

**Carter County Commission**  
**Regular Session**  
**March 20, 2017**

**Call to Order** – Chairman, Leon Humphrey, called the meeting to order at 6:00 PM.

**Courthouse – Emergency Egress Plan** – was presented by Gary Smith, EMA Director.

**Roll Call** – Mary Gouge, County Clerk, as follows:

Name of Configuration File: C:\RollCall-Pro\Configurations\March 20 2017 Commission Meeting.rcc  
Date and Time of New Session: 3/20/2017 6:06:27 PM

Beginning Roll Call for New Session:

Leon Humphrey is Present  
Willie Campbell is Present  
Buford Peters is Present  
Robert Acuff is Present  
Nancy Brown is Present  
Mike Hill is Present  
Al Meehan is Present  
Bradley Johnson is Present  
Ronnie Trivett is Present  
Charles Von Cannon is Present  
Isaiah Grindstaff is Present  
L.C. Tester is Present  
Danny Ward is Present  
Ross Garland is Present  
Bobbie Gouge-Dietz is Present  
Timothy Holdren is Present  
Randall Jenkins is Present  
John Lewis is Present  
Larry Miller is Present  
Sonja Culler is Present  
Ray Lyons is Present  
Scott Simerly is absent  
Robert Carroll is absent  
Kelly Collins is Present  
Cody McQueen is Present

Number of Voters PRESENT for Roll Call: 23

Number of Voters ABSENT for Roll Call: 2

County Clerk, Mary Gouge, **declared that a quorum was present.**

**Approval of Agenda**

**Motion** was made by Ray Lyons, seconded by Isaiah S. Grindstaff, to accept as presented, today's agenda. (Item # 1) Recorded on page 126.

Roll Call Vote as follows (Item # 1):

1. Vote Results for: Item No. 1

Time of Vote: 6:07:43 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y

Robert Acuff voted: Y

Nancy Brown voted: Y

Mike Hill voted: Y

Al Meehan voted: Y

Bradley Johnson voted: Y

Ronnie Trivett voted: Y

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Charles Von Cannon voted: Y  
Isaiah Grindstaff voted: Y  
L.C. Tester voted: Y  
Danny Ward voted: Y  
Ross Garland voted: Y  
Bobbie Gouge-Dietz voted: Y  
Timothy Holdren voted: Y  
Randall Jenkins voted: Y  
John Lewis voted: Y  
Larry Miller voted: Y  
Sonja Culler voted: Y  
Ray Lyons voted: Y  
Scott Simerly was Absent  
Robert Carroll was Absent  
Kelly Collins voted: Y  
Cody McQueen voted: Y

**Passed** (22 Y - 0 N - 1 A - 2 Absent)  
Number of Abstain Votes: 1

**Opening Prayer** – was led by Commissioner, Willie Campbell.

**Pledge of Allegiance** – was led by Commissioner, Charles VonCannon.

**Recognition of Elected and Appointed Officials/Guests** – Chairman Humphrey requested all officials/guests present to stand and be recognized at this time.

Chairman Humphrey presented a video concerning Brother Wolf Animal Rescue. Following the video, Chairman Humphrey recognized and welcomed its founder and president, Ms. Denise Bitz and Mr. Paul Berry, Executive Director, to the podium.

**Carter County Mayor's Office, Elizabethton/Carter County Animal Shelter, and the Carter County Commission were presented the first Excellence in Leadership Award by Brother Wolf Animal Rescue.** The award was in recognition of the accomplishments at the Elizabethton Carter County Animal Shelter. It was noted that the shelter had gone from a 90% kill rate, to a 98% save rate for animals at the shelter.

**Presentation of Plaques** – Chairman, Leon Humphrey.

**Roan Mountain State Park** employees and staff were presented a plaque in recognition of receiving the 2016 Tennessee State Park of the Year. Accepting the plaque was J.R. Tinch, Park Manager, and his staff.

**Carter County University of Tennessee Extension Office** was presented a framed **proclamation** by Mayor Humphrey proclaiming **March as UT Extension Month in Carter County**. Accepting the presentation was Ms. Vickie Clark, Extension Agent III/County Director, Carter County, TN. Recorded on page 127.

**April 2017 was proclaimed as Confederate History and Heritage Month** by Mayor Leon Humphrey. The framed proclamation was read and presented to Commander Billie Joe Holly, Sons of the Confederate Veterans, Lt. Robert Tipton Camp # 2083. Several representatives were present and recognized by Mayor Humphrey. Recorded on page 128.

**Public Comments** – The following were allowed five (5) minutes each during Public Comments speaking on various item as listed.

Metin Erresa, representing the IDEAS citizens group, spoke concerning the Hampton River Landing project. Mr. Erresa noted the survey had been completed and presented it to County Attorney, Joshua Hardin.

Larry "Doc" Miller, 6<sup>th</sup> District Commissioner, addressed the Commission, stressing the need for a School Resource Officer at Little Milligan Elementary School.

Cheryl Reyes, parent of two students at Little Milligan Elementary School, stressed the need for a School Resource Officer at the school.

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Sheriff, Dexter Lunceford, responded concerning the need of School Resource Officer at Little Milligan Elementary School. Additional funding in the budget is needed to fund the SRO. He noted the SROs are based on a Memorandum of Understanding with the Carter County Board of Education. John Lewis spoke stating grants were needed to be researched to see if additional funding could be found.

Chris Little, representing the IDEAS citizens group, spoke concerning the Hampton River Landing Project. He also spoke concerning School Resource Officers.

Michael Warren, who resides in the 1<sup>st</sup> District gave a shout out, "At A Boy!" to the Parks and Recreation Board for the progress being made toward the Hampton River Landing Project. He also stressed the need for more citizens to be involved.

**Motion** was made by Randall Jenkins, seconded by Brad Johnson, to refer the funding needed for **additional School Resource Officers to Budget Committee for consideration. (Item # 2)**

Roll Call Vote as follows (Item # 2):

2. Vote Results for: Item No. 2

Time of Vote: 7:18:09 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y

Robert Acuff voted: Y

Nancy Brown voted: Y

Mike Hill voted: Y

Al Meehan voted: Y

Bradley Johnson voted: Y

Ronnie Trivett voted: Y

Charles Von Cannon voted: Y

Isaiah Grindstaff voted: Y

L.C. Tester voted: Y

Danny Ward voted: Y

Ross Garland voted: Y

Bobbie Gouge-Dietz voted: Y

Timothy Holdren voted: Y

Randall Jenkins voted: Y

John Lewis voted: Y

Larry Miller voted: Y

Sonja Culler voted: Y

Ray Lyons voted: Y

Scott Simerly was Absent

Robert Carroll was Absent

Kelly Collins voted: Y

Cody McQueen voted: Y

**Passed (22 Y - 0 N - 1 A - 2 Absent)**

Number of Abstain Votes: 1

**Public Comments (continued)**

Roy Livingston spoke on funding issues, finances and debt service.

Robin McKamey addressed the Commission speaking on issues concerning the Elizabethton/Carter County Animal Shelter. Information was distributed in reference to Brother Wolf, Laws & Ordinances needed for animal control, Appalachian Trails, Rabies & Animal Control account Budget Increases/Decreases.

Samantha Morgan requested that her time during public comments, be relinquished back to Robin McKamey. However, Chairman Humphrey denied the request, and also instructed security to remove from the courtroom the poster being held by Ms. Morgan.

Ms. Morgan then spoke on issues concerning the Elizabethton/Carter County Animal Shelter.

**Point of Order** was made by Commissioner, Al Meehan, concerning Robert's Rules of Order, and the relinquishing time to another during Public Comments.

Attorney, Joshua Hardin, noted the Chair makes the final decision.

**Acceptance of Minutes from the Previous Meeting**

**Motion** was made by Mike Hill, seconded by Ronnie Trivett, to accept the minutes of the last meeting, February 21, 2017, with corrections being made to misspelled names on page 66. Correction to read (Notaries/Bonds) Taylor and Wandell. (Item # 3)

Roll Call Vote as follows (Item # 3):

3. Vote Results for: Item No. 3

Time of Vote: 7:20:07 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote  
Willie Campbell voted: Y  
Buford Peters voted: Y  
Robert Acuff voted: Y  
Nancy Brown voted: Y  
Mike Hill voted: Y  
Al Meehan voted: Y  
Bradley Johnson voted: Y  
Ronnie Trivett voted: Y  
Charles Von Cannon voted: Y  
Isaiah Grindstaff voted: Y  
L.C. Tester voted: Y  
Danny Ward voted: Y  
Ross Garland voted: Y  
Bobbie Gouge-Dietz voted: Y  
Timothy Holdren voted: Y  
Randall Jenkins voted: Y  
John Lewis voted: Y  
Larry Miller voted: Y  
Sonja Culler voted: Y  
Ray Lyons voted: Y  
Scott Simerly was Absent  
Robert Carroll was Absent  
Kelly Collins voted: Y  
Cody McQueen voted: Y

**Passed** (22 Y - 0 N - 1 A - 2 Absent)

Number of Abstain Votes: 1

**Notaries/Bonds**

**Motion** was made by Sonja Culler, seconded by Mike Hill, to accept as presented the Notaries/Bonds to be approved March 20, 2017. (Item # 4) Recorded on page 129.

Roll Call Vote as follows (Item # 4):

4. Vote Results for: Item No. 4

Time of Vote: 7:20:31 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote  
Willie Campbell voted: Y  
Buford Peters voted: Y  
Robert Acuff voted: Y  
Nancy Brown voted: Y  
Mike Hill voted: Y  
Al Meehan voted: Y  
Bradley Johnson voted: Y  
Ronnie Trivett voted: Y  
Charles Von Cannon voted: Y

Isaiah Grindstaff voted: Y  
L.C. Tester voted: Y  
Danny Ward voted: Y  
Ross Garland voted: Y  
Bobbie Gouge-Dietz voted: Y  
Timothy Holdren voted: Y  
Randall Jenkins voted: Y  
John Lewis voted: Y  
Larry Miller voted: Y  
Sonja Culler voted: Y  
Ray Lyons voted: Y  
Scott Simerly was Absent  
Robert Carroll was Absent  
Kelly Collins voted: Y  
Cody McQueen voted: Y

**Passed** (22 Y - 0 N - 1 A - 2 Absent)  
Number of Abstain Votes: 1

The Commission entered into a ten (10) minute recess. Following the recess, the meeting was called **back to order** by Chairman Humphrey.

