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STATE OF TENNESSEE
EMPLOYEE INFORMATION

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Introduction
The Employee Handbook is to be used for guidance only regarding general operating procedures for employees of the Tennessee Department of Health. The Employee Handbook is not a contract. In addition, this document is not a complete review of Personnel Policies and Procedures that govern the day-to-day functions of Tennessee State Government; however, you should find answers to many of your questions about your employment, your department, your personal responsibilities and your benefits in working for the State of Tennessee.

For additional information regarding Rules of the Tennessee Department of Personnel, or other questions regarding your employment, please contact your personnel officer within your bureau/office or the Office of Human Resources at (615) 741-6350.
Welcome Statement from the Commissioner

Welcome to the Tennessee Department of Health. I would like to congratulate you on being selected for your position. You are now a member of a talented and hardworking team, devoted to giving the very best services possible to our citizens. We want you to know that your contributions will be appreciated.

The Employee Handbook will give you information about compensation, benefits, various policies, and employee conduct. It is important for you to read all sections of the handbook very carefully to gain a better understanding of how these policies apply to you and your job as a state employee. You will also find a mission statement, an organizational chart, and the history of this department.

If you have any questions that the handbook does not fully cover, please address these with your supervisor, personnel administrator, or the Office of Human Resources.

Again, welcome and I wish you the very best in your employment with this department.

Susan R. Cooper, MSN, RN
Commissioner
The Department of Health works to promote, protect, and improve the health and well-being of Tennesseans. Keeping people healthy by preventing problems that contribute to disease and injury is the overall emphasis of the Department of Health. This can mean immunizing a child against measles so neither the child, nor anyone in the family or community, gets sick. It can mean recruiting doctors to practice in rural areas of Tennessee that are medically underserved, making sure that a pregnant woman gets early prenatal care and proper nutrition so that her baby will be born healthy, assuring that restaurants meet standards of cleanliness, or performing laboratory tests to make sure that drinking water is safe.

The greatest causes of premature death and preventable illness are closely related to the way we live—what we eat, whether we smoke, how much we exercise, and what we do to protect our own safety. The Department promotes healthy lifestyles by educating Tennesseans about these risks and making them more aware of the importance of individuals taking responsibility for their health and their family’s health.

The Department of Health works to insure the quality of health care through the licensure and regulation of health professionals, such as doctors, nurses, and dentists, and of health care facilities, such as hospitals and nursing homes. Prevention, intervention and treatment services help those who are at risk for alcohol and other drug problems and those who are chemically dependent. The Department also plays a critical role in assuring that personal health care services are available when and where people need them and are accessible despite economic and geographic barriers. The Department provides a variety of services for all age groups through local health departments across the state, ranging from well-child visits and immunizations, to school health services, to family planning and prenatal care, to wellness programs, to education.

History

Recurring epidemics of cholera, yellow fever, and other frightening diseases were a powerful force in the development of what we know today as public health. Through the mid-1800s, Nashville, Knoxville, Memphis and many smaller cities and towns experienced epidemics that threatened life and economic well-being as well.

As a result, efforts began to establish a State Board of Health and a bill was signed into law in 1877 to create such a board. For many years, the main activities of the board
were combating epidemics, forming county boards of health, working on school sanitation, and maintaining vital records of births and deaths in the state.

In 1923, legislation was passed to create a Department of Public Health headed by a commissioner in the executive branch of state government. Activities and responsibilities have changed and grown through the years as health needs and medical care have evolved in the state. In 1983, the Department's name was changed by law from the Department of Public Health to the Department of Health and Environment to more nearly reflect the broad functions of the department.

As part of an increased focus on environmental protection and conservation, the environmental programs were transferred in 1991 to the new Department of Environment and Conservation. The Department's name was then changed to the Department of Health.
GOVERNOR

COMMISSIONER

SPECIAL PROJECTS

SPECIAL ASSISTANT FOR RESEARCH

OFFICE OF COMMUNICATIONS

DEPUTY COMMISSIONER

BUREAU OF ADMINISTRATIVE SERVICES

BUREAU OF MINORITY HEALTH AND DISPARITIES ELIMINATION

OFFICE OF POLICY, PLANNING & ASSESSMENT

OFFICE FOR INFORMATION TECHNOLOGY SERVICES

OFFICE OF HUMAN RESOURCES

OFFICE OF LEGISLATIVE SERVICES

CHIEF MEDICAL OFFICER

BUREAU OF HEALTH SERVICES

BUREAU OF HEALTH LICENSURE & REGULATION

DIVISION OF LABORATORY SERVICES

OFFICE OF PATIENT CARE ADVOCACY

OFFICE OF GENERAL COUNSEL

OFFICE OF INTERNAL AUDIT

June 2009
Services
Bureau of Health Services

Health Services Administration (HSA) is responsible for the delivery of public health services to the citizens and visitors of Tennessee through a system of thirteen regional health offices responsible for the oversight of services provided in 89 rural and six metropolitan county health departments. These services encompass both primary care and prevention services with an emphasis on health promotion, disease prevention, and health access activities. Health Services Administration directs, supervises, plans, and coordinates health care service delivery in the state as well as provides administrative support for the program areas listed below.

**Breast and Cervical Cancer Early Detection and Prevention Program.** Provides annual screening and diagnostic services if needed for older women who meet the program's eligibility requirements. Screening services are offered through local health departments and primary care centers with Community Providers providing other diagnostic services, when indicated. Women who are diagnosed through the Tennessee Breast and Cervical Cancer Early Detection and Prevention Program with breast or cervical cancer are eligible for enrollment in TennCare for treatment.

**Community Services.** Activities in this area seek to improve the quality and years of healthy life for Tennessee residents. Efforts target the promotion of healthy behaviors through wellness and lifestyle initiatives, prevention and cessation of tobacco use, and emphasis on healthy choices. The healthy and safe communities' component promotes comprehensive health education programs, school health programs, rape and sexual assault prevention, and poison control activities. Disease prevention and management efforts target specific disease prevention strategies, coupled with disease management initiatives.

**Communicable and Environmental Disease Services (CEDS).** Works to prevent, detect, and control infectious diseases and environmentally related diseases of the citizens of Tennessee. CEDS is divided into several sections designed to track infectious disease incidence and prevalence and review surveillance data for outbreaks. This surveillance includes the detection and diagnosis of West Nile Virus and the support of disease outbreak investigations throughout the state. The Tennessee Emerging Infections Program is designed to address problems of new and emerging infections.

The Bioterrorism Program is prepared to quickly detect possible acts of bioterrorism through syndromic surveillance and emergency communications. The Tuberculosis (TB) Elimination Program supports health regions by finding and treating cases of active TB and conducting contact investigations. The Immunization Program works to eliminate vaccine-preventable disease by supplying vaccines and maintaining a statewide immunization registry. Environmental epidemiology investigates interactions of external physical and chemical factors that may result in environmentally related illnesses.

**Early Periodic Screening Diagnosis Testing (EPSDT)/TENnderCARE.** All TennCare recipients, age's birth to 21 years are eligible for preventive health care examinations under the
EPSDT program. It is the Department of Health’s (DOH’s) responsibility to help insure that all TennCare children are receiving this important health care service. The Bureau of TennCare requires every MCO to contract with local health departments for EPSDT screening services.

Local health departments provide many outreach and advocacy services to TennCare enrollees. This program provides a significant expansion of EPSDT outreach services targeted to a broader population of enrollees than those who are “encountered” by the local health departments. Because of the significant disparity between the screening rates for younger children and older children, the outreach projects have specific components designed to reach older children. Regional outreach coordinators conduct community assessments, interface with providers, form partnerships with local leaders, and oversee the work of lay outreach workers.

In addition to the outreach services provided at the local level, the Department of Health manages a call center to assist in the outreach effort. Call center operators contact the parents of children who have been recently enrolled or reenrolled in the TennCare program. These parents are provided some education on the importance of EPSDT services and advised that the cost of these services is covered by the TennCare program.

**General Environmental Health.** Activities in this area include inspection of food service establishments, camps, hotels and motels, bed and breakfast establishments, tattoo parlors, body piercing establishments and public swimming pools. Environmental surveys are also conducted in schools and childcare facilities. Other activities include rabies control.

**Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome/Sexually Transmitted Disease (HIV/AIDS/STD) Section.** The focus of both the AIDS and STD Programs is twofold, prevention and treatment. The AIDS program has an extensive education and prevention activity that is carried out by both local health departments and by Community Based Organizations (CBOs). There is an emphasis on testing and pre- and post-test counseling of at risk populations. Emphasis is placed on identifying risks and emphasizing behavior changes to reduce those risks. The AIDS Program provides treatment for persons diagnosed with AIDS through a network of AIDS Centers of Excellence across the state.

**Maternal and Child Health.** The maternal and child population has long been a focal point of public health programs. Local health departments provide a wide variety of services aimed at reducing the infant mortality rate, lowering the adolescent pregnancy rate, and reducing childhood morbidity. Services include well-child check-ups, home visiting, screening and follow-up for lead, school health, promotion of positive youth development, consultation, training, and resources for child care staff through child care resource centers, and child fatality review teams are other important maternal and child health services.

**Medical Services Section.** The Medical Services Section for the Bureau of Health Services provides oversight for medical matters including policy and procedures for the rural, regional, and local health departments. The Primary Care Medical Director provides oversight for the Primary Care Clinics, including MCO’s, quality assurance and coding issues.
Oral Health Services is responsible for overall coordination and management of the State Dental Program. Staff provide oral disease prevention services in schools throughout the state, including dental sealants, screening and referral, and school-based fluoride programs.

Certain state funded programs offer services for chronic diseases. The State Hemophilia Program contracts with Comprehensive Hemophilia Centers to provide program participants, some with no other medical coverage, certain preventive services utilizing a wide range of health care disciplines. A limited number of drugs are provided to assist in preventing the progression of this disease crippling disability.

The Renal Disease Program provides assistance to medically indigent Tennesseans with End Stage Renal Disease (ESRD). These patients automatically qualify for Medicare as “disabled,” and are assisted through the program with medications, nutritional supplements, transient dialysis and basic dental needs.

The Traumatic Brain Injury Program (TBI) addresses the special needs of survivors of injuries and their families. An information clearing house and 800 number provide immediate information to individuals across the state. Service coordinators provide case management services.

The Quality Management Program establishes a foundation for the evaluation of public health services in all 95 Tennessee counties as well as the metropolitan areas. Quality Management is an assessment program aimed at helping each site achieve excellence for the many standards required by Federal and State grants, contracts, and Bureau policies and procedures.

The Bioterrorism Hospital Preparedness Program’s (BHPP) goal is to improve the response capabilities of Tennessee’s hospital infrastructure. Through a grant from the Health Resources and Services Administration (HRSA), funds are helping hospitals to develop a multi-tiered system with the capacity to respond to incidents requiring mass immunization, triage, isolation, decontamination, as well as diagnosis and treatment of victims in the aftermath of terrorism or other public health emergencies.

Nutrition Services. Local health departments administer programs that provide supplemental foods to low-income, pregnant, breast-feeding and postpartum women, infants, children and the elderly. Nutrition education on how to use these foods as part of a good daily diet is also provided. A variety of preventives and therapeutic community nutrition services are provided to Tennessee citizens.

Primary Care. Local health departments in all 95 counties offer a variety of preventive services. Comprehensive primary care services are provided in selected health departments based on the needs of the community. Clinics are staffed with physicians and mid-level practitioners working under supervision and protocol.

Local health departments participate in TennCare and other insurance programs. The Department also operates an employee health clinic downtown Nashville that provides care to state employees and legislators during normal working hours.
Women's Health/Genetics. Providing services for women and infants have long been a major component of the public health structure in the state. Programs within the Women's Health/Genetics Section include services for reproductive age women (family planning, prenatal care, perinatal regionalization, adolescent pregnancy prevention, and the office of women's health), genetics and newborn screening, and newborn hearing screening. State law mandates that all infants born in the state are screened for various metabolic disorders prior to discharge from the birthing facility; program staff provide follow-up on all abnormal and unsatisfactory metabolic screening results, and make referrals to the genetic and sickle cell centers for case management and treatment. Services are provided in local health department clinics and through contracts with hospitals and universities.
The Bureau of Health Licensure and Regulation consists of the three major divisions: The Division of Emergency Medical Services, Division of Health Care Facilities and Division of Health Related Boards.

**Division of Emergency Medical Services (EMS)**

The Tennessee Emergency Medical Services Division was established in 1972. Since its creation, pre-hospital care of the sick and injured has vastly improved in Tennessee. It continues to be our goal to improve and promote quality emergency medical and medical transportation services by: Licensing EMS personnel and service; Monitoring, assessing and enforcing EMS laws and rules; Providing technical assistance and medical information to ambulance services, EMS personnel, local governments, training agencies and other medical professionals and entities; Providing disaster planning, coordination and response services.

**Division of Health Related Boards (HRB)**

The Division of Health Related Boards provides administrative support to the twenty-six (26) boards, committees, councils and one (1) registry that are charged with the licensure and regulation of their respective health care professionals, as well as the Office of Consumer Right to Know. The mission of each board is to safeguard the health, safety, and welfare of Tennesseans by requiring those who practice health care professions within this state to be qualified. The boards interpret the laws, rules, and regulations to determine the appropriate standards of practice in an effort to ensure the highest degree of professional conduct. The Boards are also responsible for the investigation of alleged violations of the Practice Act and rules and are responsible for the discipline of licensees who are found guilty of such violations. Board members, with few exceptions, are appointed by the Governor.

**Division of Health Care Facilities (HCF)**

The Division of Health Care Facilities is responsible for licensing health care facilities and for certifying providers for participation in federal Medicare and/or Medicaid Programs. The Division monitors facility compliance with state minimum standards and federal regulations through the conducting of facility surveys, patient care inspections and complaint investigations. This division also provides administrative support to the Board for Licensing Health Care Facilities.

Health Care Facilities has three regional offices located in Jackson, Nashville, and Knoxville with the central office being located in Nashville.

The boards, councils, committees, and registry are:

- Board of Alcohol and Drug Abuse Counselors
- Board of Chiropractic Examiners
- Board of Communications Disorders and Sciences
- Board of Dentistry
- Board of Dietitian and Nutritionist Examiners
- Board of Dispensing Opticians
- Board of Electrolysis Examiners
- Board of Medical Examiners
- Board of Nursing
- Board of Examiners for Nursing Home Administrators
- Board of Occupational and Physical Therapy Examiners
- Board of Optometry
- Board of Osteopathic Examiners
- Board of Registration in Podiatry
- Board for Professional Counselors, Marriage and Family Therapists, and Clinical Pastoral Therapists
- Board of Examiners in Psychology
- Board of Respiratory Care
- Board of Social Worker Certification and Licensure
- Board of Veterinary Medical Examiners
- Tennessee Advisory Committee for Acupuncture
- Committee for Clinical Perfusionists
- Council for Licensing Hearing Instrument Specialists
- Tennessee Massage Licensure Board
- Tennessee Medical Laboratory Board
- Council of Certified Professional Midwifery
- Committee on Physician Assistants
- Reflexology Registration
Laboratory Services

Laboratory Services, consisting of the central laboratory in Nashville and the regional laboratories in Knoxville and Jackson, provides valuable support of public health issues such as newborn testing, disease prevention, and a clean environment. These laboratories provide services to program areas within the department, local health departments, hospitals, independent laboratories, other state departments, physicians, dentists, and clinics. In addition, they provide public health services that are not available from other sources, such as botulism toxin testing, rabies testing.

The Memphis-Shelby County Health Department Laboratory, through a state contract, provides many of these laboratory services for Shelby County residents. This laboratory can be reached at (901) 544-7551.

Objectives of Laboratory Services

- To provide quality-assured laboratory services.
- To assist other Tennessee laboratories in developing and strengthening their laboratory services.
- To serve the entire state as a reference laboratory for difficult, unusual or otherwise unavailable laboratory procedures.
- To serve as a resource of information on laboratory practice.
- To test human and related specimens and environmental samples.
- To assist in the development, evaluation, and standardization of medical and environmental laboratory testing procedures.
- To participate in special studies and research projects.
- To provide refresher training and information updates.
- To certify air and water laboratories and laboratory personnel.
The Tennessee Office of Minority Health (TNOMH), established by the Commissioner in July of 1994 and codified by the General Assembly in 2004, is part of the Executive Administration of the Tennessee Department of Health. As the focal point for the Tennessee Department of Health (TNDH) on minority health issues, the OMH provides a voice for diverse communities with concerns about quality public health services. The Department’s Title VI program is a part of the TNOMH and works alongside other departmental Bureaus to ensure inclusive policies and programs for ethnic, racial, urban, rural, women, and other underserved populations are part of the overall strategic planning process.

The mission of the TNOMH is to promote improved health status of minority citizens of the State. This aim is in conjunction with the overall mission of the Department of Health to promote, protect and restore the health of Tennesseans by facilitating access to high quality preventive and primary care services.

The strategies used by the TNOMH to improve health status include: improving access to affordable health care; recruitment and retention of minority health providers; promotion of cultural competency in health service delivery; improvement in allocation of resources for health programs; assertive promotion of minority health policies and increasing minority health research and data.

TNOMH maintains informational databases regarding community programs, health professionals and events, the following programs and activities assist in meeting its goals:

- **Annual Minority Health Summit** – a statewide forum focusing on health, education and economic development as a triad of high impact issues affecting the healthy outcome of life in minority communities.

- **The Black Health Initiative Grant Program** targets African American youth ages 10-19, providing holistic health and skill building opportunities (i.e., educational enrichment, physical fitness, nutrition, alcohol and substance abuse prevention, adolescent pregnancy prevention) that equip youth to choose healthy lifestyles.

- **The HIV/AIDS Community Coalition Project** works with minority populations (i.e. African American, Latino/Hispanic) to expand strategies to improve education and prevention programs and develop comprehensive plans that will produce effective outcomes for specific populations. These efforts are further enhanced by the presence of a Latino HIV/AIDS Outreach Coordinator.

- **The Title VI Program Director** leads the oversight of the Department of Health’s implementation and compliance with the effectuation of the provisions of the 1964 Civil Rights Title VI law. A Title VI Compliance Officer assists in these activities by ensuring compliance among the Department of Health’s contractors and sub-contractors.

- **The Office of Minority Health** partners with the Tennessee Minority Health & Community Development Coalitions that identify local health issues through regional groups linking to state and national allies addressing concerns of all ninety-five counties in the state.
• *Your Health Is In Your Hands*, as statewide initiative developed by the TNOMH, utilizing focus groups to identify specific health issues and those avenues available for service delivery. The initiative works with members of faith communities of color to develop a stroke-prevention social marketing campaign specifically tailored to faith communities. This initiative also works with media consultants to produce a public awareness campaign featuring the faith community’s most visible spokespersons, recording artists from the entertainment industry.

• The *TNOMH* partners with another departmental section on a Cardiovascular/Health Literacy initiative to encourage minority consumers to become more involved with protocols of health especially as prescribed for cardiovascular disease. Resources are channeled to four community coalitions with infrastructure to reach a targeted population with information and/or direct services for cardiovascular health.

• *Minority Health Awareness Month* – The TNOMH’s acknowledgement of this period in April coincides with the national recognition. Marked by identification of specific activities and events in communities across the state, local institutions, programs and private entities are asked to accent tasks that explore and implement ways to reduce chronic health risks, promote health literacy and eliminate disparities through improved health awareness.

• Office of Minority Health Internship Program – TNOMH continually provides internship and externship opportunities for college and university undergraduate and graduate students, particularly those attending Historically Black Colleges and Universities (HBCUs) and/or those whose interests focus on Minority Health and health disparities.
Related Advisory Boards, Committees and Councils

The following committees may be contacted through the Commissioner’s Office, 3rd Floor Cordell Hull Building, 425 Fifth Avenue North, Nashville, Tennessee 37247-0101.

