



BASE PERSONNEL POLICIES FOR MARSHALL COUNTY GOVERNMENT

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Marshall County Government
Base Personnel Policies
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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 TCA Section 5-23-101, et seq., the undersigned, The Board of the Commissioners of Marshall County, Tennessee, has adopted and approved the following Base Personnel Policies that will apply to employees of Marshall County Tennessee, except for employees of County Offices who have adopted separate Base Personnel Policies, which are Superintendent of Roads, and Marshall County Board of Public Utilities. Marshall County offers a drug-free and smoke-free workplace environment.

There are additional Base Personnel Policies which apply to employees of the Sheriff's Office and to employees of the Marshall County Emergency Medical Service which are set out in Addendum No. 1 and Addendum No. 2 hereto, respectively. An additional Base Personnel Policy, which applies to employees of Marshall County, Tennessee, is attached as Addendum No. 3 (Code of Ethics). In the event of a conflict between the Base Personnel Policies as set out herein and the Base Personnel Policies applicable to the Sheriff's Office and the Marshall County Emergency Medical Service Addendum No. 1 and Addendum No. 2 or the Policies set forth in Addendum No. 3, the matters set out in Addendum No. 1, Addendum No. 2, and Addendum No. 3 shall control and prevail.

The use of the term "department head" throughout these policies refers to all directors and supervisors. The term "county official" refers to all elected and appointed officials.

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 Marshall County Government, fostered by a systematic application of sound and fair 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, religion, national origin, and gender (including pregnancy, gender identity, and sexual orientation), age, disability, genetic information, protected veteran status, status in any other group protected by law, or political affiliation.

This document is a statement of current policies, practices, and procedures. These personnel policies and procedures shall be reviewed periodically and the Human Resources Director may conduct random audits to ensure compliance. The County will cooperate with appropriate legal entities in any professional third-party audits as required. The County reserves the right to change or amend any or all such policies, practices, and procedures in whole or in part at any time, as permitted by law, with or without notice to employees. Amendments will be on file in the office of the County Clerk at the Marshall County Court House Annex Building.

The fundamental objectives of these personnel management policies are to:

- promote and increase effectiveness among employees of Marshall County Government; and
- provide fair and equal opportunity to all employees and qualified applicants based on demonstrated merit and qualifications 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 Government 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 TITLE VII PERSONNEL POLICY STATEMENT

Marshall County is an equal opportunity employer and provider. All qualified applicants will receive equal consideration for employment in accordance with Title VII of the Civil Rights Act of 1964, without regard to race, color, religion, national origin, and gender (including pregnancy, gender identity, and sexual orientation), age, disability, 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 Government's Non-Discrimination statement.

A. Employment and Placement

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

1. Ensure eligibility and other terms and conditions of employment benefits of Marshall County Government are governed by federal and state laws and regulations and the County's Non-Discrimination Statement will be consistent with those laws and regulations.

2. Act in accordance with the requirements of all federal laws including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), Section 504 of the Rehabilitation Act of 1973, the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), the Pregnancy Discrimination Act (PDA), the Americans with Disabilities Act of 1990 (ADA), and the Genetic Information Nondiscrimination Act (GINA).
3. 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 the County and its employees. Nothing stated herein is intended to create a contract of employment or to affect the employment-at-will status of any employee. No policy, benefit, or procedure contained herein creates an employment contract for any period.

All employees will be considered employees-at-will. This means that employees are free to resign their employment with the County at any time for any reason or no reason, with or without cause and with or without notice. Similarly, the County may terminate the employment relationship at any time, with or without cause and with or without notice, such as for failure to satisfactorily perform their duties or simply at the will of the employer.

1.5 OPEN DOOR POLICY/PROBLEM RESOLUTION

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

A. Chain of Command

Employees will be informed of his/her chain of command during new hire orientation. In general, an employee reports to a department director ("department head") or an elected/appointed county official. An employee who has concerns about any work-related issue is strongly encouraged to voice these concerns openly and directly to his/her department head/county official. If the employee believes it would be inappropriate to contact the department head/county official, the employee should contact the Human Resources Director.

B. Civil Service Board

Sheriff's Office employees may contact the Marshall County Sheriff's Civil Service Board.

C. Timely Resolution

The County will make every effort to aid in the resolution of problems or disputes in a manner that is prompt, effective and impartial and based upon all the facts and circumstances. The County believes that it amply demonstrates its commitment to employees by responding effectively to employee concerns.

1.6 CODE OF ETHICS

As required by the Ethics Reform Act, effective April 23, 2007, Marshall County has adopted a Code of Ethics which applies to County officials and employees of the County. A copy of the Code of Ethics, which follows the Model of Ethical Standards developed by the County Technical Assistance Service (CTAS), and revised in 2022, is set out in Addendum No. 3.

1.7. TITLE VI

Marshall County Government 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 financial assistance on the grounds of race, color, sex, or national origin.

Any person who believes he or she has been discriminated against should contact the Marshall County Title VI Coordinator.

SECTION 2: EMPLOYMENT

2.1 NON-DISCRIMINATION POLICY

Marshall County is an equal opportunity employer and in accordance with Title VII of the Civil Rights Act of 1964 does not discriminate against employees and job applicants based on race, color, religion, national origin, and gender (including, gender reassignment, sexual orientation, marriage and civil partnership, and pregnancy/maternity) age, disability, genetic information, protected veteran status, or status in any other group protected by law. To provide equal employment and advancement opportunities to all qualified employees and applicants for employment, employment decisions at the County will be based on demonstrated merit, qualifications, and abilities.

A. Equal Opportunity Employer

This Equal Opportunity Employment policy extends to all terms and conditions of employment, including but not limited to hiring practices, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, training, and benefits.

B. Hiring Practices

Except for open positions with the Marshall County Sheriff's Office, job openings will be posted on the County website, bulletin boards, and social media sites as appropriate. The Marshall County Sheriff's Department hires by the standards and procedures of the Sheriff's Civil Service Law of 1974. All qualified applicants are urged to apply and 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.

C. Reporting

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 his/her department head/county official or the Human Resources Director in accordance with the Non-Discrimination/Unlawful Harassment/Retaliation Complaint Procedure detailed in Section 2.4. Sheriff's Department employees or applicants may contact the Marshall County Sheriff's Civil Service Board. 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.

2.2 PROHIBITION OF UNLAWFUL HARASSMENT IN THE WORKPLACE

It is the policy of Marshall County Government to maintain a respectful work and public service environment. The County prohibits and will not tolerate any form of unlawful harassment or unprofessional behavior by or toward any employee, client, vendor or official. It is not easy to define unlawful harassment; however, employees should know that the County will not permit inappropriate or unprofessional conduct.

A. Unacceptable Conduct

1. Unwelcome or harassing slurs, jokes, graffiti, cartoons, drawings and/or harassing comments that are verbal, written, or electronically transmitted.
2. Unwelcome sexual advances, repeated unwelcome requests for dates, requests for sexual favors or unwelcome or offensive touching or other physical conduct directed at an employee, client, vendor or official.
3. Submitting to or rejecting the conduct of a sexual nature, made either explicitly or implicitly as a term or condition of an individual's employment or of obtaining public services.
4. Harassment based on race, color, religion, national origin, gender, age, disability, genetic information, veteran status, or status in any other group protected by law.
5. Retaliation for having reported possible harassment.

B. Reporting

Employees are urged to promptly report alleged incidents of unlawful harassment or other inappropriate conduct in violation of this policy to his/her department head/county official or the Human Resources Director in accordance with the Non-Discrimination/Unlawful Harassment/Retaliation Complaint Procedure detailed in Section 2.4.

2.3. RETALIATION POLICY

Marshall County Government considers retaliation for raising a concern under its Non-Discrimination and/or Unlawful Harassment policies a serious offense and it is likewise punishable by appropriate disciplinary action, up to and including termination of employment. If an employee believes that he/she has been subjected to retaliation because he/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 to his/her department head/county official or the

Human Resources Director in accordance with the complaint procedure detailed in Section 2.4. 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 disciplinary action up to and including termination.

2.4. NON-DISCRIMINATION, UNLAWFUL 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 Government, the employee should report the incident promptly to his/her department head/county official. The department head/county official should notify the Human Resources Director of a complaint not in writing. If the employee and supervisor cannot resolve the complaint, the employee is encouraged to make the complaint known to the Human Resources Director.

A. Investigation

1. An employee who makes the complaint known to the Human Resources Director may be asked to state in writing the nature and detail of the complaint.
2. The Human Resources Director will promptly investigate complaints with the supervisor and any other person with knowledge of the situation.
3. The complainant will be advised of the results of the investigation and the County's decision regarding the complaint.
4. A record of the complaint and findings will become part of the complaint investigation record and the file will be maintained separately from personnel files.
5. Nothing in this procedure prevents a complainant from filing a Charge of Discrimination with the Equal Employment Opportunity Commission (EEOC).

2.5 BACKGROUND CHECK POLICY

Marshall County Government carefully selects quality qualified employees. Background checks help to ensure that new employees have the knowledge and skills for the job and have performed well in the past.

The County conducts background checks on all job candidates after a verbal job offer has been extended. A background check will 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 by the third-party vendor includes, but is not limited to, criminal background, employment history, education and degrees, professional and personal references, motor vehicle record (MVR), and Federal Motor Carrier Safety Administration (FMCSA) record. All background checks will be compliant with applicable laws, such as the Fair Credit Reporting Act (FCRA).

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

A. Criminal Records Background Check

1. The County conducts background checks on all job candidates after a verbal job offer has been extended.
2. A background check will also be completed during reassignment or promotion of an employee.
3. Per designated requirements as illustrated in this policy, job offers may be rescinded based on results of the pre-employment background check.
4. Criminal background checks typically include local, state, and federal resources and are conducted through a third-party vendor.
5. The County commits to non-disclosure of background check results to anyone without the "need to know" and records are maintained confidentially in the Human Resources Office.
6. Criminal background check history includes social security number, states and counties of residence, federal district courts, sex offender registries, and any additional screenings as necessary and permitted by law.
7. 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 terminated and will be ineligible for rehire.
8. Designated convictions
 - a. Felony or misdemeanor convictions of a violent nature, with or without weapons.
 - b. Felony or misdemeanor convictions involving deception, theft, fraud, or financial misdealing.
 - c. Felony or misdemeanor convictions involving computer security infractions.
 - d. Felony or misdemeanor convictions involving the sale of controlled substances.

- e. Felony or misdemeanor conviction for sexual offenses (per National Sex Offender Registry).
- 9. The County reserves the right not to hire a candidate in a “secure” position in budget, accounting, human resources, or legal at its sole discretion for a designated misdemeanor or felony conviction. The County reserves the right to define “secure” positions.
- 10. Prohibited Employment Summary
 - a. Non-Management/Non-exempt employees with designated felony convictions: within seven (7) years prior to application.
 - b. Department Heads/Supervisors with designated felony convictions: within 10 years prior to application.
 - c. Non-Management/Non-exempt employees with designated misdemeanor convictions: within three (3) years will prohibit employment in a non-management position until three (3) years without further convictions have passed.
 - d. Department Heads/Supervisors/other Exempt positions with designated misdemeanor convictions: within the past seven (7) years will prohibit employment in a department head/management position until seven (7) years without further convictions have passed.
- 11. Marshall County Government may delay hiring applicants who are awaiting a pending trial where a conviction may occur or who have a deferred status for designated felony and misdemeanor conviction.
- 12. The County will conduct new criminal background checks for employees who apply for department head/supervisor or other Exempt positions; only those with passing results may be transferred or promoted into these positions in accordance with the above stated guidelines.

B. Credit Records Background Checks

Marshall County Government complies with all rules of the Fair Credit Reporting Act (FCRA). If a credit check result is derogatory, the source of that information is provided, and a candidate may dispute the record(s). However, settlement of any dispute is required before date of hire to ensure candidate meets the background check requirements.

- 1. Employees in budget, accounting, human resources, or legal who have access to confidential information such as employee data and County financial data may also be required to pass specific credit background checks.

C. Motor Vehicle Background Check

Motor vehicle record (MVR) and Federal Motor Carrier Safety Administration (FMCSA) record checks will be completed for employees who will operate a County-owned vehicle or is in a position which requires a Commercial Driver’s License (CDL).

2.6 ARRESTS/CONVICTIONS

If a current employee is arrested and/or charged with any criminal offense (excluding non-moving traffic offenses), he/she is required to report such charge to their department head/county official and the Human Resources Director within 72 hours of such arrest or charge. Additionally, any employee must immediately report any criminal conviction, felony, or misdemeanor, which occurs after their hire and during their employment with the County to their department head/county official and the Human Resources Director, within five (5) calendar days of conviction. Failure to report an arrest, charge or conviction will result in immediate termination of employment and ineligibility for rehire.

2.7 MINIMUM AGE

The County will not hire any individual less than sixteen (16) years of age.

2.8 EMPLOYMENT CATEGORIES

Every Marshall County Government employee is designated as an “exempt employee” or a “non-exempt employee” and a job description for each position indicates the exemption status.

A. Exempt

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.

B. Non-Exempt

Non-exempt employees are those who are required to be paid overtime at time-and-one-half their regular rate of pay, in accordance with the Fair Labor Standards Act for hours worked over forty (40) in a workweek.

C. Full-Time

For the purpose of the Affordable Care Act (ACA), a full-time employee regularly works 30 hours or more per week.

D. Part-Time

For the purpose of the Affordable Care Act (ACA), a part-time employee regularly works less than 30 hours per week.

1. Part-time employees are not eligible for sick, vacation, personal, holiday, birthday, bereavement, or inclement weather pay.
2. Part-time employees who do not work at least one day/shift in a 90-day period, will be terminated. In such cases, an individual desiring to return to work will be treated as a new applicant.
3. Part-time employees hired at a wage premium rate who subsequently move to full-time in the same position will return to the starting hourly rate for the position.

E. Temporary

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 “non-exempt” as defined herein.

1. Temporary employees are not eligible for sick, vacation, personal, holiday, birthday, bereavement, or inclement weather pay.
2. Temporary employees who are hired into a part-time or full-time position after the completion of their assignment, will be paid at the starting rate of the new position’s pay grade.

2.9 PERSONNEL FILES

A. Notification of Changes

An individualized personnel file is maintained on each employee and kept securely in the Human Resources Office. It is the responsibility of each employee to provide accurate information to the County. Employees are responsible for reporting to the County 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 must be kept accurate and current.

B. Tennessee Public Records Act

Pursuant to the Tennessee Public Records Act, personnel files of all County employees are open to public inspection. Information such as salary, disciplinary records, and employment applications are public record. However, other personal information such as social security number, bank account information, unpublished phone numbers, medical records, and driver’s license information (unless driving is part of the employee’s duties or job description) are confidential information and will not be 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.