**Hampton River Landing Park Update – Ken Gough**

A video presentation was made by Mr. Gough. The property for the purposed Hampton River Landing project is approximately 1.4 acres and lies between Hwy 19E and the Doe River across from Hampton High School. A copy of the land survey had been presented to County Attorney, Joshua Hardin, earlier during the meeting. Mr. Gough stated considerable cleaning and clearing needed to be done soon as possible before and construction could began.

Mr. Ken Gough stated to began the cleanup process authorization would be required from the Commission.

**Motion** was made by Randall Jenkins, seconded by Nancy Brown, to grant permission to proceed with cleanup at the purposed Hampton River Landing Park. This permission will be based upon transfer of clear title being received from Carter County School Board following the meeting on April 20, 2017. (Item # 5)

Roll Call Vote as follows (Item # 5);  
5. Vote Results for: Item No. 5  
Time of Vote: 7:49:26 PM  
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote  
Willie Campbell voted: Y  
Buford Peters voted: Y  
Robert Acuff voted: Y  
Nancy Brown voted: Y  
Mike Hill voted: Y  
Al Meehan voted: Y  
Bradley Johnson voted: Y  
Ronnie Trivett voted: Y  
Charles Von Cannon voted: Y  
Isaiah Grindstaff voted: Y  
L.C. Tester voted: Y  
Danny Ward voted: Y  
Ross Garland voted: Y  
Bobbie Gouge-Dietz voted: Y  
Timothy Holdren voted: Y  
Randall Jenkins voted: Y  
John Lewis voted: Y  
Larry Miller voted: Y  
Sonja Culler voted: Y  
Ray Lyons voted: Y

Scott Simerly was Absent  
Robert Carroll was Absent  
Kelly Collins voted: Y  
Cody McQueen voted: Y

**Passed** (22 Y - 0 N - 1 A - 2 Absent)  
Number of Abstain Votes: 1

Ken Gough announced the Parks and Recreation Board had received a \$10,000 grant from the State Department of Health, to be used to enhance the playground facilities at Roan Mountain Community Park.

**Carter County Communications Board Appointment**

Chairman, Leon Humphrey, announced that Greg Workman had resigned from the Carter County Emergency Communications District 911 Board of Directors. The 911 Board of Directors accepted the resignation and made the recommendation of Jason Shaw to fill the position.

Jason Shaw was appointed by Chairman Humphrey to fill the position.

**Motion** was made by Ronnie Trivett, seconded by Charles VonCannon, to confirm the appointment of Jason Shaw to the Carter County Emergency Communications District 911 Board of Directors. (Item # 6)

Roll Call Vote as follows (Item # 6):  
6. Vote Results for: Item No. 6  
Time of Vote: 7:55:02 PM  
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote  
Willie Campbell voted: Y  
Buford Peters voted: Y  
Robert Acuff voted: Y  
Nancy Brown voted: Y  
Mike Hill voted: Y  
Al Meehan voted: Y  
Bradley Johnson voted: Y  
Ronnie Trivett voted: Y  
Charles Von Cannon voted: Y  
Isaiah Grindstaff voted: Y  
L.C. Tester voted: Y  
Danny Ward voted: Y  
Ross Garland voted: Y  
Bobbie Gouge-Dietz voted: Y  
Timothy Holdren voted: Y  
Randall Jenkins voted: Y  
John Lewis voted: N  
Larry Miller voted: Y  
Sonja Culler voted: Y  
Ray Lyons voted: Y  
Scott Simerly was Absent  
Robert Carroll was Absent  
Kelly Collins voted: Y  
Cody McQueen voted: Y

**Passed** (21 Y - 1 N - 1 A - 2 Absent)  
Number of Abstain Votes: 1

**Committee Reports**

**Agricultural Committee** -- Ross Garland, County Liaison, presented a brief report. He informed the Commission that an application had been received from Bobby G. Blevins, asking to be placed on the Agriculture Committee.

**Budget Committee**

**Motion** was made by Sonja Culler, seconded by Cody McQueen, to accept the donations totaling \$100,137 for the Animal Shelter. (Item # 7) Recorded on page 129.

Roll Call Vote as follows (Item # 7):

7. Vote Results for: Item No. 7

Time of Vote: 8:05:38 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote  
Willie Campbell voted: Y  
Buford Peters voted: Y  
Robert Acuff voted: Y  
Nancy Brown voted: Y  
Mike Hill voted: Y  
Al Meehan voted: Y  
Bradley Johnson voted: Y  
Ronnie Trivett voted: Y  
Charles Von Cannon voted: Y  
Isaiah Grindstaff voted: Y  
L.C. Tester voted: Y  
Danny Ward voted: Y  
Ross Garland voted: Y  
Bobbie Gouge-Dietz voted: Y  
Timothy Holdren voted: Y  
Randall Jenkins voted: Y  
John Lewis voted: Y  
Larry Miller voted: Y  
Sonja Culler voted: Y  
Ray Lyons voted: Y  
Scott Simerly was Absent  
Robert Carroll was Absent  
Kelly Collins voted: Y  
Cody McQueen voted: Y

**Passed** (22 Y - 0 N - 1 A - 2 Absent)

Number of Abstain Votes: 1

**Motion** was made by Sonja Culler, seconded by Ronnie Trivett, to approve General Fund 101 Amendment # 7 for a total of \$23,449.74 with 5 items and \$4,700 coming from Fund Balance. (Item # 8) Recorded on page 130.

Roll Call Vote as follows (Item # 8):

8. Vote Results for: Item No. 8

Time of Vote: 8:06:32 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote  
Willie Campbell voted: Y  
Buford Peters voted: Y  
Robert Acuff voted: Y  
Nancy Brown voted: Y  
Mike Hill voted: N  
Al Meehan voted: Y  
Bradley Johnson voted: Y  
Ronnie Trivett voted: Y  
Charles Von Cannon voted: Y  
Isaiah Grindstaff voted: Y  
L.C. Tester voted: Y  
Danny Ward voted: Y  
Ross Garland voted: Y  
Bobbie Gouge-Dietz voted: Y

Timothy Holdren voted: Y  
Randall Jenkins voted: Y  
John Lewis voted: Y  
Larry Miller voted: Y  
Sonja Culler voted: Y  
Ray Lyons voted: Y  
Scott Simerly was Absent  
Robert Carroll was Absent  
Kelly Collins voted: Y  
Cody McQueen voted: Y

**Passed** (21 Y - 1 N - 1 A - 2 Absent)  
Number of Abstain Votes: 1

**Motion** was made by Sonja Culler, seconded by Bobbie Gouge-Dietz, to approve **General Purpose School Fund 141 Amendment # 7 for \$191,161 with 2 items and \$169,561 coming from General Purpose School Fund Balance. (Item # 9)** Recorded on page 129.

Roll Call Vote as follows (Item # 9):  
9. Vote Results for: Item No. 9  
Time of Vote: 8:06:56 PM  
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote  
Willie Campbell voted: Y  
Buford Peters voted: Y  
Robert Acuff voted: Y  
Nancy Brown voted: Y  
Mike Hill voted: Y  
Al Meehan voted: Y  
Bradley Johnson voted: Y  
Ronnie Trivett voted: Y  
Charles Von Cannon voted: Y  
Isaiah Grindstaff voted: Y  
L.C. Tester voted: Y  
Danny Ward voted: Y  
Ross Garland voted: Y  
Bobbie Gouge-Dietz voted: Y  
Timothy Holdren voted: Y  
Randall Jenkins voted: Y  
John Lewis voted: Y  
Larry Miller voted: Y  
Sonja Culler voted: Y  
Ray Lyons voted: Y  
Scott Simerly was Absent  
Robert Carroll was Absent  
Kelly Collins voted: Y  
Cody McQueen voted: Y

**Passed** (22 Y - 0 N - 1 A - 2 Absent)  
Number of Abstain Votes: 1

**Motion** was made by Sonja Culler, seconded by Ronnie Trivett, to approve up to, and not to exceed **\$35,000 from Fund Balance for Animal Control Officer's salaries and a new animal control vehicle. (Item # 10)**

Discussion followed concerning cost and budget needs.

Roll Call Vote as follows (Item # 10):  
10. Vote Results for: Item No. 10  
Time of Vote: 8:38:04 PM  
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote  
Willie Campbell voted: N  
Buford Peters voted: Y  
Robert Acuff voted: N  
Nancy Brown voted: Y  
Mike Hill voted: N  
Al Meehan voted: Y  
Bradley Johnson voted: Y  
Ronnie Trivett voted: Y  
Charles Von Cannon voted: Y  
Isaiah Grindstaff voted: Y  
L.C. Tester voted: Y  
Danny Ward voted: Y  
Ross Garland voted: Y  
Bobbie Gouge-Dietz voted: N  
Timothy Holdren voted: Y  
Randall Jenkins voted: Y  
John Lewis voted: N  
Larry Miller voted: N  
Sonja Culler voted: Y  
Ray Lyons voted: Y  
Scott Simerly was Absent  
Robert Carroll was Absent  
Kelly Collins voted: Y  
Cody McQueen voted: Y

**Passed** (16 Y - 6 N - 1 A - 2 Absent)  
Number of Abstain Votes: 1

**Motion** was made by Sonja Culler, seconded by Nancy Brown, to approve up to, and not to exceed \$700, from Fund Balance for the Veteran Buddies Program. (Item # 11)

This program will allow veterans to adopt pets from the Animal Shelter at no cost, waving adoption and spay/neuter fees.

Roll Call Vote as follows (Item # 11):  
11. Vote Results for: Item No. 11  
Time of Vote: 8:45:16 PM  
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote  
Willie Campbell voted: Y  
Buford Peters voted: Y  
Robert Acuff voted: Y  
Nancy Brown voted: Y  
Mike Hill voted: Y  
Al Meehan voted: Y  
Bradley Johnson voted: Y  
Ronnie Trivett voted: Y  
Charles Von Cannon voted: Y  
Isaiah Grindstaff voted: Y  
L.C. Tester voted: Y  
Danny Ward voted: Y  
Ross Garland voted: Y  
Bobbie Gouge-Dietz voted: Y  
Timothy Holdren voted: Y  
Randall Jenkins voted: Y  
John Lewis voted: Y  
Larry Miller voted: N  
Sonja Culler voted: Y  
Ray Lyons voted: Y  
Scott Simerly was Absent  
Robert Carroll was Absent

Kelly Collins voted: Y  
Cody McQueen voted: Y

**Passed** (21 Y - 1 N - 1 A - 2 Absent)  
Number of Abstain Votes: 1

**Building and Grounds Committee** – Isaiah Grindstaff, Chairman, presented a brief report. He stated that reserved parking spaces for Purple Heart recipients was still in the planning stages. Therefore, no recommendations were presented at this time.

