

KNOX COUNTY SHERIFF'S OFFICE EMPLOYEES' MERIT SYSTEM

RULES AND REGULATIONS

Governing the Operation of the Merit System for Employees of the Knox County Sheriff's Office

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SECTION 1- PURPOSE AND SCOPE

1.1 Purpose

To set forth and enforce a structured set of rules and guidelines to favorably influence the professionalism of law enforcement in Knox County through fair hiring, promotion and management practices; and to protect law enforcement personnel from coercion or loss of employment because of political activities of the administration.

1.2 Scope

These rules and regulations apply to all classified members of the Sheriff's Office and the Merit System Board of Directors. They are enforceable by the judge in any court of record within the county. Every employee in the Classified Service has an obligation to comply and is expected to comply with the spirit and intent of the KCSO Employees' Merit System, and the lawful authority of the Sheriff.

The Merit System's Executive Director and the office staff answer to the Commission with any necessary input from Knox County Human Resources Department; however, the Director and office staff report to the Board Chair.

1.3 Terms

The terms "Merit Board," "Merit System Board" and "board" shall refer to the Merit System Board of Directors.

The term "employee(s)" shall refer to all classified members of the Sheriff's Office. None of these rules or regulations shall be held to apply to persons in nonclassified positions as defined in subsection 2.1 below.

The term "appointment" means the designation of a person, by the person or persons having authority therefor, to discharge the duties of some position.

The term "position" means the particular job the employee is performing.

The term "classification/compensation policy" means a system of pay classification developed and used by county government for its employees.

The term "position classification plan" refers to the job descriptions or duties, authorities, responsibilities and character of work required for each position and each class thereof, and the requirements of each position and class thereof as to education, experience, and capabilities, knowledge, and skill. As far as practical, the position classification plan provides for the maximum flexibility in lateral transfer of personnel, particularly in those positions and classes of positions relating to law enforcement.

The term “Salary Progression Scale” refers to a list of graduated and progressive salary rates used by Knox County.

The term “Eligibility List” and “List of Eligibles” refers to a list of eligible person who, after Merit System board testing, reviews and determination, are qualified and fit based upon residence, age, health, habits, moral character and other necessary prerequisites for the performance of the duties for various positions in the classified service.

The term “Line of Duty Injury Board” or “L.O.D. Board” is established by the Merit System Board of Directors, and the L.O.D. Board consists of one Merit System Board of Directors member, a representative from the Sheriff’s Office, and one individual elected by the members of the classified service, and the L.O.D. Board shall review injury claims for approval.

SECTION 2 - GENERAL POLICY

2.1 These rules and regulations shall be executable, and if any one of them shall be held to be unconstitutional or violate any federal or state law, the decisions of the Court shall not affect the validity of the remaining rules and regulations.

Note: Classified Service includes all positions and employees in the Sheriff’s Office except: the Sheriff and up to ten (10) additional appointed positions at his/her discretion, those employees whose income is derived primarily from fees for service of civil papers, and those employees serving primarily as court officers and bailiffs. Persons violating these provisions may be subject to disciplinary actions up to and including dismissal from the Sheriff’s Office.

2.2 No employees of the Classified Service shall not be employed in the Sheriff’s Office if they would be subject to administrative or supervisory control of a member of his/her family (spouse, parent, grandparent, siblings, in-laws, or children).

2.3 No employee of the Classified Service employed by the Sheriff shall take an active part in any political campaigning while on duty and shall not:

- a. Solicit money for political campaigns or in any way use their position as a deputy sheriff to reflect his personal political feelings as those of the Sheriffs department office.
- b. No employee while on duty, nor any officer while in uniform, shall display any political advertising or paraphernalia on his person or on his automobile.
- c. No employee of the Sheriffs office shall make any public endorsement of any candidate in any campaign for elected office, nor be responsible for the conduct of such campaign.

Note: Nothing in this ordinance shall be construed to prohibit or prevent any such employee from becoming or continuing to be a member of a political club or organization

and enjoying all the rights and privileges of such membership or from attending any political meetings while not on duty or in the course of his official business, nor shall he be denied from enjoying any freedom in the casting of his vote.

d. Appear publicly or in any advertisement on behalf of a candidate for office while on duty or in uniform, or wearing any insignia or other clothing, which may associate the person with the Sheriff's Office. This includes the driving of any county-owned vehicle, which would associate the person with the Sheriff's Office.

e. Any person holding a position in the classified service, which makes the decision to run for an elected position, shall request a leave of absence to be approved by the Sheriff. The leave of absence request must be submitted no later than the date a treasurer is appointed to the political campaign.

2.4 The Sheriff may not require any classified employee to participate in any political activity as a condition of employment, continuation of employment, or promotion.

Note: If it is determined by the board (after appropriate investigation) that an individual violated this provision (with or without improper influence by the Sheriff), he/she may be dismissed. If it is determined that an individual was dismissed for refusing to violate this provision the individual shall be reinstated with back pay and benefits. The Sheriff may be issued a "cease and desist" directive from the board and which shall be enforced in any court of record within the county.

2.5 Employment in the Knox County Sheriff's Office shall be based on merit and fitness, and free of personal bias and political consideration.

2.6 The Merit System shall be conducted without discrimination against, or in favor of, a candidate for employment or an employee because of race, color, sex, religion, national origin, because of physical handicap(s), or for any unlawful discriminatory basis, which will not interfere with the performance of duties. The Merit System board intends for all of its rules to comply with federal and state equal employment opportunity principles and other related laws.

2.7 Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis.

2.8 Appointments, promotions and other actions requiring the application of merit principles shall be based on standard tests, exams and/or evaluations.

2.9 Employees shall be protected against undue coercion (political or other) and are prohibited from using their official authority or status for the purpose of interfering with or affecting the results of an election or a nomination for public office within the county.

2.10 Tenure of employees covered by this Merit System shall be subject to good behavior, the satisfactory performance of work, and the availability of funds. The board may, upon request of and by the advice of the sheriff, create new positions or combine,

alter or abolish existing positions in such manner as the board acting under the advice of the Sheriff deems necessary for the effective operation of the office of sheriff. No position in the classified service shall be abolished except upon approval of the board acting in good faith upon the advice of the Sheriff.

2.11 Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the Sheriff's Office.

SECTION 3 - MERIT SYSTEM BOARD STRUCTURE AND REQUIREMENTS

3.1 Structure and Qualifications

The Merit System Board of Directors ("board" or "merit board" or "merit system board") shall be organized and composed as follows:

a. Seven members with three members appointed by the County Mayor and four members appointed by the Commission to serve a term of three years with no member serving more than two consecutive terms. Members may be appointed for a shorter term in order to create a staggered-term system with appointments specifying the term of office of each individual. One member shall be elected by the board to serve as Chairperson and one member as a vice chairperson. The Knox County Charter Term Limits in Sec. 9.17 apply.

b. Each member must:

1. Be over the age of 21.

2. Be a citizen of the United States and Tennessee.

3. Reside in Knox County.

4. Be of good moral character.

5. Be willing to serve without pay.

6. No person shall be eligible to serve as a member of the board if he has previously been employed by the county Sheriff's office department within the ten calendar years preceding his/her appointment by the commission, or if any member of such person's immediate family is or becomes employed by the county Sheriffs department office or the Knoxville Police Department at any time during such person's term of service as a member of the board. For purposes of this section, "family" shall include spouse, parent, grandparent, siblings, in-laws, or children

c. An Executive Director and staff shall be appointed by the County Commission to maintain the personnel records, administrative files and to coordinate board functions.