C. Security

All required personnel records including, but not limited to, Form I-9 required under federal immigration laws and all wage and hour records required under state and federal laws, shall be maintained securely in the Human Resources Office.

2.10 EMPLOYMENT ELIGIBILITY VERIFICATION

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

2.11 TIMEKEEPING

A. TrueTime

The County uses TrueTime, a program within Skyward software, to electronically record time. Some employees may not be able to use TrueTime and will be allowed to use paper time sheets to record hours worked. All employees are required to record their daily hours worked. Employees using TrueTime should clock in and out as required. At the end of each week, employees should verify their time, make any necessary adjustments, and submit their electronic time sheet in TrueTime. Department heads/county officials should review their employees’ time for accuracy and then submit the electronic time sheets to payroll each week. Department heads/county officials must assure electronic time sheets are submitted to payroll by Monday at 10:00 a.m. following the close of the pay period.

B. Manual Time Sheets

Employees who do not use TrueTime will record their hours worked on a manual (paper) time sheet. Time sheets must be signed by both the employee and department head/county official and submitted to payroll on Monday morning by 10:00 a.m. following the close of the pay period. The employee should ensure that the actual hours worked and leave time taken are recorded accurately.

C. Falsifying Records

Falsifying a governmental record, including time sheets is a crime under TCA Section 39-16-504.

2.12 NEPOTISM

Decisions about hiring, promoting, evaluating, awarding salary increases, and terminating employees are based on qualifications for the position, knowledge, skill, ability, and performance. Every attempt is made to avoid favoritism. The policy is intended to ensure effective supervision, internal discipline, security, safety, and positive morale in the workplace. It also seeks to avoid the perception of favoritism, conflicts in loyalty, discrimination, the appearance of impropriety, and conflicts of interest.

Notwithstanding this policy, the Marshall County Government retains the right to refuse to appoint a person to a position in the same department, division, or facility, wherein his/her relationship to another employee has the potential for creating adverse impact on supervision, safety, security, or morale, or involves a potential conflict of interest. The department head shall have the authority and responsibility for determining if such a potential for adverse impact exists or does not exist. This policy applies to individuals who are related by blood, marriage, domestic partners, or adoption.

Violations occurring as a result of marriage, shall be resolved by a transfer within the department, transfer to another department or resignation/termination as may be necessary to eliminate the violation.

For the purpose of this policy, relatives shall mean parents, stepparents, foster parents, parent-in-law, grandparents, children, stepchildren, grandchildren, spouse, brother, brother-in-law, foster brother, stepbrother, sister, sister-in-law, foster sister, stepsister, son-in-law, daughter-in-law, or other family member who resides in the same household.

SECTION 3: LEAVE OF ABSENCE

3.1 HOLIDAYS

Any of the following language concerning the calculation of holiday pay is not applicable for employees of the Sheriff's Office and employees of the Marshall County Emergency Medical Service. The appropriate language for those offices is noted in Addendum No. 1 and Addendum No. 2, respectively, attached.

A. Observed Holidays

The following holidays will be declared official holidays and full-time employees will receive holiday pay. The Marshall County Commission may authorize additional holidays at their discretion.

| | |
|---------------------------------|--------------------------|
| New Year's Day | January 1st |
| Martin Luther King Jr., Day | 3rd Monday in January |
| President's Day | 3rd Monday in February |
| Good Friday | Friday prior to Easter |
| Memorial Day | Last Monday in May |
| Independence Day | July 4th |
| Labor Day | 1st Monday in September |
| Columbus Day | 2nd Monday in October |
| Veterans Day | November 11th |
| Thanksgiving Day & Friday after | 4th Thursday in November |
| Christmas Eve | December 24th |
| Christmas Day | December 25th |
| Day after Christmas | December 26th |
| New Year's Eve | December 31st |

When a holiday falls on Saturday, the Friday prior to the holiday is substituted (except 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 or New Year's Day falls on Monday, the Christmas Eve and New Year's Eve holiday will be observed on the Friday preceding Christmas Day and New Year's 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 or comp time will qualify as a day worked. Employees out on Workers' Compensation are not eligible for holiday pay. For employees on a compressed workweek schedule, when the holiday falls on their non-working day, they will be given an alternate day off either prior to or after the non-working day. Employees who are required to work when County offices are closed for a holiday shall be granted compensatory time for hours actually worked on the holiday. This does not apply to employee's whose departments are open 24 hours a day, as these employees will receive holiday pay and straight time pay when they work on a holiday.

3.2 INCLEMENT WEATHER ATTENDANCE

Any of the following language concerning the calculation of inclement weather leave is not applicable for employees of the Sheriff's Office and employees of the Marshall County Emergency Medical Service. The appropriate language for those offices is noted in Addendum No. 1 and Addendum No. 2, respectively, attached.

Marshall County 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 to make every effort to maintain normal working hours during periods of inclement weather to provide necessary services to the citizens of Marshall County.

A. Inclement Weather/County Offices Open

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 the Department head or elected official 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 will not be required to take leave for that absence. To be eligible, the employee must leave for work at his/her normal departure time in anticipation of regular arrival time.

B. Inclement Weather/County Offices Closed

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 Office, and the Marshall County Emergency Medical Service, which may have necessary information, to determine whether County offices should be closed. The County Mayor will also seek input as needed from 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 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 on previously approved leave during the affected period will not have to use their accrued leave and will be eligible for discretionary leave with pay under this policy.

C. Employees Required to Work

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.

D. Building/Office Closure

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., a department head/county official may decide to close the department for a short period of time. Employees will receive their regular pay for the approved period of closure.

3.3 SICK LEAVE

A. Earning and Accumulating Sick Days

Any of the following language concerning the calculation of sick leave is not applicable for and employees of the Sheriff's Office and employees of the Marshall County Emergency Medical Service. The appropriate language for those offices is noted in Addendum No. 1 and Addendum No. 2, respectively, attached.

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/injury if sick leave is taken.

1. Sick leave is earned at the rate of one (1) day per month and is based on the employee's scheduled hours. New hires must be hired before the 20th of the month to earn a sick day for that month.
2. There is no maximum accumulation of sick leave hours.
3. 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 the Tennessee Consolidated Retirement System (TCRS).

B. General Sick Leave Rules and Procedures

1. Use of Sick Leave: An employee may use sick leave accrued for absences due to his/her own illness or injury or that of any immediate family which shall be defined as a spouse, parent, stepparent, children (including adopted, half, and stepchildren), and legal dependent.
2. Documentation of Sick Leave: Employees are required to notify their department head/county official as early as possible on the first day of their sick leave absence. The department head/county official is responsible for notifying the Human Resources office of any staff absences over three (3) consecutive days. After an extended sick leave of three (3) consecutive workdays, a healthcare provider's release stating the employee may return to his/her normal work is required.
3. Exhaustion of Sick Leave: Employees who have exhausted their accumulated sick leave will not receive compensation for additional days needed due to illness or injury. For any additional time needed, the employee will be required to use accumulated vacation time or compensatory time. The employee must exhaust all vacation and compensatory time before leave without pay will begin. (See Section 3.11).
4. Leave Donation Program: Under this program, the County will allow employees to voluntarily donate a portion of their accrued sick leave to another employee who has exhausted their own paid leave for personal unplanned medical emergencies or catastrophic medical conditions (including coronavirus disease/Covid-19). This program will allow a recipient in dire medical situations to continue to take paid leave for what would otherwise be leave without pay, while also boosting morale by allowing employees to help one another. Documentation from a healthcare provider is required in order to confirm the medical condition. The donor employee will complete a donation form and the Human Resources Department will keep all the information confidential under this program.
5. Transfer. Employees from any TCRS participating agency will be permitted to transfer up to twenty (20) sick days to Marshall County Government if the former agency allows transfers. It is the employee's responsibility to complete proper documentation for the transfer.
6. Accrual While on Leave: An employee will continue to accrue sick leave during an approved leave of absence if he/she remains in pay status; however, employees taking leave shall not accrue sick leave while in a no pay status. An employee is considered to be in a pay status any time the County is paying an employee's salary/wages.

3.4 BIRTHDAY LEAVE

Any of the following language concerning the calculation of birthday leave time is not applicable for employees of the Sheriff's Office and employees of the Marshall County Emergency Medical Service. The appropriate language for those offices is noted in Addendum No. 1 and Addendum No. 2, respectively, attached.

All full-time employees are granted his/ her birthday off work with pay. The day off may be taken on the actual date of birth or (with the department head/county official 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, or any other paid time off will qualify as a day worked.

3.5 VACATION LEAVE

Any of the following language concerning the calculation of vacation leave is not applicable for employees of the Sheriff's Office and employees of the Marshall County Emergency Medical Service. The appropriate language for those offices is noted in Addendum No. 1 and Addendum No. 2, respectively, attached.

A. Qualification for Vacation Leave

Full-time employees shall earn paid vacation at a rate as follows:

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

1. 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 (6) months of continuous service.

2. 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 (minimum of 725 hours) or more with no breaks in service. The full-time hire date will be used as the employee's anniversary date of hire.

B. Use of Vacation Leave

1. Vacation leave must be used only at time approved in advance by the department head/county official.
2. Vacation leave requests will be honored to the extent possible. If two or more employees request vacation leave for the same period of time, it will be the department head/county official'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/county official.
3. No employee may give or loan vacation leave to another employee.
4. Vacation leave must be used within one (1) year of the anniversary date of a hire and does not carry forward to the next year.
5. Employees will be paid for accrued unused vacation leave upon separation of employment for any reason.
6. An employee cannot add accrued unused vacation leave to extend a termination date and/or to extend benefits. The termination date will be the last day the employee physically worked and the accrued unused vacation leave will be paid out.

C. Accrual While on Leave

An employee will continue to accrue vacation leave during an approved leave of absence if he/she remains in pay status; however, employees taking leave shall not accrue vacation leave while in a no pay status. An employee is considered to be in a pay status any time the County is paying an employee's salary/wages.

3.6 PERSONAL LEAVE

Any of the following language concerning the calculation of personal leave is not applicable for employees of the Sheriff's Office and employees of the Marshall County Emergency Medical Service. The appropriate language for those offices is noted in Addendum No. 1 and Addendum No. 2, respectively, attached.

A. Qualification for Personal Leave

Full-time employees will receive one (1) personal day per five (5) continuous years of employment and personal days will increase (1) one day with each additional five (5) years of continuous service. The number of each employee's personal days is to be calculated from their hire date.

B. Use of Personal Leave

Personal leave days will be forfeited if not used within one (1) year of the anniversary date of a hire. They do not carry forward to the next year. Employees will not be paid for unused personal leave.

3.7 VOTING LEAVE

A. Voting Leave Guidelines

Any person entitled to vote in an election in Tennessee 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. An employee 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. Voting time shall not be considered as working time for overtime/compensatory computation

B. Poll Hours

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. The department head/county official may specify the time the employee may be absent.

C. Notification

Employees must notify their department head/county official in advance of election day regarding their planned absence for voting.

3.8 BEREAVEMENT LEAVE

Any of the following language concerning the calculation of bereavement leave time is not applicable for employees of the Sheriff's Office and employees of the Marshall County Emergency Medical Service. The appropriate language for those offices is noted in Addendum No. 1 and Addendum No. 2, respectively, attached.

A. Bereavement Leave Guidelines

All full-time employees are eligible for bereavement leave and will be given three (3) days paid leave for an immediate family member's death. Immediate family shall be defined as spouse, parent, stepparent, children (including adopted, half, and stepchildren), brother, sister, mother-in-law, father-in-law, grandparents, grandchildren of the employee, and legal guardians or dependents.

B. Documentation

An employee may be required to show proof of death and relationship.

3.9 JURY AND COURT DUTY

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

A. Jury and Court Duty Guidelines

Upon receiving a summons to report for jury duty or to appear in court, the employee shall immediately notify his/her department head/county official.

1. The employee will be granted a leave of absence when the employee is subpoenaed or directed by proper authority to appear in federal or state court as a witness or juror and will receive his/her regular pay during time served on jury duty or when subpoenaed as witness.
2. The employee will forfeit any compensation received for jury service or serving as a witness for the County.
3. If the employee is relieved from jury duty or from being a witness during working hours after serving less than three (3) hours, the employee must report back to work.
4. If the employee is involved as a plaintiff or defendant in private litigation, he/she will not receive regular pay. On these occasions, the employee must take vacation leave, personal leave, compensatory time, or leave without pay.

3.10 MILITARY LEAVE

Under federal and state laws, all employees who are members of any reserve component of the armed forces of the United States or of the Tennessee National Guard are entitled to a leave of absence from their duties for all periods of military service during which they are engaged in the performance of duty or training. The duty or training must be in the service of the state or the United States under competent orders.

A. Guidelines

While on leave the employee will receive his/her regular compensation for a period not exceeding twenty (20) working days per calendar year, plus any additional days that may result from a call to active state duty by the Governor. Such requested leave shall be supported with copies of the armed forces orders.

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

3.11 LEAVE WITHOUT PAY

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 sixty (60) days of service, if applicable, are eligible to apply for leave without pay.

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

Employees who do not meet the criteria of the Family and Medical Leave Act (Section 3.12), and/or who have exhausted their accrued leave (sick, vacation, personal, compensatory), may apply for a leave without pay for their own illness, injury, or pregnancy.

1. The employee must provide a healthcare provider's statement which advises on the employee's inability to perform the functions of the position.
2. The approval and duration of the leave is at the discretion of the department head/county official and will be based on a healthcare provider's statement, employee's ability to perform the functions of the position and the needs of the employing department.
3. Leave granted under this provision shall be reviewed on a case-by-case basis but shall not exceed three (3) months. Less may be granted if the employee's continuing absence would conflict with the needs of the department.

B. Leave of Absence Without Pay Due to Personal Reasons

A leave of absence without pay may be granted to an employee for personal reasons only after eligible leave with pay (vacation, personal, compensatory time) has been exhausted.

1. Consideration of a request for personal leave shall be based on the needs of the department and the reason for the leave.
2. Leave granted under this provision shall be reviewed on a case-by-case basis but shall not exceed three (3) months. Less may be granted if the employee's continuing absence would conflict with the needs of the department.

C. 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.

1. The employee should fully outline the purpose for the request and attach any pertinent documentation such as a statement from the healthcare provider.
2. The leave of absence must be approved by his/her department head/county official. The department head/county official is urged to consult with the Human Resources Director if unsure whether a particular request qualifies for the type of leave requested.

D. Benefits Administration During Leave Without Pay

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. Benefits while on leave without pay are as follows:

1. While on leave without pay an employee will not accrue sick and vacation, nor be eligible for holiday pay.
2. Leave taken under any of the provisions stated in this policy does not entitle the employee to receive the County contribution in any month in which no salary is paid.
3. In all instances, the employee must pay the monthly employee's contribution, and the County's contribution, either in person or by mail. The payment must be received by the 1st of each month. If the payment is more than 30 days late, the coverage may be dropped for the duration of the leave. The employer will provide 15 days notification prior to the loss of coverage.