**Public Health Council**

**Hemophilia Advisory Committee**

**Epilepsy Advisory Committee**

**Minority Health Advisory Council**

**Traumatic Brain Injury Advisory Council**

**Renal Disease Advisory Committee**

**Institutional Review Board for the Protection of Human Subjects**

**Preventive Health Block Grant Advisory Committee**

**Genetic Advisory Committee**

**Perinatal Advisory Committee**

**Tennessee Child Fatality Prevention Team**

**Hospital Bio-Preparedness Planning Committee**

**Public Health Emergency Advisory Committee**

**Crippled Children’s Advisory Committee**
Office of Policy, Planning and Assessment

Office of Policy, Planning and Assessment
The Office of Policy, Planning, and Assessment provides health statistics and information services to support the Department of Health in promoting and protecting the Health of Tennesseans. The traditional public health functions of the Office of Vital Records are blended with the functions of the Divisions of Health Statistics and of Research and the Office of Cancer Surveillance.

Health Statistics (HS)
The Division of Health Statistics is responsible for compiling, analyzing, and distributing information on health facilities, health care professionals, and on the health status of Tennesseans.

HS products include, but are not limited to data, brochures, rate sheets, and reports from the following data sources:

- Vital Statistics (birth, death, fetal death, induced termination of pregnancy, marriage, divorce)
- Health Care Facilities Joint Annual Report (JAR) data (ambulatory surgical treatment centers, assisted-care living, home health agencies, hospices, hospitals, nursing homes)
- Behavioral Risk Factor Surveillance Survey (BRFSS), in cooperation with Centers for Disease Control and Prevention (CDC)
- Hospital Discharge (UB-92)
- Traumatic Brain Injury (TBI) Registry
- Crash Outcome Data Evaluation System (CODES), in cooperation with the National Highway Transportation Safety Administration (NHTSA) and the Governor's Highway Safety Office.
- Population Projections

Health Research

Birth Defects and Special Projects
Tennessee Birth Defects Registry

The Tennessee Birth Defects Registry (TBDR) originated in an act of the Tennessee General Assembly, T.C.A. 68-5-506, which requires the Tennessee Department of Health to maintain an ongoing statewide program for monitoring birth defects. Overall, the mission of the TBDR is to: 1) provide annual information on the incidence, prevalence, and trends in birth defects; 2) provide information on the possible association of environmental hazards and other potential causes of birth defects; 3) evaluate current birth-defects prevention initiatives, providing guidance and strategies for improving those initiatives; and 4) provide families of children with birth defects information on public services available to children with birth defects.
Special Projects

One example of several special projects for which this unit is responsible is the statewide Needs Assessment Study for adolescent substance-abuse prevention services. This study was done in cooperation with the Bureau of Alcohol and Drug Abuse Services (BADAS) and supported by a federal grant from the Center for Substance Abuse Prevention (CSAP), which was written by Birth Defects and Special Projects staff.

Early Hearing Screening Detection and Intervention Grant

The Early Hearing Screening Detection and Intervention (EHDI) project establishes a sustainable, centralized tracking and surveillance system; integrates the EHDI with the newborn screening programs; and conducts applied research using the information collected. This system tracks service provisions, assesses service needs, coordinates services, manages the services more effectively and efficiently, analyzes epidemiological information and trends, and plans for future needs and policies regarding children’s health care.

Tennessee Comprehensive Genetics Plan

This project will: 1) Enhance, expand and improve the state newborn screening (NBS) program by integrating NBS with newborn hearing (NHS) services and early intervention services for children with special health care needs (CSHCN); and 2) enhance, expand and integrate the health information systems to monitor access to care and track the health status of children identified by the NBS and NBH programs and by other programs for children with genetic conditions.

Health Information Tennessee

The Health Information Tennessee (HIT) Web site is a system designed as an interactive means of disseminating vital statistics, manpower, facilities, survey and other data collected by the TDH. Currently, the site is being redesigned and enhanced.

Surveillance, Epidemiology & Evaluation

The primary goal of the Epidemiology and GIS (Geographic Information Systems) section is to conduct epidemiological studies which can be used to guide program and policy planning efforts and provide research support for the Department of Health.

Typical activities include:

1. Design and conduct various epidemiologic research studies using health department data.

2. Collaborate with University research partners.

3. Assist with grant writing (particularly the research and evaluation components) to support and expand existing TDH activities.
4. Provide database, research, and statistical support for the TDH staff, particularly Community Services and Maternal and Child Health programs.
   a. Maintain ongoing WIC surveillance database.
   b. Develop and maintain ongoing chronic disease (non-cancer) surveillance based on hospital and death data.

5. Provide Geographic Information Systems (GIS) support and services for TDH staff.

**Office of Cancer Surveillance**
The Office of Cancer Surveillance houses the Tennessee Cancer Registry and the Tennessee Comprehensive Cancer Control Program. The Tennessee Cancer Reporting Act of 1983 (Tennessee Code Annotated 68-1-1001) enables the Tennessee Cancer Registry to collect information about the incidence of cancer from all health care facilities in the state that diagnose and/or treat cancer. Cancer data includes, at a minimum, patient demographics, identification of the cancer, and the extent of disease at diagnosis. Since 1997, the Tennessee Cancer Registry receives a portion of its funds from the Centers for Disease Control's National Program of Cancer Registries (NPCR) to improve completeness, quality, and timeliness of the cancer data. Each year the Tennessee Cancer Registry processes over 30,000 records which consolidate to approximately 22,000 new cases of cancer per year.

The Tennessee Comprehensive Cancer Control Program is a new program established FY03-04 with CDC grant funding. This program coordinates with the Tennessee comprehensive cancer control coalition to facilitate and support the development and implementation of a statewide comprehensive cancer control plan.

**Tennessee Office of Vital Records**
The purpose of the Office of Vital Records is to register the vital events that occur in Tennessee, to maintain permanent records of the events, to issue copies of the records to the public, and to provide information from the records for research and administrative functions. Office duties and responsibilities are stated in Tennessee Code Annotated 68-3-101 et seq., the Vital Records Act of 1977.

**Activities and Services Provided**
- Register more than 250,000 vital events (births, deaths, marriages, divorces, and fetal deaths) that occur each year in Tennessee
- Concurrently collect vital statistics of each event
- Provide training and technical assistance to county health department staff who assist with registration and record issuance and to the individuals and agencies who prepare the vital records
- Issue more than 240,000 copies of records and provide other record-related services to the public and other government
• Amend records to comply with court orders or with requests supported by legally acceptable documentary evidence

• Maintain permanently vital records, related documents, and record databases

On January 1, 2004, the Office of Vital Records implemented the new birth certificate form and the revised software. The Office of Vital Records, in coordination with the Health Statistics Office and the Office of Information Technology, revised the birth certificate form and the computer programs used by hospitals and the state to register births and collect vital statistics. This project was undertaken to improve and modernize the current registration and statistical systems as well as to meet federal recommendations for statistical data collection and federal contractual requirements.

For information regarding the support functions provided by other divisions of this department, visit our website at http://intranet.health.nash.tenn.
Compensation
UNDERSTANDING YOUR PAYCHECK

Employees receive their regular pay twice monthly on the 15th and the last day of the month. However, if the 15th or last day of the month falls on a weekend or holiday, employees will be paid on the nearest working day in advance. For example, if the 15th falls on Saturday, Friday the 14th would be payday.

Each check received will be payment for the previous work period rather than the period just completed. Therefore, the first paycheck received will arrive approximately one month after an employee’s hire date.

Two types of deductions can be made from paychecks, regular and voluntary. Regular deductions include withholding (federal income tax) and FICA (Social Security). These are all deductions over which the employee has no control. Voluntary deductions include insurance premiums, savings bonds, charity fund, and other state-approved deductions which the employee must authorize.

A sample paycheck is shown below. This is available for printing through the Edison System, Employee Self Service. Any questions relative to paychecks should be directed to the Payroll Office at (615) 741-3321.
DIRECT DEPOSIT OF PAYCHECKS

Direct deposit of paychecks is a condition of employment for all newly hired state employees. Employees who were hired prior to July 1, 1992 are not required to enroll in the direct deposit program.

Paychecks may be directly deposited to a particular financial institution by completing a direct deposit form. A voided check should be attached to this form. The direct deposit process usually takes two (2) pay periods to complete.

Paychecks or direct deposit confirmations will be mailed to an employee’s home address. Actual paychecks are usually received on payday or the day before. Direct deposits will be credited to an employee’s account on payday; however, statements of earnings and deductions can sometimes be received up to a week before payday. To insure that these items are received on time, it is very important that employees notify their respective personnel officer who will immediately forward any change in address or information to the Office of Human Resources.
EDISON EMPLOYEE SELF SERVICE

All personal information can be accessed and updated through the Edison System, Employee Self Service, with the exception of name changes, marital status, veteran's status, date of birth, and social security number. These types of changes require back up information and must be directed to your supervisor or Division Human Resources Representative. Your supervisor or Division will inform you of training for using the Edison System.
MY PERSONAL INFORMATION

Address – View & Update

Employees may view and update their home address using Self Service. The home address is the address used for payroll mailings, benefit mailings and benefit insurance eligibility determination. All home address must have a valid “plus four” zip code. If an invalid address is entered, the employee will receive a warning message containing tips on what can be done to correct this error.

Procedure

In this lesson, you will learn how to update a Home Address.

Kelley Korody will be used as an example in this lesson.

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Begin by clicking the Employee Self Service link.</td>
</tr>
</tbody>
</table>

Employee Self Service
TENNESSEE DEPARTMENT OF HEALTH
Address/Legal County Change

Please complete the information below to change your mailing address and/or legal county in which your home is located.

SOCIAL SECURITY NUMBER

LAST NAME

FIRST NAME

MAILING ADDRESS

CITY

STATE

ZIP CODE

AREA CODE HOME TELEPHONE

AREA CODE BUSINESS TELEPHONE

LEGAL COUNTY

Legal resident county is defined as the county in which a person’s home is located and to which he definitely intends to return even though temporarily absent.

01 Anderson 15 Cocke 29 Grainger 43 Humphreys 57 Madison 71 Putnam 85 Trousdale
02 Bedford 16 Coffee 30 Greene 44 Jackson 58 Marion 72 Rhea 86 Unicoi
03 Benton 17 Crockett 31 Grundy 45 Jefferson 59 Marshall 73 Roane 87 Union
04 Bledsoe 18 Cumberland 32 Hamblen 46 Johnson 60 Maury 74 Robertson 88 Van Buren
05 Blount 19 Davidson 33 Hamilton 47 Knox 61 Meigs 75 Rutherford 89 Warren
06 Bradley 20 Decatur 34 Hancock 48 Lake 62 Monroe 76 Scott 90 Washington
07 Campbell 21 DeKalb 35 Hardeman 49 Lauderdale 63 Montgomery 77 Sequatchie 91 Wayne
08 Cannon 22 Dickson 36 Hardin 40 Lawrence 64 Moore 78 Sevier 92 Weakley
09 Carroll 23 Dyer 37 Hawkins 51 Lewis 65 Morgan 79 Shelby 93 White
10 Carter 24 Fayette 38 Haywood 52 Lincoln 66 Obion 80 Smith 94 Williamson
11 Cheatham 25 Fentress 39 Henderson 53 Loudon 67 Overton 81 Stewart 95 Wilson
12 Chester 26 Franklin 40 Henry 54 McMinn 68 Perry 82 Sullivan
13 Claiborne 27 Gibson 41 Hickman 55 McNairy 69 Pickett 83 Sumner
14 Clay 28 Giles 42 Houston 56 Macon 70 Polk 84 Tipton

00 Non-state residents - Use this code for legal county information only.

I certify that the information given on this form is correct.

Signature _______________________________ Date ____________________

Return to:
Tennessee Department of Health
Office of Human Resources
11th Floor, Andrew Johnson Tower
710 James Robertson Parkway
Nashville, TN 37243

PH-3831
RDA S470-2
Leave and Attendance
EXPLANATION OF REPORTING TIME AND LABOR

Entry of your time and labor is reported into the Edison System, Employee Self Service. This entry will either be made by you directly or by a designated time keyer, depending on the organization of your Division. Your supervisor and/or Division Human Resources Representative will inform you of the process.

It is very important that your time and labor as well as any leave or overtime requests are entered into the Edison System each week and on each payday in order for you to be paid in a correct and timely manner.

The following pages are examples of the time and labor screens used in the Edison System. The Department of Personnel’s Attendance and Leave Policies and Procedures manual can be found at [www.tennessee.gov/dohr](http://www.tennessee.gov/dohr).

<table>
<thead>
<tr>
<th>Leave Conversion Table:</th>
<th>.1 hour = 6 minutes</th>
</tr>
</thead>
<tbody>
<tr>
<td>.2 hour = 12 minutes</td>
<td></td>
</tr>
<tr>
<td>.3 hour = 18 minutes</td>
<td></td>
</tr>
<tr>
<td>.4 hour = 24 minutes</td>
<td></td>
</tr>
<tr>
<td>.5 hour = 30 minutes</td>
<td></td>
</tr>
<tr>
<td>.6 hour = 36 minutes</td>
<td></td>
</tr>
<tr>
<td>.7 hour = 42 minutes</td>
<td></td>
</tr>
<tr>
<td>.8 hour = 48 minutes</td>
<td></td>
</tr>
<tr>
<td>.9 hour = 54 minutes</td>
<td></td>
</tr>
<tr>
<td>1.0 hour = 60 minutes</td>
<td></td>
</tr>
</tbody>
</table>

NOTE: If the time absent falls between the designated times shown, always go back to the previous tenth of an hour. When determining overtime hours, always go to the next higher tenth of an hour.
### Timesheet

**Employee:**
- **EmpID:** HR MANAGER 1
- **Emp ID Nbr:** 0

**Job Title:** HR MANAGER 1

**Date:** 05/31/2009

**View By:** Week

**Reported Time From:** Schedule Information

**Reported Time:** 0.0 Hours

**Scheduled Hours:** 37.5 Hours

**Reported on or before:** 05/31/2009 is for a prior period.

**Scheduled Time:**

<table>
<thead>
<tr>
<th>Date</th>
<th>Mon</th>
<th>Tue</th>
<th>Wed</th>
<th>Thu</th>
<th>Fri</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>05/31/09</td>
<td>7.5</td>
<td>7.5</td>
<td>7.5</td>
<td>7.5</td>
<td>7.5</td>
<td>37.5 AAAA - Scheduled Hours</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Time Reporting Code:**
- HLHUMANRES HL000000200

**Comments:**

- [Submit](#)

---

**Reported Time Options:**
- [Hide](#)

---

**Data:**
- [Status](#)
- [Total](#)
- [Time Reporting Code](#)
- [Sched](#)
- [Comments](#)

- [0.00000](#)

**Go To:**
- Self Service
- Time Reporting
Request Leave

Leave Request Details

EmpID:

Emp ID:

Job Title:

Emp ID Nbr: 0

Fill in the following information and click Submit to initiate the leave request:

Leave Request Information:

Leave Date: (example: 10/30/2002)

Leave Hours: Leave Type

Comment:

Submit

Cancel and return to Leave Requests

Request Overtime

Overtime Request Details

EmpID:

Emp ID:

Job Title: HR MANAGER 1

Emp ID Nbr: 0

Fill in the following information and click Submit to initiate the overtime request:

Overtime Information:

Overtime Date: (example: 10/30/2002)

Overtime Hours:

Comment:

Submit

Cancel and return to Overtime Requests
FAIR LABOR STANDARDS ACT (FLSA)

The FLSA is a federal law relative to payment for working overtime. An employee’s FLSA code is indicated on the leave and attendance record in the Data Capture System.

FLSA codes are as follows:

“COMP” (a.k.a. Exempt) – These employees can only accrue compensatory time for overtime worked, at the regular rate. No cash, and no time and a half.

“CASH” (a.k.a. Non-Exempt) – These employees may accrue compensatory time or cash for overtime worked. If these employees “physically” work over 40 hours per workweek (Sunday through Saturday), they will be compensated at time and a half.

“NONE” (a.k.a. Executive Grade) – These employees cannot accrue either cash or compensatory time for overtime worked.

Additional information can be obtained from the Office of Human Resources at (615) 741-6350.

WORK SCHEDULES (REGULAR, RESCHEDULING AND FLEX TIME)

According to the Rules of the Tennessee Department of Personnel, the regular schedule for most employees is 8:00 a.m. to 4:30 p.m., Monday through Friday. Any agency may use irregular work schedules, and may vary its work and workdays at the discretion of the appointing authority or his/her designee.

“Flex Time” is an alternate work schedule which deviates from the normal 8:00 a.m. to 4:30 p.m. workday, but is still within general guidelines authorized in advance by an appointing authority or his/her designee. For example, the employee may come to work at 7:30 a.m. and leave at 4:00 p.m., or come in at 9:00 a.m. and leave at 5:30 p.m. Depending upon local conditions or nature of the work, management may allow these types of alternate work schedules.

A “Rescheduled Work Week” can also be used at the discretion of the appointing authority or his/her designee. This is when management may need to temporarily assign different work hours within the work week so an employee works his standard number of 37.5 hours during the period when the work is needed. For example, the employee may be needed to work Monday, Tuesday, and Wednesday for 10 hours each day, and 7.5 hours on Thursday. This would equal 37.5 hours, and therefore allow the employee to be off on Friday.

For additional information on this subject, contact your respective personnel officer, or the Office of Human Resources at (615) 741-6350.
LUNCH HOURS/BREAKS

Employees shall be allowed a one (1) hour meal period. The authorized meal period should be coordinated with your supervisor, must be taken during the work shift, and may not be used to alter arrival or departure time by not using the meal period.

Appointing authorities or agency heads, at their discretion, may allow their employees two (2) rest breaks during each work day. One break may be allowed in the morning and the other in the afternoon for a period not to exceed fifteen (15) minutes each. These rest breaks are a privilege and not a right and should be taken at times that do not interfere with service to the public. If an employee chooses not to take advantage of rest breaks, this time may not be accumulated and added to lunch periods or any type of leave.

A rest break may not be used to alter arrival or departure time or used in conjunction with the lunch hour.

See the following memorandum regarding lunch periods and rest breaks.
MEMORANDUM

TO: APPOINTING AUTHORITIES AND PERSONNEL OFFICERS
FROM: RANDY C. CAMP
DATE: APRIL 30, 2004
SUBJECT: LUNCH PERIOD AND REST BREAKS

It has come to our attention that some employees may be abusing the lunch period and rest breaks allowed for state employees.

The Rules of the Tennessee Department of Personnel, Chapter 1120-6-.07 state, “All employees, except those specifically excluded in T.C.A. 4-4-105, are allowed a one (1) hour unpaid lunch period.” In addition, Chapter 1120-6-.08 states, “Appointing authorities may allow employees two (2) fifteen minute (15) paid rest breaks during each workday.” The Department of Personnel's Attendance and Leave Manual provides specific information regarding lunch periods and rest breaks and may be viewed at www.state.tn.us/personnel/resources/attendance&leave.PDF.

Any misuse of state time is a serious issue and subjects an employee to disciplinary action. We all understand that on rare occasions a situation may arise when a person may be a little late returning from lunch or a break. When this occurs, the supervisor and employee should discuss the situation and ensure the appropriate amount of time is rescheduled or deducted from the employee's leave balance. When tardiness becomes a pattern or habit, and appropriate supervisory counseling has not affected a change in the employee's behavior, disciplinary action should begin.

We recognize that state employees are hardworking, dedicated public servants and that they take their responsibilities to the citizens of the State of Tennessee very seriously. However, a very few people who disregard the rules can tarnish the public's perception of all state employees. Therefore, it is incumbent on us all to ensure that our employees do not suffer because of the actions of a few. I would encourage you to ensure that all your employees understand the importance of this issue and adhere to the laws, policies and procedures that govern our behavior as employees of the State of Tennessee.
HOLIDAYS

The following holidays have been designated by the Governor's Office as legal holidays:

- New Year's Day
- Martin Luther King's Birthday
- Presidents' Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day*
- Veterans' Day
- Thanksgiving Day
- Christmas**

* In the past, employees have been given the opportunity to vote on whether or not they want to observe the Columbus Day holiday, or to substitute it for the day after Thanksgiving. However, the Governor's Office may make a decision on this in lieu of voting.

** Additional days may be granted by the Governor's Office for the Christmas holidays. These days are usually announced during September or October of each year.

