
PERSONNEL

POLICY HANDBOOK

FOR

EMPLOYEES OF

BEDFORD COUNTY

EXECUTIVE

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INTRODUCTION

Bedford County recognizes the need for standardization of its personnel policies throughout the departments of County Government . This policy manual furnishes to county employees information about the policies and procedures of Bedford County Government. This policy constitutes the minimum standards or "ground rules" which will enable the county to treat all employees equally and fairly. However, individual department heads may establish additional policies in their respective departments.

This manual **DOES NOT** create any contractual rights in favor of you or Bedford County and Bedford County reserves the right to amend, rescind, supplement or otherwise alter in whole or in part any of the policies and procedures of this manual at any time.

EMPLOYMENT-AT-WILL

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

DEFINITION OF TERMS

Full Time Employee - Any person scheduled to work thirty five (35) or more hours every week of and/or a minimum of 1,820 hours per calendar year.

Part-time Employee - Any person scheduled to work less than thirty five (35) hours per week.

Part-time Employee with Regular Work Schedule - An employee who is scheduled to work every week of the year, but works less than thirty five (35) hours per week and/or a maximum of 1,819 per year.

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.

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.

DRESS CODE

All employees are expected to dress in a manner conducive to the performance of their work. Employees who work in a business environment and assisting the general public in business transactions are expected to dress in a manner conducive to good business, with appearance and apparel appropriate to a business environment. Employees who work in an environment of public safety, medical, and food service may be required to wear specific clothing as required by the respective department standard. Other departments may establish dress requirements to insure proper safety and prevention of injury. It will be the responsibility of the employee to inquire from the supervisor as to the dress standard of the job or department.

CODE OF CONDUCT

Employees are expected to act professionally at all times. The use of vulgar or profane language is not permitted.

FAIR LABOR STANDARDS ACT

A. WORKWEEK

An employee will be paid a regular salary which covers all hours worked up to 40 during each workweek. The workweek will begin at 12:00 a.m. on Friday and end at 11:59 p.m. on Thursday. 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.

B. OVERTIME/COMPENSATORY TIME

1). Overtime/Compensatory Time - "Overtime" is defined as time worked in excess of 40 hours in a workweek. All employees shall be paid overtime or given compensatory time (subject to allowable limits) for all hours worked in excess of 40 hours during the workweek. No overtime or compensatory time will be earned until the employee has worked on the job over 40 hours during the work period, with approval of the employees' supervisor.

2). Overtime Rate - Hourly rate employees who work overtime will receive overtime pay at a rate of time and one-half their regular pay. For salaried employees, the employee's annual salary divided by 52 weeks determines the weekly salary. The weekly salary is then divided by the number of hours in a normal workweek to determine the regular hourly rate of pay. That rate will then be multiplied by one and one-half to determine the overtime rate of pay. The overtime rate for both hourly and salaried employees applies only to those hours worked over 40 during a week. For salaried employees, no additional compensation will be paid for hours worked under 40. For hourly rate employees, the overtime rate will apply only to hours worked over 40 and the regular rate will apply to hours worked under 40.

3). Compensatory Time - Employees who are required to work in excess of 40 hours per week will receive compensatory time off in lieu of overtime pay. Compensatory time shall be earned at a rate of one and one-half hours for each hour of employment worked over 40 hours per week. An employee who elects to receive overtime payment in lieu of compensatory time must have approval from their supervisor prior to working the overtime.

An employee cannot accrue more than 240 hours of compensatory time compensatory time.

Any employee who has accumulated the maximum hours of compensatory time shall be paid for any additional overtime that is worked. The County reserves the right at any time to pay an employee in cash for any or all accrued compensatory time.

The use of compensatory time is subject to approval by the employer. Such approval will not be denied unless undue disruption to the office or department will occur. Request for compensatory time shall be in writing, and in advance of taking the compensatory time.

C. RECORDS

Employees shall work set schedules as established by the elected official or department head. Each employee shall sign a schedule showing that particular employee's work schedule. Employees are required to record their hours on the forms provided for this purpose. Employees are required to fill in this form daily and, at the end of the pay period, 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.

HOLIDAYS

1) 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 1
Martin Luther King, Jr. Day	3rd Monday in January
Presidents Day	3rd Monday in February
Good Friday	Friday Prior to Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veterans Day	November 11
Thanksgiving Day	4th Thursday in November
Friday after Thanksgiving	4th Friday in November
Christmas	Same as State leave

When a holiday falls on Saturday, the Friday prior to the holiday is substituted (exception to this is New year's Day which will be observed on the following Monday). When a holiday falls on Sunday, the Monday following the holiday is substituted.

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 during the holiday. 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.

3). If an employee is not scheduled to be on duty during a holiday then the employee shall elect a regularly scheduled work day as that holiday. The day must be taken within 30 days before or after the actual holiday.

