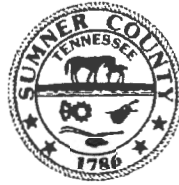


JANUARY 23, 2023

Date

STATE OF TENNESSEE
Sumner County



Board of County Commissioners
RESOLUTION

No. 2301-10

TITLE A RESOLUTION REVISING THE PTO POLICY FOR THE SUMNER COUNTY
SHERIFF'S OFFICE

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 23rd day of January 2023, that this body does hereby revises the PTO Policy for the Sumner County Sheriff's Office, as shown on the attachment herewith.

CERTIFICATION OF ACTION

COUNTY MAYOR

COUNTY CLERK

DATE

Ayes _____ Nays _____ Abs _____

APPROVED:

REJECTED:

Paid Time Off (P.T.O.)

Applicability: This policy shall cover all full-time employees of the Sumner County Sheriff's Office.

At his/her discretion, the Sheriff can allow an appointed employee to begin accruing vacation time at a higher year of service category at the beginning of employment. The Sheriff may grant appointed employees to begin accruing at the rate of two (2) years of service at the start of their employment.

As of June 30th of each year, vacation time earned and balances available will be reported to the finance department for each full-time employee. These balances will be confirmed and certified with the department head, office holder, and individual employee.

All vacation for full-time 8-hour employees will accrue on the anniversary date in the following format:

Tenure	6 Months	1 Year	2-4 Years	5-10 Years	12 Years	14 Years	16 Years	18 Years	20+ Years
Hours Earned	40	40	80	120	128	136	144	152	160

All vacation for full-time 8.5-hour / 12-hour employees will accrue on the anniversary date in the following format:

Tenure	6 Months	1 Year	2-4 Years	5-10 Years	12 Years	14 Years	16 Years	18 Years	20+ Years
Hours Earned	42.5	42.5	85	127.5	136	144.5	153	161.5	170

Accumulation of Paid Time Off: Accumulated Paid Time Off may be carried forward for up to 255 hours at the end of any fiscal year. Any amounts in excess of 255 hours at the end of any fiscal year will automatically be rolled over to sick time. Employees may not carry a negative balance.

PTO shall be taken in full shift or half shift increments. The only exception shall be a remaining balance created by the work schedule.

Part-time and temporary employees do not qualify for nor accrue any vacation leave.

After the first six months of employment, upon separation of full-time employment, balances shall be prorated forward from the most recent anniversary date until the separation date.

Sick Time

1. Full-time employees will accumulate sick leave for each month of full-time employment. 12-hour employees will accumulate 12 hours of sick time per month, 8.5-hour employees will earn 8.5 hours per month, and 8-hour employees will accumulate 8 hours of sick time per month.
 - a. If an employee is transferred between divisions, they will accumulate sick time based on the majority of their assignment for the accrual month. Example: If 16 days were spent on an 8.5 hour schedule and then the employee is transferred to a 12 hour schedule, they will accrue 8.5 hours of sick leave.
2. Each employee of the Sumner County Sheriff's Office shall follow the listed guidelines below as it pertains to using accumulated sick leave.
 - a. An employee may utilize a sick leave allowance for absences due to his/her illness or injury. The employee may use sick leave for care for qualifying family members (spouse, parent, child, grandchild, or other documented dependent) with a serious health condition. Sick leave may be used under the Family Medical Leave Act. Please refer to Family Medical Leave Act guidelines for complete benefits.
 - b. Any employee who becomes ill, shall, as soon as possible, notify their immediate supervisor of the fact they will not be able to report for their assignment.
 - c. An employee who is absent for three (3) or more consecutive workdays, will provide their immediate supervisor with a licensed medical professional's statement.
 - d. Any employee who submits a licensed medical professional's statement that such employee should be excused from work must also submit a licensed medical professional's statement that the employee can return to his/her regular assignment, prior to that employee returning to work.
 - e. Any employee who uses leave in excess of accumulated sick leave shall use PTO to the extent accumulated.
3. Employees who have used all of their accumulated sick leave and PTO will not receive financial compensation for additional days needed due to illness or injury.
4. Evidence of abuse of this benefit will be grounds for disciplinary action or termination.