To insure that an employee will be paid for the holiday, the employee must be in pay status the major portion of the day before the holiday.

INCLEMENT WEATHER

Absence due to inclement weather requires that employees make a personal decision pertaining to their safety in travel to and from work based on the route which they must take. Inclement weather does not warrant the closing of state offices.

Managers should encourage their employees to make a conscious decision about their ability to travel safely to and from work. Employees should be allowed to use compensatory or annual leave if they decide that travel is not safe.

The Governor may determine that weather conditions warrant the closing of some state offices. Should this occur, affected employees will be granted administrative leave for the time that their offices are closed by the Governor.
ANNUAL AND SICK LEAVE

As a full-time employee, annual and sick leave will be accrued when the employee has been in pay status for the major portion of the month. This does not always happen on the 16th of the month.

Sick leave is accrued at the rate of one day per month, with no maximum accrual. Employees will accrue annual leave at increasing rates with respect to their years of full-time service, with a set maximum accrual amount. Those rates are as indicated below:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Hours Per Month</th>
<th>Maximum Accrual</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-5 years</td>
<td>7.5 annual leave</td>
<td>225 hours</td>
</tr>
<tr>
<td>5-10 years</td>
<td>11.3 annual leave</td>
<td>270 hours</td>
</tr>
<tr>
<td>10-20 years</td>
<td>13.2 annual leave</td>
<td>292.5 hours</td>
</tr>
<tr>
<td>Over 20 years</td>
<td>15.0 annual leave</td>
<td>315 hours</td>
</tr>
</tbody>
</table>

Employees will be allowed to exceed their maximum accrual amount until the month of their hire date. After that time, any amount which they have in excess of their maximum accrual amount will be automatically transferred to their sick leave balance.

Any employee may request to use annual leave at any time by application to their supervisor. The request is subject to approval of the supervisor, who must plan the scheduling of work assignments and authorize absences only at such times as the employee can be spared.

Annual and sick leave may not be advanced, and may not be taken until earned, which occurs when the employee completes the major fraction of the month. An attendance and leave authorization form should be completed, submitted to the supervisor and approved by the supervisor prior to the date leave is to be taken.

Leave for unexpected illness or other extenuating situations may be approved verbally by the supervisor or designee. The first day an employee returns from leave, a leave request form must be completed by the employee and the form must then be signed by the supervisor.

Sick leave may be granted an employee for the following reasons:

A. Personal illness
B. Disability due to accident
C. Exposure to a contagious disease
D. Sickness due to pregnancy (see Maternity Leave)
E. Adoption (up to 30 days if the child is one year old or less) (see Adoptive Leave)
F. Medical and dental appointments
G. Medical care, illness or death of one of the following members of the family:
   - Spouse
   - Children
- Parents
- Others, who at the discretion of the appointing authority, have a relationship which merits similar consideration

H. Death of one of the following relatives:
- Siblings
- Sisters-in law
- Grandparents
- Brothers-in-law
- Grandchildren
- Foster parents
- Parents-in-law
- Foster brothers and sisters
- Daughters-in-law
- Step parents
- Sons-in-law
- Step children

In (A) through (D) of this section, sick leave cannot be denied to any employee who presents a statement from a doctor certifying that the employee's health requires him to be absent from work. In (E) of this section, sick leave cannot be denied to any employee who presents a statement from the adoption agency indicating the required bonding period. In (F) of this section, the period of sick leave approved should be limited to the amount of time necessary for such appointment. In (G) and (H) of this section, refer to Bereavement Leave for additional information regarding limits of sick leave use for deaths in the family.

Any questions regarding leave and attendance should be directed to your respective personnel officer, or the Office of Human Resources at (615) 741-6350. You may also visit www.tennessee.gov/dohr/.
OVER TIME AND COMPENSATORY TIME

Overtime is approved time worked in excess of the employee's normal work week schedule for which extra compensation is authorized. Depending on the number of hours actually worked in the work week and the type of work the employee performs, overtime compensation may be in the form of cash at the employee's regular rate of pay, cash at the employee's premium rate of pay (one and one-half times the regular rate) or in equivalent time off (compensatory time).

Compensatory time is time off with pay earned by an exempt, non-executive level employee (or by a non-exempt employee whose overtime is not compensated in cash) for time actually worked in excess of their regular 37.5 hour weekly schedule. Overtime claimed as compensatory time must have been worked at the request of the employee's supervisor. Compensatory time is accrued on a weekly basis, is not transferable to any type of leave, and cannot be used before it is earned.

For more specific details regarding this subject, contact your respective personnel officer, or the Office of Human Resources at (615) 741-6350, or visit www.tennessee.gov/dohr/. See also, the following memorandum regarding "Clarification of Policy for Scheduling Compensatory Leave".
MEMORANDUM

TO: PERSONNEL OFFICERS

FROM: RANDY C. CAMP, COMMISSIONER
DEPARTMENT OF PERSONNEL

DATE: MAY 11, 2005

SUBJECT: CLARIFICATION OF POLICY FOR SCHEDULING COMPENSATORY LEAVE

I have been asked to clarify the policy for scheduling employees to use compensatory leave as a method for reducing compensatory leave balances. Specifically, I am clarifying the issue as it relates to employees who are within two days of their maximum annual leave accrual rate. The current Department of Personnel policy for scheduling employees to use compensatory leave reads as follows:

"Supervisors can schedule employees to use compensatory leave in order to reduce employees' compensatory balances. Before the compensatory leave is scheduled, the agency must have a written policy or handbook detailing situations when this will occur and the policy or handbook must be available to employees for review before the policy can be implemented. This requirement only applies to premium compensatory time earned by non-exempt employees in lieu of cash payment. This requirement does not apply to holiday compensatory time or regular compensatory time. Supervisors cannot schedule employees to use compensatory leave if employees are within two days of the maximum accrual rate for their service group codes."

I have determined that supervisors can schedule employees to use compensatory leave if the employees are within two days of the maximum accrual rate for their service group code. However, they cannot require employees to actually use compensatory leave during the leave period. If supervisors schedule compensatory leave for employees who are within two days of their maximum annual leave accrual rate, employees have the option to take the time off as annual leave instead based on T.C.A. 8-50-801, which states the following:

"An eligible employee who is compensated for overtime work by receiving compensatory time instead of overtime pay shall be entitled, at any time during the year, to use annual time before having to use compensatory time when the employee has accumulated annual time within two (2) days of the maximum annual time the employee is allowed to accumulate in such employee's service group code."
Personnel Officers

Please keep in mind that the check to determine whether employees are within two days of their maximum annual leave accrual rate is done at the beginning of each pay period. Affected employees would be allowed to choose annual leave instead of compensatory leave for the entire pay period. A review should be made at the beginning of each pay period to determine if employees continue to be within two days of their maximum annual leave accrual rate. Employees scheduled to use compensatory leave who are not within two days of the maximum annual leave accrual rate at the beginning of the pay period do not have an option and must use compensatory leave during the leave period.

If you have any questions about this process, please contact Sheila Marchman, Director of Technical Services at 741-2087.

RCC:PP
FAMILY AND MEDICAL LEAVE/MILITARY FAMILY LEAVE

Employees are eligible for up to twelve (12) weeks of job-protected leave for certain family and medical reasons each year.

The employee must have twelve (12) months of service (which do not have to be consecutive) and have worked at least 1,250 hours during the year preceding the start of the leave.

Family and Medical Leave must be granted to an employee requesting leave for any of the following reasons:

A. The birth of a son or daughter and to care for the newborn child;
B. The adoptive or foster care placement of a son or daughter with the employee;
C. To care for the employee’s spouse, son, daughter, or parent with a serious health condition;
D. The employee has a serious health condition resulting in his or her inability to perform one or more essential job functions.

The right to take Family and Medical Leave applies equally to male and female employees.

When an employee is on leave fifteen (15) consecutive work days, for a qualifying reason, Family and Medical Leave is designated by the employer on the 16th day.

Employees who are approved for paid or unpaid Family and Medical Leave are still required to pay their 20% insurance premium and any other voluntary deductions that are normally deducted from their paycheck.

Specific questions regarding this federal legislation should be directed to your respective personnel officer, or the Office of Human Resources at (615)741-6350. You may also visit www.tennessee.gov/dohr/ or www.dol.gov.

BEREAVEMENT LEAVE

State employees are provided three (3) days paid leave in the event of the death of a spouse, child, parent, step-parent, step-child, sibling, foster parent or parent-in-law, grandchildren and grandparents.

Employees may also elect to use sick or annual leave for two (2) additional days which would complete the total number of days of leave provided for in the Attendance and Leave Policy and Procedures of the Department of Personnel for the death of a family member. The additional sick or annual leave requested must be approved by the employee’s direct supervisor.

Annual leave may be taken in the event of the death of any other family member not listed above.
Contact your respective personnel officer, or the Office of Human Resources at (615) 741-6350 for further information, or visit www.tennessee.gov/dohr/.

MATERNITY LEAVE/PATERNITY LEAVE

Any female employee who has been employed in State service for at least twelve (12) consecutive months as a full-time employee may be absent from employment for a period not to exceed four (4) months for pregnancy, childbirth, and nursing the infant. The four month period shall include leave required before and after the birth of a child.

Any female employee who has less than one (1) year of service may be granted maternity leave for a period not to exceed thirty (30) days following the birth of a child. Any additional time off must be approved by the supervisor and appointing authority.

Any male employee will be granted up to thirty (30) days of sick leave as paternity leave following the birth of a child.

An employee should give at least three months advance notice of the anticipated date of departure for maternity leave, the length of the leave, and their intent to return to full-time employment after the leave. If these procedures are followed, the employee will be restored to the previous or a similar position with the same status, pay, length of service credit, and seniority as of the date of leave.

If an employee does not have sufficient sick and/or annual leave for the duration of the absence, leave without pay may be requested.

For additional information, contact your respective personnel officer, or the Office of Human Resources at (615) 741-6350. You may also visit www.tennessee.gov/dohr/. (See also, Family and Medical Leave)

ADOPTIVE LEAVE

Special leave without pay shall be granted for a period up to thirty (30) consecutive working days to adoptive parents upon written request to the appointing authority, accompanied by a statement from the adoption agency indicating the required bonding period.

Employees may use sick leave for all or a portion of that thirty (30) days, not to exceed the employees' leave balance if the child is one year old or younger, provided however, in the event both parents are State employees, the aggregate of sick leave used shall be limited to thirty (30) days. Compensatory and annual leave may also be used. Additional special leave may be granted at the discretion of the appointing authority up to the remaining bonding period required by the adoption agency but not to exceed one (1) year. Compensatory or annual leave but not sick leave may also be used; provided however, that in the event the adoption process is not
completed, the approval of leave shall be rescinded. The provisions of this rule shall not apply in cases of stepchild or adult adoption.

For additional information regarding adoptive leave, contact your respective personnel officer, the Office of Human Resources at (615) 741-6350, or visit [www.tennessee.gov/dohr/](http://www.tennessee.gov/dohr/).

**SPECIAL LEAVE WITHOUT PAY**

Special leave is leave without pay that is greater than the major portion of one month. Special leave without pay may be granted to an employee at the discretion and upon recommendation of the appointing authority. Special leave must be requested in writing and be approved in advance by the appointing authority, where practical. If a request cannot be submitted and approved, the employee must receive verbal approval. Upon returning to work, the employee must submit a written request explaining the nature of the absence and provide, if requested, a physician's statement. This approval will be submitted to the Commissioner of the Department of Personnel by the Office of Human Resources as a matter of record. Leave without pay which constitutes a period of less than the major fraction of a month, may be delegated by the appointing authority to the immediate supervisor and requires no special notification to the Commissioner of the Department of Personnel. However, if the special leave is intermittent and constitutes the major portion of a month, a memorandum of explanation must be submitted to the Commissioner of the Department of Personnel by the Office of Human Resources.

For additional information regarding special leave without pay, contact your respective personnel officer, the Office of Human Resources at (615) 741-6350, or visit [www.tennessee.gov/dohr/](http://www.tennessee.gov/dohr/).

**DIVISION OF CLAIMS ADMINISTRATION LEAVE**

Employees injured in the line of duty have the option of being placed immediately on leave without pay and upon approval drawing lost time compensation through the Division of Claims Administration, or using sick and/or annual leave and then drawing lost time compensation.

To be eligible for lost time compensation from the Division of Claims Administration, an employee must be in a without pay status due to injury or job related illness for more than seven (7) calendar days. If the employee is unable to work after more than fourteen (14) calendar days, lost time compensation from the Division of Claims Administration will be paid effective from the first day the employee is in a without pay status following the injury. Information regarding workers compensation can be found under the “Employee Benefits” section of this handbook.

For additional information regarding this type of leave, contact your respective personnel officer, the Office of Human Resources at (615) 741-6350, or visit [www.tennessee.gov/dohr/](http://www.tennessee.gov/dohr/), or [www.treasury.state.tn.us/wc/](http://www.treasury.state.tn.us/wc/).
SICK LEAVE BANK

The sick leave bank has been established in order to provide emergency sick leave to member employees who have suffered disability due to an unplanned illness, injury, or quarantine and who have exhausted their personal sick, compensatory, and annual leave balances.

Currently, in order to become a member of the sick leave bank, an employee must have been employed by state government for twelve (12) full months immediately preceding application for membership, and have a sick leave balance of at least six (6) days at the time of application.

The initial donation to the sick leave bank at this time is four (4) days. Donation to the bank is non-refundable and non-transferable. Members of the bank may be assessed additional days if the number of days in the bank appears to be insufficient, as determined by the Department of Personnel.

The maximum number of days an employee is allowed to receive from the sick leave bank for any one condition is 90 work days. Once those 90 days are exhausted, an employee may be eligible to receive up to an additional 90 days as donated time from other state employees.

An annual enrollment is held in the fall of each year for those employees who wish to join the sick leave bank. For additional information regarding the sick leave bank, contact your respective personnel officer, the Office of Human Resources at (615) 741-6350, or visit www.tennessee.gov/dohr/sickleave/.

MILITARY LEAVE

A leave of absence with pay, not to exceed fifteen (15) regularly scheduled work days per calendar year, will be granted to all employees who are members of the reserve components of the Armed Forces of the United States, including members of the Tennessee National Guard, for all periods during which they are engaged in the performance of duties or training activities in the service of the State or the Federal Government while under orders. Military leave with pay will also be granted for regularly scheduled monthly training for reservists or national guardsmen. Holidays and scheduled off duty days do not count toward the fifteen (15) workdays allowed.

Military leave without pay shall be granted to eligible employees for periods of active duty or training activity with the armed forces of the United States, its Reserve Components, or the Tennessee National Guard. Military leave without pay shall also be granted to employees entering the regular components of the Armed Forces of the United States.

Recent Executive Orders regarding military leave have been issued by Governor Bredesen. For more detailed information regarding military leave with or without pay, you may contact your respective personnel officer, the Office of Human Resources at (615) 741-6350, or visit www.tennessee.gov/dohr/. Please see the following memorandum on this subject.
MEMORANDUM

TO: PERSONNEL OFFICERS

FROM: RANDY C. CAMP, COMMISSIONER
DEPARTMENT OF PERSONNEL

DATE: JUNE 20, 2005

SUBJECT: MILITARY LEAVE

I am sending this memorandum as a reminder of the appropriate application of the military leave policy. The Department of Personnel Policies and Procedures for military leave are based on T.C.A. 8-33-109, which states the following:

"All officers and employees of this state ...who are...members of any reserve component of the armed forces of the United States, including members of the Tennessee army and air national guard, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave or vacation, impairment of efficiency rating, or any other rights or benefits to which otherwise entitled, for all periods of military service during which they are engaged in the performance of duty or training in service of this state, or of the United States, under competent orders; provided, that an officer or employee while on such leave shall be paid salary or compensation for a period, or periods, not exceeding fifteen (15) working days in any one (1) calendar year, plus such additional days as may result from any call to active state duty pursuant to T.C.A. 58-1-106. The military leave herein provided shall be unaffected by date of employment or length of service and shall have no effect on the other leaves provided by law, regulation, policy, or practice. After fifteen (15) working days of full compensation, any public employer may provide partial compensation to its employees while under competent orders."

("TCA 58-1-106 provides authority for the governor to order the national guard or the Tennessee state guard into active service in situations deemed necessary, for example during a riot, insurrection, disaster, attack or other grave emergency.)

Employees must be under orders in order to be eligible for military leave. Employees requesting military leave must submit their orders to their supervisors prior to going on military leave. Please ensure that you have documentation of the orders for each affected employee.

If you have any questions regarding this information, please contact Sheila Marchman, Director of Technical Services at 741-2087.

RCC:SM
CIVIL LEAVE

Civil leave may be used by any State employee who is subpoenaed or otherwise directed to serve as a juror in any court of the United States or the State of Tennessee. Any employee (including part-time) scheduled to work on the day they are called for jury duty is eligible for civil leave. If the employee is not scheduled to work on that day, then they are not eligible for civil leave. Civil leave will be granted for any day or days an employee is required, by summons, to report for jury duty, provided such responsibility for jury duty exceeds three (3) hours during the day for which the excuse is sought. If the employee serves less than three (3) hours per day, the time served will be coded as civil leave and the employee must return to work or use compensatory or annual leave for the remaining work hours. Civil leave includes the time required to travel to and from jury duty.

For more specific information regarding civil leave or jury duty, you may contact your respective personnel officer, the Office of Human Resources at (615) 741-6350, or visit www.tennessee.gov/dohr/.
PARTICIPATION IN STATE EXAMINATIONS AND INTERVIEWS

An employee may be granted an excused absence for a reasonable period of time to participate in career service and other examinations administered by the State of Tennessee for State employment but will not be granted an excused absence to participate in federal or other civil service examinations. An employee may also be granted excused absences to be interviewed for other State positions at the request of a responsible official of the interviewing agency. Absences for these reasons should be coded as "administrative leave with pay" on the employee's attendance and leave record.

For additional information regarding this subject, contact your respective personnel officer, the Office of Human Resources at (615) 741-6350, or visit www.tennessee.gov/dohr/.

ELECTIONS - TIME ALLOWANCE FOR VOTING

Any person entitled to vote in an election held in this state may be absent from any service or employment on the day of the election for a reasonable period of time, not to exceed three (3) hours, necessary to vote during the time polls are open in the county where he is a resident. A voter absent from work to vote in compliance with this section will not be subjected to any penalty or reduction in base pay for his absence. If the work schedule of an employee begins three (3) or more hours after the opening of the polls or ends three (3) or more hours before the closing of polls in the county where they are a resident, they may not take time off under this section. The supervisor may designate the period of time for which the employee may be absent. Absences for this reason should be coded as "administrative leave with pay" on the employee's attendance and leave record. The request for such absence shall be made to the supervisor before twelve (12) noon of the day before the election.

For additional details regarding this subject, contact your respective personnel officer, the Office of Human Resources at (615) 741-6350, or visit www.tennessee.gov/dohr/.
Employee Benefits
STATE EMPLOYEE IDENTIFICATION CARD

All new state employees are issued a computer-generated state employee identification card. These cards are usually issued a few weeks after initially reporting to work. I. D. cards are distributed through the Office of Human Resources by way of the bureau or division office.

Employees who are transferring into this department from another agency should contact their direct supervisor or personnel officer and request that a new identification card be prepared for them. These are not automatically computer-generated.

This card allows employees to qualify for state rates at participating hotels when traveling, visiting the employee health clinic and riding the shuttle from the downtown Nashville parking areas without charge. For a list of participating hotels, visit website www.intranet.state.tn.us/finance/.
BUILDING IDENTIFICATION CARDS AND SECURITY

A building identification card will be issued to each State employee. This card is a photo ID and must be worn at all times to access and occupy State offices. Proper identification of all employees and any visitor may be required at any time by the Department of General Services and/or security personnel.

To enhance security and public safety, security officers may examine packages and briefcases suspected of concealing stolen items or contraband. They may also inspect items being brought into any State building if the items are suspected of being capable of destructive or disruptive use within the building. For additional information contact your personnel officer or the Office of Human Resources.

