



Personnel Policy/Employee Handbook

Cumberland County, Tennessee

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SECTION I - PERSONNEL POLICES

INTRODUCTION

It is the intent of the Cumberland County Board of Commissioners that all departments in Cumberland County have certain minimum written personnel policies in effect for all employees in order to assist in maintaining compliance with applicable state and federal laws and to facilitate accurate recordkeeping; and to provide uniform policies for all employees without regard to race, sex, age, national origin, creed, disability or political affiliation.

The fundamental objectives to be achieved by these policies are:

- (1) To promote and increase efficiency and economy among employees of Cumberland County.
- (2) To establish and promote high morale among employees by providing good working relationships, a uniform personnel policy and consideration for employees needs and desires.

EMPLOYEE CODE OF CONDUCT

It is the policy of Cumberland County to uphold, promote and demand the highest standards of ethics from all employees and officials, (elected or appointed), servants, or any member of any board, agency, commission, authority or corporation (whether compensated or not) of the county. Accordingly, all county employees should maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants and never use their county position or powers for improper personal gain or for promotional purposes.

Duty to Report

If you have direct knowledge of any suspected illegal, improper, wasteful or fraudulent activity involving an employee with Cumberland County, you must immediately report such activities to your supervisor, department head, the Human Resources Director (HR Director) or the State Comptroller's Toll-Free Hotline at 1-800-232-5454. Failure to report such activity may lead to disciplinary action up to and including termination.

SECTION II - EMPLOYMENT

DEFINITIONS

- "Full-Time Regular Employees" are those who are hired to work the county's normal, full time, 35/37.5/40-hour workweek on a regular basis. These employees may be "exempt" or "non-exempt" as defined below.
- "Full-Time Regular Firefighter Employees" are those who are hired to work their normal, full time, 106-hour work cycle 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 30 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



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employees may be “exempt” or “non-exempt” as defined below. Temporary employees are not eligible for insurance.

- “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, with the exception of Firefighters, whose work cycle is 106 hours, and Corrections and Patrol for the Sheriff’s office whose work cycle will be 84 hours for each pay period. Non-exempt employees may be eligible for Comp Time.

EMPLOYMENT AT WILL STATEMENT

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; however, they shall not be terminated for an illegal purpose.

PART-TIME EMPLOYEES

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

PERSONNEL FILES

An individual personnel file will be maintained on each employee. It is the responsibility of each employee to provide accurate information to the employer. Employees are also responsible for reporting to the employer any change in the information which they have previously provided. It is a Class E felony to knowingly make a false entry into your Cumberland County personnel file.

IMMIGRATION PAPERS (I-9 Form)

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.

WORKWEEK/WORK DAY/ PAY CYCLE

A work day is defined as 7.00 hours for thirty-five (35) employees; 7.50 hours for thirty-seven and one-half hour (37.5) employees; and 8.00 hours for forty-hour (40) employees, EMT’s, Paramedics, and Firemen. The workweek for employees of Cumberland County begins at 12:01 a.m. on Monday and ends at 12:00 midnight on Sunday of each week. A pay cycle consists of a total of 70 hours for a (35) hours per week employee, 75 hours for a (37.5) hours per week employee, 80 hours for a (40) hours per week employee, 106 hours for Firefighters and 84 hours for the Corrections and Patrol at the Sheriff’s Office.



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Employees who are paid on an hourly basis will receive compensation at their regular rate of pay for all hours earned up to and including forty (40) in the workweek. The salary paid to exempt salaried employees is compensation for all hours worked. The actual work schedule for each employee will be arranged by that employee's supervisor. Employees should be sure that their actual work hours worked, and all leave time taken is recorded accurately. At the end of the pay period, the time sheet should be signed by the employee, verified and signed by the supervisor and then forwarded to the finance department.

PAY PERIOD

Employees of Cumberland County are paid on a bi-weekly basis. Payday will occur on the Friday following the pay period and will be direct deposited into the current bank account on file at the Cumberland County Finance Office.

INITIAL PERIOD OF EMPLOYMENT

All employees receiving an initial appointment to a regular, full-time position shall be required to complete satisfactorily a ninety (90) day initial period of employment prior to receiving regular, full-time status. The initial period of employment is an adjustment and trial period for the new employee during which the employee's attitude, work performance, job compatibility, and other job-related criteria will be observed by his/her supervisor. It is recommended that the supervisor complete a job-related performance evaluation no less than two weeks prior to the end of the employee's initial period of employment. The supervisor may review the evaluation with the employee. After reviewing with the employee, the supervisor shall submit his/her recommendation to retain or dismiss the employee to the Department Head or Elected Official. A supervisor may submit to the Department Head or Elected Official a performance evaluation and recommendation to dismiss an employee at any time prior to the completion of the initial period of employment if such action is warranted.

OVERTIME/COMPENSATORY TIME

Overtime is defined as time worked in excess of 40 hours in a workweek (106 for Firemen and 86 hours for Patrolmen and Correction Officers in a pay cycle). Non-exempt employees, as defined herein, who work over 40 hours (106 hours for Firemen, 86 hours for Patrolmen and Correction Officers in a pay cycle) 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 time off at the rate of one and one-half hours 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.

Each supervisor has the authority to determine if compensatory time may be given to those employees who work overtime and with whom the county has a prior agreement of 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 240, 480 for firemen and the Sheriff's office. 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



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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.

TELEWORKING/WORK FROM HOME

During the threat of all types of major emergencies and disasters, both natural and manmade, the County Mayor may determine that temporary changes need to be made in the operation of county government. The determination must be made in writing and be provided to all county-wide elected officials and the County Commission.

During that time, the Cumberland County Mayor or Elected Official may allow employees to work from home as needed. Employees will follow processes created by the Mayor or Elected Official in regards to timekeeping, requirements for work, and supervision of the employee in accordance with the Fair Labor Standards Act (FLSA).

SECTION III - BENEFITS FOR FULL-TIME EMPLOYEES

LONGEVITY PAY

In order that employees be rewarded for their years of service to Cumberland County, each Full-Time employee is eligible to receive a percentage of their annual base gross salary to be paid on the first pay period in December. The annual gross salary and years of service will be based upon employment through November 1 of that year. Longevity pay will be calculated for each individual employee according to the table below:

Years of Service	Longevity Percentage
< 1 year	.50%
1-4 years	1.00%
5-9 years	2.00%
10-14 years	2.50%
15-19 years	3.00%
20-25 years	3.50%
> 25 years	4.00%

PAYMENT OF MEDICAL INSURANCE PREMIUMS FOR RETIREES

Cumberland County shall offer a voluntary retirement incentive program for full-time employees who were employed on or before July 1, 2015. Employees hired or re-hired after July 1, 2015 shall not be eligible for this benefit. The county shall pay individual medical insurance premiums for a maximum of 8 eligible employees who choose to retire in any one fiscal year. The medical insurance coverage for retirees shall be the same as that provided for current regular full-time employees and shall continue until the retiree is eligible for Medicare benefits.

