Department of Human Resources
State of Tennessee

Employee Handbook

January 2015

DOHR

COMMUNICATION ★ USER-FRIENDLY ★ RESPECT ★ EXCELLENCE ★ INTEGRITY ★ TEAMWORK

STATE OF TENNESSEE
EMPLOYEE HANDBOOK

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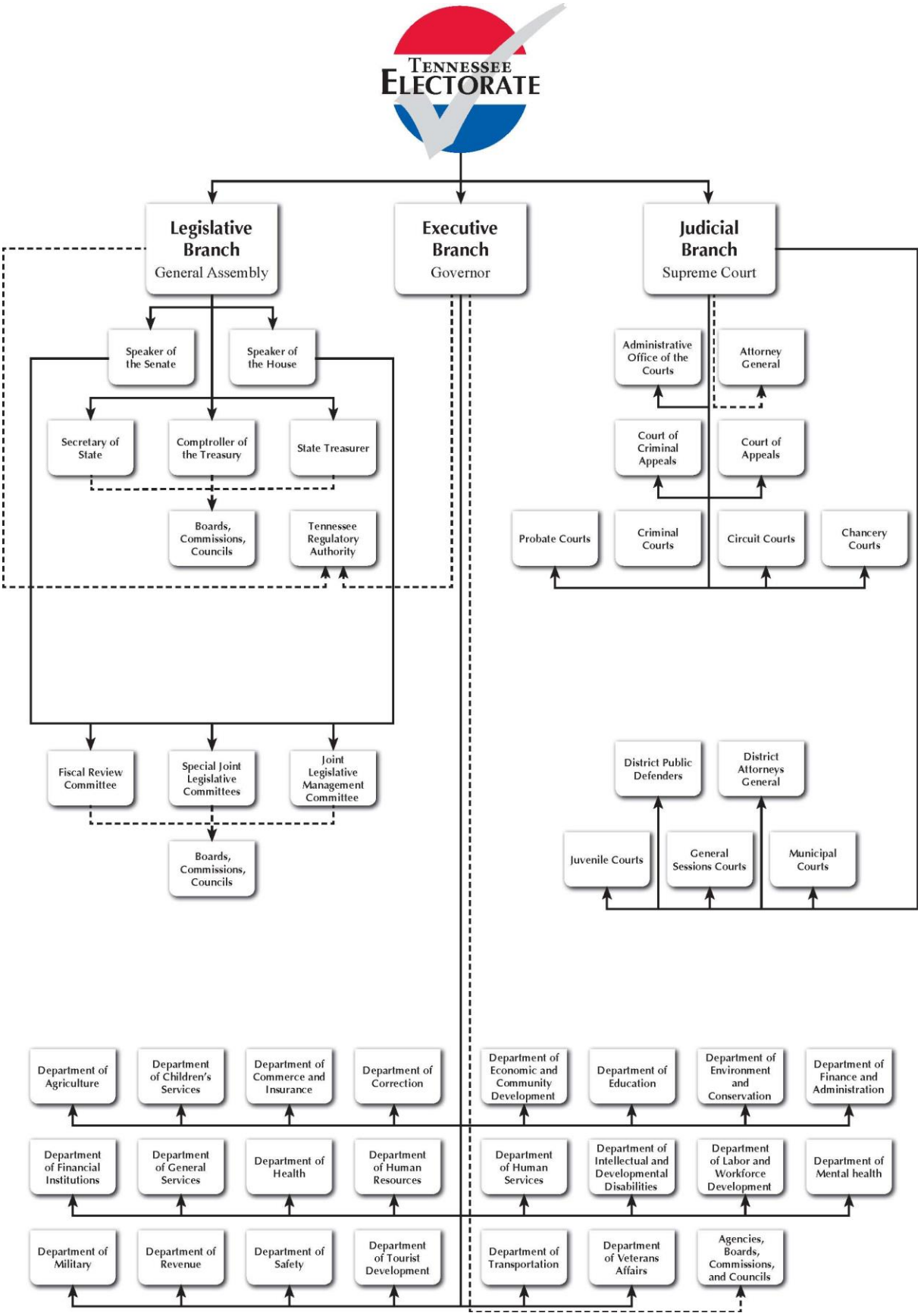
Introduction

This manual has been designed to outline and summarize basic personnel policies, employee benefits, employee responsibility and general personnel practices. This handbook is intended for all state employees.

This handbook was developed to provide general guidelines about the State's policies and procedures for employees; however, this handbook is not intended to state contractual terms and does not constitute a contract between the State of Tennessee and its employees, applicants for employment, or parties who do business with the State of Tennessee. This document is also not a complete review of policies and procedures that regulate the all human resources actions in state government.

For additional information regarding the Rules of the Tennessee Department of Human Resources, please contact your agency's human resources office or please see the Rules, which can be found on the website for the Secretary of State, or the Policies, which are posted on the website for the Department of Human Resources.


Tennessee Electorate
Legislative Branch
General Assembly
Executive Branch
Governor
Judicial Branch
Supreme Court
Speaker of the Senate
Speaker of the House
Secretary of State
Comptroller of the Treasury
State Treasurer
Boards, Commissions, Councils
Tennessee Regulatory Authority
Fiscal Review Committee
Special Joint Legislative Committees
Joint Legislative Management Committee
Boards, Commissions, Councils
Administrative Office of the Courts
Attorney General
Court of Criminal Appeals
Court of Appeals
Probate Courts
Criminal Courts
Circuit Courts
Chancery Courts
District Public Defenders
District Attorneys General
Juvenile Courts
General Sessions Courts
Municipal Courts
Department of Agriculture
Department of Children's Services
Department of Commerce and Insurance
Department of Correction
Department of Economic and Community Development
Department of Education
Department of Environment and Conservation
Department of Finance and Administration
Department of Financial Institutions
Department of General Services
Department of Health
Department of Human Resources
Department of Human Services
Department of Intellectual and Developmental Disabilities
Department of Labor and Workforce Development
Department of Mental health
Department of Military
Department of Revenue
Department of Safety
Department of Tourist Development
Department of Transportation
Department of Veterans Affairs
Agencies, Boards, Commissions, and Councils

Management's Role

On the first day of employment, the immediate supervisor, human resources office, or other designee should discuss, at a minimum, the following topics with the employee:

1. Working hours;

2. Breaks and lunch periods;

3. Location of facilities;

    a. Restrooms
    b. Lunch and break areas

4. Health and safety considerations;

    a. Physical safety procedures
    b. Fire escapes
    c. Exits (layout of building)
    d. Procedures for fire drills
    e. Location of first aid kits
    f. Procedures for reporting fires, bomb threats, or other emergencies. A small card listing emergency numbers and other critical data that the employee can affix to the desk or work surface is helpful.

5. Paydays and the method of payment;

6. Location of the work area, if unclear in the job context;

7. Information on when, where, and how formal organizational orientation is conducted;

8. Leave accrual, use of leave, and reporting time;

9. Reporting absences and requesting leave, including specific notification procedures and contact information in case of illness, tardiness, etc;

10. Information on parking, bus stops, car pooling, etc.;

11. Operation of the phone system;

    a. How to answer the phone in that particular work area
    b. How to transfer calls
    c. How to set up and utilize voice mail, if applicable
    d. Rules for receiving and making personal calls
    e. How to be reached in case of an emergency

12. Procedures for obtaining supplies and other equipment;

13. Basic security requirements and procedures for handling confidential material and/or information so that the employee does not incur a violation; and

14. Dress code and behavior specific to that department or office.

Within the first week of employment, the immediate supervisor, human resources office, or other designee (representative) should discuss with the employee the New Employee Checklist (Attachment 1). The representative should ensure that the employee if given adequate time to gain a clear understanding of the information and ask questions. When complete, the representative shall place the signed document in the employee's personnel file.

Also, the representative should discuss key procedures, make introductions to co-workers, and offer some basic on-the-job training. In some organizations, a physical walk-through helps give the employee an overall framework of the organization. Having names, phone numbers, and other critical information, typed on a card for the employee is also helpful.

Successful On-boarding

In addition to going over the basic information outlined in the attached New Employee Checklist, a complete orientation will require that you share department specific information with the new employee, which might include an organizational chart, a brief overview of the department, the department's mission statement and an office telephone directory. Provide all written material (booklets for insurance, retirement, flexible benefits, deferred compensation, etc.) at this time and make the employee aware of all required timeframes for completing the enrollment process for the various benefits.

Have a follow up meeting the second week of employment to answer questions and complete any required paperwork. A thirty (30) day follow up meeting helps identify and resolve any areas of concern for the employee or the supervisor.

The Department of Human Resources developed the Employee Handbook to serve as a guide during the employee's orientation period. The immediate supervisor, human resources office, or other designee may use this handbook to guide discussions on topics ranging from the employee's compensation, benefits, and state employment practices to health and safety information. In addition, the handbook provides information pertaining to management's expectations for an employee's conduct, including information on the disciplinary process and the appeal procedures. The information in this handbook serves as an effective reference manual throughout the employee's career with state government.

