolites(s) found in the primary specimen, or if the specimen is unavailable or inadequate for testing, the MRO will cancel the test, report the cancellation and the reasons for it to the employee and Marshall County Government. A request for re-testing of the sample and associated costs are the responsibility of the individual. Marshall County Government will comply with any additional rules promulgated by the Tennessee Department of Labor regarding the contesting of the drug test results.

If the MRO, after making and documenting all reasonable efforts, is unable to contact the testing person, the MRO will contact a designated management official of Marshall County Government. He/she will arrange for the tested person to contact the MRO. If the person does not do so, the MRO will verify the test as positive and report it to the appropriate person.

An employee or applicant may have certain appeal rights to the courts under Worker's Compensation Reform Act of 1996. It is the employee's or applicant's responsibility to notify the testing laboratory of any administrative or civil action brought pursuant to the Act.

DISCIPLINE AND CONSEQUENCES:

Pre-Employment:

An applicant for employment with a verified positive controlled substance test will be denied employment. If the individual has been allowed to begin performing duties, the person will be compensated for the time worked and terminated.

Reasonable Cause:

Any employee of Marshall County Government subject to the terms of this policy, as a result of reasonable cause testing, with a verified positive controlled substance test result and/or a blood alcohol confirmed test result of 0.04 or greater (vehicular or workplace accident) will be subject to disciplinary action up to and including termination. Whether or not he/she is terminated, the employee will be referred to a list of qualified substance abuse professionals.

Post-Accident

Any employee of Marshall County Government 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 blood alcohol test result of 0.04 or greater (vehicular or workplace accident) will be subject to disciplinary action up to and including termination. Whether or not he/she is terminated, the employee will be referred to a list of qualified substance abuse professionals.

Random:

Any employee of Marshall County Government subject to the terms of this policy, as a result of a random test, with a verified positive controlled substance test result and/or a blood alcohol test with a confirmed test result of 0.04 or greater, will be subject to disciplinary action up to and including termination. Whether or not he/she is terminated, the employee will be referred to a list of qualified substance abuse professionals.

Return-to-Duty

Any employee of Marshall County Government with a verified positive controlled substance test result and/or a confirmed blood alcohol test of 0.04 or greater, as the results of a return-to-duty test will be terminated and referred to a list of substance abuse professionals for evaluation, referral, and treatment. The employee is responsible for any expense incurred under such treatment or rehabilitation.

Follow-up:

Any employee returning to duty after a positive test and a negative return-to-duty test must be tested four (4) times within a 24-month work period. Any employee with a verified positive controlled substance test or blood alcohol test of 0.04 or greater during this period will be subject to disciplinary action up to and including termination.

OTHER CONSIDERATIONS:

In all cases a refusal to submit to a test will be treated as a "positive" test result for purposes of discipline and decision making.

Supervisory and employee training as required under the guidelines of the Tennessee Drug-Free Workplace initiative will be provided.

Should an employee voluntarily approach Marshall County Government administrative personnel for assistance through rehabilitation for drug abuse or alcohol prior to a testing request by Marshall County Government, all possible and positive consideration for a medical leave of absence for treatment and/or counseling will be pursued. The employee will not be discharged or otherwise discriminated against because he/she voluntarily sought treatment, if he/she has not previously tested "positive" for alcohol or illegal drug use or entered an alcohol or drug rehabilitation program. If an employee's employment is terminated, however, Marshall County Government will not be obligated to provide assistance beyond the last day of employment.

Marshall County Government offers resource information on various means of employee assistance in our community, including but not limited to drug and alcohol abuse programs. Employees are encouraged to use this resource file at the end of this policy statement. In addition, we will distribute this information to employees for their confidential use.

Substance abuse testing for job applicants and employees will include a urinalysis screen and/or blood alcohol test (not required for job applicant testing) for the following drugs:

Alcohol (employees only)

Any “alcoholic beverage”, all liquid medications containing ethyl alcohol (ethanol) or other low molecular weight alcohol including but not limited to methyl and isopropyl alcohol. Please read label for content. For example: Vicks Nyquil is 25% ethyl alcohol, Comtrex is 20%, Contac Severe Cold Formula Night Strength is 25%, and Listerine is 26.9%.

Amphetamines: “speed”, “uppers”, etc.

Barbiturates: secobarbital, amobarbital, butobarbital, butalbital

Benzodiazepines: clorazepate, chlordiazepoxide, temazepam, oxazepam, diazepam, alprazolam, clonazepam, prazepam, flunitrazepam, triazolam

Cannabinoids: THC, marijuana, hashish, “pot”, “grass”, “hash”, etc.

**EMPLOYEE ACKNOWLEDGMENT
OF PERSONNEL POLICIES
FOR THE OFFICE OF MARSHALL COUNTY BOARD OF PUBLIC UTILITIES
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 and Addendums Nos. 3 and 4. These policies cannot and are not intended to answer every question about my employment with Marshall County Board of Public Utilities. 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 Board of Public Utilities 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 Board of Public Utilities 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