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Sample Personnel Policies

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Sample Personnel Policies

Reference Number: CTAS-1115

Following are samples of various personnel policies that may be used as guides to assist county officials in developing their own personnel policies. These are only examples—there are many other acceptable ways to do these policies and many other choices can be made. Always make sure that the policy accurately reflects what is done or will be done in the county and in the particular office to which it applies. Never adopt a policy that will not or cannot be followed. Consult with the county attorney to ensure that all policies are in compliance with the applicable law.

Introductory Matters

Personnel policies often use terminology that needs to be defined, such as “part-time employee” and the like. These definitions usually appear at the beginning of a personnel handbook, but they also can be placed within the policies where the terms are actually used. Regardless of where the definitions appear, it is very important to define them. When defining categories of employees, avoid referring to employees as “permanent” which could create the implication that the employee cannot be fired except under limited circumstances. A better alternative is “regular.” The term “probationary” also can lead to the inference that an employee who has completed this period will not be fired, although if you carefully set out the terms of probationary employment (such as no accrual of benefits) this term may be used. However, you might want to call these employees “newly hired.” Also, remember that definitions are not policies—they are only used to define terms that you will later use in your policies. The following are only examples of terms that you may need to define. Do not define terms unless they are actually used in your policies.

Definitions

“Full-Time Regular Employees” are those who are hired to work the county’s normal, full time, _____ (____) hour workweek on a regular basis. These employees may be “exempt” or “non-exempt” as defined below.

“Part-Time Regular Employees” are those who are hired to work fewer than _____ (____) hours per week on a regular basis. These employees may be “exempt” or “non-exempt” as defined below.

“Temporary Employees” are those who are engaged to work either full time or part time with the understanding that their employment will terminate upon the completion of a specific assignment. These employees may be “exempt” or “non-exempt” as defined below.

“Exempt Employees” are those who are not entitled to be paid overtime under federal wage and hour laws. Executive employees, professional employees and certain employees in administrative positions are typically exempt.

“Non-exempt Employees” are those who are required to be paid overtime at time and one-half their regular rate of pay, in accordance with federal wage and hour laws, for hours worked over forty (40) in a workweek.

“Newly Hired Employees” are those who have been employed by the county for less than _____ (____) months. These employees accrue no benefits. They may be either “exempt” or “non-exempt.”

Employment at Will Statement

You also should include an employment-at-will statement at the beginning of the personnel handbook. It is important that employees be told that the policies do not create a contract of employment.^[1]

No policy, benefit, or procedure contained herein creates an employment contract for any period of time, or a contractual obligation of any kind. All employees will be considered employees-at-will. Employees may be terminated for failure to satisfactorily perform their duties or simply at the will of the employer, but they shall not be terminated for an illegal purpose.

Miscellaneous Sample Policies

The following policies address miscellaneous issues that the employer may want to include in a personnel handbook.

Residency Requirement

All new employees shall be residents of _____ County or shall become residents of _____ County within six (6) months after employment. Any applicant for employment residing outside _____ County must sign a statement prior to gaining employment status indicating the

employee's willingness to move his or her place of residence. Employees of _____ County must continue to reside within _____ County as long as their employment continues.

All employees of _____ County, employed as of the effective date of this residency requirement, shall be allowed to maintain their existing residences and shall not be required to move into _____ County. Upon moving from the residence an employee maintained as of the effective date of this requirement, the employee must move into _____ County, as provided by these rules and regulations. All employees are required to furnish their employer with notice of a change of address within thirty (30) calendar days of locating to a new residence.

Personnel Files

An individualized personnel file will be maintained on each employee. It is the responsibility of each employee to provide accurate information to the employer. Employees also are responsible for reporting to the employer any change in the information that they have previously provided. Providing false information is a misdemeanor under T.C.A. § 39-16-504.

Immigration Papers

Upon initial employment, all employees are required to complete a Form I-9 to attest that they are lawfully eligible to work in the United States. Employees are further required to supply to the employer copies of documents proving this eligibility.

Part-Time Employees

Part-time employees [defined in the definitions section] are not entitled to receive any benefits set out in the policies of _____ County except where expressly and specifically provided otherwise. These policies are not intended to establish paid leave of any kind for part-time employees.

Breaks

Employees may take one (1) fifteen (15) minute rest period for each four (4) hours worked. Such rest periods shall be considered a privilege and not a right, and shall never interfere with proper performance of the work responsibilities and work schedule of each department. Break time shall not reduce working time under FLSA.

Compensation Plan

The compensation plan of this office or department is established by assigning each job classification a salary grade which reflects the knowledge, skills and abilities needed to fill that position. Each employee will be compensated based upon the salary grade that is assigned to his or her position. No full-time employee shall be paid at a rate less than the base rate nor more than the maximum rate for a position as set out in the compensation plan.