3.2 Board Member Duties

- a. Understand the workings of law enforcement agencies in order to properly formulate policy and procedures regarding the Merit System and function as arbitrators (when necessary) of new policy in meetings with employees, department heads and the Sheriff.
- b. Understand compliance requirements of various federal and state agencies such as Equal Employment Opportunity Commission (EEOC), Tennessee Human Rights Commission (THRC), and Police Officer Standards and Training Commission (POST).
- c. Treat Federal Bureau of Investigation (FBI) and Tennessee Bureau of Investigation (TBI) personnel, medical, psychological, and other employment information in a confidential manner.
- d. All members of the Merit System Board of Directors shall attend an ethics training provided by the Knox County Human Resources Department, as required of all employees of Knox County
- e. Actual or apparent political influence on the members of the Merit System Board is injurious to the credibility of the board and undermines its mission as an apolitical civil service system for KCSO employees.
- f. No person holding a position on the board shall take an active part in any political campaign while a member of the board.
- g. No member of the Merit System Board shall solicit money for political campaigns.
- h. No member of the Merit System Board shall make any public endorsement of any candidate in any campaign for elected office.
- i. No member of the Merit System Board, shall display any political advertising or paraphernalia on such person's body or automobile while conducting business on behalf of the Merit System Board.
- j. During a Member's term of service, should that Member take active steps, including obtaining a nominating petition from the Knox County Election Commission, appointing a campaign treasurer or any public announcement of an intention to become a political candidate, toward becoming a political candidate, such member shall immediately resign from the Board. A failure to immediately resign shall subject that Member to removal by the County Commission as set forth above.

SECTION 4 AUTHORITY AND RESPONSIBILITIES

4.1 Merit System Board's Authority

The Charter of Knox County Government provides the government is a public corporation vested with any and all powers which counties are, or may be hereafter be, authorized or required to exercise under the Constitution and all applicable laws of the State of Tennessee. Pursuant to the Charter, the Knox County Sheriff Employees' Merit System Council was established by Knox County Ordinance No. 0-90-9-111, Article II, Division 2. Thereafter, the Merit System was modernized, and the Merit System Council dissolved and replaced with a Merit System Board of Directors by Knox County Ordinance 0-22-6-103.

4.2 Merit System Board's Responsibilities and Duties

The Merit System, as administered by the Merit Board, shall be conducted in such a manner to ensure that objectivity and professionalism in the Sheriff's Office is maintained. The duties and responsibilities of the Board as stated in the Knox County Ordinance are:

- a. To propose rules and regulations for the administration of this Ordinance to be submitted to the Commission for approval.
- b. To make investigations concerning the enforcement and effect of the ordinance and to require observance of the rules and regulations established by the board and approved by Commission.
- c. To hear grievances of classified employees in accordance with the definition of grievances as set out in Sec 42-67.
- d. To maintain a roster of all employees of the classified service and the office of the Sheriff showing their positions, rank, compensation, grade and step under the "Salary Progression Scale", and places of residence.
- e. Maintain a record of job descriptions or duties and responsibilities pertaining to all positions in the classified service, and to classify such positions in the manner provided in this ordinance.
- f. Except as otherwise provided in this Ordinance, to formulate and hold competitive tests to determine the qualifications of persons who seek employment in any position, and as a result of such tests, establish employment lists of eligible persons for the various positions.
- g. To establish and maintain records of the performance and a system of service ratings to be used to determine promotions, the order of lay-offs and reduction of force, to determine the order of reemployment.

h. To keep any other such records as may be necessary for the efficient and proper administration of the Knox County Sheriff and the Merit System Board of Directors.

i. To provide for part-time and temporary positions and employment as required by the Sheriff and to establish rules defining and governing use of these positions except that no temporary employment shall be for more than three (3) months except by action of the Sheriff.

j. Participate in and provide training to all new covered employees of the Knox County Sheriff's Office on the existence, roles and responsibilities of the Merit System and the Merit System Board of Directors.

k. To adopt and amend rules and regulations providing for a means of hearing grievances by members of the classified service and submit to Commission for approval.

4.2.1 Meetings

The Board shall meet at least quarterly on a regularly scheduled day/time as determined by the Chairperson. Any special called meetings outside of the regular quarterly meetings shall be publicly noticed at least ten (10) days prior to such meeting occurring. No executive sessions shall occur without the prior concurrence of the Knox County Law Director. Executive sessions shall only be held for the purpose of the Board seeking confidential legal advice from the Knox County Law Director or his designated representative.

All meetings shall be publicly held in the Main Assembly Room or Small Assembly Room of the City-County Building or such other public facility as may be set out in the public notice of the meeting. All meetings shall comply with the Tennessee Open Meetings Act. All members are required to comply with the strictures of the Tennessee Open Meetings Law. Minutes of all meetings shall be taken and maintained as a public record.

At the first meeting of each calendar year, the Board of Directors shall elect a chairperson and vice chairperson whose parliamentary duties shall be the same as those defined for the officers of the County Commission.

A quarterly report shall be submitted to the Knox County Commission by the board outlining all pertinent actions taken by the board during the preceding quarter.

The Line of Duty Injury Board (hereafter "L.O.D. Board") shall review injury claims for approval and the board shall establish rules for the conduct of this L.O.D. Board. This L.O.D. Board shall consist of one board member, a representative from the Sheriff's Office, and one individual elected by the members of the classified service.

4.2.2 Chairperson Responsibilities

The Chairperson shall:

- a. Determine the order of business and preside at all meeting and hearings of the board.
- b. Decide all points of order or procedure.
- c. Perform all duties required by these rules and regulations.
- d. Be the principal interface with the County Commission.

4.2.3 Executive Director Responsibilities

The Executive Director shall:

- a. Carry on all official correspondence of the board.
- b. Send out all notices required by law and these rules and regulations.
- c. Continuously evaluate the effectiveness of the Merit System and make recommended changes to the rules and regulations to the Chairperson.
- d. Keep minutes of the board's meetings showing the vote of each member upon each question as well as attendance records.
- e. Serve as the Secretary to the Line of Duty Injury L.O.D. Board.
- f. Keep administrative records to include a record of each examination and personnel records (as required - Section 11).
- g. Interview, hire and supervise staff members as authorized by the board and as authorized by County Commission through the Knox County budgetary authorization process.

4.2.4 Sheriff's Responsibilities

The Sheriff shall:

- a. Maintain the Classification Plan (Section 5) and assist the board in maintaining the roster of all employees of the Classified Service.
- b. Submit requests to the board for reclassification of individuals.
- c. Consult with the board to determine the requirements of each position and class in the Classification Plan as to education, experience, and capabilities, knowledge, and skill.

d. Request Eligibility Lists from the board when vacancies are to be filled.

e. Promptly forward completed Performance Evaluations to the board of those employees in the classified service.

f. Provide the board with copies of all Personnel Action Forms and /or any other correspondence pertaining to recommendations of the Sheriff's Office on all employees in the classified service, to be filed by the Merit System Office.

g. Provide an immediate report in writing to the merit system board on all appointments, including those ten (10) positions designated as not subject to the protections of this Merit System, reinstatements, vacancies, absences or other matters affecting the status of any member of the classified service or the performance of the duties of members of the classified service. The report shall be in the manner and form prescribed by the merit system board.

