

**1808-11 A RESOLUTION AMENDING THE SUMNER COUNTY  
PERSONNEL POLICY FOR THE SUMNER COUNTY HIGHWAY  
DEPARTMENT**

**BE IT RESOLVED** by the Sumner County Board of County Commissioners meeting in regular session on this the 20<sup>th</sup> day of August 2018, that this body does adopt the following addition/amendment to the Sumner County Personnel Policy for the Sumner County Highway Department, as shown on the attachment herewith.

# **SUMNER COUNTY HIGHWAY DEPARTMENT**

## **PERSONNEL POLICIES**

Effective JULY 1, 2018

The Sumner County Highway Department Personnel Policies is not an employment contract and does not create contractual obligations of any kind. The Sumner County Highway Department reserves the rights to change, revise, and/or eliminate Any of the policies and/or benefits described.

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# **THIS POLICY IS NOT AN EMPLOYMENT CONTRACT AND EMPLOYMENT CAN BE TERMINATED FOR ANY REASON**

The following personnel policy shall apply to all employees of the Sumner County Highway Department.

## **1.) EMPLOYMENT CLASSIFICATIONS**

There are three classifications of employees:

**Regular Full-Time** – An employee whose hours of service average 30 or more hours a week on an annual basis.

**Regular Part-Time** – An employee whose hours of service average less than 30 hours a week on an annual basis.

**Temporary** – An employee who is hired for a position that will last 6 months or less.

## **2.) CONDUCT OF COUNTY EMPLOYEE**

Personal appearance will be regarded as an important aspect of your overall effectiveness. All employees are expected to keep themselves well groomed at all times. Shirts will be worn at all times. Shorts are permissible but they have to be hemmed.

Courtesy must be shown in all contact with the public. This is to be expected regardless of the service, complaint or demand made of the employee. However, if you are subjected to abuse, you should report it to your immediate supervisor or the Superintendent at once.

## **3.) PERSONNEL FILES**

An individualized personnel file will be maintained on each employee. It is the responsibility of each employee to provide accurate information to the employer. Employees are also responsible for reporting to the employer any changes in the information which they have previously provided. Employees may review the contents of their personnel file upon request pursuant to office policy.

## **4.) EMPLOYMENT AT WILL**

No policy, benefit, or procedure contained in these personnel policies creates an employment contract for any period of time. All employees will be considered employment-at-will. Either the employee or Sumner County Highway Department may terminate employment at any time, with or without reason or notice. No statement or promise by a supervisor, manager, or department head may be interpreted as a change in policy nor will it constitute an agreement made with an employee.

There will be an evaluation period of six (6) months for all employees. During this time the employee will be closely supervised in order to become familiar with duties and responsibilities.

## **5.) EMPLOYMENT ELIGIBILITY**

Upon initial employment, all employees are required to attest that they are lawfully eligible to work in the United States. Employees are further required to provide to the employer copies of documents proving this eligibility.

## 6.) TIME AND TIME RECORDS

Office hours will vary depending on the work load and season. There is thirty minutes where the office employees are totally relieved of all duties for lunch. Each employee shall review and sign their time sheet or card, which shall show sick leave, holiday leave and vacation time taken. **MAKE SURE YOU CHECK YOUR TIME RECORD**, we strive to be accurate but it is your responsibility to check it.

A time clock is located at the main location of the Highway Department. All employees are required to clock in and out every day that they work. Excessive "Missing the Clock" & requesting "manual punches" will not be tolerated.

Employees will be paid every other Friday except when holidays prohibit, then the employees will be paid on the last working day of the pertaining week.

## 7.) EMPLOYEE COMPENSATION

All eligible employees shall be paid overtime or given compensatory time (subject to allowable limits) for all hours over forty (40) during the workweek. The workweek will begin at 12:00 a.m. on Sunday and end at 11:59 p.m. on Saturday.

Employees who are required to work in excess of forty (40) hours per week may receive compensatory time off in lieu of overtime at the discretion of each office holder. Such compensatory time shall be earned at a rate of one and one-half hours for each hour of employment over forty (40) hours per week. An employee cannot accrue more than 160 hours overtime which is two-hundred-forty (240) hours of compensatory time.

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.

Records. Office hours will vary depending on the work load and season. Employees are entitled to 30 minute break every day for lunch. Each employee shall review and sign their time sheet or card, which shall show sick leave, holiday leave, and vacation time taken.