The compensation plan establishes a salary range within each job. It is designed to provide for merit pay increases to employees as a reward for ability and performance and to compensate employees for their increased value to this county.

Merit pay increases are not automatic. Increases will be granted only upon the recommendations of the employer and will be based upon the ability and performance of the employee.

Termination Pay

An employee whose services are being terminated, either voluntarily or involuntarily, shall be paid for all regular earnings that are due and accrued plus all accrued vacation time, overtime and compensatory time. The employee will not be compensated for any unused sick leave days. In the event of death, the amount owing to the employee shall be paid to the employee's beneficiary designated in writing for this purpose. If no beneficiary has been designated, amounts owing at the time of death will be paid to the surviving spouse, surviving children, or to the estate, as may be required by law.

COBRA

An individual covered by the employee health plan has the right to seek continued health coverage upon the occurrence of certain events, such as termination of employment, which might affect that individual's coverage. The employee or covered individual should consult the health care plan administrator.

[1] See *Williams v. City of Milan*, 2009 WL 989775 (W.D. Tenn. 2009).

Sample Leave Policies

Reference Number: CTAS-1116

Following are some examples of policies that you may use as guides to help you define the leave that employees receive in your particular county.

Sample Policy - Holidays

Reference Number: CTAS-1117

Sample Holiday Policy:

1. Holidays - On the following legal holidays, county offices will be closed and employees will be excused from work without charge to leave:

<i>New Year's Day</i>	<i>January 1st</i>
<i>Martin Luther King, Jr. Day-</i>	<i>3rd Monday in January</i>
<i>Presidents' Day</i>	<i>3rd Monday in February</i>
<i>Good Friday</i>	<i>Friday before Easter</i>
<i>Memorial Day</i>	<i>Last Monday in May</i>
<i>Independence Day</i>	<i>July 4th</i>
<i>Labor Day</i>	<i>1st Monday in Sept.</i>
<i>Thanksgiving Day</i>	<i>4th Thursday in November</i>
<i>Christmas Day</i>	<i>December 25th</i>

When a holiday falls on Saturday, the Friday prior to the holiday is substituted. When a holiday falls on Sunday, the Monday following the holiday is substituted.

2. Election days - County offices will be closed and employees excused from work without charge to leave on all days established by law for holding county, state or national elections throughout the state.

3. Special Pay Provisions - Every effort will be made to allow all employees off on each designated holiday and Election Day. If it is necessary for an employee to work on any of these days, the employee will be compensated at the employee's regular rate of pay, and the employee will receive one and one-half hours of vacation time for each hour actually worked during the holiday.

Sample Policy - Sick Leave

Reference Number: CTAS-1118

Sample Sick Leave Policy:

A. Earning and Accumulating Sick Days

Sick leave shall be considered a benefit and privilege and not a right. Full time employees will receive full pay during incapacity caused by illness if sick leave is taken. Sick leave is earned at the rate of one day per month (12 days per year). There is no maximum accumulation of sick leave credits. Accumulated sick leave has no value except for the purpose granted, and in the event of retirement or separation, all unused sick leave shall be forfeited.

If an employee is in a paid status for one-half of the month or more, he or she will be credited with one day of sick leave for the month. Otherwise, the employee will not accrue any time for the month.

B. General Sick Leave Rules and Procedures

- 1. Use of Sick Leave - An employee may use sick leave allowance for absence due to the employee's own illness or injury. Sick leave also may be used for appointments with a licensed doctor, dentist or recognized practitioners. When appropriate, a partial sick day may be used rather than a full day. Employees who become ill during the period of their vacation may request that their vacation be temporarily terminated and the time changed to sick leave. However, such request must be justified by means of a doctor's statement upon return to work. No employee may give or loan sick leave time to another employee.*
- 2. Documentation of Sick Leave - Employees are required to notify the employer as*

early as possible on the first day of their sick leave absence, and shall notify the employer in advance whenever the need for leave is foreseeable. Employees shall document their use of paid sick leave on leave request forms provided by the Employer for this purpose. Such forms shall be completed by the employee and approved by the employer in advance of the leave when the need for sick leave is foreseeable, and in all other instances as soon as possible after the employee's return to work. An employee who claims sick leave may, at the discretion of the employer, be required to furnish a certificate from a physician stating that the employee was incapacitated from work for the period of absence as a result of sickness or injury, and that the employee is again physically able to perform his or her duties.