E. General Provisions

1. Failure to return to work upon expiration of an approved leave without pay 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.
2. An employee who returns to employment at the expiration of an approved leave without pay will normally be reinstated in the same position he/she formerly held, or in a position of similar pay grade.
3. An employee taking leave without pay shall not accrue sick and vacation leave while in a no pay status. An employee is considered to be in a pay status any time the County is paying an employee's salary/wages.

3.12 FAMILY AND MEDICAL LEAVE (FMLA) POLICY

Under the federal Family and Medical Leave Act of 1993 (FMLA), eligible County employees are entitled up to twelve (12) workweeks of unpaid leave during each rolling 12-month period beginning with the period measured forward from the date the employee's first FMLA leave begins. FMLA leave begins on the first day that an employee is out of work for an FMLA-qualified reason.

A. Eligible Reasons for FMLA Leave

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

1. 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).

B. Spouses Who Both Work for the County

Both male and female employees are eligible for leave after the birth of a child or placement of a child for adoption or foster care. If spouses are employed by the County and each desires to take leave for birth of a child, adoption, or placement of a child in foster care or to care for a parent (not parent-in-law) with a serious health condition, the spouses may only take a combined total of 12 weeks of leave. If spouses wish to take leave to care for a covered injured or ill service member, the spouses may only take a combined total of 26 weeks of leave.

C. Employee Eligibility

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

D. Notifications

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

1. Notice of Eligibility Rights: Within five (5) days after the employee requests leave or after the County learns the leave may be for an FMLA-qualifying reason, the County will provide written notice stating whether the employee is eligible for FMLA leave, and if not eligible, at least one reason.
2. Notice of Designation of Leave: Within five (5) days after the employee requests or the County learns of the need for FMLA leave, the County will provide a written notice stating whether leave is available, how much leave has been designated as FMLA leave, and how much leave remains. For a leave of unspecified duration, the County will update the notification every 30 days as to how much leave was designated FMLA and how much leave remains. If any part of the requested leave is not designated as FMLA leave, the County will provide written notice of and reason for denial.
3. Certification of Serious Health Condition: For leaves taken because of the employee's or a covered family member's serious health condition, the employee, upon request, must submit a completed "Physician or Practitioner Certification" form and return the certification to the County. Medical certification must be provided by the employee within 15 days after requested. If the employee fails to provide adequate certification within this time period, then the County will inform the employee, in writing, what additional information is necessary and will allow the employee at least seven (7) days to correct the certification. The County may delay leave until such certification is produced. In the case of medical emergency, the employee must submit certification as soon as is reasonably possible.

E. Intermittent or Reduced Schedule Leaves

Employees may take FMLA leave intermittently or on a reduced leave schedule in certain circumstances where the employee has a medical need for such leave. Employees must provide certification from a 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 County reserves the right, at its sole discretion, to transfer the employee temporarily to an alternative position for the intermittent period.

F. Required Use of Accrued Leave

To the extent permitted by law, accrued paid leave (sick, vacation, personal) shall run concurrently with the employee's FMLA leave entitlement, unless the leave is due to a Workers' Compensation injury or illness. An employee who is taking FMLA leave because of his/her own serious health condition or the serious health condition of a family member must use all accrued leave (sick, vacation, personal) prior to being eligible for unpaid leave. Workers' Compensation leave, to the extent permitted by law, shall be designated as FMLA leave and run concurrently. Absences covered by this FMLA leave policy will not be counted against an employee's absenteeism record under any County attendance policy.

G. Tennessee's Maternity Leave Act

In addition to the FMLA, Tennessee's Maternity Leave Act (TCA 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) months' 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 to under the FMLA or otherwise.

H. Effects on Benefits

Group insurance benefits ordinarily provided by the County, and for which employees are otherwise eligible, will be continued during FMLA leave on the same terms as before the leave, for up to a maximum of 12 weeks. Employees must continue to pay their share of the premiums by payroll deduction. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received by the 1st of each month. If the payment is more than 30 days late, the coverage may be dropped for the duration of the leave. The County will provide 15 days notification prior to the loss of coverage.

I. Reinstatement

When an employee returns to work following FMLA leave, he/she may be required to provide a fitness-for-duty statement from the employee's healthcare provider indicating that the employee is fit and able to resume work.

If an employee satisfies all the conditions of this policy and returns 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.

J. No Retaliation

The County does not tolerate retaliation in any way against employees who exercise their right to FMLA and/or leave under Tennessee's Maternity Leave Act. Any employee who believes he/she has been subject to retaliation for taking FMLA/ maternity leave should report such concerns immediately to the Human Resources Director.

K. Misrepresentation

Employees will be subject to discipline up to and including termination of employment, if during their leave, they engage in activities inconsistent with the stated purpose for the leave. Misrepresentations or any act of dishonesty related to FMLA will also be grounds for discipline up to and including termination of employment.

L. Military Family Leave under the FMLA

FMLA leave is also available for a covered family member's service in Regular Armed Forces and the National Guard for the following reasons:

1. Leave Related to the Deployment of Military Family Member ("Qualifying Exigency" Leave)

An employee is entitled to take leave for a "qualifying exigency" 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.

2. 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. 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. This leave is available only during the single 12-month period.

3. Military Family Leave Rules and Regulations for Qualifying Exigency and Military Caregiver Leave can be found at www.dol.gov/whd/fmla

SECTION 4: WAGE AND HOUR POLICIES

4.1 WORKWEEK

The workweek for employees of Marshall County Government begins at 12:01 a.m. on Sunday and ends at 12:00 p.m. midnight on Saturday. Core business hours are 8:00 a.m. to 4:30 p.m. The regular workweek hours for employees of Marshall County Government varies according to department or building. Most employees, other than those employed by the Sheriff's Office and Marshall County Emergency Medical Service, work either a thirty-five (35) hour, thirty-seven and one-half (37.5) hour or forty (40) hour work schedule. The workweek for employees of the Sheriff's Office and employees of the Marshall County Emergency Medical Service is set out in Addendums No. 1 and No. 2, respectively, attached.

4.2 LUNCH BREAK

State law (TCA Section 50-2-103 (2)(A)(B)) requires 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.

The County provides a (1) one-hour unpaid lunch break to its non-emergency employees. The department head/county official may approve, at their discretion, a flexible work schedule allowing a 30-minute unpaid work break after six (6) hours of work. A paid (1) one-hour or thirty (30) minute lunch break will be provided for the Sheriff's Office and Emergency Medical Service personnel. The department head/county official must ensure their staff takes the provided lunch break and properly records the lunch break on their time sheet.

4.3 FLEXTIME

The County's 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 department head/county official's responsibility to manage the program so that it will serve the business requirements of the department.

A. Flextime Guidelines

1. Department head/county official approval is necessary for any department to participate in flextime.
2. The work commitments of the department must be able to be met effectively and efficiently without compromising service to internal or external customers.
3. Each employee must recognize his/her responsibilities to the County and to coworkers.
4. Each employee that uses flextime must work cooperatively to ensure that no problems arise with regard to internal or external service.
5. Employees utilizing flextime should establish "standard" hours (i.e., 7:00 a.m. to 4:00 p.m. every day) and should not vary hours from day to day, week to week, or month to month.
6. Employees cannot work through their lunch period to make up time unless prior department head/county official approval is obtained.

4.4 OVERTIME

Any of the following language concerning the calculation of overtime is not applicable for employees of the Sheriff's Office and employees of the Marshall County Emergency Medical Service. The appropriate language for those offices is noted in Addendum No. 1 and Addendum No. 2 attached, respectively.

A. Non-Exempt Employees

Non-exempt employees as defined in Section 2.8, who work over forty (40) hours in a workweek are entitled to compensation for such hours, either in cash at the rate of one (1) and one-half times their regular rate of pay, or in accordance with the Fair Labor Standards Act, compensatory time off at the rate of one (1) and one-half hour for each hour of overtime worked.

1. Employees shall not work overtime without first receiving the approval of their department head/county official.
2. Any employee who works overtime without obtaining advance approval of their department head/county official as required may be subject to disciplinary action, up to and including termination of employment.
3. The reason for the overtime must be recorded on the employee's time sheet.

4.5 COMPENSATORY TIME

Any of the following language concerning the calculation of compensatory time is not applicable for employees of the Sheriff's Office and employees of the Marshall County Emergency Medical Service. The appropriate language for those offices is noted in Addendum No. 1 and Addendum No. 2 attached, respectively.

A. Compensatory Time Guidelines

In accordance with the Fair Labor Standards Act, Marshall County Government may grant compensatory time to non-exempt employees who work overtime as defined in Section 4.4

1. Employees are encouraged to use their accrued compensatory time, and the County will make every effort to grant reasonable requests for the use of compensatory time when sufficient advance notice is given, and normal operations are not unduly disrupted.
2. The maximum number of compensatory time hours that an employee may accrue is 240.
3. Any employee who has reached the 240-hour 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.
4. The County reserves the right at any time to pay an employee in cash for any or all accrued compensatory time.
5. When an employee moves from a non-exempt position to an exempt position, the County will pay the employee out at the non-exempt pay rate for all comp time and the employee will start over on accruing comp time as an exempt employee.

4.6 OTHER COMPENSATORY TIME - GAP TIME

The following language concerning Gap Time is not applicable for employees of the Maintenance Department, the Sheriff's Office, the Marshall County Emergency Medical Service, and the Marshall County Health Department.

Employees who work gap time, those hours above their normal work week schedule, but less than 40 hours, will be compensated with equal compensatory time off for these hours.

4.7 EXEMPT EMPLOYEE TIMEKEEPING

A. Guidelines

1. Exempt employees who use Skyward must clock in and out using TrueTime to record all hours worked each week.
2. If Skyward is not available, Exempt employees must maintain a paper time sheet that accurately reports all hours worked each week.
3. Exempt employees' time sheet must reflect all hours worked including those worked above their normal work schedule. TrueTime records the hours worked above an employee's normal schedule as compensatory time. The reason for excess hours worked must be recorded on the employee's time sheet.

B. Compensatory Time

1. Exempt employees will be allowed to take paid time off (compensatory time) for hours worked above their normal schedules up to fifteen (15) days each fiscal year, subject to supervisor approval.
 - a. 40-hour employee = 120 hours
 - b. 37.5-hour employee = 112.50 hours
 - c. 35-hour employee = 105 hours
 - d. Exempt employees will not receive compensation for unused compensatory 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.

A. Procedures

1. In the event of an emergency, the County Mayor, department heads, and elected officials may allow or require certain employees to work remotely. These employees will be advised of such requirements by their department head or elected official. Preparations should be made by employees and department heads 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.
2. The employee and department head/county official 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 department head or elected official and signed by the employee and his/her department head.
3. The employee will establish an appropriate work environment within his/her home for work purposes. The County 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.
4. The department head/county official will determine the equipment needs for each employee on a case-by-case basis, subject to approval by the Office of Accounts & Budget, unless previously budgeted. Equipment supplied by the County is to be used for County purposes only. Employee will follow the Computer, Email, and Internet usage policy as outlined in Personnel Policy 7.4.

5. 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 department head or elected official retains the right to modify this agreement on a temporary or permanent basis for any reason at any time.

4.9 PAY PERIODS

Employees are paid every two (2) weeks (generally 26 pay periods per year) by direct deposit. It is the employee's responsibility to notify the Human Resources and/or Payroll departments should their bank information change. New hires who start work the week of a payroll deadline will not be paid until the following pay period.

SECTION 5: EMPLOYEE BENEFITS

5.1 HEALTH INSURANCE

Marshall County Government will provide health insurance for its full-time employees and those part-time employees who qualify under the Affordable Care Act (ACA). The County will provide employee only insurance at no-cost to full-time employees and part-time employees who qualify under the ACA for insurance for the lowest cost plan. To qualify for this benefit, the employee must work for the County one (1) month. The employee will be added to the group plan on the first of the month following the one (1) month waiting period.

5.2 FAMILY HEALTH INSURANCE

County employees will have the opportunity to purchase dependent insurance for their qualified dependents. The County may pay a portion of the dependent coverage based on funding provided by County Commission. The same initial waiting period applies to dependents as employees. The County will payroll deduct this premium from the employee's paycheck the month prior to when the coverage begins. In the event an employee is off without pay or does not earn enough during a pay period to cover his/her portion of the premium, it is the employee's responsibility to contact the Benefits Coordinator and make arrangements to pay the amount due.

5.3 LIFE INSURANCE

The County will provide Basic Life and AD&D insurance for its employees at no cost. To qualify for this benefit, the employee must work for the County one (1) full 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. Employees may purchase, at their own expense, additional life insurance for themselves and their dependents.

5.4 DISABILITY INSURANCE

The County will provide long-term disability (LTD) insurance for its employees at no cost to the employee. To qualify for this benefit, the employee must work for the County one (1) full 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. Qualifying for this benefit is to be determined by the last actual hire date with 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 31st of each year. Those employees whose salaries are mandated by state statute are exempt from this benefit. This benefit will be included on the payroll check closest to the 15th of November.

5.6 RETIREMENT

Marshall County Government is a member of the Tennessee Consolidated Retirement System (TCRS), a defined benefit state retirement plan offering lifetime monthly benefits payable to vested members at retirement. Participation is mandatory for all full-time County employees.

A. Contributions

Employees contribute 5% of their pay (pre-tax) and the County currently contributes a 7.5% (pre-tax) employer match.

1. After a five (5) year contribution period, the employee will become fully vested.
2. TCRS offers three Retirement Eligibility options:
 - a. Service Retirement at age 60 and vested or 30 years of service regardless of age (reduced benefit)

- b. Early Retirement at age 55 and vested (reduced benefit).
- c. 25-year Early Retirement upon completion of 25 years of service but have not reached age 55 (reduced benefit).
- d. Employees may contact the Human Resources Department or <https://mytcrs.tn.gov> for additional information regarding retirement.

5.7 COBRA CONTINUATION

Pursuant to federal law, the Consolidated Omnibus Budget Reconciliation Act (COBRA), the County offers eligible participants (including dependents) in the County's group health insurance plan the opportunity to extend, at their own expense, their health insurance coverages when a qualifying event is triggered.

A. Qualifying Events for Employees

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

B. Qualifying Events for Spouses

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

C. Qualifying Events for Dependent Children

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

D. Continuation of Coverage

- 1. Depending on the circumstances of the employee and his/her dependents, COBRA Continuation may extend 18 or 36 months.
- 2. Employees and/or their eligible dependents are responsible for the cost of premiums, and an administrative processing fee of up to two percent (2%) may be added to the premium by the COBRA administrator.
- 3. Employees and/or their eligible dependents 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.
- 4. Those eligible for COBRA Continuation coverage have sixty (60) days from the date they would normally lose coverage to elect continued coverage.