The county's current medical insurance provider is the State of Tennessee Local Government Plan. The State of Tennessee Benefits Administration has strict guidelines regarding age and years of service for retiree insurance eligibility and also service requirements for Local Government and Local Education groups. Employees



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considering retirement and continuance of medical insurance are strongly encouraged to contact the State of Tennessee Benefits Administration for guidance regarding eligibility (Member Service – 1-800-558-6213).

Requirements of the retiree benefit are as follows:

a) Retiree Responsibilities:

- Retiree must give written notification to the Finance Department regarding intent to retire no later than March 1 of the fiscal year prior to the requested retirement year. Such notification shall be waived in the event of unexpected retirement due to health conditions or other catastrophic event.
- Retiree must have a minimum thirty years creditable Tennessee Consolidated Retirement System (TCRS) service with Cumberland County. Exceptions to the creditable TCRS service may be made only for employees who were employed on July 1, 1985 and opted out of participation in TCRS at inception for general government employees.
- Retiree must submit an application for continuation of insurance with TCRS retirement application at the time of retirement.
- Retiree must comply with all eligibility requirements established by the health insurance plan for self and dependents.

b) Cumberland County shall:

- Terminate premium payment incentive to a retiree who returns to full time employment with any agency covered by TCRS.
- Allow retiree to add, and require the retiree to pay for, eligible family plan coverage at the same rate as current regular full-time employees.
- Accept applicants for this benefit in the order of the number of years of TCRS approved service until the maximum cap of eight (8) is reached. Should applicants have the same number of years of service, those with the earlier dates of submission of an application for this shall be given preference in the order of acceptance. Any applicant not granted this benefit due to the maximum 8 cap shall be placed in a pool effective for the following year, with the date of their application remaining unchanged.
- Guarantee those employees taking advantage of this program shall continue to receive this benefit even if the program is discontinued at a future date.

INSURANCES OFFERED FOR FULL TIME EMPLOYEES

All full-time employees will be eligible for the following benefits:

- Medical Insurance – effective the 1st of the month following hire date (*employee and employer paid.*)
- Employee Assistance Program – this is an assistance program that offers employees enrolled in the Medical Insurance assistance with the following:
 - WorkLife Services that include: Child, family and parenting support services, Education Services, Adult/Elder Care Support Services, Chronic illness support services, Discounted Legal Services and Personal Services.
 - EAP offers five (5) confidential sessions per problem, per year to help with topics including: Depression, anxiety, stress, living with chronic conditions, childcare or eldercare support, sleep disorders, substance use issues, relationship and family counseling.
- Wellness Program – Is available to the individuals who are on the Medical insurance. For more detail visit the Partners for Health website.
- Dental Insurance – effective the 1st of the month following hire date (*employee and employer paid.*)



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- Pension – Tennessee Consolidated Retirement System- employees will start contributions after the first 6 months of employment and will be vested after 5 years of employment. This is a mandatory program. For more information you can contact the HR Director (*employee and employer paid.*)
- Other retirement options – are available at the employees’ cost.
- Supplemental benefits – (*employee paid*) Short Term Disability, Long Term Disability, Critical Care Insurance, Cancer Insurance, Term Life Insurance, Accident Insurance and Vision Insurance.
- Life Insurance – effective the 1st of the month following hire date. The insurance is for the employee, the spouse and children. (*employer and employee paid*)

Cumberland County complies with the Health Insurance Portability and Accountability Act of 1996 (**HIPAA**) and follows guidelines involving the protected health information of employees, dependents and patients.

Open Enrollment

Medical and Dental insurance open enrollment is in October and all changes will take effect the following January. Supplemental benefits open enrollment is in February and all changes will take effect the following May.

Change in Status

Employees are required to report personal changes and/or changes in work status to the HR Director within 30 days of any status change. This includes the following events:

- Dependent status change
- Address changes
- Divorce
- Marriage
- Birth/adoption
- Reduction in work hours
- Any other change that could affect benefit plan eligibility

Nursing Mothers

Section 7 of the Fair Labor Standards Act (FLSA) requires employers to provide reasonable breaktime for an employee to express breast milk for her nursing child for up to one year after the child's birth. The supervisor should work with the employee to schedule two paid breaks (15 minutes each) that reasonably accommodates both the mother’s needs and her work responsibilities. The supervisor is responsible to help the mother identify a place to express milk, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public.

COBRA

Employees of Cumberland County and their dependent(s) that are covered by the employee health plan have certain legal rights to choose continuation of coverage. These rights apply if you or your dependents lose coverage due to a reduction in hours of work, termination of employment for reasons other than gross misconduct, and for other events which might otherwise cause a loss of coverage. Certain other qualifying events may enable your dependents to continue their coverage. It is essential that you keep the Cumberland County’s HR Director informed of changes in dependents’ status, including divorce, etc. For insurance coverage purposes, it is important for you to notify the HR Director of any changes in your marital status or in the number of dependents



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in your family. Failure to do so can jeopardize your spouse's and/or dependents' ability to receive health insurance coverage. Employees and covered individuals should consult the health care plan administrator.

SECTION IV – LEAVE POLICIES

PERSONAL LEAVE

Personal leave will be earned at the rate of two (2.00) hours per week for thirty-five (35) hour employees; two and one quarter (2.25) hours per week for thirty seven and one-half hour employees; two and one-half (2.50) hours for forty (40) hour employees; and two and three quarter (2.75) hours per week for EMT's, Paramedics, Firemen, Patrolmen and Correction Officers. Personal leave may be accumulated and carried forward to the next year in an amount not to exceed 184 hours. Any hours exceeding the 184 hour limit will be converted to sick leave if not used prior to the end of the current employment year. (*Employment year shall be defined as January 1 through December 31*). In the event of termination of employment, employees will be paid for any accrued personal leave. Personal leave may not be used until the employee has completed six (6) months of employment unless approved in advanced by the manager. Part-time employees do not qualify for personal leave.

Employees are eligible to convert a maximum of eighty (80) hours of accumulated personal leave to cash each year, provided the employee has a remaining balance of forty (40) hours after converting. Such requests shall be received only in May of each year for payment on the first payday in July pending funding approval.

Personal leave may only be taken in half hour increments.