Compensatory Time

1. Compensatory time may be earned and taken in accordance with the Fair Labor Standards Act instead of paid overtime. Employees may request the use of compensatory time. Compensatory time requests will be approved by the shift supervisor based on the shift's general operations and manpower needs.
2. Compensatory time may be earned and taken in 1/4 hour increments.
3. Overtime may be paid instead of compensatory time with prior authorization from the Sheriff.
4. Compensatory time will prime in accordance with the Federal Labor Standards Act.

Holidays:

1. All full-time employees will be credited the number of hours equivalent to his/her assigned shift for each holiday reflected on the Sumner County Holiday schedule of the current year. The holiday will become available for use in his/her PTO bank on the day the holiday is observed. Non-essential employees are required to take the holiday on the observed date.
 - A. Example: An employee working a 12-hour shift will receive 12 hours of PTO time to his/her PTO bank. Employees working an 8.5-hour shift will receive 8.5 hours of PTO time to his/her PTO bank.

Personal Time:

- 1 All full-time employees will receive seventeen (17) hours of personal time to the employee's PTO bank. Employees will be granted 8.5 hours of personal time after ninety (90) days of employment. Employees will be granted an additional 8.5 hours of personal time after one hundred and eighty (180) days of employment. Employees will be granted seventeen (17) hours of personal time annually on their anniversary date.
2. Personal Time shall be taken in full shift or half shift increments. The only exception shall be a remaining balance created by the work schedule.

Birthday Time:

1. Full-time employees are granted a birthday "holiday". If the employee's birthday falls on the employee's regularly scheduled day off, the employee shall use the birthday "holiday" on the scheduled working day immediately before or after the birthday. This "holiday" is based on the shift assignment and the employee will be compensated for their normally scheduled work hours. The birthday "holiday" time will not be accrued to the PTO bank.

Reward Time:

1. Reward time is time granted by the Sheriff for working on special assignments outside of their normal schedule. "Reward" time will not be accrued to the PTO bank. Reward time does not expire.

Military Time:

1. Full-time employees who are members of the United States Armed Forces, National Guard, or a Reserve military component will be granted military training leave for such time as they are in the military service, on-field training, or active duty. Adequate notice must be given to the Sheriff before any military duty leave. In accordance with the Uniformed Services Employment and Reemployment Rights Act, a valid notice of orders shall be issued by a competent military authority when applicable.
2. In accordance with TCA 8-33-109, during the time the employee is on military training leave, he/she shall receive full pay and benefits to which he/she would otherwise be entitled to a period not to exceed twenty (20) workdays per calendar year.

Voting Leave

1. Any person entitled to vote in an election in this state may be absent from work to vote while the election poles are open for a period of time not to exceed three (3) hours. The Elected Official or Department Head may specify the time the employee may be absent. The employee will receive regular compensation during this period, and leave time will not be affected.

Jury Duty

1. The Sheriff's Office encourages all employees to fulfill their duty to serve as members of juries when called in both Federal and State courts. Therefore, the following procedures shall apply when an employee is called for jury duty.
 - a. Upon receiving a summons to report for jury duty, the employee shall, on the next day he/she is working, show the summons to his or her supervisor.
 - b. The employee will be granted a leave of absence when he or she is subpoenaed, or directed by proper authority, to appear in Federal or State court as a juror.
 - c. If the employee is relieved from jury duty during working hours after serving less than three hours, the employee must report to his supervisor.
 - d. If an employee summoned for jury duty is working a night shift or is working during hours preceding those in which court is normally held, such

employee shall also be excused from his/her employment for the shift immediately preceding the first day of service as a juror.

- e. Full-time employees shall receive regular compensation during time served on jury duty.
- f. The employee may retain all compensation received for serving as a juror.

Leave of Absence without pay:

- 1. Any employee, at the discretion of the Sheriff, may be granted a leave of absence without pay for a sufficient reason as determined by the Sheriff. During the period of absence, the employee will not accrue PTO, holidays, sick leave, birthday time, or other employee benefits. During the period of absence, the county will not pay any costs or any benefits during the leave period.

Bereavement:

- 1. In the case of death in the employee's immediate family, the employee will be given two (2) working days of paid leave. If the employee has accumulated sick leave, the employee may take an additional three (3) days of sick leave to extend bereavement leave for an immediate family member.
 - a. Immediate family members shall be defined as spouses, parents, children, brothers or sisters, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparents, grandchildren, and any other legal dependents of the employee.
- 2. For any other blood relative or close friend, the employee may take one (1) day of accumulated sick leave if available.
- 3. An employee who claims bereavement leave may, at the discretion of the Sheriff, be required to furnish confirmation of the death, which may include an obituary notice or funeral home announcement.