TENNESSEE CONSOLIDATED RETIREMENT SYSTEM (TCRS)

The TCRS is a trust established by the General Assembly of the State of Tennessee for the purpose of administering a retirement program for public employees. Membership is mandatory.

Effective July 1, 1981, the retirement system became non-contributory for certain state employees. The state assumes employee contributions to the retirement system of up to five percent of an employee’s earnable compensation.

A vested member is one who has accrued enough years of service to guarantee a retirement benefit once age and/or service requirements are met. A member attains vesting rights after completing five years of service. Vested members who terminate employment prior to retirement or death may retain membership and be entitled to benefits upon attaining retirement age.

Employees who have prior service with the State may contact the Retirement Division of the Department of Treasury at (615) 741-1971 in order to obtain information about reinstating their prior service. In addition, their web address is www.treasury.state.tn.us/tdcrs/.

PRIOR SERVICE

Employees who have previously worked for state government must request that their prior service be reinstated in order to receive credit towards service and longevity.

Once proof of prior service has been received by the Office of Human Resources, it will then be sent to the Department of Personnel for approval. Longevity amounts will be corrected and paid accordingly once approval has been received. Sick leave can be restored as applicable.

Contact your respective personnel officer, or the Transactions Section of the Office of Human Resources at (615) 741-6350 in order to request the reinstatement.
LONGEVITY PAY

Longevity pay is a bonus amount given to employees for every year of service with the State. Employees will receive their longevity bonus once they have completed their third complete year of service, and each completed year thereafter.

Currently, the longevity bonus is paid at a rate of $100 for each year of service. This bonus increases with every additional year of service up to the maximum number of years as established by the Legislature. The maximum number of years is currently set at 30.

Contact your respective personnel officer, or the Transactions Section of the Office of Human Resources at (615) 741-6350 for additional information.

DEFERRED COMPENSATION (401K and 457 Plans)

Employees may elect to participate in a deferred compensation plan which is available to all state employees. Contributions are made through payroll deductions.

Information regarding the deferred compensation plan is included in the new employee packet, and may also be obtained by calling (615) 244-1030. You may also visit www.treasury.state.tn.us/dc/.

SOUTHEAST FINANCIAL FEDERAL CREDIT UNION (SFFCU)

Available as a service to all employees, Southeast Financial Federal Credit Union has five branches in the Nashville area, and additional branches located in Chattanooga, Knoxville, Memphis, and Jackson.

As an employee, you are eligible to join the Credit Union and enjoy all of the benefits of membership. In addition to Share (savings), and Share Draft (checking) accounts, SFFCU members can apply for loans on new and used automobiles, trucks, vans, motorcycles, and watercraft. The Credit Union also offers first and second mortgages, home equity loans and lines of credit, personal loans, and credit cards. Southeast Financial can help with Share Certificate Accounts, Money Market Accounts, and IRAs.

A small minimum balance is required to remain in your Membership Share account at all times. Once you have opened your account with the Credit Union, complete a payroll deduction card to begin depositing funds into your account. Additional information regarding the Credit Union is available in the new employee packet, or by contacting the main branch of the Credit Union, located at 444 James Robertson Parkway in downtown Nashville, Tennessee. To speak with a Member Services Representative, call (615) 743-3700, or toll-free 1-800-521-9653. To access information about Southeast Financial on the web, visit www.southeastfinancial.org.
SAVINGS BONDS

United States savings bonds may be purchased through the State. The minimum bond which may be purchased is $100 and may be purchased through payroll deductions. The cost of the bond is deducted from the paycheck which is received on the 15th day of the month.

Employees may enroll in the savings bond program at any time during the year.

A brochure which further explains the program and an enrollment form are provided in the new employee packet. For information regarding savings bonds deductions, contact your respective personnel officer, or the Office of Human Resources at (615) 741-6350.

STATE EMPLOYEES’ CHARITY FUND

Each year, employees are given an opportunity to participate in supporting worthy charitable efforts within the community.

The charity fund is sponsored by several charitable organizations statewide. Employees may specify which organization they wish to receive their donation.

The charity fund drive is held in the fall of each year, and is the only charity drive conducted by state government. Employees can make a one-time contribution, or elect to have twelve (12) equal monthly payroll deductions. Participation in the charity fund drive is strictly voluntary.
INSURANCE BENEFITS

There are several insurance benefits which are available to state employees. Among those are medical, optional term life insurance, optional universal life insurance, optional special accident life insurance, optional dental program, and long term care insurance.

In order to enroll in any of the insurance programs, employees must complete the necessary forms included in their new employee packet and return them to the bureau’s liaison or personnel officer. The election of coverage must be made within the first full calendar month of employment.

The effective date of medical and basic life insurance coverage, optional special accident, and dental insurance is the first day of the month following one complete calendar month of service.

Optional term life and optional universal life insurance are available for those employees who desire additional life insurance. The effective date of both of these plans will be after the employee has worked for three complete calendar months.

Long Term Care insurance information can be obtained by calling 1-866-615-5824.

Employees DO NOT have to enroll in the state’s medical program in order to apply for the optional dental program, either of the optional life insurance programs, or the long term care insurance.

If election of coverage is not made within the first full calendar month of employment, employees will not be eligible for medical coverage unless they meet one of the special enrollment provisions. Documentation will be required for all qualifying events. Those events are, death of spouse, divorce or legal separation, termination of spouse’s employment, acquiring a new dependent (spouse, newborn or adoptee), loss of eligibility due to reduced work hours, or elimination of employer contributions. If changes in Family Status occur, it is the employee’s responsibility to notify the department’s insurance preparer in case adjustments or additions to coverage are needed.

Insurance premiums are deducted from the paycheck which is received at the end of the month, and are applied to the upcoming month’s coverage.

In the fall of each year, an Annual Enrollment/Transfer Period is held from October 15 through November 15. This is the only time of year when participants can make changes in their insurance coverage. Changes in coverage will become effective on the following January 1 and participants must remain enrolled in their selected healthcare option until the next year. There are limited exceptions. During the Annual Enrollment/Transfer Period, employees can:

- Transfer health coverage;
- Add, cancel or transfer dental options, if available;
- Increase optional term or universal life insurance coverage, if eligible;
- Enroll in or decrease optional term or universal life coverage, if eligible;
Enroll in optional special accident coverage, if eligible.

The state does not have an open enrollment period for health insurance.

Your new employee packet will have enrollment and cost information on all plans. Handbooks on all plans may be obtained from your orientation representative. For further information regarding any of the plans available, you may contact your bureau's insurance liaison, the department's insurance preparer in the Office of Human Resources at (615) 741-6350, or visit www.state.tn.us/finance/ins/.
FLEXIBLE BENEFITS

The flexible benefits plan is an Internal Revenue Service Code Section 125 sanctioned plan whereby the IRS allows certain benefits to be purchased through the plan on a tax-free basis. This plan also allows employees to re-direct a portion of their salary to the plan before it is taxed to pay for benefits with tax-free dollars.

The benefits which may be purchased under this plan are out-of-pocket medical expenses and dependent daycare accounts. GROUP MEDICAL INSURANCE PREMIUMS AND DENTAL INSURANCE PREMIUMS ARE AUTOMATICALLY CONVERTED TO TAX-FREE DOLLARS UNDER THIS PLAN, UNLESS AN EMPLOYEE SPECIFICALLY SIGNS A WAIVER OF NON-PARTICIPATION.

In the fall of each year, an Annual Enrollment Period is held for this program.

The flexible benefits program is administered by the Department of Treasury for the State of Tennessee. Questions regarding this program should be directed to this agency at (615) 741-3131.

Additional information regarding this plan is included in the new employee packet, or may be obtained from the Office of Human Resources at (615) 741-6350. You may also visit www.treasury.state.tn.us/flex.

ON-THE-JOB INJURIES (WORKERS' COMPENSATION)

When an injury occurs during the scope of employment and it is life-threatening, go to the nearest medical facility for immediate assistance. If the injury is not life-threatening, report it to your supervisor (or co-worker, if supervisor not available). In addition, the injury MUST be reported to the Workers' Compensation Administrator by calling 1-866-245-8588. The provider of medical services must be a participant in the Workers' Compensation network in order for expenses to be considered for payment.

The Division of Claims Administration in the Department of Treasury is authorized to pay and compensate state employees for loss of wages if injuries occur while on the job. However, certain criteria must be met before these benefits are available. Approved claims will be paid in the amount allowable under the provisions of the Workers' Compensation Law of Tennessee. (See also, Division of Claims Administration Leave)

Additional information regarding workers' compensation may be obtained by contacting either the Division of Claims Administration at (615) 741-2734, or the Office of Human Resources at (615) 741-6350. You may also visit www.treasury.state.tn.us/wc/.
EMPLOYEE ASSISTANCE PROGRAM (EAP)

The State of Tennessee offers an Employee Assistance Program for its employees and their dependents. This service is available 24 hours a day, seven (7) days a week and is contracted through Magellan Health Services. The toll-free number is 1-800-308-4934.

The EAP program can assist employees encountering problems that affect their work, such as marital and emotional problems, job stress, financial problems, legal and financial referrals, etc.

Each employee and dependent can receive six (6) free counseling sessions with the EAP counselor. These sessions are FREE of charge to all employees and their immediate family members. The counseling services offered are voluntary and are strictly confidential.

Employees may be referred to the EAP by their supervisor if they are experiencing problems which may be affecting their work. However, the only information which will be provided to a supervisor regarding a session is verification that the employee did attend the session.

There are currently two (2) newsletters distributed by e-mail from the EAP. The Frontline Supervisor, is a monthly newsnote, which focuses on supervisor problems and using the EAP as an effective, pro-people management tool. It is distributed to supervisors and managers. rEAP the Benefits is a monthly newsletter available to all employees by e-mail and provides valuable tips on communication, relationships, stress management, and other topics that help promote a good work environment.

Additional information regarding this service may be obtained by contacting the EAP coordinator at (615)-741-3590, or by referring to the brochure which is included in the new employee packet. You may also visit www.magellanhealth.com.

WELLNESS PROGRAM

The State of Tennessee offers a wellness screening program for its employees.

All state employees will be provided with the opportunity for a free health screening to be held at designated times. The times and locations will be announced when screenings become available in particular geographic locations across the state.

Employees will be provided with an analysis of their current health lifestyle and suggestions on how to improve certain areas of their lifestyles. Employees will also be given information regarding their current cholesterol and triglyceride levels, as well as information regarding their height, weight, body frame, etc.

Contact the Division of Insurance Administration at (615) 741-3590 for further information.
EMPLOYEES’ HEALTH CLINIC (NASHVILLE)

The Employees’ Health Clinic offers routine services for treatment of minor illnesses, blood pressure checks, allergy injections, and injuries that occur on the job. The clinic is open daily from 8:00 a.m. until 4:30 p.m. by appointment only.

An appointment is necessary in order to utilize all services of the health clinic. However, it is usually possible to see a nurse on the same day you call for an appointment.

You must present your state identification card when using the services of the clinic.

The clinic is located at 421 5th Avenue North, Second Floor, Central Services Building.

Contact (615) 741-1709 in order to schedule an appointment.

EMPLOYEE SUGGESTION AWARD PROGRAM

The General Assembly established the Employee Suggestion Award Program to provide cash or honorary awards to state employees who have new, original, or innovative suggestions for improvement of the operation of state government.

Under the provisions of the program, an employee is eligible to receive 10 percent of the first year’s estimated savings or $10,000, whichever is less. Suggestions which have a first year’s estimated savings of less than $250 will be awarded $25.

Suggestions which result in improvements in operations, but do not save money, are also eligible for cash awards. An employee may make suggestions for other departments in state government as well as for the one in which they work.

To obtain forms or other information regarding this program, contact the Employee Suggestion Coordinator in the Office of Human Resources at (615) 741-6350.

BLOOD DRIVE

State employees are given the opportunity four times a year to donate blood to the American Red Cross. Employees will be notified of the dates and locations.

Employees will be granted “administrative leave with pay” sufficient for the time needed to donate blood.
TENNESSEE PUBLIC HEALTH ASSOCIATION (TPHA)

Departmental employees may join the Tennessee Public Health Association, which is an organization consisting of health professionals from all 95 counties in the state. A small membership fee is charged for joining the TPHA.

Information regarding this association is included in the new employee packet. Contact (615) 646-3805 for additional information.

You are encouraged to visit the Department of Health’s website at http://intranet.health.nash.tenn for information on many important topics and initiatives.
Training and Education
TRAINING OPPORTUNITIES

The Department of Personnel offers many in-service training courses for managerial, supervisory, clerical and professional/technical employees. All courses are subject to approval by the supervisor and the appropriate bureau office. Most courses are offered in the cities of Nashville, Chattanooga, Knoxville, Memphis, Jackson, and Johnson City.

These training courses are announced monthly. Notification of the courses is sent to each bureau office. These courses may be requested by completing an in-service training nomination form. This must be done through your supervisor and with bureau approval. Your bureau office will then submit a request to the Office of Human Resources for approval and processing. The employee’s divisional personnel officer will be notified of approval or denial.

Out-service training is any training which is offered by a vendor outside of state government. It is subject to supervisory, departmental, and Department of Personnel approval.

Computer training is available through the Department of Finance and Administration. Contact your supervisor or divisional personnel officer for information regarding these classes.

Additional questions regarding training should be referred to the Training Section of the Office of Human Resources at (615) 741-6350 or the Department of Personnel website at www.tennessee.gov/dohr.

PUBLIC HIGHER EDUCATION FEE WAIVER FOR EMPLOYEES

The General Assembly passed legislation that allows state employees to enroll in one undergraduate or graduate credit course per term at a Tennessee State supported college, university, certificate or diploma credit course at the technology centers or any course offered by the Tennessee Foreign Language Institute at no cost to the employee.

This is available only on a space-available basis, and the employee must have at least six (6) months consecutive service prior to qualifying for this waiver. This fee waiver is applicable only at institutions operated by the University of Tennessee or the Tennessee Board of Regents.

You can request the appropriate form from your Personnel Officer or contact the individual educational institution to obtain the form. You may also print one from the website. Each bureau/office is responsible for the certification of this form.

For more information visit these websites:
www.state.tn.us/thee (Click on Legal and Regulatory Affairs)
www.foreignlanguages.org/classes.html

For further information regarding this subject, contact the Training Section of the Office of Human Resources at (615) 741-6350.

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PUBLIC HIGHER EDUCATION DISCOUNTS FOR DEPENDENT CHILDREN OF STATE EMPLOYEES

This legislation enables children under the age of 24 whose parent is employed as a full-time employee of the State of Tennessee to receive a 25 percent discount on tuition at any institution operated by the University of Tennessee or the Tennessee Board of Regents. Fee discounts are only available for courses classified as undergraduate as defined by the institution.

Children are also eligible for the waiver if a parent was a full-time employee at the time of their death or if the parent retired after a minimum of twenty-five (25) years of full-time creditable service, although he or she may be deceased at the time the child seeks the benefit.

Contact the individual college or university to obtain the appropriate form or print one from the website. Each bureau/office is responsible for the certification of this form.

You can request the appropriate form from your Personnel Office or contact the individual educational institution to obtain the form. You may also print one from the website. Each bureau/office is responsible for certification of this form.

For complete rules and regulations regarding this program, visit the website www.state.tn.us/thec (Click on Legal and Regulatory Affairs).

For further information regarding this subject, contact the Training Section of the Office of Human Resources at (615) 741-6350.

TRAVEL RULES AND REGULATIONS

It is the responsibility of the employee to be familiar with and adhere to established state travel policies and procedures. Deliberate disregard of these regulations while traveling on state business or filing of an intentionally misleading or fraudulent travel claim are grounds for disciplinary action including termination of employment.

Employees shall be reimbursed for expenses subject to the limitations provided in the Tennessee Comprehensive Travel Rules and Regulations and the accompanying Travel Reimbursement Rate Schedule.

Please visit The Department of Finance and Administration’s website to view Travel Regulation and other related topics. www.intranet.state.tn.us/finance/

Employees should contact their respective personnel office for information regarding bureau policies/procedures as it relates to the processing of travel or training requests. The Office of Human Resources can be contacted at (615) 741-6350. For further information regarding the state policy on in-state travel, please contact Central Procurement and Payments at (615) 741-1091.
CORPORATE CHARGE CARD

Employees who routinely travel on state business and meet the eligibility requirements should apply for a corporate charge card through the department's fiscal office. Charges made on this card are the liability of the employee. The employee's supervisor must send a memo justifying and approving the request along with the application for the card. Refer to the Department of Finance and Administration's website for more details. www.intranet.state.tn.us/finance/

BACCALAUREATE EDUCATION SYSTEM TRUST (B.E.S.T.)

The B.E.S.T. program is a prepaid college tuition plan that provides the opportunity to prepay for college tuition by purchasing tuition units now to be used at a later date. By allowing families to pay for future tuition at today's price, the plan's goal is to help ease families' concerns about paying for their children's college education. This contemporary plan for meeting future tuition costs has a variety of payment options to accommodate most family budgets and is designed so people from all income levels can participate. Payments can be arranged through payroll deductions. The units that are purchased may be used at any institution of higher learning in the nation.

For more information or details you may visit www.treasury.state.tn.us/best/complete.html, or contact a B.E.S.T. Customer Service Representative at 1-888-486-BEST, or (615) 532-8056 in Nashville.
Work Performance and Conduct
**PROBATIONARY PERIOD**

Every person appointed to a career service position with Tennessee State Government must successfully complete an initial probationary period of at least six months before obtaining permanent status in that position. This initial probationary period is the first part of the employment process and is customary employment practice.

During your probationary period, your supervisor will help you become familiar with your duties and responsibilities. Your attitude toward your work, your efficiency, the quality of your work, and willingness to accept responsibility will be observed. The probationary period will enable your supervisor to determine your ability to do your job. It also lets you decide whether you wish to continue in the service of the department.

The initial probationary period is no less than six months and may be for a period of one or two years if you are appointed to the trainee level of a flexibly staffed position. After successful completion of the probationary period, you will be recommended for a permanent appointment to your position. If at any time during the initial probationary period it is determined that an employee's conduct or performance does not merit further observation, the supervisor may recommend that the employee be terminated. An employee does not have appeal rights if terminated during the initial probationary period.

If you are promoted to a higher level position in your department, you must successfully complete a subsequent probationary period before obtaining permanent status in the new position. If you are promoted or you voluntarily transfer to a position in another agency or department, you must complete a new initial probationary period. The length of this probationary period is also no less than six months.

**PERFORMANCE EVALUATION**

A formal written evaluation of the performance of major job duties and responsibilities for all career service employees will be conducted at the end of probationary periods and on an annual basis thereafter.

The performance evaluation process will be carried out as follows:

**Step I – Job Performance Plan**

During an initial discussion, your supervisor will explain and clarify the evaluation process, the major responsibilities for which your performance will be assessed, and a description of the performance necessary to achieve a high rating.

**Step II – Interim Reviews**

Periodic (Interim) reviews of job performance will be conducted to provide constructive feedback, discuss means of enhancing performance, and if appropriate, to discuss
consequences of marginal or unsatisfactory performance. A minimum of one (1) interim is required during each twelve (12) month evaluation cycle.

Step III – Formal Evaluation

A formal written assessment of your performance will be completed and placed into your personnel file. You will have the opportunity to agree or disagree and comment on the evaluation.

The purpose of performance evaluation is to promote employee development, enhance employee productivity, serve as a basis for sound personnel decisions, and provide a permanent record of the major duties and responsibilities for employees in the state service.

Formal Performance Evaluations are reviewed by a reviewer (your supervisor’s supervisor) to assure completeness and accuracy of the rating being given.

Questions regarding the Performance Review process may be directed to your supervisor or the reviewer.

PROMOTIONS/TRANSFERS

As a state employee, you have the opportunity to demonstrate your abilities, and perform your job in a manner that will benefit the citizens of Tennessee and the Department of Health. Giving your best performance at a level acceptable by management will enable you to look ahead and prepare for promotional opportunities as they arise. However, you must realize that promotional consideration is a privilege, which is earned through meeting minimum requirements, demonstrated ability, and a potential for performance at a higher level.

