WARREN COUNTY, TENNESSEE

PERSONNEL POLICY

We, the Policy and Personnel Committee of the Warren County Legislative body, have prepared and recommend the adoption of the base personnel policies of Warrren County as required by state law. the commission and County Executive authorized the P & P committee to prepare this document at the October, 1997, quarterly session.

Melvin E. Maxwell Chairman William E. Ward Secretary

Approved as to content and compliance with House Bill 1925 and Senate Bill 1895, an act to amend Tennessee Code Annotated, Title 8, relative to County Government Personnel Policies.

Larry Stanley, Atty for Warren Co. 3-31-98 Date

Approved by the Warren County Legislative Body this 27 April 1998
Day Month Year

Harry Dunn, Warren County Executive

H. David Smartt, Warren Co. Court Clerk

AGREEMENT AND UNDERSTANDING

WHEREAS, the undersigned elected Public Officials of Warren County have endeavored to create uniform policies and procedures for personnel in Warren County; and

WHEREAS, the parties believe that the attached Uniform Personnel Policy is in the best interest of Warren County and its employees and shall be binding upon the same; and

NOW, THEREFORE, the parties hereto agree as follows:

The Personnel Policy attached hereto as approved and adopted by the Warren County Public Officials on the 31st day of July, 2003 shall be binding upon and applicable to the undersigned elected public official and said elected public official's employees.

Signed and approved this 31st day of July, 2003 at McMinnville, Tennessee.

H David Smith TITLE County Clerk

Carolyn Miller TITLE Assessor of Property

Jerry Smith TITLE Register of Deeds

Joy Slatton TITLE Trustee - Tax Collector

Bennie Morris TITLE Circuit Court Clerk

_____ TITLE _____

_____ TITLE _____

Content and compliance with House Bill 1925 and Senate Bill 1895, an act to amend Tennessee Code Annotated, Title 8, relative to Warren County Government Personnel Policies.

We, County Officials as defined in the ACT to amend TCA, Title 8, relative to County Government Personnel Policies, do hereby elect to adopt the personnel policies provided by the County Executive and County Legislative Body:

Signature	*Title*	*Date*

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We are pleased to have you join Warren County, Tennessee's work force, and we look forward to a long and mutually rewarding association. As a new member of our team, you probably want to know certain things about your job.

This handbook has been designed to introduce you to Warren County as your employer, and to aid you throughout your tenure. We recommend that you read it thoroughly and keep it handy for ready reference. Please remember, however, that the handbook is only a guide. The policies contained herein are the results of years of thoughtful planning and experience. Neither the handbook nor any of the individual terms constitutes or represents contractual commitments between Warren County and its employees, or modifies the prevailing employment-at-will relationship. For additional information on the subjects covered in this handbook, or any other subject relative to your job, please contact your supervisor.

BASIC OBJECTIVES

The purpose of these policies is to bring into the service of Warren County the high degree of understanding, cooperation, efficiency, and unity which comes through systematic application of good procedures in personnel administration, and to provide a uniform policy for affected employees, with all the benefits such a program insures. The fundamental objectives of good personnel administration sought to be achieved by these policies are:

1. To promote and increase efficiency and responsiveness to the public and economy in Warren County government.

2. To provide fair and equal opportunity to all qualified citizens to enter Warren County employment on the basis of demonstrated merit and fitness as ascertained through fair and practical methods of selection.

3. To develop a program of recruitment and advancement which will make Warren County service attractive as a career and encourage each employee to render his/her service.

4. To establish and promote high morale among Warren County employees by providing good working relationships, a uniform personnel policy, opportunity for advancement, and consideration for employees' needs and desires.

INTRODUCTION

In Warren County Government all of us work together to create an atmosphere of cooperation and teamwork where each employee is assured of dignity and respect. Local Government is committed to doing everything possible to continue to improve this excellent working relationship.

Your ideas and suggestions for improving our procedures and policies are encouraged and welcomed.

Warren County, Tennessee is committed to provide equal employment opportunity without regard to race, color, religion, sex, national origin, age or qualified persons with disabilities. It is our policy to fulfill our equal opportunity commitment in all employment areas, including recruitment, hiring, upgrading, training, compensation and other benefits. Discrimination in public accomodations, any state and local government services or against the disabled (as defined in the ADA) shall not be practiced and will not be tolerated.

The continued success and progress of Warren County requires that we provide efficient and quality services at the lowest possible costs to the taxpayers. It is imperative, therefore, that the most qualified individuals are employed and appropriately placed to utilize their maximum potential.

Individual ability is to be determined by job training, work experience, education, work performance and personal characteristics which bear upon the requirements of the immediate job and future jobs to which the individual may progress.

GETTING ACQUAINTED

You were selected for your job with Warren County because we believe you have the qualifications required. During the first six months or "probationary period" you are encouraged to ask questions and evaluate your job and the opportunities you will have as a part of the County work force. Continual progress should occur during the probationary period. Lack of improvement may cause the probationary period to be abbreviated. If you or the Department Head determine that your abilities are not commensurate with the job requirements, termination may occur at any stage of the probationary period.

During the six months probationary period, employees are not eligible for benefits such as holiday pay, medical or personal leave, etc. Probationary employees are eligible for Death-in-Family Pay, Jury Duty Pay, and Military leave.

Temporary employees may be hired for pre-determined assignments for pre-determined periods of time. Temporary employees are not eligible for benefits and do not accrue seniority. Should conditions warrant temporary employees may be re-classified as regular or full time employees and build seniority and benefit privileges as do other employees.

CONTINUOUS SERVICE

The continuous service of an employee shall consist of the length of unbroken employment with the County. It starts when an employee has completed a six month probation period and shall date from the time they were first hired. It is a fair way to give employment security to employees with longer service; also encourages employees to remain with the County. In matters of promotion, transfer and layoff continuous service shall be one of the factors, in addition to a consideration of your interest, ability, experience, quality, quantity, attendance, attitude, job knowledge, initiative and cooperation. Your length of service will be broken if you:

(1) Voluntarily leave or are discharged for cause.

(2) Are absent for more than three working days without notifying your supervisor.

INSURANCE

Warren County provides, at the option of the employee, a group medical insurance plan for you and your family. You are enrolled immediately upon employment and usually, the first day of the month following a 30 day waiting period, is the effective date of coverage. The County pays one hundred seventy-five ($175.00) dollars of the employee's monthly premium. The employee pays the additional premium for family coverage. If the employee elects out of the insurance coverage he/she is not entitled to the one hundred seventy-five ($175.00) County contribution as additional compensation. The effective date of coverage is subject to change ..... check with the insurance clerk.

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.

PERSONNEL POLICIES DEFINITIONS

"Full-Time Regular Employees" are those who are hired to work the county's normal, full time, thirty-eight (38) 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 thirty-eight (38) 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 required to be paid overtime, in accordance with federal wage and hour laws, for hours worked over forty (40) in a workweek. 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 six months. These employees accrue no benefits. They may be either "exempt" or "non-exempt." In this manual these employees are also referred to as "probationary employees".

PART-TIME EMPLOYEES

A part-time regular employee designation will be used for those employees whose regular assigned work schedule includes less than thirty-eight (38) hours per week....the benefits set out in this manual are intended to apply only to regular full-time employees. These policies are not intended to establish paid leave of any kind for part-time regular employees.

EMPLOYMENT AT WILL

No policy, benefit, or procedure contained herein creates an employment contract for any period of time. All employees will be considered as 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 a discriminatory or illegal purpose.

PERSONNEL FILES

An individualized personnel file will be maintained on each employee. It is the responsibility of each employee to provide accurate information to the employer. Employees are also responsible for reporting to the employer any change in the information which they have previously provided. Personnel files shall be kept in a locked secure area. No person other than the Department Head or their designate shall have access to an employee personnel file. An employee or a person the employee designates, in writing, may inspect the contents of their file. An employee or former employee may authorize, in writing, disclosure of information from their personnel file. It is unlawful for any person to knowingly make a false entry in, or false alteration of information in a personnel file.

IMMIGRATION PAPERS

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

HOLIDAYS

Observed Holidays
The following holidays will be declared official holidays, and employees will be excused from work without charge to leave:

New Year's Day----------	January 1st
Dr. M. L. King Day----------	3rd Monday in January
President's Day----------	3rd Monday in February
Good Friday----------	Friday before Easter
Memorial Day----------	Last Monday in May

Independence Day----------	July 4th
Labor Day----------	1st Monday in September
Veteran's Day----------	November 11th
Thanksgiving Day----------	4th Thursday in November
Friday after Thanksgiving----	4th Friday in November
Christmas Eve----------	December 24th
Christmas Day----------	December 25th
*Election Days----------	

TN.CODE ANNOTATED:(Elected Officials have discretion on any other Days)

1. When a holiday falls on Saturday, the Friday prior to the holiday is substituted. On the occasions when Christmas Day falls on Monday, the Christmas Eve holiday will be observed on Friday preceding Christmas Day. On those occasions when Christmas falls on Saturday, the Christmas holiday will be observed on the subsequent Monday.

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

VACATION TIME

1. Vacation Per Year

   Vacation time will not accrue until the employee has completed twelve (12) months of service. At that time, the employee will have five (5) days vacation per year for years 1 through 3. From the fourth year through the eleventh year of employment, two (2) weeks of vacation time shall be earned per year. Service from the twelfth year and beyond shall earn three (3) weeks vacation time per year. Part-time employees do not qualify for vacation time.

2. Accumulation of Vacation Time

   Vacation time may not be accumulated and carried forward to the next year.

3. Use of Vacation Time

Vacation leave may be used only at times approved in advance by employer. Vacation requests will be honored to the extent possible. If two or more employees request vacation for the same period of time, it will be the employer's decision if 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 with seniority will be honored. No employee may give or loan vacation time to another employee.

SICK LEAVE

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 a maximum accumulation of 60 sick leave days~~. The accumulation of sick leave days is unlimited.

* Amended 7/27/98

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

B. General Sick Leave Rules and Procedures

1. Use of Sick Leave

An employee may utilize sick leave allowance for absence due to his/her own illness or injury. Sick leave may also 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. An employee who claims sick leave may, at the discretion of the employer, be required to furnish a certificate from a physician stating the nature of the sickness or injury. The doctor's statement should also provide that said employee has been incapacitated for work for the period of his absence, and that he is again physically able to perform his/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 as on a leave without pay status unless the employee has any accumulated vacation time or comp time remaining. The employee may request that additional sick leave be credited against the remaining vacation or comp time.