The Employee's Role

This handbook provides some basic information about state employment. This copy is yours to keep. You may also access this handbook online on the website for the Department of Human Resources.

The orientation handbook contains a "New Employee Checklist" that serves as a road map for orientation discussions with your supervisor and other key employees within your organization. As you complete each discussion, initial the topic to indicate your understanding of the information provided.

This handbook provides specific program criteria and other general information regarding benefits, programs, etc., with the relevant web addresses provided for more information on various topics. If you encounter any orientation topics or areas of concern not addressed in this handbook, or if you have any further questions, please contact your department's human resources office.

COMPENSATION

Pay Periods

Paydays occur twice monthly and fall on or about the middle and last day of the month. You receive your pay by direct deposit to your account. Your paycheck information is available for viewing on-line through Edison. The paycheck information shows payment for the previous work period rather than the period just completed. If a payday falls on a weekend or a holiday, you are paid on the nearest working day in advance of that date.

Direct Deposit

Direct deposit is a requirement of employment, unless otherwise exempted by the Departments of Human Resources and Finance and Administration. With direct deposit, your pay is automatically deposited into your account in any financial institution that is a member of the Federal Reserve Network. You may view paycheck information, including an itemized statement of gross pay, deductions, net pay, and other items, on-line through Edison. It takes approximately two (2) pay periods to set up direct deposit; until such time, a paper check is mailed to your home address. Edison can also be accessed online. For additional information about direct deposit, consult your human resources/payroll office.

Deductions

Some deductions from your pay are mandatory, while others are voluntary. Mandatory deductions include federal income tax (withholding) and social security contributions (FICA). The amount of federal income tax withheld from your gross earnings depends upon your salary and how many dependents you choose to claim each year. FICA is deducted from your gross salary at a fixed rate.

Voluntary deductions requiring your authorization include your health, dental, accident and life insurance premiums, deferred compensation, donations to the Tennessee Employees Charitable Campaign, flexible benefits, and other state approved special deductions. Your deductions for insurance premiums are determined by the coverage you select. The amount of other deductions depends upon the commitment you wish to make.

The paycheck information, which may be found on Edison, includes an itemized statement of gross pay, various deductions, net pay, and other items of importance. You may also view information on Edison related to annual, sick, and compensatory leave balances and your Sick Leave Bank membership status. Edison stores up to eighteen (18) months of paycheck information and you may print copies of this information as needed for official records for income tax or other purposes.

Longevity

Longevity is a lump sum payment, intended to reward employees for service to the state and to encourage employees to remain employed by the state. All full-time employees employed for 36 months or more with one or more agencies, departments, offices, or other subdivisions of the executive, judicial, or legislative branches of state government are eligible for longevity pay. Employees become eligible for longevity at the completion of 36 months of creditable state employment. Under certain conditions, part-time employees may be eligible to receive longevity.

Longevity is paid, in conjunction with your regular salary, on the payday at the end of the month following the completion of a creditable year of state employment, which constitutes the employee's longevity anniversary date. Employees on paid leave are eligible to receive the payment on their longevity anniversary date. Within the state service, active full-time service, Division of Claims Administration time, paid educational leave, and authorized unpaid military leave are creditable toward longevity. Other types of special leave without pay and leave received from the Sick Leave Bank are not creditable toward longevity.

Full-time employees with prior part-time service consisting of at least a 1600-hour annual schedule shall receive longevity credit for each month of such part-time service in which they were scheduled to work a full month and actually worked one-tenth of one hour more than half of the regularly scheduled work hours.

Overtime

Additional compensation may be paid to certain state employees who work in excess of regularly scheduled hours. Approval to work overtime must be at the direction of the appropriate manager. Certain classifications are entitled to additional compensation for work in excess of regular scheduled hours, as follows:

(1) Executive Level Personnel
Executive level employees as defined by the Rules of the Department of Human Resources are not eligible to receive compensation for hours worked beyond their regular schedule. However, if an executive level employee is scheduled to work on a legal holiday, the holiday may be rescheduled.

(2) Exempt Personnel
Employees who are exempt from the overtime pay requirements of the Fair Labor Standards Act (FLSA) are compensated for approved overtime worked with compensatory leave, i.e., time off instead of cash.

(3) Non-Exempt Personnel
Employees who are subject to the overtime requirement of the Fair Labor Standards Act (FLSA) are eligible to be compensated in cash for approved time actually worked in excess of their regular schedule for a workweek, i.e., the employee may request compensatory time instead of cash.

(4) Exceptions
Exceptions to this policy must be recommended by the appointing authority and approved in advance by the Commissioners of the Department of Human Resources and the Department of Finance and Administration. Such recommended exceptions must be consistent with state and federal law.

Compensatory Time

Compensatory time is leave credit earned by an exempt or non-exempt employee when compensable overtime hours are worked and are not compensated in cash. Compensatory time is accrued on a workweek basis. Compensatory time may be accrued up to a maximum balance of 480 hours overtime. Any compensatory time accrued in excess of 480 total hours or 240 hours of premium compensatory time will be paid in cash.

Use of Compensatory Time: The use of compensatory time is subject to the approval of the appointing authority or a designated manager in the same manner as annual leave. When an employee requests annual leave and compensatory leave is available, the compensatory leave shall be used first, unless the accumulated annual leave balance at the beginning of the pay period is within two (2) days of the maximum accrual rate for the employee's service group code. If the employee is within the two(2) day maximum accrual rate annual leave may be used until the point the employee falls below the two (2) day maximum, at this point the employee must begin using compensatory leave.

Transferability of Compensatory Time: Compensatory time is transferable between executive branch agencies of state service. Compensatory time earned is taken prior to the beginning of terminal leave, taken prior to separation if the employee has no terminal leave, or paid in a lump sum at separation at the discretion of the appointing authority.

Holiday Compensatory Time: Employees in certain agencies are not able to observe official state holidays due to the nature of their responsibilities. An employee who is scheduled to work on a holiday will receive compensatory overtime on an hour-for-hour basis for time actually worked up to the number of hours scheduled on the day of the holiday.

Prior Service

Prior service may affect your annual leave and/or sick leave accumulation. Ensure that the Tennessee Consolidated Retirement System (TCRS) staff and your departmental human resources office are aware of your specific state or other related service.

Employees may purchase prior service by paying the amount withdrawn plus interest compounded annually from the date of refund. There are several options available to purchase prior service. Please contact TCRS for your specific information regarding this option or go to their website.

EMPLOYEE BENEFITS

Insurance

The State of Tennessee offers eligible employees a basic package of group health, term life, and accident insurance. Optional dental, term and universal life and accident coverage are also available.

Employees pay 20 percent of their insurance premium for the basic package; the state contributes the remaining 80 percent. Employees pay the full premium for any optional coverage(s). Health insurance is available through a choice of providers, based on your county of residence or work.

Please review the following materials about your insurance options:

- Summary of Your Insurance Benefits
- Medical/Dental Plan Comparison
- Optional Life Brochure
- Individual vendor materials

State group insurance is administered by the Department of Finance and Administration's Division of Benefits Administration. Additional information regarding state group insurance options is available on the website for the Department of Finance and Administration.

Retirement from state service offers excellent benefits. Full-time employees are automatically members of the Tennessee Consolidated Retirement System. Contributions made by the state ensure an income during retirement years. Additional information regarding retirement benefits may be obtained from your human resources office or from the Tennessee Consolidated Retirement System.

Deferred Compensation (401(k) and 457)

Employees of the State of Tennessee are eligible to participate in two optional tax-deferred retirement savings plans operated by the state: a 457 plan and a 401(k) plan. Contributions to these plans are made through regular payroll deductions. Except under a few limited circumstances, salary set aside through these plans cannot be withdrawn before reaching age 59½ or separation from state service. Participants in either plan are permitted to direct their contributions among a variety of investment options.

The state will match an employee deferral 100 percent up to a $50.00 contribution by the employee. The minimum contribution is $20.00. The state match amount is subject to annual appropriation. The maximum amount of the employee deferral to each plan set by the IRS is currently the lower of 100 percent of salary or $16,500.00. In general, state employees who participate in the 401(k) plan and who are eligible to participate in the Tennessee Consolidated Retirement System will be eligible to receive the match. Continuation of the match in future years is subject to funding in the state's budget. For additional information about the Deferred Compensation plan go to the Treasury Department's website.

Sick Leave Bank

The sick leave bank grants paid sick leave to members who are medically certified as unable to perform the duties of their jobs as a result of a personal illness, injury, accident, disability, medical condition, or quarantine and who have exhausted all their personal sick, compensatory and annual leave balances. The member employee must meet the criteria established by the sick leave bank trustees and have been in a without pay status for five (5) consecutive days.

The enrollment period is August, September and October each year. To elect to participate, an employee must:

A. be entitled to accrue sick leave pursuant to Tenn. Code Ann. § 8-50-802;

B. have been employed by state government for twelve (12) full months immediately preceding application for participation;

C. currently accrue leave; and

D. have a sick leave balance of at least six (6) days as of October 31 of the current enrollment year in which applying for membership.