Promotions are not achieved simply by seniority or time within a classification. While these are admirable accomplishments, positive self-development, performing your duties well, good work ethics, and participation in training opportunities can better aid in making you a more attractive candidate for promotion. You are eligible to compete for a promotion to any position for which you qualify. The procedure is to file a timely updated application with your personnel officer or supervisor and they will inform you of the next steps of the process.

After you have obtained a score for a job classification (rating or by passing any necessary examination), your name is placed on a list of eligible applicants for that job classification. All state agencies must hire from among the top five eligible applicants who are willing to accept a particular vacant position for an initial appointment, or the top three interested applicants for a promotional opportunity. You may apply when job openings occur, or if there is a class of positions for which you would like to be considered. You may also desire a lateral transfer for increasing your career opportunities, or as a career path change. Any transfer is at the discretion of management, with the approval of the appointing authority, and may be granted subject to staffing needs or requirements. Your supervisor, personnel officer, or the Office of Human Resources can advise you of the procedures to follow in applying for a transfer.
As work demands and organizational requirements change, the appointing authority may transfer an employee from one work unit to the same position in another work unit. In other instances, in which you are being transferred over fifty miles for non-meritorious reasons, you have the right to file a grievance in accordance with the Department of Personnel policies and procedures. Lastly, when work requirements warrant a transfer over fifty miles, you will be asked to sign an awareness letter to indicate your agreement. For more information on promotions and transfers, contact your personnel officer, or the Office of Human Resources at (615) 741-6350. You may also visit the Department of Personnel’s website at www.state.tn.us/personnel/.

CONDUCT, DISCIPLINARY ACTION, GRIEVANCE

Every organization has standards by which it must operate, and the state is no different. Employee performance and conduct have a very important role in government’s purpose and responsibility to serve the public. When things happen that are out of line with this responsibility, they must be addressed and dealt with in a fair and consistent manner.

Your conduct while at work should always be positive when dealing with the public, coworkers, supervisors, or others. Misconduct and/or insubordination are grounds for disciplinary action. The severity of disciplinary action will depend upon the seriousness of the offense.

Your work performance is also a matter that must remain positive and productive. If your performance falls below acceptable standards, efforts will be made by your supervisor to utilize performance review and supervisory counseling to improve this deficiency. If improvement does not occur, additional action will be taken by your supervisor, including possible disciplinary action.

The following disciplinary offenses listed are examples of performance or conduct which may result in disciplinary action. This list does not contain all actions that might result in discipline.

- Inefficiency or incompetency in the performance of duties.
- Negligence in the performance of duties.
- Careless, negligent, or improper use of state property or equipment.
- Failure to maintain satisfactory and harmonious working relationships with the public and fellow employees.
- Habitual improper use of sick leave privileges.
- Habitual pattern of failure to report for duty at the assigned time and place.
- Failure to obtain or maintain a current license or certificate, or other qualification required by law or rule as a condition of continued employment.
- Gross misconduct or conduct unbecoming an employee in the State service.
- Conviction of a felony.
- Willful abuse or misappropriation of state funds, property, or equipment.
- Falsification of an official document relating to or affecting employment.
- Participation in any action that would in any way seriously disrupt or disturb the normal operation of the agency, facility, department, or any other segment of the state service or that would interfere with the ability of management to manage.
- Trespassing on the property of any state officer or employee for the purpose of harassment.
- Damage or destruction of state property.
- Acts that would endanger the lives and property of others.
- Possession of unauthorized firearms, lethal weapons, alcohol, or illegal drugs on the job.
- Brutality in the performance of duties.
- Refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination).
- Reporting to work under the influence of alcohol or illegal drugs, or partaking of such on the job.
- Sleeping or failure to remain alert during duty hours.
- Betrayal of confidential information.
- Garnishment of wages for more than one indebtedness.
- Political activity prohibited by T. C. A. Title 2, Chapter 19, The Little Hatch Act.
- For the good of the service as outlined in T. C. A. 8-30-326.
MINIMUM DUE PROCESS

Employees who have successfully completed their probationary period have a “property right” to their position. No suspension, demotion, or dismissal will become effective until minimum due process has been provided.

Minimum due process consists of the following:

- The employee will be notified in writing of the charges and proposed disciplinary action.
- The employee will have the opportunity to have a pre-decision discussion with a commissioner’s designee.
- The employee may present information to the manager regarding the disciplinary action under consideration.
- The employee may present written statements, witnesses, or other information with regard to the charges.
- Attendance and participation by persons other than the commissioner’s designee and employee shall be at the discretion of the commissioner’s designee.

EXCEPTION TO MINIMUM DUE PROCESS

When an employee is acting in a dangerous or otherwise threatening manner and must be removed from the workplace immediately, it is not necessary to provide minimum due process prior to removal. The employee may be placed on leave or immediate suspension without pay. In certain instances, an employee may be placed on administrative leave with pay until an investigation is completed. Minimum due process must be provided as soon as practicable after removal from the workplace.

PROGRESSIVE DISCIPLINARY ACTION

The supervisor is held accountable for insuring that employees maintain the proper performance level and conduct. When corrective action is necessary, the supervisor must initiate disciplinary action beginning at the appropriate step.

ORAL WARNING

The supervisor will meet with the employee to explain and discuss why their present conduct or performance is unacceptable. Information discussed will be followed up in writing.
WRITTEN WARNING

The supervisor will issue a written reprimand stating that a significant change in present conduct or performance must be made and that failure to improve will lead to further disciplinary action. After receiving a written warning, an employee may ask for a review of the written warning by the appointing authority. This request must be submitted in writing to the appointing authority within thirty (30) calendar days from receipt of the written warning.

Any written warning which has been issued to an employee may be removed from the employee’s personnel file after a period of two (2) years from the date of the letter; provided that the employee has had no further incidents of a similar nature.

SUSPENSION WITHOUT PAY

After minimum due process has been provided, the appointing authority may issue a suspension without pay for one to thirty days. A suspension remains a permanent part of an employee’s personnel file.

DISMISSAL

After minimum due process has been provided, a career employee may be dismissed by the appointing authority for unacceptable conduct or performance of duties. Ten (10) calendar days paid notice must be given. During the notice period, an employee will not be required to report for duty. For an employee dismissed for gross misconduct, the accumulated annual leave balance is used during this notice period, if applicable, and any remaining annual leave balance will be forfeited. The ten (10) calendar days paid notice is not required for employees dismissed during their initial probation.

TRANSFER OR DEMOTION

If it is determined by the appointing authority that an employee’s ability to satisfactorily perform his/her duties is beyond the capabilities of the employee or the employee has been compromised by unfavorable conduct to the extent that he/she is ineffective in his/her position, the employee may be demoted or transferred to a position of lower rank that is more appropriate after minimum due process has been provided. Additional information regarding the disciplinary process may be found at www.tennessee.gov/dohr; additionally, you may call your personnel officer or the Office of Human Resources at (615) 741-6350.
APPEALS UNDER THE GRIEVANCE PROCEDURE

Employees who have completed their initial probationary period may use the grievance procedure to appeal certain types of personnel actions they feel adversely affect their employment or working conditions, and that are within the administrative direction or control of the appointing authority of the agency. These written appeals must be filed within fifteen working days after the cause of the action or occurrence.

GRIEVABLE MATTERS

- Disciplinary suspension or demotion.
- Disciplinary dismissal.
- Involuntary geographical transfer of an employee’s official duty station of more than fifty miles.
- Non-compliance with an approved reduction in force plan by an appointing authority.
- Prohibited political activity as outlined in T.C.A. Title 2, Chapter 19 (The Little Hatch Act).
- Coercion of an employee to “waive” his/her right to consideration on a certificate of eligibles (civil service register).
- Performance evaluations under certain circumstances to the fourth step.
- Other matters within the discretion or control of the appointing authority or the Commissioner of Personnel.

EXCEPTIONS AND NON-GRIEVABLE MATTERS

- Actions that affect employees who are not career or permanent employees.
- Actions that affect employees serving an initial probationary period.
- Normal supervisory counseling.
- Non-selection for promotion when the appointment was in compliance with these rules and the Act (civil service law).
- Verbal reprimands.
- Performance award decisions.
- Actions resulting from suggestions adopted by the State Employee Suggestion Award Board.
- Actions resulting from reductions in force when an approved reduction in force plan was followed.
- Shift, post and overtime assignments.
- Reasonable work assignments outside those normally associated with the employee’s assigned job classification.
- Salary range assigned to classification.
- Classification of position.
- Denial of leave requests except as provided for in T.C.A. 8-50-801 and T.C.A. 8-50-110.
- Matters relating to internal agency or program management that are based on discretionary decision making.
- Demotions during subsequent probation, if such demotion is to the job classification from which the employee was promoted and at a salary rate no lower than the salary rate had the promotion not occurred.
- Agency rules or policies which do not conflict with statutes or rules of the Department of Personnel.
- Any other matter over which an appointing authority or the Commissioner of Personnel has no control or jurisdiction or is without the authority to grant the requested relief.

Additional information regarding the grievance procedure may be found at www.tennessee.gov/dohr; also you may contact your personnel officer or the Office of Human Resources at (615) 741-6350.

RESIGNATION

If you choose to leave state service, it is important to give proper notice. It is recommended that you give at least fourteen (14) calendar days notice if at all possible. The last paycheck an employee receives is an actual check that is mailed to the employee’s home address currently on file.

JOB ABANDONMENT

If you fail to report to work during your regular scheduled work hours, you must be on authorized leave. This means that your supervisor should have knowledge of and have given approval of your absence.

In accordance with Civil Service Rules and Regulations, you will be considered as having resigned “not in good standing” if you are absent from work without approval for three consecutive workdays or two consecutive workdays following the expiration of any authorized leave. Keep your supervisor informed of your needs for leave as they arise and your request will be taken into consideration.

RETURN OF STATE PROPERTY

When you terminate state employment, you must return all state property and/or equipment to the appropriate personnel. This includes, but is not limited to, state issued identification cards, credit cards, building identification cards, computers, etc.

Any questions about these or other state policies should be directed to your supervisor or personnel/payroll officer.
Policies and Guidelines
TITLE VII, EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION


It is the policy of this department to seek and employ qualified personnel in all of its facilities and at all of its locations, to provide equal opportunities for the advancement of employees.

This policy will include the training, promotion, and administration of these activities in a manner which will not discriminate against any person because of race, color, creed, religion, national origin, age, disability, sex, marital status, or political affiliations.

Employees are our most valuable resource. Our goal is equal employment opportunity for all present and prospective employees regardless of race, color, sex, national origin, religion, age, physical or mental disability, or veteran status, except that veterans preference will be given as provided by applicable state law.

The above applies to all personnel actions including, but not limited to recruiting, hiring, classification/compensation, benefits, promotion, transfer, layoffs, recall from layoffs, and educational, social and recreational programs of this agency.

The department has developed an affirmative action plan and procedures to help achieve these goals. The procedures outlined in this policy will remain in effect until this department’s goals are achieved, as established by the policy.

RELATED COURSES/DIVERSITY AND WORKPLACE HARASSMENT

In 2004, the Department of Health implemented a training course entitled “Hiring for Diversity,” which is an interviewing course designed to assist managers and supervisors in improving their interviewing skills. This is a different approach to the interviewing and hiring process that remains consistent with civil service rules and fair employment practices. The curriculum includes diversity and structured behavioral interviewing components and applies a broader philosophy in the review of an applicant’s background and experience. In applying this philosophy, management takes into consideration aspects of an applicant’s life experiences, characteristics and traits in determining the best candidate for the job. In this approach, effective interviewing skills become a much more relevant component in the selection process. The training was designed by Dorway Consultants in conjunction with the Fair Employment Practices Advisory Committee, (FEPAC) of this department and the Department of Personnel. The training course continues to be administered by departmental facilitators for Managers and Supervisors. Other courses offered are “Respectful Workplace-Managers” and “Respectful Workplace-Staff.” These courses are offered by the Department of Personnel, and are designed to assist in the implementation of the state’s new policy on Workplace Harassment.

For additional information, visit the Department of Personnel’s website at www.tennessee.gov/dohr.

Please refer to the complete Equal Employment Opportunity policy for this department and the Department of Personnel’s Policy Statement following this section.
MEMORANDUM

DATE: March 16, 2007

TO: All Department of Health Employees

FROM: Susan R. Cooper, MSN, RN, Commissioner

SUBJECT: Affirmative Action Policy

This policy statement affirms our commitment to both good government and equal employment opportunity.

Employees are our most valuable resource. Our goal is equal employment opportunity for all present and prospective employees regardless of race, color, sex, national origin, religion, age, physical or mental disability or veteran status, except that veterans' preference will be given as provided by applicable state law. This policy applies to all personnel actions including, but not limited to recruiting, hiring, classification/compensation benefits, promotion, transfer, layoffs, recall from layoffs, and educational, social and recreational programs of this agency.

We have developed an affirmative action plan and procedures to help us achieve our goals. These procedures are:

EEO/AA performance will be included as a major job performance item for all Assistant Commissioners, Bureau Directors, managers, and supervisors in their job plan and performance evaluation. Future advancement and salary policies in this department will be linked to the employee’s performance in this area.

Recruitment and screening of minority applicants will continue to be a responsibility of the EEO Section; however, I will look at each of you also to be responsible for the recruitment of qualified minority employees if this policy is to be successfully implemented.

Whenever a vacancy occurs within your bureau, region, county, or unit a system will be developed by OHR so that you will circulate and post these vacancies at least 10 days before requesting a register.

The Affirmative Action Officer is responsible for the development of specific goals and timetables, as well as for reporting progress to the commissioner.

The Affirmative Action Program will remain in effect until these goals are achieved. I expect the full cooperation of all managers, supervisors, and other employees in this program.
STATE OF TENNESSEE

EQUAL EMPLOYMENT OPPORTUNITY AND
AFFIRMATIVE ACTION

POLICY STATEMENT

THIS ADMINISTRATION IS COMMITTED TO THE PRINCIPLE THAT ALL CITIZENS OF TENNESSEE ARE ENTITLED TO EQUAL EMPLOYMENT OPPORTUNITY. EMPLOYMENT AND PROMOTION BASED ON MERIT ARE IN THE INTEREST OF ALL THE PEOPLE OF TENNESSEE AND WILL INCREASE THE EFFECTIVENESS AND EFFICIENCY OF STATE GOVERNMENT. THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE AND THE CONGRESS OF THE UNITED STATES OF AMERICA HAVE ENACTED LEGISLATION PROHIBITING DISCRIMINATION IN EMPLOYMENT ON THE BASIS OF RACE, RELIGION, GENDER, AGE DISABILITY, OR NATIONAL ORIGIN. THIS ADMINISTRATION INTENDS TO ESTABLISH EMPLOYMENT PRACTICES AND OPERATE PUBLIC SERVICES AND FACILITIES THAT WILL SERVE AS MODELS FOR BUSINESS AND LABOR IN THE STATE OF TENNESSEE.

IT IS THE POLICY OF THE STATE OF TENNESSEE IN ALL OF ITS DECISIONS, PROGRAMS AND ACTIVITIES TO PROMOTE EQUAL EMPLOYMENT OPPORTUNITY AND TO ELIMINATE UNLAWFUL DISCRIMINATION. ALL DEPARTMENTS, AGENCIES, COMMISSIONS, AND EMPLOYEES OF THE EXECUTIVE BRANCH SHALL BE STRICTLY ACCOUNTABLE FOR ADHERING TO THIS POLICY AND SHALL TAKE ACTION TO ENSURE EQUALITY OF OPPORTUNITY IN THE INTERNAL AFFAIRS OF THE ADMINISTRATION AND IN ITS RELATIONS WITH THE GENERAL PUBLIC.

IT IS FURTHER DIRECTED THAT NO DEPARTMENT, AGENCY, OR COMMISSION SHALL, IN THE RECRUITMENT, APPOINTMENT, PROMOTION AND DISCHARGE OF PERSONNEL, DISCRIMINATE UNLAWFULLY AGAINST ANY PERSON ON THE BASIS OF RACE, RELIGION, NATIONAL ORIGIN, GENDER, DISABILITY OR AGE.

THE COMMISSIONER OF THE DEPARTMENT OF PERSONNEL FOR THE STATE OF TENNESSEE SHALL REPRESENT THE GOVERNOR IN MATTERS RELATING TO EQUAL EMPLOYMENT OPPORTUNITY IN STATE GOVERNMENT. THE COMMISSIONER OF PERSONNEL IS DIRECTED TO PREPARE SUCH PLANS AND IMPLEMENT SUCH PROGRAMS AS ARE NECESSARY TO ENSURE THE STATE'S COMPLIANCE WITH FEDERAL AND STATE LAWS, ORDERS, AND REGULATIONS PROHIBITING UNLAWFUL EMPLOYMENT DISCRIMINATION AND MANDATING AFFIRMATIVE EMPLOYMENT PRACTICES. AN AFFIRMATIVE ACTION PLAN HAS BEEN DEVELOPED TO HELP ACHIEVE THE GOAL OF EQUAL EMPLOYMENT OPPORTUNITY FOR ALL. THE PLAN WILL REMAIN IN EFFECT UNTIL SUCH GOALS ARE ACHIEVED.
AMERICANS WITH DISABILITIES ACT

The state Americans with Disabilities Act (ADA) office and department ADA coordinators insure state government’s compliance with the Americans with Disabilities Act of 1990. They assist with reasonable accommodation issues in state employment and help employees in the department resolve access and accommodation issues. Please see your supervisor or personnel officer for more information regarding necessary reasonable accommodation requests.

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND YOUR RIGHTS

Title VI of the Civil Rights Act of 1964 refers to Federal Law that prohibits discrimination based on race, color, or national origin. It covers all forms of federal aid except contracts of insurance and guaranty. It does not cover employment, except where employment practices result in discrimination against program beneficiaries or where the purpose of the federal assistance is to provide employment.

There are forms of discrimination based on race, color, or national origin. These include:
- Receiving a different service from that provided to others.
- Being segregated or treated separately when receiving a service.
- Being refused a service if you have met the eligibility requirements.

Title VI, Section 601, of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Therefore, this department will not, because of race, color, or national origin:
- Deny an individual any service, financial aid, opportunity or other benefit for which they are otherwise qualified.
- Provide any individual with a service, financial aid, or other benefit which is different, in any program.
- Subject any individual to segregation or separate treatment in any matter related to their receipt of service, financial aid, or other benefit.
- Restrict an individual in any way in the enjoyment of services, facilities, or any other advantage, privilege, or benefit provided to others under its programs.
- Treat an individual differently from others in determining whether they satisfy any eligibility requirement or other condition which a person must meet in order to receive aid, care service, or any other health service.
- Deny or offer any person an opportunity different from that offered others in any program or service.

The Title VI Coordinator is available to discuss any issues which an employee may have relative to Title VI. Please contact the Office of Minority Health at (615) 741-9443.
CIVIL RIGHTS POLICY AND GUIDELINES

The Department of Health reaffirms its policies to afford all individuals including the disabled, the opportunity to participate in federal financially assisted programs.

Title VI, Section 601, of the Civil Rights Act of 1964 provides that:

"No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Therefore, the Tennessee Department of Health will not, because of race, color, or national origin:

- Deny an individual the opportunity to participate in or benefit from any service, financial aid, opportunity, or other benefit for which he is otherwise qualified;
- Provide any individual with service, financial aid or other benefit which is different, or is provided in a different manner from which is provided to others under its programs;
- Subject any individual to segregation or separate treatment in any matter related to his receipt of service, financial aid or other benefit;
- Restrict an individual in any way in the enjoyment of services, facilities or any other advantage, privilege or benefit provided to others under its programs;
- Treat an individual differently from others in determining whether he satisfies any eligibility requirement of other condition which a person must meet in order to receive aid, care, service or any other health service;
- Deny or offer any person an opportunity different from that offered others in any program or service; or
- Deny a person an opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

The approved 2005-2006 Title VI Compliance Plan and Implementation Manual will be sent to the Comptroller of the Treasury.

The Commissioner for the Department of Health has the ultimate responsibility for implementing the Department’s policy.