4). To qualify for holiday compensation the employee must work the regularly scheduled day prior to and after the actual holiday. Scheduled vacation or holiday will qualify as a day worked.

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. Part-time employees with regular work schedule of a minimum of 1819 hours per year will receive full pay during incapacity caused by illness if sick leave is taken. Sick leave will be 42 hours per year. There is no accumulation or yearly carryover of sick leave. In the event of retirement or separation, all unused sick leave shall be forfeited..

B. General Sick Leave Rules and Procedures.

1) Use of Sick Leave - An employee may use sick leave allowance for absence due to his or her own illness or injury or any immediate family member. For the purposes of sick leave, immediate family shall be defined as spouse, parent, children, and legal dependents.

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 for 3 or more consecutive scheduled days or more than twelve (12) days during any three (3) consecutive months will be required to furnish a certificate from a physician stating that the employee has been incapacitated from work for the period of absence, and that the employee is again physically able to perform his or her duties.

3) Exhaustion of Sick Leave - Employees who have used all of their sick leave will not receive financial compensation for additional days needed due to illness or injury with the exception of compliance of C. 1). listed below. For any additional time needed, the employee will be considered on leave without pay status unless the employee has vacation time or comp time remaining. The employee may request that additional sick leave be credited against the remaining vacation or comp time.

C.

1). Regular compensation will be given an employee for a maximum of six (6) weeks per year non-cumulative leave for major illness or surgery as prescribed by physician with the County ^{Executive's} approval. This paid leave will be considered as a six (6) weeks portion of the employee's twelve (12) weeks available annual allowable State and Federal Family Medical Leave allocation. Documentation from a physician must be provided by the employee prior to any scheduled surgery, or in case of emergency must be provided within five working days. This leave will run concurrently with the FMLA leave and State maternity leave entitlements. This leave will not run concurrently with the availability of the forty-two (42) hours of annual sick leave. Employee health insurance will be maintained in the same manner as when employee is normally working (The employee will be responsible for paying their regular health insurance amount).

PERSONAL LEAVE

Regular compensation will be given to full time employees for a maximum of twenty-one (21) hours per fiscal year. Personal leave will not run concurrently with the FMLA leave and State maternity leave entitlements. Personal leave may not be used in conjunction with vacation leave entitlements except in cases of illness. There is no accumulation or carryover of personal leave. The use of personal leave must be scheduled and approved by the department head.

VACATION TIME

1) Qualification for Vacation Time - Full time employees (those who work 1820 hours per year or more) shall earn paid vacation at a rate provided in the schedule below. Employees shall begin accruing vacation time as of the date of their employment. However, an employee is not eligible to use or receive compensation for vacation time until the employee has completed nine (9) months of continuous service at which time 40 hours of vacation time will be available. After the employee has completed twelve (12) months of continuous service the employee will receive 80 hours of available vacation time per fiscal year. Part-time employees do not qualify for vacation leave.

2) Accumulation of Vacation Time - Vacation time may be accumulated and carried forward to the next year in an amount not to exceed forty (40) hours. Any days exceeding the maximum accumulation will be lost if not used prior to the end of the current fiscal 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 for vacation time will be honored at the discretion of the elected official or department head. No employee may give or loan vacation time to another employee.

BEREAVEMENT LEAVE

In the event of death in the employee's immediate family, the employee will be given three (3) working days paid leave which will not be charged to vacation leave. Immediate family shall be defined as spouse, parent, children, brothers or sisters, mother-in-law, father-in-law, grandparents, grandchildren of the employee and legal guardians or dependents. The employee will be given one (1) day of paid leave for extended family.

JURY AND COURT DUTY

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

- 1) Upon receiving a summons to report for jury duty, the employee shall on the next day s/he is working, show the summons to his or her supervisor.
- 2) The employee will be granted a leave of absence when the employee is subpoenaed or directed by proper authority to appear in Federal or State court as a witness or juror.
- 3) The employee will receive his or her regular compensation during time served on jury duty or when subpoenaed as witness.
- 4) The employee may retain all compensation or fees received for serving as a juror or as a witness.

5) If the employee is relieved from jury duty during working hours after serving less than three (3) hours, the employee must report back to the employer. If the employee is relieved from being a witness during working hours, the employee will report back to the employer.

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

PREGNANCY LEAVE

Pregnancy, childbirth and related conditions will be treated the same as any other temporary medical disability with regard to leave policies. Leave is available under the same terms and conditions as for other similar purposes.

Bedford County will provide full-time employees six (6) weeks of compensated maternity leave provided the employee complies with section a,b(1), and b(2) following. The FMLA leave and State Maternity leave entitlements will run concurrently. During this six (6) weeks period the employee's health insurance will be maintained as is normally during regular work schedules (the employee will be responsible for their usual monthly payment).

