

AT-WILL EMPLOYMENT

Employment at Wilson County is at-will for an indefinite period of time, until terminated by either the County or the employee, with or without cause. That means either party may end the relationship.

No written or oral representation by Wilson County personnel will create a contract of employment. No employment practice of Wilson County is intended to create a contract of employment. No changes in the County's employment-at-will policy will be effective unless executed in writing and signed by the County Mayor as approved by government body, an authorized representative of Wilson County.

This County's employment guidelines are intended only as an explanation of its employment practices, policies, benefits, and a general guide to working for this County. They do not represent contractual terms of employment. Despite anything that the employee may read into any Wilson County material, employment at this County is strictly at-will.

Management is entitled to modify, revoke, or replace any policies and procedures at any time. None of Wilson County's policies are meant to serve as an employment contract.

Employees are expected to behave in a manner consistent with existing policies and codes of conduct.

ACKNOWLEDGMENT

I have read this at-will employment policy. I understand that employment with the County is terminable by either party with or without cause at any time and that employment is for an indefinite period, unless terminated by either party. I understand that my signature on this document does not create an employment contract. My signature below acknowledges my reading and understanding of Wilson County's at-will employment policy.

Date

Employee's Signature

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of this County that an individual's race, color, religion, sex, disability, age, or national origin are not and will not be considered in any personnel or management decisions. We affirm our commitment to these fundamental policies.

All recruiting, hiring, training, and promoting for all job classifications is done without regard to race, color, religion, sex, disability, national origin, or age. All decisions on employment are made to abide by the principle of equal employment.

All promotion decisions will continue to be made in accordance with equal employment opportunity principles and only valid job requirements will be used.

All other personnel actions such as compensation, benefits, transfers, layoffs, and return from layoffs, will be administered without regard to race, color, religion, sex, age, disability, or national origin, except when there is a *bona fide* occupational qualification.

Wilson County also prohibits any harassment based on race, color, religion, age, sex, national origin, or disability. Harassment is verbal or physical conduct that shows hostility toward an individual because of these protected characteristics, which creates an intimidating, hostile, or offensive working environment as defined by law. It also has the purpose or effect of unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities.

Any employee of this County, whether supervisory or non-supervisory, who practices discrimination or harassment will be subject to disciplinary action. If employees believe that an incident has occurred that is offensive or objectionable, causes discomfort or humiliation, creates a hostile environment, or interferes with job performance or advancement opportunities, they are urged to bring the matter promptly to the attention of their supervisor or County Attorney. No employee will be subjected to any form of discipline or retaliation for reporting incidents of unlawful discrimination or harassment.

L A B O R S T A N D A R D S

WAGE REGULATIONS ACT

The Wage Regulations Act protects wage earners from unfair practices regarding pay. Also, this Act protects employees from sex discrimination in relation to wages and requires employers to pay each employee (regardless of their sex) the same wages for jobs requiring comparable skills. Violation of this law requires the employer to increase the salary of the lower paid employee to eliminate this inequality.

All wages and compensation of employee in private employment is due and payable at least semi-monthly.

Each employee must have a thirty (30) minute unpaid rest break or meal period if scheduled to work six (6) hours consecutively, except in workplace environments that by the nature of business provide for ample opportunity to rest or take an appropriate break. Such break shall not be scheduled during or before the first hour of scheduled work activity.

The Wage Regulations Act has a section pertaining to penalties for violation of these laws that give the department the option to proceed either civilly or criminally.

CHILD LABOR ACT

The Child Labor Act prohibits the employment of minors in certain occupations and in working conditions that may be hazardous. In addition, it contains the following restrictions.

MINORS 14 AND 15 YEARS OF AGE MAY NOT BE EMPLOYED:

- During school hours;
- Between 7:00 p.m. and 7:00 a.m., if the next day is a school day;
- Between 9:00 p.m. and 6:00 a.m.; *Note: The U.S. Department of Labor does not allow a minor to work past 7:00 p.m. from Labor Day to June 1.*
- More than 3 hours a day on school days;
- More than 18 hours a week during a school week;
- More than 8 hours a day on non-school days; or
- More than 40 hours a week during non-school weeks.

MINORS 16 AND 17 YEARS OF AGE MAY NOT BE EMPLOYED:

- During those hours when the minor is required to attend classes;
- Between the hours of 10:00 p.m. and 6:00 a.m., Sunday through Thursday evenings proceeding a school day, except with parental or guardian consent. The minor may work until midnight no more than three nights Sunday through Thursday. Forms shall remain

valid until the end of the school year in which it is submitted or until termination of employment, whichever shall occur first.

BREAK OR MEAL PERIOD:

- A minor must have a thirty (30) minute unpaid break or meal period if scheduled to work six (6) hours consecutively. Such breaks shall not be scheduled during or before the first hour of scheduled work activity.

PROHIBITED OCCUPATIONS FOR MINORS

Youth who are less than eighteen (18) years of age are prohibited from being employed in occupations involving:

1. Plants or establishments manufacturing or storing explosives or articles containing explosive components
2. Motor vehicle-driving occupations
3. Coal mine occupations
4. Logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill or cooperage-stock mill
5. The operation of power-driven woodworking machines
6. Exposure to radioactive substances and to ionizing radiation
7. The operation of elevator and other power-driven hoisting apparatus
8. The operation of power-driven metal forming, punching and shearing machines
9. Slaughtering, meat-packing, processing or rendering
10. The operation of hazardous power-driven bakery machines
11. The operation of hazardous power-driven paper products machines
12. Manufacture of brick, tile and kindred products
13. The operation of circular saws, band saws and guillotine shears
14. Wrecking, demolition and ship-breaking operations
15. Roofing operations
16. Occupations in excavation operations
17. Posing or modeling alone or with others while engaged in sexual conduct for the purpose of preparing a film, photograph, negative, slide or motion picture
18. Any occupation in a place of employment where the average monthly gross receipts from the sale of intoxicating beverages exceed twenty-five percent (25%) of the total gross receipts of the place of employment, or in any place of employment where a minor shall be permitted to take orders for or serve intoxicating beverages regardless of the amount of intoxicating beverages sold in the place of employment; and
19. Any occupations that the Commissioner shall (by regulation pursuant to the provisions of TCA 50-5-106 Prohibited employment for minors) declare to be hazardous or injurious to the life, health, safety and welfare of minors.

DISCRIMINATION

This County does not engage in any unlawful employment discrimination, which we define to be:

- to fail or refuse to hire, or to discharge, any individual, or to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, disability, age, or national origin; or
- to limit, segregate, or classify employees or applicants for employment in any way that would deprive any individual of employment opportunities or otherwise adversely affect his/her status as an employee, because of such individual's race, color, religion, sex, disability, age, or national origin.

The County does not base hiring, compensation, promotion, or any other employment decisions on the basis of an individual's personal characteristics. All such decisions are based on specific job-related performance standards, many of which can be measured objectively, such as attendance.

The County will not tolerate discriminatory slurs or epithets in the workplace and is committed to maintaining a bias-free working atmosphere.

Employees who are subjected to any discriminatory practices are urged to report them to their supervisors or County Attorney. Employees who are found guilty of discrimination will be subject to discipline, up to and including discharge.

AGE

Wilson County does not discriminate against any individual on the basis of age. Age-based criteria will not be used in making personnel decisions regarding layoffs, selection, promotion, or any other right or consideration of employment.

The County does reserve the right, however, to base its business decisions on factors other than age, including seniority, performance, job worth, team contributions, and those other factors outlined in our job descriptions.

The fact that a more senior employee is replaced by a less senior one, or one not in the category (40 and over) protected by federal law, does not automatically infer age bias. Age discrepancy, whether insignificant or substantial, will not be a consideration in County employment decisions.

Wilson County considers training an integral part of its overall success, and makes every effort to see that all employees make the most of their abilities. This is especially true of our senior workers who need and desire to upgrade their skills in current focus areas like computers and electronics. Every employee is encouraged to bring to the attention of top management training needs and requirements that would positively impact the overall operations of the county.

Wilson County will not tolerate any kind of age harassment, whether verbal, physical, psychological, or otherwise. Both managers and employees must refrain from speaking or acting in a way that would offend a senior employee because of his/her age. Appropriate discipline, up to and including discharge, will be the result of any proven cases of age harassment.

NATIONAL ORIGIN

It is our policy to make employment, benefits, promotion, and working conditions available to all U.S. citizen workers and non-citizens who are legally permitted to work in the United States, without discrimination on the basis of nationality.

We do not discriminate on the basis of native language, and regard the ability to communicate in several languages as an important asset for employees.

Ethnic slurs and other verbal or physical conduct relating to an individual's national origin constitute harassment when this conduct:

- has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
- has the purpose or effect of unreasonably interfering with an individual's work performance; or
- otherwise adversely affects an individual's employment opportunities.

Wilson County adheres to the policy of not allowing any applicant or employee to be discriminated against or harassed because of national origin. The Equal Employment Opportunity Commission (EEOC) defines national origin discrimination broadly as including, but not limited to, the denial of equal opportunity because of an individual's, or his/her ancestor's, place of origin; or because an individual has the physical, cultural, or linguistic characteristics of a national origin group.

We must be especially careful not to deny equal employment opportunity for reasons that are grounded in national origin considerations, such as:

- marriage to or association with persons of a national origin group
- membership in or association with an organization identified with seeking to promote the interests of national origin groups
- attendance or participation in schools, churches, temples, or mosques generally used by persons of a national origin group
- an individual's name or spouse's name being associated with a national origin groups.

AMERICANS WITH DISABILITIES ACT

It is the policy of this County to abide by both the letter and spirit of the law in all aspects of the Americans with Disabilities Act (ADA). The Act prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities.

Wilson County prohibits all discrimination against “qualified individuals with disabilities”. This includes applicants for employment and current employees. An individual is considered to have a “disability” if he/she has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. We also forbid discrimination against persons because they have a known association or relationship with an individual with a disability.

We consider a qualified individual with a disability as a person who meets legitimate skill, experience, education, or other requirements of an employment position that he/she holds or seeks.

The County requires the ability to perform “essential” functions to assure that an individual with a disability will not be considered unqualified simply because of inability to perform marginal or incidental job functions. If the individual is qualified to perform essential job functions, except for limits caused by a disability, we will consider whether the individual could perform these functions with a reasonable accommodation.

Wilson County does consider mitigating measures when determining whether or not an individual is disabled under the ADA. In other words, the existence of impairment does not necessarily equate to a disability. The impairment must be substantially limiting, and a mitigated impairment is not substantially limiting. Conversely, use of a mitigating measure does not automatically bar an individual from ADA protection. An individual may still be substantially limited despite the mitigating measure, or the individual may be regarded as being substantially limited.

Wilson County will not ask or require a job applicant to take a medical examination that would violate this policy before making a job offer. Except under lawful circumstances, we will not make any preemployment inquiry about a disability or the nature or severity of a disability. But we may ask questions about the ability to perform specific job functions and may, with certain limitations, ask an individual with a disability to describe or demonstrate how he/she would perform these functions.

We will condition our job offer on the satisfactory result of a post-offer medical examination or medical inquiry, when this is required of all entering employees in the same job category. We reserve the right to use a post-offer medical examination to disqualify an individual if it demonstrates that the individual would pose a “direct threat” in the workplace

(i.e., a significant risk of substantial harm to the health or safety of others) that cannot be eliminated or reduced below the “direct threat” level through reasonable accommodation.

We also retain the right to conduct employee medical examinations where there is evidence of a job performance or safety problems, as required by other federal laws, to determine current “fitness” to perform a particular job, and on a voluntary basis as part of employee health programs.

Information from all medical examinations and inquiries will be kept apart from general personnel files as a separate, confidential medical record, available only under limited conditions.

Tests for illegal use of drugs are not medical examinations under the ADA and are not subject to restrictions of such examinations. We reserve the right to conduct them according to County policy and current federal, state, and local laws.

If an employee feels that he/she has been subjected to discrimination based on a disability by this County, a vendor, a customer, etc., the employee may file a complaint with the Wilson County ADA Coordinator.

Our established attendance and leave policies will be uniformly applied to all employees, regardless of disability. We will not refuse leave needed by an employee with a disability if other employees get such leave. We may also make adjustments in leave policies as a reasonable accommodation, and all our leave policies will integrate with the Family and Medical Leave Act.

This County provides all of its employees, including employees with disabilities, with the opportunity to participate in training to improve job performance and for career advancement. Wilson County will not deny training opportunities because they may require that we make reasonable accommodations to the training process or facility for employees with disabilities, unless accommodation would create an undue hardship.

This County is dedicated to protecting the rights provided to individuals with disabilities by the ADA. Accordingly, no one in a position of responsibility will retaliate against anyone who asserts the rights provided by the ADA or any state human rights laws. And all disability bias claims will be judged on a case-by-case basis.

ACCOMMODATION

DISABILITIES

Wilson County will provide reasonable accommodation to enable a qualified applicant to perform the essential functions of the job that he/she is seeking, and to enable a qualified employee with a disability to perform the essential functions of a job currently held.