SICK LEAVE

Sick leave shall be considered a benefit and a privilege and not a right. Full time employees will receive full pay during incapacity caused by illness if sick leave is taken. Sick leave will be earned at the rate of one (1) day per month. (*A day is defined in section WORKWEEK/WORK DAY/ PAY CYCLE*). 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. Sick leave may be used for employee illness or if the employee will be caring for a family member to include spouse, parent, children, mother-in-law, father-in-law, grandparents, grandchildren or legal guardians or dependents. At the discretion of the supervisor, a doctor's certificate may be required for use of sick leave.

Sick leave may only be taken in half hour increments.

BEREAVEMENT LEAVE

In the case of death in the employee's immediate family, the employee will be given three (3) days paid leave which will not be charged to personal leave. (*Day is defined in section WORKWEEK/WORK DAY/PAY CYCLE*). Immediate family shall be defined as spouse, parent, children, brother, sister, mother-in-law, father-in-law, grandparents, grandchildren of the employee and legal guardians or dependents.

VOTING LEAVE

Any employee 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. In the event time away from work is



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required to assure an employee may vote, the employee will receive regular compensation during this period and leave will not be affected. The employer may specify the time the employee may be absent. Voting time shall not be counted as working time for overtime computation.

ADMINISTRATIVE LEAVE

During the threat of all types of major emergencies and disasters, both natural and manmade, the County Mayor may determine that temporary changes need to be made in the operation of county government. The determination must be made in writing and be provided to all county-wide elected officials and the County Commission.

During that time, the County Mayor or Elected Official may reduce or suspend normal operating hours for certain offices or departments or may grant additional paid leave to full and part time employees, within the confinements of the budget and in accordance with local, state and federal laws.

FAMILY AND MEDICAL LEAVE

It is the policy of Cumberland County to grant its employees leave in accordance with the requirements of the Family and Medical Leave Act (*FMLA*) and the Tennessee Maternity Leave Law.

Under the federal Family and Medical Leave Act of 1993, county employees are entitled to up to twelve (12) workweeks of unpaid leave during each 12 month period (*a rolling 12-month period measured backward from the date an employee uses FMLA leave -each time an employee takes FMLA leave, the remaining leave is the balance of the 12 weeks not used during the immediately preceding 12 month*) 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 which 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.

Eligibility for leave under the Family and Medical Leave Act are that an employee must 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 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.



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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 Cumberland 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 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 HR.

Employees on approved FMLA leave for their own serious health condition are prohibited from performing another job with a separate employer with similar job duties/requirements.

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. The 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 HR.

PROCEDURE FOR FAMILY AND MEDICAL LEAVE

An employee of Cumberland County who is absent from work or will be absent from work for three consecutive days or more for a serious health condition must contact the HR Director. The HR Director will provide the employee with appropriate forms.

Under some circumstances, employees may take FMLA leave on an intermittent or reduced schedule basis. That means an employee may take leave in separate blocks of time or by reducing the time he or she works each day or week for a single qualifying reason.

The following is the FMLA definition of "a serious health condition" and "period of incapacity":

- A. **Serious health condition** means an illness, injury, impairment, or physical or mental condition involving any of the following:
 1. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity; or,
 2. Continuing treatment by a Health Care Professional (HCP) which includes:
 - a. A period of incapacity lasting more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:



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- i. treatment two (2) or more times by or under the supervision of a HCP (i.e., in-person visits, the first within seven (7) days and both within 30 days of the first day of incapacity); or,
 - ii. treatment on at least one occasion by a HCP (i.e., an in-person visit within seven (7) days of the first day of incapacity) with a continuing regimen of treatment (e.g. prescription medication, physical therapy).
- b. Any period of incapacity related to pregnancy or for prenatal care. A visit to the HCP is not necessary for each absence; or
 - c. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a HCP, and may involve episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy, etc.). A visit to a HCP is not necessary for each absence; or
 - d. A period of incapacity that is permanent or long term due to a condition for which treatment may not be effective (e.g. Alzheimer's, severe stroke, or terminal stages of a disease). Only supervision by a HCP is required, rather than active treatment; or,
 - e. Any absences to receive multiple treatments, including any period of recovery therefrom, for restorative surgery after an accident or other injury; or, for a condition that would likely result in a period of incapacity of more than three (3) days if not treated.
- B. Period of incapacity means an inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment, or recovery.
- C. Absences due to pregnancy, prenatal care, or chronic conditions as specified above, fall within FMLA even if no treatment from a HCP is received, and even if the absence does not last more than three (3) consecutive, full calendar days.

PREGNANCY LEAVE

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.



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- (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.

IN LINE OF DUTY INJURY LEAVE

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. Employees who sustain an injury must report the injury as soon as reasonably possible to his/her supervisor/director.

MILITARY LEAVE

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)



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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.

INCLEMENT WEATHER LEAVE

When weather conditions appear to be severe, the County Mayor has the authority to determine if employees will report to work or if offices will close early. This authority may be delegated to individual department supervisors.

If such circumstances should occur, emergency services personnel and other necessary operations will be expected to report to work.

JURY AND COURT DUTY LEAVE

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

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 will send all compensation or fees received for serving as a juror to the Finance Department.
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 personal leave, comp time or leave without pay.

SECTION V – DISCIPLINE & RESIGNATIONS

DISCIPLINARY ACTION

Policy

Regulations for the acceptable conduct of employees are necessary for the orderly operation of the county's business and for the benefit and protection of the rights and safety of all employees. Certain regulations, and others that may be established from time to time, and the procedures for disciplinary action are published to



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promote understanding of what is considered unacceptable conduct and to provide for consistent action in the event of violations.

Reasons for Discipline

An employee may be disciplined if any of the following charges are substantiated. The following list is not intended to cover every work situation but is an example of the types of charges that may result in appropriate disciplinary action. Cumberland County's right to discipline or dismiss employees shall not be limited to the following list.

- Reporting to work under the influence of alcohol or drugs.
- Possessing, distributing, or using alcohol or drugs on Cumberland County property during working hours.
- Giving false statements on the employment application.
- Intentionally reporting incorrect work schedules or falsifying records.
- Stealing from fellow employees, the county, or Cumberland County residents.
- Refusing to do assigned work (*insubordination*).
- Willfully destroying or abusing Cumberland County property.
- Using abusive and/or threatening language.
- Instigating or participating in a fight on Cumberland County property.
- Being absent from work without notifying immediate supervisor.
- Leaving work during working hours without authorization from immediate supervisor (*except during lunch period*).
- Being habitually tardy without reasonable cause as determined by the immediate supervisor.
- Being habitually absent without good cause (*when the time off is without pay*)
- Posting, removing, and/or tampering with official bulletin boards without proper authorization.
- An employee failing to report immediately to the supervisor any work-related accidents or injuries.
- A supervisor failing to notify immediately the County Mayor's Office concerning any work-related accident or injuries.
- Violating Cumberland County's Harassment Policy.
- Violating any Cumberland County policy as outlined in various sections of this manual.
- Committing a moving violation under state and/or local traffic laws or regulations while operating a county owned vehicle.
- Violating a safety rule or safety practice.