5.8 EMPLOYEE ASSISTANCE PROGRAM (EAP)

The County provides a confidential Employee Assistance Program (EAP) whereby employees, spouses and dependents may choose to obtain counseling and other services. An EAP can help employees with personal difficulties such as emotional problems, substance abuse issues, relationship and family crises, and legal and financial worries before the problems spill into the workplace. Information about how to contact the County's EAP is available from the Benefits Coordinator.

A. Confidentiality

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.

B. Referrals

Department heads/county officials may make mandatory referrals and decisions related to the employee's ability to perform the job and/or return to work when the employee's job performance is affected.

5.9 LIGHT, LIMITED, OR MODIFIED DUTY ASSIGNMENTS

To help reduce Workers' Compensation claims and other related costs, and to assist employees who are incapacitated in their return to work, the County 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 should contact their department head/county official about light-duty assignments.

A. Light Duty

Light-duty assignments are not vacant or permanent positions within the County's workforce and are not available to employees on a permanent basis under any circumstances. The availability of light-duty assignments depends on the employee's restrictions and the business needs of the County. The existence of this light duty policy does not guarantee that light-duty will be available at any given time, or for any employee who requests it.

B. Temporary Modification

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.

C. Permanent Restrictions

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 County policies.

D. Reasonable Accommodation

1. 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 perform the essential functions of that job and enjoy equal employment opportunities. Accommodations are considered "reasonable" if they do not create an undue hardship or a direct threat.
2. 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 functions within a job, reassignment to a vacant position in another classification, modification of the existing worksite, or acquisition of assistive equipment and devices.
3. A common request of an employee 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 current position, if this is not feasible, the County may seek to move the employee into another position 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.

A. Workers' Compensation Injuries

Workers' Compensation 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.

B. 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.

C. 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

A. Disability Insurance

Employees may purchase, at their own expense, short term disability (STD) insurance. Long-term disability (LTD) insurance, provided at no-cost to the employee, 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 a 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.

B. Other Optional Employee Benefits

The County offers additional employee benefits that are optional to the employee and available at the employee's own expense, including dental, vision, and long-term care coverage for the employee and their dependents. Premiums for optional coverage shall be deducted from the employee's paycheck. Eligible employees may also enroll in the State of Tennessee's 457 (b) and/or 401(k) retirement plans.

SECTION 6: TENNESSEE DRUG-FREE WORKPLACE PROGRAM

6.1 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 TCA Section 50-9-100 et seq (Employer And Employee Chapter 9 - Drug-Free Workplace Programs).

6.2 PROCEDURES

A. Requirements

Marshall County Government's Drug-Free Workplace Program conforms to the requirements of TCA § 50-9-100 et. seq and the Rules of the Tennessee Department of Labor and Workforce Development, Division of Workers' Compensation, Drug-Free Workplace Programs, TAC 0800-2-12.

Each employee is required to certify annually his/her acknowledgement of this policy and the action to be taken if a violation occurs by using the Acknowledgement of Receipt of MCG Drug-Free Workplace Policy. The signed acknowledgement is maintained in the employee's personnel file. Copies of these acknowledgement forms may be obtained from the Human Resources Office.

B. Conditions of Employment

As a condition of employment or continued employment an employee will not:

1. 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. Work or report to work visibly impaired or while possessing in his/her body, blood, or urine, illegal drugs in any detectable amount.
3. Report to work under the influence of or impaired by alcohol.
4. Use prescription drugs illegally, including using prescription drugs that have not been legally obtained or using prescription drugs
5. Tamper with a drug test being administered pursuant to this policy.

C. Types of Testing

1. Applicant Drug Testing

All applicants in all job classifications are required to submit voluntarily to a drug test after a conditional job offer.

2. Reasonable Suspicion Drug and Alcohol Testing

Employees in all job classifications are required to submit to drug and alcohol testing as a condition of continued employment to ascertain prohibited drug use in any case in which an individualized "reasonable suspicion" exists

that the employee uses and/or is abusing prescription, illegal drugs or is under the influence of alcohol on the job. An employee designated for reasonable suspicion testing will be accompanied to the collection site by a supervisor. This may be based on the following reasons:

- a. Observable phenomena, such as direct observation of drug or alcohol use or possession or the physical symptoms of being under the influence of a drug or alcohol;
- b. A pattern of abnormal conduct or erratic behavior;
- c. The identification of an employee as a suspect in a criminal investigation involving drug possession, use, distribution, or trafficking;
- d. Information provided by reliable and credible sources or independently corroborated; or
- e. Newly discovered information indicating the employee may have tampered with a previous drug or alcohol test.
- f. Any employee subject to the terms of this policy, as a result of reasonable suspicion testing, with a positive confirmed drug test or a confirmed blood alcohol test result in any amount will be subject to disciplinary action up to and including termination.
- g. Whether or not the employee is terminated, the employee will be referred to a list of qualified substance abuse professionals.

3. Post-Accident Testing

Any Marshall County Government employee involved in a work-related accident while carrying out official duties, which causes an injury/illness to himself/herself or another person, or involves a County-owned vehicle, will be required to submit to a drug test.

- a. Testing shall 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.
- b. The employee must refrain from drinking alcohol for four (4) hours following the accident or until he/she submits to an alcohol test, whichever comes first.
- c. The employee must remain available for testing or the County will consider the employee to have refused to submit to testing.
- d. If an employee has a positive confirmed post-accident drug or alcohol test, he/she may lose entitlement to Workers' Compensation benefits provided that the drug test was conducted according to these policies and procedures. A rebuttable presumption is created that the drug or alcohol was the proximate cause of the injury. Such employee may be disciplined for violation of these procedures, up to and including termination of employment, and may forfeit his/her eligibility for any and all Workers' Compensation benefits.
- e. Nothing in this requirement should be construed to require the delay of necessary medical attention for injured persons following an accident.

4. Return to Duty Testing

Any employee who is allowed to return to duty, based on the Marshall County's Government's approval, following referral, evaluation, and treatment as a result of positive confirmed drug or alcohol test will be required to submit to a return-to-duty drug or alcohol test. A negative drug test and a zero-alcohol concentration will be required before a return-to-duty decision is made.

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

5. Follow-Up to a Positive Test Testing

At least once per year for a two (2) year period following a positive drug or alcohol test, the County shall conduct a follow-up drug test, alcohol test, or both, as appropriate.

- a. Any employee with a verified positive confirmed drug or blood alcohol test of any amount during this period will be subject to disciplinary action up to and including termination of employment.
- b. In those cases, in which the employee voluntarily entered treatment not based on an employer-administered drug or alcohol test, the County is not required to conduct follow-up testing.
- c. Advance notice of a follow-up testing date shall not be given to the employee.

6. Random Testing

Random testing will be done on those employees who are under federal or state regulations that require periodic testing.

- a. The selection for random testing will be based on a computer-generated random number that is administered by an outside vendor contracted by Marshall County Government.
- b. Random tests will be unannounced and spread reasonably throughout the year.
- c. When notified that they have been selected for random testing, employees will proceed immediately to the collection site and may or may not be accompanied by a supervisor or coworker.

d. Any employee subject to the terms of this policy, as a result of reasonable suspicion testing, with a positive confirmed drug test will be subject to disciplinary action up to and including termination.

D. Arrest/Criminal Convictions

1. As a condition of continued employment, an employee who is arrested for or charged with any criminal drug/alcohol related offense must notify his/her supervisor and the Human Resources Director within 72 hours after such arrest or charge.
2. As a condition of continued employment, an employee must immediately report any drug/alcohol-related criminal conviction, felony, or misdemeanor, that occurs after their hire and during their employment to his/her supervisor and the Human Resources Director, within five (5) calendar days of conviction.
3. Failure to report an arrest, charge or conviction will result in immediate termination of employment and ineligibility for rehire.

E. Employees Who Self-Report

1. An employee who voluntarily approaches the County for assistance through rehabilitation for drug or alcohol abuse prior to a testing request will be given all consideration for a medical leave of absence for treatment and/or counseling.
2. 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 illegal drugs or alcohol or entered a drug or alcohol rehabilitation program.
3. If an employee's employment is terminated, the County will not be obligated to provide assistance beyond the last day of employment.

F. Drug Testing

1. The list of drugs a covered employer shall be required to test employees and job applicants includes marijuana, cocaine, opiates (opium and codeine derivatives), amphetamines and methamphetamines, and phencyclidine (PCP).
2. Specimen collection will be performed by qualified individuals in accordance with the United States Department of Transportation Regulations (49 CFR Part 40) and testing will be done at a certified Substance Abuse & Mental Health Services Administration (SAMSHA) laboratory.
3. The cut off levels for positive tests of these drugs shall be in accordance with SAMHSA guidelines.
4. Refusal to take a required drug test will be interpreted as a positive confirmed drug test.
5. As technology develops new testing methods, Marshall County Government may rely on the results of those methods which have been approved by SAMHSA.
6. If an employee/job applicant receives a positive confirmed test result for an otherwise legal medication for which he/she does not hold a valid prescription, Marshall County Government is not prohibited from discharging the employee or refusing to hire the job applicant.

G. Alcohol Testing

1. Alcohol testing shall be conducted at an alcohol testing site in accordance with 49 CFR Part 40.
2. All specimens identified as positive shall be confirmed according to the provisions of 49 CFR Part 40 applicable on the date of testing.
3. Refusal to take a required alcohol test will be interpreted as a positive confirmed alcohol test result.
4. If an employee in a safety-sensitive position has an alcohol test result of 0.04 or higher, the County will immediately prevent the employee from performing safety-sensitive functions. If the test result is 0.020-.039, the employer must remove the employee involved from performing safety-sensitive functions for at least 24 hours, as provided in applicable DOT agency regulations.
5. As technology develops new testing methods, Marshall County Government may rely on the results of those methods which have been approved by SAMHSA.
6. An employee in a safety-sensitive position may be tested for alcohol based on reasonable suspicion, routine fitness-for-duty, follow-up, or post-accident.

H. Testing Methodology

1. Contract laboratory staff trained to collect urinalysis specimens conduct urine specimen collection. Employees to be tested are required to provide verified photograph identification before entering the testing area.
2. Collection procedures are completed in conformance with the procedures compiled in 49 CFR, Part 40 and must be collected in accordance with those procedures using the split sample method. MCG utilizes the vendor's chain of custody form that complies with the Tennessee Drug-Free Workplace requirements.
3. Security of the collection site, chain of custody procedures, privacy of the individual, collection control, integrity, identity, retention of the specimen, and transportation of the specimen to the laboratory is completed in accordance with the SAMHSA guidelines and 49 CFR, Part 40.

4. A SAMHSA licensed and approved contract laboratory conducts an initial drug screening test using an immunoassay or an alternate technology testing method. Any specimen that is positive by the initial test must be subjected to a confirmatory test.
 5. All results attained on both testing methods are reported to the Medical Review Officer (MRO) who proceeds as set forth in the following section.
- I. Reporting and Review of Results by Medical Review Officer (MRO)
1. The procedures for laboratory reporting, and MRO review, and reporting of specimen test results shall be in accordance with those described in 49 CFR, Part 40.
 2. The contract laboratory reports all specimens to the MRO for disposition.
 3. The MRO will attempt to contact and interview an employee whose specimen is reported as positive, adulterated, substituted, and/or invalid, usually within 24 hours, and up to three (3) attempts in 24 hours.
 4. The MRO may require the employee to submit additional evidence to justify a positive drug test result, including, but not limited to, a valid prescription or a letter from the individual's physician.
 5. The MRO will take action based on the employee's explanation, supporting documentation, and medical assessment of the employee's responses.
 6. After the review and verification processes have been completed, the MRO reports the final, verified results to the Human Resources Office.
- J. Confidentiality
- Subject to federal and state law, employee drug and alcohol testing results and records are maintained under strict confidentiality. The contractor, the MRO, and employees involved in the administration of this policy observe strict confidentiality of an employee's test results. Any employee violating this requirement of confidentiality is subject to disciplinary action, up to and including termination.
- K. Training
1. Marshall County Government will notify all employees that it is a condition of employment for an employee to refrain from reporting to work or working with the presence of drugs or alcohol in the employee's body.
 2. Prior to testing, the employer shall give a written policy statement to employees and job applicants which contains a copy of the covered employer's drug and alcohol policy which complies with TCA Section 50-9-101 et seq.
 3. Marshall County Government will provide training to new hires during new hire orientation.
 4. Employees will be required to annually sign MCG Drug-Free Workplace Acknowledgement.

SECTION 7: MARSHALL COUNTY PROPERTY

7.1 USE OF COUNTY TIME, FACILITIES AND AUTHORITY

- A. Unauthorized Practices
1. An employee may not use County facilities, equipment, and supplies for personal needs either during or beyond normal working hours unless authorized by the County.
 2. Officials and/or employees may not make or attempt to make private purchases using the Marshall County's name or resources including cash and purchasing cards.
 3. Employees of the County 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 County. A County 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.
 4. 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.
 5. No County employee may have any financial interest in the profits of any contract, service, or their work performed by the County; or personally profit directly or indirectly from any contract, purchase, sale, or service between the County 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 County Mayor. 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 County business.
 6. Since October 1983, the Comptroller of the Treasury has provided a toll-free hotline for reporting fraud, waste and abuse of government funds and property. If an employee observes a County employee engaging in any activity

which he/she considers to be illegal, improper, or wasteful, please call the State Comptroller's Toll-Free Hotline at 1-800-232-5454.