Employee Essential/Nonessential:

- 1. Essential Employee: Any employee working a position that requires twenty-four (24) hour coverage.*
- 2. Nonessential Employee: Any employee working a position that does not require twenty-four (24) hour coverage.*
- 3. *The aforementioned definitions of essential and nonessential employees pertain only to this PTO policy.

Family Medical Leave Act

A. Definitions:

1. Eligible employee: Eligible employees are those who have been employed for at least twelve (12) months and who have provided at least 1,250 hours of service during the twelve (12) months before the leave is requested.
2. Parent: mother or father of an employee, or an adult who had day-to-day responsibility for caring for the employee during his/her childhood years in place of the natural parents.
3. Spouse: one to whom you are legally married.
4. Son or daughter/child: biological, adopted, or foster child, a stepchild, legal ward, or child of a person standing in the position of a parent, who is under the age of eighteen (18) years. Children who are eighteen (18) years or older qualify, if they are incapable of self-care because of mental or physical disability.
5. Serious health condition: an illness, injury, impairment, or physical or mental condition involving either inpatient care or continuing treatment by a health care provider. Examples of serious health conditions include, but are not limited to, heart attacks, heart conditions requiring heart bypass or valve operations, cancer, back operations requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, severe arthritis, etc.
6. Terminal Illness: End-stage disease or illness that cannot be cured or adequately treated and is reasonably expected to result in the death of the patient.

B. Leave provisions:

1. An eligible employee may take up to twelve (12) weeks of unpaid leave in a twelve (12) month period for the birth of a child or the placement of a child for adoption or foster care. Under the Tennessee Maternity Leave Act, a female employee may take an additional four (4) weeks of unpaid leave if the three (3) months advance notice has been complied with.
2. FMLA may also be taken to care for a child, spouse, or parent who has a serious health condition.
3. The right to take leave applies equally to male and female employees who

are eligible.

4. Unpaid leave for the care of a newborn child or a newly adopted or foster care child must be taken before the end of the first twelve (12) months following the date of the birth or placement.
5. An expectant mother may take unpaid medical leave upon the birth of the child, or prior to the birth of her child for necessary medical care and if her condition renders her unable to work. Similarly, for adoption or foster care, leave may be taken upon the placement of the child or leave may begin prior to the placement if absence from work is required for the placement to proceed.
 - a. Reference the Tennessee Maternity Leave Act 4-21-408 for additional benefits related to adoption, pregnancy, childbirth, and nursing an infant. Please refer to the Sumner County Human Resources Department for additional information surrounding this benefit.
6. An employee may take unpaid leave to care for a parent or spouse of any age who, because of a serious mental or physical condition, is in the hospital or other health care facility. An employee may also take leave to care for a spouse or parent of any age who is unable to care for his/her basic hygiene, nutritional needs, or safety. Examples include a parent or spouse whose daily living activities are impaired by such conditions as Alzheimer's disease, or stroke, who is recovering from major surgery, or who is in the final stages of a terminal illness.
7. Eligible employees, who are unable to perform the functions of the position held because of a serious health condition, may request up to twelve (12) weeks of unpaid leave. The term serious health condition is intended to cover conditions or illnesses which affect an employee's health to the extent that he/she may be absent from work on a reoccurring basis or for more than a few days with treatment or recovery.
8. Employees requesting medical leave due to their illness or injury must simultaneously exhaust any sick leave, PTO, holidays, and unpaid leave that may not exceed twelve (12) weeks.
9. During periods of unpaid leave, an employee will not accrue any additional seniority or employment benefits during the leave.
10. If spouses are employed by the same employer and wish to take leave for the care of a new child or a sick parent, his/her aggregate leave is limited to twelve (12) weeks. For example, if one person takes eight (8) weeks of leave to care for a child, the other will be entitled to four (4) weeks leave, for a total of twelve (12) weeks of leave.

11. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty".