VOTING LEAVE

Any person entitled to vote in an election in this state may be absent from work to vote while the election polls are open for a period of time not to exceed two (2) hours. 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.

JURY AND COURT DUTY

It is desirous for 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 regulate when an employee is called for jury duty or subpoenaed to court:

1. The employee will be granted a leave of absence to appear in Federal or State Court as a witness or juror.

2. The employee will receive his/her regular compensation during the time he/she is serving jury duty.

3. The employee may retain all compensation or fees which he/she receives for serving as a juror.

4. If the employee is relieved from court or jury duty during working hours, the employee must report back to his/her employer.

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

BEREAVEMENT LEAVE

In case of a 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 or sick leave. Immediate family shall be defined as spouse, parent, children, brothers, sisters, stepbrothers, stepsisters, halfbrothers, halfsisters, mother-in-law, father-in-law, grandparents, grandchildren of the employee, and legal guardians or dependents.

MILITARY LEAVE

A. Full-time employees who are members of any military reserve component will be granted military training leave for such time as they are in the military service on field training or active duty for periods not to exceed fifteen

(15) working days per calendar year. This time may not be used for weekend drills. Such requested leave shall be supported with copies of the armed forces orders.

B. Full-time employees who are members of a military reserve unit who have completed their military training duty for the calendar year, and are reactivated for additional training, will be allowed an additional fifteen (15) days military leave if the additional military training:

1. Occurs during the same calendar year, and

2. Fulfills the employee's military training obligation for the subsequent calendar year.

C. During such time that the employee is on military training leave, he/she shall receive full pay and benefits to which he/she would otherwise be entitled.

TERMINATION PAY

Any employee whose services are being terminated, either voluntarily or involuntarily, shall be paid for all regular earning which 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 his/her estate or to the surviving spouse as may be required by law.

IN-LINE-OF-DUTY INJURY LEAVE

Any employee sustaining an injury or an illness during the course and scope of his 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 which the employee has accumulated. Benefits which are receivable by the employee will be determined by the provisions of the Workers' Compensation Law.

LEAVE WITHOUT PAY

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.

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.

WORK SCHEDULE AND MEAL TIME

Employees shall work a set schedule Monday through Thursday, from 8:00 a.m. until 4:30 p.m. and Friday from 8:00 a.m. until 5:00 p.m. with one hour, during which the employee is totally relieved of all duties, for lunch. Lunch period schedules shall be staggered in such a way that no office or Department will be closed for lunch.

MATERNITY LEAVE

Maternity Leave - T.C.A. 4-21-408. Tennessee law requires that the following provisions be included in this Personnel Manual. The provisions may or may not apply, depending upon the circumstances.

(a) *A female employee who has been employed by the same employer for at least 12 consecutive months as a full-time employee, as determined by the employer at the job site or location, may be absent from such employment for a period not to exceed four months for pregnancy, childbirth, and nursing the infant, where applicable (such period to be hereinafter referred to as "maternity leave").*

(b) (1) *A female employee who gives at least three months' advance notice to her employer of her anticipated date of departure for maternity leave, her length of maternity leave, and her intention to return to full-time employment after maternity leave, shall be restored to her previous or a similar position with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of her leave.*

(2) *A female employee who is prevented from giving three months' advance notice because of a medical emergency which necessitates that maternity leave begin earlier than originally anticipated, shall not forfeit her rights and benefits under this part solely because of her failure to give three months' advance notice.*

(c) (1) *Maternity leave will be without pay. Maternity leave shall not affect the employee's right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credits, benefits, plans or programs for which she was eligible at the date of her leave, and any other benefits or rights of her employment incident to her employment position; provided, however, that the employer need not provide for the cost of any benefits, plans or programs during the period of maternity leave unless such employer so provides for all employees on leave 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 part for failure to reinstate the employee at the end of her*

maternity leave period.

(3) The purpose of this part is to provide leave time to female employees for pregnancy, childbirth, and nursing the infant, where applicable; therefore, if an employer finds that the female employee has utilized the period of maternity 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 maternity leave, then the employer shall not be liable under this part for failure to reinstate the employee at the end of her maternity leave.

(4) Whenever the employer shall determine that the employee will not be reinstated at the end of her maternity leave because her position cannot be filled temporarily or because she has used maternity 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 law shall be construed:

(1) To affect any bargaining agreement or company policy which provides for greater or additional benefits than those required under this part;

(2) To require any employer to provide maternity leave to male employees; or

(3) To apply to any employer who employs fewer than one hundred (100) full-time employees on a permanent basis at the job site or location.

(e) Leave taken under T.C.A.4-21-408 will run concurrently with any leave to which the employee may be entitled under the Federal Medical Leave Act or otherwise. Employees may obtain a copy of the Tennessee Maternity Leave Law by contacting the County Executive at the Courthouse or Calling #473-2505.

FAMILY AND MEDICAL LEAVE POLICY

Purpose: To provide a family and medical leave policy in compliance with Public Law 103-3, titled Family and Medical leave Act of 1993.

Guideline:

1) Definitions:

a. Eligible Employee: Eligible employees are those who have been employed for at least 12 months, who have provided at least 1,250 hours of service during the 12 months before leave is requested, and who work at a worksite where at least 50 employees are on the payroll (either at that site or within a 75-mile radius).

b. Parent: Mother or Father of an employee, or an adult who had day to day responsibility for caring for the employee during his childhood years in place of the natural parents.

c. Son or Daughter\Child: Biological, adopted, or foster child, a step child, legal ward, or child of a person standing in loco parentis, who are under the age of 18 years. Children who are 18 years or older qualify, if he or she is incapable of self care because of mental or physical disability.

d. Serious Health Condition: An illness, injury, impairment, or physical or mental condition involving either inpatient care or continuing treatment by a health care provider. Examples of serious health conditions include but are not limited to heart attacks, heart conditions requiring heart bypass or valve operations, most cancers, back conditions requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, severe arthritis, etc.

2. Leave Provisions:

a. An eligible employee may take up to 12 weeks of unpaid leave in a 12 month period for the birth of a child or the placement of a child for adoption or foster care. Under the Tennessee Maternity Leave Act, a female employee may take an additional

4 weeks of unpaid leave if the 3 months advance notice has been complied with. Leave may also be taken to care for a child, spouse, or a parent who has a serious health condition.

b. The right to take leave applies equally to male and female employees who are eligible.

c. Unpaid leave for the purposes of care for a newborn child or a newly placed adopted or foster care child must be taken before the end of the first 12 months following the date of birth or placement.

d. An expectant mother may take unpaid medical leave upon the birth of the child, or prior to the birth of her child for necessary medical care and if her condition renders her unable to work. Similarly for adoption or foster care, leave may be taken upon the placement of the child or leave may begin prior to the placement if absence from work is required for the placement to proceed.

e. An employee may take unpaid leave to care for a parent or spouse of any age who, because of a serious mental or physical condition, is in the hospital or other health care facility. An employee may also take leave to care for a spouse or parent of any age who is unable to care for his or her own basic hygiene, nutritional needs, or safety. Examples include a parent or spouse whose daily living activities are impaired by such conditions as Alzheimer's disease, stroke, or who is recovering from major surgery, or who is in final stages of terminal illness.

f. Eligible employees, who are unable to perform the functions of the position held because of a serious health condition, may request up to 12 weeks unpaid leave. The term serious health condition is intended to cover conditions or illnesses that affect an employee's health to the extent that he or she must be absent from work on a recurring basis or for more than a few days for treatment or recovery.

g. Employees requesting medical leave due to their own illness or injury must use any balance of sick leave, annual leave, floating holidays prior to unpaid leave beginning. The employer requires the use of available paid leave. The combination of sick leave, annual leave, floating holidays and unpaid leave may not exceed 12 weeks. Employees requesting family leave must use unpaid leave. The employer requires annual leave, floating holidays and other paid leave to be taken first. The

combination of annual leave, floating holidays and unpaid leave may not exceed 12 weeks.

h. During periods of unpaid leave, an employee will not accrue any additional seniority or similar employment benefits during the leave period.

i. If spouses are employed by the same employer and wish to take leave for the care of a new child or sick parent, their aggregate leave is limited to 12 weeks. For example, if the father takes 8 weeks of leave to care for a child, the mother would be entitled to 4 weeks leave, for a total of 12 weeks of leave.

3. Notification and Scheduling:

a. An eligible employee must provide the employer at least 30 days advance notice of the need for leave for birth, adoption or planned medical treatment, when the need for leave is foreseeable. This 30-day advance notice is not required in cases of medical emergency or other unforeseen events, such as premature birth, or sudden changes in a patient's condition that require a change in scheduled medical treatment.

b. Parents who are awaiting the adoption of a child and are given little notice of the availability of the child may also be exempt from this 30-day notice.

4. Certification:

a. The employer reserves the right to verify an employee's request for family/medical leave.

b. If an employee requests leave because of a serious health condition or to care for a family member with a serious health condition, the employer requires that the request be supported by certification issued by the health care provider of the eligible employee or the family member as appropriate. If the employer has reason to question the original certification, the employer may, at the employer's expense, require a second opinion from a different health care provider chosen by the employer. That health care provider may not be employed by the employer on a regular basis. If a resolution of the conflict cannot be obtained by a second opinion, a third opinion may be obtained from another provider and that opinion will be final and binding.

c. This certification must contain the date on which the serious health condition began, its probable duration, and appropriate medical facts within the knowledge of the health care provider regarding the condition. The certification must also state the employee's need to care for the son, daughter, spouse, or parent and must include an estimate of the amount of time that the employee is needed to care for the family member.

d. Medical certifications given will be treated as confidential and privileged information.

e. An employee will be required to report periodically to the employer the status and the intention of the employee to return to work.

f. Employees who have taken unpaid leave under this policy must furnish the employer with a medical certification from the employee's health care provider that the employee is able to resume work before return is granted.