Modifications or adjustments may be required in the work environment, in the manner or circumstances in which the job is customarily performed, or in employment policies. Our goal is to allow an employee with a disability to enjoy the benefits and privileges of employment; equal to those enjoyed by similarly situated employees without disabilities.

As examples of reasonable accommodation, we will consider: making existing facilities used by employees readily accessible to and usable by an individual with a disability; restructuring a job; modifying work schedules; acquiring or modifying equipment; providing qualified readers or interpreters; and appropriately modifying examinations, training, or other programs.

Reasonable accommodation may also include reassigning a current employee to a vacant position for which the individual is qualified, if the person is unable to do the original job because of a disability even with an accommodation. However, we are under no obligation to find a position for an applicant who is not qualified for the position sought. We are not required to lower quality or quantity standards as an accommodation, nor are we obligated to provide personal use items, such as glasses or hearing aids.

We will not be able to make an accommodation that would impose an undue hardship on the operation of the County. The Americans with Disabilities Act defines an undue hardship as an action that requires significant difficulty or expense. Each accommodation request will be handled on a case-by-case basis, and every effort will be made to comply with the Act.

If a particular accommodation would be an undue hardship, we will try to identify another accommodation that will not pose such a hardship.

As prescribed by the Equal Employment Opportunity Commission (EEOC), the County will enter into an interactive process with the individual with a disability to clarify what the individual needs and identify the appropriate reasonable accommodation.

In many instances, both the disability and the type of accommodation required would be obvious, and thus there may be little or no need to engage in any discussion. In other situations, the County may need to ask questions concerning the nature of the disability and the individual's functional limitations in order to identify an effective accommodation. While the individual with a disability does not have to be able to specify the precise accommodation, he/she does need to describe the problems posed by the workplace barrier. Additionally, suggestions from the

individual with a disability may assist the County in determining the type of reasonable accommodation to provide.

RELIGION

It is the policy of this County to accommodate the religious beliefs of its employees whenever possible. The accommodation, however, cannot exert undue hardship on other employees or create a financial burden for this County.

If the accommodation is not possible, the employee will be expected to assume his/her usual duties as previously scheduled. No employee will be allowed to wear any religious costume or headpiece in violation of safety rules.

According to EEOC guidance on religious discrimination, the Agency treats as religious any moral or ethical belief held with the strength of a traditional religious belief. Therefore, the County will consider accommodation requests for moral and ethical beliefs as seriously as it would traditional religious accommodation requests.

MENTAL/PSYCHOLOGICAL DISABILITIES

It is the policy of Wilson County to fully enforce both the letter and spirit of the Americans with Disabilities Act (ADA) with respect to individuals with disabilities, including mental/psychological disabilities. The Act prohibits discrimination based on psychiatric disabilities in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment.

The County will keep all information concerning the medical condition or history of its applicants and employees, including information about psychiatric disabilities, confidential under the ADA. This includes medical information that an individual voluntarily discloses to the County. We will collect and maintain such information on separate forms and in separate medical files, apart from the usual personnel files.

Wilson County will not disclose any medical information in response to co-workers who inquire about an employee's psychiatric disability. However, the County may explain the requirements of the ADA, including its obligation to provide reasonable accommodation, in its employee handbook or in its employee orientation or training.

The County will make every effort to provide reasonable accommodation to the known physical or mental limitations of a qualified individual with a disability unless it can show that the accommodation would impose an undue hardship.

Employees who decide to request reasonable accommodation must let Wilson County know that they need an adjustment or change at work for a reason related to a medical condition. To request accommodation, an individual need not mention the ADA or use the phrase "reasonable accommodation."

Wilson County may ask an employee for documentation when the employee requests reasonable accommodation for the job. When the need for accommodation is not obvious, the County may ask any employee for reasonable documentation about his/her disability and functional limitations. Wilson County is entitled to know that the employee has a covered disability for which he/she needs a reasonable accommodation. A variety of health professionals may provide such documentation with regard to psychiatric disabilities.

The County retains the right to discipline an individual with a disability for violating a workplace conduct standard, even if the misconduct results from a disability, providing the conduct standard is job-related for the position in question and is consistent with business necessity. Wilson County may only discipline an employee with a disability for engaging in such misconduct if it would impose the same discipline on an employee without a disability.

We also retain the right to lawfully exclude an individual from employment for safety reasons if employment of the individual would pose a "direct threat." The ADA's regulations explain that "direct threat," means "a significant risk of substantial harm to the health or safety of

the individual or others that cannot be eliminated or reduced by reasonable accommodation”. The determination that an individual poses a “direct threat” must be based on an individualized assessment of the individual’s current ability to safely perform the functions of the job, considering a reasonable medical judgment relying on the most current medical knowledge and/or the best available objective evidence.

AIDS

Wilson County treats AIDS and HIV infection as disabilities in accordance with our policy on Equal Employment Opportunity (EEO) and the requirements of the Americans with Disabilities Act of 1990 (ADA) and the Rehabilitation Act of 1973.

The County recognizes that asymptomatic HIV can be a protected disability under the ADA, as long as an employee meets the ADA requirement of having a substantially limited major life activity. Employees who meet this criterion are entitled to the same protections under the ADA as all other individuals with disabilities.

If it is deemed medically necessary, based upon current physical impairment, Wilson County and the employee's supervisors will work to bring about any reasonable job modification or job transfer of the employee who has been diagnosed with AIDS or HIV infection to enable that individual to meet established performance criteria.

An employee with AIDS or HIV infection is expected to meet the same performance requirements applicable to other employees with disabilities. Supervisors will make reasonable accommodations, as with any other employee with a disability, to enable the employee to meet established performance criteria. Reasonable accommodations may include, but are not limited to, flexible or part-time work schedules, leaves of absence, work restructuring, or job reassignment.

An employee's health condition is private and confidential. Employees with AIDS or HIV infection are under no obligation to disclose their condition to their supervisors or any other employee of the County, unless they desire accommodation. Supervisors are expected to take careful precautions to protect the confidentiality of information regarding any employee's health condition, including an employee with AIDS or HIV infection.

Wilson County recognizes that a supportive and caring response from supervisors and co-workers is an important factor in maintaining the quality of life for an employee with AIDS or HIV infection. Supervisors should be sensitive to the special needs of employees and assist them by demonstrating personal support, referring them to counseling services, and arranging for benefits counseling as necessary.

AIDS doesn't present a risk to the health or safety of co-workers or customers. On the basis of current medical and scientific evidence, the County recognizes that AIDS is a life-threatening illness that isn't transmitted through casual, personal contact under normal working conditions.

Co-workers will be expected to continue working relationships with any employee who has AIDS or HIV infection. Supervisors are encouraged to contact the Wilson County Health Department for assistance in providing employees with general information and information about AIDS and HIV infection. Any employee who is unduly concerned about contracting AIDS may be further assisted through individual counseling.

If an employee refuses to work with a co-worker who is diagnosed with AIDS or HIV infection and is medically approved to work, job transfer or other work accommodation for the healthy employee will only occur when medically indicated by written order of his/her physician. The medical order must be a signed medical statement requesting this job change.

We do not require HIV screening as part of pre-employment or general workplace physical examinations.

RECORDS

Employees may examine their personnel records in accordance with state law. Records exempt from this inspection include potential job assignments, predictions of future salary, and personnel planning information. Employees have the right to correct, ask for a deletion, or write a statement of disagreement with any item in the file. They may not remove files unless specifically authorized by the department head.

It is the policy of the County to allow employees access to their personnel records two (2) times a year. If an employee would like access to his/her personnel file, an advance one (1)-day request is required but the department head has up to three (3) days to respond.

Employees are permitted to copy all or part of the information that they may access from their personnel records. Employees will be required to pay the cost of making the copies.

The County requires that employees view their personnel records in the presence of the department head, or his designee. An employee may be accompanied by a family member or legal council. A past employee will have access up to seven (7) years from date of separation with the same provisions.

In order to make corrections on a personnel record file, employees must first submit a formal request in writing to the department head. If the request is granted, then the department head under employee's direction while they are present will make the changes. If the request for a correction is turned down, the employee can then request that their statement of disagreement with the personnel file be placed within the file. That statement of disagreement is to be a permanent fixture in the personnel file.

The County will retain all employee personnel records for seven (7) years after separation from employment.

When employees are hired, they fill out documents including employment applications and medical records. Employees sign a statement on the employment application testifying that all the information furnished is true. The statement also warns that falsification of employment records is considered a serious offense and may lead to termination at any point of employees' career with the County. If at some later date it is determined that an employment record has been falsified, the employee will be subject to immediate discipline, up to and including dismissal.

Appropriate discipline will also be dispensed for falsification of any reports pertaining to absence from work, claims made about injuries while on the job or on County premises, claims made on benefits provided by the County or government agencies, as well as any falsification of County communications or production records.

The County has a commitment to the privacy of personal information kept in its personnel records. It uses only ethical and lawful means to gather information about or from applicants or

employees. Whenever reasonable, the County gathers it directly from the employees concerned. Personal information about employees, which is not job-related, will not become part of employees' files. Medical files are kept separately from the personnel files.

Access to employee records is restricted to the following:

- Employee Benefits department head with a business need to know;
- the direct supervisor or department manager of an individual employee with a business need to know;
- County Mayor with a business need to know.

JOB DESCRIPTIONS

The purpose of a written job description is to ensure that every employee has a clear and concise explanation of the exact tasks that they are expected to perform.

Job descriptions will be prepared when a new job or position is created or when an existing position is significantly altered. Revisions should be made as quickly as possible after a position's character changes.

If there is something in a job description that employees do not understand, they should call it to the attention of their immediate supervisor. If parts of the job are not explained in the description, that should also be reported to a supervisor.

Every job description should include the essential duties and responsibilities that an employee performs every day or at regular intervals. It should also include occasional duties that they may be asked to perform on occasion, but that are not part of the normal job functions.

FULL-TIME EMPLOYEES

A full-time employee designation will be used for those employees whose regular assigned work schedule includes thirty (30) hours or more per week.

The benefits set out in this manual are intended to apply to all full-time employees, as are the contents of all policies pertaining to employment with Wilson County Government. Full-time employees will be eligible for all County benefits. For insurance purposes eligibility will begin the first of the month following the thirty-(30) days probation. Other benefits, which are mandated by state or federal law such as jury duty and voting leave or holidays, become effective immediately.

PART-TIME EMPLOYEES

A part-time employee designation will be used for those employees whose regular assigned work schedule includes less than thirty (30) hours per week. The benefits set out in this Personnel Handbook are intended to apply only to full-time employees and not part-time or seasonal employees. These rules and regulations are not intended to establish paid leave of any kind for part-time employees. Regulations required by law such as the Fair Labor Standards Act, provisions on discrimination, sexual harassment, breaks and in-line-of-duty injury will apply.

ATTENDANCE

Every employee is expected to report for work regularly and on time. Good attendance is a most important job requirement and an essential duty of every position. Failure to meet this requirement could result in separation from the payroll.

When employees are absent, others must perform their share of the work. In most instances, absent employees are paid for time not worked. In addition, others who must substitute and accomplish the necessary work frequently receive extra and higher compensation in the form of overtime pay. No additional work is accomplished for these added costs. Lost time must be controlled.

Definition of absence. An employee is absent when he/she fails to report for and remain at work as scheduled. Lateness is a short absence at the beginning of the workday. Leaving early, even with permission, before the tour of duty ends, is also an absence. Absence, then, includes all time lost from the work schedule, whether avoidable or unavoidable, voluntary or involuntary.

Employees must clearly plan absences in advance with their supervisor, allowing as much notice as they can. When an absence is unplanned, due to illness, an emergency, or some similar cause, employees must report the absence to their supervisor at least thirty (30) minutes before scheduled time on the first day of the absence. In case of a prolonged absence of indefinite duration, they must report their status to their supervisor at least once every three working days.

Notification from another employee or relative is not acceptable, except under emergency conditions. An "excused" absence may include personal or family illness, jury duty, bereavement, or other qualified reasons that would require an employee to miss all or part of a scheduled workday. Employees should be prepared to substantiate the reasons for their absences if asked. If an employee is absent frequently, he/she may be required to furnish documentation, including medical statements from his/her doctor. Employees may also be required to produce fitness for duty certificates to return from an absence.

A physician's statement or a fitness for duty certificate may be required where absence is continuous for a period of over three (3) working days and after surgery or accident, regardless of the length of absence. A medical statement may also be requested at the discretion of the department head when the absence is less than three (3) days.

If an employee fails to give proper notification of his/her absence or if his/her supervisor considers the reason unacceptable, the employee will be charged with an unexcused absence. He/she may be excluded from overtime work in the week in which he/she has an unexcused absence.

Failing to report an absence properly can be grounds for disciplinary action, including dismissal. Excessive absences and latenesses, even when reported, may also be grounds for

discipline or dismissal. Unsatisfactory attendance will have an adverse effect on any promotion considerations.