## 8.) PAYROLL DEDUCTIONS

Mandatory deductions are Social Security and Withholding for Federal Income Tax. Other deductions are further explained.

Sumner County offers regular full-time employees and their family optional dental & health insurance plans. If interested in coverage, contact the personnel clerk concerning rates and effective dates. An employee who is on leave of absence may keep their insurance in effect for up to three months so long as the employee portion of the premium is paid by the employee by the first of each month. After the three months, COBRA may be available.

1. The county provides accidental dismemberment and term life insurance in the amount of what each employee gross annual salary would be, rounded up to the next \$1,000.00; (i.e. annual salary is \$13,500.00 your life insurance would be \$14,000.00). This benefit is paid for by the county. Additional supplemental insurances (life, accident, cancer, etc) are offered to employees once a year during open enrollment. These can be purchased by employees and the cost for this additional coverage's will be deducted from the payroll checks as a voluntary deduction.
2. Uniform service is optional to the employees. Any employee having uniform service is responsible for accounting for his/her uniforms. The payroll deduction for this service depends on the type and number of uniforms that are requested.
  - a. Any terminating employee having uniform service is required to bring in all uniforms that are on record as his/hers.

b. The cost of any terminating employee's uniforms that are not accounted for nor turned in will be calculated and deducted from the terminating employees final payroll check.

3. Additional supplemental insurance (life, accident, cancer, etc) is offered to regular full-time employees once a year during open enrollment. These can be purchased by employees and the cost for this additional coverage's will be deducted from the payroll checks as a voluntary deduction

### 9.) HOLIDAYS

The following paid holidays will be declared official holidays for the office of the Sumner County Highway Department and employees will be excused from work without charge to leave and will be paid at a rate of 8 hours per holiday.

New Year's Day -----	January 1
Martin Luther King, Jr. Day -----	3rd Monday in January
President's Day -----	3rd Monday in February
Good Friday -----	Friday before Easter
Memorial Day -----	Last Monday in May
Independence Day -----	July 4
Labor Day-----	1st Monday in September
Columbus Day-----	2nd Monday in October
Veteran's Day -----	November 11
Thanksgiving Day -----	4th Thursday in November
Friday after Thanksgiving-----	4th Friday in November
Christmas Eve -----	December 24
Christmas Day -----	December 25
Election Days-----	Decided @County Officials Discretion

When a holiday falls on Saturday, the Friday prior to the holiday is substituted. When a holiday falls on Sunday, the Monday following the holiday is substituted. On the occasions when Christmas Day falls on Monday, the Christmas Eve holiday will be observed on Friday proceeding Christmas Day. On those occasions when Christmas falls on Saturday, the Christmas holiday will be observed on the subsequent Monday. These holidays are subject to review and change by the Sumner County Officials Association.

Every effort will be made to allow all employees off on each designated holiday. If it is necessary for an employee to work on a holiday, he shall be compensated at a rate which is one and one-half times the employee's regular rate of pay for the hours actually worked. The employee may elect to receive compensatory time which shall be earned at the rate of one and one-half hours for each hour actually worked during the holiday at the discretion of the employer.

Sumner County Highway Department employees will be given their Birthday off with pay each calendar year at a pay rate of eight (8) hours. Employees are to take the paid day off the birthday or within 30 days following the birthday and should not be taken with any other holiday.

### 10.) PAID ANNUAL LEAVE ACCUMULATION & USE

Regular full-time personnel shall accrue paid annual leave in accordance with the following schedule:

<u>Year of Service</u>	<u>Maximum Annual Accumulation</u>
1 - 2	1 week (40 hours)
3 - 4	2 weeks (80 hours)
5 & over	3 weeks (120 hours)

Eligible employees must be actively employed for one (1) year before a paid annual leave can be earned and taken, the employee shall earn paid annual leave on their anniversary date. No vacation time will be credited to an employee until it has been earned..

Without prior approval from the superintendent the maximum accumulation of annual leave may not exceed 160 hours or 40 hours plus what is currently being earned, whichever is less. Any exceptions to the annual leave policy will be made only for those personnel who have had a heavy work load throughout the past year (preventing use of annual leave). Employees otherwise eligible to earn paid annual leave do not earn or accrue paid annual leave while on leaves of absence.

The purpose of paid annual is to provide all regular full-time employees with periods of rest and relaxation away from the work environment. Each employee shall complete a vacation request form which must be approved **two (2) weeks in advance** by the employee's supervisor. All eligible employees that are on Family and Medical Act Leave that have exhausted all of their accrued sick leave must use any accrued paid annual leave.