3. *Exhaustion of Sick Leave - Employees who have used all of their accumulated sick leave will not receive financial compensation for additional days needed due to illness or injury. For any additional time needed, the employee will be considered on a leave without pay status unless the employee has accumulated vacation time or comp time remaining and the employee requests such leave.*

Sample Policy - Vacation/Annual Leave

Reference Number: CTAS-1119

Sample Vacation/Annual Leave Policy:

Qualification for Vacation Time - Full time employees (those who work more than 35 hours per week) will earn twelve (12) days of paid vacation per year. Employees begin accruing vacation time as of the date of their employment, but an employee is not eligible to use vacation time until the employee has completed six months of service, at which time six (6) days of vacation will be available. Thereafter, employees will accrue vacation days at the rate of one day per month of service. Part-time employees do not qualify for vacation leave.

Accumulation of Vacation Time - Vacation time may be accumulated and carried forward to the next year in an amount not to exceed 24 days. Any days exceeding the 24-day limit will be lost if not used prior to the end of the current employment year.

Use of Vacation Time - Vacation leave may be used only at times approved in advance by the employer. Requests for vacation leave shall be made using leave request forms provided by the employer for this purpose. Reasonable vacation requests will be honored to the extent possible. If two or more employees request vacation for the same period of time, the employer will determine whether this will create a hardship upon the department. If it is determined that it is not possible for both employees to be on vacation at the same time, the request of the employee who first asked for vacation time will be honored. No employee may give or loan vacation time to another employee.

Termination of Employment - Upon the termination of employment, an employee shall be entitled to payment for any unused vacation time which has accrued, up to the 24-day limit. Payment shall be made based upon the employee's daily rate of compensation at the time of termination.

Sample Policy - Personal Leave

Reference Number: CTAS-1120

"Personal Leave" is an example of a combination leave which is sometimes given by employers *instead of* sick leave, vacations, personal days, and other kinds of leave. It is said to result in lower absenteeism.

Sample Personal Leave Policy:

In lieu of sick leave, vacation leave and other types of leave for specific reasons, employees receive paid personal leave which may be used for any reason. The amount of personal leave to which you are entitled depends on your status as an exempt or non-exempt employee, as defined in these policies, and on your length of service with the county, as follows:

Full-Time Regular Non-exempt Employees

**Years Service
of as of July 1**

_____ years

**Annual Personal
Leave Allowance**

_____ day

**Monthly
Accrual**

_____ day

____ years
____ or more

____ days
____ days

____ days
____ days

Full-Time Regular Exempt Employees

**Years Service
of as of July 1**

____ years
____ years
____ or more

**Annual Personal
Leave Allowance**

____ day
____ days
____ days

**Monthly
Accrual**

____ day
____ days
____ days

Part-time regular employees accrue personal leave on schedules proportionate to the above, but one day of leave will be equal to the number of hours the employee is regularly to work per day, so that when taking leave these employees will be paid only for the number of hours they would normally be scheduled to work during that period.

Newly hired regular employees do not accrue any personal leave until they have successfully completed six months of continuous employment, at which time one-half their first year's personal leave will accrue. The balance of the first year's personal leave will accrue upon successful completion of one year of continuous employment.

Temporary employees do not accrue personal leave or any other type of leave except to the extent required by applicable law or as may be specified in such employee's written contract with the county.

Employees will not be paid for unused personal leave.

Sample Policy - Pregnancy Leave

Reference Number: CTAS-1121

Sample Pregnancy Leave Policy:

Pregnancy, childbirth and related conditions will be treated the same as any other temporary medical disability with regard to leave policies. Leave is available under the same terms and conditions as for other similar purposes. In addition to sick leave and annual leave, leave related to pregnancy and childbirth also may be available to eligible employees under the federal Family and Medical Leave Act and/or Tennessee's law governing adoption, pregnancy, childbirth and nursing.

Tennessee law requires that the following provisions be included in these personnel policies; the provisions may or may not apply, depending upon the circumstances:

T.C.A. 4-21-408. Leave for adoption, pregnancy, childbirth and infant nursing

(a) Employees who have been employed by the same employer for at least twelve (12) consecutive months as full-time employees, as determined by the employer at the job site or location, may be absent from such employment for a period not to exceed four (4) months for adoption, pregnancy, childbirth and nursing an infant, where applicable, referred to as "leave" in this section. With regard to adoption, the four-month period shall begin at the time an employee receives custody of the child.

(b)(1) Employees who give at least three (3) months' advance notice to their employer of their anticipated date of departure for such leave, their length of leave, and their intention to return to full-time employment after leave, shall be restored to their previous or similar positions with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of their leave.

(2) Employees who are prevented from giving three (3) months' advance notice because of a medical emergency that necessitates that leave begin earlier than originally anticipated shall not forfeit their rights and benefits under this section solely because of their failure to give three (3) months' advance notice.

(3) Employees who are prevented from giving three (3) months' advance notice because the notice of adoption was received less than three (3) months in advance shall not forfeit their rights and benefits under this section solely because of their failure to give three (3) month's advance notice.