4.2.5 Elected Employee Representatives Responsibilities

There will be elected a Patrol Employee Representative, Corrections Employee Representative and Civilian Employee Representative all from the Classified Service.

The board will open nominations for the 3 representative positions for 14 days.

Nominees must be persons within their respective positions. (For example: The civilian representative must be part of the civilian employee classified service.)

Only the employees in the specific, classified service for which representative is to be filled can vote in that election. (For example: For the civilian representative, only employees classified as a civilian can vote for that position.)

Once nominations are verified, the board will open voting for Classified Service members for 2 weeks. Votes have to be submitted directly to the board by email, fax, mail or submitted in person. Votes must be received by the board within that 14 day deadline.

No anonymous votes will be counted. Each vote is verified to ensure that the employee is a member of the classified service and each person has only one vote.

The Representatives shall:

- a. Review and develop a working knowledge of these Rules and Regulations.
- b. Attend all official board meetings and functions, if possible.
- c. Act as a liaison for all classified service employees who may have an inquiry by filing timely, written inquiries with the Executive Director.

- d. Serve a three-year term and no more than two consecutive terms.
- e. The present staggered terms of each Representative will continue.
- f. Retain employment in their elected position in the Classified Service.

SECTION 5 EMPLOYEE CLASSIFICATION AND SALARIES

5.1 Classification

5.1.1 Classified Service Grouping

All positions in the Classified Service shall be grouped into one of the following classifications:

Law Enforcement - Positions regularly involved in the enforcement of pertinent laws and ordinances, prevention and investigation of crimes, the making of arrests, or positions involved in the supervision of or training of these positions.

Corrections - Positions with direct prisoner contact regularly involved in the processing, booking, identification, transportation (within the jail facility), maintenance of order, and safekeeping of prisoners, or positions involved in the supervision of or training of these positions.

Civilian-Positions regularly involved in the clerical and administrative activities of the Sheriff's Office.

Note: The Sheriff may, at his discretion, have officers certified under **POST** regulations in positions in any of the above classifications serving legitimate law enforcement needs of the Sheriff's Office.

5.1.2 Grades

Each position shall be assigned a pay grade that is determined by that positions' character, difficulty and responsibility. Each grade shall have an equitable range of compensation. Lists of positions in each grade shall be maintained in the Merit System Board office and may be seen upon request.

5.1.3 Job Descriptions

Each position established in the Classified Service shall have a job description maintained by the board and shall include a classification of law enforcement, corrections or civilian; job title; grade; general duties, functions and responsibilities (which shall be descriptive and explanatory, but not restrictive) and minimum requirements for the position. Updated job descriptions may be submitted by the Sheriff or requested by the board when necessary. The board shall consult with the Sheriff on all updated or new job descriptions and maintain a file of the job descriptions. Job

descriptions may be abolished if the position is not filled and is no longer deemed necessary by the Sheriff.

5.1.4 Requests for Reclassification

Individuals may submit, at their discretion, a request to the Sheriff for reclassification. If the Sheriff determines the request has merit it shall be submitted to the board for action. If the Sheriff finds the request is not justified the individual shall be so advised and informed of their right to appeal the decision under the grievance procedure. No position shall be reclassified without the board's approval.

5.2 Salaries

5.2.1 Adjustments

In order to assure the recruitment and retention of quality personnel, the level of compensation of employees should favorably compare with prevailing salaries in other law enforcement agencies in the immediate area and agencies in the region of comparable size and jurisdiction.

5.2.2 Merit Increases

Salary increases shall be implemented in accordance with the Salary Progression Scale. Cost-of-living increases, as approved by the County Commission, will increase each pay step according to the percentage approved.

5.2.3 Salary Progression

Rate of pay of employees in the Classified Service shall be determined on the basis of the current Salary Progression Scale.

Salaries shall be based on full-time employment at normal working hours for each grade in the Classified Service. The normal working hours may be altered in accordance with Federal and State law when deemed necessary by the Sheriff. Part-time employees in any of the grades shall be compensated on a proportional basis for actual hours worked unless otherwise determined by the board.

5.2.4 Entry Salaries

The entrance salary shall normally be offered for new personnel recruitment purposes and normally be paid upon appointment to the specific grade. The Sheriff may approve (with board approval) initial compensation at a higher level provided all of the following conditions are met:

- a. The qualifications of the applicant are outstanding in relation to those of competing applicants.
- b. His/her qualifications are substantially higher than those required for the job.

c. That there is a shortage of qualified applicants available at the minimum salary of the range.

5.2.5 Starting Salary upon Return to Duty

Re-Hires

Former employees (those meeting reinstatement provisions) who are re-hired within one year of leaving employment with the Sheriff's Office at the same or a lower grade must be appointed to the step in the range equivalent to what they were being paid when they left employment.

Former employees who retired and are re-hired within one year of retirement must be rehired at the current entry level pay grade. (Questions arise with this provision.)

Members of the Sheriff's Office who currently hold non-merit protected positions who previously held Merit System protected positions may be re-instated to their previous Merit System protected position.

The Sheriff or Chief Deputy shall give notification of the re-instatement in writing to the Merit System stating the position the member is vacating and the position to which the member is being assigned.

Return from Military Service

Employees who leave the Sheriff's Office to enter the Armed Forces may be reinstated in their previous or a similar position within three months upon release from active duty. They shall be re-instated at a salary comparable to what they would have received had they remained with the Sheriff's Office, according to federal law.

5.2.6 Salary on Transfer, Demotion or Promotion

Transfer - Upon transfer the employee shall continue to be paid at the same step on the Salary Progression Schedule.

Demotion - Upon demotion the individual shall be paid at the same step in the lower grade, which is nearest to the sum of the present grade and step, minus 5%.

Promotion - Upon promotion, the individual shall be paid the step for the new grade, which is nearest to the sum of the present grade and step, plus 5%.

5.2.7 Continuous Service

Requirements for advancement within the salary ranges and for other purposes as specified herein shall be factored on continuous service (employment in the Sheriff's Office without break or interruption). Continuous service shall be based on the following considerations:

a. Leaves of absence with pay shall not interrupt continuous service.

b. Leaves of absence without pay shall be deducted in computing total service, but shall not constitute a break in continuous service.

c. Absences for extended service in the Armed Forces of the United States are considered in computing total service.

d. Absences without leave of one workweek or more (without being granted sick or vacation days) shall interrupt continuous service and be deducted from total service.

e. Leave under the Family and Medical Leave Act (FMLA) of 1993 shall not interrupt continuous service.