Definitions of Disciplinary Actions

Verbal Reprimand - When an employee commits a violation of county policy, makes a minor mistake, exhibits poor judgment/attitude, etc. and the result has only minor negative consequences, the supervisor should have a meeting with the employee to reach an understanding about cause of the offense, offer assistance, and establish a plan for corrective action. The Supervisor should briefly document the verbal reprimand, signed by the employee, in the employee's file maintained by the supervisor.

Written Reprimand - When an employee commits a more serious violation of company policy and/or makes a mistake and the result of this action has more serious negative consequences, a written reprimand is appropriate.



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A supervisor should proceed to a written reprimand when a verbal reprimand fails to achieve improved behavior or when the initial offense is serious enough to warrant this action. The written reprimand documents the nature of the offense, efforts made previously to correct the problem (if applicable) and warns of the consequence of failure to correct the behavior. The Written Reprimand form is signed by the Elected Official or Department Head, a witness and the employee. A copy of the reprimand is placed in the employee's personnel file. The employee has the right to offer a written response to be attached to the reprimand in his/her personnel file.

Suspension – A supervisor may suspend an employee for repeated or very serious violations of Cumberland County's policies and procedures. The length of the suspension should be relevant to the nature of the offense and the employee's employment history at Cumberland County. A suspension may follow earlier disciplinary action(s) or may be used when a particular incident in and of itself is serious enough to warrant the action.

An employee may be suspended from duty without pay for disciplinary reasons or legal matters.

An employee may be suspended from duty with pay pending investigation of charges where the presence of the employee at work constitutes a hazard to the employee himself/herself, the county, the public, and/or other employees.

Demotion - Demotion is the re-assignment of an employee to a classification in a lower skill level of the Pay Plan.

An employee may be demoted when his/her job performance is unsatisfactory and all efforts to bring the employee's performance to a satisfactory level have failed.

An employee may be demoted for disciplinary reasons when an employee's behavior is deemed to be serious misconduct.

Dismissal – An employee who gives unsatisfactory service or who is guilty of any substantial violation of Cumberland County's policies and procedures shall be subject to dismissal at the will of the employer. Dismissal may be the culmination of a series of events for which disciplinary actions have been taken. Dismissal may also be the result of a single event that is serious enough to warrant immediate termination.

Procedure for Disciplinary Actions

Disciplinary Authority – A supervisor should recommend disciplinary action that is appropriate given the severity of the employee's violation. While an employee may be given an opportunity to improve his/her job performance following a violation, the application of progressive disciplinary action is not required prior to dismissal. An employee may be dismissed immediately for a single event. This personnel policy is not intended to create an absolute framework for discipline or create specific rights for the employee guaranteeing any type of progressive disciplinary action. The Elected Official, department head or supervisor retains discretion on whether to discipline an employee and the appropriate discipline to administer depending on the circumstance.

Written Documentation – All disciplinary actions, except verbal reprimands, must be documented in writing on a Cumberland County Disciplinary Action form. Verbal reprimands should be documented informally as a note



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in the employee's file maintained by the supervisor. Disciplinary Action forms are available from the HR office. The Disciplinary Action form shall include the name of the employee subject to the action, description of the violation, statement of prior warnings, description of recommended disciplinary action, specific plan for improvement, list of assistance offered, and a statement of what further action may be necessary. The supervisor and a witness shall meet with the employee and review the information with the employee. The employee shall sign the Disciplinary Action form indicating receipt of information. The supervisor and witness shall sign the form and forward it to the HR office.

RESIGNATIONS

Employees who decide to leave the county through resignation are expected to give at least two (2) weeks' notice and more if possible. Failure to give proper notice will become part of the employment record and may be noted in any reference requests. To resign a written notice should be submitted to either the immediate supervisor or department director.

SECTION VI – DRUG FREE WORKPLACE POLICY

The unlawful manufacture, distribution, dispensation, possession, or use of controlled substances is specifically prohibited in Cumberland County's workplace. Any employee violating this standard shall be subject to discipline up to and including discharge. As a condition of employment with Cumberland County, all employees will agree to notify the county of any criminal drug statute conviction for a violation occurring on or off county property no later than five (5) days after such conviction.

DRUG AND ALCOHOL TESTING POLICY

Purpose

Safe and Productive Environment – Cumberland County government is committed to maintaining a safe and productive work environment for its employees and to providing high quality service to its citizens. The goal of this policy is for Cumberland County employees to remain, or become and remain, drug-free. Employee safety and rehabilitation serve as the foundations of this policy.

Drug-Free Workplace Act of 1988 – Cumberland County is governed by the Drug-Free Workplace Act of 1988 (*Pub. L. 100-690, Title V, Subtitle D*). This Act requires Cumberland County to adopt a written Alcohol and Drug Policy which governs all employees.

Omnibus Transportation Employee Testing Act of 1991 – Cumberland County government is governed by the Omnibus Transportation Employee Testing Act of 1991 (*Pub. L. 102-143, Title V*). This Act requires regular alcohol and drug testing in the aviation, motor carrier, rail, and transit industries in the interest of public safety. In addition, the Federal Highway Administration has issued a rule in accordance with the mandates of this Act requiring alcohol and drug testing of persons required to have a Commercial Driver's License (CDL), including persons employed by federal, state and local government entities.

Right to an Alcohol and Drug-Free Workplace – Employees have the right to work in an alcohol and drug-free environment and to work with persons free from the effects of alcohol and/or drugs.



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Required Alcohol and Drug Tests – Alcohol and drug testing for employees shall be in accordance with the provisions contained in Cumberland County’s Alcohol and Drug Policy. Employees will be subject to the following alcohol and/or drug tests:

- Post-offer testing for job applicants
- Reasonable suspicion testing
- Assignment to a position requiring a CDL
- Return-to-duty testing
- Treatment completion and follow-up testing
- Random testing for CDL employees
- Post-accident involving company vehicles or equipment
- Random (*Sheriff’s office and EMS only*)

Communicating Alcohol and Drug Policy – Cumberland County has adopted this written policy to ensure the fitness of employees for duty as a condition of employment and to communicate that alcohol and/or drug testing is a requirement of employment.