Use of Vacation Time.-Vacation time will not be available for use by an employee until it is accrued. Vacation leave may be used only at times approved in advance by the employer. Vacation requests will be honored to the extent possible. Seniority will be used to determine any leave request conflicts. No employees may give or loan vacation to another employee. An employee may not carry a negative balance at any point.

## 11.) DISPOSITION OF ACCRUED VACATION LEAVE UPON TERMINATION

Upon termination of employment, an employee shall be paid for all accrued but unused annual leave, unless the employee was terminated for gross negligence or resigned to avoid termination for gross negligence.

At the option of the employee, any accrued and unused paid annual leave shall be paid by terminal leave or by a lump sum payment. Terminal leave is that period during which an employee remains on the payroll beyond their last working day until all of their accrued paid annual leave has been exhausted.

During terminal leave, an employee shall not earn additional annual or sick leave, shall not be eligible for use of sick leave and shall not be eligible for any salary increases. If an employee elects terminal leave, the date on which the employee' annual leave is exhausted shall be the official date of termination, but the last date of work shall be the last paid working day.

## 12.) SICK LEAVE ACCRUAL & USE

Sick leave shall be considered a benefit and privilege, not a right. Regular full-time employees shall accrue sick leave at the rate of one day (8 hours) per month (12 days per year or a total of 96 hours) for each month of service, which shall be earned after the completion of each month. There is no maximum accumulation of sick leave. Sick leave has no cash value. No employee may give or loan sick leave to another employee.

If an employee is in a paid status for one-half of the month or more, he/she will be credited with one day of sick leave for the month. Otherwise, he/she will not accrue any sick leave time for the month. Employees, otherwise eligible to earn sick leave, do not earn or accrue sick leave while on leave of absence.

### General Use of Sick Leave

Sick leave is generally applicable to absences due to illness or injury to an employee, including illness or incapacity to work due to pregnancy and complications. Sick leave can be used for appointments with a licensed doctor, dentist, or recognized practitioners. When appropriate, a partial sick day may be used rather than a full day, a full day constitutes the number of assigned hours. During an illness related to mother, father, wife, husband or children, sick leave may be granted by the

superintendent and in accordance with the Family and Medical Leave Act. Employees who become ill during the period of their vacation may request that their vacation be temporarily terminated and the time changed to sick leave. However, such request must be justified by means of a doctor's statement upon return to work. No employee may give or loan sick leave to another employee. Sick leave may not be used in advance.

#### 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 will, after the third consecutive day of illness, be required to furnish a certificate from physician stating the nature of the sickness or injury. The doctor's statement should also provide that said employee has been incapacitated for work for the period of his/her absence, and that he/she is again physically able to perform his/her duties. Abuse and/or misuse of sick leave could result in a doctor's statement being required for any absence due to illness. Evidence of abuse of this benefit will be grounds for dismissal or disciplinary action.

#### 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 as on a leave-without-pay-status unless the employee has any accumulated vacation time or compensatory time remaining. The employee may request that additional sick leave be credited against the remaining vacation or compensatory time.

#### Separation of Employees with Accrued Sick Leave

Upon termination of employment, accumulated sick leave shall not be used as terminal leave, and the employee shall not be entitled to any payment for accumulated sick leave. If a retiring employee is vested in the retirement service any accumulated sick leave will be credited to their service time. (i.e. at the end of 15 years a person retires and he had earned 180 months service time and had 80 sick days accumulated, the service time that his retirement would be based on would be 184 months).

### 13.) BEREAVEMENT LEAVE

A regular full-time employee will receive up to 3 days of paid leave due to the death of their spouse, parent, child, or sibling and 2 days of paid leave for death of mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparent, grandchild, or other legal dependent. Up to an additional 3 days of bereavement leave may be granted from accrued but unused sick or vacation leave at the superintendent's discretion.

### 14.) FAMILY MEDICAL LEAVE ACT (FMLA)

The FMLA entitles eligible employees to take unpaid, job-protected leave for qualifying family and medical reasons. Generally, an employee is eligible if he/she has worked 1250 hours for Sumner County in the 12-month period prior to requesting leave. Please contact the Finance Department to receive information on the FMLA. FMLA leave is based upon a rolling year.

### 15.) MATERNITY LEAVE

Pursuant to Tennessee Code Annotated Section 4-21-408, a female employee who has been employed by Sumner County for at least 12 consecutive months as a full-time employee may take up to four months of maternity leave for pregnancy, childbirth, and nursing the infant.