An attendance record for each individual reporting to them is to be kept by supervisors in a readily accessible place. These records must be updated daily and reviewed regularly. All absences, including latenesses, with all related information are to be entered on the attendance record.

Each employee's record stands alone. An employee's record of attendance is an individual record, a record he/she makes. What constitutes unsatisfactory attendance, therefore, must be determined on a case-by-case basis. For example, if an employee is absent only one day during the year, but this one-day absence was avoidable, this employee's attendance record is less than satisfactory. On the other hand, if an employee is absent for several weeks because of a single incapacitating illness or injury, then such an absence, by itself, does not create an unsatisfactory attendance record.

Documentation of absence. If their attendance records indicate frequent absences, employees may be required to document reasons for subsequent absences, at the request of their supervisor, so that the absences can be recorded as excused.

Attendance records are not an end in themselves, but a means to an end. They are necessary tools for correction of unsatisfactory attendance. Therefore, attendance records must be utilized. They are of no value unless acted upon.

Authorized absences are permitted as defined by the County policies for vacation, holidays, personal/sick days, jury service, bereavement, voting, medical leave, personal leave, or military service. Employees must provide timely notice of absence or receive prior approval for the absence as defined by each policy. The County reserves the right to require documentation in support of the absence.

Any other absences that are not covered by policy or exceed the limits of policy will be handled under the no-fault attendance plan. Here is the plan.

Discipline for absence. Any employee who fails to give proper notification will be charged with an unexcused absence. If notice is given and the County does not think it justifies the absence, it will be considered unexcused. The following chart shows the discipline that may be administered for unexcused absences.

- First absence — Written warning
- Second absence — 3-day suspension without pay
- Third absence — 10-day suspension without pay
- Fourth absence — Discharge

LATENESS

Lateness is disruptive, costly, and not fair to Wilson County or other employees. Chronic lateness will not be tolerated and will result in discipline, up to and including discharge.

Lateness disrupts schedules, adds to overtime costs, and places additional responsibilities on other employees in a department. Employees are expected to be in their work areas and ready to work at their designated times.

Employees who are going to be unavoidably detained are expected to call their supervisors. Attendance is a critical part of performance and employees who are frequently late lower their performance ratings and undermine their chances for promotion and job security.

An employee's immediate supervisor will counsel an employee's lateness problems. If problems persist, a written reprimand may be issued and the department head may counsel the employee.

Employees must fill in their own time sheets or punch their own time cards when they start or stop work. Anyone attempting to sign or punch any sheet or card other than his/her own may be dismissed. If employees forget to sign in or out on the time sheet or neglect to punch a card, they should notify their supervisor immediately.

Productive employees make reporting for work on time a habit. If an employee is having specific problems that make it impossible for him/her to get to work on time, he/she should inform his/her supervisor immediately. He/she may be able to resolve a transportation problem or similar problem. Employees should be aware that continued lateness might result in discipline, up to and including discharge.

INCLEMENT WEATHER

It is Wilson County's policy to continue operations despite weather conditions unless an emergency threatens to make employee transportation to or from work impossible or dangerous. Employees are expected to show up for work regularly and on time except when transportation is impossible.

In case of severe weather, employees must look out for their own safety. However, this doesn't mean a free day off. Unless management has closed the County facility, employees are expected to come to work; otherwise, the employee will be charged vacation time.

If the County facility opens and is forced to close early because of the weather, all employees who reported to work will be paid. Employees who made no effort to come in will not be paid. If the facility is closed prior to the start of the shift, employees will not be paid. All employees are urged to make every possible effort to get to work if the facility remains open.

If the facility remains open and employees do not come to work, they may use a vacation day instead of losing pay. Employees who report to work and are later sent home because of weather problems will be paid for the day.

No wage/salary decisions will transgress the requirements of federal and state regulations.

When weather conditions make it hazardous for employees to report for work, they should:

- call the department head or designated contact; or
- listen to local radio and television stations for closure announcements.

The following payroll guidelines have been established for non-exempt employees reporting to work when the County opening is delayed due to bad weather conditions.

- Employees reporting before 10 a.m. will receive a full day's pay.
- Employees reporting after 10 a.m. will be paid for hours worked.
- Employees who do not report to work will not be paid for the day. With supervisory approval, they may take the day as a vacation day.
- Overtime pay will apply to only those employees who have worked over 40 hours that week (unless state regulations dictate otherwise).

WORK HOURS — REGULAR

Certain jobs require employees to be physically present at specific times during the day, as established by the supervisor. Failure to follow a supervisor's time requirements will subject employees to discipline.

All hourly (non-exempt) employees who are asked to work overtime will be paid 1.5 times their base rate for any work over forty (40) hours per week, except when federal or state law demands otherwise.

Any day that an employee does not show up for work at all will be charged as a full day (8 hours) of absence, whether vacation, compensatory, or sick time.

If conditions warrant, employees may substitute a weekend or holiday for a normal workday, provided they have the permission from their supervisor.

IMMIGRATION PAPERS

In 1986 the U.S. Congress passed the Immigration Reform and Control Act. The purpose of this legislation was to preserve jobs for American Citizens and aliens who are authorized to work in the United States.

In order to comply with the provisions of this law, the employer is required to do the following:

1. Have employee fill out his/her part of Form I-9 as soon as he/she starts to work. (See the following copy of the Form I-9.)
2. Check documents establishing employee's identify and eligibility to work within three (3) working days of employment.
3. Properly complete the remaining portion of the Form I-9.
4. Retain the form in a separate file for at least three (3) years (if the individual is employed for more than three (3) years, the employer must retain the form until one (1) year after the employee leaves employment).
5. Be able to present the form for inspection if requested by the Immigration and Naturalization Service or the Department of Labor.

It is important for the employer to note that failure to comply with the requirements of Immigration Reform and Control Act of 1986 can lead to civil penalties. These civil penalties can be imposed for knowingly hiring unauthorized employees or for failing to comply with recordkeeping requirements.

EMPLOYMENT VERIFICATION THINGIE

PAY

Wilson County believes that pay should be based on merit and will offer employees the opportunity for achievement and salary increases through exceptional effort. We believe that a consistently implemented policy will create incentives and improve the County's overall performance.

The County will, in its salary administration and wage and hour policies, follow the rules and regulations set forth by Federal and State Labor Laws (FLSA).

We make every effort to track the latest laws and regulations and abide by their guidelines, including legislation that periodically raises the minimum wage, sets training rates, and increases overtime rates. If state law is more generous than the applicable federal rates, we will apply that rate to our pay practices.

In compliance with the Federal Equal Pay Act, the County pays male and female employees equal pay for equal work. Employees perform substantially the same jobs when they work in positions that require equal skill, effort, and responsibility and the jobs are performed under similar working conditions.

The County reserves the rights to establish incentive pay plans, based on County earnings performance and employee performance appraisals.

Salary increases are based on performance and responsibilities, not on seniority. They are not automatic, but are based on supervisors' evaluations of performance results in relation to performance expectations. When the County Commission gives across the board increases, these are considered cost of living increases.

Employees will be paid on the schedule set by their department. If the designated wage payment date falls on a Saturday, employees will be paid on Friday. If the designated wage payment falls on Sunday, employees will be paid on Friday.

The County expressly prohibits any employee from filling in, changing, or damaging any other employee's time record. It is a violation of County policy to change or falsify a time record. Any employees who do so may be suspended or terminated at the discretion of the supervisor and department head.

Applicable federal, state, or local income taxes, as well as federal Social Security taxes are withheld from each paycheck. The County obeys all laws that pertain to payroll, including garnishments.

We also reserve the right to deduct from employee paychecks any legal (in accordance with state regulations) and applicable allowances for such items as uniforms. The County will not dock pay for disciplinary reasons or deduct such allowances, when it would reduce wages below

the minimum wage or overtime compensation rates demanded by law. The same holds true for garnishment orders, when they would impact that minimum wage level.

No employees may work beyond the normal workday or workweek without official authorization of their immediate supervisor.

Should the County have a need to change employees' scheduled payday, the method of paying wages, or the place where wages are paid, the County will notify employees in writing thirty (30) days before the change is to take place. In addition, a notice of the change will be posted at each department.

The County will provide additional compensation to employees who remain on-call after the completion of the workday to come back to work to perform emergency or needed procedures. Employees will be considered engaged by the County at the time they receive the call until the work is completed. This time will be considered worked time and will be recorded as such on the employee's time sheet. Employees called in will be paid at the employee's regular rate of pay or at his/her overtime rate if he/she has already worked the required hours.

OVERTIME

Employees who are considered non-exempt (i.e., paid on an hourly basis) are entitled to overtime pay at the rate of one-and-one-half times their regular pay for hours worked in excess of forty (40) hours per workweek. They will not be paid overtime for hours in excess of eight (8) hours per day (unless called for by state law), or for work on Saturdays, Sundays, holidays, or regular days of rest, if the forty-hour requirement has not been met.

The County will make every reasonable effort to distribute overtime as equitably as possible among employees qualified to do the work required within their own job classifications. Overtime is considered a condition of employment and refusal to accept it when reasonable notice has been given is cause for discipline, up to and including termination.

Payments to non-exempt employees will be made according to state and federal wage and hour laws. No employee will work overtime without direct authorization from his/her immediate supervisor.

If employees would like more information on state and federal minimum wage and overtime laws, they should consult the wage poster located in their office.

A supervisor may authorize overtime work under the following circumstances.

- *Emergencies.* These are adverse circumstances of a temporary nature that reduce normal staffing or increase requirements caused by:
 - the unexpected absence of an employee whose position must be filled to avoid a disruption of necessary services;
 - the necessity of immediately performing an unexpected heavier-than-normal volume of work to avoid disruption of necessary services; or
 - situations that are uncontrollable, such as snowstorms, disruption of utilities, and so forth.
- *Non-emergencies.* These are situations in which overtime work is considered the best way to make the necessary staff available to handle a particular situation. For example:
 - to provide essential staffing when vacancies exist in a department because of the unavailability of qualified applicants;
 - to perform an unusually heavy volume of temporary work to implement an approved program;
 - to perform work that cannot be performed during normal working hours without disrupting necessary activities or services.

PREMIUM OVERTIME

On November 24, 1992, the Financial Management Committee approved the following amendment to Wilson County's general payroll policy regarding calculation of premium overtime:

"Wilson County will pay premium overtime (time and one-half at the "regular hourly rate") for hours worked over forty (40) hours during any work week. For definition, "hours worked" will include the following:

- a. Any hours worked on an approved holiday;
- b. Any sick leave taken due to illness requiring medical attention and a physician's return to work statement;
- c. Any sick leave taken as a result of being sent home by the Office Holder or Department Head due to illness;
- d. In the case of the Emergency Management Agency, any "Kelly Day" granted and taken during the work period.

Annual leave will not be considered as "hours worked" in the calculation of premium overtime pay in any work period.

It shall be the responsibility of the Office Holder and Department Head to report employee pay information to the Finance Department in a manner which distinguishes hours subject to premium overtime from other overtime to be paid at straight-time rates.

POLICIES AND USE AGREEMENT FOR COMPUTER SERVICES, INTERNET ACCESS AND ELECTRONIC MAIL

All computer hardware and software used by the County offices are the property of Wilson County. All electronic mail, documents, spreadsheets, databases, and any other material generated by and on these computer systems are also the property of Wilson County. Wilson County reserves the right to review any document, data file, electronic mail message or any other material on these computer systems and to copy, delete, or disclose it, if necessary.

Internet access is available for use by County personnel. This is a computer service that is provided by Wilson County. The County reserves the right to monitor Internet use by any user at any time. Access to unacceptable Internet sites will not be tolerated. Any Internet usage that is questionable to use should be avoided. If a user is in doubt, he/she should seek policy clarification prior to pursuing the activity.

As a user, I agree to the following guidelines:

1. I will use the information and computer resources of Wilson County for authorized County business only. I will be accountable for and accept full responsibility for all transactions performed using my computer access codes.
2. I will maintain the confidentiality of all computer information and resources to which I have access. I will maintain confidentiality by using passwords that are not obvious and easy to detect. I will not share passwords or disclose passwords. I will not disclose any information or documentation obtained from, or pertaining to, the County's computer system to any third party, except in routine lawful conduct of the County's business.

I have read and agree to comply with the policies and guidelines set forth above. I understand that I do not have a right to privacy regarding any information created, stored or distributed utilizing a Wilson County computer system. I understand that willful violation of, or disregard for any of these policies or guidelines may result in disciplinary action.

User's Signature

Date

CREDITABLE SERVICE AND SERVICE ANNIVERSARY

Creditable service is determined by the total full-time service (present and prior) with Wilson County and the military. Creditable service for leave accrual is determined only by the total full time service (present and prior) with Wilson County. When leave without pay or other special leave has been taken to the extent that an employee did not work for a month or a major fraction thereof that month is not included in computing full time service.

For establishing service for insurance and longevity purposes this is calculated **ONLY** for time served with Wilson County.

LONGEVITY PAY

Full-time Wilson County Government employees are eligible for longevity pay when they meet the requirements enumerated below. Employees who are temporary, seasonal or part-time will not be eligible for longevity pay.