**Education Committee** – Chairman, Danny Ward, presented the report. No recommendations were presented.

**Financial Management** – Ray Lyons, Chairman, presented the following recommendation.  
**Motion** was made by Ray Lyons, seconded by Randall Jenkins, to approve a credit card with a \$5,000 limit for EMA to be used for emergency purposes. (Item # 12)

Roll Call Vote as follows (Item # 12)  
11. Vote Results for: Item No. 11  
Time of Vote: 8:45:16 PM  
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote  
Willie Campbell voted: Y  
Buford Peters voted: Y  
Robert Acuff voted: Y  
Nancy Brown voted: Y  
Mike Hill voted: Y  
Al Meehan voted: Y  
Bradley Johnson voted: Y  
Ronnie Trivett voted: Y  
Charles Von Cannon voted: Y  
Isaiah Grindstaff voted: Y  
L.C. Tester voted: Y  
Danny Ward voted: Y  
Ross Garland voted: Y  
Bobbie Gouge-Dietz voted: Y  
Timothy Holdren voted: Y  
Randall Jenkins voted: Y  
John Lewis voted: Y  
Larry Miller voted: N  
Sonja Culler voted: Y  
Ray Lyons voted: Y  
Scott Simerly was Absent  
Robert Carroll was Absent  
Kelly Collins voted: Y  
Cody McQueen voted: Y

**Passed** (21 Y - 1 N - 1 A - 2 Absent)  
Number of Abstain Votes: 1

**Health & Welfare Committee** – Timothy Holdren, Chairman, had no recommendations to present.

**Landfill Committee** – Bobbie Gouge-Dietz, Chairwoman, reported on items discussed during the last committee meeting. Discussion followed concerning a possible "Free Day" at the landfill. However, no recommendations were made.

**Law Enforcement Committee** – Cody McQueen, Chairman, spoke, thanking Sheriff, Dexter Lunceford, and staff for keeping us safe. Thank-you was also extended to Dr. Kevin Ward for his efforts in keeping the children safe during sickness and bad weather. He also spoke concerning the SRO at Little Milligan Elementary School.

Cody McQueen then spoke as County Liaison for the Animal Shelter Advisory Board. He spoke concerning the day-to-day operations of the shelter and Brother Wolf Animal Rescue.

**Point of Order** was voiced by Sonja Culler, regarding the report as being presented.

Chairman Humphrey instructed security to remove Robin McKamey from the courtroom, due to an outburst.

Chairman Humphrey then recognized Commissioner McQueen, as Animal Shelter Advisory Board, Carter County Liaison. Commissioner McQueen continued speaking concerning the animal shelter.

Discussion followed concerning the lack of representation at Animal Shelter Advisory Board meetings by the County Liaison.

Al Meehan rose to object to the decision of the chair concerning the removal of a person from the meeting.

Discussion continued concerning the School Resource Officers.

Chairman Humphrey called for Al Meehan, Nominating Committee's report.

Al Meehan requested that County Attorney, Joshua Hardin, respond to the objection previously made. Attorney Hardin replied that appealing to a decision made by the chair, required a motion and a vote from the commission. Al Meehan stated that was his appeal/motion which was seconded by Ross Garland.

Chairman Humphrey restated the motion as follows:

**Motion** was made by Al Meehan, seconded by Ross Garland, to appeal the decision made by the Chairman, to remove Robin McKamey from the Courtroom due to her outburst.  
**(Item # 13)**

Roll Call Vote as follows (Item # 13):

13. Vote Results for: Item No. 13

Time of Vote: 9:05:28 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote  
Willie Campbell voted: Y  
Buford Peters voted: Y  
Robert Acuff voted: Y  
Nancy Brown voted: N  
Mike Hill voted: Y  
Al Meehan voted: Y  
Bradley Johnson voted: Y  
Ronnie Trivett voted: N  
Charles Von Cannon voted: N  
Isaiah Grindstaff voted: Y  
L.C. Tester voted: Y  
Danny Ward voted: Y  
Ross Garland voted: Y  
Bobbie Gouge-Dietz voted: Y  
Timothy Holdren voted: N  
Randall Jenkins voted: N  
John Lewis voted: N  
Larry Miller voted: Y  
Sonja Culler voted: Y  
Ray Lyons voted: N  
Scott Simerly was Absent  
Robert Carroll was Absent  
Kelly Collins voted: Y  
Cody McQueen voted: N

**Passed** (14 Y - 8 N - 1 A - 2 Absent)

Number of Abstain Votes: 1

Following the vote (Item # 13), Chairman Humphrey instructed security to allow Mrs. McKamey back in.

**Nominating Committee** – Chairman, Al Meehan, presented the following recommendations.

**Motion** was made by Al Meehan, seconded by Willie Campbell, **to accept the nomination and approve Bobby Blevins, as Farm Man to the Agriculture Committee. (Item # 14)**

Roll Call Vote as follows (Item # 14):

14. Vote Results for: Item No. 14

Time of Vote: 9:09:08 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y

Robert Acuff voted: Y

Nancy Brown voted: Y

Mike Hill voted: Y

Al Meehan voted: Y

Bradley Johnson voted: Y

Ronnie Trivett voted: N

Charles Von Cannon voted: Y

Isaiah Grindstaff voted: Y

L.C. Tester voted: Y

Danny Ward voted: Y

Ross Garland voted: Y

Bobbie Gouge-Dietz voted: Y

Timothy Holdren voted: Y

Randall Jenkins voted: Y

John Lewis voted: Y

Larry Miller voted: Y

Sonja Culler voted: Y

Ray Lyons voted: Y

Scott Simerly was Absent

Robert Carroll was Absent

Kelly Collins voted: Y

Cody McQueen voted: Y

**Passed** (21 Y - 1 N - 1 A - 2 Absent)

Number of Abstain Votes: 1

Committee Chairman, Al Meehan, stated that Mr. James (Jamie) Hughes had resigned from the Planning Committee and the Mayor's office would be making advertisement concerning the appointment to fill this position.

Two other positions were to be re-appointed to the Planning Commission, as put forth from the Planning. Those to be re-appointed are Jerry Pearman and Ralph Watson,

Chairman Humphrey stated these nominations did not receive recommendation from the Nominating Committee and had not been advertised as well.

A lengthy discussion followed concerning advertisement, term lengths and representation.

Chris Schuettler, Planning and Zoning Director, stated the position was a re-appointment. Therefore, advertizing was only necessary if a member had resigned.

**Motion** was made by Al Meehan, seconded by Bobbie Gouge-Dietz, **to reappoint Jerry Pearman, to the Planning Commission. (Item # 15)**

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Commissioner, Nancy Brown, requested an opinion from County Attorney, Joshua Hardin, concerning the employment of Justin Markland in Planning/Zoning as being a conflict of interest. Attorney Hardin stated he would research this request.

Discussion followed.

Chairman, Leon Humphrey, requested that **Vice-Chairman, Ray Lyons, assume the Chair of Commission** in order for Mayor Humphrey to speak.

Mayor Humphrey spoke concerning representation from each district on the Planning Commission.

Ray Lyons, as Chair of the Commission, called for a roll call vote as follows (Item # 15):

15. Vote Results for: Item No. 15

Time of Vote: 9:21:53 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y

Robert Acuff voted: Y

Nancy Brown voted: N

Mike Hill voted: Y

Al Meehan voted: Y

Bradley Johnson voted: Y

Ronnie Trivett voted: N

Charles Von Cannon voted: N

Isaiah Grindstaff voted: N

L.C. Tester voted: Y

Danny Ward voted: Y

Ross Garland voted: N

Bobbie Gouge-Dietz voted: Y

Timothy Holdren voted: N

Randall Jenkins voted: Y

John Lewis voted: N

Larry Miller voted: N

Sonja Culler voted: Y

Ray Lyons voted: Y

Scott Simerly was Absent

Robert Carroll was Absent

Kelly Collins voted: Y

Cody McQueen voted: N

**Passed** (13 Y - 9 N - 1 A - 2 Absent)

Number of Abstain Votes: 1

**Motion** was made by Al Meehan, seconded by Sonja Culler, upon recommendation from the Director of the Planning Commission, to **re-appoint Ralph Watson to the Planning Commission.**  
**(Item 16)**

Roll Call Vote as follows (Item # 16):

16. Vote Results for: Item No. 16

Time of Vote: 9:24:25 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y

Robert Acuff voted: Y

Nancy Brown voted: N

Mike Hill voted: Y

Al Meehan voted: Y

Bradley Johnson voted: Y

Ronnie Trivett voted: N  
Charles Von Cannon voted: N  
Isaiah Grindstaff voted: N  
L.C. Tester voted: Y  
Danny Ward voted: Y  
Ross Garland voted: N  
Bobbie Gouge-Dietz voted: Y  
Timothy Holdren voted: N  
Randall Jenkins voted: Y  
John Lewis voted: N  
Larry Miller voted: Y  
Sonja Culler voted: Y  
Ray Lyons voted: Y  
Scott Simerly was Absent  
Robert Carroll was Absent  
Kelly Collins voted: Y  
Cody McQueen voted: N

Passed (14 Y - 8 N - 1 A - 2 Absent)  
Number of Abstain Votes: 1

**Mayor Leon Humphrey, assumed the Chair as Commission Chairman, following the vote and Vice-Chairman, Ray Lyons, assumed his chair as Commissioner.**

**Parks and Recreation Committee** – Randall Jenkins, Commission Liaison encouraged everyone to read the Parks and Recreation Committee Minutes.