7.2 USE OF COUNTY VEHICLES, MACHINERY AND EQUIPMENT

- A. Unauthorized Practices
 - 1. County vehicles, machinery, and equipment are for official County use only.
 - 2. No County vehicles, machinery, or equipment may be operated outside of Marshall County limits by any employee unless so authorized by the supervisor of that employee.
 - 3. County vehicles should only be used to commute to and from work if the employee is in a continuous on-call status, or so authorized by the supervisor.
- B. Separation From Employment
 - 1. At the time of separation of employment, and prior to receiving final compensation, the employee shall return to his/her department head/county official any and all assets, books, keys, manuals, records, uniforms, tools, badges, and other items of County property in the employee's care and custody.
 - 2. Certification to this effect shall be made by the employee's department head/county official, and all reimbursement due the County because of any shortages or unreturned property shall be deducted from the employee's final compensation or otherwise collected.
- C. Policy for Non-Emergency Vehicles
 - 1. Vehicles must be properly decaled as property of Marshall County Government on the passenger and driver doors.
 - 2. Employees must have and maintain a valid driver's license.
 - 3. County vehicles can only be used for County business.
 - 4. Passengers are allowed to ride in County vehicles only if on official County business.
- D. Policy for Emergency/Law Enforcement Vehicles
 - 1. Employees must have and maintain a valid driver's license or other required licensing.
 - 2. Emergency/Law Enforcement vehicles should only be used for their authorized purpose.
 - 3. The Vanessa K. Free, Emergency Services Training Act states that all operators of emergency vehicles in the State of Tennessee must have a minimum of two (2) hours training annually. This law pertains to paid and volunteer fire, law enforcement, EMS, and rescue.
 - 4. EMS, Emergency Management and Sheriff's Office should maintain annual training records of their employees.
- E. Policy for Volunteer Fire Departments
 - 1. Drivers must have and maintain a valid driver's license or other required licensing.
 - 2. Drivers must file a copy of a valid driver's license with the Office of Emergency Management.
 - 3. If a driver's license is suspended the volunteer fire department must notify the Office of Emergency Management immediately.
 - 4. Emergency vehicles must only be used for their authorized purpose.
 - 5. The Vanessa K. Free, Emergency Services Training Act states that all operators of emergency vehicles in the State of Tennessee must have a minimum of two (2) hours training annually. This law pertains to paid and volunteer fire, law enforcement, EMS, and rescue.
 - 6. Agencies should maintain training records on their employees and volunteers and copies returned to the Office of Emergency Management by June 1st of each year. Any deficiencies should be noted and forwarded to the Director of Accounts and Budgets.
 - 7. Non-compliance with the requirements of this policy will cause funding to be suspended. Any non-compliance will be brought before the Budget Committee.

7.3 CREDIT CARD POLICY

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

- A. Authorization
 - 1. Department heads 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.
 - 2. Credit cards are maintained in the Office of Accounts and Budgets and should be checked out using the sign out sheet.
 - 3. Unauthorized or personal use of a County credit card will result in disciplinary action up to and including termination of employment.

4. The Office of Accounts and Budgets reviews County credit card statements and matches the statement to the invoices by the department. Invoices and travel documents should be forwarded to the accounts payable clerk in the Office of Accounts and Budgets.
5. The County reserves the right to payroll deduct from employee's pay checks the unauthorized use of a County credit card. An example would be the reservation of a motel room for a conference the employee did not attend, or meal charges in excess of the travel policy.

7.4 TECHNOLOGY USAGE POLICY

Marshall County Government utilizes technology resources for business purposes in serving the interest of the citizens of Marshall County. Technology resources are the property of Marshall County and include, but are not limited to, computer equipment, software, operating systems, storage media, telephone equipment, wireless/portable equipment, office equipment, email, voice mail, network access and associated systems, networks, equipment, cloud applications, cloud infrastructure and their various derivatives. Technology resources and their use are subject to the Tennessee Public Records Act and may be monitored, reviewed, and analyzed for business purposes and compliance.

A. Scope and Ownership

This policy applies to all Marshall County technology systems on premise and in the cloud (hardware, software, voice/data networks, user accounts, and associated processes/services) owned, leased, or otherwise operated and used by Marshall County. The scope of the policy also includes all personnel who have access to Marshall County systems (employed by the County or not). Systems containing Marshall County data hosted by third parties outside of the Marshall County network and personnel with access to those systems are also subject to this policy. All technology resources defined in this section, along with all information transmitted by, received from, and stored upon said systems are considered to be possessed by, and or the property of Marshall County.

B. Policy violation

Violation of this policy may result in disciplinary action up to and including termination of employment. Additionally, system access may be revoked in whole or in part for system security and or availability.

C. Monitoring and Privacy

Marshall County has the right to monitor, audit, and or inspect any and all aspects of the County's electronic technology resources without advance notice to any users. Failure to monitor in any specific situation does not constitute a waiver of the County's right to monitor. Employees are advised that they have no privacy rights and that there is no reasonable expectation of privacy when using County technology, network, and data systems.

1. Monitoring, Auditing, and Inspection Activities

- a. At the written request of a department head for one of their respective employees, or upon authorization by the County Mayor or designee has the authority to monitor and/or inspect any Marshall County system without notice to users.
- b. For security and network maintenance purposes, individuals authorized by the County Mayor may monitor equipment, systems, data, and network traffic at any time.

2. Privacy expectations

- a. Marshall County does not guarantee the confidentiality of user information stored on any network, computer, or communications device belonging to Marshall County.
- b. Marshall County's users should be aware that the data they create on County technology, communications systems or on personal devices in the course of County business remains the property of Marshall County and is not private (unless the data is protected by privacy or confidentiality laws).
- c. Information that is stored on or transmitted to or from County systems or on personal devices may be subject to disclosure pursuant to the Tennessee Public Records Act.

D. Security

Marshall County system security must be maintained at all times. Users must take all reasonable precautions, including but not limited to safeguarding passwords, maintaining reasonable physical security around Marshall County equipment, and locking or logging off unattended workstations. A user who is actively logged on to a Marshall County system is responsible for any activity that occurs whether or not they are present.

1. Administrative Privileges

For security reasons, administrator level network, server, and PC access is limited to individuals designated by the County Mayor. Administrator privileges will not be extended to users in order for software to operate – software vendors are responsible for providing software that will operate without administrator privileges.

2. Passwords and User System Access

The Marshall County Department of Human Resources is responsible for creation, assignment, and deletion of all user accounts for Marshall County systems. The level of access to the network, servers, applications, and personal computers will be administered by the Office of Accounts and Budgets upon the job tasks for the individual user.

3. Password Protection

Users are responsible for protecting their passwords and access to assigned accounts (network, systems, applications, etc.) at all times.

a. Password and Account Guidelines

- (1) Passwords must be changed at least every 90 days or when prompted.
- (2) Create strong passwords (greater than eight characters, mixed case, mix letters numbers and symbols, use long phrases when possible).
- (3) Log off unused systems, and utilize password protected screen savers.
- (4) Compromised passwords/accounts must be reported to the department head/county official immediately upon discovery.
- (5) An employee must refer anyone who asks for their password to this policy.

4. Physical Security

Shared Marshall County systems (network, servers, systems, etc.) will be physically secured by individuals designated by the County Mayor.

- a. Access to the server room, disaster recovery site, phone switches, and other key infrastructure is limited by lock with access granted to authorized personnel only.
- b. Media, such as daily and monthly backups, will be stored in a secure area with access granted to authorized personnel only.
- c. Users are responsible for the physical security of assigned technology resources.
- d. To the degree possible, technology resources should be protected from theft and/or vandalism, fire, and other natural environmental hazards.
- e. Laptops, cell phones, etc. in vehicles must be stored in the trunk or otherwise out of sight. They should never be left in a vehicle overnight.
- f. Employees should exercise precautions to make sure that their computer hardware is not exposed to dangers related to their specific use, i.e., accidental beverage spills, improper ventilation of air intakes, etc.

5. Reporting Violations

- a. Every department head should monitor compliance with the technology use policies within this policy, and to report violations (both by "insiders" such as employees, contractors, and "outsiders" such as unauthorized visitors, trespassers, and hackers).
- b. It is the responsibility of each technology user to remain diligent in the identification and reporting of technology policy violations. Employees should be aware of their environment and immediately report any suspicious, abnormal, or unnatural behavior or events to his/her supervisor and the Office of Accounts and Budgets.

E. Prohibited Use

The following are examples of prohibited uses. This is not intended to be a comprehensive and complete list. Other uses not listed here may be deemed to be prohibited by the County Mayor, a department head, or their designee.

1. Any use that violates federal, state, or local law or regulation.
2. Knowingly or recklessly interfering with the normal operation of computers, peripherals, or networks.
3. Connecting unauthorized equipment to hardware systems or the network for any purpose.
4. Running or installing unauthorized software on Marshall County computers.
5. Factory resetting, altering configurations, or locking out users from hardware/computer systems.
6. Permanently deleting, altering, or destroying files/folders which contain County proprietary information.
7. Copying of any software from Marshall County computers, for other than archiving purposes.
8. Using Marshall County network to gain unauthorized access to any computer system.
9. The use of Marshall County Systems to access, transmit, store, display, or request obscene, pornographic, erotic, profane, racist, sexist, libelous, or other offensive or abusive material (including messages, images, video, or sound).
10. The use of Marshall County Systems in such a way as to create an intimidating or hostile work environment.
11. Marshall County Systems may not be used to solicit for personal gain, for personal use, or for political or religious purposes.

F. Remote Access

Remote access users are subject to all policies herein. Additional security requirements may be established for remote access systems by the County Mayor.

G. Electronic Messaging

Electronic messaging includes, but is not limited to email, instant messages, text messages, blog posts, forum posts, wiki posts, images and audio or video recordings. Electronic messaging may not be used in any way which violates this or other County policies.

1. County Representation

All publicly posted electronic messages must clearly identify the user, with credentials assigned by the County. Message subject and content must be in the interest of the County.

2. Public Record and Retention

Electronic messages may be considered public record and as such are subject to public record retention rules. Marshall County employees are responsible for identifying and preserving electronic messages that are subject to the public record retention rules. Electronic messages created during the course of County business on personal devices are subject to public record retention rules.

H. County Internet Content

1. Public Internet content includes, but is not limited to, the main Marshall County Government public web site and all content therein, other web sites which lie outside of the main County web site, and departmental social sites representing the County which are administered by a specific department.
2. County departments are solely responsible for the accuracy of the content of their respective web site(s) and/or pages and each department's administrator must follow these guidelines:
 - a. Departments must comply with applicable federal, state, and county laws, regulations, and policies, including but not limited to copyright, records retention, Public Records Act, First Amendment, Health Insurance Portability and Accountability Act (HIPAA), and privacy laws.
 - b. Administrator shall identify him/herself by name and role at department when posting or discussing department-related matters. It is generally not appropriate to respond in an official capacity with personal views.
 - c. Administrator will not provide confidential information or other protected information nor post legally protected personal information. Never post information about policies or plans that have not been finalized by the department unless explicit permission has been received. Never post photos or other information about clients, coworkers, or citizens without confirming authorization to do so.
 - d. Because the purpose of departmental use of social media sites is often to get input or feedback from the public, there will be input or feedback that is negative. Effective ways to respond to negative comments include providing accurate information in the spirit of being helpful, respectfully disagreeing, and acknowledging that it is possible to hold different points of view. Negative comments should never be removed, nor should people be blocked, without first consulting the County Attorney.

7.5 USE OF TELEPHONE AND MAIL SYSTEMS

The County's telephone and mail systems are intended for County business use only. Except in the event of an emergency, personal phone calls should not be made using the County's telephones. The use of County paid postage for personal correspondence is not permitted.

A. Telephone Courtesy

The telephone is often the only contact citizens have with the County. Telephone courtesy is essential. When employees answer general telephone lines, they should state "Marshall County" and, if appropriate, the department's name. Employees who answer a direct line or a transferred call should identify the department's name if appropriate and state their own name. Employees should be pleasant, courteous, and professional to callers at all times.

B. Use of County Provided Cell Phones

Designated County employees are provided with cell phones to perform their essential job functions.

1. Employees must abide by Tennessee's Hand's Free Law (TCA 55-8-199) which states it is illegal for a driver to hold a cell phone or mobile device with any part of the body. Employees must use a hands-free device for calls and cannot text while driving. The exception to this law is law enforcement and emergency personnel.
2. Under no circumstances should an employee text while operating a County vehicle.
3. Department heads need to refrain from calling or emailing employees when they know employees are on the road.
4. County 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 department head immediately.
5. Employees should have no expectation of privacy in anything they create, store, access, send or receive using a County provided cell phone. The County reserves the right to examine texts, email, images, and other information stored on the County provided cell phone as deemed necessary and appropriate without prior notice or permission.

6. County provided cell phone communications are public communication and are not private. All communications on a County provided cell phone can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.

7.6 COUNTY VEHICLES AND CELL PHONE USAGE POLICY

Employees who drive a County-owned vehicle and are using a County issued or personal cell phone for business, must refrain from using their phone while driving except for emergency responders.

A. Guidelines

1. Employees must abide by Tennessee's Hand's Free Law (TCA 55-8-199) which states it is illegal for a driver to hold a cell phone or mobile device with any part of the body. Employees must use a hands-free device for calls and cannot text while driving. The exception to this law is law enforcement and emergency personnel.
2. Under no circumstances are employees allowed to place themselves or property for which the County is responsible at risk to fulfill business or personal needs.
3. Employees who are charged with traffic violations resulting from the use of their personal cell phone or the County issued cell phone while driving will be solely responsible for all liabilities that result from such actions.
4. Violators of this policy will be subject to prompt disciplinary action, up to and including termination of employment.

7.7 BULLETIN BOARDS

The County maintains bulletin boards at each building on which important employment law, safety information, job postings, and public notices are posted. Cooperation is needed in protecting the published/posted material. All material to be placed on the bulletin boards must be approved in advance by the appropriate department head/county official.

7.8 PARKING

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

7.9 UNIFORM USE AND RESPONSIBILITIES

The County provides uniforms for various job classifications. The County desires uniforms that are well maintained to emphasize the professionalism of the workforce and to promote pride in Marshall County.

A. Uniform Guidelines

1. Uniforms issued by the County are County property, are the responsibility of the employee, and are not to be worn other than while on the job for the County and, optionally, while commuting to and from work for the County.
2. At the time of separation of employment, and prior to receiving final compensation, the employee shall return to his/her department all uniforms and confirmation of this will be made by the employee's department head. The cost of any uniform(s) that are damaged or not returned will be deducted from the employee's final compensation.

7.10 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. County employees and County officials are subject to the rules and regulations of this travel policy; this policy does not cover volunteers, interns, or guests of the employee.

County employees and officials 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.

The County 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 US General Services Administration for federal employees within the continental United States (CONUS). The CONUS list, available on the US General Services Administration website, contains a standard reimbursement rate for lodging, and meals, and incidentals.

A. Travel Authorization

Travel may not be undertaken unless it is authorized in advance by the appropriate department head/county official. Approved County 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.

B. Official Station

The department head/county official 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. County Commissioners shall use the Courthouse Annex as their official station.

C. Reimbursement Procedures

1. Employees should submit claims for reimbursement for travel expense no later than thirty (30) days after completion of travel. The employee and their department head/county official are required to sign the claim for reimbursement.
2. Conference agendas and mileage from either the official State map or from MapQuest showing the miles driven should be attached to the claim.

D. Travel Advances

1. Travel advances are available only under extraordinary circumstances. Advances are subject to the approval of the Director of Accounts and Budgets 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 mileage, meals, and incidentals and/or may be provided via a credit card authorization form.
2. 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.
3. 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 of employment or failure to submit a travel claim.

E. Air Travel and Taxi Fares

Reservations for air travel should be made through the Office of Accounts and Budgets. 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.

F. Travel Using Personally Owned Automobile

Department head/county official 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.

1. Commuting mileage between the employee's residence and official workstation is not allowed.
2. 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.
3. 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.
4. 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.

G. Automobile Rental

Advance authorization from the Director of Accounts and Budgets is required for automobile rental whether in state or out of state.