SECTION 6 RECRUITMENT AND RETENTION

6.1 Filling Vacancies

6.1.1 General

It is the responsibility of the Sheriff to conduct all aspects of recruitment, advertising, marketing and promotional efforts, including job fairs, promotional materials and such other recruiting tools as the Sheriff's Office deems necessary in order to attract qualified applicants. Interested applicants will be referred to the Merit System Board for the application process.

a. All vacancies in the Classified Service shall be filled by regular appointment, temporary appointment, promotion, transfer or demotion and shall be selected from eligible candidates on the current Eligibility Lists.

b. Eligibility Lists shall be prepared by the board staff for each classification (Law Enforcement, Corrections and Civilian) based upon competitive examinations and/or evaluations.

c. New applicants, placed on the eligibility list, shall remain on the Eligibility List for **1 year** unless the board grants an extension. One **1-year** extension may be granted. Employees of the Sheriff's Office shall remain on the Promotional Eligibility List **for 2 years**. Individuals shall be removed from the list by the board for refusing an offer of appointment to a position or failure to report to duty at the time prescribed by the Sheriff after accepting an appointment to a position.

d. Standards regarding educational requirements shall be used where essential to ensure the performance of duties of the position or to meet the required standards of State and Federal guidelines for law enforcement agencies.

e. All candidates for the same positions shall be evaluated against the same qualification requirements.

* Candidates shall not be discriminated against because of race, color, sex, religion, national origin or physical handicaps, or for any unlawful discriminatory basis, which will not interfere with the duty performance.

6.1.2 Steps

When filling vacancies the following steps shall be followed:

- a. The Sheriff shall notify the board staff when entry-level vacancies.
- b. The board staff shall immediately certify the names of all persons on the Eligibility List (see section 6.1.9) and provide them to the Sheriff.
- c. The Sheriff shall evaluate the qualifications and select from the list provided by the board. A conditional offer of employment shall be provided to the selected candidates and the Sheriff shall notify the board of his action.
- d. The Merit System Board will within 30 days thereafter and prior to commencement of the employment duties have performed a psychological and physical examination on those persons selected by the Sheriff.

6.1.3 Eligibility Requirements

Applicants for positions in the Sheriff's Office shall meet the following requirements:

- a. Be at least 21 years of age and bondable for law enforcement. All other positions have only an 18-year age requirement.
- b. Be at least 18 years of age and bondable for law enforcement for a Corrections Officer.
- c. Be a citizen of the United States.
- d. Be a high school graduate or possess its equivalency, which shall include a general educational development (GED) certificate;
- e. Have not been convicted of or pleaded guilty to or entered a plea of nolo contendere to any felony charge or to any violation of any federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor, controlled substances or controlled analogues.
- f. Have not been released or discharged from the Armed Services with less than a General Under Honorable Conditions Discharge.

Note: The board may waive separations or General Discharges Under Honorable Conditions for those persons applying for Patrol and Corrections positions if waiver before TCI or POST is granted. Waivers will not be granted for Dishonorable, Undesirable, and Bad Conduct Discharges or Court Martial.

- g. Have classifiable fingerprints on file with the Tennessee Bureau of Investigation.
- h. Have or be eligible for a valid Tennessee Driver's License (for those individuals required to operate a motor vehicle).
- i. Have been certified by a Tennessee licensed health care provider qualified in the psychiatric or psychological field as being free from any impairment that would, in the professional judgment of the examiner, affect the person's ability to perform an essential function of the job, with or without a reasonable accommodation.
- j. Must pass a drug screen, as administered by a board and departmental approved laboratory, and a physical examination as administered by a board and departmental approved licensed physician.
- k. Must have good moral character as determined by investigation.
- l. Must achieve the minimum score as set by the board on any required examination for eligibility for the position for which applying.
- m. This section shall not apply to any jail administrator, jailer, corrections officer or guard hired prior to July 1, 2006.

6.1.4 Waivers

To the extent POST has certified officers under POST regulations in Law Enforcement positions and waived convictions or entries of nolo contendere to any felony charge or to any violation of any federal or state laws of municipal ordinances relating to force, violence, theft, dishonesty, gambling, liquor, controlled substances or controlled substance analogues, the Merit System board will be deemed to have waived such requirement as well.

6.1.5 Application for Employment

- a. To be considered for a position in the Classified Service an individual must submit an application of employment providing such information as the board may require. Applications shall be available on Knox County Government's website.
- b. Applications shall consist of a completed standard form (Application for Employment) as well as all information required on the "Instruction Sheet" attached to the form. They shall be subject to the following conditions:
 - (1.) Incomplete applications shall not be considered.
 - (2.) Applications containing false statements or concealment of material facts, including arrests or citations (unless the charge or citation was dismissed and the dismissal is verified by the board staff or written proof of the dismissal, acceptable to the board, is submitted by the applicant)

shall be considered invalid and the applicant shall be disqualified from eligibility for employment for one (1) year. If the false statements or concealment of material facts is discovered subsequent to the examination the applicant shall be removed from the Eligibility List for one (1) year. The applicant can reapply after one (1) year. If the applicant has been employed or promoted, he or she shall be dismissed from the Sheriff's Office.

6.1.6 Examinations For Promotions

- a. Employees may take assessments for advancement or promotion within the Sheriff's Office. Promotion assessments shall be offered at least twice a year or at intervals determined by the board based on departmental needs identified by the Sheriff. The board may change, as deemed appropriate, any examination or testing instrument when the need arises. Promotional assessments shall be administered in accordance with the following rules:
- b. Employees shall be limited to taking only the assessment for the next level of advancement.
- c. There is no limitation on the number of times an individual may take a scheduled assessment for the same position; however, if the assessment is failed, the assessment may not be taken again until six months have elapsed.
- d. A candidate for promotional assessment who fails to attend a scheduled assessment and has a legitimate reason may contact the board office to be re-scheduled by the Merit System Staff at a time within the testing schedule.
- e. A candidate for promotional assessment who fails to attend a scheduled assessment and does not notify the Merit System Staff shall not be eligible to be re-scheduled for that assessment until 12 months have elapsed.
- f. Promotional assessments shall include an oral assessment by an examining board, which shall include the sheriff or his designated representative.

6.1.7 Selection of Candidates for Employment

Employment Eligibility

The Executive Director or his/her designee shall make selection of candidates for placement on Employment Eligibility Lists. Prior to placement on the list of eligible, background investigations must be completed by the Sheriff. Placement on the eligibility list shall be based on the relative qualifications of all applicants according to the following criteria:

- a. Evaluation of education, experience, and other related information as appropriate.
- b. Successful completion of a background investigation of the character and reputation of the candidate including previous employment records and personal references (provided by the candidate on their application).

c. Passing the appropriate examination.

Each applicant will be notified, in writing, of his or her placement or non-placement on the eligibility list. Applicants may appeal their non-placement to the Merit board.

6.2 Probationary Periods

6.2.1 New Employees

Every new employee who works on a continuous basis shall serve a probationary period of 12 months excluding leaves of absence. During this period the individual shall be monitored to ensure that performance standards are met and shall receive one written performance evaluation at six months. These performance evaluations shall be prepared by the individual's immediate supervisor, reviewed by the Sheriff and provided to the employee.

Note: Appeals of an "unsatisfactory" performance rating may be made within 30 days of receipt of the written rating from the Sheriff. Appeals must be made in writing listing the reasons and evidence for the appeal and submitted to the Sheriff.

If sub-standard performance or conduct is identified, the individual shall be promptly counseled or disciplined after appropriate investigation by the immediate supervisor or authorized members of the Sheriff's Office. The corrective action shall be documented and considered at the time of the performance evaluation.