- a. Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

C. Notification and scheduling:

1. An eligible employee must provide the employer at least thirty (30) days advance notice of the need for leave for birth, adoption, or planned medical treatment when the need for leave is foreseeable. This thirty (30) day advance notice is not required in cases of a medical emergency or other unforeseeable events, such as premature birth, or sudden changes in a patient's condition that require a change in scheduled medical treatment.
2. Parents who are awaiting the adoption of a child and are given little notice of the availability of a child may also be exempt from this thirty (30) day notice.

D. Certification:

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

3. This certification must contain the date on which the serious health condition began, its probable direction, and appropriate medical facts with which the knowledge of the health care provider regarding the condition. The certification must also state the employee's need to care for the son, daughter, spouse, or parent and must include an estimate of the amount of time the employee is needed to care for the family member.
4. Medical certification shall be treated as confidential and privileged information.
5. An employee will be required to report weekly to the employer of the status and the intention of the employee to return to work.
6. Employees who have taken unpaid leave under this policy must furnish the employer with a medical certification from the employee's health care provider that the employee is able to resume work before the return is granted.

E. Maintenance of health and cobra benefits during unpaid leave:

1. The employer shall maintain health insurance benefits, paid by the employer for the employee, during periods of unpaid family medical leave without interruption. After the 12 weeks, any payment for family coverage premiums, or other payroll deductibles for insurance policies, must be paid by the employee or the benefits may not be continued.
2. The employer has a right to recover from the employee all health insurance premiums paid during the unpaid leave if the employee fails to return to work after leave. Employees who fail to return to work because they are unable to perform the functions of their job because of their serious health condition or because of the continued necessity of caring for a seriously ill family member may be exempt from the recapture provision.
3. Leave taken under this policy does not constitute a qualifying event that entitles an employee to cobra insurance coverage. However, the qualifying event triggering cobra coverage may occur when it becomes known that an employee will not be returning to work, and therefore ceases to be entitled to leave under this policy.

F. Reduced and intermittent leave:

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

2. Employees on intermittent or reduced leave schedules may be temporarily transferred by the employer to an equivalent alternative position that may better accommodate the intermittent or reduced leave schedule.
3. Intermittent or reduced leave may be spread over a period of time longer than twelve (12) weeks, but will not exceed the equivalent of twelve (12) weeks total leave in one twelve (12) month period.

G. Restoration:

1. Employees who are granted leave under this policy shall be reinstated to an equivalent or the same position held prior to the commencement of his/her leave.
2. Certain highly compensated employees, who are salaried and among the ten percent (10%) highest-paid employees, may be denied restoration. Restoration may be denied if (a) the employer shows that such a denial is necessary to prevent substantial and grievous injury to the employer's operations, (b) the employer notifies the employee that it intends to deny restoration on such basis at the time the employer determines that such injury would occur, and (c) in any case which the leave has commenced, the employee elects not to return to work within a reasonable period after receiving such notice.

H. The twelve (12) month period:

1. The twelve (12) month period during which an employee is entitled to twelve (12) workweeks of the Family Medical Leave Act is measured forward beginning at the first occurrence of the health condition or illness.

Transferability:

1. No employee may receive monetary compensation for PTO time they have not earned. PTO/Sick time may not be transferred from one employee to another employee.

Disposition of accrued PTO upon termination:

1. Upon voluntary termination of employment by the employee, the employee shall be entitled to compensation, or leave, at the discretion of the Sheriff in an amount not to exceed the maximum yearly accrual of that employee when the following circumstances are met:
 - a. A three-month notice of the intent to retire is provided to the Sheriff; or
 - b. A two-week notice is provided to the Sheriff of the intent to voluntarily terminate employment; and
 - c. The employee has an available balance of PTO in their yearly leave bank.
2. The Sheriff has the authority to order the PTO time to be taken during the three months prior to the voluntary termination of employment or during the two-week notice. The Sheriff retains authority to compensate employees for unused PTO time who voluntarily terminate employment due to personal emergencies. The Sheriff, at his/her discretion, may order the employee to use accrued time instead of working until the date of termination/resignation date or to receive compensation for accrued PTO/compensatory time. The Sheriff may also consider an employee's request, upon separation, to allow accumulated PTO or a portion thereof can be converted to sick hours in lieu of a payout.
3. A two-week notice is defined as a notice, in writing to the Sheriff, of the employee's intent to voluntarily terminate employment in fourteen (14) calendar days.
4. No employee terminated for cause shall be entitled to compensation for accrued PTO.