H. Parking

Charges for routine parking while on travel status will be reimbursed. Receipts are required if the parking charge exceeds the allowance State of Tennessee rate schedule.

I. Lodging

Lodging expenses will only be covered for events outside of a 60-mile radius of the employee's official station. An employee is expected to commute to events under 60-miles of their official station.

1. The employee will be reimbursed for actual lodging costs plus tax incurred up to the applicable maximum amounts as indicated on the State of Tennessee rate schedule, not to exceed \$250 per night. Lodging receipts are required and must itemize room charges and taxes by date.
2. 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.
3. 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.
4. Lodging reimbursement will be based on the length of the event: a one-night stay will be reimbursable for a two-day event; a two-night stay will be reimbursable for a three-day event; and a three-night stay will be reimbursable for a four-day event, etc.

J. Per Diem Rates for Meals and Incidentals

1. The department head/county 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.
2. 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.
3. 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.
4. 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.

K. 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.

L. Exceptions

The Director of Accounts and Budgets shall have the authority to grant exceptions 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, the County expects employees to be dependable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the County.

A. Guidelines

1. When employees cannot avoid being late to work or are unable to work as scheduled, he/she should notify their department head/county official as soon as possible but no later than one (1) hour of the start of their scheduled workday.
2. 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.
3. Medical verification of an illness that lasts three (3) or more days must be documented by a healthcare provider.
4. Leaves of absence taken pursuant to the County's FMLA/Tennessee Maternity Leave policy will not be counted against an employee for purposes of this Attendance and Punctuality policy.

5. The County will consider it job abandonment/resignation if an employee is absent from work for three (3) consecutive workdays, without contacting their department head/county official about their return to work or without prior approval.
6. Part-time employees who have not worked at least one day/shift within 90-days will be terminated. In such cases, an individual desiring to return to work will be treated as a new applicant.

8.2 EMPLOYEE CONDUCT AND WORK RULES

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

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:

A. Examples of Infractions

1. Theft or inappropriate removal or possession of County-owned property.
2. Falsification of any documents including timekeeping records.
3. Forgery and or fraud.
4. Destruction, alteration, mutilation, or concealment of any document or record with the intent to obstruct or influence an investigation, or potential investigation.
5. Accepting or seeking anything of material value from contractors, vendors, or persons providing goods or services to Marshall County Government.
6. Working under the influence of alcohol, illegal drugs, or abuse of prescription drugs. (See Drug-Free Workplace Program policy in Section 6.)
7. Possession, distribution, sale, transfer, or use of alcohol or drugs in the workplace, while on duty, or while operating County-owned vehicles, equipment, or machinery. (See Drug-Free Workplace Program policy in Section 6.)
8. Conduct that threatens, intimidates, or coerces another employee, or a member of the public at any time, including off-duty periods.
9. Boisterous or disruptive activity and fighting.
10. Negligence or improper conduct leading to damage of County-owned property.
11. Sleeping on the job (does not apply to EMS employees).
12. Smoking/vaping in prohibited areas.
13. Engaging in any form of discrimination, unlawful harassment, or retaliation (see Title VII Non-Discrimination, Unlawful Harassment, and Ant-Retaliation Policies in Section 2.)
14. Abuse of County's Attendance and Punctuality policy or absence without notice.
15. Unauthorized absence from workstation during the workday; for example, running a non-work-related errand away from work without authorization while being paid by the County.
16. Unauthorized use of telephones, computers, email, Internet and mail systems, or other County-owned equipment.
17. Unauthorized disclosure of County personnel non-public information.
18. Unsatisfactory work performance.
19. Dishonesty (including but not limited to conduct that involves the misuse of County funds 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).
20. Insubordination or other disrespectful, lewd, or unprofessional conduct such as 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.
21. Misconduct (conduct which is deemed to be averse to the safety and welfare of the County or its employees).
22. Violation of any personnel policies, procedures, or practices.

B. At-Will Status

Nothing in this Employee Conduct and Work Rules policy alters or is intended to alter County employees' at-will status. Employment with the County is at the mutual consent of County 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 DISCIPLINE PROCESS

In cases where an employee displays inappropriate conduct or poor performance, and the activity does not call for automatic dismissal, the County may or may not follow a progressive discipline process. This is a system that consists of disciplinary action, documentation, adverse action, and dismissal. The three steps of progressive discipline include:

A. Verbal

1. The first step is usually a verbal warning from the supervisor to identify the problem and to state the disciplinary action needed. The department head documents this step (including dates, times, and details of incidents of improper conduct or poor performance) and the date the warning was given.
2. The supervisor sends this documentation to the Human Resources Director who will review it and place it in the employee's personnel file. The employee may submit a separate written statement for the file, if desired.
3. If there have been no other disciplinary actions taken after one (1) year, the employee can make a written request that the verbal warning be removed from the personnel file.

B. Written

1. The second step in the process is a written warning with specific examples cited. The supervisor prepares a letter or memo that states a specific time frame in which the employee must improve and gives the exact consequences of failure to improve.
2. A copy of the letter is forwarded to the Human Resources Director for review and placement in the employee's personnel file. The employee has the option of submitting a written statement that will also be placed in the file.

C. Adverse Action

1. If repeated attempts at disciplinary action fail to produce satisfactory results, the employee will be subject to some form of adverse action.
2. The term adverse action means an action involving either suspension, demotion, or dismissal.
3. Before the action becomes effective, the supervisor should consult with the Human Resources Director and/or County Mayor.

D. Dismissal

1. Any employee who receives three (3) documented warnings in a 12-month period is subject to dismissal as is the employee who receives repeated disciplinary actions for any reason.
2. The County is under no obligation to follow these steps in sequence or even to follow them at all.
3. The County reserves the right to terminate anyone's employment immediately without warning.

8.4 PERSONAL APPEARANCE

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the County presents to the public. During business hours or when representing the County, employees are expected to present a clean, neat, and tasteful appearance. Employees should dress and groom according to the requirements of their position and accepted social standards. If the department head/county official feels an employee's personal appearance is inappropriate, the employee may be asked to leave the workplace until appropriately dressed or groomed. Under such circumstance, an employee may not be compensated for the time away from work. An employee should consult their department head/county official as to what constitutes appropriate appearance.

8.5 TOBACCO USE

In keeping with the County's intent to provide a safe and healthful, smoke-free work environment, smoking, vaping, or use of other forms of tobacco is prohibited throughout the workplace. Those who smoke, vape, or use other forms of tobacco will be allowed to do so only in designated areas outside County buildings. Each County building will post signage designating the outside smoking area.

8.6 OUTSIDE EMPLOYMENT

An employee may hold a job with another organization as long as he/she satisfactorily performs his/her job responsibilities with the County 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 the County's scheduling demands, regardless of any existing outside work requirements.

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

8.7 SOCIAL MEDIA

These social media guidelines for Marshall County Government employees have been created to address some of the choices that individual employees of the County may face online. These guidelines are not intended to address every situation encountered through use of a social media.

Whether or not a Marshall County Government employee chooses to create or participate in a blog, wiki, online social network or any other form of online publishing or discussion outside the workplace is his or her own decision. All social media activity of a personal nature is to be done on the employee's personal time and device and shall follow these guidelines.

A. Guidelines for County Employees Who Use Social Media Outside of Work

1. Employee's personal use must not be attributable to the department or employee's job function at department. While an employee's use and comments made at social media sites are subject to First Amendment protections, as well as permissible restrictions, any personal use made of social media sites outside of work must not be attributable to the department or the employee's job function at the County.
 - a. Employees should not use his/her work e-mail address to register for social media and other sites unless the purpose is directly related to his/her job.
 - b. Employees should not display the Marshall County Government seal or other official County logos, emblems, or patches on personal social networking accounts.
 - c. Never provide the County's or another's confidential or other proprietary information.
 - d. Employees should not state or imply that he/she speaks for the County, for a County department, or for County officials.
2. Privacy Protection. Employees are personally responsible for the content they publish on blogs, wikis, or any other form of user-generated media. Marshall County Government is not responsible for the personal content of an employee's social media site. Be mindful that what is published may be public for a long time. Do not defame, insult, or disparage any County employee, County official, County office or department, client, or vendor. If an employee identifies as a Marshall County Government employee, ensure the profile and related content is consistent with how one wishes to present oneself with colleagues, residents, vendors, clients.
3. Use a disclaimer. An employee who publishes to a blog or some other form of social media, should make it clear that what he/she says is representative of his/her views and opinions and not necessarily the views and opinions of Marshall County Government. Unless the employee is specifically authorized by his/her supervisor to speak on behalf of the County, consider including the following disclaimer on personal blogs or social media in which the employee is identified as a County employee: "The postings on this site are my own and don't necessarily represent Marshall County Government's positions, strategies or opinions."

8.8 POLITICAL ACTIVITY

Marshall County Government employees may join or affiliate with civic organizations of a partisan or a political nature, may attend political meetings and may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of Tennessee and in accordance with the Constitution and the laws of the United States of America. Under TCA § 7-51-1501, local government employees have the same rights as other citizens of Tennessee to run for public office and to participate in political activities, as long as the employee is not on paid time.

A. Prohibited Conduct

1. Engaging in any political activity while on duty (including but not limited to soliciting, wearing/displaying campaign images while in County buildings).
2. Using official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.
3. Being required as a duty of employment or as a condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes.
4. Coercing or compelling contributions for political or partisan purposes from another employee of the County; or
5. Using any supplies or equipment of the County for political or partisan purposes.

8.9 DESTRUCTION OF AND TAMPERING WITH GOVERNMENTAL RECORDS

TCA § 39-16-504 states the following:

(a) It is unlawful for any person to:

- (1) Knowingly make a false entry in, or false alteration of, a governmental record;
- (2) Make, present, or use any record, document, or thing with knowledge of its falsity and with intent that it will be taken as a genuine governmental record; or
- (3) Intentionally and unlawfully destroy, conceal, remove, or otherwise impair the verity, legibility or availability of a governmental record.

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

(c)

(1) Upon notification from any public official having custody of government records, including those created by municipal, county or state government agencies, that records have been unlawfully removed from a government records office, appropriate legal action may be taken by the city attorney, county attorney or attorney general, as the case may be, to obtain a warrant for possession of any public records which have been unlawfully transferred or removed in violation of this section.

(2) The records shall be returned to the office of origin immediately after safeguards are established to prevent further recurrence of unlawful transfer or removal.

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.

1. The County provides information to employees about workplace safety and health issues through regular internal communication channels such as bulletin board, email, and memos, or other written communications.
2. 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 department head. If the employee feels the matter is not being addressed, he/she may contact the Human Resources Director, Safety Director, or the County Mayor. 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.
3. In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees must immediately notify their department head/county official and the Human Resources office. Such reports are necessary to comply with applicable laws and initiate insurance and Workers' Compensation benefits procedures.

9.2 WORKERS' COMPENSATION PROGRAM

Employees who have suffered a compensable injury, meaning that the authorized treating physician has determined it to be work-related, may be entitled to receive the medical and wage replacement benefits as prescribed by the Tennessee Workers' Compensation Law. Workers' Compensation benefits are provided by the County through its insurance provider.

There are two main types of benefits: medical care for work-related injuries and illnesses; and partial wage replacement for employees who are unable to work; or continue to work but earn less pay while recovering from their injuries.

A. Reporting Injury/Illness

1. An employee must report a work-related injury to his/her department head/county official as soon as possible, or no later than 15 calendar days from the date of the injury or when a doctor first tells the employee that his/her injury is work-related.
2. An employee must also report the work-related injury to the Human Resources Office as soon as possible so that the proper forms and paperwork can be completed. Reporting an injury as soon as possible will speed up the handling of a claim.
3. If the injury requires emergency treatment, the injured worker should be taken to the closest hospital emergency room.

B. Drug Screen

A drug screen must be completed within four (4) hours of the injury/accident, whether or not medical care is being sought; however, do not delay emergency medical care.

C. Physician Panel

1. After reporting an injury, the employee will select an Authorized Treating Physician from a panel of three doctors that the County provides. That physician will provide the medical care needed to help the employee return to his/her health and job.
2. Failure to utilize an authorized physician may result in claim being denied.

D. Medical Care

1. Treatment must be provided for as long as required by the authorized treating physician.
2. Medical treatment recommended by the authorized treating physician that is denied by the insurance company's utilization review agent can be submitted to the Utilization Review Program for additional review and consideration.

E. Travel Expenses

Reimbursement for mileage to and from a medical treatment may be requested if travel exceeds 15 miles one way.

F. Temporary Disability Benefits (Wage Replacement)

1. Disability begins when the authorized treating physician takes the injured employee off work.
2. Temporary disability benefits replace lost wages and are due beginning on the eighth day of the disability.
3. If the disability lasts fourteen (14) days or longer, benefits will be paid back to the first day of disability.
4. Temporary disability benefits are usually two-thirds ($\frac{2}{3}$) of the employee's average weekly wages earned during the 52 weeks prior to the injury. Benefits are paid by the County's insurance carrier.
5. Employees out on Workers' Compensation are not eligible for holiday pay.

G. Work Restrictions

1. If an injured employee is able to work, but average weekly earnings are reduced because of work restrictions, the employee may be entitled to partial disability benefits.
2. Failure to report for light duty offered by the County may terminate temporary disability benefits.

H. Off-Duty Injuries

The County will not be liable for the payment of Workers' Compensation benefits for injuries/illnesses that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the County, unless the program has been approved by the County Mayor.

9.3 WORKPLACE VIOLENCE PREVENTION

The County is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the County 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.

A. Guidelines

1. All 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.
2. Conduct that threatens, intimidates, or coerces another employee, or a member of the public at any time, including off-duty periods, will be subject to prompt disciplinary action up to and including termination of employment.
3. All threats of (or actual) violence, both direct and indirect, and suspicious individuals or activities should be reported as soon as possible to the department head/county official or the County Mayor. This includes threats by employees, as well as threats by vendors, solicitors, or other members of the public. When reporting a threat of violence, be as specific and detailed as possible.
4. The County will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities in the work environment. The identity of the individual making a report will be protected as much as possible. In order to maintain workplace safety and the integrity of its investigation, the County may suspend employees, either with or without pay, pending investigation.
5. 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.
6. The County encourages employees to bring their disputes or differences with other employees to the attention of their department head/county official or the Human Resources Director before the situation escalates into potential violence.

9.4 DRIVING RECORDS

A. Driver License Guidelines

1. Any employee who is required as an employment condition to possess and maintain a valid Tennessee driver's or commercial driver's license (CDL) in order to perform functions of their County job must immediately, or at the latest upon reporting for duty the next workday, inform his/her department head/county official should his/her license become denied, expired, restricted, suspended, or revoked any time during employment with the County.
2. Marshall County Government requires that employees who drive a County-owned vehicle report being charged or arrested with any criminal driving offense to their department head/county official and the Human Resources Director within 72 hours of the charge/arrest.
3. An employee's driving record may be subject to periodic motor vehicle report (MVR) and Federal Motor Carrier Safety Administration (FMCSA) checks.