General Rules

Use of Alcohol and Drugs is Prohibited – Cumberland County employees may not use or be under the influence of drugs (Marijuana, Cocaine, PCP, Methamphetamines, Codeine/Morphine, Heroin, Hydrocodone/Hydromorphone Oxycodone/Oxymorphone), narcotics, and/or any other controlled substance while at work. Alcohol is a drug and as such has no place in a drug-free workplace. Therefore, the use of alcohol while at work is prohibited by this policy. In addition, no employee may report to work under the influence of alcohol and/or drugs.

Prescription Medication – This policy does not prohibit the use of medicine prescribed by an employee’s licensed physician. An employee who is required to take prescription medicine which may impair or impede his/her ability to perform his/her job should notify his/her supervisor of the medication prescribed. Use of prescribed medication may not exceed the prescribed dosage. Use of a prescription drug for which the employee has no prescription will be viewed as a violation of this policy.

Possession, Distribution, Sale and/or Manufacture of Alcohol and Drugs is Prohibited – Cumberland County prohibits employees from the possession, distribution, sale, and/or manufacture of any controlled substances on Cumberland County property.

Inspection of Property – All property belonging to Cumberland County is subject to inspection at any time without notice according to the provisions of Cumberland County’s Workplace Search Policy.

Consent to be Tested – Before an alcohol and/or drug test is administered, applicants and employees will be asked to sign consent forms authorizing the test(s) and permitting release of the test results to Cumberland County officials with a need to know. Refusal to submit to an alcohol or drug test may be considered a violation of this policy and result in disciplinary action being taken against the employee.

Confidentiality of Test Results



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Maintaining Alcohol and/or Drug Test Results – Individual alcohol and/or drug test results maintained pursuant to this policy shall be considered confidential by Cumberland County and its representatives to the extent it is appropriate, feasible and permissible under applicable law.

Access to Alcohol and/or Drug Test Results – Alcohol and/or drug test results shall be reported to applicants and employees in as timely a manner as reasonable and be revealed only to those persons having an established need for the information.

Consequences of Failure to Comply – The goal of this policy is for employees to remain or to become and remain alcohol and/or drug-free. However, this policy shall not preclude disciplinary action up to and including dismissal for circumstances that occur in connection with suspected alcohol and/or drug use or a positive alcohol and/or drug test. Failure to comply with the provisions of this policy may be used as grounds for disciplinary action.

Alternative to Disciplinary Action – Cumberland County reserves the right to allow employees to participate in an education and/or treatment program as an alternative to or in addition to disciplinary action. If such a program is offered and accepted by the employee, then the employee must satisfactorily participate in and complete the program including follow-up care and testing as a condition of continued employment.

Treatment – Employees, at the discretion of the Dept. Head/Elected Official, may be referred to the county healthcare provider for treatment. Employees must use sick time if they miss work for treatment.

Refusal to Consent – Refusal of an applicant to sign the consent forms shall be considered refusal to submit to alcohol and/or drug testing as a condition of employment and shall result in the withdrawal of the conditional offer of employment.

Disqualification Action – If the result of alcohol and/or drug testing is the basis for withdrawal of the conditional offer of employment, the applicant has no right to appeal this action.

Testing Conditions

Reasonable Suspicion – An employee may be required to submit to alcohol and/or drug testing as a condition of employment if two (2) people in the employee's supervisory chain-of-command have reasonable suspicion of alcohol and/or drug use by the employee. In the event that the employee's immediate supervisor is an Elected Official or Department Head, one person in the employee's supervisory chain-of-command is sufficient. Reasonable suspicion means an articulate belief based on specific facts and reasonable inference drawn from those facts that an employee may be under the influence of alcohol and/or drugs. Reasonable suspicion as used in this policy means a judgment made regarding the employee's behavior or evidence found or reported and may be based on, but not limited to, one or more of the following:

- An on-the-job accident or occurrence where there is injury or property damage.
- An on-the-job incident, such as, but not limited to, a medical emergency which may be attributable to alcohol and/or drug use by the employee.
- Direct observation of behavior exhibited by the employee which indicates that the employee is unable to perform the employee's job or which may pose a threat to safety or health.



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- Information that the employee may be using alcohol and/or drugs or is under the influence of alcohol and/or drugs, or the employee exhibits behavior that may render the employee unable to perform the employee's job or may pose a threat to safety or health. This information must be verified by a person with the authority as denoted in this policy to determine reasonable suspicion.
- Physical on-the-job evidence of alcohol and/or drug use by the employee.
- Documented deterioration in the employee's job performance that may reasonably be attributable to alcohol and/or drug use by the employee.
- Presence of the physical symptoms of alcohol and/or drug use (*e.g. liquor on the breath, slurred speech, unsteady walk, impaired coordination, displays of violent behavior, argumentative conversation, improperly talkative, loud or uncontrolled laughter, glassy or bloodshot eyes, slow reflexes, etc.*)
- Newly discovered evidence that an employee has tampered with a previous alcohol and/or drug test.
- Arrest or conviction for an alcohol and/or drug related offense while on duty.
- The identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking.

Random – The Sheriff may perform random drug screening on the following employees only: Patrol Officers, Investigators, Correctional Officers or any other employee who carries a firearm or operates a government vehicle at any time as part of their job requirements. The EMS Director may perform random drug screening on the following employees only: AEMT, EMT, Paramedic or any other employee who provides care to a patient or operates a government vehicle at any time as part of their job requirements.

Note: These procedures represent Cumberland County's current guidelines with a developing program under evolving laws and facts and may be changed in accordance with Cumberland County's policy and state and federal law.

SECTION VII – PREVENTATIVE POLICIES

ABUSIVE CONDUCT PREVENTION POLICY

Statement of Commitment, Values, and Purpose

Cumberland County is firmly committed to a workplace free from abusive conduct as defined herein. We strive to provide high quality products and services in an atmosphere of respect, collaboration, openness, safety and equality. All employees have the right to be treated with dignity and respect. All complaints of negative and inappropriate workplace behaviors will be taken seriously and followed through to resolution. Employees who file complaints will not suffer negative consequences for reporting others for inappropriate behavior.

This policy applies to all full-time and part-time employees of Cumberland County including temporary employees. It does not apply to independent contractors, but other contract employees are included. This policy applies to any sponsored program, event or activity including, but not limited to, sponsored recreation programs and activities; and the performance by officers and employees of their employment related duties. The policy includes electronic communications by any employee.

Definition of Abusive Conduct



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Abusive conduct includes acts or omissions that would cause a reasonable person, based on the severity, nature, and frequency of the conduct, to believe that an employee was subject to an abusive work environment, which can include but is not limited to:

- Repeated verbal abuse in the workplace, including derogatory remarks, insults, and epithets;
- Verbal, nonverbal, or physical conduct of a threatening, intimidating, or humiliating nature in the workplace; or
- The sabotage or undermining of an employee's work performance in the workplace.