(c)(1) Leave may be with or without pay at the discretion of the employer. Such leave shall not affect the employees' right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which the employees were eligible at the

date of their leave, and any other benefits or rights of their employment incident to the employees' employment position; provided, that the employer need not provide for the cost of any benefits, plans or programs during the period of such leave, unless such employer so provides for all employees on leaves of absence.

(2) If an employee's job position is so unique that the employer cannot, after reasonable efforts, fill that position temporarily, then the employer shall not be liable under this section for failure to reinstate the employee at the end of the leave period.

(3) The purpose of this section is to provide leave time to employees for adoption, pregnancy, childbirth and nursing the infant, where applicable; therefore, if an employer finds that the employee has utilized the period of leave to actively pursue other employment opportunities or if the employer finds that the employee has worked part time or full time for another employer during the period of leave, then the employer shall not be liable under this section for failure to reinstate the employee at the end of the leave.

(4) Whenever the employer shall determine that the employee will not be reinstated at the end of the leave because the employee's position cannot be filled temporarily or because the employee has used the leave to pursue employment opportunities or to work for another employer, the employer shall so notify the employee.

(d) Nothing contained within the provisions of this section shall be construed to:

(1) Affect any bargaining agreement or company policy that provides for greater or additional benefits than those required under this section;

(2) Apply to any employer who employs fewer than one hundred (100) full-time employees on a permanent basis at the job site or location; or

(3) Diminish or restrict the rights of teachers to leave pursuant to title 49, chapter 5, part 7, or to return or to be reinstated after leave.

(e) The provisions of this section shall be included in the next employee handbook published by the employer after May 27, 2005.

Sample Policy - Family and Medical Leave

Reference Number: CTAS-1122

Sample FMLA Policy:

Under the federal Family and Medical Leave Act of 1993 (FMLA), eligible county employees are entitled to take up to twelve (12) workweeks of unpaid leave during each 12-month period beginning [insert one of the four 12-month periods chosen in accordance with the FMLA: the fiscal year, the calendar year, a "rolling" 12-month period measured backward from the date of the leave, or the 12-month period measured forward from the date of the leave] for the birth of a child, the placement of a child for adoption or foster care, a serious health condition of the employee that makes the employee unable to perform the functions of his or her job, or the serious health condition of a spouse, son, daughter or parent that requires the employee's presence. Both male and female employees are eligible for leave in connection with the birth or placement of a child or a family illness, but special rules may apply if both husband and wife are county employees. Accrued paid leave may be substituted for unpaid FMLA leave in accordance with the county's paid leave policies. Employees may be required to use their accrued paid leave prior to taking unpaid leave under the FMLA.

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

An employee must provide at least thirty (30) days advance notice of the need to take FMLA leave under normal circumstances. Medical certification also may be required.

Employees returning to work from FMLA leave will be restored to the same position or one with equivalent pay and benefits. Returning employees may be required to provide a certification of fitness for duty prior to being reinstated.

The FMLA also allows eligible employees to take up to twelve (12) workweeks of job-protected leave in the applicable 12-month period for a "qualifying exigency" arising out of the active duty or call to active duty status of a spouse, son, daughter, or parent, and up to 26 workweeks of job-protected leave in a single 12-month period to care for a covered servicemember with a serious injury or

illness. Advance notice is required – at least thirty (30) days for foreseeable planned medical treatment and otherwise as soon as practicable. Certification of the need for leave may be required.

*It is the policy of _____ County to grant its employees leave in accordance with the requirements of the Family and Medical Leave Act. A copy of the FMLA Fact Sheet #28 setting out the employee's rights under the FMLA and Fact Sheet #28A setting out the employee's rights to military family leave are attached [attach copies of both FMLA Fact Sheets] to these policies, and employees may obtain additional copies of these documents as well as additional information about the FMLA and their rights and obligations under that law from their supervisor, or by contacting _____ at (____) _____ *[insert contact information for county attorney or some other knowledgeable person]*.*

*In addition to the FMLA, Tennessee has a leave law for adoption, pregnancy, childbirth and nursing an infant (T.C.A. § 4-21-408) which applies to all employers who employ 100 or more full-time employees at a job site or location. This state law allows employees who have been employed for twelve (12) months to take up to four (4) months of unpaid leave for adoption, pregnancy, childbirth and nursing the infant. To be eligible for this leave, the employee must give at least three (3) months advance notice, except in cases of medical emergency. This leave will run concurrently with any leave to which the employee may be entitled under the FMLA or otherwise. Subject to certain conditions, accrued paid leave may be substituted for the unpaid leave. Employees may obtain a copy of the Tennessee leave statute by contacting _____ at (____) _____ *[insert contact information for county attorney or some other knowledgeable person]*.*

Sample Policy - Bereavement/Funeral Leave

Reference Number: CTAS-1123

Sample Bereavement Leave Policy:

In the case of death in the employee's immediate family, the employee will be given three (3) working days paid leave which will not be charged to vacation leave. Immediate family is defined as the employee's spouse, parent, child, brother, sister, mother-in-law, father-in-law, grandparent, grandchild, legal guardian or legal dependent.