4. Employees who possess a CDL in order to perform functions of their County job are subject to random drug testing per FMCSA guidelines.
5. Any employee who is required as an employment condition to possess and maintain a valid Tennessee driver's or CDL in order to perform functions of their County job, whose license is not currently valid, and who has not so informed his/her department head of such invalidity, shall be subject to disciplinary action up to and including termination of employment.

B. Discipline

1. An employee who fails to notify their department head/county official of a driving offense charge or arrest, or adverse action taken on their license, will be subject to disciplinary action up to and including termination.
2. An employee required to hold a CDL or a valid Tennessee driver's license in order to perform functions of their County job that incurs a disqualification/loss of license for a period of sixty (60) days or less will be suspended without pay for sixty (60) days.
3. An employee required to hold a CDL or a valid Tennessee driver's license in order to perform functions of their County job that incurs a disqualification/loss of license for a period of more than sixty (60) days or less will be terminated.

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.

A. Occupational Exposures

1. 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 of bloodborne infectious material from potentially infected individuals.
2. 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 department head.
3. Employees covered by the OSHA's Bloodborne Pathogens Standard receive an explanation of the exposure control plan during their initial training and subsequent annual training. It will also be reviewed in their annual refresher training.
4. 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.

B. Exposure Control

The County implements various methods of exposure control including:

1. Universal precautions
2. Engineering and work practice controls
3. Personal protective equipment
4. Hepatitis B vaccination
5. Communication of hazards to employees and training
6. Recordkeeping
7. Post-exposure evaluation and follow-up

C. Safety Director

The Safety Director will be responsible for:

1. Making an exposure determination for all employee positions to determine a possible exposure to blood or other potentially infectious materials;
2. Maintaining records of all employees and incidents subject to the provisions of the policy;
3. Conducting periodic inspections to determine compliance with the infection control policy by County employees;
4. Coordinating and documenting all relevant training activities in support of the infection control policy;
5. Identifying 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

6. Performing such other duties and exercise such other authority as may be prescribed by the County Mayor or TOSHA.

9.6 SEAT BELTS

Per TCA § 55-9-603 Tennessee is a primary seat belt state. All drivers are required to wear their seat belts at all times when operating a motor vehicle. Drivers and front-seat passengers, as well as passengers who are under the age of 18 riding in the back seat of a car, are covered under this law

SECTION 10: CLASSIFICATION PLAN

10.1 PURPOSE OF THE CLASSIFICATION PLAN

The Classification Plan provides a complete inventory of all positions in the County and accurate descriptions and specifications for each class of employment based on duties, responsibilities, and level of work performed. The plan provides a sound basis for establishing and maintaining an equitable pay system in compliance with all local, state, and federal regulations while providing uniform qualification standards for employment and promotion.

10.2 AUTHORITY

The County Mayor or his/her designee is responsible for developing, maintaining, and monitoring the classification plan. The Board of County Commissioners has final approval of the compensation plan and may modify it as necessary and at any time.

10.3 COMPOSITION OF THE CLASSIFICATION PLAN

The classification plan shall consist of three (3) Pay Grade tables – Administrative and Professional (AP); Trades and Labor (TL); and Emergency Services (ES).

1. Job Titles

Job titles used shall be descriptive of the nature of each position. Job titles are to be used on all official County records. However, other titles may be used as working titles in the course of departmental routine to indicate authority, status in the department or administrative rank.

2. Job Classification

A hierarchical structure of positions, arranged into pay grades based on responsibilities, tasks, and authority level of a position. Each position has an approved, written job description outlining such factors as job responsibilities, duties, educational requirements, and scope and complexity of the position. Job descriptions are meant to be descriptive of the kind of work performed and not necessarily inclusive of all duties performed. Job descriptions are to be interpreted in their entirety and in relation to others in the classification plan. Particular examples or phrases are not to be isolated and treated as a full definition of the position.

3. Pay Grade

Pay grades are one of the classes, levels, or groups into which positions of the same or similar value are grouped. The Marshall County classification plan consists of three (3) pay grade tables, with rate of pay expressed in a step formula. Each step is based on years of experience and service to the county, starting with Step 1 (starting pay) and progressing to Step 9.

10.4 MAINTENANCE OF THE CLASSIFICATION PLAN

Maintenance shall include, but not be limited to, periodic review and revision of job classification specifications, job descriptions, pay grades, steps, and other factors to determine the effectiveness of the plan. The County Mayor shall recommend to the Personnel & Policies and Budget Committees any appropriate and necessary amendments to the classification plan based on these reviews. Any revisions to the classification plan must be approved by the Personnel & Policies and Budget Committees; and approved by the Board of County Commissioners.

1. New Classifications

When the County Mayor or his/her designee determines that a new job classification and accompany job description must be added to the pay grade table, the classification plan will be revised and must be approved by the Personnel & Policies and Budget Committees; and approved by the Board of County Commissioners.

2. Revision of Existing Job Classifications

The County Mayor or his/her designee shall periodically review the entire classification plan and recommend revisions to job classifications and job descriptions to reflect gradual changes in the duties and responsibilities of existing job classifications over a period of time. Revisions to job classifications and job descriptions must be approved by the Personnel & Policies and Budget Committees; and approved by the Board of County Commissioners.

3. Abolition of Classifications

The County Mayor or his/her designee shall recommend the abolition of job classifications that are no longer required in the plan. Abolition of a job classification must be approved by the Personnel & Policies and Budget Committees; and approved by the Board of County Commissioners.

4. Creation of New Positions

When a new position is to be created, the department head/county official shall submit a completed Position Description Questionnaire to Human Resources Director. The County Mayor or his/her designee will conduct a thorough analysis of the position and funding. A new job description will be developed and the position may be assigned to an existing classification, or if the position does not match an existing classification, then a new classification may be created. The new position and job description, and if required, new classification, must be approved by the Personnel & Policies and Budget Committees; and approved by the Board of County Commissioners.

5. Reclassification of a Position

Reclassification is a change in grade of an existing or previously classified position. When there has been substantive, measurable change in job content and degree of responsibility or a restructuring of roles within a department, positions may be reviewed to ensure they reflect the appropriate grade. It is natural that over time employees have increased knowledge and skills, take on more responsibility and be able to work more independently. Such growth within a position may or may not warrant a reclassification. As a general rule of thumb, an increased workload does not justify a change in classification if the level of work is the same. A change in classification is based on a substantive change in level of accountability and responsibility.

a. A reclassification request must be initiated by a department head/county official. A Request for Reclassification form shall be completed by the department head/county official and must include a statement of the reasons for requesting the reclassification. The Request for Reclassification form should be returned to the Human Resources Director.

b. The County Mayor or his/her designee shall conduct a thorough analysis of the position and funding. The County Mayor or his/her designee shall recommend an appropriate classification based on the results of this analysis. If there is a disagreement between a department head/county official and the County Mayor or his/her designee regarding appropriate reclassification on the pay grade table, the Marshall County Personnel & Policies Committee will decide the issue.

c. Reclassification of a position to a new pay grade must be approved by the Personnel & Policies and Budget Committees; and approved by the Board of County Commissioners.

6. Job Descriptions

Revisions to job descriptions shall be approved by the Personnel & Policies Committee, the Budget Committee (if necessary) and the Board of County Commissioners.

SECTION 11: COMPENSATION PLAN

11.1 PURPOSE OF THE COMPENSATION PLAN

The purpose of the compensation plan is to enable the county to recruit and retain competent employees and to ensure they are paid equitably based on market data and in accordance with all local, state, and federal regulations.

11.2 AUTHORITY

The County Mayor or his/her designee is responsible for developing, maintaining, and monitoring the compensation plan. The Board of County Commissioners has final approval of the compensation plan and may modify it as necessary.

11.3 EMPLOYMENT-AT-WILL

Nothing contained in the compensation plan shall create or give rise to any contractual rights, or obligations between the County and its employees. Nothing stated herein is intended to create a contract of employment or to affect the employment-at-will status of any employee.

11.4 STRUCTURE OF THE COMPENSATION PLAN

The compensation plan is a step pay plan with established pay increases for each given job classification for all part-time and full-time employees. Employees progress from step to step based on years of experience/tenure. The compensation plan consists of three (3) pay grade tables based on the nature of the work: Administrative and Professional (AP); Trades and Labor (TL); and Emergency Services (ES). Each pay grade table has an established number of pay grades and nine (9) steps ranging from starting pay, one year of experience, and up to 11+ years of experience.

1. Administration and Professional Pay Grade Table

The Administrative and Professional (AP) Pay Grade table consists of thirteen (13) grades. Step 1 is the starting pay for each grade. There is up to a 12% vertical spread between each grade up to grade AP11. From grade AP11 to AP12 there is a vertical spread of 20%. From grade AP12 to AP 13 there is a 30% vertical spread.

2. Emergency Services Pay Grade Table

The Emergency Services (ES) Pay Grade table consists of ten (10) grades. Step 1 is the starting pay for each grade. There is up to a 12% vertical spread between each grade.

3. Trades and Labor Pay Grade Table

The Trades and Labor (TL) Pay Grade table consists of twelve (12) grades. Step 1 is the starting pay for each grade. There is a 10% vertical spread between each grade.

4. Effective January 1, 2023: Pending Board of County Commissioners approval, the JAN 2023 Pay Grade tables will be implemented and current employees of Marshall County Government will be slotted into the appropriate pay grade table and step based on their classification and years of service as of July 1, 2022. Employees' pay amount will be adjusted accordingly. The amount of increase between each step on the pay grade tables will be 1.5% through Step 5 and 1.0% from Step 6 through Step 9.

11.5 MAINTENANCE OF THE COMPENSATION PLAN

The County Mayor or his/her designee shall monitor factors that are relevant to sound compensation practices such as changes in the cost of living, labor market conditions, recruitment issues, turnover rates, and related factors. In addition, a salary and/or benefits survey shall be conducted periodically (at least every three to five years) to ensure the compensation plan remains competitive. The County Mayor or his/her designee shall recommend to the Personnel & Policies and Budget Committees any revisions in the compensation plan which may be necessary and appropriate in view of the factors discussed above. Any revisions to the compensation plan must be approved by the Personnel & Policies and Budget Committees; and approved by the Board of County Commissioners.

11.6 ADMINISTRATION OF THE COMPENSATION PLAN

Pay grade ranges are intended to furnish administrative flexibility in recognizing individual differences among positions allocated to the same class. All compensation actions are administered without regard to race, color, religion, national origin, and gender, age, disability, genetic information, protected veteran status, or status in any other group protected by law. The following provisions shall govern the granting of within pay grade increases for employees:

1. Starting Rate of Pay

Step 1 of each pay grade table shall be the standard entry rate of pay. When unusual circumstances warrant, an employee may be offered a step higher than Step 1. Factors that justify hiring above Step 1 may include an applicant whose qualifications and years of experience greatly exceed minimum requirements for the position; a shortage of qualified applicants available at the Step 1 rate; and/or the most qualified applicants have declined employment at the Step 1 rate.

- a. A department head/county official inclined to hire a candidate above Step 1 must justify the reasons on the Starting Step Increase form and present it to the Human Resources Director.
- b. The Human Resources Director will review the form and verify the candidate's qualifications and experience.

- I. Qualifications reviewed include those that are tangible and measurable (such as degree, license, specific skill set, knowledge of county operations, etc.)
- II. Prior experience in the same or comparable position will be considered at up to 50% (i.e., a candidate with 10 years' experience elsewhere will be credited with five (5) years of Marshall County experience.)

- c. Funding for the increase must be verified by the Director of Accounts and Budgets and in the department's budget. If funding is not available in the department's budget, a budget amendment will need to be presented to the Board of County Commissioners for approval.

- d. The County Mayor will have final approval for a starting rate of pay higher than the entry rate of pay.

2. Maximum Rate of Pay

An employee's rate of pay will top out at Step 9 and from that point on the employee will only receive an annual adjustment increase if such adjustment is approved by the Board of County Commissioners.

3. Annual Adjustment Increase

An annual adjustment increase may be granted to all employees based on the cost of living, economic factors, inflation, etc. Any annual adjustment increase is subject to the Board of County Commissioners' approval and the availability of funds.

4. Pay Rate Adjustments

No pay rate adjustments will be granted above the established maximum of the pay grade.

a. Promotion

When an employee is promoted to a position in a higher grade level or step, a pay rate increase will be granted at that time. The increase will be determined by the location of the employee's current step in the pay grade table and in some cases the classification of the new position. The increase will be up to 10% per pay grade based on the employee's current rate of pay. The employee will be slotted in the step closest to that increase. In the case of a promotion, the employee will receive 50% credit for their time within the same department.

b. Transfer

When an employee is transferred from a position to another position in the same pay grade his/her pay rate will stay the same. If the employee transfers to a different pay grade the employee will be slotted at the same step. If funding is not available in the department's budget a budget amendment will need to be presented to the Board of County Commissioners for approval.

c. Demotion

When an employee is demoted for cause or as the result of a voluntary request, he/she will be slotted in the same step in the lower pay grade.

d. Reclassification

When an employee is reclassified to a job classification in a higher grade level, the employee will be slotted in the higher pay grade table at the same step.

e. Temporary Employees

An employee who is hired as a temporary employee (hired to perform a specific assignment) and subsequently transfers to a permanent position will be paid at the entry rate of the new position's pay grade.

f. New hires

New hires must have a start date on or before April 1st to be considered for a step increase on July 1st.

g. In the event where an employee serves as an Interim Director, the employee will temporarily receive an increase in pay by starting on the current pay scale at the Director's grade at Step 1 or receive a 10% increase, whichever is greater.

ADDENDUM NO. 1

**ADDITIONAL
BASE PERSONNEL POLICIES
FOR THE SHERIFF'S OFFICE OF MARSHALL COUNTY, TENNESSEE**

A. WORKWEEK

The workweek will begin at 12:01 a.m. on Sunday and end at 12:00 p.m. on Saturday. For the Chief Deputy, Jail Administrator, Correction Officer, and Deputy Sheriffs, a tour of duty is 84 hours in a two-week period. All other Sheriff's Department employees shall work a 40-hour week.

B. OVERTIME/COMPENSATORY TIME

All employees of the Sheriff's office are considered non-exempt employees and are protected by the minimum wage and overtime provisions of FLSA Fact Sheet #17J: First Responders and the Part 541 Exemptions Under the Fair Labor Standards Act (FLSA).