At any time during the probationary period the Sheriff may terminate the individual's employment for cause or if he deems it in the best interest of the Sheriff's Office. This termination may not be appealed through the Merit board. The board shall be informed of the action within 14 days of the termination.

Note: A termination shall not preclude an individual from applying for future service with the Sheriff's Office, but the circumstances of the termination may be considered in the employment process.

6.2.2 Promotion

a. Promotion to a supervisory position shall be probationary for a period of six months. Individuals who fail this probationary period shall be returned to their former or similar position and former pay grade and step without prejudice.

b. Promotion to a non-supervisory position shall be probationary for a period of 12 months. Individuals who fail this probationary period shall be returned to their former or similar position and former pay grade and step without prejudice.

6.3 Temporary Appointments

All temporary appointments shall be approved by the board. These appointments will be used to fill a position that has been temporarily vacated by an employee that the Sheriff expects to return

in a determined amount of time, such as, military active duty, etc., at which time the individual shall be either separated or their status changed to a regular employee providing the individual meets the performance requirements for the position and a position is open that the temporary employee is qualified for. No temporary appointment shall be for more than three months except by special action of the board.

Note: Temporary service shall not be used when computing merit raises or promotional time requirements.

6.4 Part-Time Positions

Part-time positions may be established by the Sheriff when deemed necessary. The Sheriff shall inform the board when these positions are established and/or abolished.

6.5 Psychological and Physical Health Evaluations

All classified employees in the Sheriff's Office must possess and maintain certain psychological, physical and legal standards to retain employment. Failure to successfully pass any of the required evaluations shall be grounds for separation or dismissal. Evaluations and examinations (as determined by the board) shall be administered in accordance with the following:

Initial Employment – Psychological evaluation, physical examination, background check, and a drug and alcohol screening are required.

For Cause - Employees may be required to undergo psychological evaluations, physical exams, and drug and/or alcohol screenings when situations or evidence indicate there is a need. The Sheriff shall make the determination when these "For Cause" evaluations are required.

Note: Individuals in corrections and law enforcement must be found certifiable under the provisions of T.C.A. 38-8-106 as a result of the psychological evaluation in order to maintain their position with the Sheriff's Office.

SECTION 7 PROMOTIONS AND DEMOTIONS

7.1 Promotion Policy

7.1.1 General

Vacancies

a. The Sheriff shall make all openings in the Sheriff's Office known to employees by posting them a minimum of seven days. Advertisements shall include the following as a minimum:

- Job Title
- Job Description
- Grade

- Opening and closing date of posting
- Minimum time-in-grade requirements
- Qualifications

b. Employees interested in being considered should notify the Merit System board in writing via the email bid process by the closing date of the posting. Those on the current Eligibility List who have been previously denied promotion shall not be prohibited from re-applying. No supervisor shall deny any employee permission to apply for a promotion opportunity.

c. All candidates bidding on a position shall be given fair and impartial consideration by the Sheriff. A candidate for promotion who applies for a vacancy, but is not selected, shall have the right of an explanation by the Sheriff. Such an interview shall be requested in writing and the interview shall be conducted by the Sheriff within 30 days of receipt of the request.

d. Selection for Promotions and/or Transfers shall:

- (1) Be on a competitive basis based on merit.
- (2) Be open to all qualified employees in the Classified Service.
- (3) Be selected from the appropriate Eligibility List approved by the board.

Note: Selections for promotion not covered by an Eligibility List selection shall be based on education, training, experience, performance evaluations and ability to perform the job. Individuals selected for promotion must meet the minimum time-in-service requirements established by the board for the grade in which they are to be promoted. The following are these requirements:

Corrections Corporal	1 year as Corrections Officer with the Sheriff's Office.
Corrections Sergeant	1 year as Corrections Corporal with the Sheriff's Office. 2 years experience in Law Enforcement.
Corrections Sergeant II	Minimum of 20 years of service with 10 years having been served as a Corrections Sergeant with the Knox County Sheriff's Office.
Corrections Lieutenant	Minimum of 1 year as Corrections Sergeant and 3 years experience in Law Enforcement.
Corrections Captain	Minimum of 6 months as Corrections Lieutenant and 5 years experience in Law Enforcement.
Asst. Chief of Corrections	Minimum of 6 months as Corrections Captain and 4 years experience in Law Enforcement.

Chief of Corrections	Minimum of 6 months as an Asst. Chief of Corrections and 7 years experience in Law Enforcement.
Director of Corrections	Minimum of 2 years as a Chief of Corrections and 10 years experience in Law Enforcement.
Law Enforcement Sergeant	Minimum of 2 years experience as a Law Enforcement Officer.
Detective	Minimum of 2 years experience as a Law Enforcement Officer.
Law Enforcement Sergeant II	Minimum of 20 years service with 10 years as a Law Enforcement Sergeant with the Knox County Sheriff's Office.
Law Enforcement Lieutenant	Minimum of 1 year as a Law Enforcement Sergeant or Detective. Minimum of 4 years experience in Law Enforcement.
Law Enforcement Captain	Minimum of 6 months as a Law Enforcement Lieutenant or Detective Lieutenant. Minimum of 4 years experience in Law Enforcement.
Asst. Chief Deputy	Minimum of 1 year as a Law Enforcement Captain. Minimum of 15 years Law Enforcement experience.

7.1.2 Promotion Program

General

The board shall have the authority to change or modify the Promotion Program as deemed necessary.

Eligibility

Eligibility for promotions shall be based on assessment panel interviews established by grade by the board. A Candidate must have completed the probationary period for the Candidate's current position before a promotional assessment can be administered. Candidates achieving the minimum acceptable score on the promotional assessment (established by the board) shall be placed on the eligibility list.

Names of Candidates selected for promotion by the Sheriff, the position to which they are to be promoted and the effective date of the promotion shall be promptly submitted in writing to the board upon completion of the Sheriff's selection.

7.2 Demotions

The Sheriff may demote an employee to a position of a lower grade for any of the following reasons:

- a. When an employee would otherwise be laid off because of their position being reclassified to a lower grade.
- b. Lack of funds.
- c. Return to work from authorized leave of another employee who by "the rules of leave" shall have the right to occupy the incumbent's position.
- d. Failure to perform the assigned duties in a satisfactory manner.
- e. Upon voluntary request by the employee.
- f. The board may, upon request of and by the advice of the sheriff, create new positions or combine, alter or abolish existing positions in such manner as the board acting under the advice of the sheriff deems necessary for the effective operation of the office of sheriff. No position in the classified service shall be abolished except upon approval of the board acting in good faith upon the advice of the sheriff.

Note: A demoted employee with loss of salary has the right to appeal any of the above actions by initiating a grievance. A demotion without a loss of salary is not considered a grievance that can be heard by the Board. See paragraph 9.5

7.3 Transfers

- a. All employees in the classified service may be transferred from one position to another within classes of positions as determined by the Sheriff and consistent with the rules established by the Merit System Board. Nothing in this section shall prohibit any employee holding a position in one class from proving qualifications for holding a position and being eligible for appointment in another class through regular competitive examination. Transfers may be instituted only by the Sheriff and shall be permitted only with the consent of the Sheriff.
- b. A Corrections Division Supervisor may bid on a supervisory position in patrol (if state certified) and they have met the required time-in-grade for field positions and are on the appropriate eligibility list. A Patrol Division Supervisor may bid on a supervisory position in Corrections, if they have met the required time in grade for Corrections supervisory positions and are on the appropriate eligibility list. An employee may also voluntarily relinquish their rank to bid on the highest Patrol or Corrections Supervisory position for which they have met the required time-in-grade requirements and are on the appropriate eligibility list.