Sample Policy - Voting Leave

Reference Number: CTAS-1124

Sample Voting Leave Policy:

Any person entitled to vote in an election in this state may be absent from work for a reasonable period of time, not to exceed three hours, necessary to vote while the polls are open in the county where the employee resides. The employer may specify the time the employee may be absent. The employee will receive regular compensation during this period and leave time will not be affected. Voting time shall not be counted as working time for overtime computation.

Sample Policy - Jury and Court Duty

Reference Number: CTAS-1125

Sample Jury/Court Duty Policy:

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

- 1. The employee will be granted a leave of absence when the employee is subpoenaed or directed by proper authority to appear in Federal or State court as a juror or a witness.*
- 2. The employee will receive his or her regular compensation for the time actually spent serving as a juror or witness and traveling to and from court.*
- 3. The employee may retain all compensation or fees received for serving as a juror or as a witness.*
- 4. If the employee serves as a witness or juror for more than three hours during the*

day, the employee will be excused from work for the entire day. Otherwise, the employee must report back to the employer at the conclusion of service.

5. *The above provisions concerning compensation for time in court do not apply if the employee is involved as a party in private litigation. On these occasions the employee must take vacation leave, comp time or leave without pay.*

Sample Policy - In Line of Duty Injury Leave (for counties covered by Workers' Compensation)

Reference Number: CTAS-1126

Sample Workers' Compensation Policy:

Any employee sustaining an injury or an illness during the course and scope of his or her employment which is determined to be compensable under the provisions of the Workers' Compensation Law shall be entitled to receive in-line-of-duty injury leave. This leave shall not be counted against any accrued sick leave that the employee has accumulated. The employee is not permitted to substitute any other paid leave. Benefits that are receivable by the employee will be determined by the provisions of the Workers' Compensation Law.

Sample Policy - In Line of Duty Injury Leave (for counties not covered by Workers' Compensation)

Reference Number: CTAS-1127

Sample In-Line-of-Duty Injury Policy:

Notice of Injury - Every injured employee or his or her representative shall, immediately upon the occurrence of an injury, however minor, give or cause to be given to the employer written notice of the injury. The employee shall not be entitled to benefits hereunder from the date of the accident to the giving of such notice, unless it can be shown that the employer had actual knowledge of the accident.

Injuries Not Covered - No benefits shall be allowed for an injury due to the employee's willful misconduct or intentional, self-inflicted injury, or due to intoxication, or sports-related injury unless participation in sports activities is required by the job description, or willful failure or refusal to use a safety appliance or perform a duty required by law. This exclusion does not apply to mandatory physical fitness programs as developed and mandated by the employer.

Period of Compensation - Injury leave shall extend for such time as the injured employee is unable to return to work, but in no event beyond six months for the same or recurring injury.

Compensation Received - During the period of time that the injured employee is on injury leave, he or she will be entitled to receive full pay, subject to all other provisions and qualifications set out herein. The employee will continue to earn vacation and sick leave.

Use of Sick Leave - An employee who is injured in the course of employment will be granted injury leave, and such leave will not be charged against the employee's sick leave nor may an employee use sick leave for in-line-of-duty injuries.

Role of Employer's Medical Examiner - The determination of character, degree and duration of occupational disability is the responsibility of the Medical Examiner for the employer. Employees will be required to return to work after the approval of the Employer's Medical Examiner, in consultation with the injured employee's attending physician. If there are conflicting opinions from the Employer's Medical Examiner and the injured employee's attending physician, the final determination shall be left to the employer's governing body.

Extended Injury Leave - Whenever an employee is on extended leave due to a work related injury or illness, the employee must provide the employer with an update of the employee's medical condition every 30 calendar days. The employer has the right to instruct the employee to be evaluated by the employer's medical examiner. The employer shall be responsible for placing the employee back to work as soon as he or she is physically capable of resuming employment. If at any time it is medically indicated that the employee will not be able to return to work prior to the expiration of six months, the employee, or the employer on behalf of the employee, shall file an

application for a disability pension.

Sample Policy - Administrative Leave with Pay

Reference Number: CTAS-1128

Sample Administrative Leave with Pay Policy:

Absence with pay for administrative purposes may be granted by the employer. Such leave must be for a good cause as determined by the employer. This leave shall not exceed five (5) working days per year unless exceptional circumstances exist.