Tennessee law requires that the following provisions be included in this Personnel Manual. The provisions may or may not apply, depending upon the circumstances.

T.C.A. 4-21-408. Maternity leave (a) A female employee who has been employed by the same employer for at least twelve (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 (4) 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 month's 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 month's advance notice.

(c)(1) Maternity leave may be with or without pay at the discretion of the employer. Maternity leave shall not affect the employee's right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, 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 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 section 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 section 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 section shall be construed to:

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

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

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

(4) Diminish or restrict the rights of teachers to leave for maternity pursuant to title 49, chapter 5, part 7, or to return or reinstatement after leave.

FAMILY AND MEDICAL LEAVE POLICY

I. Purpose.

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

II. Guidelines.

A) Definitions.

- 1) 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 work site where at least 50 employees are on the payroll (either at that site or within a 75-mile radius).
- 2) Parent: Mother or Father of an employee, or an adult who had day to day responsibility for caring for the employee during his or her childhood years in place of the natural parents.
- 3) 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.
- 4) 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 heart bypass or valve operations, most cancers, back conditions requiring extensive therapy or surgical procedures, strokes,

severe respiratory conditions, spinal injuries, severe arthritis, etc.

B) Leave Provisions.

- 1) 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.
- 2) The right to take leave applies equally to male and female employees who are eligible.
- 3) 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.
- 4) 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.
- 5) 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.

- 6) 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.
- 7) Employees requesting medical leave due to their own illness or injury may use any balance of sick leave, annual leave, floating holidays prior to unpaid leave beginning. The combination of sick leave, annual leave, floating holidays and unpaid leave may not exceed 12 weeks. Employees requesting family leave may use unpaid leave. The combination of annual leave, floating holidays and unpaid leave may not exceed 12 weeks.
- 8) During periods of unpaid leave, an employee will not accrue any additional seniority or similar employment benefits during the leave period.
- 9) If spouses are employed by the same employer and wish to take leave for the care of a new child or a 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.

C) Notification and Scheduling.

- 1) 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.

- 2) 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.

D) Certification.

- 1) The employer reserves the right to verify an employee's request for family/medical leave.
- 2) 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.
- 3) 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.
- 4) Medical certifications given will be treated as confidential and privileged information.

- 5) An employee will be required to report periodically to the employer the status and the intention of the employee to return to work.
- 6) 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.

E) Maintenance of Health and COBRA Benefits During Unpaid Leave.

- 1) 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.
- 2) 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.
- 3) 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.

F) Reduced and Intermittent Leave.

- 1) 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.
- 2) 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.
- 3) 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.

G) Restoration.

- 1) 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.
- 2) 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.

F) 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-month period will begin the first time the employee request FMLA leave after the completion of the previous 12-month period.

IN-LINE-OF-DUTY INJURY LEAVE

Any employee sustaining an injury or an illness during the course and scope of his or her employment which is determined to be compensable under the provisions of the Worker's 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 received by the employee will be determined by the provisions of the Worker's Compensation Law.

LEAVE WITHOUT PAY

Except as provided for otherwise herein, 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.

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 unless the employee is regularly scheduled to work on that weekend. 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, the employee will receive full pay and benefits to which he or she would otherwise be entitled.

TERMINATION PAY

An employee whose services are being terminated, either voluntarily or involuntarily, shall be paid for all regular earnings which are due and accrued plus all accrued overtime and compensatory time. If the employee has been employed for more than twelve (12) months, the employee shall be paid for all accrued vacation. The employee will not be compensated for any unused sick leave days. In the event of death, the amount owing to the employee shall be paid to the employee's estate or to the surviving spouse as may be required by law.

PART-TIME EMPLOYEES

A part-time employee designation will be used for those employees whose regular assigned work schedule includes no more than thirty five (35) hours per week and one thousand, eight hundred and nineteen (1,819) per year. The benefits set out in this manual are intended to apply only to full-time employees. These rules and regulations are not intended to establish paid leave of any kind for part-time employees - other than the forty-two (42) hours of annual sick leave granted to employees classified as part-time employees with a regular work schedule

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 an applicant's or employee's race, color, sex, religion, national origin, age or disability will not be tolerated.

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 department head or immediate supervisor employer in accordance with the procedures set out in this county's equal employment opportunity policy.

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Bedford 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.

I. THE LAW

In our efforts to achieve equal employment opportunity for everyone in the service of the government for the Bedford 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 on the 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 ICA 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.
10. Family and Medical Leave Act of 1993 (FMLA) - FMLA entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave each year for specified family and medical reasons.

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 Bedford 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. Furthermore, 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; or,
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 the Bedford County to discriminate against an individual in employment matters because of that individual's race.