SECTION 8 PERFORMANCE EVALUATIONS

8.1 The Sheriff will promptly forward complete Performance Evaluations to the board of those employees in the classified service or those on probation to become part of the classified service.

SECTION 9 DISCIPLINARY ACTIONS

9.1 Reprimands

Reprimands should only be used when positive leadership techniques have failed to accomplish satisfactory performance or to admonish deliberate violations of rules and regulations.

Reprimands, when deemed necessary, shall be conducted in the following manner:

Oral Reprimand (Counseling Form)

An oral reprimand shall normally be given first. The immediate supervisor, in private, should conduct it with the individual concerned. It should be done in a positive and professional manner in a way not to humiliate or demean the individual, but shall be firm and contain specific corrective measures expected by the supervisor. The supervisor should initiate or take appropriate means necessary to correct the problem. The oral reprimand shall be documented in writing by the immediate supervisor stating the reason(s) for the reprimand, the date and time of the reprimand and any corrective action taken. This document shall be forwarded within two working days to the Executive Director for file in the employee's personnel folder.

Written Reprimand

A written reprimand shall be given (if deemed appropriate by the immediate supervisor) or as a follow-up when an oral reprimand has not been sufficient. In either case it shall be administered in the same manner as an oral reprimand. The written reprimand shall be documented in the same manner as an oral reprimand; however, the supervisor must also obtain the signature of the employee. A copy shall be provided to the employee and a copy sent to the Executive Director for file in the employee's personnel folder.

9.2 Suspensions

An employee in the Classified Service may be suspended by the Sheriff, with or without pay, for documented reasons of misconduct, negligence, inefficiency, insubordination, disloyalty, unauthorized absence or other justifiable reasons when alternative personnel actions are not appropriate. Suspensions shall be administered in accordance with the following rules:

3-Day Suspensions

* Immediate suspension up to three days for cause may be initiated by the Sheriff with no right of appeal, unless there is a subsequent suspension within six months of the first. If so, the individual has the right to appeal in the same manner as for a suspension over three days.

Over 3-Day Suspensions

* Employees given suspensions over three days shall be informed in writing seven days prior to the proposed suspension by the Sheriff explaining the reasons for the suspension and the individual's right to submit a written explanation answering the charges. This explanation must be submitted within three days of receipt. If the individual does not reply, the Sheriff may execute the suspension automatically on the proposed day. If an explanation is received, within the time limit, the Sheriff shall carefully consider the reply and shall promptly inform the individual in writing of his decision.

* If the individual is not satisfied with the Sheriff's decision he/she may request a hearing before the board in accordance with the instructions in Section 9.4. The Executive Director shall notify the Sheriff when such a request is received. Additionally, the Sheriff shall not execute the suspension until the board has ruled on the request.

* Immediate suspension for over three days without the seven-day prior notice may be initiated by the Sheriff if deemed in the best interest of the Sheriff's Office, including but not limited to, cases involving theft of funds, unlawful use of property, insubordination or intoxication on duty. In these cases the employee still has the right to request a hearing by the board; however, the hearing date shall not delay the suspension. If the board finds that the Sheriff has not complied with procedures established by the board, that suspension has occurred for political reasons, or that the Sheriff has been arbitrary in the interpretation of cause, the board may order reinstatement and back pay of the employee.

9.3 Dismissals

9.3.1 Cause

The Sheriff may dismiss "for cause" any employee for the good of the Sheriff's Office under the following rules and the dismissal shall be based on one or more of the following:

- a. Failure to meet performance requirements.
- b. Moral or ethical situations that make the employee unsuitable.
- c. Theft or wanton destruction of property.
- d. Incompetence, inefficiency or negligence in the performance of duty.
- e. Insubordination that constitutes a serious breach of discipline.
- f. Conviction of a criminal offense.
- g. Notoriously disgraceful personal conduct.
- h. Unauthorized absences or abuse of leave privileges.

- i. Acceptance of any gratuity, money or material item in the line of duty.
- j. Falsification of records or use of official position for personal advantage.
- k. Political activity prohibited by these rules and regulations.
- l. False testimony in any investigation, hearing or official proceeding.

9.3.2 Procedure

The employee shall be informed in writing by the Sheriff at least seven days prior to the proposed dismissal date explaining the reasons for the dismissal and the individual's right to submit a written explanation answering the charges. This explanation must be submitted within three days of receipt. If the individual does not reply within the time limit, the Sheriff may execute the dismissal automatically on the proposed day. If an explanation is received within the time limit, the Sheriff shall carefully consider the reply and shall promptly inform the individual in writing of his decision within three days of receipt with a copy being forwarded to the Merit board Office.

Note: At the discretion of the Sheriff the individual may be retained in a duty status or placed on leave with or without pay pending resolution of the dismissal.

9.3.3 Resignation While Under Investigation

Former employees of the Sheriff's Office who have been dismissed, resigned or otherwise left while dismissal charges were pending or an internal affairs investigation was ongoing shall not be eligible for reemployment with the Sheriff's Office.

9.3.4 Hearing

Personnel dismissed by the Sheriff have the right to request a hearing with the board in accordance with these procedures in Section 9.4. If the board elects to conduct the hearing and finds that the Sheriff's dismissal was inappropriate, the individual shall be reinstated without prejudice and with back pay.

Note: Section 9.3 does not apply to probationary employees.

9.4 Request for Hearing

The Merit System Board shall investigate, hear and resolve any grievance filed within ninety (90) days of filing.

9.4.1 General

a. Any appeal authorized by these rules and regulations shall be made in writing, within ten days of the final decision of the Sheriff, explaining the reasons why a hearing should be conducted. This explanation should be objective and provide specific reasons why the Sheriff's actions were inappropriate. The board shall determine whether or not a hearing shall be conducted and if so, notify the individual, the Sheriff and all parties concerned, at least seven days prior to the scheduled hearing.

b. The Executive Director, if necessary to compel the attendance of a witness and/or the production of records and papers pertaining to a hearing, may issue subpoenas. Failure of any member of the Sheriff's Office to comply with a subpoena shall be grounds for disciplinary action. The Sheriff or his legal deputy shall subpoena as issued by the board.