**Rules and By-Laws Committee** – Randall Jenkins, Chairman, presented the following recommendation.

**Motion** was made by Randall Jenkins, seconded by Nancy Brown, to re-start the accumulation of **Vacation Days Time Policy to April 1, 2017. This is to go along with the Sheriff's Department Employee Handbook that the department will be starting on April 1, 2017. (Item # 17) Pg 131-154**

Roll Call Vote as follows (Item # 17):

17. Vote Results for: Item No. 17

Time of Vote: 9:26:11 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote  
Willie Campbell voted: Y  
Buford Peters voted: Y  
Robert Acuff voted: Y  
Nancy Brown voted: Y  
Mike Hill voted: Y  
Al Meehan voted: Y  
Bradley Johnson voted: Y  
Ronnie Trivett voted: Y  
Charles Von Cannon voted: Y  
Isaiah Grindstaff voted: A  
L.C. Tester voted: N  
Danny Ward voted: Y  
Ross Garland voted: Y  
Bobbie Gouge-Dietz voted: Y  
Timothy Holdren voted: Y  
Randall Jenkins voted: Y  
John Lewis voted: Y  
Larry Miller voted: Y  
Sonja Culler voted: Y  
Ray Lyons voted: Y  
Scott Simerly was Absent  
Robert Carroll was Absent

Kelly Collins voted: Y  
Cody McQueen voted: Y

**Passed** (20 Y - 1 N - 2 A - 2 Absent)  
Number of Abstain Votes: 2

Randall Jenkins, Chairman of the Rules and By-Laws Committee, requested that the Carter County **Sheriff's Office Employee Handbook** be entered into the minutes. Recorded on pages 131-154

County Attorney Report – Joshua Hardin, County Attorney, presented the report. See page 130

**Motion** was made by Sonja Culler, seconded by Isaiah Grindstaff, **to confirm and allow Melissa Moreland, Chancery Clerk and Master, to bid in for Carter County and place the minimum bid on excess property parcels on which a minimum bid is not received. (Item # 18)**

Roll Call Vote as follows (Item # 18):

18. Vote Results for: Item No. 18

Time of Vote: 9:27:55 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y

Robert Acuff voted: Y

Nancy Brown voted: Y

Mike Hill voted: Y

Al Meehan voted: Y

Bradley Johnson voted: Y

Ronnie Trivett voted: Y

Charles Von Cannon voted: Y

Isaiah Grindstaff voted: Y

L.C. Tester voted: Y

Danny Ward voted: Y

Ross Garland voted: Y

Bobbie Gouge-Dietz voted: Y

Timothy Holdren voted: Y

Randall Jenkins voted: Y

John Lewis voted: Y

Larry Miller voted: Y

Sonja Culler voted: Y

Ray Lyons voted: Y

Scott Simerly was Absent

Robert Carroll was Absent

Kelly Collins voted: Y

Cody McQueen voted: Y

**Passed** (22 Y - 0 N - 1 A - 2 Absent)

Number of Abstain Votes: 1

#### Commissioner Comments

Commissioner, Robert Acuff, stated he would be having a Prayer Breakfast for County Commissioners on Monday, March 27, 2017 at 6:15 AM at Sugar Love Restaurant, Bonnie Kate Theater. He encouraged all to attend.

Commission, Charles VonCannon, spoke in response to a handout from Brother Wolfe, as well as all other information being allowed to be placed at Commissioners' seats prior to the Commission meeting.

**Motion** was made by Charles VonCannon, seconded by Bradley Johnson, **to defer action on any information (outside information), other than Committee Minutes and reports, that is presented and placed at the Commissioners' seats prior to the meeting, until the next Commission meeting. (Item # 19)**

During discussion it was suggested that the Agenda be more detailed.

Roll Call Vote as follows (Item # 19):

19. Vote Results for: Item No. 19

Time of Vote: 9:55:01 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote  
Willie Campbell voted: N  
Buford Peters voted: N  
Robert Acuff voted: N  
Nancy Brown voted: Y  
Mike Hill voted: N  
Al Meehan voted: N  
Bradley Johnson voted: Y  
Ronnie Trivett voted: Y  
Charles Von Cannon voted: Y  
Isaiah Grindstaff voted: N  
L.C. Tester voted: N  
Danny Ward voted: N  
Ross Garland voted: N  
Bobbie Gouge-Dietz voted: N  
Timothy Holdren voted: Y  
Randall Jenkins voted: Y  
John Lewis voted: N  
Larry Miller voted: N  
Sonja Culler voted: N  
Ray Lyons voted: Y  
Scott Simerly was Absent  
Robert Carroll was Absent  
Kelly Collins voted: N  
Cody McQueen voted: Y

**Failed** (8 Y - 14 N - 1 A - 2 Absent)

Number of Abstain Votes: 1

Commissioner, Mike Hill, spoke in regards to the work being done by Shepherd's Inn. He suggested that more consideration be given during budget planning to non-profits such as this.

Commissioner, Ross Garland, spoke concerning the Tweetsie Trail and funding request by non-profits.

Commissioner, L.C. Tester, spoke concerning controversy with the animal shelter.

Chairman, Leon Humphrey, replied concerning public speaking and animal shelter issues.

**Point of Order** objection was voiced by Al Meehan, stating this was the time for Commissioners' Comments.

Commissioner, Ray Lyons, responded to the objection and read Rule 4, General Procedural Rules, Item E, Points of Order, from the Rules and By-Laws.

There were no other Commissioner Comments.

Carter County Expenditure Budget Report for the Month of February 2017 was provided to Carter County Commissioners by Michael Kennedy, Deputy Director of Finance. Included in the report were the Account Numbers, Account Description, Budget Amounts, Budget Amendments, and Amended Budgets, Month-to-day expenditures, Outstanding encumbrances, and Unencumbered Balances.

**Motion to adjourn** was made by John Lewis, seconded by Larry Miller. By majority voice vote, motion carried. Meeting Ended at: 9:55:25 PM

**MARCH TERM** 2017

AGENDA  
CARTER COUNTY, TENNESSEE  
Board of County Commissioners  
REGULAR SESSION  
Tuesday, March 20, 2017 at 6:00 PM

1. Call to Order
2. Courthouse-Emergency Egress Plan
3. Roll Call-County Clerk
4. Approval of Agenda
5. Opening Prayer
6. Pledge of Allegiance
7. Recognition of Elected and Appointed Officials/Guests
8. Presentation of Plaques
9. Public Comments
10. Acceptance of Minutes from Previous Meeting
11. Notaries/Bonds
12. Hampton River Landing Park Update -- Ken Gough
13. Carter County Communications Board Appointment
14. Committee Reports/Recommendations
15. County Attorney Report
16. Commission Comments
17. Adjourn

COUNTY OF Carter County, TN  
**PROCLAMATION**  
BY THE CARTER County Mayor

**WHEREAS**, The University of Tennessee is Tennessee's land-grant university, and has a three-part mission of teaching, research, and Extension; and

**WHEREAS**, Extension is the outreach arm of the University and an integral part of the land-grant mission extending the knowledge and expertise of the University to the people of Tennessee through education delivered by agents, specialists, and volunteers in all 95 counties of the state; and

**WHEREAS**, Extension is a valuable resource for helping citizens to solve problems providing real life solutions in the places they live, work, and play through hundreds of programs; and

**WHEREAS**, Extension's efforts are based on local needs, research and a commitment to improve the quality of life.

**WHEREAS**, Extension's educational programs in 4-H youth development, agriculture and natural resources, family and consumer sciences, and community economic development produce substantial returns to the state.

**WHEREAS**, using research, questionnaires, observations, and sales records, an economic impact was estimated at more than \$512 million from July 1, 2015 through June 30, 2016 for statewide educational programs.

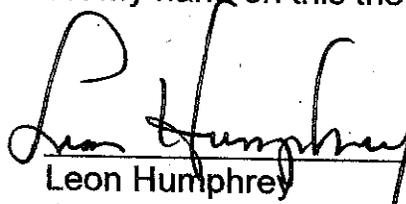
**WHEREAS**, a recent assessment indicates that every \$1 in public funds invested in Extension programs returns an estimated \$8.03 to the people of Tennessee.

**NOW THEREFORE**, I, Leon Humphrey, Mayor of Carter County, do hereby proclaim March, as

**UT EXTENSION MONTH**

and encourage all citizens of Carter County to participate in Extension's educational programs and to learn how Extension benefits them.

**IN WITNESS WHEREOF**, I have hereunto set my hand on this the 20<sup>th</sup> day of March, 2017.

  
Leon Humphrey  
Carter County Mayor

**MARCH TERM 2017**

## ***Confederate History and Heritage Proclamation***

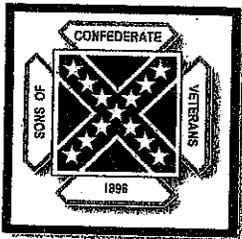
***WHEREAS, April is the month in which the people of the Confederate States of America began and ended a four-year heroic struggle for states' rights, individual freedom, local government control and determined struggle for deeply held beliefs; and***

***WHEREAS, Carter County supplied citizen soldiers and officers who fought for their beliefs in this great struggle; and***

***WHEREAS, Carter County, Tennessee has long recognized her Confederate history, the officers and enlisted men of the Confederate States Army and the Navy and those at home who made sacrifices on behalf of their families, homes, communities, and country; and that it is just and right to do so; and***

***WHEREAS, the noble spirit and inspiring leadership of these great officers, leaders, and the ordinary men and women, free and not free, of the Confederate States is an integral part of the history of all of America; and***

***WHEREAS, it is important for all citizens of Carter County to reflect upon our past and to respect the devotion of her Confederate leaders, soldiers, and citizens to the cause of Southern liberty; and***

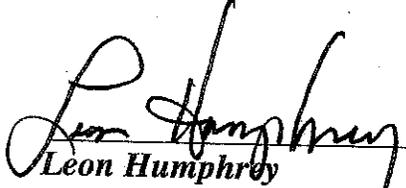


***WHEREAS, Carter County, Tennessee is proud to recognize and celebrate the devotion of her Confederate soldiers and all those from Carter County who fought and sacrificed in this great struggle that divided families, the nation, and our State; and***

***WHEREAS, the knowledge of the role of the Confederate States of America in the history of our nation and our State is vital to understanding who we are and what we are; and***

***WHEREAS, we honor our past and from it draw the courage, strength and wisdom to reconcile ourselves, and go forward into the future together as citizens of Carter County, Tennesseans and Americans;***

***NOW, THEREFORE, I Leon Humphrey, Mayor of Carter County, on this 20<sup>th</sup> day of March do hereby recognize the month of April 2017 as Confederate History and Heritage Month in CARTER COUNTY, TENNESSEE and urge all citizens of the county to engage in a historical study of the events of the years 1861 to 1865, inclusive; and to solemnly contemplate said time in our history and I call this observance to the attention of all our citizens.***