The Title VI Program Director will be the lead person for coordinating and implementation of the policy with the Coordinating Committee.
SUBJECT: MANDATORY TITLE VI TRAINING  
(supersedes: none)

EFFECTIVE: August 15, 2003

DEFINITION:

Title VI of the Civil Rights Act of 1964 is a national law that protects persons from discrimination based on their race, color, or national origin in programs and activities that receive federal financial assistance.

PURPOSE:

To provide education and training to all Department of Health employees.

PROCEDURE:

All employees of the Department of Health will follow the procedure below for compliance for training.

1. All current employees hired prior to September 3, 2003, should have completed training.

2. All newly hired employees must be trained before the end of the six-month probationary period.

3. All Bureaus, Offices and Divisions must provide training sessions for all employees.

4. All Department of Health employees are required to sign the attendance sheet and view the one hour and forty-five minute training tape developed by the Department of Health for Title VI training.

5. Failure to follow the policies set forth could lead to disciplinary action up to and including dismissal.
CONFLICT OF INTEREST POLICY – GIFTS AND CONTRIBUTIONS

Employment with the State of Tennessee is a public trust. Employees must not engage in any activity in either a private or official capacity where a conflict of interest may exist.

Each employee’s first loyalty should be to the public interest, and employees should avoid dealings, associations, or interests that could affect their objectivity in performing their job or in making the decisions that are required of their position.

Employees, in the course of or in relation to their official duties, shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift, reward, gratuity, favor, service, or promise of future employment or other future benefit from any source, except the state, for any activity related to their duties as state employees unless otherwise provided by law.

However, employees are encouraged to participate in professional and civic organizations if such participation does not adversely affect their role as a public employee.

The complete Conflict of Interest Policy for the department follows this section.
TENNESSEE DEPARTMENT OF HEALTH
CONFLICT OF INTEREST POLICY

1. **PURPOSE:** To assure that an employee's activities do not conflict or have the appearance of conflicting with the provision of full unbiased service to the public.

2. **APPLICABILITY:** This policy shall apply to all full-time employees of the Tennessee Department of Health.

3. **DEFINITIONS:**

   3.1 **CONFLICT OF INTEREST:** a situation in which an employee’s activities impair, or give the appearance of impairing, the person’s ability to provide full unbiased public service.

   3.2 **SUBSTANTIAL FINANCIAL INTEREST:** ownership by an employee or by the employee’s spouse of ten percent (10%) or more of the stock of a corporation or ten percent (10%) or more of any other business entity.

   3.3 **ORGANIZATIONAL UNIT:** a subdivision designated by the Commissioner of Health for administrative purposes.

4. **CONDUCT WHICH CREATES A CONFLICT OR THE APPEARANCE OF A CONFLICT:**

   4.1 An employee shall not engage in any conduct, employment, or other activity which impairs, or gives the appearance of impairing, the person’s ability to provide full unbiased public service.

   4.2 An employee shall not violate applicable state or federal laws concerning conflict of interest.

   4.3 An employee shall not knowingly take any action which might prejudice the department’s interest in a civil or criminal case.

5. **FINANCIAL INTERESTS:**

   5.1 It is a conflict of interest for an employee, who has a public duty to recommend, approve, disapprove, monitor, regulate, investigate, or superintend, in any manner, a contract or other activity, to have a substantial financial interest in a business that does, or seeks to do, business with the employee’s organizational unit.

   5.2 An employee shall not have a financial interest in an outside entity of such significance that the departmental responsibilities and duties of the employee cannot be rendered in a fair and impartial manner.

   5.3 An employee shall not engage in a financial transaction for personal gain relying upon information obtainable solely through one’s employment.

   5.4 An employee shall not receive any compensation from a private source for services which are, or should be, performed as part of one’s official duties, except as provided by statute or as approved by the Commissioner.
6. **OUTSIDE EMPLOYMENT AND ACTIVITIES:**

6.1 An employee who has a public duty to recommend, approve, disapprove, monitor, regulate, investigate, or superintend program activities shall not engage in outside employment with an entity that is regulated by the employee's organizational unit.

6.2 An employee shall not serve on a board of directors for a non-state agency that is regulated by, or that has or seeks funding from, the employee's organizational unit unless the Commissioner deems such to be in the Department's interest and grants a waiver of this restriction.

7. **GIFTS AND FAVORS:** An employee shall not accept any item of significant monetary value (e.g., gifts, gratuity, favor, entertainment, loan, unusual discount) except usual social and business courtesies (e.g., a meal, box of candy, samples) from a person who has or is seeking to obtain a contractual or financial relationship with the employee's organizational unit or whose activities are regulated by such.

8. **HONORARIA:** An employee shall not accept honoraria or other compensation for activities which are, or should be, performed as part of one's official duties, except as provided by the Comprehensive Travel Regulations of the Department of Finance and Administration.

9. **ACTION TO RESOLVE A CONFLICT OF INTEREST:** An employee who has a conflict of interest must immediately eliminate such conflict. If an employee's activities give the appearance of a conflict of interest, such activities must be eliminated. If there is uncertainty whether a current or proposed activity is a conflict of interest, an employee should notify the Commissioner in writing of the potential conflict and receive approval for such activity.

10. **VIOLATION OF CONFLICT OF INTEREST:** An employee with a conflict of interest in violation of this policy is subject to disciplinary action in accordance with the Department of Personnel's rules and regulations. An employee who violates a statutory conflict of interest is also subject to sanctions provided by statute.
WORKPLACE HARASSMENT

Workplace harassment is strictly prohibited. Any unwelcome verbal, written, or physical conduct that either degrades or shows hostility or aversion towards a person because of that person's race, color, national origin, age (over 40), sex, pregnancy, religion, creed, or disability that (1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an employee's work performance, or (3) affects an employee's employment opportunities or compensation. The complete Department of Personnel's Workplace Harassment Policy follows this section.
MEMORANDUM

TO: Appointing Authorities
FROM: Randy C. Camp
DATE: September 30, 2005
SUBJECT: Revised Policy Statement on Workplace Harassment

Attached you will find the State’s Revised Policy Statement on Workplace Harassment. The Department of Personnel has revised the Policy to clarify certain provisions and to ensure that it is current. The major revisions are as follows:

Introductory Statement:

- "Veteran’s status" has been specifically included as a protected category.
- Language has been added to clarify that the policy applies to categories protected by civil rights laws.
- A provision has been added that makes it clear that, where appropriate, an employee should follow an agency’s internal policy for reporting.

Footnote 1:

- Language has been added to clarify that a violation of the Policy is not equivalent to a finding that the conduct violates state and federal law.

Definition of Sexual Harassment:

- The term “quid pro quo” has been replaced by the term “managerial harassment” as this term more accurately reflects the current state of the law.

How to Report Harassment Incidents and How to Report Retaliation Incidents:

- The first sentence of these two sections has been revised to reflect that non-managerial employees who have been subjected to harassment must report such incidents.
How Confidentiality is Treated:

- This section has been revised to underscore the State’s limits on keeping complaints confidential.

If you have any questions, please feel free to contact Lynn Goodman or Kae Carpenter at 615 - 741 - 2958.
POLICY STATEMENT ON WORKPLACE HARASSMENT

The State of Tennessee is firmly committed to the principle of fair and equal employment opportunities for its citizens and strives to protect the rights and opportunities of all people to seek, obtain, and hold employment without being subjected to illegal harassment in the workplace. It is the State's policy to provide an environment free of harassment of an individual because of that person's race, color, national origin, age (over 40), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws.

In the absence of an agency-specific policy, employees or applicants for employment who believe they have been harassed on any of these bases should lodge a complaint using the procedures set forth in this policy.

DEFINITIONS OF HARASSMENT IN THE WORKPLACE

A. Workplace Harassment

Any unwelcome verbal, written, or physical conduct that either degrades or shows hostility or aversion towards a person because of that person's race, color, national origin, age (over 40), sex, pregnancy, religion, creed, disability, or veteran's status that (1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an employee's work performance; or (3) affects an employee's employment opportunities or compensation.

To aid employees in identifying prohibited behavior, the following specific examples of workplace harassment are provided. These examples are not exhaustive; they illustrate, however, the types of conduct that violate this policy:

- Unwelcome touching or near-touching, which can encompass leaning over, cornering, hugging, or pinching; sexual innuendos, teasing and other sexual talk such as jokes, personal inquiries, persistent unwanted courting and sexist put-downs;
- Slurs and jokes about a class of persons, such as persons who are disabled or a racial group;
- Distributing via e-mail epithets, slurs, jokes or remarks that are derogatory or demeaning to a class of persons or a particular person or that promote stereotypes of a class of persons;

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1 While the State of Tennessee is committed to the principles embodied in this policy, the policy itself is not intended to state contractual terms and does not constitute a contract between the State and its employees, applicants for employment, or parties who do business with the State. This policy supersedes all policies that conflict with the terms of this policy. Furthermore, this Statement constitutes ONLY the policy of the State of Tennessee. A finding of a violation of this policy does not mean that the conduct violates state and/or federal laws.
• Display of explicit or offensive calendars, posters, pictures, drawings or cartoons that are sexually suggestive or that reflect disparagingly upon a class of persons or a particular person;
• Derogatory remarks about a person's national origin, race, language, or accent.

B. Hostile environment

Hostile environment harassment occurs when a victim is subjected to unwelcome and severe or pervasive comments based on race, color, national origin, age (over 40), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by civil rights laws. A hostile work environment may also be created by innuendoes, touching, or other conduct that creates an intimidating or offensive workplace.

C. Sexual Harassment

Any unwelcome sexual advance, request for sexual favors, or verbal, written, or physical conduct of a sexual nature by a manager, supervisor, co-worker, or non-employee (third party). There are two types of illegal sexual harassment. Managerial harassment occurs when a manager or a supervisor gives or withholds a work-related benefit in exchange for sexual favors from the victim or takes an adverse action against an employee for refusing a request for sexual favors. In some circumstances, threatening to take such actions may also be a violation of this policy. Certain actions may also create a hostile work environment. (See the definition for “hostile work environment” above.)

D. Retaliation

Retaliation is overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy.

E. Third Parties

Third parties are individuals who are not state employees but who have business interactions with state employees. Such individuals include, but are not limited to, customers, such as applicants for state employment or services, vendors, contractors, or volunteers.

CONDUCT PROHIBITED BY THE STATE OF TENNESSEE

The State of Tennessee strictly forbids and will not tolerate harassment of any employee, applicant for employment, or third party on the basis of an individual’s race, color, national origin, age (over 40), sex, pregnancy, religion, creed, disability, or veteran’s status. The fact that an alleged offender meant no harm or was teasing will not excuse conduct that violates this policy.

The State of Tennessee strictly forbids and will not tolerate any form of retaliation directed against an employee, applicant for employment, or third party who either complains about harassment or who participates in any investigation concerning harassment.
HOW TO REPORT HARASSMENT INCIDENTS

If an employee, applicant for employment, or third party believes he/she has been subjected to harassing conduct that violates this policy, he/she must report those incidents as soon as possible after the event occurs.

Employees and applicants for employment may file a complaint with their department's personnel director, the department head, their supervisor(s), or any individual designated by the department to receive such reports. Under no circumstances is the individual alleging workplace harassment required to file a complaint with the alleged harasser. If an employee or applicant believes he/she cannot file a complaint within his/her agency, that person should contact the Department of Personnel, EEO/AA Division or Employee Relations Division (615-741-2958).

Individuals who wish to file a complaint are encouraged to submit the complaint in writing and to include a description of the incident(s) as well as the date(s), time(s), place(s) and any witnesses.

If a complaint involves an executive director, assistant commissioner, deputy commissioner, or the commissioner, an employee or applicant for employment may file the complaint directly with the Department of Personnel, EEO/AA Division.

HOW TO REPORT RETALIATION INCIDENTS

If an employee, applicant for employment, or third party believes he/she has been subjected to retaliation for engaging in protected conduct under this policy, he/she must report those incidents as soon as possible after the event occurs.

Any employee, applicant for employment, or third party who makes complaints of workplace harassment or provides information related to such complaints will be protected against retaliation. If retaliation occurs, the employee, applicant for employment, or third party should report the retaliation in the same manner as he/she would report a workplace harassment complaint.

HOW COMPLAINTS ARE INVESTI GATED AND RESOLVED

The department will conduct a thorough and neutral investigation of all reported complaints of workplace harassment or retaliation as soon as practicable. Generally, an investigation will include an interview with the complainant to determine if the conduct in issue violates this policy. If the department determines that the conduct falls within the terms of this policy, the department will interview the alleged offender and any other witnesses who have direct knowledge of the circumstances of the allegations.

The department retains the sole discretion to determine whether a violation of this policy has occurred and to determine what level, if any, of disciplinary action is warranted.
If a complaint involves an executive director, assistant commissioner, deputy commissioner, or the commissioner, the Department of Personnel, EEO/AA Division will investigate the complaint on behalf of the department and report the results to the appropriate agency or authority.

HOW CONFIDENTIALITY IS TREATED

To the extent permitted by law, the State will try to maintain the confidentiality of each party involved in a workplace harassment investigation, complaint or charge, provided it does not interfere with the department's ability to investigate the allegations or to take corrective action. However, state law may prevent the state from maintaining confidentiality of investigations. Therefore, the State does not guarantee confidentiality.

DIRECTIVE TO SUPERVISORY PERSONNEL

Supervisory personnel who receive a complaint alleging workplace harassment or learn by any means of conduct that may violate this policy must immediately report any such event to the department's personnel director, EEO/AA officer or to the person designated by the agency to receive the information.

CORRECTIVE ACTION FOR VIOLATION OF THIS POLICY

Any employee who engages in conduct that violates this policy or who encourages such conduct by others will be subject to corrective action. Such corrective action includes, but is not limited to, mandatory participation in counseling, training, disciplinary action, up to and including termination, and/or changes in job duties or location.

Supervisory personnel who allow workplace harassment or retaliation to continue or fail to take appropriate action upon learning of such conduct will be subject to corrective action. Such corrective action includes, but is not limited to, mandatory participation in counseling, training, disciplinary action, up to and including termination, and/or changes in job duties or location.
PROHIBITED PERSONAL CONDUCT

The following are considered examples of prohibited personal conduct: workplace harassment, gambling, fighting, possession of unauthorized firearms or lethal weapons on the job, reporting to work under the influence of alcohol or drugs or partaking of such on the job; betrayal of confidential information from official records; and insubordination. These items are listed only as examples, and do not reflect the entire list.

Engaging in unprofessional personal conduct could result in disciplinary action. If you have specific questions, please contact your supervisor, or your personnel officer, or the Office of Human Resources at (615) 741-6350.

SMOKING POLICY

Smoking is prohibited in most state office buildings, except in designated areas. Please check with your supervisor for the designated areas and policy for your location. Please refer to the complete Smoking Policy for the department following this section.

SOLICITATION POLICY

Regulated by the Department of General Services; there shall be no solicitation by any person, organization or association in state facilities. Please refer to complete solicitation rules following this section.
MEMORANDUM

TO: DC Health All

FROM: Andrea D. Willis, MD, MPH, Deputy Commissioner

DATE: October 11, 2004

SUBJECT: Smoking Policy

Purpose: The purpose of this memorandum is to set a departmental policy for smoking to improve the quality of air in the work environment for the protection of the health and well-being of all employees.

Smoking is permitted inside a building only in a designated area unless prohibited by law. The law governing smoking in indoor facilities providing children's services is Public Law 103-227, the Pro-Children Act of 1994. The law requires that smoking not be permitted in any portion of an indoor facility used routinely for the delivery of services to children if the services are funded directly or indirectly with federal dollars. Thus, smoking is prohibited in any local health departments and in regional offices in which clinic services are delivered. Also, smoking is prohibited in the Laboratory Services Building due to potential interference of laboratory testing.

Smoking is not permitted within the area of the office building doorways. Smoking is permitted on state grounds provided it occurs beyond 50 feet of the building entrances or in the external "designated smoking areas." Employees who choose to smoke within the permitted areas must do so on regularly scheduled breaks and meal periods. Rule 1120-6-08 of the Rules of the Tennessee Department of Personnel, provides that "appointing authorities may allow employees two 15 minute paid rest breaks during each workday." These breaks should not be divided into smaller segments of time to allow for multiple breaks.

ADW
RULES
OF
DEPARTMENT OF GENERAL SERVICES
ADMINISTRATION DIVISION

CHAPTER 0690—4—1
SOLICITATION

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0690—4—1—.01 PURPOSE AND SCOPE.

(1) It is the intent of the Department of General Services, together with the Department of Personnel and the Department of Finance and Administration, to adopt uniform rules concerning solicitation on premises within the custody and control of the executive branch of Tennessee State Government.

(2) Nothing in these rules shall be interpreted so as to infringe upon anyone's constitutional right of freedom of expression and freedom of association in areas of state facilities not used to conduct state business which are accessible to the public. This rule does not apply to areas that are public forums.

Authority: T.C.A. §§4—3—1008, 4—3—1009, 4—3—1105, 4—4—103, and 8—30—203 through 205.
Administrative History: Original rule filed June 4, 1982; effective July 19, 1982.

0690—4—1—.02 DEFINITIONS.

(1) Solicitation - Any attempt to seek contributions, gifts or donations; or to offer memberships in any organization; or to solicit the purchase of any property; or to distribute literature or any other materials; provided, however, that nothing herein shall be construed to include the use of state-provided bulletin boards for any of the above purposes. The following activities are not considered to be solicitation for the purpose of these rules: (1) solicitation conducted by the State or Federal government; (2) solicitation for the purchase, sale or grant of any property or service by or to the State of Tennessee; or (3) solicitation made in accordance with a contract with the State of Tennessee.

(2) State facility - Any building, or part thereof, which is owned or leased by the State of Tennessee and which is under the control of the executive branch of state government.

Authority: T.C.A. §§4—3—1008, 4—3—1009, 4—3—1105, 4—4—103, and 8—30—203 through 205.
Administrative History: Original rule filed June 4, 1982; effective July 19, 1982.

0690—4—1—.03 SOLICITATION PROHIBITED.

(1) There shall be no solicitation by any person, organization or association in state facilities.

Authority: T.C.A. §§4—3—1008, 4—3—1009, 4—3—1105, 4—4—103, and 8—30—203 through 205.
Administrative History: Original rule filed June 4, 1982; effective July 19, 1982.

0690—4—1—.04 ENFORCEMENT RESPONSIBILITY.

(1) Each Commissioner or agency head shall be responsible for enforcing these rules within that space assigned to his or her respective department or agency. The Commissioner of General Services shall be responsible for the enforcement of these rules in all hallways, stairwells, or other common areas.

Authority: T.C.A. §§4—3—1008, 4—3—1009, 4—3—1105, 4—4—103 and 8—30—203 through 205.
Administrative History: Original rule filed June 4, 1982; effective July 19, 1982.

April, 1999 (Revised)
**POLITICAL ACTIVITY**

Political activity of state employees is controlled by both federal and state law. During those hours of the day when you are required to be conducting the business of the state, you may not actively engage in a political campaign on behalf of any party, committee, organization, agency or political candidate; or attend political meetings or rallies; or otherwise, use your official position or employment to interfere with or affect the result of any regular or special election; or perform political duties or functions not directly a part of your employment.

You are encouraged to exercise your right to vote for the party or candidate of your choice and you are free to express your personal opinion concerning a political subject, party or candidate.

There are three (3) statutes that regulate the political activity of state employees:

1. The Little Hatch Act (Tennessee Code Annotated 2-19-201-208;)
2. Tennessee Code Annotated 8-30-221; and
3. Title V United States Code, 1502-1508

The complete Policy follows this section.
MEMORANDUM

TO: All Appointing Authorities and Personnel Officers

FROM: Randy C. Camp, Commissioner

DATE: September 7, 2004

SUBJECT: Political Activity by State Employees

The Department of Personnel has received several inquiries lately concerning restrictions on state employees' participation in political activities. There are three statutes that regulate the political activity of state employees:

1. The Little Hatch Act (Tenn. Code Ann. § 2-19-201-208);
2. Tennessee Code Annotated Section 8-30-221; and
3. Title 5, United States Code, Sections 1501-1508.