An employee who gives at least three months' advance notice of the date she expects to begin leave, the length of her maternity leave, and her intention to return to full-time employment after maternity leave, shall be restored to her previous or a similar position with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of her leave. An employee who is prevented from giving 3 months' notice because of a medical emergency or because she received less than 3 months' notice of the adoption date shall be entitled to the same rights as an employee who gives 3 months' notice.

An employee may utilize accrued but unused sick leave, vacation leave, or compensatory time to remain on a paid status during maternity leave. Any leave taken after those accrued days have expired shall be without pay. FMLA leave and any paid leave an employee utilizes to supplement the unpaid portion of the maternity leave shall all run concurrently with the maternity leave. If an employee chooses to take 4 months' maternity leave, the 4<sup>th</sup> month may qualify for insurance through COBRA.

### 16.) JURY AND COURT DUTY

A regular full-time employee who is called for jury duty or subpoenaed to testify as a witness in court will be granted paid leave after he/she provides the superintendent with a copy of the jury summons or subpoena. If an employee is relieved from jury duty or testifying during working hours, the employee must report to work at the Sumner County Highway Department.

### 17.) OCCUPATIONAL INJURY

The Sumner County Highway Department strives to provide a safe working environment for its employees. In the event an employee is injured or becomes ill arising out of and in the course of employment, the employee will be considered under the Occupational Compensation Plan of Sumner County.

Should an employee become injured by accident or become ill under the provisions of this plan, he/she must immediately report the incident to their supervisor or the superintendent. **Incidents must be reported the same day.** The supervisor/department head should then contact the Risk Management Office. If the injury occurs after normal business hours, a message should be left with the Risk Management Office. An Occupational Injury Report should be completed and immediately sent to the Risk Management Office. If the report is faxed, the original should be mailed or delivered to the Risk Management Office. The Occupational Injury Report should be completed and mailed to the Risk Management Office within seven (7) days of the injury.

In the event medical attention is needed, contact the Risk Management Office for direction on which treatment facility should be used for on the job injuries. In the event an incident involves a serious injury, please report to the nearest Emergency Room and notify Risk Management of the treatment sought as soon as possible. Except for emergency treatment, Risk Management must give authorization for treatment to the treating facility before the employee receives medical attention.

### 18.) MILITARY LEAVE

Sumner County will administer military leaves of absence and returns from leave in accordance with the Uniformed Services Employment and Reemployment Act "USERRA." Employees who are called to service should notify their supervisor or the superintendent.

## 19.) VOTING LEAVE

An employee may be absent from work to vote while the election polls are open for period of time not to exceed 3 hours and will receive regular compensation during this period. The superintendent may specify the time of day the employee may be absent.

## 20.) LEAVE WITHOUT PAY

An employee may be granted leave up to 6 months of leave without pay at the discretion of the superintendent. During this period of absence, the employee will not accrue vacation leave, sick leave, or other benefits.

## 21.) TEMPORARY (SEASONAL) EMPLOYEES

A "seasonal" temporary employee designation will be used for those employees whose regular assigned work schedule is forty (40) hours per week, for a maximum of 39 weeks per employment year. The benefits set out in this manual are intended to apply only to full-time employees, rules and regulations are not intended to establish paid leave of any seasonal employees.

## 22.) DISCRIMINATION STATEMENT

As an equal opportunity employer, employment will be based upon consideration of the qualification of all applicants for employment. Discrimination based upon an applicant's race, color, sex, religion, national origin, age or disability will not be tolerated. An employee will report alleged discriminatory activity to the elected official. If the problem occurs with the elected official, then the employee will report the matter to the County Executive.

## 23.) ANTI-HARASSMENT POLICY

Sumner County is committed to maintaining a work environment that is free from discrimination where employees are able to devote their full attention and best efforts to the job. Sumner County will not tolerate any form of harassment of or by any employee (i.e., supervisory or non-supervisory) based on race, sex, religion, color, national origin, age, disability, or any other factor protected by law. The term "harassment" for all purposes includes, but is not limited to, offensive language, jokes, or other verbal, graphic or physical conduct relating to any employee's race, sex religion, color, national origin, age, disability, or other factor protected by law, which would make the reasonable person uncomfortable in the work environment or which could interfere with the person's job performance.