5. Maintenance of Health and COBRA Benefits During Unpaid Leave:

a. The employer will maintain health insurance benefits, paid by the employer for the employee, during periods of unpaid leave without interruption. Any payment for family coverage/s premiums, or other payroll deductible insurance policies, must be paid by the employee or the benefits may not be continued.

b. The employer has the right to recover from the employee all health insurance premiums paid during the unpaid leave period if the employee fails to return to work after leave. Employees who fail to return to work because they are unable to perform the functions of their job because of their own serious health condition or because of the continued necessity of caring for a seriously ill family member may be exempt from the recapture provision.

c. Leave taken under this policy does not constitute a qualifying event that entitles an employee to COBRA insurance coverage. However, the qualifying event triggering COBRA coverage may occur when it becomes clearly known that an employee will not be returning to work, and therefore ceases to be entitled to leave under this policy.

6. Reduced and Intermittent Leave:

a. Leave taken under this policy can be taken intermittently or on a reduced leave schedule when medically necessary as certified by the health care provider. Intermittent or reduced leave schedules for routine care of a new child can be taken only with approval of the employer. The schedule must be mutually agreed upon by the employee and the employer.

b. Employees on intermittent or reduced leave schedules may be temporarily transferred by the employer to an equivalent alternate position that may better accommodate the intermittent or reduced leave schedule.

c. Intermittent or reduced leave may be spread over a period of time longer than 12 weeks, but will not exceed the equivalent of 12 workweeks total leave in a one 12-month period.

7. Restoration:

a. Employees who are granted leave under this policy will be reinstated to an equivalent or the same position held prior to the commencement of their leave.

b. Certain highly compensated key employees, who are salaried and among the 10% highest paid employees, may be denied restoration. Restoration may be denied if (A) the employer shows that such denial is necessary to prevent substantial and grievous economic injury to the employer's operations, (B) the employer notifies the employee that it intends to deny restoration on such basis at the time the employer determines that such injury would occur, and (C) in any case in which the leave has commenced, the employee elects not to return to work within a reasonable period of time after receiving such notice.

8. The 12-month FMLA Period:

The 12-month period during which an employee is entitled to 12 workweeks of FMLA leave is measured forward from the date the employee's first FMLA leave begins. An employee is entitled to 12 weeks of leave during the 12 month period after the leave begins. The next 12-months period will begin the first time the employee requests FMLA leave after the completion of the previous 12-month period.

WORKWEEK

The workweek for employees of Warren County begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on Saturday each week. The regular workweek for Warren County employees is thirty-eight (38)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.

OVERTIME

"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.

COMPENSATORY TIME

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 employees in public safety, or emergency response may accrue is 480 hours-which represents 320 hrs. of overtime work. Other employees may accrue up to 240 hrs.-which represents 160 hours of actual overtime worked. 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.

TIME RECORDS

Employees are required to record their hours worked on the forms 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 your supervisor for review and processing. Please ensure that your actual hours worked and leave time taken are recorded accurately. Falsifying these records is a crime under T.C.A. # 39-16-504.

OVERTIME RATE

An employee who works overtime will receive overtime pay at the rate of time and one-half. An employee's annual salary divided by 52 weeks determines his weekly salary. The weekly salary is then divided by the number of hours in a normal work-week to determine the regular hourly rate of pay. The rate will be multiplied by one and one-half to determine the overtime rate of pay which will be paid for all hours worked over 40 during a week, unless compensatory time is given. No additional compensation will be paid for hours worked under 40.

CHILD LABOR PROVISIONS

The child labor provisions of FLSA are designed to protect the educational opportunities of minors and prohibit their employment in jobs and under conditions detrimental to their health or well-being. Warren County strictly adheres to this policy.

EMPLOYEES COVERED BY THE FLSA

The FLSA is applicable to employees of counties, including full and part-time employees, unless specifically exempted by some other provision of the law. The simple payment of a salary in lieu of an hourly wage, without complying with the other requirements for specific exemptions, will not remove an employee from the provisions of the FLSA.

TRAINING PROGRAMS

Attending an independent trade-school or pursing a correspondence course outside regular working hours is not

compensable work, regardless of whether it is job related. Taking courses in a public school or training in a government-sponsored on-the-job training program is not compensable if outside regular working hours.

TRAVEL TIME

The employer generally is not responsible for time spent by the employee in traveling from home to the place of principal activity (home-to-work). Traveling by an employee from one job site during the workday is compensable work. Traveling from an outlying job at the end of the scheduled workday to the employer's premises is compensable.

EXEMPTIONS

Individuals who hold "public elective office" are exempt from FLSA minimum wage and overtime provisions. This exemption applies to individuals who meet the following requirements:

1.) the individual is not subject to civil service laws of the State, or political subdivision; and

2.) holds a public elective office of that State or political subdivision; or

3.) is appointed by an officeholder to serve on a policymaking level or as an immediate adviser with respect to the constitutional or legal powers of the office.

When a publicly elected official appoints an individual to serve on a policymaking board or commission, such an appointed individual is not covered by the FLSA.

A volunteer is an individual who performs a service for civic, charitable, or humanitarian reasons, without promise, expection or receipt of compensation. These services must be offered freely and without pressure or coercion, direct or implied, from the employer. Individuals performing volunteer services for Warren County will not be regarded as employees for purposes of the FLSA.

Prisoners who are required to work by or for the government are

not considered employees under the FLSA and need not be paid minimum wages or overtime. Inmate labor must be work for or is required work by the government having custody of the prisoner. If inmates are contracted out, this creates an employment relationship requiring the payment of wages in accordance with the FLSA.

The FLSA provides an exemption for three groups of employees, known as the "white collar exemptions". These exemptions include "executive", "administrative" and "professional" employees (EAP), as defined by the FLSA. Even though "white collar" employees are excluded from the provisions with regard to minimum wage and overtime, such employees are not exempt from the equal pay provisions and some of the record-keeping provisions. In order to qualify for one of these exemptions, an employee must meet each requirement established by the FLSA.

TIME OF PAYMENT

Payment of both regular wage and overtime compensation due an employee must ordinarily be made at the regular payday for the workweek, or when the pay period covers more than a single week, at the regular payday for the period in which the particular workweek ends. In cases where overtime hours can not be ascertained in the last workweek of the pay period, overtime payment should not be delayed in no event later than the next payday after such computation can be made.

MINIMUM WAGE PROVISIONS

Every covered, non-exempt worker is entitled to a minimum wage of not less than the amount currently in effect as established by Federal Law. An employee may be paid weekly, monthly, or some other basis as long as the employee receives at least the current minimum wage for each hour actually worked. Employees may be paid a salary in lieu of hourly compensation so long as the salary meets minimum wage and overtime requirements.

DEDUCTIONS

Deductions will be made to wages for the employee's share of social security, federal, state, or local taxes, levies or

assessments, without affecting the minimum wage rate. No deduction can be made for any tax which the law requires to be borne by Warren County. If the employer (Warren County) is required by court order to pay monies from wages to a third party under garnishment, wage attachment, or bankruptcy proceedings, such deductions from wages are permissible so long as the employer nor anyone acting on the employer's behalf derives any profit or benefit from the transaction. Deductions from wages for such items as tools, uniforms, mandatory funding of retirement or insurance plans are not legal to the extent they reduce the wages of employees below the minimum wage or cut into overtime compensation required by FLSA.

PUBLIC SAFETY EMPLOYEES

Public safety personnel includes employees engaged in law enforcement activities. FLSA allows the establishment of longer work periods than 7-day workweeks for public safety employees of state and local governments. Since these special rules are limited to public agencies, they do not apply in cases in which public safety services are provided to a county under a contract with a private organization.

LAW ENFORCEMENT PERSONNEL

The term "any employee in law enforcement activities" refers to any employee who:

1.) is uniformed or plainclothed member of a body of officers and subordinates who are empowered by State statute or local ordinance to enforce laws designed to maintain public peace and order and to protect both life and property from accidental or willful injury, and to prevent and detect crimes;

2.) has the power to arrest;

3.) is presently undergoing or has undergone or will undergo on-the-job training and/or a course of instruction or study which typically includes physical training, self-defense, firearm proficiency, criminal and civil law principles, investigative and law enforcement techniques, community relations, medical aid and ethics.

Employees who meet these tests are considered to be engaged in law enforcement activities regardless of their rank, or their status as "trainee," probationary", or "permanent," and regardless of their assignment to duties incidental to the performance of their law enforcement activities, such as vehicle or equipment maintenance or support activities. Employees who do not meet each of the above three tests are not engaged in "law enforcement activities". Not included in the term "law enforcement activities" are the so called "civilian" employees who engage in support activities such as dispatchers, radio operators, clerks, repair workers, culinary services, teaching psychological, medical or paramedical services. "Any employee in law enforcement activities" does include "security personnel in correctional institutions." A correctional institution is any governmental facility maintained as part of a penal system for incarceration or detention of persons suspected or convicted of having breached the peace or committed a crime.

Trainees attendance at a bona fide police academy when required by Warren County, constitutes engagement in activities only when the employee meets all the applicable tests (except for the power of arrest). If the applicable tests are met, then basic or advanced training is considered incidental to, and part of, the employee's law enforcement activities.

Law enforcement employees who, at their own option, perform special duty work in law enforcement or related activity for a separate and independent employer (public or private) during their off-duty hours, the hours of work for the separate and independent employer are not combined with the hours worked for the county for purpose of overtime compensation.

COMPENSABLE HOURS

Compensable time is the hours of work for which an employee must be paid under the FLSA. Hours of work include all times during which the employee is on duty or on the employer's premises available for work or time spent away from the employer's premises under conditions which prevent the employee from using the time for personal activities. The employer or management must make certain that overtime work it does not want performed is not in fact performed. An employee who is required by the employer to be on duty for less than 24 hours is working for purposes of the FLSA even though

permitted to sleep or engage in other personal activities when not busy. It makes no difference that an employee is furnished sleeping facilities. There is no sleep time exclusion. Where the employer has elected the special tour of duty rules for law enforcement employees, sleep time cannot be excluded from conpensable hours of work where the employee is on duty for less than 24 hours, or where the employee is on duty for exactly 24 hours.

Whether or not the time an employee is on call counts as compensable time depends upon the employee's freedom while on call. An employee who is not required to remain on the employer's premises and is free to engage in his/her own pursuits, subject only to the understanding that the employee leave word at his/her home or with the employer where he/she can be reached by the employer is not working while "on call".