The Little Hatch Act ("the Act") applies to all state employees, except that some of its provisions exempt elected officials, officials elected by the General Assembly, and members of the Governor's cabinet or staff. Because the Little Hatch Act's prohibitions are very detailed and require careful reading to determine whether particular types of activity might violate its provisions, this memorandum provides only a broad outline of the types of conduct that the Act regulates. In general, the Act prohibits state employees from engaging in the following:

1. Intimidating or coercing public officers and employees so as to interfere with an election, nomination, or measure (Tenn. Code Ann. § 2-19-202);
2. Receiving or paying any kind of assessments for political purposes or for election expenses (Tenn. Code Ann. § 2-19-202);
3. Soliciting directly or indirectly contributions for political purposes or campaign expenses from persons or entities that are connected to the State or that do business with the State (Tenn. Code Ann. § 2-19-203);
4. Promising state benefits, including but not limited to, employment, contracts, work, or loans as a reward for political activity (Tenn. Code Ann. § 2-19-204);
5. Depriving or threatening to deprive any person of state benefits, including but not limited to, employment, contracts, work, or loans because of a person's or entity's political activity (Tenn. Code Ann. § 2-19-205);
6. Using state-owned property for campaign advertising or activities (Tenn. Code Ann. § 2-19-206);
7. Engaging in political activity not directly a part of that person's employment during any period when the person should be conducting the business of the state (Tenn. Code Ann. § 2-19-207); and
8. Promulgating any rules or issuing any policies that are more restrictive than the Act (Tenn. Code Ann. § 2-19-208).

In addition to the Little Hatch Act, another statute, Tennessee Code Annotated Section 8-30-221 prohibits career service employees from soliciting "or being in any way concerned with soliciting, subscriptions, or contributions for any political party or political purpose."

Federal law also regulates certain types of political activity of state employees whose principal employment is in connection with an activity that is financed in whole or in part by federal funds ("covered employees"). Covered employees may not:

1. Use their influence or authority to interfere with or to affect the result of an election or nomination for office;
2. Directly or indirectly coerce or attempt to coerce another employee to contribute money or anything of value to a political campaign; or
3. Be a candidate for an elective partisan office.

Finally, employees should also review Executive Order No. 3 before engaging in certain political activities. Executive Order No. 3 prohibits conduct, whether or not specifically prohibited by statute, regulation or Executive Order, that might result in or create the appearance of using public office for private gain, giving preferential treatment to any person, impeding government efficiency or economy, losing complete independence or impartiality, or affecting adversely the confidence of the public in the integrity of the government.

Despite the restrictions in the statutes and Executive Order mentioned above, state employees retain certain rights related to political activity. Most notably, state employees’ right to vote as they choose and the right to express opinions on political subjects and candidates are not affected by these statutes.


If you have any further questions, please feel free to contact Kae Carpenter at 741-2958.
DRUG-FREE WORKPLACE

No state employee will be allowed to work under the influence of alcohol or illegal drugs, nor possess or partake of such during work hours. Furthermore, no state employee will be allowed to work under the influence of prescribed or other lawfully obtained drugs when the taking of these drugs impairs the employee’s ability to perform his/her job. Appropriate disciplinary action, up to and including termination, will be taken for those not in compliance with this policy. The complete policy follows this section.
DRUG-FREE WORKPLACE POLICY

Illegal and excessive use of drugs has become an epidemic in our state. Any abuse and use at the workplace is subject of immediate concern in our society. From a safety perspective, the users of drugs may impair the wellbeing of all employees, the public at large, and result in damage to state property. Drug use may also seriously impair an employee's ability to perform his or her job; therefore, it is the policy of the State of Tennessee that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the state's workplace is prohibited. Any employees violating this policy will be subject to discipline up to and including termination. The specifics of this policy are as follows:

1. The unlawful manufacture, distribution, possession, or use of a controlled substance is prohibited in or on the workplace. Such manufacture, distribution, possession, or use while on the job or state property will subject the violator to discipline up to and including termination.

2. The term "controlled substance" means any drug listed in 21 U.S.C. 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to, Heroin, Marijuana, Cocaine, PCP, and "Crack". They also include "legal drugs" which are not prescribed by a licensed physician to an alleged violator.

3. Each employee is required by law to inform this agency within five (5) days after he or she is convicted for violation of any federal or state criminal drug statute where such violation occurred on state property. A conviction means a finding of guilt (including a plea or nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court.

4. The Tennessee Department of Health must then notify the U.S. government agency with which the grant was made within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of such a conviction.

5. If an employee is convicted of violating any criminal drug statute while on the workplace, he or she will be subject to discipline up to and including termination. Alternatively, the Department may require the employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution.

6. As a condition of employment or continued employment of any federal government grant, the law requires all employees to abide by this policy.

THE POLICY STATED HEREIN IS BEING ADOPTED BY THIS AGENCY IN COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT.
DATE: December 16, 2004

TO: Bureaus, Regions and Divisions

FROM: Kenneth S. Robinson, M.D., Commissioner

SUBJECT: Drug-Free Workplace Act of 1988

On November 18, 1988, President Ronald Reagan signed the Anti-Drug Abuse Act of 1988. The provisions of this Act will affect all recipients of Federal Assistance.

Specifically, the Act requires all applicants/recipients of Federal Assistance awards made on or after March 18, 1989, to certify as a precondition of any assistance award, that they will provide and maintain a drug-free workplace by taking action to meet certain basic requirements including the following:

1. Completion of a drug-free compliance certificate that certifies that the department is meeting all requirements of the Act;

2. Establishment and publishing of a drug-free workplace policy notifying employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the state’s workplace is prohibited and specifying the actions that will be taken against individuals found in violation;

3. Specific notification to any employee whose salary is funded, in total or part, with federal funds that they must abide by the terms of the policy statement as a condition of employment or be faced with penalties as set forth in the policy;

4. Establishment of a drug-free awareness program; and,

5. Notification to the federal granting authority of any employee who has been criminally convicted of a drug offense occurring in the workplace.

In order that all departments of state government might be consistent in complying with this Act, the Tennessee Department of Personnel has issued the attached information which sets forth the policy statement and procedures that are to be followed. I have accepted this policy statement and procedures that are to be followed. I have accepted this policy statement as being the policy for this department and it should be properly distributed to each of your employees as well as being posted in a conspicuous place in your facility. There is also an acknowledgement statement to be signed by each employee for compliance to this policy included in the new employee welcome packet.

It is essential that in order that federal funds available to this department not be jeopardized that we comply with this policy. Therefore, I request your usual cooperation.
MOTOR VEHICLE

Employees should contact their supervisor or personnel officer regarding the use of a state vehicle. Vehicles may be reserved by calling the State Motor Pool at (615) 327-1450. Reservations should be made by the employee as soon as they are made aware of a trip. Special accommodations such as the use of a station wagon, mini van, etc., can also be made by calling the State Motor Pool. In order to use a state vehicle all employees are required to complete the Operations of Motor Vehicle by State Employees form. A copy of this form and the policy are included in your new employee packet.

The Operation of Motor Vehicles by State Employees’ Policy is on the following page. You may also visit The Department of General Services’ website for more information. www.state.tn.us/generalserv/mvm/index.html

PARKING AREAS (DOWNTOWN NASHVILLE)

The state employee parking lots are located in the downtown area. Check with your supervisor for the exact locations.

Parking permits are required and should be displayed in your vehicle when parking in any designated state employee parking areas. Permits may be obtained by contacting your personnel officer or the Division of Property and Procurement at (615) 741-1091.

Shuttle service is available from all the state parking lots in the downtown area. In order to receive a free ride on the shuttle, a state identification card must be presented at the time of boarding. A shuttle route schedule is available by calling the Metro Transit Authority (MTA).

The State of Tennessee Parking Policy is on the following page.
MEMORANDUM

TO: APPOINTING AUTHORITIES AND PERSONNEL OFFICERS
FROM: COMMISSIONER RANDY C. CAMP
DATE: AUGUST 25, 2003
SUBJECT: OPERATION OF MOTOR VEHICLES BY STATE EMPLOYEES

The following is being issued as an update of Policy 03-028 regarding the requirements and responsibilities for operating a motor vehicle for state business.

A significant number of employees are required to drive state owned and/or personally owned vehicles in the course of their employment in order to perform official state functions. Therefore, it is the policy of the State of Tennessee to ensure that when its employees operate motor vehicles on state business, they do so legally, safely and defensively. In addition, state owned vehicles shall be operated in compliance with the policies of the Motor Vehicle Management Division in the Department of General Services. Employees are required, at all times, to comply with any and all traffic laws when operating any motor vehicle on state business.

It is of paramount importance that an employee who is in a position that requires a valid vehicle operator’s license or who operates a motor vehicle for state business possesses a valid driver’s license. Regardless of whether a state or personal vehicle is being used in the course of state business, the state may be held liable for the actions of the employee. Therefore, all employees are to be made aware of the following policy.

- Any employee operating a state or personal vehicle for state business is required to possess a valid driver’s license from the employee’s domicile state.
- When required, the license must have the appropriate commercial endorsement.
- Under no circumstances shall an employee whose license is revoked, suspended, expired, or otherwise invalidated, operate a motor vehicle for state business.
- Driving record convictions may be considered as grounds for disciplinary action, up to and including dismissal, for employees who are required to maintain a valid driver’s license as part of their official duties, whether the offenses and infractions occurred during or outside work hours. This includes driving under the influence. Tenn. Code Ann. § 55-10-401.
• Any employee whose position requires a valid driver's license as a job qualification shall advise his supervisor within 24 hours of the employee's next scheduled workday of any conviction, suspension, revocation, expiration or invalidation of his driver's license. Failure to notify the supervisor of any such conviction, suspension, revocation, expiration or invalidation may be cause for disciplinary action, up to and including dismissal.

• Any state employee who is convicted of driving under the influence ("DUI") in violation of Tennessee Code Annotated Section 55-10-401, or of any offense for which driving under the influence is an element while driving a state or personal vehicle on state business, is subject to discipline, up to and including dismissal.

• Employees who are not required to possess a valid driver's license to perform their job duties may be disciplined for non-duty DUIs when it is determined that the conduct adversely impacts their ability to perform their job duties or the state's interests.

Agency heads shall be responsible for ensuring that all employees receive a copy of this policy. Employees are required to sign the acknowledgement below upon receipt of this policy for inclusion in their personnel file. Those employees who are required to maintain a valid driver's license as part of their official duties shall provide proof of a valid driver's license at the time of acknowledgement. This policy does not restrict agencies from augmenting the provisions of this policy with additional policies and procedures.

ACKNOWLEDGEMENT

I certify that I have received, read and understand the above policy regarding my conduct while operating motor vehicles. Furthermore, I understand that violation of this state policy may lead to disciplinary action, up to and including dismissal from state service.

Employee's Name (Print or Type) ____________________________

Social Security Number ____________________________

Employee's Signature ____________________________ Date ____________________________

State ___ Driver's License Number ____________________________ Expiration Date ________________
(Required for employees in positions requiring a valid driver's license.)

This form shall be completed, signed, and returned to employee's immediate supervisor. Supervisors are responsible for forwarding all forms to the agency Personnel Officer for inclusion in the official personnel file.

03-034
STATE OF TENNESSEE
DEPARTMENT OF GENERAL SERVICES

Gwendolyn Sims Davis
Commissioner

PHIL BREDESEN
Governor

State of Tennessee
Employees' General Parking Lots
Parking Policy
Capitol Hill Complex
Nashville, Tennessee

PURPOSE: To establish procedures that will ensure State employees have safe, organized and efficient parking in the "Capitol Hill Complex", State provided parking lots.

1. State employees may park in the State provided general parking lots, at no charge. Employees who choose to utilize the free parking lots, must obtain from their Department's Personnel office and display in the vehicle a parking permit issued by the Department of General Services. In the event the employee is a new State employee and has not yet received a parking permit or drives an alternate vehicle and fails to transfer the permit, a note containing the parking permit number, if one, and the employee's name and work telephone number should be placed on the driver's side of the dash in plain view. It is the employee's responsibility to notify and update his/her department's personnel office whenever this information changes.

2. State employees should park vehicles between the lines, where marked, to ensure the optimum use of the Lot's spacing. In Lots where there are no lines painted, vehicles should be parked in an orderly manner without blocking other vehicles, entrances or exits.

3. State employees should be aware that they will be subject to civil penalties and/or having the vehicle towed without notice and at the owner's expense if a vehicle is parked in such a manner that will cause an inefficient use of the Lots or cause another vehicle or entrance or exit to be blocked.

4. The following is a list, although not an exhaustive list, of sample parking violations that will cause an employee to receive either a Civil Penalty or have the vehicle towed, depending upon the situation: vehicles parked outside the lines, in clearly marked "No Parking" zones, on diagonal lines, in grass areas, blocking entrances, exits, or other vehicles, failing to display a parking permit or note containing permit information and vehicles parked in a marked handicap, car pool, van, numbered, reserved or other restricted parking space, without displaying an appropriate parking permit for same.

4. If a civil penalty is assessed it will be in the amount of ten dollars ($10.00) for the first offense and twenty five dollars ($25.00) for second and subsequent offenses in a one (1) year period. If a vehicle is towed it will be without notice and at the owner's expense. Employees should also be aware that continued parking violations and/or non-payment of assessed civil penalties will subject the employee to total loss of parking privileges and/or to immobilization of the vehicle. A hearing will be provided for employees who wish to dispute an assessed civil penalty.

Adopted January 20, 1995; revised March 31, 2005. Authority: Tenn. Code Ann. § 4-3-1105(16) & § 4-8-203 et seq.

Gwendolyn Sims Davis, Commissioner
Department of General Services

312 8th Avenue, North. Nashville, Tennessee 37243 (615) 741-9263
FALSE CLAIMS, WHISTLEBLOWER PROTECTIONS, AND THE DEFICIT REDUCTION ACT OF 2005

OBJECTIVE

The purpose of this policy is to advise Department employees of the requirements of the Federal Deficit Reduction Act of 2005 that:

1. **False Claims**: All employees of the Department of Health, and the agents or subcontractors doing business with and on behalf of the Department, are subject to the provisions of the federal and state laws regarding the submission of a false claim for reimbursement and all the associated implications; and
2. **Whistleblower Protections**: All employees of the Department have rights to report violations of federal and state law and protections under Federal and State law.

THE ROLE OF FALSE CLAIMS LAWS

The laws described in this policy create a comprehensive scheme for controlling, waste, fraud, and abuse in federal and state health care programs by giving appropriate governmental agencies the authority to seek out, investigate, and prosecute violations.

In addition, whistleblower statutes and anti-retaliation policies protect individuals who in good faith report waste, fraud, and abuse. Whistleblower statutes provide for reasonable incentives, protections, and a level of security for employees to help in identifying and prosecuting these cases.

REPORTING FALSE CLAIMS

There are two primary methods to report allegations of false or fraudulent claims:

1. The Comptroller’s Fraud, Waste, and Abuse Hotline - 1-800-232-5454
2. The Department of Health’s Office of Internal Audit - 1-615-741-1733

APPLICABLE LAWS

Several laws define the parameters of false claims and the punishments applicable to individuals who make such false claims. Additionally, the laws outline protections granted and rewards bestowed to whistleblowers who report false claims. Those laws are summarized briefly below.


False Claim: The Federal False Claims Act applies to any federally funded contract or program. It establishes liability for any person who knowingly presents or causes to be presented a false or fraudulent claim for payment. Any person found liable under the False Claims Act is subject to a
civil penalty of between $5,500 and $11,000 plus three (3) times the amount of damages that the
government sustained as a result of the illegal act.

Whistleblower Protection: To encourage individuals to report such false claim activities, under
federal law, a "Qui Tam" or whistleblower provision enables an individual with personal
knowledge of a false claim to bring a lawsuit in federal court in the name of the United States.
Part of any ultimate penalty paid would go to the informant with the remainder to the
government. Individual employees who report their knowledge of such violations of the law may
not be discriminated or retaliated against in any manner by their employer.

II. The Medicaid False Claims Act (Tenn. Code Ann. § 71-5-181 et seq.)

False Claims: It is a violation of Tennessee law to make false or fraudulent Medicaid health
payment claims. Specifically, Tenn. Code Ann. § 71-5-182 states that any person who:

1. presents, or causes to be presented, to the state a claim for payment knowing such claim
   is false or fraudulent;
2. makes, uses, or causes to be made or used, a record or statement to get a false or
   fraudulent claim paid for or approved by the state;
3. conspires to defraud the state by getting a claim allowed or paid while knowing the claim
   is false or fraudulent; or
4. makes, uses or causes to be made or used, a record or statement to conceal, avoid, or
   decrease an obligation to pay or transmit money or property to the state when knowing
   that such record or statement is false;

is liable to the state for a civil penalty of not less than five thousand dollars ($5,000) and not
more than twenty-five thousand dollars ($25,000), plus three (3) times the amount of damages
which the state sustains because of the act of that person.

Whistleblower Protections: Any employee, who is discriminated against by an employer because
of assistance in an action filed under the Tennessee Medicaid False Claims Act, is entitled to all
relief necessary to make the employee whole. This includes reinstatement with the same
seniority status the employee would have had but for the discrimination, two (2) times the
amount of back pay, interest on the back pay, and compensation for any special damages
sustained as a result of the discrimination, including litigation costs and reasonable attorneys'
fees. An employee may bring this action in the appropriate court for the relief provided, under
Tenn. Code Ann. § 71-5-183

III. Tennessee False Claims Act (Tenn. Code Ann. § 4-18-101 et seq.)

False Claims: Tenn. Code Ann § 4-18-103 states that any person who commits a false claim is
liable to the state for three (3) times that amount of damages that the state faced because of the
false claim. Some examples of false claims include a person knowingly using a false record to
collect payment, using a false record to make payment, or using false documents, or any person
who is a beneficiary of an inadvertent submission of a false claim, recognizes the falsity of the
claim, and fails to report it.
Whistleblower Protections: Tenn. Code Ann. § 4-18-105 provides that no employer shall discriminate in any way against an employee for disclosing information to a government or law enforcement agency while furthering a false claims action, including investigations filed under Tenn. Code Ann. § 4-18-104.

An employer who does discriminate in such a way shall be liable for all relief necessary to make the employee whole, including reinstatement with the same seniority status that the employee would have had but for the discrimination, two (2) times the amount of back pay, interest on the back pay, compensation for any special damage sustained as a result of the discrimination, and, where appropriate, punitive damages. In addition, the defendant shall be required to pay litigation costs and reasonable attorneys' fees. An employee may bring an action in the appropriate chancery court of the state for the relief provided in this subsection Tenn. Code Ann. § 4-18-105.

The Tennessee False Claims Act includes all claims except, according to Tenn. Code Ann. § 4-18-108, claims to Medicaid, which is governed by the Tennessee Medicaid False Claims Act listed above.

IV. Tennessee General Whistleblower Protection (Tenn. Code Ann. § 50-1-304)

State employees who report illegal activities are also protected by Tenn. Code Ann. § 50-1-304, "No employee shall be discharged or terminated solely for refusing to participate in, or for refusing to remain silent about, illegal activities." The Tennessee Department of Health will not tolerate the retaliatory discharge of any employee who reports activities that violate criminal or civil code, or any regulation intended to protect the public health, safety or welfare.

WHAT TO DO IN THE EVENT OF RETALIATION

Any employee who believes he or she has been retaliated against in violation of this policy must report the incident as soon as possible. Supervisory personnel who receive a complaint alleging retaliation must immediately report the event to the Department's Human Resources Director. Any employee engaging in conduct that violates this policy or who encourages such conduct by others will be subject to disciplinary action.

RESPONSIBILITY

The Commissioner for the Department of Health has the ultimate responsibility for implementing the Department's policy.
MEMORANDUM

TO: Commissioners and Agency Heads

FROM: Dave Goetz, Chairman

SUBJECT: Acceptable Use Policy

DATE: November 7, 2003

I am pleased to announce that the Information Systems Council has approved an Acceptable Use Policy for Network Access Rights and Obligations. This policy addresses uses and behaviors that relate to the security, confidentiality, integrity and availability of State data and network resources. This policy does not address ethics or personnel management issues, as those are covered by Executive Order 3 and by Agency Human Resource Office policies.