At the time of enrollment, the member employee will have the equivalent of four (4) days of sick leave deducted from the employee's personal accumulation and donated to the sick leave bank. An annual contribution of one (1) sick leave day every October 1 after the first year of enrollment is required, although this may be waived by the Board of Trustees in any year.

A member of the sick leave bank shall be eligible to make application to the bank for sick leave on February 1 following enrollment. Applications for grants from the bank for pre-existing conditions will be denied until November 1 of the following year.

Grants of sick leave from the bank will be denied to any member for the following:

A. elective surgery;
B. illness of any member of the participant's family;
C. while the member is earning or receiving income from other employment;
D. during any period the member is receiving disability benefits from social security, or the state retirement plan; or
E. the member is receiving workers' compensation benefits, or any other employer provided benefits for job or service related injuries or illnesses.

Grants can be made in increments of up to thirty (30) consecutive workdays not to exceed the ninety (90) day maximum for any one personal illness, injury, accident, disability, medical condition, or quarantine, or a condition related to, resulting from, or recurring from a previously diagnosed condition for which the bank granted sick leave.

Grants of sick leave from the bank shall not exceed ninety (90) days within a twelve (12) month period.

Sick leave used from the bank will not constitute creditable service for sick and annual leave accrual or for longevity purposes. An employee using sick leave from the bank is not eligible for

holiday pay. An employee receiving grants of sick leave from the bank will be paid holiday pay as one of the regularly approved sick leave bank days.

Donation of Sick Leave between State Employees

Employees may donate a portion of their sick leave to eligible Sick Leave Bank members who have exhausted all of their own sick, annual, and compensatory leave and all benefits available through the Sick Leave Bank. Contact your human resources office for more information on donated leave.

Service Awards

The State of Tennessee's Service Awards Program recognizes employees for their service to state government. Service awards are presented beginning with five years creditable service and at each increment of five (5) years thereafter. Beginning at thirty (30) years of service and above, employees receive a personalized plaque in addition to the award they select.

Employee Suggestion Award Program (ESAP)

Employees are eligible for either cash or honorary awards under the Employee Suggestion Award Program. Cash awards are given for adopted suggestions that result in substantial savings or improvements in state operations. The maximum cash award is ten (10) percent of the first year's estimated savings, or ten thousand dollars ($10,000), whichever is less. However, the ESAP Board may increase the maximum amount of an award for a suggestion that results in extraordinary monetary savings for the state. The ESAP Coordinator for your agency facilitates the evaluation of suggestions and distribution of information about the program. You may obtain an ESAP Suggestion Form from your agency human resources office or it is available online on the website for the Department of Human Resources.

Tennessee Employees Charitable Campaign

Each year, employees are given an opportunity to participate in supporting worthy charitable efforts within the community. The Tennessee Employees Charitable Campaign (TECC) is the only charity drive conducted by state government. Participation is strictly voluntary. Contributions must be designated to a specific agency and are made by payroll deduction. Information regarding the TECC is available on the website for the Department of Human Resources.

Learning and Development

The Strategic Learning Solutions (SLS) Division within the Department of Human Resources supports agencies in building and sustaining high-performing organizations that learn and evolve by providing a full range of products and services in Leadership Development, Talent Management, Performance Management and Professional Skills. The SLS website can be accessed through the website for the Department of Human Resources and provides access to information about available courses and enrollment instructions.

Parking

See your department's human resources office.

Fee Waiver and Fee Discount Programs

Two programs are available to facilitate postsecondary educational opportunities for state employees and their dependents, as well as dependents of public school teachers: the fee waiver program for state employees and the fee discount program for children of state employees and public school teachers.

The fee waiver program allows full-time employees of the executive, judicial, or legislative branch of state government to take one course, undergraduate or graduate, at any State supported college, university or technology center, as well as the Tennessee Foreign Language Institute. An employee may receive the waiver for only one course per semester or mini-semester, not to exceed a maximum of four (4) courses per academic year.

The fee discount program provides a 25 percent discount on enrollment fees for undergraduate courses, generally referred to as tuition, to the child of a full-time employee of the executive, judicial, or legislative branch of state government. The child must be under the age of twenty-four (24) as of the first day of classes and live with, or previously lived in a parent-child relationship with, the eligible employee or teacher. The discount is applied to any number of courses, up to and including full-time study. Additional information on these programs is available at http://tennessee.gov/thec.

ATTENDANCE AND LEAVE

Hours of Work

The regular schedule for most employees is 8:00 a.m. to 4:30 p.m., Monday through Friday. Local conditions may cause these hours to vary, but an employee scheduled to work seven and one half (7.5) hours per day, Monday through Friday, is considered to be on a regular work schedule. Any agency may use irregular work schedules and vary its work hours and workdays at the discretion of the appointing authority. Any full-time schedules other than thirty seven and one half (37.5) hours per week must be approved in advance by the Commissioner of Human Resources and the Commissioner of Finance and Administration.

Absenteeism

If you must be late for work or absent because of illness or for an unforeseen circumstance, personally notify your appropriate manager or immediate supervisor as soon as possible by telephone. Certain supervisors may designate a specific call-in time.

When you have to be late or absent, it is important that you give your supervisor maximum advance notice so that replacement arrangements or work assignments can be made. Your supervisor will cooperate with you on these occasions if you will personally give as much advance notification as possible. However, excessive absenteeism is inappropriate. Remember that supervisors must account for and approve all employee absences.

Lunch Hour

All employees, except those listed below, shall be allowed a one (1) hour unpaid meal period. The authorized meal period must be taken during the work shift and may not be used to alter arrival or departure time by not using the meal period.

- Uniformed members of the Department of Safety
- Wildlife Officers
- Park Rangers
- All employees assigned to hospitals or institutions in the Departments of Mental Health, Intellectual and Developmental Disabilities, Correction, and Children's Services

Rest Breaks

Appointing authorities or agency heads, at their discretion, may allow their employees two (2) rest breaks during each workday. One break may be allowed in the morning and the other in the afternoon for a period not to exceed fifteen (15) minutes each. These rest breaks are a privilege and not a right and should be taken at times that do not interfere with service to the public. If an employee chooses not to take advantage of rest breaks, this time may not be accumulated and added to lunch periods or any type of leave. A rest break may not be used to alter arrival or departure time or used in conjunction with the lunch hour.

Holidays

The following days have been designated by the General Assembly as legal holidays:

New Year's Day	January 1
Martin L. King, Jr. Day	Third Monday in January
President's Day	Third Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

When a holiday falls on Saturday, the Friday before the holiday is substituted. When the holiday falls on Sunday, the Monday following the holiday is substituted. The Governor has the authority to substitute the day after Thanksgiving for Columbus Day for the purpose of closing state offices.

Leave Accrual

Employees scheduled to work one thousand six hundred (1,600) hours or more in a fiscal year, whether compensated on hourly, daily, monthly, or piecework basis, shall accrue leave upon completion of a calendar month of service or major fraction thereof. A major fraction of a month is defined as one-tenth (0.1) of one hour over 50 percent of the employees' scheduled working hours in any month.

Employees Eligible to Accrue Leave

The following employees are eligible to accrue leave:

- Employees with regular and interim appointments who are employed full-time.
- Employees serving on full-time temporary appointments accrue leave after completing six (6) months of active service. The first day following completion of six (6) months of service is regarded as the beginning date for the purpose of accruing leave. Each period of temporary employment should be treated separately.
- Any part-time or seasonal employee scheduled to work 1600 hours or more in a fiscal year.
- Any employee currently eligible to accrue leave who receives a full-time emergency or full-time temporary appointment shall continue to accrue leave, provided there is no break in service.

Employees Ineligible to Accrue Leave

The following employees are not eligible to accrue leave:

- Employees on temporary appointments who have worked less than six (6) months.
- Employees on educational leave, with or without pay.
- Employees on emergency appointments.
- Employees on Division of Claims Administration leave.
- Employees on terminal leave.

- Employees on military leave without pay.
- Employees on special leave without pay.
- Employees on parental leave without pay.
- Seasonal or part-time employees scheduled to work less than 1600 hours in a fiscal year.
- Employees paid through the Sick Leave Bank.
- Limited term employees (such as commissioners) are not eligible to accrue leave while serving in limited term appointments. However, should these employees later be appointed to a position eligible to accrue leave, their time served in a full-time limited term appointment can be used to establish the proper leave service group code.

Annual Leave

All state employees who are employed on a full-time basis earn one day (7.5 hours or 8.0 hours) of annual leave monthly, provided they work the major portion of that month. Annual leave is accrued at an increasing rate as indicated on the following chart:

YEARS OF SERVICE	ANNUAL DAYS PER MONTH	MAXIMUM ACCRUAL (DAYS)
0-5	1	30
5-10	1½	36
10-20	1¾	39
Over 20	2	42

Leave earned in excess of the maximum allowable for each group is transferred to the employee's sick leave account annually in the month of the most recent hire date.

The use of annual leave is subject to supervisory approval. You must make annual leave requests to your supervisor as far in advance as possible to avoid any workload problems during your absence. Employees shall be compensated upon separation for their unused accumulated annual leave, unless dismissed for gross misconduct. In this case, employees will forfeit their annual leave balance.