A single act generally will not constitute abusive conduct, unless such conduct is determined to be severe and egregious.

Abusive conduct does not include:

- Disciplinary procedures in accordance with adopted policies of Cumberland County
- Routine coaching and counseling, including feedback about and correction of work performance
- Reasonable work assignments, including shift, post, and overtime assignments
- Individual differences in styles of personal expression
- Passionate, loud expression with no intent to harm others
- Differences of opinion on work-related concerns
- The non-abusive exercise of managerial prerogative

Employer Responsibility

Supervisors and others in positions of authority have a particular responsibility to ensure that healthy and appropriate behaviors are exhibited at all times and that complaints to the contrary are addressed in a timely manner. Supervisors will:

- provide a working environment as safe as possible by having preventative measures in place and by dealing immediately with threatening or potentially violent situations;
- provide good examples by treating all with courtesy and respect;
- ensure that all employees have access to and are aware of the abusive conduct prevention policy and explain the procedures to be followed if a complaint of inappropriate behavior at work is made; be vigilant for signs of inappropriate behaviors at work through observation and information seeking, and take action to resolve the behavior before it escalates;
- respond promptly, sensitively and confidentially to all situations where abusive behavior is observed or alleged to have occurred.

Employee Responsibility (*including witnesses*)

Employees shall treat all other employees with dignity and respect. No employee shall engage in threatening, violent, intimidating or other abusive conduct or behaviors. Employees are expected to assume personal responsibility to promote fairness and equity in the workplace and report any incidents of abusive conduct in accordance with this policy.



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Employees should co-operate with preventative measures introduced by supervisors and recognize that a finding of unacceptable behaviors at work will be dealt with through appropriate disciplinary procedures.

Retaliation

Employees can raise concerns of abusive conduct and make complaints without fear of reprisal. Retaliation is a violation of this policy. Retaliation is any act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy.

Training for Supervisors and Employees

All supervisors and employees are encouraged to undergo training on abusive conduct prevention as directed by Cumberland County. Training should identify factors that contribute to a respectful workplace, familiarize participants with responsibilities under this policy, and provide steps to address an abusive conduct incident.

EQUAL EMPLOYMENT OPPORTUNITY POLICY/ AMERICANS WITH DISABILITIES ACT

Statement of Commitment, Values and Purpose

It is the policy of Cumberland County to provide equal employment opportunities to all individuals regardless of race, color, religion, sex, national origin, age, genetic information, disability, status as 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 Cumberland County to maintain a respectful work and public service environment. Cumberland County prohibits and will not tolerate any form of unlawful harassment by or toward any employee on the basis of race, color, religion, sex, national origin, age, genetic information, disability, status as a Vietnam-era veteran or special disabled veteran, or status in any other group protected by law.

Anyone (employee or official) 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

It is the policy of Cumberland County to make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in undue hardship.

Definition of Discriminatory Behavior

Harassment or discrimination can be verbal or physical. Harassment includes, but is not limited to, epithets, slurs, display of negative stereotypes, hostile acts and threats, and display or circulation of objects or pictures which denigrate or show hostility toward any individual or group, including sending or receiving such material through email, mobile phones or other electronic devices, including social media on the basis of race, color, religion, sex, national origin, age, disability, genetic information, veteran status, or status in any other group protected by law.

Employer Responsibility



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Supervisors and others in positions of authority have a particular responsibility to ensure that healthy and appropriate behaviors are exhibited at all times and that complaints to the contrary are addressed in a timely manner. Supervisors will:

- provide a working environment as safe as possible by having preventative measures in place and by dealing immediately with reports of harassment;
- provide good examples by treating all with courtesy and respect;
- ensure that all employees have access to and are aware of the discrimination/harassment prevention policy and explain the procedures to be followed if a complaint of inappropriate behavior at work is made; be vigilant for signs of inappropriate behaviors at work through observation and information seeking, and take action to resolve the behavior before it escalates;
- respond promptly, sensitively and confidentially to all situations where harassment is observed or alleged to have occurred.

Employee Responsibility (*including witnesses*)

Employees or applicants with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of the immediate supervisor or department head. Employees shall treat all other employees with dignity and respect. No employee shall engage in harassment. Employees are expected to assume personal responsibility to promote fairness and equity in the workplace and report any incidents of harassment in accordance with this policy.

Employees should co-operate with preventative measures introduced by supervisors and recognize that a finding of unacceptable behaviors at work will be dealt with through appropriate disciplinary procedures.

Definition of a Disability

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.

Employee Responsibility

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

Training for Supervisors

All supervisors are encouraged to undergo training on how to prevent discrimination and how to recognize a need for an accommodation based on a disability as directed by Cumberland County. Training should include applicable law information, steps on how to prevent discrimination and how to handle reports of discrimination and requests of accommodations.

Training for Employees

All employees are encouraged to undergo training on discrimination prevention as directed by Cumberland County. Training should include applicable law information, steps on how to prevent discrimination, what constitutes a disability, how to report suspected discrimination and how to make a request for an accommodation for disabilities.



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SEXUAL HARASSMENT POLICY

Statement of Commitment, Values, and Purpose

Cumberland County is opposed to and prohibits, without qualification, sexual harassment of its employees in the workplace. The purpose of this policy is to assure that all employees will enjoy a work environment free from intimidation, hostility, or offensive behavior by supervisors, co-workers, or visitors. All employees must respect the rights of their co-workers and shall refrain from any behavior or conduct toward any other employee that could be interpreted as sexual harassment.

Definition of Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and all other unwelcome verbal or physical conduct of a sexual nature, especially where: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for decisions affecting an individual's employment; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Offenders can be employees at all levels, customers/clients and members of the same sex.

Examples of prohibited sexual harassment include, but are not limited to, offensive or unwelcome physical contact, lewd or sexually suggestive comments, texts, emails, tweets, or other forms of social media, sexual propositions, sexually-oriented teasing or kidding, jokes of a sexual nature, or any display of sexually explicit pictures, photos, cartoons, books, magazines, greeting cards, or other objects.

Employer Responsibility

Supervisors and others in positions of authority have a particular responsibility to ensure that healthy and appropriate behaviors are exhibited at all times and that complaints to the contrary are addressed in a timely manner. Supervisors will:

- provide a working environment as safe as possible by having preventative measures in place and by dealing immediately with reports of sexual harassment;
- provide good examples by treating all with courtesy and respect;
- ensure that all employees have access to and are aware of the sexual harassment prevention policy and explain the procedures to be followed if a complaint of inappropriate behavior at work is made; be vigilant for signs of inappropriate behaviors at work through observation and information seeking, and take action to resolve the behavior before it escalates;
- respond promptly, sensitively and confidentially to all situations where sexual harassment is observed or alleged to have occurred.