The purpose of the policy is to establish guidelines for State-owned hardware and software, computer network access and usage, Internet and email usage, telephony, and security and privacy for users of the State of Tennessee Wide Area Network. Restrictions and prohibitions are intended to bolster network security by eliminating behaviors that increase exposures to known vulnerabilities and criminal activities.

I have asked Richard Rognehaugh to contact your respective Information Technology Directors over the next few days to assist with policy implementation and to identify appropriate points of contact if policy enforcement actions are required.

Effective December 1, 2003, all new recipients of agency-issued USER IDs for State of Tennessee systems should acknowledge their understanding of this policy by completing the on-line tutorial that accompanies the Acceptable Use Policy. The tutorial, known as Cyber Academy, is located at:

http://www.state.tn.us/finance/oir/ca/

The tutorial should be completed and the acknowledgement signed by the new employee prior to their receiving a USER ID and access to State of Tennessee network resources. All current employees with access to State of Tennessee network resources must sign the User Agreement to acknowledge their receipt and understanding of the new policy by
January 1, 2004. I would encourage them to take the Cyber Academy course and then print and sign the acknowledgement that accompanies the course.

I appreciate your assistance in implementing this policy.

Attachments:
Network Access Rights and Obligations Acceptable Use Policy
Security Policy 4 – ACCESS
Computer Crimes Act (TCA 39-14-601, et seq.)
STATE OF TENNESSEE

Acceptable Use Policy
Network Access Rights and Obligations

Purpose:
To establish guidelines for State-owned hardware and software, computer network access and usage, Internet and email usage, telephony, and security and privacy for users of the State of Tennessee Wide Area Network.

Reference:
Tennessee Code Annotated, Section 4-3-5501, et seq., effective May 10, 1994.
Tennessee Code Annotated, Section 10-7-512, effective July 1, 2000.
Tennessee Code Annotated, Section 10-7-504, effective July 1, 2001.

Objectives:
• Ensure the protection of proprietary, personal, privileged, or otherwise sensitive data and resources that may be processed in any manner by the State, or any agent for the State.
• Provide uninterrupted network resources to users.
• Ensure proper usage of networked information, programs and facilities offered by the State of Tennessee networks.
• Maintain security of and access to networked data and resources on an authorized basis.
• Secure email from unauthorized access.
• Protect the confidentiality and integrity of files and programs from unauthorized users.
• Inform users there is no expectation of privacy in their use of State-owned hardware, software, or computer network access and usage.
• Provide Internet and email access to the users of the State of Tennessee networks.

Scope:
This Acceptable Use Policy applies to all individuals who have been provided access rights to the State of Tennessee networks, State provided email, and/or Internet via agency issued network or system User ID’s. The scope does not include State phone systems, fax machines, copiers, State issued cell phones or pagers unless those services are delivered over the State’s IP network.

Use and Prohibitions:

A. Network Resources
State employees, vendors/business partners/subrecipients, local governments, and other governmental agencies may be authorized to access state network resources to perform business functions with or on behalf of the State. Users must be acting within the scope of their employment or contractual relationship with the State and must agree to abide by the terms of this agreement as evidenced by his/her signature. It is recognized that there may be incidental personal use of State Network Resources. This practice is not encouraged and
employees should be aware that all usage may be monitored and that there is no right to privacy. Various transactions resulting from network usage are the property of the state and are thus subject to open records laws.

**Prohibitions**

- Sending or sharing with unauthorized persons any information that is confidential by law, rule or regulation.
- Installing software that has not been authorized by the Office for Information Resources of the Department of Finance and Administration.
- Attaching processing devices that have not been authorized by the Office for Information Resources of the Department of Finance and Administration.
- Using network resources to play or download games, music or videos that are not in support of business functions.
- Leaving workstation unattended without engaging password protection for the keyboard or workstation.
- Utilizing unauthorized peer-to-peer networking or peer-to-peer file sharing.
- Using network resources in support of unlawful activities as defined by federal, state, and local law.
- Utilizing network resources for activities that violate conduct policies established by the Department of Human Resources or the Agency where the user is employed or under contract.

**B. Email**

Email and calendar functions are provided to expedite and improve communications among network users.

**Prohibitions**

- Sending unsolicited junk email or chain letters (e.g. "spam") to any users of the network.
- Sending any material that contains viruses, Trojan horses, worms, time bombs, cancel bots, or any other harmful or deleterious programs.
- Sending copyrighted materials via email that is either not within the fair use guidelines or without prior permission from the author or publisher.
- Sending or receiving communications that violate conduct policies established by the Department of Human Resources or the Agency where the user is employed or under contract.
- Sending confidential material to an unauthorized recipient, or sending confidential e-mail without the proper security standards (including encryption if necessary) being met.

Email created, sent or received in conjunction with the transaction of official business are public records in accordance with T.C.A 10-7-301 through 10-7-308, and the rules of the Public Records Commission. A public record is defined as follows:

"Public record(s)" or "state record(s)" means all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings or other material, regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. (T.C.A. 10-7-301 (6)).

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State records are open to public inspection unless they are protected by State or Federal law, rule, or regulation. Because a court could interpret state records to include draft letters, working drafts of reports, and what are intended to be casual comments, be aware that anything sent as electronic mail could be made available to the public.

C. Internet Access
Internet access is provided to network users to assist them in performing the duties and responsibilities associated with their positions.

Prohibitions
- Using the Internet to access non-State provided web email services.
- Using Instant Messaging or Internet Relay Chat (IRC).
- Using the Internet for broadcast audio for non-business use.
- Utilizing unauthorized peer-to-peer networking or peer-to-peer file sharing.
- Using the Internet when it violates any federal, state or local law.

Statement of Consequences
Noncompliance with this policy may constitute a legal risk to the State of Tennessee, an organizational risk to the State of Tennessee in terms of potential harm to employees or citizen security, or a security risk to the State of Tennessee’s Network Operations and the user community, and/or a potential personal liability. The presence of unauthorized data in the State network could lead to liability on the part of the State as well as the individuals responsible for obtaining it.

Statement of Enforcement
Noncompliance with this policy may result in the following immediate actions.
1. Written notification will be sent to the Agency Head and to designated points of contact in the User Agency’s Human Resources and Information Technology Resource Offices to identify the user and the nature of the noncompliance as "cause". In the case of a vendor, subrecipient, or contractor, the contract administrator will be notified.
2. User access may be terminated immediately by the Systems Administrator, and the user may be subject to subsequent review and action as determined by the agency, department, board, or commission leadership, or contract administrator.
As a user of State of Tennessee data and resources, I agree to abide by the Acceptable Use Network Access Rights and Obligations Policy and the following promises and guidelines as they relate to the policy established:

1. I will protect State confidential data, facilities and systems against unauthorized disclosure and/or use.
2. I will maintain all computer access codes in the strictest of confidence; immediately change them if I suspect their secrecy has been compromised, and will report activity that is contrary to the provisions of this agreement to my supervisor or a State-authorized Security Administrator.
3. I will be accountable for all transactions performed using my computer access codes.
4. I will not disclose any confidential information other than to persons authorized to access such information as identified by my section supervisor.
5. I agree to report to the Office for Information Resources (OIR) any suspicious network activity or security breach.

Privacy Expectations

The State of Tennessee actively monitors network services and resources, including, but not limited to, real time monitoring. Users should have no expectation of privacy. These communications are considered to be State property and may be examined by management for any reason including, but not limited to, security and/or employee conduct.

I acknowledge that I must adhere to this policy as a condition for receiving access to State of Tennessee data and resources.

I understand the willful violation or disregard of any of these guidelines, statute or policies may result in my loss of access and disciplinary action, up to and including termination of my employment, termination of my business relationship with the State of Tennessee, and any other appropriate legal action, including possible prosecution under the provisions of the Computer Crimes Act as cited at TCA 39-14-601 et seq., and other applicable laws.

I have read and agree to comply with the policy set forth herein.

__________________________  ____________________________
Type or Print Name          Last 4 digits of Social Security Number

__________________________  ____________________________
Signature                  Date

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Policy Title: Administrative Requirements for the Implementation of HIPAA

Policy Number: 101

Effective Date: April 14, 2003

PURPOSE:

To issue instructions to all bureaus, offices, programs and workforce members regarding the Department of Health's (DOH) obligations relating to the implementation of the Health Insurance Portability and Accountability Act (HIPAA), 42 U.S.C. §§1320d-1329d-8, and regulations promulgated thereunder, 45 CFR Parts 160 and 164. This policy outlines DOH general guidelines and expectations for the necessary collection, use, and disclosure of protected health information (PHI) about clients in order to provide services and benefits to individuals while maintaining reasonable safeguards to protect the privacy of their information.

Definitions:

Protected Health Information (PHI) means individually identifiable information relating to past, present or future physical or mental health or condition of an individual, provision of health care to an individual, or the past, present or future payment for health care provided to an individual.

Workforce Members means employees, volunteers, trainees, contractors, and other persons whose conduct, in the performance of work for the department, its offices, or programs is under the direct control of the department, office, or program regardless of whether they are paid by the DOH.

Client for the purpose of HIPAA is defined as an individual for whom the DOH uses or maintains protected health information such as:

1. birth and death records,
2. infectious disease records,
3. health registries,
4. statistical data,
5. information obtained through an investigative or certification process of the DOH, etc., and
6. those who apply for or receive health services through DOH.
Licensee is a person or entity that applies for or receives 1) a license, 2) a certification, or 3) a registration, or similar authority from DOH to perform or conduct a service, activity or function.

Provider is a person or entity who may seek reimbursement or payments from DOH as a provider of services to DOH clients. (Not pertaining to DOH when DOH is a direct provider of services)

Treatment, Payment and Health Care Operations (TPO) includes all of the following:

• Treatment means the provision, coordination, or management of health care and related services, consultation between providers relating to an individual, or referral of an individual to another provider for health care.

• Payment means activities undertaken to obtain or provide reimbursement for health care, including determinations of eligibility or coverage, billing, collection activities, medical necessity determinations and utilization review.

• Health Care Operations include functions such as quality assessment and improvement activities, reviewing competence or qualifications of health care professionals, conducting or arranging for medical review, legal services, and auditing functions, business planning and development, and general business and administrative activities.

POLICY:

General Overview

DOH may collect, maintain, use, transmit, share and/or disclose information about clients, providers, and licensees, to the extent needed to administer DOH programs, services and activities. DOH will safeguard all PHI about clients, providers, and licensees, inform clients, providers, and licensees about DOH'S privacy practices and respect clients', providers', and licensees' privacy rights, to the full extent required under this policy.

This policy identifies two types of individuals of whom DOH is most likely to obtain, collect or maintain individual information:

i) DOH clients;
ii) Licensees or providers.

DOH, its workforce, and business associates will respect and protect the privacy of records and information about clients who request or receive services from DOH and licensees and providers. All information must be safeguarded in accordance with DOH privacy policies and procedures.

DOH has adopted reasonable policies and procedures for administration of its programs, services and activities. If any state or federal law or regulation, or order of a court having appropriate jurisdiction, imposes a stricter requirement upon any DOH policy regarding
the privacy or safeguarding of information, DOH shall act in accordance with the stricter standard.

DOH staff shall act in accordance with established DOH policy and procedures regarding the safeguarding of client information, whether health-related or not, in all DOH programs, services and activities. In the event that more than one policy applies but compliance with all such policies cannot reasonably be achieved, the DOH employee will seek guidance from supervisors according to established DOH policy and procedures. DOH staff should consult with their Subsidiary Privacy Officer or the Department Privacy Officer in appropriate circumstances.

DOH Notice of Privacy Practices

A. The current "DOH Notice of Privacy Practices" shall be available in all offices of the DOH.

B. DOH will provide a copy of the current "DOH Notice of Privacy Practices" to any client who requests a copy. However, where DOH is a direct provider to the client, DOH is required to give a copy of the notice to the client on the first date that they receive services on or after April 14, 2003. DOH must have each client who receives direct care from DOH sign an acknowledgment of receiving the notice on their first date of service. If DOH cannot get a signed acknowledgement, then documentation as to the reason why one was not received must be made in the client’s record. Acknowledgment of receipts of the notice, and/or documentation of good faith effort to obtain written acknowledgement must be maintained for six years.

C. The "DOH Notice of Privacy Practices" shall contain all information required under federal regulations regarding the notice of privacy practices for protected health information under HIPAA.

D. The "DOH Notice of Privacy Practices" shall also be available at the DOH website.

E. Whenever the notice is revised, it should be made available upon request and posted on or after the effective date of revision.

F. Copies of the notice and all revisions shall be maintained by the Department Privacy Officer.

Administrative Requirements

Due to HIPAA requirements, DOH has implemented certain administrative requirements as specified below:

A. Personnel Designations

1. Department Privacy Officer: The DOH must designate an individual to be the Department Privacy Officer, responsible for the development and implementation of department-wide policies and procedures relating to the safeguarding of PHI.
2. Subsidiary Privacy Officers will be appointed to represent bureaus/offices, regional office and local health departments, and to act in support of the Department Privacy Officer.

B. Privacy Officers Duties

1. The Department Privacy Officer will oversee all ongoing activities related to the development, implementation, and maintenance of, and adherence to the department’s policies concerning privacy. Establish and administer a process for receiving, documenting, tracking, investigating, and taking action on all complaints. Ensure that the Department is 1) in compliance with its privacy practices, and 2) consistently applies sanctions for failure to comply with privacy policies for all individuals in the Department’s workforce and business associates.

2. Subsidiary Privacy Officers will be responsible for providing information about DOH’s privacy practices and receiving complaints relating to PHI and forwarding these to the Department Privacy Officer.

C. Workforce Training Requirements

The DOH and, as applicable, its bureaus/offices must document the following training actions:

1. On or before April 14, 2003, all DOH workforce members must receive HIPAA awareness training. Training regarding appropriate policies and procedures relating to PHI will be given as necessary and appropriate for those employees whose jobs are impacted by HIPAA.

2. After April 14, 2003, each new workforce member, or a workforce member reporting to work for the first time since April 14, 2003, shall receive the training as described above within a reasonable time after joining or re-joining the workforce.

3. After training as described above has been given to all the current workforce, DOH shall require every workforce member to sign a revised “Confidentiality Statement” (Form PH. 3131). All new workforce members shall sign the “Confidentiality Statement” as soon as they have received the appropriate training as outlined above.

4. Each workforce member must receive training as described above within a reasonable time when:

   a. a material change in the policies and procedures relating to PHI occurs and it impacts his/her work, or

   b. a change in jobs or position responsibilities occurs.

D. Policies and Procedures
NOTE: The HIPAA Privacy Policies become effective on April 14, 2003. However, a reasonable time will be given bureaus/offices to become completely compliant with these policies in their program areas. Each bureau/office shall strive to achieve compliance in all areas as soon as feasible.

The DOH and, as applicable, its bureaus/offices must document the following actions relating to its policies and procedures:

1. The DOH shall design and implement policies and procedures to assure appropriate safeguarding of PHI in its operations to be followed by all workforce members.

2. The DOH must change its policies and procedures as necessary and appropriate to conform to changes in law or regulation. The DOH may also make changes to policies and procedures at other times as long as the policies and procedures are still in compliance with applicable law. Where necessary, DOH must make correlative changes in its privacy notice. The DOH may not implement a change in policy or procedure prior to the effective date of the revised privacy notice when required.

3. The DOH, and each bureau/office must maintain the required policies and procedures in written or electronic form, and must maintain written or electronic copies of all communications, actions, activities or designations as are required to be documented hereunder, or otherwise under the HIPAA regulations, for a period of six (6) years from the later of the date of creation or the last effective date or such longer period that may be required under state or other federal law.

4. Policies and procedures have been developed for the following administrative requirements:

   a. Safeguarding PHI from intentional or unintentional unauthorized use or disclosure as outlined in DOH HIPAA Policy #105, "Administrative, Technical, and Physical Safeguards."

   b. Complaint process for documenting and referring complaints received by clients as outlined in DOH HIPAA Policy #102, "Clients' Privacy Rights."

   c. Application of sanctions and documentation of the application of appropriate sanctions against workforce members as outlined in DOH HIPAA Policy #109, "Enforcement, Sanctions, and Penalties for Violations of Individual Privacy."

   d. Each bureau/office must mitigate, to the extent practicable, any inappropriate use or disclosure of PHI by DOH or any of its business associates as outlined in DOH HIPAA Policy #110, "Mitigation Efforts."

   e. Neither the DOH nor any bureau/office or workforce member shall intimidate, threaten, coerce, discriminate against, or take other retaliatory action against any individual for the exercise of his/her rights relating to HIPAA compliance nor will DOH require clients to waive their rights to file a complaint as a
condition for providing treatment, payment, or receiving a service, as outlined in DOH HIPAA Policy #102, "Clients' Privacy Rights."

5. Policies and procedures for other aspects of HIPAA have been developed to address operational issues as follows:

a. Clients' rights to access their own information, with some exceptions, as well as the client's right to request restrictions or amendments to their information is outlined in DOH HIPAA Policy #102, "Clients' Privacy Rights."

b. The requirements DOH needs to follow regarding the uses and disclosures of client information is outlined in DOH HIPAA Policy #103, "Uses and Disclosures of Client Information."

c. DOH will use or disclose only the minimum necessary information necessary to provide services and benefits to clients as outlined in DOH HIPAA Policy #104, "Minimum Necessary Information."

d. DOH may use or disclose client's information for research purposes as outlined in DOH HIPAA Policy #106, "Use and Disclosure for Research Purposes and Waivers."

e. DOH staff will follow standards under which client information can be used and disclosed if information that can identify a person has been removed or restricted to a limited data set as outlined in DOH HIPAA Policy #107, "De-identification of client information and Use of Limited Data Sets."

f. DOH may disclose protected health information to business associates with whom there is a written contract or memorandum of understanding as outlined in DOH HIPAA Policy #108, "DOH Business Associates."

For additional information concerning HIPAA Policies, see Section 105 at http://intranet.health.nash.tenn/intranet/.

Reference(s):
• 45 CFR Parts 160 and 164
Contact(s):
• Privacy Program Office, (615) 253-5417
CONFIDENTIALITY/WORK RELATED RECORDS AND INFORMATION

Occasionally, employees of the Department of Health will work with information that is confidential in nature. It is expected that each employee will always respect the confidentiality of information by not discussing or sharing the contents with anyone other than authorized parties.

Should an employee have doubts as to whether the information is confidential, he/she will need to consult with their supervisor. This is a very serious matter and failure to abide by this directive will result in disciplinary action, up to and including termination, depending upon the severity of the situation.

SAFETY

The Department of Health endeavors to take every reasonable measure to ensure that it provides a safe and healthy workplace for its employees. To assist in this effort, employees are required to practice safe work habits. Each employee will need to make every effort to report to his/her supervisor or management staff any unsafe conditions that are observed. Typical examples of unsafe conditions include, but are not limited to the following:

- wet or slippery floors.
- defective electric wiring, lighting, or outlets.
- smoking in unauthorized areas.

Each employee is required to become familiar with the fire prevention procedures within their section and will need to be cooperative in order to ensure the safety of yourself and others. Refusal to comply with safety guidelines could result in disciplinary action up to and including termination.

TELEPHONE USAGE-LONG DISTANCE

Should the need arise to use a state telephone for personal business which is long distance, the call should be made collect or placed on an appropriate personal calling card. No exceptions will be made to this rule.

Telephone bills are subject to audit, and any long distance personal calls made on state telephones must be reimbursed to the state.

For those employees who travel frequently on state business, a business calling card can be obtained. For additional information contact your personnel officer or supervisor.
DRESS AND GROOMING

As an employee of the State of Tennessee, employees are expected to maintain a standard of dress and grooming which reflects good taste and common sense. Employees should dress according to the type of work they perform and the office in which they are located.

Appropriate dress should be discussed with your supervisor. Employees will be expected to comply with established dress codes within their respective work area.