Sample Policy - Administrative Leave without Pay

Reference Number: CTAS-1129

Sample Administrative Leave without Pay Policy:

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

Sample Policy - Military Leave

Reference Number: CTAS-1130

Sample Military Leave Policy:

Regular employees who are members of any military reserve component, including the Tennessee army and the air national guard, will be granted a leave of absence for all periods of military service during which they are engaged in the performance of duty or training for this state or for the United States under competent orders. While on leave, the employee will receive his or her regular compensation for a period not exceeding twenty (20) working days per calendar year, plus any additional days that may result from a call to active state duty by the Governor. Such requested leave shall be supported with copies of the armed forces orders.

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

Employees in military service shall be governed by the requirements of, and shall have all of the rights and benefits conferred upon such persons by state law found in T.C.A. Title 8, Chapter 33, and under USERRA.

Sample Wage and Hour Policies

Reference Number: CTAS-1131

All county offices are required to have written wage and hour policies in place. Following are some sample policies that may be used to comply with the law.

Sample Policy - Workweek

Reference Number: CTAS-1132

Sample Policy Defining the Workweek:

The workweek for employees of _____ County begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on Saturday each week. The regular workweek for _____ County employees is _____ (____) hours. Employees who are paid on an hourly basis will receive compensation at

their regular rate of pay for all hours worked up to and including 40 in the workweek. The salary paid to salaried employees is compensation for all hours worked by such employees up to and including 40 in the workweek. The actual work schedule for each employee will be arranged by that employee's supervisor.

Sample Policy - Overtime

Reference Number: CTAS-1133

Sample Overtime Policy:

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

Sample Policy - Compensatory Time

Reference Number: CTAS-1134

Sample Compensatory Time Policy:

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

Compensatory Time Agreement

The federal wage and hour laws require a prior agreement or understanding before compensatory time may be given to employees in lieu of cash payment for overtime. This can be accomplished through the county's policies, but some counties may wish to have a signed agreement with employees who receive compensatory time. The following is an example of a compensatory time agreement, although there are other acceptable methods of evidencing an agreement. The employer should give one copy to the employee and place the other copy in the employee's personnel file.

SAMPLE COMPENSATORY TIME AGREEMENT

In accordance with the Fair Labor Standards Act, _____ County has a policy of granting employees compensatory time off in lieu of compensation for time worked in excess of 40 hours in a workweek (or other permissible schedules for law enforcement, firefighters, and certain other employees). A copy of this policy is on file in the office of the County Clerk. I understand that compensatory time will be granted at time and one half for all time worked in excess of 40 hours (or other permissible work schedules). I further understand that accrued compensatory time may be used in accordance with county policy and the applicable laws, rules and regulations of the U. S. Department of Labor. I voluntarily and knowingly agree to accept compensatory time off in lieu of cash compensation for overtime work and to the use of accrued compensatory time off in accordance with the county's policy and the laws, rules and regulations of the U. S. Department of Labor.

Employee signature

Date

Sample Policy - Time Records

Reference Number: CTAS-2079

Sample Time Records Policies:

Time Records - Example 1

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

Time Records - Example 2

Employees shall work a set schedule Monday through Friday, from 8:00 a.m. until 4:30 p.m., with one-half hour during which the employee is totally relieved of all duties for lunch. Each employee shall sign a schedule showing that particular employee's work schedule. For any day the employee varies from the established work schedule, the employee is required to file with the supervisor a signed schedule variance form, which shall show the exact hours worked during the work day, and shall show sick leave, holiday leave, and vacation time taken. Employees must ensure that their actual hours worked and leave time taken are recorded accurately. Falsifying these records is a crime under T.C.A. § 39-16-504.

Sample Non-Discrimination and Harassment Policies

Reference Number: CTAS-1135

Counties are required to have written non-discrimination and harassment policies. Following are examples of policies that you may use as guides.

Sample Policy - Equal Employment Opportunity

Reference Number: CTAS-1136

Sample EEO Policy:

It is the policy of _____ County to provide equal employment opportunities to all individuals regardless of race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, status as a Vietnam-era veteran or special disabled veteran, or status in any other group protected by law. This policy extends to all terms and conditions of employment, including but not limited to hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training. It is the policy of _____ County to make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in undue hardship.

It is the policy of _____ County to maintain a respectful work and public service environment. _____ County prohibits and will not tolerate any form of unlawful harassment by or toward any employee or official on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, status as a Vietnam-era veteran or special disabled veteran, or status in any other group protected by law. Any employee or official who engages in such behavior is subject to disciplinary action, up to and including termination of employment.

Employees or applicants with questions or concerns about any type of discrimination or harassment in the workplace are encouraged to bring these issues to the attention of the immediate supervisor or department head. Employees can raise concerns and make complaints without fear of reprisal and with the assurance of protection from harassment or retaliation. Anyone found to be engaging in discrimination or harassment in violation of county policy will be subject to disciplinary action, up to and including termination of employment. A finding of a violation of county policy does not, however, amount to a finding of unlawful discrimination or harassment; in order to further its objective of equal employment opportunities the county may, but shall not be required to, interpret its policy more broadly than federal or state law mandates.