Employees Responsibility (including witnesses)



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Employees shall treat all other employees with dignity and respect. No employee shall engage in sexual harassment. Employees are expected to assume personal responsibility to promote fairness and equity in the workplace and report any incidents of sexual harassment in accordance with this policy.

Employees should co-operate with preventative measures introduced by supervisors and recognize that a finding of unacceptable behaviors at work will be dealt with through appropriate disciplinary procedures.

Training for Supervisors

All supervisors are encouraged to undergo training on how to prevent sexual harassment as directed by Cumberland County. Training should include applicable law information, steps on how to prevent sexual harassment and how to handle reports of sexual harassment.

Training for Employees

All employees are encouraged to undergo training on how to prevent sexual harassment as directed by Cumberland County. Training should include applicable law information, steps on how to prevent sexual harassment and how to report suspected sexual harassment.

WORKPLACE VIOLENCE POLICY

Statement of Commitment, Values, and Purpose

Cumberland County is firmly committed to the safety and well-being of its employees and visitors. To this end, Cumberland County seeks to provide and maintain a safe, healthy and secure work environment that is free from workplace violence. In addition, employees are expected to maintain a high level of productivity and efficiency.

All employees not exempted above are expected to report to work and to perform their duties in a safe and productive manner without violence or threats of violence toward any other individual. Violence, threats, or intimidation toward any other individual will not be tolerated.

Cumberland County strictly prohibits engaging in workplace violence, threats of workplace violence, or intimidation; refusing to cooperate in an investigation into allegations or suspicion that workplace violence or threats of workplace violence have or are likely to occur.

Definition of Workplace Violence

Workplace violence is any physical assault or threatening behavior in the workplace. This includes, but is not necessarily limited to, any act or threat of aggression, whether physical, verbal or written, which reasonably results in fear of bodily harm; causes or is capable of causing death or bodily injury; threatens the safety of a co-worker, visitor, client or member of the general public; or damages property.

Workplace violence can include, but is not limited to physical actions (*including but not limited to hitting, pushing, shoving, kicking, touching and assault*); certain verbal actions (*including but not limited to threats, harassment, abuse and intimidation*); certain nonverbal actions (*including but not limited to threatening gestures and intimidation*); certain written communications (*including but not limited to threatening notes, e-mail and social media postings*); and other actions (*including but not limited to arson, sabotage, vandalism and stalking*).



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Employer Responsibility

Supervisors and others in positions of authority have a particular responsibility to ensure that healthy and appropriate behaviors are exhibited at all times and that complaints to the contrary are addressed in a timely manner. Supervisors will:

- provide a working environment as safe as possible by having preventative measures in place and by dealing immediately with reports of violence;
- provide good examples by treating all with courtesy and respect;
- ensure that all employees have access to and are aware of the workplace violence prevention policy and explain the procedures to be followed if a complaint of inappropriate behavior at work is made; be vigilant for signs of inappropriate behaviors at work through observation and information seeking, and take action to resolve the behavior before it escalates;
- respond promptly, sensitively and confidentially to all situations where violence is observed or alleged to have occurred.

Employees Responsibility (including witnesses)

Employees shall treat all other employees with dignity and respect. No employee shall engage in workplace violence. Employees are expected to assume personal responsibility to promote fairness and equity in the workplace and report any incidents of violence in accordance with this policy.

Employees should co-operate with preventative measures introduced by supervisors and recognize that a finding of unacceptable behaviors at work will be dealt with through appropriate disciplinary procedures.

Training for Supervisors and Employees

All supervisors and employees are encouraged to undergo training on how to prevent workplace violence as directed by Cumberland County.

COMPLAINT PROCESS FOR REPORTING ABUSIVE CONDUCT, DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT, AND WORKPLACE VIOLENCE

Reporting

Employees: Any employee who feels he or she has been subjected to abusive conduct, discrimination, harassment to include sexual harassment or workplace violence is encouraged to report the matter verbally or in writing to a supervisor including his or her supervisor, manager, appointing authority, elected official, or to the HR Director. Don't assume that your employer knows you have been subjected to the alleged misconduct. Employees should not feel obligated to report their complaints to their immediate supervisor first before bringing the matter to the attention of one of the representatives identified above.

Any employee seeking to file a complaint should ensure the complaint consists of precise details of each incident including dates, times, locations and any witnesses. Formal complaints should be documented in writing but are not required to be in writing.



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Witnesses: An employee who witnesses or is made aware of behavior that may satisfy the definition of abusive conduct, discrimination, harassment to include sexual harassment or workplace violence (*as defined herein*) shall report any and all incidents as set forth herein.

Supervisors: Supervisors must timely report known incidents involving abusive conduct, discrimination, harassment to include sexual harassment or workplace violence to the HR Director, appointing authority or investigator. Supervisors and appointing authorities are required to take reasonable steps to protect the complainant, including, but not limited to, separation of employees involved.

The person accused will be notified that an allegation has been made against him or her and informed of the investigative procedure.

Investigation

Investigations shall be conducted as soon as practicable and in accordance with the policies and practices of Cumberland County. The objective of the investigation is to ascertain whether the behaviors reported occurred, and therefore will include interviewing the complainant, accused, and witnesses with direct knowledge of the alleged behaviors. All interviews will be appropriately documented. The investigation will be conducted thoroughly, objectively, with sensitivity, and with due respect for all parties. The investigator will provide a copy of the investigative report to the appointing authority for further action. All affected parties will be informed of the investigation's outcome.

Corrective Action

In the event of a finding of abusive conduct, discrimination, harassment to include sexual harassment or workplace violence, the employer will take immediate and appropriate corrective action. Remedies may be determined by weighing the severity and frequency of the incidences and in accordance with existing disciplinary policies of Cumberland County.

If the individual who sexually harassed the employee is not employed by the county, the county will take corrective action to the extent possible.

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 may include but is not limited to participation in counseling, training, and disciplinary action up to and including termination, or changes in job duties or location.

Supervisory personnel who allow abusive conduct, discrimination, harassment to include sexual harassment or workplace violence to continue or fail to take appropriate action upon learning of such conduct will be subject to corrective action. Such corrective action may include but is not limited to participation in counseling, training, or disciplinary action up to and including termination, or changes in job duties or location.

While Cumberland County encourages all employees to raise any concern(s) under this policy and procedure, Cumberland County recognizes that intentional or malicious false allegations can have a serious effect on innocent



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people. Individuals falsely accusing another of violations of this policy will be disciplined in accordance with the disciplinary policy of Cumberland County.

Any employees exhibiting continuing emotional or physical effects from the incident in question should be informed of established employee assistance programs or other available resources.