  
Leon Humphrey  
Carter County Mayor

NOTARIES/BONDS  
to be  
Approved  
MARCH 20, 2017

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Kimberly G. Garrett  
George Papantoniou  
Richard Z. Gray  
Myra Kay Cable  
Linda M. Shouse  
Katherine H. May  
Dustin Tester  
Cynthia Karen Morgan  
Kristina D. Cruz  
Amy C. Bryan  
Jeremy S. Dulgar  
Beverly Ann White  
Terry Buckles  
Herman King, Sr.  
Barbara S. Barfield  
Ashley Woods  
Nora Peters

Add: Christopher David Blair  
Ashlee Hensley

**February 2017 Donations**

February Animal Shelter Donation- Marianne McKinney	28.00
February Animal Shelter Donation- Will Kirkman	20.00
February Animal Shelter Donation- Joyce Thompson	5.00
February Animal Shelter Donation- Glenda Taylor Delawder Charitable Trus	100,000.00
February Animal Shelter Donation- Anonymous	5.00
February Animal Shelter Donation- Signature Properties	79.00
<b>February Total</b>	<b>\$ 100,137.00</b>

**Carter County**  
General Purpose School Fund 141  
Budget Amendment #7  
20-Mar-17

<b>Item #1</b>	44170 Miscellaneous Refunds		\$ 21,600.00	Increase
	71100-429 Instructional Supplies and Materials	\$ 21,600.00		Increase

**Recognize Utrust Money**

<b>Item #2</b>	39000 Unassigned Fund Balance		\$ 169,561.00	Increase
	76100-304 Architects	\$ 9,000.00		Increase
	76100-707 Building Improvements	\$ 160,561.00		

**Hunter Toilet Renovations**

Total      \$ 191,161.00    \$ 191,161.00

**MARCH TERM 2017**

**Carter County**  
**General Fund 101**  
**Budget Amendment #7**  
**20-Mar-17**

Item #1	53300-161	Secretary				
	53300-320	Dues and Memberships			\$ 350.00	Decrease
					\$ 350.00	Increase

Allocate within the Sessions Court

Item #2	44530	Sale of Equipment				
	52300-718	Motor Vehicles			\$ 6,500.00	Increase
					\$ 6,500.00	Increase

Recognize sale of 2003 Tahoe

Item #3	39000	Unassigned Fund Balance				
	51800-304	Architects			\$ 4,700.00	Decrease
					\$ 4,700.00	Increase

Allocate for Architecture Fee's for Health Department Renovations

Item #4	52100-351	Rentals				
	52100-719	Office Equipment			\$ 425.00	Increase
					\$ 425.00	Decrease

Allocate within Accounting and Budget for Copier Lease

Item #5	46290	Other Public Safety Grants				
	54490-599	Other Charges			\$ 11,474.74	Increase
					\$ 11,474.74	Increase

Recognize Other Public Grants

\$ 23,449.74    \$ 23,449.74

**COUNTY ATTORNEY REPORT**  
**March 2017**

General Litigation update:

1. No new litigation filed.
2. Steven M. Taylor v. Chris Mathes, Carter County Sheriff, et al.- dismissed with prejudice by Federal District Court.
3. County Delinquent Tax Sale scheduled for Friday April 24, 2017. Registration begins at 8 a.m. and sale commences at 9 a.m. Approximately 60 Parcels remain in the sale.

Other Work performed/ongoing:

1. Research completed and opinions rendered for various county office holders and commissioners as requested.
2. Animal Shelter- Correspond with Elizabethton City Attorney regarding operation agreement modifications.
3. General Sessions Court- Research multiple issues for Judge Bowers.
4. Sheriff's Office- Review of Sheriff's Office Employee Handbook.
5. Law Enforcement Committee- Attended committee meeting.
6. Health & Welfare Committee- Attended committee meeting.
7. Rules & Bylaws Committee- Attended committee meeting. Draft of Open Records Policy and forms.
8. Budget/Nominating Committee- Attended committee meetings.
9. Title research, review survey, etc. regarding County School Board property donation.
10. Completed Excess property sale on 3/17/17. All fourteen (14) parcels sold for a total of \$10,300. Will present multiple parcels for Commission approval of final bid next month.

**MARCH TERM 2017**

V1- 2017  
CARTER COUNTY SHERIFF'S OFFICE  
EMPLOYEE HANDBOOK

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# Carter County Sheriff's Office

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## Employee Handbook

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V1 - 2017

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MARCH TERM 2017

V1- 2017  
CARTER COUNTY SHERIFF'S OFFICE  
EMPLOYEE HANDBOOK

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21	Personal Appearance
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23	Compensatory Time Agreement / Employee Time Sheet / Family and Medical Leave Act of 1993

### INTRODUCTORY STATEMENT

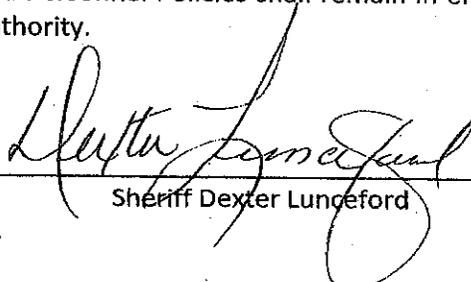
This Employee Handbook is designed to familiarize you with the Sheriff's Office and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the Employee Handbook. It describes many of your responsibilities as an employee and outlines some of the programs developed by the County and the Sheriff's Office to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No Employee Handbook can anticipate every circumstance or question about policy. As circumstances change, the Sheriff may revise, supplement, or rescind any policies or portions of the Employee Handbook. Employees will, of course, be notified of such changes to the Employee Handbook as they occur. This Employee Handbook, and other statements of the Sheriff's Office policies and procedures are prepared for informational purposes only.

We wish you the best of luck and success in your position and hope that your employment relationship with the Carter County Sheriff's Office will be a rewarding experience.

### EMPLOYEE HANDBOOK APPROVAL AND AUTHORIZATION

I have reviewed and approved the Carter County Sheriff's Office Employee Handbook and I authorize the distribution and implementation of the Personnel Policies contained herein. The Employee Handbook and Personnel Policies shall remain in effect until such time they are revised or revoked by competent authority.

  
\_\_\_\_\_  
Sheriff Dexter Luncford

MARCH 21 2017  
Date

## **1.0 EMPLOYEE CLASSIFICATIONS**

### **1.1 Probationary period.**

All new and rehired individuals must complete a Probationary Period for the first six (6) months after their date of hire with the Sheriff's Office. The Probationary Period is intended to give new and rehired employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The Sheriff's Office uses this period to evaluate capabilities, work habits, and overall performance. The Sheriff may terminate the employment of any probationary employee at any time during the probationary period. No justification, other than a notation that termination is in the best interests of the Carter County Sheriff's Office is required while on probation. Upon satisfactory completion of the six month probationary period, the employee will enter into the Classified Service and will be placed on regular employment status protected by the Civil Service Rules and Regulations. (Reference Paragraph 2 Personnel Status Carter County Sheriff Civil Service Rules and Regulations)

### **1.2 Definitions.**

**Full-Time Regular Employees (Classified Service).** Defined as employees who, upon completion of the probationary period described above, work the Sheriff's Office normal, full-time workweek on a regular basis. These employees are generally eligible for employee benefits subject to the terms and conditions of each individual benefit plan.

**Part-Time Regular Employees.** Defined as employees who, upon completion of the Probationary Period described above, work fewer than thirty (30) hours per week on a regular basis. These employees are generally not eligible for employee benefits, except social security, unemployment compensation insurance, and workers' compensation insurance.

**Temporary Employees.** Defined as employees 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 are only eligible for social security, unemployment compensation insurance, and workers' compensation insurance.

## **2.0 NON – DISCRIMINATION POLICIES**

### **2.1 Non-discrimination - Equal Employment Opportunities.**

It is the policy of the Carter County Sheriff's Office to provide equal employment opportunities to all individuals regardless of race, color, religion, sex, national origin, age, disability, status as a protected veteran, or status in any other group protected by law. This policy extends to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, termination, layoff, recall, transfers, leaves of absence, compensation and training.

Employees or applicants with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or department head, consistent with the Discrimination/Harassment Complaint Procedure. Employees can raise concerns and make complaints without fear of reprisal and with assurance of protection from harassment or retaliation. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

### **2.2 Individuals with disabilities.**

It is the desire and intent of the Carter County Sheriff's Office to comply with the provisions of the Americans with Disabilities Act of 1990 ("ADA"), which prohibits discriminatory employment practices against qualified individuals with disabilities. We will make a good faith effort to provide reasonable accommodation to an otherwise qualified candidate with a disability who applies for a position or an employee who is able to perform the essential functions of his or her job, either with or without reasonable accommodation. Employees should notify their supervisor if an accommodation is needed due to a disability.

### 3.0 EMPLOYEE LEAVE POLICIES

#### 3.1 General instructions.

References to the employer means official or department head under whose direction the employee works. References to employment year means twelve (12) months from the date of hire.

#### 3.2 Vacation leave.

Full-time Regular employees shall begin accruing vacation time as of the date of their employment. Full-time Regular employees are eligible to use accumulated vacation time after successful completion of their six months probationary period, at which time five (5) days of vacation will be available. In all cases days are defined as eight (8) hour days. Part-time and Temporary employees are not eligible for vacation leave.

Vacation time schedule for full-time regular employees. The following schedule displays the vacation earning policy for each year of continuous and uninterrupted employment:

- Group 1. Employees with less than ten (10) years of service accumulate vacation time at a rate of forty (40) hours every six months for a total of eighty (80) hours each year.
- Group 2. Employees with more than ten (10) years of service and less than twenty (20) years of service accumulate vacation time at a rate of sixty (60) hours every six months for a total of one hundred and twenty (120) hours each year.
- Group 3. Employees with more than twenty (20) years of service accumulate vacation time at a rate of eighty (80) hours every six months for a total of one hundred and sixty (160) hours a year.

Use of vacation time. Vacation time may be used only at times approved in advance by the employer/shift commander. Vacation requests will be honored to the extent possible, but subject to the needs of the employer/shift. If two or more employees request vacation for the same period of time, it will be the employer's decision whether this will create a hardship on the department (the senior employee will get preference on the approval). No employee may give or loan vacation time to another employee. Any request of vacation leave in excess of 80 hours must be presented to the Command Staff for their situational awareness and approval. All vacation leave shall be based on a maximum 40 hour week (8 hours is considered a vacation day).