- ◆ Employees will be paid a rate determined by the Board of County Commissioners for each full year of full-time employment after the second year of continuous employment.
- ◆ Each employee's employment anniversary date will determine eligibility for longevity pay.
- ◆ When an employee returns to employment after a break in employment with Wilson County, that employee is subject to the same two-year waiting period before receiving longevity pay as a first time employee. However, the returning employee will be given credit for all years' service with Wilson County Government when payment for longevity is made.
- ◆ Partial year credits will not be earned in any situation.
- ◆ Credit for work with any other unit of government will not be allowed, e.g. state, city, federal or school system.
- ◆ Elected officials, and those personnel, whose pay is determined in the same manner as elected officials, are not eligible for longevity pay.
- ◆ Any employee(s) who are being paid longevity under different circumstances at the date this policy is adopted are grandfathered.

TERMINATION

It is our policy to retain, to the extent consistent with County requirements, the services of all employees who perform their duties efficiently and effectively. However, it may become necessary under certain conditions to terminate employment for the good of the employee and/or the County.

The employee termination procedure does not represent a contract between the County and its employees. Instead, it describes the County's philosophy on termination decisions. Each termination will be judged on its own merits.

Termination at-will means that the County and its employees recognize that their employment relationship can be terminated, with or without cause, at any time, either at the County's or the employees' option. No manager or representative of the County has any authority to enter into any agreement with anyone else for employment for any specific period of time or to make any arrangement contrary to the foregoing.

Employees who decide to leave the County through resignation are expected to give at least two (2) weeks' notice and more if possible. Failure to give proper notice will become part of the employment record and will be noted in any reference requests.

The types of terminations are layoff, discharge due to performance, and disciplinary discharge. Here are brief descriptions.

- Layoff means termination of employment on the initiative of the County under circumstances, normally lack of work, such that the employee is subject to recall.
- Discharge due to performance means termination of employment on the initiative of the County under circumstances generally related to the quality of the employee's performance, whereby the employee is considered unable to meet the requirements of the job. In this case, the employee is not subject to recall or reinstatement.
- Disciplinary discharge means termination of employment on the initiative of the County for reasons of misconduct or willful negligence in the performance of job duties such that the employee will not be considered for re-employment.

Before discharge is considered for any reason, consideration will be given to employees' length of service and past contributions to the County. We will also investigate all possible alternatives to discharge, including reassignment, early retirement, or a voluntary resignation in exchange for enhanced separation benefits.

Pending termination from Wilson County employment, and upon providing a minimum of two (2) weeks advance notice of resignation in writing to the Department Head, an employee

may be granted Terminal Leave. Only annual leave can be used as Terminal Leave. Upon final separation, the employee is paid for any regular earnings, overtime; compensatory time and any unused annual leave accumulation unless terminated for gross misconduct or similar offense. When an employee is on Terminal Leave, additional annual/sick leave will not accrue.

REDUCTION-IN-FORCE

Wilson County will attempt to provide appropriate employment for all employees. If a layoff is necessary to protect the County's financial or operational status, it reserves the right to reduce its workforce either permanently or temporarily. It also reserves the right to reduce its workforce when substantial changes in status or technology necessitate such action.

It is our policy to retain, to the extent consistent with County requirements, the services of all employees who perform their duties efficiently and effectively. However, it may become necessary under certain economic conditions to lay off employees. In most cases, employees who are laid off for lack of work will be recalled when condition improves. The County can make no guarantees how and when this recall will take place or if it will take place.

Job performance and the type of job being performed will also be considered in the decision. We reserve the right to evaluate individuals on a case-by-case basis before making an employment decision.

When hiring is resumed after a layoff, the County will use every reasonable effort to recall former employees.

HOLIDAYS

The holiday schedule will be determined and publicized several weeks before the start of the new year.

The County observes the following holidays:

- New Year's Day January 1
- Martin Luther King, Jr. Day 3rd Monday in January
- President's Day 3rd Monday in February
- Good Friday Variable by Easter
- Memorial Day Last Monday in May
- Independence Day July 4
- Labor Day 1st Monday in September
- Veterans Day November 11
- Thanksgiving Day 4th Thursday in November
- Friday after Thanksgiving 4th Friday in November
- Christmas Eve December 24
- Christmas Day December 25 (plus modification made by County Mayor)

All full-time employees will receive holiday pay not to exceed eight (8) straight-time hours at their regular rate:

- provided they work a full shift on their last scheduled work shift prior to the paid holiday
- provided they work a full shift on their first scheduled work shift following the holiday
- should they be unable to work either of those two days because of illness.

Holiday pay will not be paid if:

- the employee is on layoff status
- the employee is a temporary or seasonal employee; part-time.
- the employee's department is not in operation because of a temporary shutdown
- the employee is on a non-pay leave of absence when the holiday occurs
- the employee is requested to work during a paid holiday and the employee refuses to do so.

If a holiday occurs during the employee's vacation, the employee's vacation will be extended by the number of holidays falling during the vacation period or an equal number of vacation days will be carried forward for future use.

If any scheduled paid holiday falls on a Saturday, the holiday will usually be observed on the preceding Friday. If the holiday falls on a Sunday, the following Monday will usually be observed as the holiday.

The County recognizes that there may be religious holidays (other than those already designated as holidays) that employees would like to observe. It may be possible to arrange these holidays as scheduled days off, authorized absences without pay, or personal time off. Requests for time off to observe religious holidays must be approved by the employee's supervisor.

VACATION

It is the practice of Wilson County to provide employees with an annual paid period for rest and relaxation. The objective of vacations is the maintenance of employee health and morale. Vacation eligibility is dependent on employees' status as full-time or part-time employees; cumulative Wilson County service at the end of the "vacation accrual year"; and the period of active service rendered by the employees during the accrual year.

An eligible employee earns and accumulates annual leave for each month of service or major fraction thereof. It is earned and maximum accumulations allowed as follows:

- a. Employees with less than five (5) years of full-time service accrue at the rate of one (1) day for each month of service or major fraction thereof, and may accumulate a maximum of thirty (30) work days (240 hours)
- b. Employees with five (5) years of full-time service and less than ten (10) years of full-time service accrue at the rate of one and one-half days for each month of service or major fraction thereof and may accumulate a maximum of thirty-six (36) work days (288 hours).
- c. Employees with ten (10) years and less than fifteen (15) years of full-time service accrue leave at the rate of one and three-fourths days for each month of service or major fraction thereof and may accumulate a maximum of thirty-nine (39) work days (312 hours)
- d. Employees with more than fifteen (15) years of full-time service accrue leave at the rate of two (2) days for each month or major fraction thereof and may accumulate a maximum of forty-two (42) work days (336 hours)

Employees are encouraged to take annual leave each year for rest and relaxation. Office holders/Department Heads are encouraged to recognize the value of leave on the employee's health and productivity and grant such leave whenever possible. An employee may request to use annual leave at any time by application to his/her supervisor. This request should be in advance and in writing.

On June 30th of each year, annual leave in excess of the maximum allowable accumulation will be transferred to the employee's sick leave account. A deferral until December 31st may be granted to accommodate department schedules.

SICK LEAVE

Note: All sick leave restrictions will comply with the requirements of the Family and Medical Leave Act, when appropriate.

Sick leave is a benefit to be used only in the case of actual illness or injury, which prohibits employees from performing their duties. Sick leave can be used in the event the employee must be absent because of serious illness or injury of a member of the employee's immediate family (parents, children, spouse, brothers, sisters and grandparents).

All employees are required to report their absences to their supervisor no later than the time established by the supervisor.

The County reserves the right to ask for a doctor's certificate of illness or disability, or require employees to submit to a medical examination by a qualified physician selected by the County. In the event a doctor's certificate of illness is requested any associated costs will be borne by the employer. Any abuse of the sick leave policies may result in disciplinary action.

Although it is incumbent on every employee to strive for a goal of no absences, we recognize the right of employees to legitimately use sick leave benefits. There is no intent to deny employees access to those benefits when warranted. However, we have the right to expect regular attendance of our employees and can take corrective action for excessive absenteeism.

An employee will accumulate one (1) day of sick leave per month. Employees hired on or before the 15th of the month accrue one (1) day of sick leave for that month. Employees hired on or after the 16th of the month do not accrue any sick leave for that month. There is no maximum amount of days that can be accumulated.

While absent due to personal illness, employees continue to accrue sick leave credit as long as they are receiving sick leave or vacation pay. Sick leave will not be accumulated when an employee is on any unpaid leaves of absences.

In the event of depleting all leave due to illness, an employee should request Family Medical Leave (FMLA) in order to keep all benefits in place during the absence. Please refer to the section of FMLA on page 44 to see what qualifies as FMLA.

Any unused current or accumulated sick leave is automatically canceled when employees terminate from the County. Upon re-employment in regular full-time status, the amount of sick leave of the former County employee shall be credited with the sick leave accumulation at the time of termination provided it can be verified from official records.

Upon retirement from Wilson County, any employee who has unused accumulated sick leave at the date of his/her retirement may receive one month of retirement credit for each twenty (20) days of leave. This is in accordance with the policy established by the Tennessee Consolidated Retirement System. Certification of such conversion credits will be required from the department the employee retires.

LEAVES OF ABSENCE

Employees may find that personal, health, or family problems make it necessary to be absent from work for extended periods. Management, depending on the reasons and circumstances for the request will consider requests for leaves of absence without pay for limited periods.

Management retains the right to deny the requested leave of absence for any reason other than medical leave for the employee, or a parent, spouse, or dependent child. Medical certification or a note from a state-licensed physician is required before the leave begins.

Employees must submit a written request to their supervisors, explaining the reason for the request and the anticipated length of the absence. Advance notice of thirty (30) days is required when foreseeable for a leave of absence to be granted.

Leaves of absence are not intended for employees who are leaving their employment and do not plan to return to work at the County. Normally, an employee won't be able to request a leave of more than four (4) continuous weeks, although management may make exceptions under certain circumstances.

All accrued-to-date vacation days remaining at the time the leave of absence begins must be used at the beginning of the leave but will not extend the maximum duration of the leave beyond four (4) continuous weeks. After those days are used, the remaining leave becomes "unpaid." The exception to this rule is the leave of absence for medical reasons, which allows the remaining balance of paid sick days to be used before the leave of absence begins.

The County will endeavor to return employees to the same or equal job they had prior to the leave of absence. We cannot guarantee the same job; however, the employee will suffer no loss in employment status. Employees who are granted a leave of absence for any reason shall suffer no loss in net creditable service to the County as far as vacation, retirement, and length of service awards are concerned. All health benefits coverage will continue during the leave of absence, provided the employee plans to return to work and continues to pay the current percentage of the premium paid by working employees.

S A M P L E
Leave Request Form

Name _____ Date _____

Social Security _____

Department _____

Type of Leave:

Annual _____

Sick _____

Comp Time _____

LWOP _____

LWP _____

Administrative _____

Personal _____

Other _____

Dates Requested _____

Amount of Time _____ hour(s)

Emergency _____ Scheduled _____

Reason (other than annual or comp time):

Employee Signature

Date

Supervisor Signature

Date

BEREAVEMENT

Wilson County recognizes that bereavement is a difficult period for an employee. Every effort will be made to ensure that the employee is able to attend to necessary family matters without loss of earnings.

All time off must be taken on consecutive days. Pay for the period of absence will be computed at the regular rate of pay, based on eight (8) hours per day. Time off for bereavement will not be credited for the purposes of computing overtime.

Employees should notify the Department head immediately after the death of an immediate family member.

A one-day leave of absence will be granted so those employees can attend the funeral of a relative who is not an immediate family member. Employees are expected to use personal time to attend the funeral of a close friend.

When employees are granted bereavement leave benefits, they are expected to use the leave for the purpose for which it is intended. The County reserves the right to ask for the name and relationship of the deceased, and the funeral home that is handling the service.

Employees will receive bereavement leave in the event of a death in their immediate family, which is defined as a spouse, child, parent, sister, brother, mother-in-law, father-in-law, grandparent, or grandchild. The leave will be granted for three consecutive days, including the day of the funeral. In order to be eligible for bereavement leave, employees must give reasonable notice and specify the time and date when they will return to work. Bereavement leave shall be limited to six (6) calendar days per year.

FAMILY AND MEDICAL LEAVE ACT

Wilson County will grant unpaid family and medical leave for the reasons specified in the federal Family and Medical Leave Act (FMLA) or according to applicable state laws.

If an employee has worked for the County for a minimum of twelve (12) months, and 1250 hours in the past twelve (12) months, the employee is eligible for family and medical leave. If the employee is eligible for family and medical leave, the employee is entitled to twelve-(12) week's leave in a twelve-month period, according to the rolling method of calculating twelve (12) months.

Leave for serious health conditions may be taken intermittently or on a reduced leave schedule when that type of scheduling is medically necessary. If the employee requests intermittent leave or leave on a reduced schedule, Wilson County may require that the employee transfer to a temporary, alternative job for which the employee is qualified and that better accommodates the intermittent or reduced hour leave than the employee's regular job. The temporary position will have pay and benefits equivalent to the employee's regular job.