Sick Leave

All full-time employees accrue one day (7.5 or 8.0 hours) of sick leave per month, provided they work the major portion of each month. The intent of sick leave accrual is to establish a balance of leave time to cover you during extended emergency times when you must be off the job due to illness. In accruing leave, you are assuring yourself of a regular income when you are absent from work because of illness or injury.

Even though you accrue one sick leave day per month of service, you should keep in mind that the use of the benefit is permissive and not a right of employment. Before sick leave is authorized, your supervisor must be satisfied that you were too sick to perform your normal duties or your physical condition is a hazard to fellow employees.

Sometimes, employees will remain at home simply because they do not feel well. Please be sure you know the difference between sickness and not feeling well.

Sick leave may be used for any of the following reasons:

- personal illness
- disability due to accident
- exposure to a contagious disease
- medical and dental appointments
- illness or death of a qualifying family member or others who, at the discretion of the appointing authority, have a relationship which merits similar consideration

Your supervisor may require that you obtain a doctor's statement for yourself, or for a qualifying family member, that specifically states why you could not be present to perform your normal job duties.

If you transfer to another agency or department within state government, your accrued leave is transferred with you. Upon retirement, your accumulated sick leave is acknowledged as creditable service in computing your retirement benefits. Each twenty (20) days of sick leave equals one (1) month creditable service.

After an extended illness, you may be required to present a doctor's statement releasing you to return to work. A supervisor may require a doctor's statement for <u>any</u> absence for which sick leave is taken.

<u>If you are not at work during your regular work hours, you must be on authorized leave.</u> This means that your supervisor knows of and has approved your absence. In accordance with the law and rules, job abandonment occurs when an employee is absent from work without approval for three (3) consecutive workdays or two (2) consecutive workdays following the expiration of any authorized leave. In the case of job abandonment, the department considers that the employee resigned "not in good standing." Therefore, it is imperative that you keep your supervisor informed of your need for leave as it arises.

<u>Leave for Adoption, Pregnancy, Childbirth, and Infant Nursing</u>

Tennessee Code Annotated, Section 4-21-408 provides in part as follows:

> (a) Employees who have been employed by the same employer for at least twelve (12) consecutive months as full-time employees, as determined by the employer at the job site or location, may be absent from such employment for a period not to exceed four (4) months for adoption, pregnancy, childbirth, and nursing an infant, where applicable, referred to as “leave” in this section. With regard to adoption, the four-month period shall begin at the time an employee receives custody of the child.
>
> (b) Employees who give at least three (3) months' advance notice to their employer of their anticipated date of departure for such leave, their length of leave, and their intention to return to full-time employment after leave, shall be restored to their previous or similar positions with the same status, pay, length of service credit, and seniority, wherever applicable, as of the date of their leave.
>
> Employees who are prevented from giving three (3) months' advance notice because of a medical emergency that necessitates that leave begin earlier than originally anticipated shall not forfeit their rights and benefits under this

section solely because of their failure to give three (3) months' advance notice.

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

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

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

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

Whenever the employer shall determine that the employee will not be reinstated at the end of the leave because the employee's position cannot be filled temporarily or because the employee has used the leave to pursue employment opportunities or to work for another employer, the employer shall so notify the employee.

Family Leave

Any employee who is employed in state service for at least twelve (12) consecutive months as a full-time employee may be absent from employment for a period not to exceed four (4) months for pregnancy and birth of a child. The four (4) month period shall include leave required before and after the birth of a child. If covered, you may use sick leave for up to six (6) weeks of this time immediately following the birth of the child.

An employee who has less than one (1) year of service may be granted parental leave for a period not to exceed thirty (30) workdays following the birth of a child. Further information regarding Family Leave is available from your human resources office.

Adoptive Leave

Employees involved in adoption proceedings shall be granted leave in accordance with Tennessee Code Annotated, Section 4-21-408. Any employee who is employed in state service for at least twelve (12) consecutive months as a full-time employee may be absent from employment for a period not to exceed four (4) months. The four (4) month period begins when the employee receives custody of the child. If covered, you may use sick leave for up to six (6) weeks from the time the employee obtains custody of the child.

Family Medical Leave Act

The Family Medical Leave Act (FMLA) entitles eligible employees to a maximum of twelve (12) workweeks of leave each year for specified family and medical reasons and up to twenty-six (26) workweeks to care for a covered service member. It also provides for continued health insurance coverage during the leave period, and requires employee reinstatement to the same or an equivalent position once the leave period has ended. Further information is available from your human resources office.

Civil Leave (Jury Duty)

State employees who are subpoenaed to serve as jurors will be granted civil leave. Civil leave is granted for any day or days an employee is required, by summons, to report for jury duty, provided such responsibility for jury duty exceeds three (3) hours during the day for which the excuse is sought. If the employee serves less than three (3) hours per day, the time served is considered civil leave and the employee must return to work or use compensatory or annual leave for the remaining work hours. An employee may retain any compensation received for jury duty from the courts. Civil leave includes the time required to travel to and from jury duty. Check with your human resources office for additional information.

Military Leave

Employees who are members of the reserve components of the Armed Forces of the United States, including members of the Tennessee National Guard, receive leave with pay for up to twenty (20) workdays in one calendar year. Leave without pay is granted for periods of active duty or training activity with the U.S. Armed Services (both regular and reserve components) or the Tennessee National Guard for authorized periods exceeding the twenty (20) days of paid leave. A leave of absence with pay, not to exceed fifteen (15) working days in any one calendar year, will be granted to employees who are members of the United States Air Force Auxiliary Civil Air Patrol and who participate in a training program for the civil air patrol, or in emergency and disaster services if the leave of absence is at the request of the employee’s wing commander or the wing commander’s designated representative. Your human resources office can give you details on military leave.

Bereavement Leave

Bereavement leave is three (3) days of paid leave granted to an employee in the event of the death of the employee's spouse, child, step-child, parents, step-parents, siblings, foster parents, parents-in-law, grandparents, or grandchildren without charge to the employee's leave time. Pursuant to Tennessee Code Annotated, Section 8-50-113, the relationships listed above are the only relationships that qualify for bereavement leave. There can be no exceptions or substitutions.

Discretionary Leave With Pay

An appointing authority, with the approval of the Commissioner of Human Resources, may place an employee on leave with pay for up to ten (10) days, any time it is considered necessary for the welfare of the employee or the proper operation of the agency. Any discretionary leave in excess of ten (10) days must receive prior approval by the Commissioner of the Department of Human Resources.

Special Leave – Participation in State Assessments and Interviews

An employee may be granted leave with pay to participate in preferred service and other assessments administered by the State of Tennessee. In addition, an employee may also be granted excused absences to be interviewed for other State positions at the request of a responsible official of the interviewing agency. However, an employee must use leave to participate in external federal exams or interviews.

Elections – Time Allowance for Voting

Any person entitled to vote in an election held in this state will be granted paid leave from work on the day of the election for a reasonable period of time, not to exceed three (3) hours, necessary to vote during the time polls are open in the county where the employee resides. If the work schedule of an employee begins three (3) or more hours after the opening of the polls or ends three (3) or more hours before the closing of polls in the county where the employee is a resident, paid leave will not be granted. Employees working from 8:00 a.m. until 4:30 p.m. and residing in counties where polls are opened until 8:00 p.m. are not eligible for additional time off from work. Employees working from 8:00 a.m. until 4:30 p.m. and residing in counties where polls are opened until 7:00 p.m. are eligible to request an absence of no more than thirty (30) minutes. Requests for leave must be made no later than 12:00 p.m. on the workday preceding the day of the election. The supervisor may designate the period of permissible absenteeism.

Absence Due to Inclement Weather

Inclement weather does not usually warrant the closing of state offices. Absence due to inclement weather requires that each employee make a personal judgment pertaining to his safety in traveling to and from work. Loss of work time for this reason is charged against the employee's compensatory or annual leave balance. If the employee has no compensatory or annual leave, then the time absent is charged as leave without pay. Employees who make the effort to report on time and who report within a reasonable period should not be required to use leave for that absence.

Disaster Leave

In the event the Governor declares a state of emergency as the result of a disaster, an appointing authority may grant up to five (5) days of discretionary leave with pay to an employee whose primary residence becomes uninhabitable due to the disaster. Certain conditions must apply for this leave. Consult with your agency human resources office for details.

You may find additional information regarding attendance and leave from your human resources office or in the Department of Human Resources' Attendance and Leave Manual.

GENERAL PERSONNEL PRACTICES
AND ADMINISTRATIVE GUIDELINES

Equal Employment Opportunities (EEO)

The State of Tennessee is firmly committed to the principle of fair and equal employment opportunities for its citizens and strives to protect the rights and opportunities of all people to seek, obtain, and hold employment without being subjected to illegal discrimination and harassment in the workplace. It is the state's policy to provide an environment free of discrimination and harassment of an individual because of that person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and or federal civil rights laws. The state's Policy Statement on Workplace Discrimination and Harassment is attached in its entirety (Attachment 2).