Sexual Harassment. Sexual harassment includes: (a) unwanted physical contact; (b) unwelcome sexual advances or comments or requests for sex or sexual activities linked to ones' employment or advancement, regardless of whether they are based on promises or threats; (c) sexual displays or publications such as calendars, cartoons, or graffiti; (d) other verbal, electronic or physical conduct of a sexual nature that has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment; or (e) retaliation for complaints of harassment. Examples of sexual harassment include sexual propositions, sexual innuendo, sexually suggestive comments, sexually-oriented "kidding", "teasing", or "practical jokes," jokes about gender specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, electronic communications and physical contact, such as patting, pinching or brushing against another person's body; or reading or otherwise publicizing in the work environment materials that are sexually suggestive or revealing.

**Other Forms of Harassment:** Harassment based on an individual's race, religion, age, national origin, disability, or other protected status is also expressly prohibited. This includes any verbal, written, or physical act in which race, religion, age, national origin, disability, or other protected status is used or implied in a manner that would make a reasonable person uncomfortable in the work environment or that would interfere with the employee's ability to perform the job.

**How to Report Harassment:** Sumner County cannot resolve matters that are not brought to its attention. Any employee, regardless of position, who has a complaint of or who witnesses harassment at work by anyone, including supervisors, managers, employees or even non-employees, is responsible for immediately reporting it to a supervisor, the superintendent, the County Executive or appropriate elected official.

Sumner County will investigate all claims of harassment. Sumner County will meet with the complaining employee to obtain a written account of the harassment, to discuss the results of the investigation, and where appropriate, review the proposed resolution of the matter. If an investigation confirms that harassment has occurred, Sumner County will take appropriate corrective action, up to and including termination.

**Anti-Retaliation Policy:** Sumner County prohibits attempts or actions of retaliation against employees for having reported possible discrimination or harassment and/or for cooperating with the inspection, investigation and/or proceedings involving complaints of discrimination, harassment and/or safety. Also, you will not be retaliated against for requesting a workplace accommodation or filing any claim for workers compensation benefits. Any employee who retaliates against another employee in violation of this policy will be subject to disciplinary action, including but not limited to termination.

## 24) EMPLOYEE CONDUCT

### A. PURPOSE

The maintenance of high standards of honesty, integrity, impartiality, and conduct by Sumner County employees is essential to assure the proper performance of Sumner County business and the maintenance of confidence by the public in Sumner County government. Employees must avoid any action that might result in or create the appearance of using public office for private gain, giving preferential treatment to anyone, impeding Sumner County government efficiency or economy, or eroding the public's confidence in Sumner County government's integrity.

### B. USE OF TECHNOLOGY RESOURCES

Sumner County's technology resource include but are not limited to computers, software, telephones, facsimile (FAX) and photocopy machines. Sumner County owns and maintains technology resources for the purpose of carrying out Sumner County's business. While Sumner County recognizes that employees may occasionally need to use technology resources for personal reasons all such personal use should be incidental and kept to a minimum. This standard of usage applies to all Sumner County equipment at all times. Repeated or intentional misuse of or damage to Sumner County's technology resources is prohibited. Employees will be required to reimburse the County for any damage caused by intentional misuse or negligence. Information created or stored on Sumner County's technology resources is the property of Sumner County and should not be considered private.

### C. COMPUTER AND INTERNET USAGE

Use of a duplicate copy of licensed software is a violation of federal copyright laws and is prohibited by Sumner County. Employees are prohibited from copying county-owned software for their personal use.

Employees shall not change, tamper with, or add to pre-defined network setups and software configurations without the express consent of the responsible department head or elected official.

Employees who are provided portable equipment, whether temporary or permanent, are considered the custodian of that asset and are liable for loss and/or damage caused by negligence.

Employees shall observe established network log-on and log-off guidelines. Each employee is responsible for the documents, messages, and data created or deleted under his/her log-on identification and password.

Electronic mail generated in the course of Sumner County business may be considered a public record under Tennessee law. Therefore, employees should not have the expectation that their e-mail correspondence or files are confidential. Employees shall avoid the use of harassing, offensive, and discriminatory language in electronic mail. Messages addressed to "Everyone" must pertain to Sumner County business and be urgent in nature or of informational use to all employees.

Employee access to and communication on the internet is intended for business purposes only. Any personnel use shall be de minimis and infrequent. All information sent or received via the internet shall be considered a matter of public record. Therefore, employees should not have the expectation that their internet activities and messages are confidential.

Employees shall not copy, download, upload, or print illegal material using any Sumner County technology resource.