The FLSA required compensation for all time during which employees are required to wait while on duty even if allowed to leave the job site. Waiting periods are usually of such short duration that the employees cannot use them for their own benefit. Employees who wait before starting their duties because they arrived at the place of employment earlier than the required time are not entitled to be paid for the waiting time. Generally, periods which an employee is completely relieved from duty and which are long enough to enable the employee to use the time effectively for his/her own purposes are not hours worked.

A DOL opinion letter dated January 2, 1987 addressed the issue of overtime compensation where police officers trade or substitute time with one another and whether it would be permissible for an officer to have part of the officer's accrued comp time hours transferred to another officer's comp time to repay for trading time. Such a transfer would not be permissible under the regulations because it would require the employer to maintain a separate recordkeeping system, which is specifically not required by the FLSA.

From time to time, notices prescribed by the Wage and Hour Division must be posted and kept posted in conspicuous places in every establishment where employees work so as to permit them to read notices on the way to or from their place of employment. This poster briefly outlines the FLSA basic requirements.

SEXUAL HARASSMENT

Unfortunately, sexual harassment of one employee by another employee potentially might occur. All employees of this county should be aware that sexual harassment of any type will not be tolerated. If any employee feels that the employee has been subjected to sexual harassment, the employee should immediately report such treatment to the employer in accordance with the procedures set out in this county's equal employment opportunity policy.

DISCRIMINATION STATEMENT

As an equal opportunity employer, employment will be based upon consideration of the qualifications of all employees or applicants for employment. Discrimination based upon all applicant's or employee's race, color, sex, religion, national origin, age or disability will not be tolerated.

EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of Warren County that all persons shall have equal employment opportunities regardless of race, color, national origin, sex, age, religion or disability. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other employment practices shall be prohibited. Harassment of employees in any form and for any reason is prohibited.

The personnel policies of this county shall be administered in such manner as to comply fully with the Civil Rights Act of 1964 as amended and other applicable federal and state laws as set out in this policy.

Any employee or applicant who feels that he or she has not been afforded equal opportunity for any employment action may file a complaint in accordance with the discrimination complaint procedure with an assurance of protection from harassment and retaliation.

1. *THE LAW*

   In our efforts to achieve equal employment opportunity for everyone in the service of government for Warren County, we are guided by the intent and mandates of all applicable laws. Major laws governing employment in the public sector include but are not limited to the following:

A. Federal Laws and Regulations

1. Civil Rights Act of 1964, Title VII - makes it unlawful for an employer to discriminate as to hiring, firing, promotion, compensation, terms, conditions or privileges of employment on the basis of race, color, religion, sex, or national origin. It also forbids employers to limit, segregate or classify employees in any way that tends to deprive any individual of employment opportunities or adversely affect his or her employment status because of race, color, religion, sex or national origin. This also applies to people in apprenticeship, training and retraining programs. It is also illegal to indicate a preference in advertisements relating to employment.

   Major Amendments

   a. Pregnancy Act of 1978 - clarified that women affected by pregnancy and related conditions must be treated the same as other applicants and employees on the basis of their ability or inability to work.

   b. Guidelines on Discrimination Because of Sex (1972 and 1980) - establish specific prohibitions of discrimination based on sex and makes sexual harassment a violation of Title VII.

2. Civil Rights Restoration Acts of 1987 - specifies that entire institutions receiving federal funds, rather than just programs or activities receiving the funds, must comply with Civil Rights laws.

3. Executive Order 11246 (as amended by Executive Order 11375) - imposes on government contractors and subcontractors obligations parallel to those established by Title VII of the Civil Rights Act. This order also prohibits discrimination on the basis of age or physical disability and requires that contractors take affirmative action to ensure equal opportunity.

4. Fourteenth Amendment to the United States Constitution - declares that no State shall make any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor shall any state deny persons within its jurisdiction the equal

protection of the laws.

5. Equal Pay Act of 1963 (amendment to the Fair Labor Standards Act) - mandates equal pay for equal work regardless of sex. The benchmarks for a job are skill, effort, responsibility and working conditions and the exceptions are applications of seniority or a merit system, a measure of quantity or quality of production or any other factor other than sex.

6. Age Discrimination in Employment Act of 1967 (as amended in 1978) - prohibits age-based employment discrimination against individuals 40 years of age or older.

7. Rehabilitation Acts of 1973 - Section 503 requires employers with federal contracts to take affirmative action for employment of handicapped people. Section 504 forbids discrimination against handicapped persons by any employers receiving federal financial assistance.

8. Americans with Disabilities Act of 1990, Title I - prohibits covered employers from discriminating against a qualified individual with a disability in all areas of employment.

9. Immigration and Nationality Act (Immigration Reform and Control Act of 1986, as amended) - The IRCA establishes sanctions against employers who knowingly recruit or hire illegal aliens. The law prohibits discrimination against foreign nationals by employers who are not covered by Title VII of the Civil Rights Act.

B. STATE LAWS AND REGULATIONS

1. Tennessee Anti-Discrimination Act - forbids job discrimination on the basis of race, creed, color, religion, sex, age or national origin.

2. Tennessee Maternity Leave Law - allows a female employee to take four months leave, paid or unpaid, for pregnancy, childbirth and nursing the infant.

3. Tennessee Handicapped Discrimination Act - prohibits discrimination against handicapped persons.

4. Tennessee Equal Pay Act - prohibits discrimination in the rate of pay because of sex.

II. GUIDELINES ON DISCRIMINATION

Administrators and supervisors with the government of Warren County are familiar with and will comply with all laws, regulations and guidelines governing various forms of discrimination. Specific guidelines are summarized in this document. Futhermore, harassment of any person in the form of verbal or physical conduct relating to a person's race, sex, religion, national origin or handicap will not be condoned when such conduct:

1. has the purpose or effect of creating an intimidating, hostile or offensive work environment;

2. has the purpose or effect of unreasonably interfering with an individual's work performance; or

3. otherwise adversely affects an individual's opportunities associated with employment.

A. Race Discrimination (Civil Rights Act of 1964, Title VII)

It shall be against the policy of Warren County to discriminate against an individual in employment matters because of that individual's race.

B. Sexual Discrimination

It is the policy of Warren County that there shall be no discrimination against any individual based on sex. This covers all employment actions and conditions of employment and benefits.

1. Job Policies and Practices (Civil Rights Acts of 1964, Title VII and Equal Pay Act of 1963)

a. Personnel policies do not discriminate on the basis of sex.

b. Employees and applicants of both sexes are equally considered for any positions for which they are qualified.

c. Employment opportunities, wages, hours, conditions of employment and benefits are equally offered to all employees regardless of sex.

d. Marital status shall not be a factor in any employment opportunity or decision.

e. Appropriate physical facilities shall be provided for people of both sexes.

2. Maternity Leave (Pregnancy Acts of 1978 and Tennessee Maternity Leave Law)

Accrued sick leave shall be granted for the time a woman is physically unable to work due to childbirth as documented by her physician. Additional vacation and/or leave without pay may be granted in accordance with State law. The same vacation and/or leave without pay may be granted as paternity of adoption leave.

3. Sexual Harassment (Civil Rights Acts of 1964, Title VII and Guidelines on Discrimination Because of Sex, 1980)

Sexual harassment of any employee is prohibited. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or

b. submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual, or

c. such conduct has the purpose of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment can take many forms. It is not limited to overt physical acts. Suggestive comments, jokes of a sexual nature, sexually suggestive objects or pictures, obscene gestures, sexually graphic stories, as well as unwanted touching, can all constitute sexual harassment.

Sexual harassment of any employee shall not be tolerated. No employee shall be allowed to sexually harass,

either verbally or physically, another employee; nor shall supervisor allow the harassment of any of his/her employees, either by other employees or by persons not employed by Warren County. It shall be the responsibility of managers and supervisors to take all steps necessary to ensure that the provisions of this policy are enforced. Any complaint of harassment will be investigated immediately and corrective and/or disciplinary action taken if the charges are found to be true.

C. *Religious Discrimination (Civil Rights Act of 1964, Title VII)*

Warren County expresses its commitment to prohibit religious discrimination against applicants for employment and employees in all areas of employment and benefits. No distinction based on religion shall apply in employment opportunities, wages, hours of work, other conditions of employment or benefits.

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:

1. *business necessity,*
2. *financial costs and expenses, and*
3. *resulting personnel problems.*

D. *Age Discrimination (Civil Rights Act of 1964, Title VII and Age Discrimination in Employment Act of 1967, as amended)*

The policy of Warren County prohibits age-based discrimination against individuals 40 years of age or older. No appointing authority shall be allowed to refuse to hire, to discharge, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of an individual's age. Nor will any employee be segregated or classified in such a manner as to deprive him or her job opportunities.

Exceptions:

1. *There may be differentials in bona fide employee benefit plans.*

2. *For some areas of work, age may be a bona fide occupational qualification.*

E. *<u>National origin discrimination</u> (Civil Rights Action of 1964, Title VII and EEOC Guidelines effective Dec. 29, 1980)*

1. *Policy*

It shall be against the policy of <u>Warren County</u> to discriminate because of an individual's or his or her ancestor's place of origin or because an individual has the physical, cultural or linguistic characteristics of a national origin group. Furthermore, it is against the policy to discriminate for reasons which are grounded in national origin, such as (a) marriage or association with persons of a national origin group; (b) membership in or association with an organization identified with or seeking to promote the interests of national origin groups; (c) attendance or participation in schools, churches, temples or mosques generally used by persons of a national origin group; and (d) because an individual's name or spouse's name is associated with a national origin group. There shall be no discrimination based on national origin in any area of employment or condition of employment or in the granting of employment benefits.

2. *Citizenship*

<u>Warren County</u> requires that all employees be United States citizens or legal resident aliens. Specified classifications require U.S. citizenship as a bona fide occupational qualification.

F. *<u>Handicap Discrimination</u> (State and Local Fiscal Assistance Act of 1972, Rehabilitation Act of 1973, and Americans with Disabilities Act of 1990)*

1. *Policy*

It is the policy of <u>Warren County</u> 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 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.

2. *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.*

3. *Employment Physical*

All new appointees are required to take a physical examination after an offer of employment is made. The physical examination will be conducted at the Warren County Health Department at Warren 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 allowed 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.*

4. *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 Warren 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 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.

5. Accessibility

Each department is required periodically to survey their programs and physical facilities to determine if they are accessible to persons with disabilities. If structural problems are found, it is the responsibility of Warren 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.