The General Counsel's Office of the Department of Human Resources provides assistance to state departments and agencies in implementing the Policy on Workplace Discrimination and Harassment and in developing agency-specific procedures to investigate and resolve complaints. Each department or agency within the executive branch of state government has an EEO Officer who is responsible for the implementation of agency-specific procedures in accordance with the state's Policy.

The EEO Officer is also responsible for developing and updating an annual written Affirmative Action Plan (AAP) to facilitate the implementation of equal opportunity into all facets of the department's human resources management system. The plan is a statistical document which identifies and analyzes patterns in the participation and utilization of women and minorities in the workforce.

The AAP provides a work force analysis for the identification of divisions and units where minorities and women are under-utilized and under-represented. Also included are goals, timetables, reasonable actions, and good faith efforts designed to create and maintain a balance within the work force absent discrimination regardless of age, race, sex, color, religion, national origin, disability, pregnancy, creed, or veteran's status.

The Office of the General Counsel for the Department of Human Resources and agency EEO Officers are available to counsel individuals on workplace harassment and discrimination on the basis of an individual's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, or veteran's status. Employees or applicants who feel that they may have been harassed or discriminated against because of any of the above mentioned reasons may file a formal complaint without fear of retaliation. For additional information, the state's Policy Statement on Workplace Discrimination and Harassment is attached. It may also be found on the Department of Human Resources' web site.

Department Americans with Disabilities Act (ADA) Coordinators ensure state government's compliance with the Americans with Disabilities Act as amended by the Americans with Disabilities Act Amendments Act (ADAAA). They assist with reasonable accommodation issues in state employment and program access for state services and programs and help agencies and employees resolve access and accommodation issues. Please contact your agency's ADA Coordinator if you need more information or have any questions about a reasonable accommodation.

Performance Management

The purpose of the performance management program is to promote employee development, enhance employee productivity, serve as a basis for sound personnel decisions, and provide a permanent record of the expected standards of performance, work outcomes, for employees in the state service. A formal written evaluation of the performance expected work outcomes for all preferred service employees will be conducted at the end of probationary periods and at the end of June on an annual basis thereafter.

The performance review process is carried out as follows:

Step I – Individual Performance Plan

During an initial discussion, your supervisor will explain and clarify the evaluation process, the major responsibilities and expected standards of performance, work outcomes, for which your performance will be evaluated, and a description of the performance necessary to achieve a good rating.

Step II – Interim Reviews

Periodic (Interim) reviews of job performance will be conducted to provide constructive feedback, discuss means of enhancing performance, and if appropriate, to discuss consequences of marginal or unsatisfactory performance.

Step III – Annual Review

An annual written review of your performance will be completed and placed in your official personnel file. You have the opportunity to agree or disagree and comment on the evaluation. A reviewer (usually your supervisor's supervisor) reviews the annual evaluation to assure completeness and accuracy of the rating(s).

Any general questions regarding the Performance Management process may be directed to your supervisor, your reviewer, or your human resources office. Additional information regarding Performance Management is available on the website for the Department of Human Resources.

Probationary Periods

Every person in the preferred service must successfully complete an initial probationary period of at least one (1) year. This initial probationary period is the first part of the employment process and is customary employment practice.

During your probationary period, your supervisor will help you become familiar with your duties and responsibilities. Your attitude toward your work, your efficiency, and the quality of your work and willingness to accept responsibility will be observed. The probationary period will enable your supervisor to determine your ability to do your job. It also lets you decide whether you wish to continue in the service of the department.

The initial probationary period is no less than six (6) months and may be for a period of one (1) or two (2) years if you are appointed to the trainee level of a flexibly staffed position. After successful completion of the initial probationary period, you become a preferred service employee in your

classification in your department. After completion of one (1) month's service, a supervisor may recommend the termination of an employee on initial probation if it is determined the employee is unable or unwilling to perform the requirements of the job. However, if at any time during the initial probationary period it is determined that an employee's conduct does not merit further observation, the supervisor may recommend termination. There is no appeal of a termination during the initial probationary period.

As a preferred service employee, if you are appointed to another classification in your department, you must successfully complete a subsequent probationary period in the new position. If you are promoted or you voluntarily transfer to a position in another agency or department, you must complete a new initial probationary period with that agency. The length of this initial probationary period is also no less than one (1) year.

Promotions/Transfers

As a state employee, one of your goals should be to do the best job you can for the citizens of Tennessee. It is also your obligation to grow and change with the job. Employment in state government has much to offer you in your efforts to meet and fulfill these responsibilities.

Your employment with the state is what you make of it. You must do your best in your present job, and in doing so, you should look ahead and prepare yourself for opportunities to advance. However, you must keep in mind that consideration for a promotion is a privilege that is earned through meeting minimum qualifications and demonstrating your abilities and potential for performance at a higher level. Promotions are not matters of right created by seniority or time within a classification. Positive self-development and participation in training opportunities can aid in your making yourself a more attractive candidate for promotion.

The Applicant Services Division of the Department of Human Resources administers preferred service employment assessments and provides information to applicants regarding employment and promotional opportunities. Most jobs available with the state are covered by the preferred service system.

Employees who wish to apply for an announced classification should submit an updated application to the Department of Human Resources during the announced open period. Assessment announcements with opening and closing dates for applying are posted on a regular basis at the department's website.
You may desire a lateral transfer or lateral reclassification to increase your career opportunities or as a career path change. Any transfer is at the discretion of management, with the approval of the appointing authority, and may be granted subject to staffing needs or requirements. Your supervisor or human resources office can advise you about the procedure to follow in applying for a transfer.

The appointing authority may transfer any employee from a position in one work unit to a position in the same classification in another work unit in the same agency. For more information, contact your human resources office.

Public Relations – Conflict of Interest

As a state employee, you represent the State of Tennessee in your contacts with the public, on and off the job. Each contact you make is an opportunity to create goodwill for your agency and your state government.

Courtesy must be shown in all contacts with the public and your coworkers. As you are employed by the citizens of the State of Tennessee, prompt, polite, and courteous service is essential regardless of the circumstances. If you feel that you have been subjected to discourteous behavior, discuss this with your supervisor.

Employment with the State of Tennessee is a position of public trust. Employees must not participate in any activity either in a private or in an official capacity where a conflict of interest may exist. Your first loyalty should be to the public interest, and you must avoid associations or interests that could affect your objectivity in performing your job or in making the decisions required of your position. However, employees are encouraged to participate in professional and civic organizations, if such participation does not adversely affect their role as a public employee.

If you question whether any outside activity or interest may be in conflict with your job requirements, you should ask for guidance from your supervisor or your human resources office.

Political Activity

Political activity of state employees is controlled by the Federal Hatch Act and the Tennessee Little Hatch Act. Generally speaking, during those hours of the day when you are required to conduct the business of the state, you may not actively engage in a political campaign on behalf of any party, committee, organization, agency, or political candidate; or attend political meetings or rallies; or otherwise, use your official position or employment to interfere with or affect the result of any regular or special election; or perform political duties or functions not directly a part of your employment.

You are encouraged to exercise your right to vote for the party or candidate of your choice and you are free to express your personal opinion concerning a political subject, party or candidate. You can obtain additional information from your human resources office.

If you wish to seek an elective office, you may be covered by provisions of the Federal Hatch Act and the Tennessee Little Hatch Act. You must seek guidance from your human resources office on the procedure you should follow before qualifying as a candidate.

Personnel Records

Your department's human resources office keeps an official record for each departmental employee. Information pertaining to your employment is filed in your personnel file and is available for your review in your human resources office during regular office hours.

It is most important that you keep your records accurate and up-to-date at all times. You should report any change in your status to your human resources office. Be sure to report all changes of your name, address, marital status, beneficiaries, or changes in the status of your dependents. You may update some information directly in Edison. Discuss any questions regarding personnel records with your human resources office.

Employee Identification

Your human resources office will issue you a state identification card (I.D.). You should keep this card on your person for any occasion that would require your identification as a state employee. In addition, you may be required to carry or wear a pass for the building in which you work.

Equipment and Supplies

You have an obligation and responsibility to use and care for machines and equipment you use on your job. Improper use and maintenance of equipment that you and others depend upon can lead to unnecessary losses in time and money. When not in use, equipment should be stored or covered.

Employees have a duty to conserve and protect government property. Employees should not directly, or indirectly, use or allow the use of governmental property, including telephones and computers, vehicles, equipment, facilities, personnel, supplies, or services of any kind for other than approved activities. This includes anything leased to the department or otherwise paid for by the department. State issued equipment and clothing must be returned upon separation.

Use of State Telephones

State telephones are provided for business purposes. ABSOLUTELY NO PERSONAL LONG DISTANCE TELEPHONE CALLS ARE TO BE CHARGED TO THE STATE'S TELEPHONE SYSTEM. Abuse of the state's telephone system will result in your department taking appropriate disciplinary action. While personal telephone calls are allowed for local calls, such calls should be limited to a few minutes and occur only during the employee's break time, except in case of an emergency. Employees must consult their supervisors regarding proper procedures for placing work related long distance telephone calls.