Where necessary, logon passwords will be assigned by the Systems Administrator. Employees are not to share their passwords with anyone, including other employees. Divulging your password will be considered a willful breach of security.

#### D. CELL PHONES:

Cellular phones are considered "listed property" by the Internal Revenue Services. For "listed property", any personnel use is a taxable benefit. Cellular phones are for Sumner County Business use, and any other usage should be de minimis.

Over use charges on cellular phones due to personal use will be paid by the employee and if excessive or repetitive, may be grounds for dismissal and will result in the automatic cancellation of cellular phone services.

### 25.) MISTAKES & ERRORS

All mistakes and/or errors will be reported to the employer immediately before any action is taken to correct the mistake or error. Any errors made by an employee that involves the receiving or disbursing of cash which causes a shortage in funds that cannot be collected by the employee from the person receiving the funds, shall be the responsibility of the employee. The employee shall reimburse the lost funds upon demand of the employer. Failure to reimburse lost funds for any mistakes and/or errors may be grounds for termination.

### 26.) CONFIDENTIALITY OF OFFICE RECORDS

Any record filed in this office or matter pertaining to this office will not be discussed outside the office. All records are open to the public except those exempted by statute. Any person desiring to review any record not exempted by statute will be allowed to do so in person inside the office. No employee will take any record outside the office or discuss any record outside the office with any person. Improper disclosure of office records may be grounds for termination.

## 27.) GIFT POLICY

An employee shall not accept cash as a gift or gratuity from a customer or vendor. Small gifts (i.e. candy, cookies, and fruit) may be accepted by an employee and shared with the entire office. The Employer should be notified of any gift received by the office in order to express our appreciation. In a case where an item is in question, the matter should be referred to the Employer.

## 28.) CONFLICT OF INTEREST

No employee of this office will accept employment or any payment for services from a business or vendor that would receive or provide services to or from this office through that employee. Any questions regarding this policy should be referred to the officeholder or director of finance. Furthermore, no employee will contract work from a business or vendor that would receive or provide services to or from this office through that employee.

## 29.) FIREARMS AND DANGEROUS INSTRUMENTALITIES

Sumner County, Tennessee, will have a zero tolerance for guns, firearms and dangerous instrumentalities in the workplace.

Any employee who brings a firearm to the workplace or who is found in possession, on County property or in a County vehicle, of any firearm or gun, shall be immediately discharged from employment with Sumner County, Tennessee. This policy excludes those whom are legally authorized to carry firearms, but, a person who is legally licensed to carry a gun personally shall not bring such weapon to work with them.

Persons also using any sort of dangerous instrumentality in a violent manner or to inflict bodily injury to another shall be subjected to the same terms of dismissal.

## 30.) GOVERNMENT RECORD DESTRUCTION, TAMPERING OR FABRICATION

Tennessee Code Annotated §39-16-504:

- 1) It is unlawful for any person to:
  - a) Knowingly make a false entry in, or false alteration of, a governmental record;
  - b) 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
  - c) Intentionally and unlawfully destroy, conceal, remove or otherwise impair the verity, legibility or availability of a governmental record.

A violation of this section is a Class A misdemeanor.

## 31.) AMENDMENT OF RULES

It is the responsibility of all employees to carry out and comply with the rules and regulations contained in this manual. The employee should be aware that these Rules and Regulations are subject to periodic review and change by the employer. Before relying upon the provisions set out herein, it is the employee's responsibility to check with the employer to see if any changes have occurred.

### **32.) AMERICAN WITH DISABILITIES ACT (ADA)**

The Sumner County Highway Department will not discriminate against a qualified individual with a disability. A qualified individual with a disability is an applicant or employee who can perform the essential functions of the job in question with or without reasonable accommodation. The Sumner County Highway Department will reasonably accommodate qualified applicants and employees with disabilities unless making the accommodation imposes an undue hardship on it. An employee needing accommodation should speak directly with their supervisor or the superintendent.

### **33.) ELECTRONIC COMMUNICATIONS**

Employees of Sumner County have access to a variety of forms of electronic media and services, including computers, networks, electronic mail, telephones, fax machines, printers, and the Internet. These services are made available to employees in order to help them perform their jobs as efficiently and effectively as possible.

However, all employees should remember the electronic media and services provided by the County are the property of the County and their purpose is to facilitate and support the County. No right of privacy exists in favor of any employee of the County with respect to information placed on the electronic media systems by such employee. All electronic media systems, including but not limited to desktop PCs, laptop PCs, networks, electronic mail, telephone and fax records, printed documents, Internet activity, computer disks and CDs stored in the County's offices are subject to review by the County. Sumner County has the right to review, audit, interrupt, access and discloses messages created, received, or sent over the electronic media systems of the County.