If the employee and the employee's spouse are employed by Wilson County, they are entitled to combined leave of up to sixteen (16) weeks in a four (4)-month period for the birth, adoption or placement of a child for foster care or to care for a sick parent.

In order to prepare for the employee's absence during family and medical leave, Wilson County requires thirty (30) days' written notice of the employee's intention to take leave, signed by the department head prior to the date leave is to begin. If, due to emergency or unforeseen circumstances, the employee is unable to provide such notice before taking leave, notice as soon as possible and practical is acceptable. Certification according to the FMLA is mandatory.

If the County finds reason to doubt the validity of the certification, it may require, at its own expense, a second medical opinion from a health care provider designated or approved by the County, but not regularly employed by Wilson County.

Should the second opinion differ from the original certification provided by the employee, Wilson County may, at its own expense, require that the employee obtain a third opinion. The opinion of the third health care provider, designated or approved by both the County and the employee, is final and binding.

Wilson County may require recertification of the continued need for leave every fourteen (14) days while the employee is on leave.

At the end of family and medical leave, the employee will be returned to the position he/she held when leave began or will be given an equivalent position with like employment benefits, pay, and other terms and conditions of employment. No benefits that accrued prior to taking leave will be lost because family and medical leave is taken. However, the employee will

not be entitled to accrue further seniority or employment benefits while on leave. In addition, the employee is not entitled to any right, benefit, or position of employment other than a right, benefit, or position of employment to which the employee would have been entitled if he/she were not on leave.

If the employee is designated a key employee, he/she may not be entitled to return to the same job following family and medical leave. Should the County determine that substantial and grievous economic injury would result from reinstatement at the scheduled end of leave, the employee will be notified of that fact in writing and will be given an opportunity to end the leave and return to work. If the employee remains on leave after receiving notice and the opportunity to return to work, he/she will not have a right to be restored to employment at the end of the leave.

If family and medical leave is taken because of the employee's serious health condition, the employee is required to provide certification prior to returning from leave that he/she is able to resume work.

If the employee does not return to work at the expiration of family and medical leave, Wilson County will require the repayment of health insurance premiums it paid on the employee's behalf during the leave period. Reimbursement will not be required if the employee does not return from leave because of the continuance, recurrence, or onset of a serious health condition that prevents the employee from performing his/her job or because of further circumstances that are beyond the employee's control.

Family and medical leave is unpaid leave. Although the County will not require the use of accrued paid leave by the employee, the employee may elect to use accrued paid leave during family leave or medical leave.

If the employee is requesting leave for planned medical treatment, either for the employee or a family member, after consulting with the treating physician, the employee may be asked to make a reasonable effort to schedule the treatment so as not to disrupt the County operations.

MATERNITY LEAVE

It is our policy to treat pregnancy, childbirth, and related medical conditions according to the leave requirements outlined in the Family and Medical Leave Act of 1993 (FMLA) and the Pregnancy Discrimination Act. The County also complies with all applicable local and state laws, in spirit as well as in specific detail.

Should any provision of this policy be found to be inconsistent with an applicable legal requirement, the law shall prevail. All other provisions of this policy that are consistent with the law will remain in effect.

Employees who are granted a leave of absence under FMLA for maternity leave will be entitled to all appropriate benefits, including sixteen (16) weeks of unpaid leave, continued payment of medical benefits, etc. Pregnant employees are expected to review this policy with the department head soon after they become aware of their pregnancy. To be eligible for this leave, the employee must give at least three (3) months advance notice, except in cases of medical emergency.

In order to qualify for a maternity leave, we ask that employees make such a request in writing to their supervisors within the first three months of the pregnancy. Their personal physician's certification of their condition, plus the expected date of delivery, must be included in the written request. With the doctor's approval, employees may continue to work up to their expected delivery date, depending upon their medical circumstances and the nature of their jobs.

In case an employee is physically unable to perform her regular job duties at any time during her pregnancy, either she or her supervisor may request that she be placed on maternity leave. The employee must give an advance notice of a minimum of two (2) days to her supervisor of her condition, along with a statement from her physician attesting to her medical condition.

At no time will a maternity leave of absence be required of an employee. If a pregnant employee is unable to perform the duties of her position in a safe and/or efficient manner, the employee may be involuntarily placed on sick leave. In no instance will an employee be involuntarily terminated because of pregnancy.

The return to active employment should be no sooner than considered medically safe by a physician. It may sometimes be necessary to consult with an employee's physician regarding any question of medical propriety that may arise. After the maximum legal leave period is exhausted, an extension may be granted if a medical condition exists that is substantiated by a physician and approved by the County doctor.

The County will return the employee who meets stated conditions in conjunction with federal and state law to the same or equivalent job she had prior to her pregnancy. We cannot guarantee the exact same job; however, the employee will suffer no loss in employment status.

The maximum length of pregnancy leave allowed is sixteen (16) weeks. If the employee needs a longer leave due to medical complications, the employee should notify her supervisor as soon as possible. The additional leave will be treated the same as any other medical or disability leave.

To return to work, employees must have a doctor's verification.

Maternity leaves of absence are without pay unless the employee has sick or annual accumulated leave and may be granted for a period not to exceed sixteen (16) weeks. An employee may not accept other employment while on maternity leave.

Employees must return to their job with the appropriate release and approval of their personal physician no more than sixteen (16) weeks after FMLA begins. After this period, an extension may be granted if medical conditions exist that are substantiated by their physicians. This extension ends the maternity leave and becomes a leave of absence.

WORKER'S COMPENSATION

Worker's Compensation insurance provides benefits for job-related injuries. All employees are covered and the County pays the entire cost of this insurance. Our Worker's Compensation insurance costs are based on the number of injuries the County suffers. The lower our injury rate, the lower our costs, which means that more money can be put back in the County for the benefit of it and our employees.

One way to keep our Worker's Compensation costs under control is to work safely and follow all rules and regulations. The County will enforce all safety rules, and employees who violate them will be disciplined, up to and including termination.

Employees should report injuries immediately so that they can receive fast and effective treatment.

If the employee is injured on the job, the employee must give the County written notice of the injury within twenty-four (24) hours or by close of next business day, whichever is later, in order to trigger the employee's right to Worker's Compensation benefits. Forms for reporting injuries may be obtained in the Employee Benefit office. If the employee is unable to fill out an injury report due to the nature of the employee's injury, his/her supervisor should obtain a form and fill it out for the employee.

Should any employee sustain a work-related injury, our Worker's Compensation insurance will provide medical coverage and income replacement for the period of the employee's disability, as required by law.

Leave shall not be counted against any accrued sick leave, which the employee has accumulated.

1. If the injured employee is out less than seven (7) calendar days the employee will be placed on Administrative leave with pay.
2. If the injured employee is out more than fourteen (14) calendar days the employee will receive Worker's Compensation pay as required by Tennessee State law.

The injured employee shall reimburse Wilson County for any payment received under Worker's Compensation if the employee was paid through Wilson County.

In the event an employee is out for an extended period, an employee may request to be paid one-third (1/3) sick/annual leave for each day of worker's compensation pay. This only applies if the employee has accumulated leave and only up to the amount of leave accumulated by the employee.

MEDICAL

Note: Medical policy requirements will be applied in conformance with the requirements of the Americans with Disabilities Act.

Every applicant must complete the medical history form completely and honestly. Withholding or changing information can result in immediate disqualification, or subsequent termination. Applicants will be required to pass a physical examination that will include drug and/or alcohol screening. The examination will be administered by a physician designated and paid for by the County.

All employees are required to report to their jobs in appropriate mental and physical condition, ready to work. If an employee may be impaired because of taking medication according to a doctor's prescription, he/she is expected to discuss it with their supervisor. The supervisor will determine if the employee should commence work.

Employees who have an alcohol or drug abuse problem are strongly encouraged to use the Employee Assistance Program if available. When work performance is impaired, however, use of this or other programs does not preclude appropriate action by the County. The County retains full and final discretion on whether, when, and under what conditions an employee may be reemployed after an instance of substance abuse.

Medical examinations are County property and will be released to applicants, employees, or doctors only if required by law.

Outside disclosure of medical records should be made only with the written consent of the employee in question.

Any employee who suffers a work-related injury must submit to a drug test within 24 hours or face discharge.

An employee may be granted a medical leave of absence for illness or injury that is expected to require more than one (1) week away from work. This type of leave must be supported by a doctor's statement indicating the type of illness or injury and the expected duration. All medical leaves will adhere to the requirements of the Family and Medical Leave Act.

Following medical treatment, an employee must provide certification from a physician indicating he/she will be able to work satisfactorily and safely. Employees who fail to return to work after receiving medical clearance may be discharged.

JURY DUTY

Wilson County does not discriminate against, penalize, threaten, or coerce employees who are on jury duty. We will abide by all federal and state regulations regarding time off, pay, reinstatement, and notice.

Employees must give advance notice of the need for time off for jury duty or subpoenaed to court. A copy of the summons should accompany the request. The employee will be granted a leave of absence when he/she is subpoenaed or directed by proper authority to appear in Federal or State court as a witness or juror.

The employee will receive his/her regular compensation during time served on jury duty or when subpoenaed as a witness, subject to T.C.A. 22-4-108 (b).

The employee may retain all compensation during time served on a jury or as a witness.

If employees are excused from duty early or are not required to be present in court, they are expected to be on the job. They must notify their supervisor as soon as possible after they receive notice of jury duty. If their absence would result in a hardship to the County, we may petition the court to excuse them from jury duty or to reschedule.

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 time, comp time or leave without pay.

MILITARY LEAVE

Wilson County will grant military leaves of absence as required by law and by the needs of employees who are members of the military service. Any full-time employee who is called to active military duty will be granted a military leave of absence.

The duration of the leave will be the term of enlistment plus any additional time that may be required by the government. It will include a reasonable allowance of time for travel and adjustment.

Reenlistment or any other voluntary extension of the tour of duty may affect the leave of absence. On return from military leave of absence, the employee will be reinstated as required by law, subject to these conditions.

- the employee must apply for reinstatement within the time required by law. State law generally provides in T.C.A. 8-33-102 that an employee returning from military duty who makes application for re-employment within ninety (90) days from discharge has a right to be restored to his/her original position, if it still exists and is not held by a person with greater seniority, or otherwise to a position of like seniority status and pay.
- State law provides in T.C.A. 8-33-104 that the returning employee shall not be discharged from his/her public position without cause within one (1) year after restoration of employment. The employee is to be restored to employment without loss of seniority.

The County makes it a policy not to discriminate in any way against employees who are members of the military. The employee's job will not be in jeopardy if a military leave of absence is requested or taken.

The service records for those employees who are granted military leaves of absence to fulfill tours of duty will continue without interruption. Arrangements will be made by the County to continue the employee's retirement plan. The group health insurance will be placed in an inactive status until the employee returns to active employment with Wilson County. An employee may convert the term life insurance without a medical examination to individual insurance at the prevailing premium rate.

The employee's employment rights will be preserved while the employees are on military leave including benefits. Pay increases, vacations, and other benefits that would have accrued had the employee not been on military leave of absence will be given to the employee upon returning to the County after the military leave is over.

If an employee is a full-time employee and a member of a military reserve unit that is required to attend a two-week training session annually, we provide a plan that allows him/her to perform that obligation without loss of income. The employee will receive full pay and benefits to which he/she would otherwise be entitled during the period of military training.

VOTING

It is the policy of this County to give employees time off to vote.

Before taking time off to vote, employees must make a written request to their supervisor for time off before 12:00 noon of the day before the election.

Time off to vote will be treated as a paid absence.

Time off to vote is granted if the polls open fewer than two (2) hours prior to work starting time or close fewer than two (2) hours after quitting time. Time off to vote may be taken before coming in to work or at the end of the workday. 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.

Wilson County considers voting in general and primary elections as both a privilege and a duty of every employee.

LEAVE WITHOUT PAY

Just like there are occasions when an employer desires to grant an employee additional leave with pay, there are also instances where the employer may desire to allow the employee to miss work but the employer is not inclined to pay the employee during the absence. These absences are usually granted for educational, public service, sabbatical or Foreign Service such as Peace Corps or some other highly personal reason.

During a leave without pay absence, the employee would not accrue sick leave, vacation or other benefits. In order to protect the employer, a limit should be placed on the length of time which an employee could be absent from work. The same leave request form as used for other leaves should be used to record such absences.

Whenever an employee is absent from work on leave without pay status, the question of health insurance should be addressed. If the employer is not continuing to provide benefits, in order to comply with COBRA, the employee should be informed of his/her right to continue medical insurance coverage. When the employee returns to work on a pay status, provided there has been no break in insurance coverage, the employee would not be subject to a pre-existing condition clause.

Since individual supervisors/department heads may make different decisions regarding this policy, it is important that the employee understand that this is not a right, but a conditional option by the employer.

Leave without pay absence shall not extend for a period in excess of one (1) year.

CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)

Wilson County adheres to all the requirements of the Consolidated Omnibus Budget Reconciliation Act (COBRA) as they apply to our employees. Should employees lose their health care coverage under our health care plan as the result of a qualifying event, employees and employees' spouses and dependent children will be given the opportunity to continue to purchase coverage as a group member for the legally-specified period of time following the loss of coverage.

Although employees' right to elect continuation coverage occurs upon the occurrence of a qualifying event to employees, coverage is not automatic. Employees and employees' spouses and dependents must make an affirmative election of coverage before coverage will begin. An election form will be sent with the notice of eligibility. The election must be made within sixty (60) days of the date coverage is lost or the date that the notice of eligibility is sent, whichever is later. An election is considered to have been made on the date employees send in the election form or a letter indicating an election is being made.

Employees are eligible for continuation coverage if terminated from employment for any reason other than for gross misconduct or if a reduction in hours results in the loss of coverage under our group health plan. Continuation coverage will be available for eighteen (18) months from the date of termination or reduction in hours for employees, employees' spouses, and dependent children.

We will give the employee notice of his/her right to elect continuation coverage within fourteen (14) days after the plan administrator is notified that the employee has incurred a qualifying event. The County will notify the plan administrator within thirty (30) days of the employee's death, termination, reduction in hours of employment, or entitlement to Medicare. The employee or the employee's qualified beneficiary must notify the plan administrator within sixty (60) days of a divorce or legal separation or the date on which the employee's child ceases to be a dependent under our health plan rules.

We will mail notice of the right to elect continuation coverage to the employee and his/her qualified beneficiaries by first-class mail to his/her last known address and to the last known address of the qualified beneficiaries. It is the responsibility of the employee to make sure the insurance clerk has the correct address and all relative information of any beneficiaries.

BREAKS

Employees are permitted a fifteen (15)-minute break period during each half of the workday, and a lunch period that varies in length by each department and consistent with the Wage Regulations Act. The schedule for lunch and break periods is set by the department supervisor in a manner that allows business operations to continue uninterrupted during the day. Their supervisor will advise them of the schedule for lunch and breaks in their department. In fairness to fellow workers, employees are expected to observe the time limits set for rest and lunch periods.

Employees who return late from lunch or breaks may be subject to discipline.

Although employees may take personal breaks when approved by their supervisors, employees should make sure that someone remains in the department at all times. Because employees' rest breaks are considered working time, the breaks are paid.

Note: All state-specific regulations concerning breaks will be adhered to.

Lunch periods should be unpaid time. Hourly paid employees must punch out or make a record when leaving the premises and punch in or make a record upon returning to work.

**DRUG-FREE WORKPLACE
SUBSTANCE ABUSE POLICY FOR
WILSON COUNTY GOVERNMENT**

It has been estimated that American companies spend over one hundred billion dollars each year on the consequences of substance abuse in the workplace. Cost incurred may include absenteeism, accidents, equipment damage, and increased medical cost and insurance premiums.

Research indicated that health insurance costs for employees with alcohol problems are approximately twice those of other employees. It has also been estimated that employees who abuse alcohol or drugs have two times as many accidents, three times as many vehicular accidents, and use three times as much sick leave as those who do not.

Each person reacts differently to drugs and alcohol, but one thing is clear—these substances affect our judgement and our ability to perform. Their abuse places employees of Wilson County Government, coworkers and the community at risk.

To maintain a drug-free work force and to eliminate the safety risks, lost time, and reduced productivity that results from the use and the influence of alcohol and/or drugs in the workplace, Wilson County Government has adopted a substance abuse policy in accordance with the Tennessee Worker's Compensation Reform Act of 1996. The intention of this policy is to make Wilson County Government a safer and better place to work.

DRUG-FREE WORKPLACE POLICY STATEMENT

Wilson County Government is committed to providing a safe work environment and to fostering the well being and health of its employees. This commitment is jeopardized when any Wilson County Government employee illegally uses drugs on or off the job, comes to work under their influence, possesses, distributes, or sells drugs in the workplace, or abuses alcohol on the job. Therefore Wilson County Government has established the following policy pursuant to Tennessee Code Annotated Section 50-9-100 et. Seq.:

1. It is a violation of Wilson County Government policy for any employee to use, possess, sell, trade, offer for sale or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job.
2. It is a violation of Wilson County Government policy for any employee to report to work under the influence of or while possessing illegal drugs in his or her body, blood, or urine, in any detectable amount.
3. It is a violation of Wilson County Government policy for any employee to report to work under the influence or impaired by alcohol or to engage in the use of alcohol during work hours.
4. It is a violation of Wilson County Government policy for any employee to use prescription drugs illegally, i.e. to use prescription drugs that have not been legally obtained or in a manner or for a purpose other than as prescribed. *Note that this policy in no way precludes the appropriate use of legally prescribed medications.*
5. Violations of this policy are subject to disciplinary action up to and including termination.
6. As a condition of employment, employees must abide by the terms of this policy and must notify Wilson County Government in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction

SCOPE:

Employees Subject to Testing:

All employees of Wilson County Government will be subject to testing for the use of alcohol and illegal drugs.

Alcohol:

Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including but not limited to methyl and isopropyl alcohol.

No employee shall report to work or remain at work while having an alcohol concentration of 0.04 or greater. Possession of alcoholic beverages at the worksite is prohibited.

No employee shall be on duty or operate a commercial motor vehicle while possessing alcohol, unless the alcohol is manifested and transported as part of a shipment. Employees shall not operate a vehicle in the performance of work duties while having an alcohol concentration of 0.04 or greater.

No employee required to take a post-accident test shall consume alcohol for four hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first. An employee is required to take a post-accident alcohol test immediately provided there is not some reason beyond the employee's control that such testing cannot timely occur. In no case shall more than four (4) hours elapse before the test is administered.

Controlled Substance:

The Tennessee Worker's Compensation Reform Act of 1996 allows for controlled substance testing pursuant to drug testing regulations adopted by the United States Department of Transportation, which includes testing for amphetamines, barbiturates, benzodiazepines, cannabinoids, cocaine, opiates, and phencyclidine.

No employee shall report to work or remain at work while using or under the influence of any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely perform his or her work functions.

No employee shall report to work or remain at work if the employee tests positive for controlled substances.

Prescribed Medications or Non-Prescribed Over-the-Counter Medications:

All employees taking prescribed medications or non-prescribed over-the-counter medications that could impair their ability to safely perform their work functions must report this to their immediate supervisor prior to engaging in work related activities and as otherwise indicated in this policy.

DEFINITIONS:

- (1) “Alcohol” as used in these rules shall have the same meaning as in the federal regulations describing procedures for the testing of alcohol by programs operating pursuant to the authority of the United States Department of Transportation as currently compiled at 49 Code of Federal Regulations (c.f.r.) part 40. This definition shall be changed to conform to any future revision of the Department of Transportation’s regulations.
- (2) “Alcohol test” means an analysis of blood, or any other analysis, which determines the presence, absence or level of alcohol as authorized by the relevant regulations of this policy.
- (3) “Certified laboratory” means any facility equipped to perform the procedures prescribed in this chapter, in accordance with the standards of the United States Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA), or the College of American Pathologists-Forensic Urine Drug Testing (CAP-FUDT).
- (4) “Chain of Custody” refers to the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing accountability at each stage in handling, testing, and storing specimens and reporting test results.
- (5) “Confirmation test”, “confirmed test”, or “confirmed drug test” means a second analytical procedure used to identify the presence of a specific drug, or alcohol, or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.
- (6) “Covered employer” means a person or entity that employs a person, is covered by the Workers’ Compensation Law, maintains a drug-free workplace pursuant to these rules, and also includes on the posting required by T.C.A. Section 50-9-105 a specific statement that the policy is being implemented pursuant to the provisions of these rules. These rules shall have no effect on employers who do not meet this definition.
- (7) “Drug” means any drug subject to testing pursuant to drug testing regulations adopted by the United States Department of Transportation. A covered employer may test an individual for any or all of such drugs.
- (8) “Drug Rehabilitation Program” means a service provider that provides confidential, timely, and expert identification, assessment and resolution of employee drug or alcohol abuse.
- (9) “Drug test” or “test” means any chemical, biological, or physical instrumental analysis administered by a certified laboratory for the purpose of determining the presence or absence of a drug or its metabolites or alcohol pursuant to regulations governing drug or

alcohol testing adopted by the United States Department of Transportation or such other recognized authority approved by rule by the commissioner of labor.

- (10) “Employee” means any person who works for a salary, wages, or other remuneration for a covered employer.
- (11) “Employee Assistance Program” means an established program capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee drug or alcohol abuse; referrals of employees for appropriate diagnosis, treatment and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work. If, in addition to the above activities, an employee assistance program provides diagnostic and treatment services, these services shall in all cases be provided by the program.
- (12) “Employer” means a person or entity that employs a person and is covered by the Workers’ Compensation Law.
- (13) “Injury” means a harm or damage to any employee, occurring in the workplace or in the scope of employment which must be recorded, in accordance with Occupational Safety and Health Administration (OSHA) reporting guidelines, in the covered employer’s OSHA 200 Log.
- (14) “Initial drug test” means a procedure that qualifies as a “screening test” or “initial test” pursuant to regulations governing drug or alcohol testing adopted by the United States Department of Transportation or such other recognized authority approved by rule by the commissioner of labor.
- (15) “Job Applicant” means a person who has applied for a position with a covered employer and has been offered employment conditioned upon successfully passing a drug or alcohol test, and may have begun work pending the results of the drug or alcohol test.
- (16) “Medical Review Officer” or “MRO” means a licensed physician, employed with or contracted with a covered employer, who has knowledge of substance abuse disorders, laboratory testing procedures and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee’s positive test result in relation to the employee’s medical history or any other relevant biomedical information.
- (17) “Reasonable-Suspicion Drug Testing” means drug testing based on a belief that an employee is using or has used drugs or alcohol in violation of the covered employer’s policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:
 - (a) Observable phenomena while at work, such as direct observation of drug or

- alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol;
- (b) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
 - (c) A report of drug or alcohol use, provided by a reliable and credible source;
 - (d) Evidence that an individual has tampered with a drug or alcohol test during his employment with his/her current covered employer;
 - (e) Information that an employee has caused, contributed to, or been involved in an accident at work; or
 - (f) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs or alcohol while working or while on the covered employer's premises or while operating the covered employer's vehicle, machinery, or equipment.
- (18) "Safety-Sensitive Position" means a position involving a safety-sensitive function pursuant to regulations governing drug testing adopted by the United States Department of Transportation. For drug-free workplaces, the commissioner is authorized, with the approval of the Advisory Council on Workers' Compensation, to promulgate rules expanding the scope of safety-sensitive position to cases where impairment may present a clear and present risk to co-workers or other persons. "Safety-sensitive position" means, with respect to a public employer, a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations or work with controlled substances, or a position in which momentary lapse in attention could result in injury or death to another person.
- (19) "Specimen" means tissue, fluid, or a product of the human body capable of revealing the presence of alcohol, drugs or their metabolites.
- (20) "Split Specimen" means the procedure by which each urine specimen is divided in two and put into a primary specimen container and a secondary, or "split", specimen container. Only the primary specimen is opened and used for the initial screening and confirmation test. The split specimen container remains sealed and is stored at the testing laboratory.
- (21) "Threshold Detection Level" means the level at which the presence of a drug or alcohol can be reasonably expected to be detected by an initial and a confirmatory test performed by a certified laboratory. The threshold detection level indicates the level at which a valid conclusion can be drawn that the drug or alcohol is present in the employee or job applicant's sample.

QUALIFICATIONS FOR EMPLOYMENT AND PROHIBITED CONDUCT:

Prohibited Conduct:

Alcohol:

1. Use and/or possession is prohibited during working hours.
2. Reporting for work or remaining at work with an alcohol concentration of 0.04 or greater is prohibited.
3. Operating a vehicle in the performance of work duties with an alcohol concentration of 0.04 or greater is prohibited.
4. Possession of alcohol in an open container on County property or in a County vehicle or during regular work hours is prohibited.
5. Use during the eight hours following an accident or until the employee undergoes a post-accident test is prohibited.
6. Refusal to take a required alcohol test is interpreted as a positive alcohol test result.
7. Driving a County vehicle while under the influence of drugs or alcohol is strictly prohibited.

Controlled Substance:

1. Use of any illegal drug is prohibited during working hours, except by doctor's prescription written for that individual, and then only if the doctor has advised the employee that the drug will not adversely affect the employee's ability to safely perform his or her job functions. A supervisor may request the employee provide proof by a doctor's written statement.
2. Possession of any illegal drug is prohibited any time an employee is on the job unless it is in the performance of his/her work duties.
3. Employee is required to advise his/her supervisor of the use of any prescription medication, over-the-counter medication, or other substance which displays a warning advising the user of a danger of drowsiness or any possible impairment of mental ability or physical dexterity.
4. Refusal to take a required test is interpreted as a positive controlled substance test result.