Use of State Computers

The state's computers are available for state business purposes only. This includes use of the internet. No programs should be installed without permission of the Information Systems Director in your department. Unauthorized use of state computers or systems could result in disciplinary action, up to and including dismissal. All employees with access to state computers should read and sign the Acceptable Use Policy, Network Access Rights and Obligations.

Solicitation

There shall be no solicitation by any person, organization, or association on state property. Solicitation is any attempt to seek contributions, gifts, or donations; or to offer memberships in any organization, or to solicit the purchase of any property; or to distribute literature or any other material. This rule does not apply to solicitation conducted by the state or federal government (e.g., Tennessee Employees Charitable Campaign, etc.). State buildings are under the operation of the Department of General Services. The rule regarding solicitation on state property can be found on the Secretary of State’s website.

Gifts and Contributions

Employees, in the course of or in relation to their official duties, shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift, reward, gratuity, favor, service, or promise of future employment or other future benefit from any source, except the state, for any activity related to their duties as state employees unless otherwise provided by law. Executive orders concerning ethics, conflicts of interest, and acceptance of gifts are posted in your human resources office.

Personal Property

Many offices and work locations are open areas for both the public and a large number of fellow employees; therefore, it is important to use sound judgment when bringing personal property to work. It is your responsibility to secure any personal property in your work location properly.

Dress and Grooming

As a public servant of the State of Tennessee, you are expected to maintain a professional standard of dress and grooming that reflects good taste and common sense. You should dress appropriately for your office or your working conditions. You should be well groomed and neatly dressed in appropriate attire. Specific dress codes may be established for some work units and/or departments. If you have any questions about appropriate dress in your work environment, ask your supervisor or your human resources officer.

HEALTH AND SAFETY

The State of Tennessee is concerned for your health and safety in the performance of your job. You must observe all safety rules as they are designed for your benefit. If you become aware of a health or safety hazard, report it to your supervisor immediately.

Workers' Compensation/Accidents/Injury in the Line of Duty

Should you have an accident while on the job:

- Seek immediate first aid or emergency care. See that your supervisor or shift supervisor is notified of your accident/assault and your condition. All serious injuries that require outside medical services and/or result in lost time should be reported immediately to Corvell at 1-866-245-8588 for the name of a medical provider authorized to treat you.

- All on the job injuries should be reported as soon as possible to your supervisor who is responsible for initiating the proper reports.

ParTNers Health & Wellness Center

The **ParTNers Health & Wellness Center** (formerly called the Employee Health Clinic) is located on the third floor of the WRS Tennessee Tower.

ParTNers Health & Wellness Center welcomes all employees enrolled in the State's Group Health Insurance Plan. The Center offers many health care services at no cost to eligible State employees.

Make an appointment by calling **(615) 741-1709**. When you visit the ParTNers Health & Wellness Center please bring your State health insurance ID card and either your State employee ID or driver's license.

Visit **www.partnershealthcenter.com** for more information about the Center and our expanded services.

ParTNers for Health Wellness Program

The ParTNers for Health Wellness Program, administered by Healthways, is free to all State Group Health Insurance Plan members and eligible spouses and dependents. Call **1-888-741-3390** or go to **www.partnerforhealthtn.gov** to access any of these services:

- An **online questionnaire** is available to help you learn more about your health and identify any potential risks. Log in to your online Well-Being Account and complete the Well-Being Assessment (WBA) at any time to learn more about your health.
- **Health coaching** offers professional support to create and meet goals to improve your health. Call Healthways at 1-888-741-3390 to talk to a health coach.
- The **nurse advice line** gives you access to medical information and support 24/7 at no cost to you. Call 1-888-741-3390 to speak to a nurse.

- **Quarterly wellness challenges** offer a fun way to help members develop a healthier lifestyle while providing group support. Log in to your Well-Being Account to join an online wellness challenge.
- **Weight Watchers at Work discounts** and **fitness center discounts** offer affordable ways for members to improve their health.

ParTNers Employee Assistance Program (EAP)

ParTNers EAP is available to all benefits-eligible state employees and eligible dependents. ParTNers EAP helps you and your family members with the personal issues we all experience during our daily lives such as stress, depression, anxiety, family, relationship/marital issues, as well as grief and loss. In addition to offering up to five free sessions of EAP counseling, ParTNers EAP also offers free financial, legal, eldercare, and childcare consultations. Confidentiality is always a top priority and services are available 24/7 by calling 1-855-HERE4TN (1-855-437-3486).

ParTNers EAP also offers assistance for managers and leaders. You can call ParTNers EAP and ask to speak with a member of the Workplace Support Team for critical incidents but also for assistance managing teams, motivating employees, reviewing performance and more. ParTNers EAP also offers over 75 different trainings on a variety of topics including *Resiliency*, *Bringing out the Best in Others*, and *Overcoming Worry*. These seminars are offered at no cost and offer a variety of different topics and programs. Contact Deborah Roberts at daroberts@magellanhealth.com to schedule a seminar.

ParTNers EAP is administered by Magellan Health. Mental health and substance abuse services are also available to members. Additional information can be found at www.Here4TN.com.

Drug-Free Workplace

No state employee will be allowed to work under the influence of alcohol or illegal drugs, nor possess or partake of such during work hours. Furthermore, no state employee will be allowed to work under the influence of prescribed or other lawfully obtained drugs when the taking of these drugs impairs the employee's ability to perform his/her job. Appropriate disciplinary action, up to and including termination, will be taken for those employees not in compliance with this policy.

Smoking Policy

The State of Tennessee is a smoke-free employer.

EMPLOYEE CONDUCT

Work Performance and Conduct

Work performance and conduct are governed by DOHR Rules and Policies to ensure that employee performance and conduct are regulated in a fair and consistent manner.

Your conduct at work must always be professional, whether dealing with the public, coworkers, supervisors, or others. Misconduct and/or insubordination are grounds for disciplinary action. The level of disciplinary action is at the discretion of the supervisor and depends upon the seriousness of the offense, work record, and other relevant information.

Your work performance is also regulated. If performance falls below acceptable standards, your supervisor will utilize performance review and supervisory counseling to improve this deficiency. If there is not improvement, your supervisor will take additional corrective action, up to and including disciplinary action.

It is your supervisor's responsibility to address any situation in which a change in your attitude or value of your job has an adverse affect on your ability or willingness to perform assigned duties.

The following are examples of acts that may warrant disciplinary action. This list is not all-inclusive and shall not limit an appointing authority's discretion in disciplinary matters:

(1) Inefficiency in the performance of duties;
(2) Incompetency in the performance of duties;
(3) Negligence in the performance of duties;
(4) Misconduct involving public officials and employees pursuant to T.C.A., Title 39, Chapter 16, Part 4;
(5) Careless, negligent, or improper use of state property or equipment;
(6) Failure to maintain satisfactory and harmonious working relationships with the public and fellow employees;
(7) Habitual improper use of sick leave;
(8) Habitual pattern of failure to report for duty at the assigned time and place;
(9) Failure to obtain or maintain a current license or certificate or other qualification required by law or rule as a condition of continued employment;
(10) Gross misconduct;
(11) Conduct unbecoming an employee in state service;
(12) Conviction of a felony;
(13) Willful abuse or misappropriation of state funds, property or equipment;
(14) Falsification of an official document relating to or affecting employment;
(15) Participation in any action that would in any way seriously disrupt or disturb the normal operation of the agency, institution, department, or any other segment of the state service or that would interfere with the ability of management to manage;
(16) Trespassing on the property of any state officer or employee for the purpose of harassment;
(17) Damage or destruction of state property;
(18) Acts that would endanger the lives and property of others;
(19) Possession of unauthorized firearms, lethal weapons, alcohol or illegal drugs on the job;
(20) Brutality in the performance of duties;
(21) Refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination);

(22) Reporting to work under the influence of alcohol or illegal drugs, or partaking of such on the job;
(23) Sleeping or failure to remain alert during duty hours;
(24) Unauthorized disclosure of confidential information;
(25) Garnishment of wages for more than one indebtedness;
(26) Political activity prohibited by Tennessee Code Annotated, Title 2, Chapter 19 (the "Little Hatch Act") or by United States Code, Title 5, Chapter 15 (the "Federal Hatch Act"); and
(27) For the good of the service as outlined in Tennessee Code Annotated, Section 8-30-316.

Disciplinary Action

Supervisors are responsible for maintaining the proper job performance level, conduct and discipline of the employees under their supervision. When corrective action is necessary, the supervisor should administer disciplinary action at the step appropriate to the infraction, conduct or performance, as determined by the supervisor.

Oral Warning

A supervisor may issue an oral warning to an employee for unacceptable conduct or performance of duties. The supervisor must provide the employee with written documentation of the date of the discussion and other necessary information regarding expectations for improvement. An oral warning is not placed in the employee's personnel file.

Written Warning

A supervisor may issue a written warning to an employee for unacceptable conduct or performance of duties. The supervisor must provide the employee with written documentation that identifies the document as a written warning. The written warning documents the date of the discussion and other necessary information regarding expectations for improvement

A preferred service employee may ask for a review of the written warning by the appointing authority. This request must be submitted in writing to the appointing authority within fourteen (14) calendar days from receipt of the warning and include any mitigating circumstances causing the employee to believe that the warning is undeserved. The Appointing Authority shall provide a written decision to the employee within fifteen (15) days of receipt of the request for review. The Appointing Authority's written decision is final.