III. COMPLAINT PROCEDURE

A complaint of discrimination as outlined in the Guidelines on Discrimination, including a complaint of sexual harassment, may be filed according to the steps defined below. A complaint should initially be filed within twenty (20) working days of the occurrence or reasonable knowledge of the alledged discrimination. If it is a

continuing problem, the complainant should state when it began and the progression to the time of the complaint. A complaint may be filed by a current employee or by an applicant, and by an individual or a group of people. Any complainant shall have the right to choose one representative to be with him or her at all stages of the complaint procedure. Confidentiality will be maintained during the complaint procedure, to the degree allowed by law. Reprisal or retaliation against the complainant or witnesses participating in the investigation is prohibited and is grounds for disciplinary action.

A. Although individuals are encouraged to try to settle problems on an informal basis, any employee or applicant who feels that he or she has been subjected to discrimination may file a complaint with his or her supervisor. The supervisor shall try to remedy any actual or perceived problem without the necessity of additional formal procedures. The supervisor shall inform the complainant of his or her decision within five (5) working days. If the complaint is not resolved at this level, the complainant may proceed to Step 2 as long as the complainant does so within ten (10) working days of receiving the supervisor's decision. If the supervisor is the offending party, or if the employee feels that the supervisor will not or cannot objectively handle the complaint, the employee should file the complaint in accordance with Step B.

B. A complaint of discrimination may be filed, in writing, with the department head or his or her designee. (If the department head is the alleged offending party, the individual should file the complaint with the Equal Employment Opportunity Coordinator for Warren County as set out in Step C). The department head or designee, after thorough investigation, should take the necessary steps to correct any problem found to exist. Such correction may include disciplinary action against an offending employee, especially if the charge involves harassment. The departmental investigation shall be completed within twenty (20) working days, with an extension of an additional twenty (20) working days if needed. The department head shall notify the complaining party of his or her decision within ten (10) working days following the conclusion of the investigation. If the department head feels that the charges warrant a third party investigation, or if the charges involve rules or policies which are beyond his or her scope of authority, the department head may refer to the complaint to Step C.

C. If the individual feels that the complaint has not been remedied by the department head, the complainant should file a written

complaint with the Equal Employment Opportunity Coordinator for Warren County. The written complaint should be filed within ten (10) working days from the date of the letter sent by the department head as set out in Step B. Upon receipt of a written complaint or referral by a department head, the Equal Employment Opportunity Coordinator will conduct an investigation within twenty (20) working days, with an extension of up to twenty (20) additional working days if needed. He or she will make a full report to the complainant and the department head which shall include findings as to the truth of the allegations of discrimination. As a result of the investigation and the findings of the Equal Employment Opportunity Coordinator, the department head shall then review his or her previous decision to determine if the appropriate action was taken. Within ten (10) working days after receipt of the final report, the department head shall send a written notice to the complaining party of action being taken.

D. Right of Appeal - Any complaining party may present his/her written complaint of discrimination to the County Executive, after the Equal Employment Opportunity Coordinator has investigated the matter, if the employee feels that the department head has failed to adequately address the discrimination problem. The County Executive or his or her designee shall review the complaint and make necessary recommendations to the department head of the complaining party. Any written complaint for review must be submitted to the County Executive within ten (10) working days of the final determination by the department head as set out in Step C.

Warren County Government recognizes that allegations of discrimination are difficult and often embarrassing for all parties involved. Efforts should be made by employees and management to deal with such allegations in a professional and responsible manner.

IV. UTILIZATION ANALYSIS

A periodic utilization analysis will be done to help monitor representation by race and sex in each department. Such analysis will compare departmental representation within EEO categories to similar numbers in the local labor market work force. Statistics used are taken from the most current U.S. Census data adjusted by State reports on unemployment.

ALCOHOL AND ILLEGAL DRUGS IN THE WORKPLACE

It is the policy of Warren County to maintain a safe, efficient, and productive place of employment where the highest standards of quality can be maintained. Warren county now recognizes and expresses concern for the ever-increasing drug and substance abuse that is widespread in the American Society and out of concern for the destruction, both real and potential, caused by drug, alcohol, and general substance abuse, Warren County does hereby establish this policy and this program in order to actively work for the elimination of accidents, the loss of human skills and achievements, loss of productivity, and retardation of social advancement.

With this concern, and in the interest of full compliance with the provisions of the Acts of the United States Congress in the Omnibus Drug Bill of 1988 the following principles shall stand:

1. *No one employed by or engaged in services to Warren County shall distribute, dispense, possess, manufacture, use, or otherwise engage in the use of or the encouragement or the promotion of any drug or substance that will in any way impair the performance of any one performing duties or may be in any way involved in operations of Warren County.*
2. *Those having management and supervisory responsibilities shall be alert for any violations of this Policy. They shall inform employees through Safety Meetings and printed material that may become available, the provisions of this Policy and Program and they shall take such actions as may be feasible to refer anyone found to be in violation of this Policy and Program to competent medical or professional counseling or rehabilitation assistance that may be available. Participation in a drug abuse assistance or rehabilitation program will be at the expense of the employee.*
3. *An employee may have prescription drugs in his/her possession provided such drugs were specifically prescribed by a physician for the treatment of an employee health condition. The employee should voluntarily advise the Supervisor if the use of such drugs may affect job performance in such a way as to necessitate the temporary reassignment of duty to protect the safety of the employee and/or others in the workplace. Such disclosure will be held confidential information.*
4. *Anyone found to be in violation of the stated principles of this Policy and Program shall be immediately removed from county responsibilities out of concern for their personal safety, the safety of others, and the protection of county assets. Managers and/or supervisors shall counsel any individual within the limits of their own knowledge and skill with the intent of rehabilitation.*

ALCOHOL AND CONTROLLED SUBSTANCES TESTING FOR SAFETY-SENSITIVE POSITIONS

I. GENERAL POLICY

It is the policy of Warren County to maintain a workplace that is free from the effects of drug and alcohol abuse. Employees in safety-sensitive positions that require a Commercial Driver's License (CDL), and applicants for such positions, will be subject to controlled substance and alcohol testing. This testing is in compliance with the Federal Omnibus Transportation Employee Testing Act of 1991 and related U.S. Department of Transportation rules and regulations, set forth in 49 CFR Federal Regulations Parts 40 & 382.

Alcohol and controlled substances testing will be permissible only for other Warren County employees who are in safety-sensitive positions, (as defined in section XIII), that is law enforcement positions and emergency medical personnel. Supervisors of safety-sensitive employees, prior to proceeding from permissibility testing status to mandatory testing, shall consider the following:

1. Is there a valid public interest to be protected by testing?
2. Does Warren County have a "compelling interest" to be protected?
3. Is there a documented drug or alcohol problem in the particular workplace?
4. Do these safety-sensitive employees perform duties "fraught with such risks of injury to others that even a momentary lapse of attention can have disastrous consequences"?
5. Are there other less intrusive means available to accomplish the objective, such as, would proper and closer supervision of employees identify a drug or alcohol problem?
6. Remember, a generalized desire to eliminate drug and/or alcohol use among employees, in and of itself, is not enough justification for mandatory testing.

If after consideration of the above questions and factors, the supervisor determines that other Warren County safety-sensitive employees will be subjected to mandatory testing for drug and alcohol use, the same policies and procedures, as applicable, enumerated herein for employees in safety-sensitive positions who drive a commercial motor vehicle, and employees who perform safety-sensitive functions which require them to hold a commercial drivers license (CDL) will be followed for other Warren County employees in safety-sensitive positions.

II. SPECIFIC PROHIBITIONS

A. Alcohol

No employee is allowed to report for duty or remain on duty under the following circumstances:

- While having alcohol in his possession
- While having a breath alcohol concentration of 0.040% or greater as indicated by an alcohol breath test. An employee shall be removed from a safety-sensitive function for 24 hours, if he/she has a breath alcohol concentration of 0.020 - 0.039.
- While using alcohol.
- Within 4 hours after using alcohol.
- Refusing to submit to an alcohol test.
- Within 8 hr. after an accident, unless the test has been completed.

B. Controlled Substances

Use or possession of illegal controlled substances by employees in safety-sensitive positions are prohibited on or off duty: no employee may have detectable levels of illegal substances while on duty. any unauthorized use of controlled substances is prohibited. No employee shall be allowed to perform a safety-sensitive function while impaired by medication. Employees are required to provide a physician's statement that prescribed medications do not adversely affect the employee's ability to perform safety-sensitive functions. The supervisor shall take appropriate action such as approving leave or giving the employee an alternate assignment on a temporary basis.

III. WHO IS SUBJECT TO TESTING

This policy requires testing of employees in safety-sensitive positions, who drive a commercial motor vehicle, and employees who perform safety-sensitive functions which require them to hold a CDL. Safety-sensitive functions are any of those on-duty functions set forth by the U.S. Department of Transportation in 49 CFR 395.2, paragraphs 1-6.

This policy requires testing of employees in safety-sensitive positions, who drive a commercial motor vehicle, and employees who perform safety-sensitive functions which require them to hold a CDL, including employees in Full time, Part time and Temporary positions. Supervisors are subject to testing as long as they oversee the work of drivers and may drive or perform other safety-sensitive functions when needed. Mechanics who repair and maintain CMV's and test them on public roads, are also covered by this policy.

Who must hold a CDL and be subject to testing? Any driver who drives a motor vehicle--

- *With a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight or more than 10,000 pounds;*
- *With a gross vehicle weight rating of 26,001 or more pounds;*
- *Designed to transport 16 or more passengers;*
- *Of any size that is used to transport hazardous material which require the vehicle to be placed under the hazardous materials regulations.*

IV. TESTS REQUIRED

Pre-employment, Random, Post Accident, Reasonable Suspicion, Return to Duty and Follow up testing are the six types of test required. An applicant or employee must carry and present a current photo ID to the appropriate personnel during testing.

A. Pre-employment

Tests will be conducted after a provisional offer of employment has been made and before an employee performs a safety-sensitive function for the first time. Tests must also be completed before an employee is promoted, transferred, or assigned to a safety-sensitive position and upon return to work when an employee has been on leave or otherwise out of the program for a period of six months or longer. A controlled substance test must be negative as determined by applying limits set in the federal guidelines. The Department of Transportation does not require pre-employment alcohol testing.

