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Ex Officio Duties

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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Ex officio services are defined as "those duties performed by an officer for the compensation of which no express provision is made by law; services for which the law provides no remuneration." *Hagan v. Black*, 17 S.W.2d 908, 909 (Tenn. 1929). In the case of *George v. Harlan*, 1998 WL 668637, *2 (Tenn. 1998), the Tennessee Supreme Court defined *ex officio* services as those services not required by statute and defined *ex officio* duties as nonstatutory duties. The Court noted that the "duties which the common law annexes to the office of sheriff for which no fee or charge is specified in payment are generally referred to as 'ex officio' duties or services." *George* at *3, citing *State ex rel. Windham v. LaFever*, 486 S.W.2d 740, 742 (Tenn. 1972); and *Hagan v. Black*, 17 S.W.2d 908, 909 (1929). The compensation of a sheriff for *ex officio* services is to be determined by the county legislative body. *Shanks v. Hawkins*, 22 S.W.2d 355 (Tenn. 1929).

Workhouse Superintendent

When the jail in any county has been declared a workhouse, as provided in T.C.A. § 41-2-102, the sheriff becomes the *ex officio* superintendent of the workhouse. T.C.A. § 41-2-108. It is the duty of the workhouse superintendent to: (1) discharge each prisoner as soon as the prisoner's time is out, or upon order of the board of workhouse commissioners; (2) see that the prisoners are properly guarded to prevent escape; (3) see that they are kindly and humanely treated and properly provided with clothing, wholesome food properly cooked and prepared for eating three times a day when at work; (4) see that they are warmly and comfortably housed at night and in bad weather; (5) see that when sick they have proper medicine and medical treatment and, in case of death, are decently buried; and (6) keep the males separate from the females. T.C.A. § 41-2-109.

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