Accumulation of vacation leave.

1. Employees with less than five (5) years of full-time service may accumulate and carry over a total of 240 hours of annual leave.
2. Employees with more than five (5) years and less than ten (10) years of full-time service may accumulate and carry over a maximum of 288 hours of annual leave.
3. Employees with more than ten (10) years and less than twenty (20) years of full-time service may accumulate and carry over a total of 312 hours of annual leave.
4. Employees with more than twenty (20) years of full-time service may accumulate and carry over a total of 336 hours of annual leave.

Annual leave in excess of the maximum allowable accumulation for an employee's time in service is transferred to the employee's sick leave account.

Termination of employment. Upon termination of employment, the employee will receive payment for any unused vacation time which has accrued (up to the applicable limits). Payment shall be made based upon the normal daily rate of compensation the employee receives as of the time of termination.

### 3.3 Sick leave.

Regular full-time employees earn sick leave at the rate of one day per month (part-time and temporary employees are not eligible for sick leave). In all cases days are defined as eight (8) hour days. Employees will receive full pay when sick leave is taken. Sick Leave is considered a privilege and not a right. Sick leave days have no cash value and the employee shall not be paid for accumulated sick leave credit days, but shall be able to count sick leave credit days toward their retirement (in accordance with Tennessee Consolidated Retirement System County Contract).

Use of sick leave - An employee may use accumulated sick leave after successful completion of the first six months of employment for absence due to his or her own illness or injury or that of an immediate family member. Sick leave may also be used for appointments with a licensed doctor, dentist, or recognized practitioners. 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. Notice of Sick Leave - Employees are required to notify the employer as early as possible on the first day of their sick leave absence. Any employee sick for three (3) or more continuous days (24 hours) shall furnish their employer with a doctor's certificate, certifying they were unable to work.

### 3.4 Sick leave donation policy.

This policy provides an opportunity for Sheriff's Office employees to donate excess accrued sick leave to another County employee in times of need. The sick leave donation program is completely voluntary and no employee shall be either rewarded or reprimanded in any way whatsoever based upon their individual decision to participate or not. No employee may directly or indirectly solicit any other employee for a donation of sick leave. An individual county employee will be permitted to donate his or her excess accrued sick leave directly to another county employee, regardless of department, under the following conditions:

Requirements for employee to donate sick leave to another employee:

1. The donating employee must be a full time regular employee of the Carter County Sheriff's Office who has completed his or her probationary period.
2. The donating employee must have a minimum of twelve (12) days of available accrued leave (vacation, sick, comp), to be eligible to donate.
3. The donating employee must complete the **Sick Leave Donation Form** and turn it in to his or her direct supervisor, who shall review the eligibility of the donating employee and forward the form to the Carter County Sheriff's Office Human Resources Officer.
4. No employee may donate sick leave to any other employee with direct supervisory authority over the donating employee.

Requirements for employee to receive sick leave donated by another employee:

1. The receiving employee must be a full time regular employee of the Carter County Sheriff's Office who has completed his or her probationary period.
2. The receiving employee must have exhausted all available forms of leave (vacation, sick, comp).
3. The receiving employee may use the donated time only under circumstances whereby his or her own sick leave, if available, could be used. All current policies regarding the use of sick time are also applicable to use of the donated time by the employee actually using said time.
4. No employee may receive donations of more than ninety (90) total working days of sick time from any combination of donating employees in a calendar year.
5. No employee may receive a donation of sick leave from any other employee over which the receiving employee has direct supervisory authority.

### 3.5 Holidays

The Carter County Government establishes legal Holidays that are observed by the closing of County Offices. The following days have been designated:

1. New Years Day
2. Martin Luther King's Birthday
3. Presidents' Day
4. Good Friday
5. Elections Days
6. Memorial Day
7. Independence Day
8. Labor Day
9. Veterans' Day
10. Thanksgiving Day and the day after
11. Christmas Day - Plus two (2) days

Our law enforcement mission dictates that Patrol and Corrections operate 24 hours a day / 365 days a year. If a Deputy Jailer or Deputy Sheriff, working a rotating shift, is required to work on a Holiday, he or she will be paid double their regular rate of pay worked on said holiday (double time rate of pay is for 8 hours of the 12 hour shift). If a Deputy Jailer or Deputy Sheriff, working a rotating shift, is on their Regular Day Off (RDO), when a Holiday occurs, they will accumulate eight (8) hours of compensatory time to be used at a later date.

### **3.6 Compensatory and overtime accrual.**

This policy establishes procedures for the employees of the Carter County Sheriff's Office regarding the recording and compensation of overtime, compensatory accumulation, and use of compensatory time.

It is the policy of the Carter County Sheriff's Office to allow employees to work over or beyond their regularly scheduled hours when the pressure of operations or emergencies arise that require immediate attention. Compensatory leave is paid leave that is granted to eligible employees for personal time off at their individual discretion. It is directed that compensatory time accrued be used within the following twenty eight (28) day period. If the compensatory time can't be used in that twenty eight (28) day period, the Command Staff must be notified. The compensatory time will accrue at an hour for hour basis until 171 hours within that 28 day period is reached, any compensatory time accrued beyond 171 hours will accrue at time and half after the 28 day period has elapsed.

Compensatory time may be used only at times approved in advance by the employee's immediate supervisor. Such requests shall be honored to the extent possible, but are subject to the operational needs of the Sheriff's Office.

Compensatory time may be accumulated and carried forward into the next year in an amount not to exceed 480 hours total (pursuant to the US Department of Labor Guidelines).

### **3.7 Bereavement leave.**

In case of a death in the employee's immediate family, the employee will be given five (5) eight hour days paid leave (40 hours total) which will not be charged to vacation leave. Paid bereavement leave is for scheduled work days which would normally fall between the day of the death and the day following the funeral. Additional time off without pay may be granted in certain situations at the sole discretion of the Sheriff.

Immediate family is defined as spouse, parent, children, brothers or sisters, mother in-law, father-in-law, grandparents, grandchildren of the employee, and legal guardians or dependents.

An employee who claims bereavement leave may, at the discretion of his employer, be required to furnish confirmation of the death which may include an obituary notice or funeral home announcement.

### **3.8 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 three (3) hours. The Sheriff's Office 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. If the employee's work period begins three (3) or more hours after the opening of the polls or ends three (3) or more hours before the closing of the polls, then the Sheriff's Office does not have to allow additional time off from work.

### 3.9 Military Leave.

Sheriff's Office employees who are members of any military component will be granted military leave for such time as they are in military service during which they are engaged in the performance of duty or training in the service of the State of Tennessee, or of the United States. Such military leave shall be supported with competent copies of the armed service orders.

Sheriff's Office employees on such military leave shall be paid salary or compensation, and receive their normal benefits for a period, or periods, not exceeding one hundred and twenty (120) working hours in one (1) calendar year (January 1<sup>st</sup> through December 31<sup>st</sup>).

Should any Sheriff's Office employee be on military leave for a period longer than 15 days, such employee's military leave after the expiration of the first one hundred and twenty (120) hours will be unpaid and treated consistent with the Uniformed Services Employment and Reemployment Rights Act ("USERRA").

### 3.10 Jury duty.

The Sheriff's Office 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:

- (a.) Upon receiving a summons to report for jury duty or a subpoena to testify in court, the employee shall on the next day she/he is working, show the summons to his or her supervisor who shall forward a copy of the summons to the Carter County Sheriff's Human Resources Officer.
- (b.) The employee will be granted a leave of absence when she/he is subpoenaed or directed by proper authority to appear in Federal or State court as a witness or juror.
- (c.) If the employee is relieved from jury duty during working hours after serving less than three hours, the employee must report back to the employer. If the employee is relieved from being a witness at any point during working hours, the employee must report back to the employer.
- (d.) If an employee summoned for jury duty is working a night shift or is working during hours preceding those in which court is normally held, such employee shall also be excused from his employment for the shift immediately preceding the first day of service on any lawsuit. After the first day of service, when such employee's responsibility for jury duty exceeds three (3) hours during a day, then such employee shall be excused from his next scheduled work period occurring within twenty-four (24) hours of such day of jury service.
- (e.) Eligible employees shall receive regular compensation during time served on jury duty or when subpoenaed as a witness.
- (f.) The employee shall retain all compensation received for serving as a juror.
- (g.) 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, compensatory-time, or leave without pay.

**3.11 Leave without pay.**

Any employee, at the discretion of the employer, may be granted leave without pay for sufficient reason as determined by the Sheriff. During the period of absence, the employee will not accrue vacation, sick leave or other benefits.

**3.12 Family and Medical Leave Policy.**

I. Eligibility. Employees who have worked for the Sheriff's Office for at least twelve (12) months, and who have worked at least 1,250 hours during that prior twelve (12) month period, may take up to twelve (12) weeks of unpaid leave for the following reasons:

1. Birth and/or care of a child of the employee;
2. Placement of a child into the employee's family by adoption or other foster care arrangements;
3. Care of an employee's spouse, child or parent who has a serious illness or health condition; or
4. A serious health condition or illness which renders the employee unable to perform the functions of his or her job.

In the case of unpaid leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted unless both the employee and the Sheriff's Office agree. Also, leave for the birth or placement of a child must be completed within twelve (12) months of the birth or placement.

In the case of an employee's serious health condition or illness, or in the case where an employee must care for a spouse, child or parent's serious health condition or illness, leave may be taken intermittently or on a reduced hourly basis, but only if such leave is medically necessary. If either intermittent leave or reduced hours is required, the Sheriff's Office, at its sole discretion, may temporarily transfer the employee to another position with equivalent pay and benefits that better accommodate the leave. Although the alternative position will have equivalent pay and benefits, it will not necessarily entail equivalent duties.

When leave is needed to care for an immediate family member or for the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt business operations.

II. Health insurance benefits during family or medical leave. During a family or medical leave of absence, the Sheriff's Office will continue to pay its portion of the employee's health insurance premium and the employee must continue to pay his or her normal share of such premium, if applicable. Once the employee has received notification from the Sheriff's Office that the employee's leave constitutes family or medical leave under this policy the employee must deliver, either by hand-delivery or by mail, an amount equivalent to the employee's share of health insurance premiums for one full pay period (if any) within three (3) days of the employee's first day of family or medical leave. For each subsequent pay period that the employee will be on family and medical leave, the employee must submit his/her share of health insurance premiums within three (3) days of the first day of the subsequent pay period.