B. Post Accident

Alcohol and controlled substance tests will be conducted after accidents on drivers whose performance could have contributed to the accident, as determined by a citation for a moving violation, and for all fatal accidents, even if the driver is not cited. Tests should be done as soon as practicable, however, nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or, to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency care. Alcohol tests should be completed within two hours of the accident and in no event after eight hours and controlled substance tests will be administered within 32 hours of the accident.

Drivers are required to notify their supervisor immediately following an accident and are required to make themselves readily available for Post Accident testing procedures, if required by this part. After notification, the employee shall proceed immediately to the designated colleciton site for Post Accident testing. Any unreasonable delay in providing specimens for drug testing shall be considered a refusal to cooperate with the Substance Abuse Program and shall result in administrative action up to and including termination of employment.

C. Reasonable Suspicion

These tests are ordered when a trained supervisor observes and documents appearance, behavior, speech, or body odors of an employee which are characteristic of the use of alcohol or controlled substances. Observations may include symptoms of chronic use or withdrawal.

If at all possible, the characteristics listed above, must be observed by at least two supervisors or company officials. If not feasible, only one supervisor or company official need witness the conduct. The witness(es) must have received training in the identification of physical, behavioral, speech, and performance indicators of possible drug and alcohol misuse. The behavior of the employee must be documented and signed by the witness within 24 hours of the observed behavior or before the test results are released, which ever is first.

No employee shall be allowed to drive or perform any safety-sensitive function when suspected of being impaired until a test reports that the employee is medically qualified to drive.

D. Random

Tests are ordered on a random, unannounced basis from the pool of employees indentified as subject to this policy. Random selection of employees is done by an independent contractor using a statistically valid method, such as computer based listing of employees by social security or employee number. An employee's name remains in the pool after being tested each time selections are made.

An employee notified by his supervisor to report for a controlled substances or alcohol test must go immediately to the collection site.

At least twenty-five percent (25%) of employees will be tested annually for alcohol, with tests conducted just prior, during, or immediately after performing safety-sensitive functions.

At least fifty percent (50%) of employees are subject to testing for controlled substances, with tests being conducted just prior, during, or immediately after performing safety-sensitive functions.

E. Return to Duty and Follow-Up Testing

Return to Duty - Any employee who tests positive under this policy must test again before returning to a safety-sensitive function. This test must be no more than 0.020 for alcohol and negative for controlled substances.

Follow-Up - Following a determination that an employee is in need of assistance in resolving problems associated with the use of alcohol or controlled substances, the employee is subject to unannounced testing. There must be at least six (6) within the first twelve (12) months after an employee returns to work. The length of time an employee is subject to follow-up testing and the number of tests required beyond the minimum six (6) tests required is determined by the Substance Abuse Professional.

V. OVERVIEW OF TESTING PROCEDURES

A. Alcohol

Testing for the use of alcohol will be conducted by a certified Breath Alcohol Technician (BAT) using evidential breath testing (EBT) devices approved by the Federal Government. The EBT analyzes a specific volume of

expired breath. The weight of alcohol in the breath sample is determined and the quantity of the alcohol converted to its equivalent value in blood. A blood alcohol concentration (BAC) of 0.10 means one tenth of a gram of alcohol per 210 liters of breath. A test may have two separate parts. The first being the initial test. If the initial test result is less than 0.020, it is recorded as a negative result. If the initial test result is 0.020 or greater a confirmation test is given. The alcohol testing will be conducted in a site that allows confidentiality, such as a room or partitioned off area. Only one breath test will be conducted at a time.

The first part of the testing procedure is to make sure the EBT is operating properly. The BAT runs a "blank check" in the presence of the donor, to ensure the EBT is working correctly and the reading is zero. Next, a sealed mouthpiece is opened and placed onto the EBT. The donor is requested to blow into the mouthpiece for at least 6 seconds or until the EBT indicates that an adequate amount of breath has been obtained, to ensure a sufficient quantity of deep lung air. The EBT will immediately read the results of the test and a copy of the printed results will be given to the donor. Employees may be required to initial the BAT Log, to certify test results.

When the initial test result is 0.020 or greater, a confirmation test is required. Before the confirmation test, the donor will be observed for 15 minutes. The purpose of the waiting period is to ensure that the presence of mouth alcohol from the recent use of tobacco, food, or hygiene products, does not artificially raise the test result. The confirmation test will be done on the same EBT as the initial test with the same procedures.

In the event that the initial screening and the confirmation test results are not identical, confirmation results is deemed to be the final result upon which any action under operating administration rules shall be based. A breath alcohol testing form will be prepared and a copy given to the donor.

B. Controlled Substances

Controlled Substance tests will be done by urinalysis and will check for the following drugs:

- Marijuana (THC metabolite)
- Cocaine
- Amphetamines and Methamphetamines

- Opiates (including heroin and codeine)

- Phencyclidine (PCP)

All drug testing must be conducted from urine specimens collected under highly controlled conditions. Specimens will be collected at a collection site designated and analysis will be conducted by a laboratory certified by the U.S. Department of Health and Human Services (DHHS).

After the collection of a urine specimen, it is forwarded to the laboratory for analysis. The initial test is the immunoassay test. If the initial test result is negative the laboratory will notify the Medical Review Officer (MRO) the specimen is negative and no additional tests will be conducted. If an initial test is positive for a controlled substance, a confirmation test is performed using the gas (GC/MS) chromatography/mass spectrometry analysis. Only specimens that are confirmed positive are reported positive to the (MRO) for review and analysis.

C. Refusal to Submit to Testing

The Federal Motor Carrier Safety Regulations prohibits any driver to refuse to submit to the types of controlled substance and/or alcohol testing listed in this policy. No Company shall permit a driver who refuses to submit to a required test to perform or continue to perform safety-sensitive functions.

In controlled substance testing, failure to provide a sufficient amount of urine may constitute a refusal. In alcohol testing, the refusal to sign the certification in Step 2 of the D.O.T. Breath Alcohol Concentration Form is regarded as a refusal to submit to testing. Not providing a sufficient amount of breath, under certain conditions, may be regarded as a refusal to submit to testing.

VI. NOTIFICATION OF RESULTS AND ROLE OF THE MRO

All controlled substance tests are reviewed and interpreted by a physician designated as the MRO before they are reported to the employer. If the laboratory reports a confirmed positive result to the MRO, the MRO contacts the driver to determine if there is an alternative medical explanation for the substance(s) found in the employee's urine specimen. If the employee provides appropriate documentation and the MRO determines that it is legitimate medical use of the prohibited substance(s),

the result is reported as negative to the employer although the employee may not be medically qualified to perform safety-sensitive functions. The department administrator will notify the employee to contact the MRO, if the MRO is been unable to contact the employee.

Consequences for drivers who test 0.04 BAC or greater.

A driver who tests 0.04 or above:

- Cannot perform a safety sensitive function,
- Will be made aware of resources for solving alcohol and drug problems,
- Must be evaluated by a SAP,
- Comply with treatment recommendations, and
- Must undergo a return to duty alcohol test, with a negative test result.

Consequences of a test over 0.02 BAC but less than 0.04.

No driver who is found to have a BAC of 0.02 or greater but less than 0.04 shall perform safety sensitive functions until the start of the driver's next scheduled duty period, but not less than 24 hours following test.

Consequences of a positive drug test.

A driver who tests positive for a controlled substance:

- Cannot perform a safety sensitive function,
- Must be evaluated by a SAP,
- Comply with treatment recommendations, and
- Must undergo a return to duty drug test with a negative test result.

The positive tested driver will also be subject to unannounced follow-up drug and/or alcohol tests for up to 5 years depending on the evaluation of the substance abuse professional.

A. Removal from Duties

An employee who tests positive for a controlled substance(s), or alcohol, refuses to submit to such test, or attempts to tamper with the test is in violation of this policy and shall be removed from safety-sensitive duties, pending further action.

B Rehabilitation and/or Disciplinary Action

Employees who test positive for any unauthorized use of controlled substances and/or alcohol will be **terminated**, upon the **first** offense. Any employee who does not notify his supervisor of a prescribed medication and test positive may be suspended for up to 3 days, without pay. The designated official may take into account factors such as the circumstances which led to testing, the employee's work history and past corrective or disciplinary action.

Warren County shall provide employees with a list of resources available indicating where an employee can be evaluated and receive help to resolve any problem associated with substance/alcohol abuse. However, Warren County is not required to and will not pay for the evaluation, treatment, rehabilitation, or counseling.

VII. VOLUNTARY DISCLOSURE OF CONTROLLED SUBSTANCES AND/OR ALCOHOL USE.

Employee who voluntarily comes forward and wishes to seek rehabilitation, for alcohol and/or drugs, will be referred to a Substance Abuse Professional (SAP) and placed on leave of absence. This leave is covered under the **Family and Medical Leave Act (FMLA).** Under FMLA the employee will have to use any accumulated sick leave. Once the sick leave has been used, the employee will then have to use any accumulated annual or personal leave. If the employee is still in the rehabilitation program after their annual leave is depleted, that employee will then be on leave without pay. The employee will not be allowed to return to work until it has been certified by the attending physician that the employee has complied with all prescribed treatment. Employees may only come forward (1) time. When the employee returns to work, the employee will be required to pass a Return to Duty drug/alcohol test. Employees who test positive for either drugs or alcohol, after returning from their leave of absence, shall be immediately terminated. Furthermore, any employee who returns to work after rehabilitation will be subject to follow up testing, as spelled out in the follow up testing procedures for both alcohol and drugs.

A voluntary referral is defined as being one that occurs prior to any violation of this policy, including a criminal charge or conviction of that individual on a drug related offense. A referral is not voluntary if made after notification of a required drug test.

VIII. RETEST PROVISION

Breath alcohol tests are conducted and confirmed while the employee is present, eliminating the need for a retest.

For controlled substance(s), an employee or applicant who has confirmed positive test results may request that the split sample be tested at a different federally certified laboratory. Such request must be made within 72 hours after learning of the positive results. Any action required by this policy, as the result of a positive test result, will be enforced pending the split sample results.

IX. RETURN TO DUTY AND FOLLOW UP

Employees with a positive test result for controlled substance or alcohol will be referred to a Substance Abuse Professional (SAP) for evaluation. No employee shall be allowed to return to a safety-sensitive position until he submits to a return to duty test with a negative result and he/she is released to return to a safety sensitive position, by the SAP.