When abusive conduct, discrimination, harassment to include sexual harassment or workplace violence has been confirmed, the employer will continue to keep the situation under review and may take additional corrective actions if necessary. Preventative measures may also be taken to reduce the reoccurrence of similar behavior or action.

Confidentiality

To the extent permitted by law, Cumberland County will maintain the confidentiality of each party involved in a investigation, complaint or charge, provided it does not interfere with the ability to investigate the allegations or to take corrective action. However, state law may prevent the employer from maintaining confidentiality of public records. Therefore, Cumberland County cannot guarantee confidentiality.

Retaliation

Employees can raise concerns of abusive conduct, discrimination, harassment to include sexual harassment or workplace violence and make complaints without fear of reprisal. Retaliation is a violation of this policy. Retaliation is any act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy.

NOTIFICATION OF ARREST OR FILING OF INFORMATION

Employees must notify their appropriate department head or elected official if they have been arrested within 72 hours (*24 Hours for Patrol Officers*) of said arrest (*or if a criminal "information" has been filed against them*) so that a determination may be made whether the charged offense would constitute an impediment to their job performance or a conflict of interest concerning their employment with Cumberland County. All such determinations must be made upon the advice of the County Attorney including any actions taken to suspend or terminate the employee. Failure to provide this notification may lead to disciplinary action, up to and including dismissal.

SECTION VIII – MISCELLANEOUS POLICIES

FIREARM POLICY

The county requires that all applicable state and federal laws be followed in the possession, storage, and/or transport of a firearm on or inside county property.

SOCIAL MEDIA POLICY

Social media is a term that encompasses the various activities that integrate technology, social interaction, and content creation. Social networking can serve as a means to improve interactivity, both between a county department and the public and among county employees. Therefore, county departments are increasingly using



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social media to enhance communication strategies. By openly sharing knowledge and best practices employees can provide more effective solutions and efficiencies to enhance excellence in the business of government.

This policy is intended to provide guidelines to ensure that social media tools are used properly, whether by a department or an employee, in an appropriate way that maximizes transparency, maintains the security of the network, and is in keeping with county policies and procedures. These guidelines are designed to protect employees and ensure consistency across departments when incorporating social media into their mission.

Department use of social media

As each department has its own communication strategy, the employee(s) designated by the appointing authority to craft communication strategy, should be consulted to determine how and if social media fits into that strategy. Should a department decide to use social media, it should first establish employee boundaries for using the service. It is important for department supervisors to communicate expectations of appropriate usage for the media within the workplace. For additional guidance on creating a social media policy, a department should refer to the social media guidance issued by the National Labor Relations Board (NLRB). The guidance can be accessed on the NLRB website.

All use of social networking sites by county departments should be consistent with all applicable state and federal laws, regulations, and policies. This includes the department and statewide acceptable use policies and any applicable records retention and disposition schedules or policies, as well as open records law, the Hatch Act, laws and policies in place which address conflict of interest, and other relevant and controlling law. All usage should be governed by these policies, as well as the guidelines in this document. This document does not supersede or replace existing legal responsibilities currently in effect, and it will not interfere with any applicable federal or state law.

Department use of social media in the hiring process for screening purposes should be conducted in a consistent manner and in compliance with applicable federal and state laws.

Personal use of social media

Employees should keep professional and personal lives distinct in maintaining social networking accounts on the employee's own personal time. These accounts, while an appropriate forum for the employee to share personal opinions, are not a forum for the employee to present individual opinion as an official agency view. Certain unlawful misconduct, even on a personal account, may render the employee subject to discipline, up to and including termination.

ONE PERSON/ONE JOB

Cumberland County employees are authorized to hold one paid, employed position with Cumberland County.

RECORDKEEPING

All Personal Leave, Sick Leave, Overtime Hours/Pay, and Compensatory Time Pay records are maintained by the Finance Department of Cumberland County.



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NEPOTISM

The nepotism policy applies to all Cumberland County employees who are employed as a full time, part-time, or temporary employee.

Two or more members of the same family may not work in the same department if one of the members is in a direct supervisory or management position.

A supervisory or management position includes, but is not limited to, anyone who participates in the hiring decision, promotion decision, work assignment decision, shift assignment decision, disciplinary decision or the evaluation process of another employee.

A member of the same family includes a parent, step-parent, foster parent, parent-in-law, child, spouse, brother, brother-in-law, foster brother, step-brother, sister, sister-in-law, foster sister, step-sister, grandparent, son-in-law, daughter-in-law, grandchild, aunt, uncle, niece, nephew or other person who resides in the same household. A court appointed legal guardian or an individual who has acted as a parent substitute is also included within this definition.

A department includes all departments of Cumberland County under the direction in whole, or in part, by the County Mayor or any other Elected Official following these policies.

The aforementioned section of this policy shall apply to all employees hired or re-hired on or after December 20, 2016.

NO SPOUSE NO DATING RULE

Two employees in the same department, where one is the direct supervisor and the other is a subordinate, are not allowed to date or marry one another. Dating of an employee by another employee in the same department is discouraged.

Remedy

Cumberland County may remedy any violation of this policy by voluntary transfer or, if an agreement cannot be reached, by involuntary transfer from a department or position, or by termination, when appropriate. The transfer or termination of employment with the department shall occur no later than 45 days following the establishment of the relationship.

OBSERVED HOLIDAYS

The following holidays will be declared holidays and employees, with the exception of employees with emergency and necessary operations, will be excused from work without charged leave:

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Good Friday
- Memorial Day
- Independence Day



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- Labor Day
- Columbus Day will be observed Christmas Eve
- Veteran's Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Day *

***Christmas Holiday**

Christmas Eve is on:

Saturday

Sunday

County Employees will receive the following days off:

Friday preceding and the Monday following

Monday and Tuesday following

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. Any employee whose shift falls on a holiday shall receive straight time for his regular shift, plus eight (8) hours holiday pay at straight time.

EFFECTIVE DATE

The foregoing policies of Cumberland County shall become effective November 18, 2019 (or as amended).



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EMPLOYEE ACKNOWLEDGEMENT

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 Cumberland County. I understand that I should consult the County Mayor or his designee regarding any part of the policies that I do not understand or any questions I may have about my employment with Cumberland County which are not answered in the policies. The current policies will always be on file in the office of the County Clerk of Cumberland County, 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 supersede, modify or eliminate any or all of the policies at any time. All information contained in the policies is subject to applicable state and federal laws, rules and regulations, and I understand that to the extent that any such laws may conflict with any provision of the policies, such law, rules and regulations will control.

I have entered into my employment relationship with Cumberland 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, expressed 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 Cumberland County.

Employee Name

Employee Signature

Date