9.4.2 Hearing Procedure

The following rules shall be followed by the board in conducting of a hearing:

a. The Chairperson (or designee) shall preside at the hearing and conduct it in an orderly, respectful, and expeditious manner ensuring that all facts bearing on the charges and issues are presented in an objective and impartial manner.

b. The board may appoint a Hearing Officer to preside at the hearing and handle objections, rulings on procedural matters, admission of evidence and administration of the proceedings. However, the Hearing Officer shall not have a vote pertaining to the rulings of the board and any rulings of the Hearing Officer are subject to the approval of the board.

c. All parties to the hearing shall have the right to appear before the board in person and to retain counsel at their own cost. If counsel is to be retained by any party, the board shall be informed in writing prior to the hearing listing the counsel's name and legal expertise. The Counsel must be either a licensed lawyer or other person certified by the board.

d. All parties shall have the right to call witnesses to testify and to present material evidence bearing on the issues and charges being addressed. Individuals shall testify under oath administered by the Chairperson or his designee.

e. The rules of evidence developed by the judicial system for the use in the Courts of Tennessee shall not necessarily prohibit the admission of evidence or testimony providing such, in the opinion of the board, will aid in the board's ruling.

f. Not later than fourteen (14) days before the date set for the hearing, the Sheriff's Office and the employee appealing the disciplinary action each shall file a pre-hearing statement by mailing or delivering it to the Executive Director. Each pre-hearing statement shall outline the party's contention why the disciplinary action should be upheld or overturned. The employee, additionally, shall specify in the statement whether, with respect to the disciplinary action taken, (1) the employee claims or does not claim that the Sheriff has not complied with the procedures established by the board, (2) the employee claims or does not claim that the disciplinary action occurred for

political reasons, and (3) the employee claims or does not claim that the Sheriff was arbitrary in the interpretation of "cause." The employee also shall submit, along with the employee's pre-hearing statement, a copy of any documents, records, or other items that the employee contends are relevant to the disciplinary action appeal. The Sheriff's Office also shall submit, along with its pre-hearing statement, a copy of all relevant internal affairs unit reports and interviews, and also shall submit any other documents, records, or other items that the Sheriff contends are relevant to the disciplinary action appeal. Prior to the hearing, the Executive Director shall provide a copy of both parties' pre-hearing statements and all items submitted with the statements to each board member so that each member has the opportunity to read and examine the pre-hearing statements and items prior to the date of the hearing. A copy of each party's pre-hearing statement and attachments shall be delivered or mailed by the party to the other party contemporaneously with the party's filing of the items with the Executive Director.

g. In accordance with the "Open Meeting Act" each board member shall furnish a written independent decision to be used in public deliberation, if any, on the date the board renders its final decision. The official record of the final decision shall be the minutes of the board meeting to be written within 30 days of the decision. Separate opinions, including dissenting opinions, may be filed by board members and kept part of the official record. The final board decision must carry the approval of the majority of the board members.

h. The oral proceedings shall be electronically recorded or manually transcribed by the board and maintained on file. No other recording devices shall be allowed without approval of the board. Copies of electronic recorded hearings or transcribed copies can be provided at a reasonable compensatory fee.

i. If the board finds that the Sheriff has not complied with the procedures established by the board or that the dismissal had occurred for political reasons or that the Sheriff has been arbitrary in the interpretation of cause, the board may order the employee to be reinstated with back pay.

9.5 Right of Grievance

9.5.1 General

A grievance subject to a hearing before the Merit System Board of Directors is defined as any of the following actions by the Sheriff:

- A dismissal of an employee under the procedure set out in the Merit System Board of Directors Rules and Regulations in effect January 1, 2021, and as from time to time may be amended.
- Loss of salary-the term salary does not include the use of any KCSO property assigned to the employee or loss of overtime hours.
- A suspension of longer than three (3) days or where an employee is given cumulative suspension of more than (10) days within any given six-month period.
- Denial of leave as defined and set out in Section 11 of the Merit System Board of Directors Rules and Regulations in effect January 1, 2021, and as from time to time may be amended.
- Requiring a classified employee to participate in political activity as a condition of employment or promotion.

a. Grievances shall be resolved informally, if possible, by employee's chain-of-command (as detailed below) If this is not possible the individual involved has the right to a formal review as provided for in these Rules and Regulations.

b. An individual must first present his grievance in writing to his immediate supervisor listing specific details regarding the perceived wrong. The supervisor shall attempt to resolve the complaint promptly and fairly.

c. If the individual is not satisfied with the decision of their immediate supervisor he/she may submit their grievance in writing to the Division Head. The Division Head shall make a separate investigation and inform the employee in writing of the decision and the reasons for it within seven days of receipt of the written grievance. The Division Head shall also get the individual's signature and date on the written decision (as proof of receipt) and maintain a copy on file with a copy going to the employee and Merit board Office for placement in the employee's personnel file.

d. If the individual is not satisfied with the decision of the Division Head he/she may appeal in writing within seven days to the Sheriff for a review of the Division Head's decision.

e. The Sheriff shall make an appropriate investigation of the matter, as he deems necessary, and shall render his decision in writing to the individual within seven days of receipt of the appeal. A copy shall be sent to the Merit board for placement in the employee's personnel file.

f. If the individual (must be in the Classified Service) is not satisfied with the decision of the Sheriff, and the personnel action results in any loss of salary to the employee, he/she may appeal to the board in writing for a review of the Sheriff's decision within ten (10) days of its receipt. The term "salary" does not include property of the Sheriff's Office assigned to an employee for the purpose of performing his/her duties.

SECTION 10 SEPARATIONS

10.1 General

Separation of employees from the Classified Service may be the result of one of the following:

- Resignation, Lay-Off, Leave, Dismissal, Probationary Removal, Disability, Death, Retirement

a. Employees at the time of separation, but prior to final payment shall turn in all records and property belonging to the Sheriff's Office and sign a certification (provided by the Sheriff) attesting to this fact. If property is missing the individual shall pay for the loss or the amount shall be deducted from the individual's final payment.

b. Employees who leave the classified service for any reason shall receive, as salary, payment for all earned salary, all compensatory time due, and any unused holiday and/or vacation leave earned.

10.2 Resignations

a. An Employee may resign by submitting a written explanation with the effective date to the Sheriff within two weeks of the last working day. It is encouraged that the Sheriff be given as much advanced notice as possible in order to ensure continuity of operations in the Sheriff's Office.

b. An employee who resigns in good order shall retain their seniority and may be eligible for re-employment (within one year), in the same or lower grade, providing they meet all other requirements.

10.3 Lay-Offs

Positions may be discontinued or abolished because of lack of funds, or changes in duties by the Sheriff. The board may, upon request of and by the advice of the sheriff, create new positions or combine, alter or abolish existing positions in such manner as the board acting under the advice of the sheriff deems necessary for the effective operation of the office of sheriff. No position in the classified service shall be abolished except upon approval of the board acting in good faith upon the advice of the sheriff.

In these cases the Sheriff shall determine the affected employee's order of lay-off by the relative suitability of the individuals for the remaining jobs. This shall be done in accordance with the following:

- a. Employees subject to lay-off shall be notified in writing by the Sheriff's Office at least 14 days prior to the effective date.
- b. Regular employees who are identified for separation may displace temporary or probationary employees if they are qualified and apply for the positions.
- c. Employees who are laid off shall be considered for future appointments in any new employee's class for which qualified.
- d. When a reduction in force occurs, the board shall prepare and maintain (in coordination with Sheriff) a Furlough List containing all of the names of the affected personnel by classified position. Each name shall be placed under the classified position(s) (non-temporary) that the person has held. The names under the classified positions shall be arranged by length of service in the Sheriff's Office starting with the most senior person. Individuals shall be retained on the Furlough List for a period of two years. Only persons who have completed their one-year probationary period are qualified to be placed on the list.
- e. Individuals shall be removed from the list by the board for refusing an offer of appointment to a permanent position or failure to report to duty at the time prescribed by the Sheriff after accepting an appointment to a permanent position.