Sumner County or its authorized designee reserves the right to review, at any time, all information contained in these systems (even if previously deleted or archived).

Employees are strictly prohibited from using County time, equipment or technology for personal or entertainment use or for using the voice mail, e-mail or other electronic communications systems in connection with any of the following activities:

- Engaging in illegal, fraudulent, or malicious activities;
- Obtaining, displaying, copying, transmitting or otherwise distributing materials that are defamatory, sexually explicit, discriminatory, or otherwise offensive in nature;
- Sending (uploading) or receiving (downloading) copyrighted materials, trade secrets, proprietary financial information, or other forms of information deemed to be confidential to outside parties or unauthorized internal parties;
- Using another individual's account or identity without explicit authorization;
- Attempting to test, circumvent, or defeat security or auditing systems; or
- Permitting any unauthorized individual to access the electronic media and services of the County

Specifically in regard to the Internet, the user must hold harmless Sumner County for any content or information found on the Internet regardless of whether the user finds the content offensive, incorrect, or incurs damages from relying on the information.

Again, electronic media and services are provided for business use. Limited, occasional, or incidental use of electronic media for non business purposes is understandable. However, employees are expected to demonstrate a sense of responsibility and not abuse this privilege. Personal work should not be performed during work hours, and in no event should employees perform personal work on the systems of the County for personal profit.

The various electronic communications systems should never take the place of a personal visit when working in an environment that promotes "team work". Sensitive personnel issues should always be handled in person, especially where disciplinary communication and/or action is concerned.

Any employee who violates this policy or uses electronic communication systems for improper purposes shall be subject to discipline, up to and including termination.

**Computer Use and Software:** All disks and storage media will be provided by Sumner County. Employees should not bring their own disks in for business use. This policy is to help prevent any opportunity for viruses and other corrupt software to enter the County's systems.

Where necessary, logon passwords will be assigned by the Systems Administrator. Employees are not to share their passwords with anyone, including other employees. Divulging your password will be considered a willful breach of security.

Additionally, the software that is used in Sumner County has been purchased and registered for the benefit of all employees. The copyright law is very clear in regard to illegal duplication of software.

Employees are prohibited from copying software from Sumner County computers and taking it off the premises for personal gain. Likewise, employees may not bring in any unauthorized outside vendor software to be installed in Sumner County machines. Any unauthorized software brought in will be subject to confiscation and will not be returned. Employees found installing outside software may be subject to immediate disciplinary action.

### 34.) TERMINATION OF EMPLOYMENT

- 1) Information concerning insurance and retirement contributions will be available for the terminating employee.
- 2) To resign in good standing, a two (2) week resignation is required to be presented to the Sumner County Highway Department. The last working day will be determined by the discretion of the approving authority and after the review of accumulated annual leave and/or compensatory time.
- 3) **Termination of employment can be for a good cause or no cause**, but set forth below are several examples of offenses which could result in disciplinary action or termination.
  - a. Any employee caught drinking or using drugs on the job will be discharged.
  - b. If you have a temper, don't lose it, cursing each other, throwing things, etc. will not be tolerated and will be an automatic dismissal. Everyone desires respect.
  - c. Any employee caught stealing or misusing county property will be discharged. You are assigned a vehicle/equipment; it is your responsibility to **keep it clean and in good order**. Excessive questionable repairs will be considered misuse. NO Private Property work on road or in shops will be permitted; this is considered stealing and misuse of county property.
  - d. Hard hats are demanded to be worn at the Rock Crusher at all times if you are out of your vehicle. Extra hard hats are located in the office at the crusher shop. They are also to be worn while operating equipment that does not have a safety top installed on it.
  - e. Seat belts must be worn by all employees while riding in or driving a county vehicle (state law as of 1/1/88). The Occupational Compensation Plan may not cover you if you have a wreck and are not wearing your seat belt.
  - f. Safety glasses (not sunglasses) must be worn during operations of any power tools and equipment. Equipment that has a safety guard, the guard must remain in place.