Consequences and Disqualifications:

1. The employee shall not perform or be permitted to perform a work function if any of the above listed conditions is violated.
2. Any employee reporting to work visibly impaired will be deemed unable to perform required duties and will not be allowed to work. If possible the employee's supervisor will first seek another supervisor's opinion to confirm the employee's status. Next, the supervisor will consult privately with the employee to determine the cause of the observation, including whether the substance abuse has occurred. If, in the opinion of the supervisor, the employee is considered impaired, the employee will then be sent home or to a drug and alcohol testing

facility by taxi or other safe transportation—depending on the determination of the observed impairment—and accompanied by the supervisor or another employee if necessary.

Opportunity to Consent or Explain Test Results:

Employees and job applicants who have a positive confirmed drug or alcohol test result may explain or contest the result to the medical review officer within five (5) working days after receiving written notification of the test result from the medical review officer. If an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the County. A person may contest the drug test result pursuant to rules adopted by the Tennessee Department of Labor.

Confidentiality:

The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained except as otherwise prohibited by law.

TESTING CIRCUMSTANCES:

PRE-EMPLOYMENT TESTING:

All job applicants at Wilson County Government will undergo testing for substance abuse as a condition of employment prior to beginning official work duties. A confirmed positive result will result in the revocation of the conditional employment.

Applicants will be required to submit voluntarily to a urinalysis test at a collection site and conducted by a laboratory chosen by Wilson County Government and by signing a consent agreement will release Wilson County Government from liability.

If the physician, collection site personnel, or lab has reasonable suspicion to believe that the job applicant has tampered with the specimen, the applicant will not be considered for employment.

Wilson County Government will not discriminate against applicants for employment because of a past history of drug or alcohol abuse. It is the current illegal use of drugs and/or alcohol which is of concern. Note that the applicant may be excluded from eligibility for employment through other policies prohibiting the employment of a person with a criminal record which may have resulted from alcohol and/or drug abuse. A past history of drug or alcohol abuse in itself is not an adequate reason for exclusion from employment eligibility.

POST-ACCIDENT TESTING:

Any employee involved in a work-related accident which causes an injury to himself/herself or another person sufficient to require treatment for the injury or which disables a vehicle or equipment while carrying out official duties will be required to submit to an alcohol

and controlled substance test. Testing will be administered immediately following the accident or as soon as medically and legally possible. In no case shall more than four (4) hours elapse before the test is administered. It is the employee's responsibility to notify Wilson County Government immediately to ensure actions are taken to meet the testing requirements.

The employee must refrain from consuming alcohol for eight hours following the accident or until he/she submits to an alcohol test, whichever comes first.

The drug test must be administered within four (4) hours following the accident. The employee must remain available for testing or Wilson County Government will consider the employee to have refused to submit to testing. If an injured employee refuses to submit to a test for alcohol and/or illegal drugs, the employee forfeits eligibility for worker's compensation benefits.

In case of non-emergency injuries reported after the fact, the injured employee must submit to testing at the time the injury is entered into the OSHA 200 log or any authorized replacement for the OSHA 200 log.

NOTE: NOTHING IN THIS REQUIREMENT SHOULD BE CONSTRUED TO REQUIRE THE DELAY OF NECESSARY MEDICAL ATTENTION FOR INJURED PERSONS FOLLOWING AN ACCIDENT.

RANDOM TESTING:

Employees of Wilson County Government who are under the CDL guidelines or in a safety-sensitive position will be subject to random testing for controlled substances and alcohol. random testing will be conducted on a percentage basis in a fair and equitable manner.

Safety-sensitive positions are defined as following but not limited to:

- EMT's
- Paramedics
- Firefighters
- Dispatchers
- Law Enforcement Officers
- Maintenance

Drug and alcohol testing may be conducted at any time the employee is at work for Wilson County Government.

Selection of employees for a computer will make random testing based random number generator that is administered by an outside source contracted by Wilson County Government.

Each time a random selection is made, every employee will have an equal chance of being selected. Random tests will be unannounced and spread reasonably throughout the year. When notified that they have been selected for random testing, employees will proceed immediately to the collection site, which may be on the work site.

REASONABLE SUSPICION TESTING:

When there is a reasonable suspicion to believe that an employee is illegally using drugs or abusing alcohol reasonable suspicion testing may be required. Reasonable suspicion is based on a belief that an employee is using or has used drugs or alcohol in violation of Wilson County Government’s policy drawn from specific objective and explainable facts and reasonable inferences drawn from those facts in light of experience and/or training.

It shall be a condition of employment for all employees to submit to reasonable suspicion substance abuse testing including but not limited to the following circumstances:

1. Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse.
2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
3. A report of substance abuse provided by a reliable and credible source.
4. Evidence that an individual has tampered with any substance test during his or her employment with Wilson County Government.
5. Information that an employee has used, possessed, sold, solicited, or transferred drugs while on Wilson County Government’s property or while operating Wilson County Government’s vehicle, machinery, or equipment.
6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while on Wilson County Government’s property or while operating Wilson County Government’s vehicle, machinery, or equipment.

RETURN TO DUTY TESTING:

Any employee who is allowed to return to duty, based on Wilson County Government’s approval, following referral, evaluation, and treatment as a result of positive alcohol or drug test will be required to submit to a return-to-duty alcohol and/or controlled substance test. an alcohol concentration of less than 0.04 and a negative drug test will be required before a return-to-duty decision is made.

Follow-up Testing:

In the event an employee is allowed to return to duty following referral, evaluation and treatment, a minimum of four unannounced alcohol and/or drug tests will be required during the next 24 months of employment all at the employee’s expense.

Alcohol and controlled substance testing may be performed at any time the employee is at work for Wilson County Government.

ALCOHOL TESTING METHODOLOGY:

Alcohol testing will only be performed by the drawing of blood by trained medical personnel and only tested by a laboratory certified by the Department of Health and Human

Services. All alcohol testing will be conducted in a location that affords visual and aural privacy to the individual being tested. Unauthorized persons will not be permitted access to the testing location when a test is in progress.

ALCOHOL TESTING PROCEDURES:

When the result is less than 0.04 no further testing is authorized and the result will be transmitted to Wilson County Government in a confidential manner and will be stored to ensure confidentiality is maintained.

When the results is 0.04 or greater a confirmation test must be performed to verify the initial test. The confirmation test will be conducted no less than 15 minutes and no more than 20 minutes after the initial test. In the event the initial and confirmation test results are different, the confirmation test is deemed to be the final result upon which any action under the terms of this policy shall be based.

Following the completion of the test, a form will be signed to certify the results. The employee will sign the certification and fill in the date on the form. This insures that each employee is attesting to the fact that the reported result is specific to the employee.

Refusal to submit to testing will be treated the same as if the result is 0.04 or greater. Wilson County Government will maintain alcohol and drug tests in a secure and confidential manner, so that disclosure of information to unauthorized persons does not occur. Employee information shall only be released as required by law or as expressly authorized.

An employee shall have access to any of his/her alcohol and drug testing records upon written request. When requested, Wilson County Government shall disclose post-accident testing information to the National Transportation Safety Board as part of an accident investigation.

Wilson County Government will make records available to a subsequent or prospective employer upon receipt of a written request from the tested employee. Wilson County Government may disclose information to the employee or the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual or in defense of Wilson County Government.

SPECIMEN COLLECTION PROCEDURES:

Specific guidelines provided by the U.S. Department of Transportation will be followed in urine specimen collections for the purpose of drug testing. In accordance with the Department of Health and Human Services (DHHS) guidelines, a clear and well-documented procedure for collection, shipment, and accession of urine specimens from Wilson County Government to the laboratory has been established. Procedures will account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.

Collection facilities chosen by Wilson County Government must meet security requirements as specified by DHHS guidelines. The collection site will be a secure location to allow for privacy, which includes a toilet for completion of urination and a source of water for washing hands excluded from the area provided for urination.

When reporting to a collection site for specimen collection, each employee will be required to provide a photo I.D. Employees will be asked to remove all unnecessary outer garments (i.e., coat or jacket) and secure all personal belongings (individual may retain his/her wallet).

Employee will be required to wash his/her hands prior to providing specimen.

Employee will be allowed to provide his/her specimen in the privacy of a stall or individual restroom.

Specimen cup is equipped with a temperature strip, which must be read between 90 and 100 degrees F. Specimen out of temperature is unacceptable. Employee's temperature may be taken to ensure that body temperature is within normal range. If body temperature is consistent with sample, results will be noted and reported to lab and Medical Review Officer. If body temperature is within range a second sample will be collected and both temperatures reported to lab and Medical Review Officer.

In all cases the employee and the collection site personnel shall keep the specimen in view at all times prior to being sealed and labeled. The specimen will be labeled with tamper proof seals and the employee will sign appropriate places on the Chain of Custody form and initial the seal on the bottle attesting to the fact that the specimen is specific to the person providing the sample. A failure of the employee to cooperate will be considered a refusal to test which is considered a verified positive test result. The terms of this policy will then be administered.

TESTING METHODOLOGY:

Only laboratories certified by the Department of Health and Human Services (DHHS) will be used for drug urinalysis.

Every specimen is required to undergo initial screen followed by confirmation of all positive screen results. This screen confirmation process utilizes highly sophisticated techniques to detect minute levels of prohibited substances in urine.

Reporting of Results:

The laboratory is required to report the test results to the Medical Review Officer within five working days. The report shall indicate the drug/metabolites tested for, whether the results are positive or negative, the specimen number assigned by the collection site, and the drug testing laboratory identification number. As with alcohol testing, every reasonable precaution will be taken to maintain the confidentiality to the test results.

Review of Results/MRO:

The Medical Review Officer (MRO) is a licensed physician and possesses a knowledge of drug abuse disorders. The MRO may be an employee of Wilson County Government or one contracted to provide the services required. The MRO will review and interpret results obtained from the laboratory. The MRO through a verification process will assess and determine whether alternate medical explanations could account for the positive test results.

The MRO may conduct medical interviews of the employee, review the employee's medical history, and review any other relevant bio-medical factors. Additionally, the MRO will examine all medical records and data made available by the tested individual, such as evidence of prescribed medications.

The MRO will give an individual testing positive an opportunity to discuss the test results prior to making a final decision. After the final decision is made, the MRO will notify the Employee Benefits Coordinator or the Finance Director in the absence of the Employee Benefits Coordinator as prescribed below.

If during the course of an interview with an individual who has tested positive, the MRO learns of a medical condition, which could, in the MRO's reasonable medical judgment, pose a risk to safety, the MRO may report that information to Wilson County Government. An employee or applicant should report his/her use of prescription drugs to the MRO prior to taking a drug or alcohol test, or, in any event, no later than the time of the MRO's post-test review of the results with the individual. The individual's disclosure to the MRO of the use of prescription or non-prescription drugs will be kept confidential.

The MRO will notify each employee or applicant who has a confirmed positive test that the individual has 72 hours in which to request a test of the split specimen. If the individual makes such a request, the MRO will direct, in writing, the laboratory to provide the specimen to another certified laboratory for analysis. If the analysis of the specimen fails to reconfirm the presence of the drug(s) or metabolite(s) found in the primary specimen, or if the specimen is unavailable or inadequate for testing the MRO will cancel the test, report the cancellation, and the reasons for it to the employee and Wilson County Government. A request for re-testing of the sample and associated costs are the responsibility of the individual. Wilson County Government will comply with any additional rules promulgated by the Tennessee Department of Labor regarding the contesting of the drug test results.

If the MRO, after making and documenting all reasonable efforts, is unable to contact the testing person the MRO will contact a designated management official of Wilson County Government. He/She will arrange for the tested person to contact the MRO. If the person does not do so, the MRO will verify the test as positive and report it to the appropriate person.

An employee or applicant may have certain appeal rights to the courts under the Worker's Compensation Reform Act of 1996. It is the employee's or applicant's responsibility to notify the testing laboratory of any administrative or civil action brought pursuant to the Act.

DISCIPLINE AND CONSEQUENCES:

Pre-Employment:

An applicant for employment with a verified positive controlled substance test will be denied employment. If the individual has been allowed to begin performing duties, the person will be compensated for the time worked and terminated.

Reasonable Cause:

Any employee of Wilson County Government subject to the terms of this policy, as a result of reasonable cause testing, with a verified positive controlled substance test result and/or a blood alcohol confirmed test result of 0.04 or greater shall be subject to a disciplinary action up to and including termination. Whether or not he/she is terminated, the employee will be referred to a list of qualified substance abuse professionals.

Post-Accident:

Any employee of Wilson County Government subject to the terms of this policy, as a result of a post-accident test, with a verified positive controlled substance test result and/or a confirmed blood alcohol test result of 0.04 or greater (vehicular or workplace accident) will be subject to disciplinary action up to and including termination. Whether or not he/she is terminated, the employee will be referred to a list of qualified substance abuse professionals.

Random:

Any employee of Wilson County Government subject to the terms of this policy, as a result of a random test, with a verified positive controlled substance test result and/or a blood alcohol test with a confirmed test result of 0.04 or greater, will be subject to disciplinary action up to and including termination. Whether or not he/she is terminated, the employee will be referred to a list of qualified substance abuse professionals.