X. CONFIDENTIALITY

Controlled Substance and alcohol testing results and records shall be maintained under strict confidentiality by the company contracting to administer the testing program, the testing laboratory, and the MRO. These results cannot be released to others without the written consent of the employee. Exceptions to these confidentiality provisions are limited to a decision maker in litigation or administrative proceedings or officials designated in the federal regulations. Statistical records are maintained for required reports for the Federal Highway Administration.

Employees involved in testing and the administration of this policy shall observe strict confidentiality of an employee's test results and treatment. Any employee who violates this requirement for confidentiality will be subject to disciplinary action.

XI. TRAINING

Informational Program - A program will be presented for all employees covered by this policy to help them understand the policy and Warren County's program on substance and alcohol abuse. this will include training on the provisions of the policy, information about controlled substances and alcohol use, and treatment resources that are available. The policy will be made known to all employees and the information will be incorporated in new employee orientation.

Supervisors - Supervisors of safety-sensitive employees shall attend a program of training. This program will be designed to teach supervisors how to identify and document substance and alcohol use among employees and to familiarize them with the controlled substances testing program, provisions of this policy, and related laws.

XII. THE EFFECTS OF DRUGS AND ALCOHOL ON HEALTH, WORK AND PERSONAL LIFE

DID YOU KNOW THAT SUBSTANCE ABUSERS?

- Are 5 times more likely to have an accident,
- Are 16 times more likely to be absent from work,
- Use 3 times as many sick benefits,
- Make 5 times as many Workman's Compensation claims, and
- Are less productive and more likely to injure themselves or co-workers.

With the ever increasing use and misuse of alcohol and drugs the effects extend far beyond the individual user. Impaired employees endanger themselves, fellow workers, and other drivers on the highways. Employees with drugs and alcohol in their systems are less productive and more likely to injure themselves or other persons in an accident. Alcohol and drug abusing employees increase the cost related to lost productivity, absenteeism, accidents, and theft.

Also, medical costs are higher and are passed on to the employer in the form of higher insurance rates. Alcohol and drug abuse costs both the employer and the employee. Alcohol remains the number one abused drug in this country. Alcohol consumption causes a number of changes in

behavior. Even low doses can impair judgment and coordination required for driving. Low to moderate doses impairs reaction time and visual perception. Moderate to high doses cause marked impairment in higher mental function, severely altering a persons ability to learn and remember information. Very high doses cause respiratory depression which could lead to death. If combined with other depressant drugs, much lower doses of alcohol will produce the effects just described. Long term consumption of large quantities of alcohol can lead to permanent damage of vital organs, such as the brain and liver. Drug use can cause an array of medical problems from hypertension, strokes, heart disease to psychosis.

Signs and symptoms of an alcohol or drug problem. (List is not inclusive)

Drugs can show their effects in many different ways. Some of the most noticeable signs of drug abuse are drowsiness, respiratory depression, constricted or dilated pupils, nausea, slurred speech, excitement, loss of appetite, poor perception of time and distance, relaxed inhibitions, disoriented behavior, watery eyes, runny nose, chills and sweats, convulsions, apathy, depression, and the use of drug paraphernalia. Some of the signs and symptoms of alcohol misuse are the odor of alcohol, slurred speech, staggering, temors, vomiting, cramps, delirium, loss of appetite, using arms for balance, swaying while maintaining balance, and confusion.

Multiple substance abuse is abuse of more than one drug, either at the same time or over a period of time and it involves any combination of:

- *Alcohol*
- *Prescription drugs*
- *Over-the-counter drugs*
- *Illegal drugs*

Multiple substance abuse is especially dangerous because different substances interact with each other to product unexpected effects and dangers.

Multiple substance abuse often begins with abuse of a single substance. This may happen because once a person begins to rely on a drug, abuse of additional substances becomes more likely. People who abuse substances are at a high risk for developing dependence and tolerance for other substances.

Alcohol and substance abuse is a complex problem calling for specialized supervision and care. Don't help or aid a person who you think has a drug or alcohol problem. Leave the treatment and counseling of persons with an abuse problem to the professionals. The DOT regulations require that the person with an abuse problem be evaluated by a professional such as, physician, psychologist, or other certified individuals with knowledge of abuse and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

XIII. DIFINITIONS AND ABBREVIATIONS

Alcohol - any food, beverage, mixture or preparation, including medication containing alcohol.

Alcohol Concentration - a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as shown by an evidential breath test.

BAC - Breath Alcohol Concentration.

SAF - Safety sensitive positions or Functions.

BAT Breath Alcohol Technician - An individual who is certified to conduct breath alcohol tests utilizing an Evidential Breath Testing Device (EBT).

Collection Site - A place designated by Warren County Highway and Sanitation Depts. where employees present themselves to provide a specimen of breath, urine, and/or blood to be analyzed for the presence of controlled substances or alcohol.

Confirmation Test - A second test: for alcohol, this test provides quantitative data of alcohol consumption; for controlled substances, this is an analytical procedure using a different technique and chemical principle from the initial screening, called GC/MS (gas chromatography/mass spectrometry analysis).

Controlled Substances - a stimulant, narcotic, cannabinoid, or derivation thereof, or any other substance as controlled by law.

Employee - A person who works for Warren County whose job requires a CDL, whether for regular, relief, or temporary operation of a commercial motor vehicle, and a person who works in safety-sensitive positions in law enforcememt or emergency medical positions.

Medical Review Officer MRO *- A licensed physician or board licensed toxicologist who has the knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate an individual's positive test results.*

Refusal to Submit *- Willful refusal to participate in alcohol and/or controlled substances testing; inability or failure to provide an adequate breath or urine sample for testing without a medical explanation; tampering or attempting to tamper with a test sample*

Safety Sensitive Position *- Employees in the motor carrier industry as defined on page 2, part III of this document and other Warren County Employees that:*

1. *Have drug interdiction responsibilities;*

2. *Have positions which--*
   - *a.) authorizes employees to carry firearms;*
   - *b.) give employees access to sensitive information;*
   - *c.) authorizes employees to engage in law enforcement; or*
   - *d.) requires employees to engage in activities affecting public health or safety.*

Initial Screening *- For alcohol, an analytical procedure to determine whether an employee may have a prohibited amount of alcohol in his system; for controlled substances, an immunoassay screen to eliminate "negative" urine specimens from further consideration.*

Substance Abuse Professional SAP *- A licensed physician, or licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor, with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance related disorders.*

The five levels for the five classes of drug tests are listed in the table below:

DRUGS	INITIAL	CONFIRMATION
	Test Level (ng/ml)*	Test Level (ng/ml)*
Marijuana	50	50
Cocaine	300	150
Opiates	300	
Morphine		300
Codeine		300
Amphetamines	1000	500
Methamphetamines		500

*ng/ml means nanograms per milliliter. An nanogram is one billionth of a gram. A milliliter is one thousandth of a liter..

A split sample will be collected for each donor. that is, the urine is divided into two specimen bottles. Should the result of the primary specimen be positive, the donor may request the MRO to send the split sample to a different certified laboratory for testing. This request must be made within 72 hours of being notified of a positive result.

All costs associated with the split sample shall be prepaid by the employee, including shipping and handling, transportation, testing, and reporting to the MRO. If the result of the test is negative, these costs will be reimbursed by the employer.

PERSON IDENTIFIED TO ANSWER QUESTIONS

As part of our continuing policy to ensure fair and equal treatment of our drivers, we understand that there may be questions and concerns involving our controlled substance and alcohol testing policies and programs. To assist you in understanding the requirements placed on both you and us, the employer, we have designated:

Sanitation Dept.	Supervisor	(931) 473-6847
Sheriff's Dept.	Sheriff	(931) 473-7863
Hwy. Dept.	Supt. of Roads	(931) 473-2007
Ambulance Service	Supervisor	(931) 473-3929
County Executive Off.	Adm. Asst.	(931) 473-2505

FOR ASSISTANCE WITH DRUG & ALCOHOL PROBLEMS

REBOS
P.O. Box 1500
Jamestown, TN 38556
(800) 872-6594

PATHFINDER
435 E. Main
Hendersonville, TN
(800) 553-2540
24 Hr. HELP Line

CUMBERLAND HEIGHTS TRT. CTR.
River Road
P.O. box 90727
Nashville, TN 37209
(800) 646-9998

ANOTHER CHANCE
Recovery Programs
1302 Division St.
Nashville, TN
(800) 541-6236
24 Hr. HELP Line

NEW BEGINNINGS
At McFarland Hospital
500 Park Avenue
Nashville, TN
(615) 244-1606
24 Hr. HELP Line

EMPLOYEE ACKNOWLEDGEMENT FORM

AS AN APPLICANT OR AN EMPLOYEE, I HAVE CAREFULLY READ AND UNDERSTAND THE ATTACHED DRUG & ALCOHOL TESTING POLICY FOR WARREN COUNTY. I HAVE RECEIVED A COPY OF THIS DRUG & ALCOHOL TESTING POLICY, UNDERSTAND IT'S REQUIREMENTS, AND AGREE WITHOUT RESERVATION TO FOLLOW THIS POLICY. AS AN APPLICANT I AM AWARE THAT MY OFFER OF EMPLOYMENT IS CONDITIONAL UPON THE RESULTS OF THE PRE-EMPLOYMENT DRUG TEST RESULTS. AS AN EMPLOYEE, I AM AWARE THAT I MAY BE REQUIRED TO UNDERGO DRUG AND/OR ALCOHOL TESTING, THAT I WILL BE INFORMED PRIOR TO TESTING, AND THAT I AM SUBJECT TO DISMISSAL IF I REFUSE TO SUBMIT TO TESTING.

I AUTHORIZE THE DESIGNATED COMPANY OFFICIALS TO RELEASE ANY TEST RELATED INFORMATION, INCLUDING POISTIVE RESULTS TO THE UNEMPLOYMENT COMPENSATION COMMISSION OR OTHER GOVERNMENT AGENCIES INVESTIGATING MY EMPLOYMENT OR TERMINATION THEREOF.

THIS POLICY MAY BE REVISED AT ANY TIME TO COMPLY WITH APPLICABLE FEDERAL AND STATE REGULATIONS THAT MAY BE REVISED, REGARDING FEDERALLY MANDATED DRUG & ALCOHOL TESTING PROCEDURES.