- g. Any employee that is caught with possession of a firearm while on the job, unless commissioned by the law to carry a weapon, will be automatically discharged.
  - h. Any employee that is caught putting fuel on the ground, in the truck beds for purpose of cleaning them, or violating TDEC/Storm Water Runoff Regulations will be automatically be discharged.
  - i. Drivers of county vehicles are required by law to notify this office of any traffic violations while driving a Commercial Motor Vehicle CMV, failure to do this can result in termination of employment as a driver. A Motor Vehicle Record report will be requested, from the Tennessee Department of Safety, on a periodic basis (at least annually) on every driver. We will review these and any driver with a poor driving record could be disciplined or discharged. If you drive a county vehicle you must have the proper license. Everyone is required to have a CDL and will be required to have random drug and alcohol testing. For those that drive a vehicle home you can stop if it is on your way home but you cannot use the vehicle for personal use and you shouldn't be stopping at locations other than a restaurant or store.
  - j. If you are injured on the job your supervisor and the office must be notified within 24 hours.
  - k. Excessive missing the clock or requesting to be manually punched in.
- 4) Vehicles – Vehicles will be assigned. You are to keep your equipment/vehicle clean and in good working order. Report any maintenance, repairs or malfunctioning to your supervisor and the shop foreman. If your equipment and/or machinery are not operating and there are no other duties for you to do, then you will be asking to go home. Excessive and questionable repairs will be considered misuse and will be grounds for termination.
  - 5) Cell Phones – Will be given out. I receive a detailed bill monthly and I know who is talking and when. If they are abused you will lose your phone.
  - 6) Radios –Two way radios are for company use and not for playing. We will be installing a computer program that will show when a mic is keyed up.
  - 7) Cleaning up after yourselves – We have a custodian, but he/she is not a maid. Take pride in your work and your work environment.

### 35.) COBRA

If the employee, the employee's spouse, or the employee's dependents lose group health insurance coverage due to employment termination or any other "qualifying event", any and all may be eligible to elect continuation of group health coverage in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA).

COBRA entitles employees and their dependents to elect or decline continued group health insurance coverage upon a "qualifying event". Under federal law, a qualifying event is an event that would ordinarily cause an employee, spouse, or dependent to lose group health insurance coverage. Qualifying events include termination of employment, retirement, discharge for poor performance, reduction of work hours, death of a covered employee, divorce or legal separation from a covered employee, losing "dependent child" status, Medicare eligibility, or being called to active duty as a military reservist. Employees discharged for gross misconduct may not be eligible for continuation of benefits.

Employees and dependents are responsible for notifying Sumner County immediately following



any, qualifying event and upon any change in address of the employee and/or dependents. Employees and dependents that elect continued coverage following a qualifying event will be required to pay 100% of the applicable premium coverage cost.

The covered individual has sixty (60) days to elect coverage from the date of the qualifying event. If the covered individual chooses to continue coverage and pays all premiums, benefits will be continued for 18 months. A covered employee, spouse, or dependent who is disabled (according to the Social Security Administration) at the time of the qualifying event may be eligible to continue coverage for up to 29 months. An employee's covered spouse or dependent may be able to continue coverage up to 36 months in the event the covered employee dies, becomes entitled to Medicare, divorces or legally separates from the spouse, or the dependent child ceases to qualify as a dependent under Sumner County's insurance plan provisions.

In the event of a second qualifying event occurring during the period of coverage for an original event, the period of coverage will be extended to 36 months from the date of the original qualifying event. Employees may obtain additional information about COBRA from the Finance Department

### **36.) INSURANCE BENEFITS**

#### **A. CURRENT/WORKING EMPLOYEES**

Benefit eligibility is dependent upon a variety of factors, including employee classification. Most benefits require contributions from the employee; however, several are not funded by Sumner County.

Individual benefits are determined by plan documents and/or the Sumner County Commission through resolutions or the SIB board.

#### **B. RETIRED AND DISABLED EMPLOYEES' INSURANCE PLAN**

To be eligible for coverage as an Early Retiree or Disabled Employee an Employee must meet the eligibility criteria, Retiree or Employee will have to check with HR personal for current requirements.

**ACKNOWLEDGMENT OF RECEIPT OF PERSONNEL POLICIES**

As indicated by my signature below, I hereby acknowledge receipt of a copy of the Sumner County Highway Department Personnel Policies.

I further acknowledge that:

- 1) I will read these personnel policies and bring any questions to the superintendent's attention;
- 2) I understand that I am employee-at-will and that I may be terminated at any time.
- 3) I accept/reject (choose one) the receipt of compensatory time where available.

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sumner County Highway Department Superintendent

\_\_\_\_\_  
Date