In the event that an employee on family or medical leave fails to make a premium contribution within thirty (30) days of the date that such contribution is due to the health insurance company, the County's

obligation to maintain health insurance coverage ceases. Thus, failure of the employee to pay his or her share of the health insurance will result in loss of coverage. If the employee does not return to work after the expiration of the leave, or if the employee returns to work for less than thirty (30) calendar days after the employee's family or medical leave entitlement has expired, the employee will be required to reimburse the County for payment of health insurance premiums the Sheriff's Office paid during the family or medical leave, unless the employee does not return due to the presence of a serious health condition that prevents the employee from performing his or her job duties or if circumstances exist which are beyond the control of the employee.

III. Twelve month period. This twelve (12) month period will be a rolling twelve (12) month period measured backward from the date an employee uses any FMLA leave. Therefore, each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the twelve (12) weeks which has not been used during the immediately preceding twelve (12) months. For example, if an employee has taken eight (8) weeks of leave during the past twelve (12) months, an additional four (4) weeks could be taken. As further example, if an employee used four (4) weeks beginning 2/1/2010, four (4) weeks beginning 6/1/2010, and four (4) weeks beginning 12/1/2010, the employee would not be entitled to any additional leave until 2/1/2011. However, beginning 2/1/2011, the employee would be entitled to four (4) weeks of leave and on 6/1/2011, the employee would be entitled to an additional four (4) weeks, etc.

IV. Earned leave and other benefits. During family or medical leave, accumulation of employment benefits such as vacation hours, sick leave time, or other benefits based upon the employee being actively at work, will be suspended. Employment benefits accrued by the employee up to the day on which the family or medical leave begins will remain intact. Employees who return to work from a family or medical leave of absence within the leave period or on the next business day following the expiration of the twelve (12) weeks are entitled to return to their position or an equivalent position without any loss of benefits or pay otherwise available.

Employees are required to use their available vacation hours, sick leave time, and/or other earned leave time during the twelve (12) week family or medical leave of absence. Use of such accrued leave time will be in compliance with the established policy and procedure for each leave benefit.

#### V. Procedure for Taking Family or Medical Leave

Before taking any leave, each employee must submit a request for leave by filling out a "Request for Leave" Form. That form must be obtained from the employee's supervisor.

ALL REQUESTS FOR LEAVE MUST BE SUBMITTED AT LEAST THIRTY (30) DAYS BEFORE THE LEAVE IS TO BEGIN, or as soon as possible if thirty (30) days notice is not possible. If the reason for an employee's leave changes, the employee must request from his or her supervisor another "Request for Leave" Form and submit the new form to the Sheriff's Office within THREE (3) DAYS of its receipt. If leave is requested due to a serious health condition of the employee or the employee's family member, that employee must obtain a "Certification of Serious Health Condition" Form. That form must be obtained from the employee's supervisor. A CERTIFICATION OF SERIOUS HEALTH CONDITION FORM MUST BE SUBMITTED IN ORDER TO QUALIFY FOR FAMILY AND MEDICAL LEAVE DUE TO A SERIOUS HEALTH CONDITION.

While on family and medical leave, EACH EMPLOYEE MUST SUBMIT A "STATUS REPORT FORM" FOR EACH THIRTY (30) DAY PERIOD THAT HE/SHE IS ON FAMILY OR MEDICAL LEAVE. This form must be obtained through the employee's supervisor and must be submitted to the Sheriff's Office Human Resources Officer either by hand-delivery or by mail.

BEFORE BEING RESTORED TO HIS/HER FORMER EMPLOYMENT, EVERY EMPLOYEE WHO IS ON FAMILY OR MEDICAL LEAVE DUE TO A SERIOUS HEALTH CONDITION MUST SUBMIT A "FITNESS FOR DUTY CERTIFICATION" FORM. This form must be obtained through the employee's supervisor and must be completed by the employee and the employee's physician.

V. Family and Medical Leave Act Fact Sheet. It is the policy of the Carter County Sheriff's Office to grant its employees leave in accordance with the requirements of the Family Medical Leave Act. All employees should have a copy of the FMLA Fact Sheet, and employees may obtain additional copies of that publication as well as additional information about the FMLA and their rights and obligations under that law from their supervisor, or by contacting the Carter County Mayor's Office at 423-542-1801. (See Page 19, Family Medical Leave Act of 1993).

**3.13 Tennessee Maternity Leave Act Policy.**

Pursuant to state law, an employee who has been employed by the Sheriff's Office for at least twelve (12) consecutive months as a Full-Time Regular employee, may be absent from employment for a period not to exceed four (4) months in connection with pregnancy, childbirth, and adoption. However this law only applies if the County employs 100 or more people at the job site or location. Additionally, to be eligible for this leave, an employee must give at least three (3) months advance notice, except in emergency situations. If you become eligible for leave under this policy and the County's Family and Medical Leave policy, the leave counts against your entitlement under both laws. The specific content of the Tennessee Maternity Leave Act found at T.C.A. § 4-21-408 is reproduced below:

TENNESSEE MATERNITY LEAVE ACT ("TMLA")

§ 4-21-408. Maternity leave

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

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

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

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

(c)(1) Leave may be with or without pay at the discretion of the employer. Such leave shall not affect the employees' right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or other programs for which the employees were eligible at the date of their leave, and any other benefits or rights of their employment incident to the employees' employment position; provided, that the employer need not provide for the cost of any benefits, plans or programs during the period of such leave unless such employer so provides for all employees on leaves of absence.

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

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

(4) Whenever the employer shall determine that the employee will not be reinstated at the end of such leave because the employee's position cannot be filled temporarily or because the employee has used such 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;
  - (2) Apply to any employer who employs fewer than one hundred (100) full-time employees on a permanent basis at the job site or location; or
  - (3) Diminish or restrict the rights of teachers to leave pursuant to title 49, chapter 5, part 7 or to return or reinstatement after leave.
- (e) The provisions of this section shall be included in the next employee handbook published by the employer after passage of this section.

**3.14 In-Line-of-Duty Injury Leave (Workers' Compensation Insurance).**

Any employee sustaining an injury or an illness during the course and scope of his or her employment which is determined to be compensable under the provisions of the Workers' Compensation Law shall be entitled to receive in-line-of-duty injury leave. This leave shall not be counted against any accrued sick leave which the employee has accumulated. Benefits which are receivable by the employee will be determined by the provisions of the Workers' Compensation Law. However, any and all work-related injuries or illnesses must be immediately reported to the employee's supervisor. Failure to immediately report a work related injury or illness may jeopardize an employee's entitlement to workers' compensation benefits, including but not limited to the leave provided in this policy.

**3.15 Leave Records.**

Employees requesting any type of leave are required to do so on forms provided by the Sheriff's Office. The forms are to be given to the Sheriff's Office Human Resources Officer once approved by the supervisor.

#### **4.0 SEXUAL HARASSMENT POLICIES AND DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE**

##### **4.1 Unlawful Harassment in the Workplace.**

It is the policy of Carter County to maintain a respectful work and public service environment. The Carter County Sheriff's Office prohibits and will not tolerate any form of unlawful harassment by or towards any employee or official on the basis of race, color, religion, sex, national origin, age, disability, status as a protected veteran, or status in any other group protected by law. Any employee or official who engages in such behavior is subject to disciplinary action, up to and including termination of employment. One particular kind of harassing behavior is sexual harassment. Sexual harassment, which can consist of a wide range of unwanted and unwelcome behavior based on an employee's gender, is defined as:

Unwelcome sexual advances, requests for sexual favors and/or other verbal or physical conduct based on an employee's gender when:

- (1) Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's employment or of obtaining public services; OR
- (2) Submitting to or rejecting the conduct is used as the basis for an employment decision affecting an individual's employment or public services; OR
- (3) Such conduct has the purpose or result of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. However, harassment is prohibited when it is based on any of the characteristics listed above, not just gender. Neither sexual harassment nor any other form of unlawful harassment will be tolerated in the workplace. Employees are urged to report alleged incidents of unlawful harassment, without fear of reprisal, as described below.

##### **4.2 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 protected 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 the Carter County Sheriff's Office, the employee should report the incident promptly to the Sheriff or supervisor 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 supervisor, Command Staff, or the Sheriff, then the problem should be reported to the Carter County Mayor. The County Attorney may act as a mediator in order to assist reaching an acceptable resolution of the problem, but the County Attorney has no authorization to make employment decisions on behalf of the Sheriff. No form of retaliation 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.

## **5.0 WAGE AND HOUR POLICIES**

### **5.1 Work week.**

Sheriff's Office deputies shall have a twenty-eight (28) day work period in accordance with the 7 (k) exemption provided under FLSA. The work period begins at 12:01 a.m. on Saturday and ends at 12:00 midnight 28 days following. The Sheriff's Office employees shall have a forty (40) hour work week except for deputies. 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.

### **5.2 Overtime.**

"Overtime" is defined as time actually worked in excess of 40 hours in a workweek by a non-exempt employee. Employees 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. For Sheriff's Deputies and Deputy Jailers, the overtime is defined as work in excess of 171 hours in the 28 day work period.

### **5.3 Compensatory Time.**

Compensatory time may be given to those employees who work overtime as provided in the section on "Overtime" and with whom the Sheriff's Office 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 Sheriff's Office will make every effort to grant reasonable requests for the use of compensatory time when sufficient advance notice is given and the workplace is not unduly disrupted. The maximum number of compensatory time hours that an employee may accrue is four hundred and eighty (480). 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 Sheriff's Office reserves the right at any time to pay an employee in cash for any or all accrued compensatory time. In addition, the Sheriff's Office reserves the right at any time to require employees to use any or all accrued compensatory time.

### **5.4 Time Records.**

Employees are required to record their hours on the forms provided for this purpose. Both exempt and nonexempt employees are required to fill in this form bi-weekly, at the end of the work period, digitally 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. Time records shall also be maintained at the Carter County Finance Department.

### **5.5 Payroll and Salary Deductions.**

The law requires that the County make certain deductions from every employee's compensation, including, but not limited to, applicable federal, state, and local income taxes. Social Security taxes also must be deducted from each employee's earnings. The County matches the amount of Social Security taxes paid by each employee.