A copy of the written warning shall be placed in the employee's personnel file. After a period of two (2) years, the employee may submit a written request to expunge the written warning from his or her personnel file. Such request shall be granted if the employee has had no further disciplinary actions with respect to the same area of performance and/or conduct within the two (2) year period. The request itself does not become a part of the employee's file.

Suspension Without Pay

A preferred service employee may be suspended by the appointing authority for unacceptable conduct or performance of duties. A suspension without pay may not exceed thirty (30) calendar days within a twelve (12) month period. With the approval of the Commissioner, an employee may be suspended for a longer period pending the appeal or the processing of an appeal in accordance with this chapter.

Dismissal

A preferred service employee may be dismissed by the appointing authority for unacceptable conduct or performance of duties. Ten (10) calendar days paid notice must be given. During the notice period, an employee is not required to report for duty but is paid for the workdays that fall within that ten (10) calendar days. For an employee dismissed for gross misconduct, the accumulated annual leave balance is used during this notice period and any remaining annual leave balance is forfeited. However, employees who do not have an annual leave are paid during this notice period. The ten (10) calendar days paid notice is not required for employees dismissed during their initial probationary period.

Transfer or Demotion

A preferred service employee may be transferred or demoted if the appointing authority determines that the employee's ability to satisfactorily perform the required duties of the position is beyond the capabilities of the employee or the employee has been compromised by conduct that renders the employee ineffective in his/her position. A preferred service employee may appeal a demotion as outlined in the Rules of the Department of Human Resources found on the Secretary of State's website.

Appeal Process

A preferred service employee who is dismissed, demoted, or suspended may file an appeal concerning the application of a law, rule, or policy to the employment action An executive service employee does not have standing to file an appeal.

There are three (3) steps in the appeal process. Step I is to the Agency Appointing Authority, Step II is to the Commissioner of Human Resources, and Step III is to the Board of Appeals. If the term of a suspension is less than three (3) days, the ability to appeal is limited to an appeal to the Appointing Authority under Step I and the Commissioner under Step II as provided in this chapter. An employee shall not be able to appeal a suspension of less than three (3) days to the Board of Appeals.

An employee who files an appeal must do so no later than fourteen (14) calendar days after the date the employee receives written notice of a dismissal, demotion, or suspension. If an employee fails to file the complaint within the fourteen (14) day period, the ability to appeal lapses and is deemed to have been waived in its entirety by the employee.

Appeal discussions held during the scheduled off-duty hours for a complainant, witness, or representative shall be considered the same as hours worked, including overtime if applicable. Employees who are required to appear as witnesses or representatives shall not be required to use leave for such periods and shall be reimbursed for travel and other expenses in accordance with the state's comprehensive travel regulations.

For additional information regarding the appeal process, please see the Rules of the Department of Human Resources.

Tennessee Employee Mediation Program

It is the policy of the State of Tennessee to encourage the use of mediation as a valuable tool for all state employees to resolve workplace issues. Mediation is a process whereby the parties themselves, with the assistance of a neutral third party, seek to develop and agree upon solutions to issues in the workplace. The primary purpose of the Tennessee Employee Mediation Program is to provide a responsive, informal, confidential, and effective means of resolving human resource issues as an alternative to administrative proceedings. Access to mediation services is available to any employee in the state service as a voluntary means of resolving workplace issues that are eligible for mediation as set out in the Rules of the Department of Human Resources Chapter 1120-14.

Fraud, Waste or Abuse

The Tennessee Comptroller of the Treasury's Department of Audit provides a toll-free hotline for reporting fraud, waste, and abuse of government funds and property. If you observe an agency director or employee engaging in any activity that you consider illegal, improper, or wasteful, please call the State Comptroller's Toll-Free Fraud Hotline at 1-800-232-5454.

SEPARATIONS

Resignation

If you choose to leave state service, it is important to give proper notice. To resign in good standing, you should give your supervisor at least ten (10) workdays' notice in writing. Arrangements for receiving your final pay should be made with your supervisor or human resources office. An employee's last paycheck is an actual check, mailed to the employee's home address as listed in Edison at the time of issue.

Dismissal

You may be dismissed from state service for reasons related to your performance of duties or conduct. A mandatory notice of at least ten (10) calendar days is required for preferred service employees in all cases of dismissals after completion of initial probation.

Job Abandonment

If you are not at work during your regular work hours, you must be on authorized leave. This means that your supervisor knows of and has approved your absence.

In accordance with DOHR rules and regulations, you will be considered as having resigned "not in good standing" if you are absent from work without approval or proper notice to your supervisor for three (3) consecutive workdays or if you are absent for two (2) consecutive workdays following the expiration of any authorized leave. Keep your supervisor informed of your needs for leave as they arise and he or she will try to grant your leave, if possible.

Return of State Property

When you separate from state employment, you must return all state property and/or equipment to the appropriate staff person. This includes but is not limited to state issued credit cards, keys, computers, etc.

Attachment 1

NEW EMPLOYEE CHECKLIST

The human resources officer/supervisor will discuss each item on the checklist with the new employee. Please check the following items as they are discussed and sign when completed. Give a signed copy to the employee and return the original to the human resources office for placement in the employee's official personnel file.

Name: _____ Dept./Division: _____

Location: _____ Employment Date: _____

Work Phone: _____ Pos. Number: _____

Required Forms to discuss and sign:

_____ W-4 IRS Form
_____ Direct Deposit Form & Deposit Slip
_____ Retirement Form (along with booklet)
_____ Certificates, Transcripts and Application
_____ Beneficiary for Leave Balances
_____ Return of State Property
_____ Operation of Motor Vehicles
_____ Conflict of Interest
_____ Travel Regulations
_____ DGS Smoking Policy
_____ Discrimination and Harassment Policy
_____ Employment Eligibility Form (I-9) (copy identification documents)
_____ Drug Free Workplace Policy/Acknowledgment Form (if applicable)
_____ Computer Crimes Act "Acceptable Use Policy"

Insurance

_____ State Group Health Insurance Program, including the current Partnership Promise, and Basic Term Life/Basic AD&D
_____ Dental Insurance

_____ _____ I intend to apply for insurance coverage within 31 days after my hire date.
YES NO

Health and Dental Insurance Effective Dates: You should sign up for insurance during your formal orientation session. Your insurance is effective the first day of the month after your hire date. It is important to note that if your enrollment application is not received by Benefits Administration before the 20th of the month, you may have a double deduction for your insurance after you are enrolled.

Example = If you start on June 1, your insurance is effective on July 1.
Example = If you start on June 2, your insurance is effective on July 1.
Example = If you start on June 26, your insurance is effective on July 1.

_____ Optional Special Accident (AD&D) Insurance
_____ Optional Universal Life and/or Term Life Insurance
_____ Optional Long-Term Care Insurance

Optional product applications are submitted directly to the applicable vendor by the employee.

Compensation

_____ Pay Periods
_____ Direct Deposit
_____ Deductions
_____ Longevity
_____ Overtime
_____ Compensatory Time
_____ Prior Service

Payroll Deductions

1. Semi-monthly Pay System

   A. You are paid one (1) pay period in arrears.

   B. Paid mid-month and last workday of each month. If the payday falls on a weekend or holiday, pay will be issued on the nearest working day in advance of that date.

   C. First pay period deductions (reflected in pay received at end of month).

      1. F.I.C.A.
      2. Withholding
      3. Insurance (Optional)
      4. Flexible Benefits (Optional)
      5. Deferred Compensation (Optional)
      6. Credit Union (Optional)

   D. Second pay period deductions (reflected in pay received at mid-month).

      1. F.I.C.A.
      2. Withholding
      3. Insurance (Optional)
      4. Flexible Benefits (Optional)
      5. Deferred Compensation (Optional)
      6. Credit Union (Optional)
      7. Charity Fund (Optional)

Employee Benefits

_____ Insurance (Health, life, accident, and optional)
_____ Retirement (TCRS)
_____ Deferred Compensation Program – Great West Retirement Services, (800) 922-7772
_____ Sick Leave Bank
_____ Service Awards
_____ Employee Suggestion Award Program
_____ Tennessee Employees Charitable Campaign (TECC)
_____ Training
_____ Promotions/Transfers
_____ Parking Tag, Information Card, and Parking Lot Information
_____ Public Higher Education Tuition Discount & Fee Waiver
_____ Flexible Benefits Program, forms, and booklet

Attendance and Leave

_____ Hours of Work
_____ Absenteeism
_____ Lunch Period/Breaks
_____ Holidays
_____ Accruing Leave
_____ Annual Leave
_____ Sick Leave
_____ Parental Leave
_____ Adoptive Leave
_____ Family Medical Leave
_____ Civil Leave
_____ Military Leave
_____ Bereavement Leave
_____ Administrative Leave
_____ Special Lv./ Exams/Absences/Elections
_____ Absence Due to Inclement Weather