B. Sexual Discrimination

It is the policy of the Bedford 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 or 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 any supervisor allow the harassment of any of his/her employees, either by other

employees or by persons not employed by Bedford 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)

Bedford 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 the Bedford 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 of 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. National Origin Discrimination (Civil Rights Action of 1964, Title VII and EEOC Guidelines effective Dec.29, 1980)

1. Policy

It shall be against the policy of the Bedford County 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; an organization identified with or seeking to promote the interests of national origin groups; © 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

Bedford County 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. Handicap Discrimination (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 the Bedford County Trustee 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. 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 Bedford County.

Reasonable accommodation may include, but shall not be limited to:

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

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

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

4. 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 Bedford 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.

HIRING PRACTICES

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

which the application was submitted has been filled. Anyone applying for a subsequent opening must submit a new application.

III. DISCRIMINATION HARASSMENT COMPLAINT PROCEDURE

Discrimination, including harassment, in the workplace on the basis of race, color, religion, sex, national origin, age, disability, status as a Vietnam-era veteran or special disabled veteran, or status in any other group protected by law is illegal. If an employee believes that he or she has been subjected to illegal discrimination or harassment related to employment with Bedford County, the employee should report the incident promptly to the county official or department head under whose direction the employee works. If the problem is not resolved within a reasonable time, or if for any reason the employee feels uncomfortable reporting the problem to the county official or department head, then the problem should be reported to the County Attorney. The County Attorney may act as a mediator between the affected employee and the official or department head under whose direction the employee works to assist them in reaching an acceptable resolution of the problem, but the County Attorney has no legal authorization to make employment decisions on behalf of the County. No adverse personnel action will be taken against an employee for reporting a bona fide incident of discrimination or harassment or for assisting in the investigation of a complaint. However, disciplinary action may be taken against any individual providing false information in connection with a complaint.

Bedford County 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.

DRUG-FREE WORKPLACE

It is the policy of the Bedford County to provide a safe and healthful environment for its employees. Therefore, the following are strictly prohibited during working hours, while on Bedford County property, or while on Bedford County business:

- (1) being under the influence of illegal drugs or alcohol;
- (2) the sale, possession, transfer or purchase of illegal drugs; or
- (3) the possession or consumption of alcoholic beverages.

Any employee whose off-duty substance abuse results in on-the-job impairment (including but not limited to excess absenteeism or tardiness, carelessness or disregard

for safety, or poor work), or who commits an unlawful act or whose conduct discredits Bedford County in any way is in violation of this policy.

The foregoing constitutes the policy of the Bedford County on substance abuse. Violation of this policy is grounds for disciplinary action, up to and including immediate termination from employment. Bedford County may take all appropriate actions against violators, which may include referral for legal prosecution.

Aside from Bedford County policy considerations, the use of illegal drugs and/or the abuse of alcohol may be harmful to your health. Some of the health risks are listed below:

Alcohol Abuse Health Risks

Liver damage-cirrhosis, alcoholic hepatitis
Heart disease-enlarged heart, congestive heart failure
Ulcers and gastritis
Malnutrition
Cancer-mouth, esophagus, stomach, liver
Brain damage-memory loss, hallucinations, psychosis
Damage to fetus if pregnant mother drinks
Death-50% if fatal auto accidents involve alcohol and 31% of suicides are alcoholics

Drug Use Health Risks

Overdose-psychosis, convulsions, coma, death
Long-term use-organ damage, mental illness, malnutrition, death
Casual use-heart attack, stroke, brain damage, death
Needles-infections, hepatitis, AIDS, death
If a pregnant mother uses drugs, her baby can be born addicted or dead

Employees needing treatment information should call the Bedford County Health Department.

COBRA

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

AMENDMENT OF RULES

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

EMPLOYEE ACKNOWLEDGMENT

By signing this form, I acknowledge that I have received a copy of the personnel policies currently in effect for Bedford County 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 Bedford County. I understand that I should consult the County Official or department head under whose direction I work regarding any part of the policies that I do not understand or any questions I may have about my employment with Bedford County which are not answered in the policies. The current policies will always be on file in the office of the Bedford County Clerk, and I may examine them there at any time during normal business hours.

The policies are necessarily subject to change, and I acknowledge that revisions may occur from time to time. I understand that all changes to the policies will be filed in the office of the Bedford County Clerk. Although my employer will usually provide me with notice of changes, I understand that changes will apply to me regardless of whether I receive actual notice. I understand that revised information may supersede, modify or eliminate any or all of the policies at any time. All information 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 Bedford 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 Bedford County policies may be construed to create a contract of employment or any other legal obligation, express or implied, and that any policy may be amended, revised, supplemented, rescinded or otherwise altered, in whole or in part, at any time, in the sole and absolute discretion of Bedford County

Employee Signature

Date