The County may offer programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs. Contact your supervisor with questions concerning deductions and how they are calculated. The County prohibits deductions from the salary of a salaried exempt employee based on the quality or quantity of work performed or any other reason that is inconsistent with pay on a salary basis under federal wage and hour regulations. Subject to certain exceptions, a salaried-exempt employee must receive his or her full salary for any week in which he or she performs any work without regard to the number of days or hours worked. Exceptions to this general rule include the following:

1. The County need not pay the salary of a salaried-exempt employee for any workweek in which the employee performs no work.
2. The County may make deductions from salary for an exempt employee's absence for one or more full days for personal reasons, other than sickness or disability.
3. The County may make deductions from salary for absences of one or more full days occasioned by sickness or disability so long as the County maintains a bona fide leave plan that provides compensation for loss of pay occasioned by such sickness or disability. (Deductions for such full day absences may be made, for instance, before the employee has qualified under the plan or after the employee has exhausted his or her leave under the plan.)
4. The County will not make deductions from salary for absences of an exempt employee occasioned by jury duty, attendance as a witness, or temporary military leave. The County can offset any amounts received by an employee as jury fees, witness fees, or military pay for a particular week against the salary due for that particular week.
5. The County may make deductions from the salary of exempt employees for penalties imposed in good faith for infractions of safety rules of major significance.
6. The County may make deductions from the salary of exempt employees for unpaid disciplinary suspensions of one or more full days imposed in good faith for infractions of workplace conduct rules.
7. The County is not required to pay the full salary of a salaried-exempt employee in the initial or terminal week of his or her employment if the employee works a partial week during such week.
8. The County is not required to pay the full salary of a salaried-exempt employee for weeks in which an exempt employee takes unpaid leave under the Family Medical Leave Act.

### **5.6 Legal Work Status.**

The Immigration Reform and Control Act of 1986 requires that all employees hired by the Sheriff's Office provide documentation providing that they have a legal right to work in the United States. In compliance with this Act, all job offers extended to successful applicants are made contingent upon the receipt of the required documentation and completion of INS Form I-9. Only those successful applicants who complete Form I-9 will be permitted to begin work. New employees must provide the required documentation within three (3) business days of the date of hire.

## 6.0 MEDICAL INSURANCE

Carter County has a comprehensive group health insurance plan in which all Regular Full-Time employees are eligible to participate subject to the terms and conditions of the group health insurance plan document. A retiring employee fifty-five (55) years of age with at least twenty (20) years of continuous service will remain on County health insurance until the age of sixty-five (65) at the expense of the County, provided he/she is not covered under another individual health insurance plan.

## 7.0 EMPLOYEE WORK RULES

### 7.1 Employee Conduct & Work Rules.

To ensure orderly operations and provide the best possible work environment, the Sheriff's Office expects employees to follow rules of conduct that will protect the interests and safety of all employees and the County. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples, but do not constitute an exhaustive list, of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- \* Theft or inappropriate removal or possession of property
- \* Falsification of timekeeping records
- \* Working under the influence of alcohol or illegal drugs
- \* Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace while on duty, or while operating Carter County Sheriff's Office owned vehicles or equipment
- \* Fighting or threatening violence in the workplace
- \* Boisterous or disruptive activity in the workplace
- \* Negligence or improper conduct leading to damage of Sheriff's Office owned or third party owned property
- \* Insubordination or other disrespectful conduct
- \* Violation of safety or health rules
- \* Smoking in prohibited areas
- \* Sexual or other unlawful or unwelcome harassment
- \* Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- \* Excessive absenteeism or any absence without notice
- \* Unauthorized absence from work station during the workday
- \* Unauthorized use of telephones, mail system, or other Sheriff's Office owned equipment
- \* Unauthorized disclosure of confidential information
- \* Violation of personnel policies
- \* Unsatisfactory performance or conduct

### **7.2 Attendance & Punctuality.**

To maintain a safe and productive work environment, the Sheriff's Office expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the Sheriff's Office. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

### **7.3 Smoking.**

Pursuant to the Non-Smoker Protection Act, Tennessee Code Annotated §§ 39-17-1801 through 1810, smoking is prohibited in enclosed areas of the employer's property, including but not limited to, cafeterias, employee lounges, hallways, meeting rooms, offices, restrooms, and employer vehicles (unless occupied solely by the operator). Smoking may take place only in designated unenclosed areas. Any violation of this provision may result in disciplinary action, up to and including termination.

### **7.4 County Property & Equipment.**

The Sheriff's Office has invested a tremendous amount of resources to provide you with the effective equipment and technology for you to perform your job. Your cooperation in the care and use of this equipment is necessary to maintain it in operating condition. Care should be exercised at all times. Gross employee negligence causing damage to Sheriff's Office property or equipment may result in an employee being held financially liable for the damage. Upon the separation of your employment, for any reason, you must return in good working condition any and all equipment issued to you. **NO SOFTWARE WILL BE INSTALLED WITHOUT THE APPROVAL OF AN EMPLOYEE'S SUPERVISOR.**

TENNESSEE CODE ANNOTATED § 39-16-504 § 39-16-504. Destruction of and Tempering with Governmental Records

(a) It is unlawful for any person to:

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

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

### **7.5 Computer Services, Internet Access and Electronic Mail.**

Carter County Sheriff's Office employees access the Internet from County-owned computers. This access is intended for business-related purposes (such as communicating with complainants, suppliers, colleagues, to research relevant topics and to obtain useful business information.) When determining whether an employee's use of the Internet is appropriate, one may ask: "If I were doing this same activity in some other way (e.g. telephone, library, in person, by hand), would this activity be considered inappropriate?" Additionally an employee's use of the Internet should not cause incremental expense to the Sheriff's Office, nor should County time be wasted. County time should be spent conducting County business. Employees should not play games, send mass mailings or run private businesses.

The public may access the Internet from County-owned computers at a number of locations. All existing laws and County policies apply to conduct when accessing the Internet on County owned computers, especially those that deal with intellectual property protection, privacy, misuse of County resources, sexual harassment, data security, and confidentiality.

Detailed Internet Policy Provisions:

1. World Wide Web access from County-owned computer is filtered by a third-party service in the following categories: Adult content, nudity, sex, gambling, illegal/questionable, proxy avoidance systems, racism/hate, tasteless, and violence. If an employee wants to report a particular web page that they feel should fall into one of these categories, they should contact their immediate supervisor.
2. County-owned computers may not be used to download or distribute software or data without prior written permission. Any software or files downloaded via the Internet may be used only in ways that are consistent with their licenses or copyrights.
3. County-owned computers may not be used to deliberately propagate any virus, worm, Trojan horse, trap-door, or back-door program code or knowingly disable or overload any computer system, network, or to circumvent any system intended to protect the privacy or security of another user.
4. County-owned computers may not be used to knowingly violate the laws and regulation of the United States or any other nation, or the laws and regulations of any country, county, province, or local jurisdiction in any material way.
5. County employees shall not install, remove, or otherwise modify any hardware or software for the purpose of bypassing, avoiding, or defeating any filtering, monitoring, or other security measures the County may have in place.
6. County employees shall identify themselves honestly, accurately, and completely when corresponding or participating in interactive activities, and shall not send unsolicited mass electronic mail.
7. County employees should not automatically assume that any County data or databases are subject to the Freedom of Information Act. There are numerous exclusions to this law and such data or databases may not be uploaded or otherwise transferred to non-County entities without appropriate approvals.
8. County employees should not have any expectation of privacy as to his or her Internet usage. The County may monitor Internet usage patterns and the County may inspect any and all files stored on County resources to the extent necessary to ensure compliance.
9. For County employees, infractions of these policies constitute misuse of County assets and is considered a violation of the Carter County Policies and may result in disciplinary actions ranging from a verbal reprimand up to dismissal.

**7.6 Cell Phone Usage in the Workplace.**

The Carter County Sheriff's Office recognizes that many employees have cell phones that they bring to work. The use of such cell phones, however, must not interfere with an employee's duties or performance. An employee whose cell phone use does become disruptive or interferes with the employee's or co-worker's ability to do the job will not be allowed to bring a cell phone into the workplace. Some employees may have cell phones that also contain cameras. Employees who use camera phones to violate any County policy, including but not limited to the policy against harassment or confidentiality, will be subject to disciplinary action, up to and including termination of employment. This policy also applies to the use of cell phone text messaging by employees. Deputy Jailers are not allowed to bring cell phones into the Jail.

**7.7 Personal Appearance.**

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the public image that Sheriff's Office employees present to the community. During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work. Consult your supervisor or department head if you have questions as to what constitutes appropriate attire.

**EMPLOYEE ACKNOWLEDGMENT FORM, COMPENSATORY TIME AGREEMENT FORM (see pages following)**

**EMPLOYEE ACKNOWLEDGMENT**

By signing this form, I acknowledge that I have received a copy of the personnel policies currently in effect for the Carter County Sheriff's 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 the Carter County Sheriff's Office. I understand that I should consult my supervisor regarding any part of the policies that I do not understand or any questions I may have about my employment with the Sheriff's Office which are not answered in the policies or General Orders. The current policies will always be on file in the Carter County Sheriff's Human Resources Officer and within our Forms and Reports portal, 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 documented by the Carter County Sheriff's Office Human Resources Officer, signed by the Sheriff, and notification distributed electronically and by hard copy from my supervisor. Although my employer will usually provide me with notice of changes, I understand that changes will apply to me regardless of whether I receive actual notice, I understand that revised information may supersede, modify or eliminate any or all of the policies at any time. All information contained in the policies is subject to applicable state and federal laws, rules and regulations, and I understand that to the extent that any such laws may conflict with any provision of the policies, such laws, rules and regulations will control. I acknowledge that none of the Sheriff's Office 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 the Sheriff.

\_\_\_\_\_  
Employee Name (type or print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**COMPENSATORY TIME AGREEMENT**

In accordance with the Fair Labor Standards Act, the Carter County Sheriff's Office 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 Carter County Sheriff's Office Human Resources Officer and the Carter County Clerk. I understand that compensatory time will be granted at time and one half for all time worked in excess of forty (40) hours for civilian personnel and over one hundred and seventy one (171) hours for law enforcement personnel (or other permissible work schedules). I further understand that accrued compensatory time may be limited, preserved, used or cashed out consistent with County policy and 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 Name (type or print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date