_____	_____	_____
Signature,Applicant/Employee	*Social Security Number*	*Date*

_____	_____	_____
Designated Compnay Official	*Title*	*Date*

EMPLOYEE ACKNOWLEDGMENT FORM

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 Warren County. I understand that I should consult the Department Head regarding any part of the policies that I do not understand or any questions I may have about my employment with Warren County which are not answered in the policies. The current policies will always be on file in the office of the Warren County Court 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 Warren County Court 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 actural 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 Warren 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 oblication, 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 Warren County.

_____

Employee Name (type or print)

_____ _____

Employee Signature *Date*

COMPENSATORY TIME AGREEMENT FORM

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. The following is an example of a compensatory time agreement, although there are other acceptable methods of evidencing an agreement. (Two copies - give one to the employee and place the other copy in the employee's personnel file).*

> *In accordance with the Fair Labor Standards Act, Warren 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 Court 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

1 EMPLOYEE INFORMATION AND VERIFICATION: (To be completed and signed by employee.)

Name: (Print or Type) Last	First	Middle	Birth Name
Address: Street Name and Number	City	State	ZIP Code
Date of Birth (Month/Day/Year)		Social Security Number	

I attest, under penalty of perjury, that I am (check a box):

- ☐ 1. A citizen or national of the United States.
- ☐ 2. An alien lawfully admitted for permanent residence (Alien Number A _____).
- ☐ 3. An alien authorized by the Immigration and Naturalization Service to work in the United States (Alien Number A _____ , or Admission Number _____ , expiration of employment authorization, if any _____).

I attest, under penalty of perjury, the documents that I have presented as evidence of identity and employment eligibility are genuine and relate to me. I am aware that federal law provides for imprisonment and/or fine for any false statements or use of false documents in connection with this certificate.

Signature	Date (Month/Day/Year)

PREPARER/TRANSLATOR CERTIFICATION (To be completed if prepared by person other than the employee). I attest, under penalty of perjury, that the above was prepared by me at the request of the named individual and is based on all information of which I have any knowledge.

Signature	Name (Print or Type)		
Address (Street Name and Number)	City	State	Zip Code

2 EMPLOYER REVIEW AND VERIFICATION: (To be completed and signed by employer.)

Instructions:

Examine one document from List A and check the appropriate box, *OR* examine one document from List B *and* one from List C and check the appropriate boxes. Provide the *Document Identification Number* and *Expiration Date* for the document checked.

List A Documents that Establish Identity and Employment Eligibility	List B Documents that Establish Identity	and	List C Documents that Establish Employment Eligibility
☐ 1. United States Passport	☐ 1. A State-issued driver's license or a State-issued I.D. card with a photograph, or information, including name, sex, date of birth, height, weight, and color of eyes. (Specify State)_____)		☐ 1. Original Social Security Number Card (other than a card stating it is not valid for employment)
☐ 2. Certificate of United States Citizenship	☐ 2. U.S. Military Card		☐ 2. A birth certificate issued by State, county, or municipal authority bearing a seal or other certification
☐ 3. Certificate of Naturalization	☐ 3. Other (Specify document and issuing authority) _____		☐ 3. Unexpired INS Employment Authorization Specify form # _____
☐ 4. Unexpired foreign passport with attached Employment Authorization			
☐ 5. Alien Registration Card with photograph			
Document Identification # _____	*Document Identification* # _____		*Document Identification* # _____
Expiration Date (if any) _____	*Expiration Date (if any)* _____		*Expiration Date (if any)* _____

CERTIFICATION: I attest, under penalty of perjury, that I have examined the documents presented by the above individual, that they appear to be genuine and to relate to the individual named, and that the individual, to the best of my knowledge, is eligible to work in the United States.

Signature	Name (Print or Type)	Title
Employer Name	Address	Date

EMPLOYEE NAME : _____

SOCIAL SECURITY # : _____-_____-_____

DEPARTMENT : _____

APPROVAL : _____

	IN	OUT	IN	OUT	Total Hours Worked	Sick Leave	Vacation Time	COMP Time
Monday	:	:	:	:				
Tuesday	:	:	:	:				
Wednesday	:	:	:	:				
Thursday	:	:	:	:				
Friday	:	:	:	:				
Saturday	:	:	:	:				
Sunday	:	:	:	:				
Monday	:	:	:	:				
Tuesday	:	:	:	:				
Wednesday	:	:	:	:				
Thursday	:	:	:	:				
Friday	:	:	:	:				
Saturday	:	:	:	:				
Sunday	:	:	:	:				

TOTAL HOURS TO BE PAID _____

Vacation, Sick Leave and Comp Balances

Balance Brought Forward		
Accrued This Month		
Taken This Pay Period		
Balance Carried Forward		

Under The Family and Medical Leave Act of 1993

FMLA requires covered employers to provide up to weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

Reasons For Taking Leave:

Unpaid leave must be granted for *any* of the following reasons:

- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of *paid* leave may be substituted for unpaid leave.

Advance Notice and Medical Certification:

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable."
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

Job Benefits and Protection:

- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Unlawful Acts By Employers:

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA;
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement:

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

For Additional Information:

Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division
Washington, D.C. 20210

WH Publication 1420
June 1993

• U.S.G.P.O.: 353-000

Employee Name

Department

Social Security Number

Date of Request

Leave Category Requested

☐Paid Leave

☐Unpaid Leave

☐Other (Explain:_____)

Reason for Leave

☐Vacation/Personal Leave

☐Ill Family Member relationship:_____)

☐Employee's Own Illness

☐Care for New Child

☐Other (Explain:_____)

Beginning Date of Leave

Ending Date of Leave

Address During Leave

Phone No. During Leave

Employee Signature

Special Circumstances (Explain):_____

Suggestion: Use this form to gather enough information from the employee to determine whether the requested leave qualifies under the FMLA. *Ask the employee* if you need additional information to make the determination. Make a note of any additional information at the bottom of the form.

notice confirms the terms of your leave.

Employee _____

Duration of Leave - Beginning _____ Ending _____

- ☐ Regular Leave
- ☐ Intermittent Leave_____
- ☐ Reduced Leave Schedule_____

Reason for Leave

- ☐ Employee's Own Serious Health Condition
- ☐ Care for Family Member with Serious Health Condition (explain: _____ _____)
- ☐ Care for Newborn or Newly-placed Child

Required Medical Certification(s)

- ☐ Certification of Health Care Provider as to medical necessity for leave - must be provided to employer PRIOR to beginning leave
- ☐ Fitness-for-Duty Certification - must be submitted to employer PRIOR to returning to work

Compensation During Leave

- ☐ Paid Leave
- ☐ Unpaid Leave
- ☐ Combination (describe: _____)

Health Insurance

- ☐ Continue coverage - employee will pay $_____ to employer as follows: _____ _____
- ☐ Continue coverage - employer pays all premiums
- ☐ Employee has elected to discontinue coverage during leave

Other Benefits (Specify:_____)

- ☐ Continue coverage - employee will pay $_____ to employer as follows: _____ _____
- ☐ Continue coverage - employer pays all premiums
- ☐ Employee has elected to discontinue coverage during leave
- ☐ Other:_____

Required Reports During Leave (employee will call to report status)

- ☐ Weekly
- ☐ Monthly
- ☐ Other:_____

Additional Information: _____

_____

_____

Employer Signature:_____ Date:_____

Employee Signature:_____ Date:_____

Employee's Name:_____

Employee's Position:_____

Essential functions of employee's position (to be furnished by employer, or determined by physician after discussion with employee):_____

_____

_____

_____

Yes	No	
☐	☐	Is the employee able to perform the functions of the employee's position?
☐	☐	If no, is the employee able to perform work of any kind?

Signature of Physician or Practitioner:_____ Date:_____

Type of Practice (and field of specialization, if any):_____

_____

Signature of Employee:_____ Date:_____

CERTIFICATION OF PHYSICIAN OR PRACTITIONER
(Family and Medical Leave Act of 1993)

1. Employee's Name:_____

2. Patient's Name (If other than employee):_____

3. Diagnosis:_____

_____

_____

4. Date condition commenced:_____ 5. Probable duration of condition:_____

6. Regimen of treatment to be prescribed (Indicate number of visits, general nature and duration of treatment, including referral to other provider of health services. Include schedule of visits or treatment if nit is medically necessary for the employee to be off work on an intermittent basis or to work less than the employee's normal schedule of hours or days per week.):

   a. By Physician or Practitioner:_____

   _____

   b. By another provider of health services, if referred by Physician or Practitioner:_____

   _____

IF THIS CERTIFICATION RELATES TO CARE FOR THE EMPLOYEE'S SERIOUSLY-ILL FAMILY MEMBER, SKIP ITEMS 7, 8 AND 9 AND PROCEED TO ITEMS 10 THRU 14 ON REVERSE SIDE. OTHERWISE, CONTINUE BELOW.

Check Yes or No in the boxes below, as appropriate.

	Yes	No	
7.	☐	☐	Is inpatient hospitalization of the employee required?
8.	☐	☐	Is employee able to perform work of any kind? (If "No", skip Item 9.)
9.	☐	☐	Is employee able to perform the functions of employee's position? (Answer after reviewing statement from employer of essential functions of employee's position, or, if none provided, after discussing with employee.)

15. Signature of Physician or Practitioner:_____

16. Date:_____

17. Type of Practice (Field of Specialization, if any):_____

_____

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	Yes	No	
10.	☐	☐	Is inpatient hospitalization of the family member (patient) required?
11.	☐	☐	Does (or will) the patient require assistance for basic medical, hygiene, nutritional needs, safety or transportation?
12.	☐	☐	After review of the employee's signed statement (See Item 14 below), is the employee's presence necessary or would it be beneficial for the care of the patient? (This may include psychological comfort.)

13. Estimate the period of time care is needed or the employee's presence would be beneficial:_____

_____

ITEM 14 IS TO BE COMPLETED BY THE EMPLOYEE NEEDING FAMILY LEAVE.

14. When Family Leave is needed to care for a seriously-ill family member, the employees shall state the care he or she will provide and an estimate of the time period during which this care will be provided, including a schedule if leave is to taken intermittently or on a reduced leave schedule:

Employee signature:_____

Date._____