Deputy Sheriffs work an 84-hour tour of duty in a two-week period as allowed by Federal Wage and Hour Laws. Deputy Sheriffs shall be paid overtime at the rate of one and one-half times their hourly pay when called in for duty on a day they are not scheduled to work. When Deputy Sheriffs work more than their shift hours, they shall have the option to take compensatory time at the rate of one hour off for each hour worked. After they have worked an eighty-four (84) hour tour of duty, Deputy Sheriffs may be compensated for overtime at the rate of time and one-half their hourly pay or they may receive compensatory time off at the rate of one and one-half hours for each hour worked in excess of their eighty-four (84) hours in a tour of duty. The use of compensatory time is subject to approval by the employer.

All other employees shall receive overtime pay at the rate of one and one-half times their hourly rate for time worked in excess of forty hours. They may receive compensatory time off in lieu of overtime pay at the rate of one and one-half hours off in excess of forty hours. The use of compensatory time is subject to approval by the employer.

Hours paid which are not physically worked, include, but are not limited to, sick, vacation, personal, birthday, bereavement, compensatory and holiday hours do not count as time worked for overtime purposes and are not intended to be paid at overtime rate.

SICK LEAVE

A. EARNING AND ACCUMULATING SICK DAYS:

Sick leave shall be considered a benefit and privilege but 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 shown as follows:

8 HOUR WORKDAY

8 hours x 12 days = 96 hours per year

12 HOUR WORKDAY

12 hours x 12 days = 144 hours per year

There is no maximum accumulation of sick leave credits. Accumulated sick leave has no value except for the purpose granted, however, in the event of retirement (when the employee is vested) all unused sick leave shall be credited toward service credit with retirement.

B. USE OF SICK LEAVE

An employee may use sick leave allowance for absence due to his/her own illness or injury or that of any immediate family member. For the purpose of sick leave, immediate family shall be defined as spouse, parent, children, and legal dependents.

C. DOCUMENTATION OF SICK LEAVE

Employees are required to notify the employer as early as possible on the first day of their sick leave absence. An employee who claims sick leave for three (3) or more consecutive days or more than five (5) days during any three (3) consecutive months will be required to furnish a certificate from a physician stating that the employee has been incapacitated from work for the period of absence, and that the employee is again physically able to perform his/her duties.

Permanent, cumulative sick leave records for each employee will be kept in the office of the Director of Accounts and Budgets and the Marshall County Sheriff's Office.

D. 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.

VACATION TIME

A. QUALIFICATION FOR VACATION TIME

Full time employees (those who work 35 or more hours per week and 1820 hours per year) shall earn paid vacation at the rate provided in the schedule below.

Employees shall begin accruing vacation time as of the date of employment. However, an employee is not eligible to use or receive compensation for vacation time until the employee has completed twelve months of continuous service at which time forty (40) or (42) hours of vacation time will be available. Part-time employees do not qualify for vacation leave.

Vacation time is figured in hours (not days) for all employees who work a 40-hour work week:

- 1 week = 40 hours (after 1 year of employment)
- 2 weeks = 80 hours (after 2 years of employment)
- 3 weeks = 120 hours (after 5 years of employment)

Vacation time is figured in hours (not days) for all employees who work a 42-hour work week:

- 1 week = 42 hours (after 1 year of employment)
- 2 weeks = 84 hours (after 2 years of employment)
- 3 weeks = 126 hours (after 5 years of employment)

B. WHEN LEAVE IS GRANTED

Vacation leave hours will be given January 1 of each calendar year.

C. UNUSED VACATION HOURS

Any employee who has not taken their entire vacation will automatically be compensated for unused hours in January of the following calendar year.

INCLEMENT WEATHER POLICY

A. INCLEMENT WEATHER WITHOUT OFFICIAL CLOSING:

Inclement weather usually does not warrant closing of County offices. Absence due to inclement weather requires each employee to make a personal judgement pertaining to safety in traveling to and from 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 compensatory time or annual leave, then the time 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. The employee must leave for work at his or her normal departure time in anticipation of regular arrival time.

B. INCLEMENT WEATHER WITH OFFICIAL CLOSING:

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, the Sheriff's Office Administrative Assistants and the Jail Corrections Record Technician staff shall be excused from work and granted discretionary leave with pay.

All essential personnel shall report to work as scheduled. If you are not scheduled to work during an inclement weather closing, you will not be paid for the closing. Employees on previously approved leave during the declared times of closing will receive discretionary leave with pay and will not have to take their accumulated leave. Part-time employees are paid for hours worked and are not eligible for discretionary pay or compensatory time.

ADDENDUM NO. 2

ADDITIONAL BASE PERSONNEL POLICIES FOR THE OFFICE OF MARSHALL COUNTY EMERGENCY MEDICAL SERVICES OF MARSHALL COUNTY, TENNESSEE

1. WORKWEEK

All employees will be paid an hourly wage that covers all hours worked up to forty (40) during each workweek. The workweek will begin at 12:00 am on Sunday and end at 11:59 pm Saturday.

2. OVERTIME/COMPENSATORY TIME

All employees shall be paid overtime or given compensatory time (subject to allowable limits) for all hours worked in excess of forty (40) hours during the work week. No overtime or compensatory time will be earned until the employee has worked on the job over forty (40) hours during the work period, with approval of the employee's department head.

- A. **Overtime Rate:** Hourly rate employees who work overtime will receive overtime pay at a rate of time and one-half their regular pay. For salaried employees, the employee's annual salary divided by fifty-two (52) weeks determines the weekly salary. The weekly salary is then divided by the number of hours in a normal workweek to determine the regular rate of pay. The overtime rate for both hourly and salaried employees apply only to those hours worked over forty (40) hours a week. For salaried employees, no additional compensation will be paid for hours worked over forty (40). For hourly rate employees, the overtime rate will apply only to hours worked over forty (40) and the regular rate will apply to hours worked under forty (40).
- B. **Compensatory Time:** Employees who are required to work in excess of forty (40) hours per week may receive compensatory time off in lieu of overtime pay. Compensatory time shall be earned at the rate of one and one-half hours for each hour of employment worked over forty (40) hours per week. Any employee who elects to receive overtime payment in lieu of compensatory time must have approval from their department head prior to working overtime. The use of compensatory time is subject to approval by the employer. Such approval will not be denied unless undue disruption to the office or department will occur. Request for compensatory time shall be in writing, and in advance to taking the compensatory time.

3. RECORDS

Employees shall work set schedules as established by the Director and Assistant Director. Each employee shall sign a schedule showing that particular employee's work schedule. For any duty the employee varies from the established work schedule, the employee has the duty to file with the Director a signed overtime sheet, which shall show the exact hours worked for overtime or call in. Employees requesting time off should do so through employee access in Skyward Software after submission of a paper leave request and approval by the shift captain. Time off requests are entered and submitted by the employee to their department head for approval.

SICK LEAVE

1. **EARNING AND ACCUMULATING SICK DAYS:** Sick leave shall be considered a benefit and privilege but not a right. For 24/48 shift, sick leave is earned at the rate of twelve (12) hours per month, (6 hours per pay period), (6 twenty-four-hour shifts per year). For eight (8) and (12) twelve-hour shift, sick leave is earned at the rate of eight (8) hours per month, (4 hours per pay period), with the balance of unused sick leave being rolled over year after year. There is no maximum accumulation of sick leave credits. Accumulated sick leave has no value except for the purpose granted; however, in the event of retirement or separation (when the employee is vested) all unused sick leave shall be credited toward service credit with retirement. If an employee is in a paid status for one-half of the month or more, he/she will be credited with six (6) hours of sick leave for the month for 24/48 shift and four (4) hours of sick leave for the month for the eight (8) or twelve (12) hour shift. Otherwise, the employee will not accrue any time for the month.
2. **USE OF SICK LEAVE:** An employee may use sick leave allowance for absence due to his/her own illness or injury or any immediate family member. For the purpose of sick leave, immediate family shall be defined as spouse, parent, children, and legal dependents per FMLA standards (refer to the base policy).
3. **DOCUMENTATION OF SICK LEAVE:** Employees are required to notify the employer as early as possible on the first day of their sick leave absence. An employee who claims sick leave for three (3) or more consecutive days, more than five (5) days during any three (3) consecutive months or the day of, before or after a holiday will be required to furnish a certification from a physician stating that the employee has been incapacitated from work for the period of absence, and that the employee is again physically able to perform his/her duties.
4. **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.

5. Compensation of sick leave will be at regular rate of pay.

VACATION TIME

- A. **QUALIFICATIONS FOR VACATION TIME:** Full time employees (those who work 35 or more hours per week and 1820 hours per year) shall earn paid vacation at the rate provided in the schedule below. Employees shall begin accruing vacation time as of the date of his/her employment date. However, an employee is not eligible to use or receive compensation for vacation time until the employee has completed twelve months of continuous service at which time vacation time will be available as listed below. Part-time employees do not qualify for vacation leave.
- B. **ACCUMULATION OF VACATION TIME:**
 1. 24/48 Shift
 - 6 months = 72 hours
 - 1 - 4 years of service = 144 hours
 - 5 - 10 years of service = 168 hours
 - 10+ years of service = 192 hours
 2. 8-Hour and 12-Hour Shift
 - 6 months = 40 hours
 - 1 - 4 years of service = 80 hours
 - 5+ years of service = 120 hours
- C. **USE OF VACATION TIME:** Vacation leave may be used only at a time approved in advance by the Director. Employee must sign "Time Off Request Sheet" to request vacation leave. Time off is not guaranteed until approved by shift captain. Vacation requests will be honored if at all possible. If two or more employees request vacation for the same period of time, it will be the employer's decision if this will create a hardship upon the department. If it is determined that it is not possible for both employees to be on vacation at the same time, the request for vacation time will be honored at the discretion of the Director. No employee may give or loan vacation time to another employee.
- D. **COMPENSATION OF VACATION TIME:** EMS personnel will be compensated vacation time taken on their regularly scheduled days as if they were present. Vacation time that is not used will be compensated at regular rate of pay at the end of their anniversary year for those EMS personnel who are required to be replaced on their shift.

MISCELLANEOUS LEAVES

HOLIDAY PAY: 24/48 employees shall receive twelve (12) hours of regular pay for each Holiday. However, it cannot be used to accrue overtime for that pay period. It is twelve (12) hours straight time. Eight (8) and twelve (12) hour employees shall have holidays off with pay, unless requested to work. Employee will receive eight (8) hours of pay at straight time.

BIRTHDAY PAY: Eight (8) and twelve (12) hour employees shall have their birthday off with pay; and 24/48 shift employees will receive sixteen (16) hours of regular pay. However, it cannot be used to accrue overtime for that pay period. It is sixteen (16) hours at regular rate of pay.

PERSONAL DAY: 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 employee's 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 next fiscal year. Employees will not be paid for unused personal leave. For 24/48 employees, twenty-four (24) hours will be compensated as if they were present if taken on their regularly scheduled days, and one day (8 hours) for the eight (8) and twelve (12) hour shift.

BEREAVEMENT LEAVE: In the event of death in the employee's immediate family, the eight (8) and twelve (12) hour shift employee will be given three (3) working days paid leave which will not be charged to vacation leave. For 24/48-hour shift employees, two (2) 24-hour days will be given and compensated as if they were present as to not affect their regularly set regular and overtime hours for the pay period. Immediate family shall be defined as spouse, parent, stepparent, children, stepchildren, brothers and sisters, mother-in-law, father-in-law, grandparents, grandchildren of the employee and legal guardians or dependents.

INCLEMENT WEATHER POLICY

A. INCLEMENT WEATHER WITHOUT OFFICIAL CLOSING:

Inclement weather usually does not warrant closing of County offices. Absence due to inclement weather requires each employee to make a personal judgement pertaining to safety in traveling to and from 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 compensatory time or annual leave, then the time 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. The employee must leave for work at his or her normal departure time in anticipation of regular arrival time.

B. INCLEMENT WEATHER WITH OFFICIAL CLOSING:

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, the EMS Administrative Assistant shall be excused from work and granted discretionary leave with pay.

All essential personnel shall report to work as scheduled. If you are not scheduled to work during an inclement weather closing, you will not be paid for the closing. Employees on previously approved leave during the declared times of closing will receive discretionary leave with pay and will not have to take their accumulated leave. Part-time employees are paid for hours worked and are not eligible for discretionary pay or compensatory time.

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 election commission and the county health department.
- (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 vote on the measure. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from voting on the measure.

Section 3. Disclosure of personal interest in non-voting matters.

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

Section 4. Acceptance of gifts and other things of value.

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

- (1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or
- (2) That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing county business.

It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of county government officials or by an umbrella or affiliate organization of such statewide association of county government officials or by 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 every two years 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 county 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 a secretary. The records of the Ethics Committee shall be maintained by the secretary and shall be filed in the office of the county clerk, where they shall be open to public inspection.

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

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

The Committee may:

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

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

Section 6. Applicable State Laws.

In addition to the ethical principles set out in this Code of Ethics, state laws also provide a framework for the ethical behavior of county officials and employees in the performance of their duties. Officials and employees should familiarize themselves with the state laws applicable to their office or position and the performance of their duties. To the extent that an issue is addressed by state law (law of general application, public law of local application, local option law, or private act), the provisions of that state law, to the extent they are more restrictive, shall control. Following is a brief summary of selected state laws concerning ethics in county government. For the full text of these statutes, see the Tennessee Code Annotated (TCA) 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 county purchasing commission, members of the county legislative body, and other officials of the county from having a direct interest in a contract or purchase order for supplies, materials, equipment, or contractual services used by or furnished to a department or agency of the county government.

Conflict of interest – T.C.A. § 5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits the director, purchasing agent, members of the committee, members of the county legislative body, other officials of the county, members of the board of education, members of the highway commission, and employees of the finance department and purchasing department from having a direct interest in the purchase of supplies, materials, equipment, or contractual services for the county. In addition, it requires the disclosure of indirect financial interests by public acknowledgment.

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



EMPLOYEE ACKNOWLEDGMENT OF BASE PERSONNEL POLICIES FOR MARSHALL COUNTY GOVERNMENT

By signing this form, I acknowledge that I have received a copy of the Base Personnel Policies, including all referenced addenda, which are currently in effect for my office as of this date. I understand that it is my continuing responsibility to read and know its contents and comply with all policies and Addendums Nos. 1 through 3. These policies cannot and are not intended to answer every question about my employment with Marshall County Government. I understand that I should consult my department head/county official or the Human Resources office regarding any part of the policies that I do not understand, or any question I may have about my employment with Marshall County Government 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 current policies are also posted on the Marshall County Government website and available by contacting the Human Resources office.

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 Government 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.

EMPLOYEE NAME (PRINT)

EMPLOYEE SIGNATURE

DATE



**MARSHALL COUNTY GOVERNMENT
HUMAN RESOURCES OFFICE
3309 COURTHOUSE ANNEX
LEWISBURG, TN 37091
(931) 422-2314**

Marshall County is an equal opportunity employer and provider.