General Human Resources Practices & Administrative Guidelines

_____ Equal Employment Opportunity
_____ Affirmative Action
_____ Americans with Disabilities Act
_____ Public Relations
_____ Conflict of Interest
_____ Computer Use
_____ Gifts and Contributions
_____ Political Activity
_____ Employee Identification
_____ Personnel Records
_____ Personal Property
_____ Equipment & Supplies
_____ Telephone Use
_____ Employee Relations
_____ Dress and Grooming
_____ Solicitation
_____ Probationary Periods
_____ Performance Evaluation

Health and Safety

_____ Worker's Compensation/Accidents/Injured in the Line of Duty/Assault Pay
_____ Employee Health Clinic
_____ Employee Assistance Program
_____ Wellness Program

Employee Performance and Conduct

_____ Work Performance and Conduct
_____
_____
_____ Disciplinary Action
- Oral Warning
- Written Warning
- Suspensions Without Pay
- Dismissal
- Transfer or Demotion

_____ Appeals
_____ Workplace Harassment
_____ Fraud and Abuse

Separations

_____ Resignation
_____ Termination/Dismissal
_____ Job Abandonment
_____ Return of State Property

Acknowledgement:

_____ _____
Signature of human resources officer/supervisor completing this checklist
Date

_____ _____
Signature of employee
Date

Attachment 2

DOHR

POLICY

Approved by: Rebecca R. Hunter, Commissioner	**Policy Number:** 12-008
Signature: Rebecca R Hunter	**Supersedes:** 11-009, 10-021
Application: Executive Branch Agencies, All Employees	**Effective Date:** October 3, 2012
Authority: T.C.A. § 4-3-1703, T.C.A. § 4-21-101, T.C.A. § 8-30-104, T.C.A. § 8-50-104	**Rule:** Chapter 1120-07

Subject:

Workplace Discrimination and Harassment[1]

The State of Tennessee is firmly committed to the principle of fair and equal employment opportunities for its citizens and strives to protect the rights and opportunities of all people to seek, obtain, and hold employment without being subjected to illegal discrimination and harassment in the workplace. It is the State's policy to provide an environment free of discrimination and harassment of an individual because of that person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws.

In the absence of an agency-specific policy, employees or applicants for employment who believe they have been discriminated against or harassed on any of these bases should utilize the procedures set forth in this policy.

Definitions of Discrimination and Harassment in the Workplace

A. Workplace Discrimination and Harassment

This policy prohibits unequal and unlawful treatment of an individual on the basis of a person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, or veteran's status or any other category protected by state and/or federal civil rights laws. This policy further prohibits any unwelcome verbal, written, physical conduct, or electronic communication that either degrades or shows hostility or aversion towards a person because of that person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, or veteran's status or any other category protected by state and/or federal civil rights laws.

[1] While the State of Tennessee is committed to the principles embodied in this policy, the policy itself is not intended to state contractual terms and does not constitute a contract between the State and its employees, applicants for employment, or parties who do business with the State. This policy supersedes all policies that conflict with the terms of this policy.

Furthermore, this statement constitutes ONLY the policy of the State of Tennessee. A finding violation of this policy does not mean that the conduct violates state and/or federal laws.

To aid employees in identifying prohibited behavior, the following specific examples of workplace discrimination and harassment are provided. These examples are not exhaustive; they illustrate, however, the types of conduct that violate this policy:

- Undermining a person's authority or work performance because of the person's protected characteristics, such as age or religion;
- Using stereotypes or assumptions to guide decision-making about a person's career;
- Unwelcome touching or near-touching, which can encompass leaning over, cornering, hugging, or pinching, sexual innuendos, teasing and other sexual talk such as jokes, personal inquiries, persistent unwanted courting and sexist put-downs;
- Slurs and jokes about a class of persons, such as disabled persons or a racial group;
- Distributing via electronic means epithets, slurs, jokes or remarks that are derogatory, demeaning, threatening or suggestive to a class of persons or a particular person or that promote stereotypes of a class of persons;
- Display of explicit or offensive calendars, posters, pictures, drawings or cartoons that are sexually suggestive or that reflect disparagingly upon a class of persons or a particular person; or
- Derogatory remarks about a person's national origin, race, language, or accent.

B. Hostile environment

Hostile environment harassment occurs when a victim is subjected to comments based on race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws. A hostile work environment may also be created by innuendoes, touching, electronic communications or other conduct.

C. Sexual Harassment

Sexual harassment involves any unwelcome sexual advance, request for sexual favors, or verbal, written, electronic, or physical conduct of a sexual nature by a manager, supervisor, co-worker, or non-employee (third party). Managerial harassment occurs when a manager or a supervisor gives or withholds a work-related benefit in exchange for sexual favors from the victim or takes an adverse action against an employee for refusing a request for sexual favors. In some circumstances, threatening to take such actions may also be a violation of this policy. Certain actions may also create a hostile work environment. (See the definition for "hostile work environment" above.)

D. Retaliation

Retaliation is *any* act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy.

E. Third Parties

Third parties are individuals who are not state employees but who have business interactions with state employees. Such individuals include, but are not limited to, customers, such as applicants for state employment or services, vendors, contractors, or volunteers.

Conduct Prohibited by the State of Tennessee

The State of Tennessee strictly forbids and will not tolerate discrimination or harassment of any employee, applicant for employment, or third party on the basis of an individual's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws. The fact that an alleged offender meant no harm or was teasing will not excuse conduct that violates this policy.

The State of Tennessee strictly forbids and will not tolerate any form of retaliation directed against an employee, applicant for employment, or third party who either complains about discrimination or harassment or who participates in any investigation concerning discrimination or harassment.

How to Report Incidents of Discrimination or Harassment

If an employee, applicant for employment, or third party believes he/she has been subjected to discriminatory or harassing conduct that violates this policy, he/she must report those incidents as soon as possible after the event occurs.

Employees and applicants for employment may file a complaint with their department's human resources director, the department head, their supervisor(s), or any individual designated by the department to receive such reports. Under no circumstances is the individual alleging workplace discrimination or harassment required to file a complaint with the alleged harasser. If an employee or applicant believes he/she cannot file a complaint within his/her agency, that person should contact the Department of Human Resources, Office of General Counsel and Employee Relations at 615-741-2958.

Individuals who wish to file a complaint are encouraged, but are not required, to submit the complaint in writing and to include a description of the incident(s) as well as the date(s), time(s), place(s) and any witnesses.

If a complaint involves an executive director, assistant commissioner, deputy commissioner, or the commissioner, an employee or applicant for employment may file the complaint directly with the Department of Human Resources, Office of General Counsel and Employee Relations.

How to Report Retaliation Incidents

If an employee, applicant for employment, or third party believes he/she has been subjected to retaliation for engaging in protected conduct under this policy, he/she must report those incidents as soon as possible after the event occurs.

Any employee, applicant for employment, or third party who makes complaints of workplace discrimination or harassment or provides information related to such complaints will be protected against retaliation. If retaliation occurs, the employee, applicant for employment, or third party should report the retaliation in the same manner as he/she would report a workplace discrimination or harassment complaint.

How Complaints are Investigated and Resolved

The affected department will conduct a thorough and neutral investigation of all reported complaints of workplace discrimination, harassment or retaliation as soon as practicable. Generally, an investigation will include an interview with the complainant to determine if the conduct in issue violates this policy. If the department determines that the conduct falls within the terms of this policy, the department will interview the alleged offender and any other witnesses who have direct knowledge of the circumstances of the allegations.

The department retains the sole discretion to determine whether a violation of this policy has occurred and to determine what level, if any, of disciplinary action is warranted.

If a complaint involves an executive director, assistant commissioner, deputy commissioner, or the commissioner, the Department of Human Resources, Office of General Counsel and Employee Relations will investigate the complaint on behalf of the department and report the results to the appropriate agency or authority.

How Confidentiality is Treated

To the extent permitted by law, the State will try to maintain the confidentiality of each party involved in a workplace harassment investigation, complaint or charge, provided it does not interfere with the department's ability to investigate the allegations or to take corrective action. However, state law may prevent the state from maintaining confidentiality of investigations. Therefore, the State does not guarantee confidentiality.

Directive to Supervisory Personnel

Supervisory personnel who receive a complaint alleging workplace discrimination or harassment or learn by any means of conduct that may violate this policy must immediately report any such event to the department's human resources director, EEO officer or to the person designated by the agency to receive the information.

Corrective Action for Violation of this Policy

Any employee who engages in conduct that violates this policy or who encourages such conduct by others will be subject to corrective action. Such corrective action includes, but is not limited to, mandatory participation in counseling, training, disciplinary action, up to and including termination, and/or changes in job duties or location.

Supervisory personnel who allow workplace discrimination, harassment or retaliation to continue or fail to take appropriate action upon learning of such conduct will be subject to corrective action. Such corrective action includes, but is not limited to, mandatory participation in counseling, training, disciplinary action, up to and including termination, and/or changes in job duties or location.

Questions regarding this policy may be directed to the Office of the General Counsel.