Sample Policy - Hiring Practices

Reference Number: CTAS-1137

Sample Hiring Policy:

_____ County does not discriminate in its hiring practices on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, status as a Vietnam-era veteran or special disabled veteran, or status in any other group protected by law. In order to give all interested parties an opportunity to apply for positions as they become open, job openings will be posted in the courthouse on the main bulletin board. All qualified applicants are urged to apply. Applicants must apply for a specific job opening. Employment applications will not be accepted unless a specific position is open at the time the application is submitted. Applications are not retained after the position for which the application was submitted has been filled. Anyone applying for a subsequent opening must submit a new application.

Sample Policy - Discrimination/Harassment Complaint Procedure

Reference Number: CTAS-1138

Sample Complaint Procedure Policy:

Discrimination, including harassment, in the workplace on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, or status in any other group protected by law is illegal. If an employee believes that he or she has been subjected to illegal discrimination or harassment related to employment with _____ County, the employee should report the incident promptly to the county official or department head under whose direction the employee works. If the problem is not resolved within a reasonable time, or if for any reason the employee feels uncomfortable reporting the problem to the county official or department head, then the problem should be reported to the county _____. The county _____ may act as a mediator between the affected employee and the county official or department head under whose direction the employee works to assist them in reaching an acceptable resolution of the problem, but the county _____ has no legal authorization to make employment decisions on behalf of the county official or department head. A conclusion by the county that disciplinary action should be taken does not constitute a finding of unlawful discrimination or harassment; in order to further its objective of equal employment opportunities the county may, but shall not be required to, interpret its policy more broadly than federal or state law mandates. No adverse personnel action will be taken against an employee for reporting an incident of discrimination or harassment or for assisting in the investigation of a complaint. However, disciplinary action may be taken against an individual who intentionally and maliciously provides false information in connection with a complaint.

Sample Policy - Religious Accommodation

Reference Number: CTAS-1139

Sample Religious Accommodation Policy:

Efforts will be made to accommodate the religious observance and practices of an employee unless such accommodation is unreasonable and would result in an undue hardship on the conduct of business. In making these decisions supervisors will consider such factors as business necessity, financial costs and expenses, and resulting personnel problems.

Sample Policy - Disability Accommodation

Reference Number: CTAS-1140

Sample Disability Accommodation Policy:

It is the policy of [name of county] to assure equal employment opportunity to persons with disabilities on the basis of qualifications and ability to perform the job. There shall be no

discrimination in terms of employment opportunities, wages, hours of work, or other terms or conditions of employment or benefits.

An individual with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or who is regarded as having such an impairment.

Application Process

Persons with disabilities are guaranteed the same application process as other applicants. Assistance may be provided when needed, such as the following:

- (a) A reader may be provided for completing an application or written examination for qualified applicants who are vision-impaired or functionally illiterate.*
- (b) Waiver of a driver's license may be requested for qualified disabled applicants who are not allowed to drive.*

Employment Physical

New employees working in _____ positions are required to take a physical examination after an offer of employment has been made. The physical examination will be conducted at the [name of county] Health Department at county expense. If a physical limitation is determined which prevents an otherwise qualified individual from performing the essential functions of the job, the appointee can still retain the position if reasonable accommodation can be made. The possibility of reasonable accommodation shall be determined by the applicant and the employer. Information obtained in the pre-employment physical shall be confidential to the extent provided by law, except for the following:

- (a) Supervisors shall be informed of any restrictions on the duties required for reasonable accommodation.*
- (b) Safety personnel shall be informed of any possibility of emergency treatment.*

Reasonable Accommodation

A department shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with disabilities. The specific accommodations needed shall be determined jointly by the individual and the employer with technical assistance provided by the ADA Coordinator for [name of county]. Reasonable accommodation may include, but shall not be limited to:

- (a) making facilities readily accessible to and usable by persons with disabilities, and*
- (b) job restructuring, job sharing or modified work schedule, acquisition or modification of equipment or devices and other similar actions.*

In determining whether an accommodation would impose an undue hardship on the operation of the department, factors to be considered include:

- (a) the overall size of the specific work area or program with respect to the number of employees and budget,*
- (b) the type of operation, and*
- (c) the nature and cost of the accommodation needed.*

It is the responsibility of the employee or applicant to make known to the employer the need for an accommodation.

Accessibility

Each department is required periodically to survey its programs and physical facilities to determine if they are accessible to persons with disabilities. If structural problems are found, it is the responsibility of [name of county] to budget for changes. Non-structural problems requiring some form of reasonable accommodation will be addressed on an individual basis. The ADA Coordinator will provide technical assistance in areas of accessibility related to employment.