Return-to-Duty:

Any employee with a verified positive controlled substance test result and/or a confirmed blood alcohol test of 0.04 or higher, as the results of a return-to-duty test will be terminated and referred to a list of substance abuse professionals for evaluation, referral, and treatment. The employee is responsible for any expense incurred under such treatment or rehabilitation.

Follow-up:

Any employee returning to duty after a positive test and a negative return-to-duty test must be tested four (4) times within a 24-month work period. Any employee with a verified positive controlled substance test or blood alcohol test of 0.04 or greater during this period will be subject to disciplinary action up to and including termination.

OTHER CONSIDERATIONS:

In all cases a refusal to submit to a test will be treated as a “positive” test result for purposes of discipline and decision making.

Supervisory and employee training as required under the guidelines of The Tennessee Drug-Free Workplace initiative will be provided.

Should an employee voluntarily approach Wilson County Government administrative personnel for assistance through rehabilitation for drug abuse or alcohol abuse prior to a testing request by Wilson County Government, all possible and positive consideration for a medical leave of absence for treatment and/or counseling will be pursued. The employee will not be discharged or otherwise discriminated against because he/she voluntarily sought treatment, if he/she has not previously tested “positive” for alcohol or illegal drug use or entered an alcohol or drug rehabilitation program. If an employee’s employment is terminated, however, Wilson County Government will not be obligated to provide assistance beyond the last day of employment.

Wilson County Government offers resource information on various means of employee assistance in our community, including but not limited to drug and alcohol abuse programs. Employees are encouraged to use this resource file at the end of this policy statement. In addition we will distribute this information to employees for their confidential use.

Substance abuse testing for job applicants and employees will include a urinalysis screen and/or blood alcohol test (not required for job applicant testing) for the following drugs:

Alcohol (employees only)

Any “alcoholic beverage”, all liquid medications containing ethyl alcohol (ethanol) or other low molecular weight alcohol including but not limited to methyl and isopropyl alcohol. Please read label for content. For example: Vicks Nyquil is 25% ethyl alcohol, Comtrex is 20%, Contac Severe Cold Formula Night Strength is 25%, and Listerine is 26.9%.

amphetamines: “speed”, “uppers”, etc.

barbiturates: secobarbital, amobarbital, butabarbital, butalbitol

benzodiazepines: clorazepate, chlordiazepoxide, temazepam, oxazepam, diazepam, alprazolam, clonazepam, prazepam, flunitrazepam, triazolam

cannabinoids: thc, marijuana, hashish, “pot”, “grass”, “hash”, etc.

cocaine: “coke”, “crack”, etc.

phenylcyclidine: pcp, “angel dust”

opiates: narcotics, heroin, codeine, morphine, “smack, dope, etc...”

WILSON COUNTY GOVERNMENT

I do hereby certify that I have received and read the Wilson County Government substance abuse and testing policy and have had the drug-free workplace program explained to me. I understand that if my performance indicates it is necessary or that if I am selected at random, I will submit to a drug and/or alcohol test. I also understand that failure to comply with a drug and/or alcohol testing request or a positive result for the illegal use of drugs and/or alcohol abuse as defined in the policy may lead to discipline up to and including termination and/or loss of worker's compensation benefits pursuant to t.c.a. section 50-9-100 et. seq.

Name of Employee (please print)

Employee's signature

Date

SMOKING

Wilson County recognizes the right of its employees to work in an environment free of tobacco smoke. The County also recognizes the rights of employees who choose to smoke to make personal decisions without interference, as long as these decisions do not interfere with the rights of other employees.

Given the documented risk of environmental tobacco smoke by the Environmental Protection Agency, the right to a smoke-free environment in the workplace takes precedence over individual desires to smoke. Therefore, smoking is strictly prohibited in County owned or leased buildings, including offices, hallways, waiting rooms, restrooms, lunchrooms, elevators, and meeting rooms, among other areas.

This policy applies to all employees, clients, contractors, and visitors. Employees who violate this smoking policy will be subject to discipline, up to and including termination.

Smoking is prohibited in all County vehicles, including vans. The County will not accept responsibility for non-smoking employees who allow them to be subjected to second-hand smoke. Smokers who violate this policy should be reported to supervisors or the department head. All reports will be kept in strict confidence.

The County will comply with all state and local ordinances controlling smoking in the workplace. Employees with inquiries or complaints about smoking in the workplace are asked to report them to the department head.

What employees do outside of working hours and off County premises will not be the basis of any disciplinary action. Nor will the County pursue a policy of discharging employees or refusing to hire applicants because they are smokers.

NEPOTISM

The County permits the employment of relatives, which include spouses, children, parents, brothers, sisters, brothers-in-law, sisters-in-law, mothers-in-law, and fathers-in-law. The following guidelines reduce the possibility or perception of favoritism and avoid placing related staff in embarrassing positions.

- Related staff may not be assigned to positions where one relative may have the opportunity to check, process, review, approve, audit, or otherwise affect the work of another relative;
- Related staff may not be assigned to positions where one relative might influence the salary progress or promotion of another.

HARASSMENT

Wilson County prohibits all forms of illegal harassment of employees by managers, fellow employees, employees of outside vendors, or visitors.

The County will not tolerate harassment of its employees. Any form of harassment related to an employee's race, color, sex, sexual orientation, religion, national origin, age, physical or mental disability, or marital or veteran status is a violation of this policy and will be treated as a disciplinary matter.

For these purposes, the term "harassment" includes, but is not necessarily limited to, slurs, jokes, or other verbal, graphic, or physical conduct relating to an individual's race, color, sex, religion, national origin, sexual orientation, age, physical or mental disability, or marital or veteran status.

Harassment also includes unwelcome sexual advances, requests for sexual favors, and other verbal, graphic, or physical conduct of a sexual nature. Harassment does not refer to occasional comments of a socially unacceptable nature. Harassment is a form of inappropriate conduct that undermines the employment relationship. Violation of this policy by an employee shall subject him/her to disciplinary action, up to and including discharge.

We also prohibit retaliation against any employee who rejects, protests, or complains about harassment. A complaint procedure is available to employees to report all types of harassment.

If employees feel that they are being harassed by a supervisor, co-worker, vendor, or visitor because of their race, color, sex, sexual orientation, religion, national origin, age, physical or mental disability, or marital or veteran status, they should first let the harassing person know of their objections, if possible. If the employee finds it difficult to do so or his/her first objections do not produce results, he/she should report the problem to his/her supervisor or, if appropriate, the County Mayor who may refer the complaint to appropriate authorities.

If the employee experiences or witnesses harassment in the workplace, he/she should report it immediately to his/her supervisor. If the target for reporting is the person who is harassing the employee, the employee may approach any member of County management. All allegations of harassment will be quickly investigated. To the extent possible, the employee's confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, the employee will be informed of the outcome of that investigation.

Employees will receive a copy of the County's harassment policy when they begin working. If at any time employees would like another copy of that policy they should contact their supervisor. If the County should amend or modify its harassment policy, employees will receive an individual copy of the amended or modified policy.

The supervisor or designee will investigate every complaint of harassment, without bias or premature judgment. Such an investigation should include interviews with the complaining employee, the subject of the complaint, co-workers, and former employees who may have knowledge of the situation.

The investigation will include a thorough review of files and other tangible evidence. The investigator will make every reasonable attempt to rationally and objectively resolve any questions of credibility between the complaining and the accused employees.

Information obtained during the course of an investigation of harassment will be maintained in confidence. It will be released only to individuals who have a need to know it, e.g., individuals who will enable the County to investigate the charges thoroughly.

Individuals who make false statements during the course of a harassment investigation may be subject to discipline, which may include discharge. All employees are expected to cooperate fully with such investigations. Failure to cooperate fully may lead to discipline, which may include discharge. Where investigations confirm the allegations, appropriate corrective action will be taken.

SAFETY & HEALTH

Safety and health protection is a quality of work life issue, which has a high priority in all of our business activities. Our goal is to minimize human injury or illness and property loss or business interruption caused by accidents, fire, or other hazards. We believe this will be achieved to the degree that all County members accept and fulfill the safety and health responsibilities inherent in each job. Individually, we must recognize hazards, anticipate possible exposures and risks then act to eliminate or control them.

Wilson County expects that its workers will give their best efforts to the prevention of industrial accidents and diseases. The County will provide the necessary direction and aid to accomplish this goal and may also reward or discipline employees according to their actions on behalf of safety or health concerns.

Employee safety and health are important to this County. All employees must adhere to all Occupational Safety and Health Administration (OSHA), federal, and state regulations and comply with the following general rules.

- All accidents or injuries must be reported immediately.
- Horseplay and practical jokes in work areas will not be tolerated.
- First-aid kits are available in designated areas.
- Smoking is prohibited in all areas throughout the premises as enumerated in the Smoking policy.
- Employees are to be careful with their hands and other body parts when operating any machinery and must see to it that others do not harm themselves on their machines.
- Operating shortcuts will not be tolerated and will result in immediate discipline.

Employees are responsible for working as they are instructed to safely produce a quality product or service. Employees are also responsible to themselves and to the County for reporting unsafe conditions or practices to management. It is then management's responsibility to act as conditions warrant.

The first priority of every employee is the safety of customers, other employees, and him/herself. In case of a serious accident requiring the attention of a physician, call the supervisor or department head immediately. If either of those are not available, call the Employee Benefits office.

Following treatment for an accident, employees must:

- Complete a Worker's Compensation report as required.

- Keep medical appointments as scheduled.
- Return to work when cleared by a physician. Employees returning to work must provide certification from a physician indicating they will be able to work satisfactorily and safely.

No employee should ever perform a task or work with equipment that he/she considers being unsafe. This should be brought to the supervisor's attention.

It is our policy to provide a workplace free from recognized health and safety hazards. It is the responsibility of all employees, at all levels, to practice work habits that support and promote safe and healthful work conditions. We will maintain a Health and Safety Program conforming to the best practices available today. To be successful, this program must incorporate the proper attitudes towards injury and illness prevention on the part of all employees.

Discipline is an important ingredient in the success of the County's health and safety programs. Wilson County establishes standards of operation and performance and makes them known to all employees. Employees who intentionally break safety or health rules may be disciplined.

A poster describing both County and employee responsibilities and duties under OSHA is displayed on the department's bulletin board, along with other work-related informational posters. If employees have any questions about the information found on the poster or need assistance in understanding, reading, or having the poster translated, contact the Wilson County Safety Officer.

DISASTER PREPAREDNESS

It is the policy of this County to maintain a written and effective disaster preparedness plan and communicates this plan to all employees. We want this plan to provide clear guidance that will ensure employee safety and the continuation of key business operations in the event of a significant and disruptive disaster occurrence.

The plan will focus on the most likely disaster events that could occur and is not intended to cover every possible situation. These most likely events include workplace violence, long-term electrical outage, long-term phone service disruption, flooding, computer sabotage or failure, inclement weather, fire, earthquakes, and civil disturbance.

In the event of any of these disturbances, the first priority of the disaster plan will be to ensure the safety and health of employees and any others within our facilities. The next priority will be to reestablish any disrupted business operation as soon as practical.

The disaster preparedness plan will be reviewed and updated annually by appropriate County executives.

FIRE PREVENTION

Wilson County expects each employee to do everything possible to safeguard County facilities from damage by fire. Employees can help prevent such a disaster by keeping their work area clean and free of rubbish and by observing all rules regarding fire prevention. Our fire prevention policy is designed to ensure that all reasonable steps are taken to preserve life and property from exposure to fire hazards.

Employees must know the phone numbers of the fire department and other emergency units. If this information is not posted in their immediate work area, employees should tell their supervisor immediately.

Fire drills shall be held once a year to insure the prompt and safe exit of employees from all buildings in case of an actual fire. Prompt obedience to supervisors' and fire captains' instructions is required during these drills.

Employees are urged to make a monthly fire inspection to identify and correct recognizable fire hazards. This should include emergency lighting, fire extinguishers, exit doors, approved hardware and lock devices, exit signs, passageways and means of emergency exit. Holding fire doors open by use of chocks, door wedges, or similar means is prohibited. Sprinkler system control valves must be wire sealed in the open position.

Smoking in "no smoking" areas is prohibited and may result in termination.

HAZARD COMMUNICATIONS

It is the policy of this County to provide a safe workplace for its employees based on guidelines established by Occupational Safety and Health Administration and other available recommendations. Wilson County has developed this program to assure that each of its employees receives the information and training they need so they may work safely with hazardous chemicals found in the workplace.

The County complies with all federal and state "Right to Know" laws, which means employees will be made aware of any chemical hazards they may face at the workplace. Employees will also receive special training concerning the labeling, handling, and disposal of hazardous substances, and what steps should be taken in the event of a spill.

If employees have any questions about how hazardous waste should be handled or stored, they should see their supervisor immediately.

Employees have a right to access records concerning their exposure to chemicals in the workplace.