Complaints

Individuals who believe that they have been subjected to discrimination on the basis of a disability are encouraged to report the incident in accordance with the complaint procedure included with the county's policy on Equal Employment Opportunity, or discuss the matter with the county's ADA Coordinator, _____, or both.

Sample Policy - Sexual Harassment

Reference Number: CTAS-1141

Sexual harassment, when it was first recognized, was treated somewhat differently than other forms of workplace harassment. As the law has developed over the years, this form of harassment is being treated essentially the same as the other forms of harassment and a separate policy is not necessary. However, counties may wish to adopt a separate policy addressing this issue. Following is an example of such a policy:

One particular kind of harassing behavior is sexual harassment. Sexual harassment, which can consist of a wide range of unwanted and unwelcome sexually directed behavior, is defined as:

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

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

Neither sexual harassment nor any other form of unlawful harassment will be tolerated in the workplace. Employees are urged to report alleged incidents of unlawful harassment. No adverse personnel action will be taken against any employee who reports such incidents or who assists in an investigation of a complaint. Anyone found to be engaging in harassment in violation of county policy will be subject to disciplinary action, up to and including termination of employment. A finding of a violation of county policy does not, however, amount to a finding of unlawful harassment; in order to further its objective of equal employment opportunities the county may, but shall not be required to, interpret its policy more broadly than federal or state law mandates.

Sample Drug-Free Workplace and Drug Testing Policies

Reference Number: CTAS-1142

The Drug Free Workplace Act of 1988 requires local governments who receive federal grant funds to maintain a drug-free workplace. This does not, however, require drug testing. Following is a sample drug-free workplace policy.

Drug-Free Workplace Policy

_____ County is committed to providing a safe work environment and to fostering the well-being and health of its employees. This commitment is jeopardized when any county employee illegally uses drugs on the job, comes to work under their influence, or possesses, distributes or sells drugs in the workplace. Therefore, _____ County has established the following policy:

1. It is a violation of _____ County policy for any employee to possess, sell, trade, or offer for sale illegal drugs or otherwise engage in the illegal use of drugs on the job.
2. It is a violation of _____ County policy for anyone to report to work under the influence of illegal drugs.
3. It is a violation of _____ County policy for anyone to use prescription drugs illegally. (However, nothing in this policy precludes the appropriate use of legally prescribed medications.)
4. Violations of this policy are subject to disciplinary action up to and including termination.
5. As a condition of employment with _____ County, employees must abide by the terms of this policy and must notify _____ County in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.

It is the responsibility of county employees' supervisors to counsel employees whenever they see changes in performance or behavior that suggest that an employee has a drug problem. Although it

is not the supervisor's job to diagnose personal problems, the supervisor should encourage such employees to seek help and advise them about available resources for getting help. Everyone shares responsibility for maintaining a safe work environment and co-workers should encourage anyone who may have a drug problem to seek help.

Employees needing treatment information should call [name of local employee assistance program, employer's employee assistance program director, a qualified physician, etc.]

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs is incompatible with employment at _____ County.

Drug Testing Programs. CTAS does not provide sample drug testing policies, but instead recommends that counties contract with a reputable expert to handle the program, including the development of the drug testing policies (Sample Drug Testing Program Request for Proposal). It is essential that the policy accurately reflect the testing program as it is carried out in the county. For more information on Drug Testing programs, see Drug and Alcohol Testing.

Sample Forms and Acknowledgments

Reference Number: CTAS-1143

Employers often include provisions in their personnel manuals advising employees that policies may be changed at any time, as well as a form for the employee to sign acknowledging receipt of the policies. Following are samples of these provisions:

Amendment of Policies

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

Sample Employee Acknowledgment Form - Receipt of Policies

EMPLOYEE ACKNOWLEDGMENT [two copies — give one to the employee and place the other copy in the employee's personnel file]

By signing this form, I acknowledge that I have received a copy of the personnel policies currently in effect for my office as of this date, and I understand that it is my responsibility to read and comply with the policies.

These policies cannot and are not intended to answer every question about my employment with _____ County. I understand that I should consult [county official] regarding any part of the policies that I do not understand or any questions I may have about my employment with _____ County that are not answered in the policies. The current policies will always be on file in the office of the County Clerk, and I may examine them there at any time during normal business hours.

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

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

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

Employee Name (type or print)

Employee Signature Date

Notice Regarding Falsification of Governmental Records. A copy of Tennessee Code Annotated § 39-16-504 is required to be furnished to all employees under T.C.A. § 5-23-107, and should be included in all personnel manuals. The statutory language is as follows:

T.C.A. § 39-16-504. Government record; destruction, tampering or fabrication.

(a) It is unlawful for any person to:

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

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

Source URL: <https://www.ctas.tennessee.edu/eli/sample-personnel-policies>