SECTION 11 LEAVE

11.1 Personal Leave

The Sheriff, with the consent of the board, may authorize personal leave with or without pay. It shall be granted only if adequate law enforcement of the county and/or police operations is not degraded. This leave may be granted for a period not to exceed 12 months and is subject to renewal (if conditions warrant and approved by the Sheriff and the board). It is the responsibility of the employee to request an extension in writing to the Sheriff within 14 days of the report date. Employees who fail to return at the end of an authorized leave, without an acceptable excuse, shall be considered as having voluntarily resigned as of the last day worked.

11.2 Annual Leave

Annual leave shall be granted and encouraged by the Sheriff (dependent upon operational needs) to promote employee efficiency, health and morale. Employees under the Classified System shall be granted annual leave in accordance with the following rules:

- a. Leave shall be planned based on tentative vacation schedules prepared by each Division Head based on seniority of the individuals. The scheduled should be arranged so as not to interfere with the operations of the Division.

b. Annual leave may be taken during the calendar year which it is earned or you may carry it over for use in later years. The maximum number of hours that an employee is allowed to accumulate and carry over to the next calendar year is:

Years of Service	Maximum accrued hours
1-8	288
9-20	312
*Over 20	344

Any hours in excess of the allowed maximum accrued hours (based on employee's years of service) as of the first day of every calendar year will be transferred to the employee's sick leave account.

c. New employees shall earn one day of vacation time per full month of employment during the initial calendar year of employment. Vacation time will not be earned for any partial pay period.

d. Employees with one or more years of employment shall earn annual leave in accordance with Knox County Sheriff's Office General Orders (as revised).

e. Employees who leave the classified service for any reason shall receive, as salary, payment for any unused vacation leave earned. Those who, for any reason, have taken more vacation leave than they have earned shall have the corresponding salary deducted from their termination paycheck.

f. Annual leave for employees with a break in service (resignation, leave of absence, etc.) shall be calculated in the same manner as annual leave for new employees.

11.3 Holiday Leave

Holiday leave shall be granted and encouraged by the Sheriff (dependent upon operational needs) to promote employee efficiency, health and morale. Employees under the Classified System shall be granted holiday leave in accordance with the following rules:

a. Leave shall be planned based on tentative work schedules prepared by each Division Head. The schedule should be arranged so as not to interfere with the operations of the Division. However, supervisors must allow employees to use all accrued Holiday time before the end of the year, as it is not permitted for this time to be carried over to the next calendar year.

b. Employees shall earn eight (8) hours of holiday time per Knox County Government observed holidays during their time of active duty status. Holidays occurring during any unpaid leave of absences will not be earned.

c. Employees who leave service for any reason shall receive, as salary, payment for any unused holiday leave earned. Those who, for any reason, have taken more holiday or vacation leave

than they have earned shall have the corresponding salary deducted from their termination paycheck.

11.4 Sick Leave

Sick leave with pay shall be used when an individual is incapacitated by sickness or a non-service connected injury. These shall include medical, dental or optical diagnosis or treatment and absences to preclude exposure of Sheriff's Office personnel from contagious disease. Sick leave shall be governed by the following rules:

a. Six work days shall be credited to an employee after the completion of the first six months of continuous service and accredited one day for each succeeding month of successive work. There is no maximum accrual for sick leave purposes. Accumulated sick leave up to 360 days may be used as credited service for retirement purposes only after 25 years of service. Employees should give their supervisors as much notice of an absence as possible.

b. The number of days shall not normally exceed the total time accredited. Sick leave in excess of this may be charged to annual leave.

c. On or before the third day of sick leave, the employee must present to his/her supervisor, a valid doctor's statement of the illness. Additionally, loss of pay due to the abuse of sick leave policy is not considered "loss of pay" for purposes of filing a grievance.

d. Employees eligible for leave under the Family and Medical Leave Act (FMLA) are entitled to 12 weeks of unpaid leave during a 12-month period. The employee is eligible for FMLA if he/she has been employed for a total of at least 12 months, worked at least 1,250 hours and is needed to care for a family member (child, spouse, or parent) with a serious health condition, or the individual's health prevents him/her from performing their job. The employee may (at the discretion of the Sheriff) be required to provide proof or certification of the medical condition.

11.5 Military Leave

Any member of a United States Armed Forces Reserve Unit who is required to perform active or inactive duty training for a period not to exceed twenty (20) days each year, whether voluntarily or not, is entitled to a military leave of absence. Any military leave that exceeds twenty (20) days may be taken as unpaid leave or paid leave at the employee's discretion. If the employee chooses to use paid leave, all available accruals will be allowed with the exception of sick leave. A copy of the Active Duty Orders when available shall be forwarded to the employee's immediate supervisor; the supervisor shall then forward them to the timekeeper and the Sheriff's Human Resource Office.

11.6 Maternity Leave

Employees may be granted Maternity leave without pay during the period of time they are unable to work immediately prior to and subsequent to the birth of a child. Maternity leave shall not exceed a period of one year unless evidence is provided to support an extension. Individuals

failing to return to duty at the end of the Maternity leave shall terminate as of the last day worked. Employees (male and female) are eligible for leave under the Family and Medical Leave Act (FMLA) are entitled to 12 weeks of unpaid leave during a 12-month period if they have been employed for a total of at least 12 months and worked at least 1,250 hours at start date of the leave. The leave must involve the care of a new-born, foster or adopted child. The FMLA leave right expires 12 months after the birth or placement with the employee.

11.7 Disability Leave or Death

Employees may be granted Disability leave when they cannot perform the required duties of their positions because of physical or mental impairment. Request for this leave must be supported by adequate medical evidence and may be initiated by the employee, their legal representative, or the Sheriff. Requests shall be submitted to the board for approval. The board reserves the right to have an independent medical examination of the individual at board's expense.

Should an individual die while employed by the Sheriff's Office the date of separation shall be the date of death. All compensation due the employee shall be paid to the designated beneficiary or as designated by the estate.

11.8 Compassion Leave

All employees shall be granted up to three consecutive Compassion leave days with pay in the event of a death in the employee's immediate family (spouse, son, daughter, mother, father, brother, sister, brother-in-law, sister-in-law, grandparents, grandparents-in-law, mother-in-law, father-in-law, and all previously described family members as step lineage).

Employees unable to return to work at the end of this period may request accrued annual or sick leave. This leave may be taken in addition to the individual's scheduled days off. The employee shall notify their immediate supervisor as soon as possible of the death and the need for additional leave if required.

11.9 Jury Duty or Witness Duty Leave

Employees will be granted leave when jury or witness duty necessitates the absence of an employee from the job. The employee must give notice to the supervisor if leave is required. Employees will be paid their regular salary; therefore, employees are required to turn in any pay they receive, from the courts, to the payroll department. Anytime the jury assignment is completed during work hours, the employee is expected to return to work immediately. The Sheriff's Office will work with the employee to accommodate for jury or witness duty impact on shift assignments when possible.

SECTION 12 LINE OF DUTY INJURY BENEFITS

Members of the Sheriff's Office in the Classified System (uniformed and civilian) who sustain traumatic injury(s) in the performance of routine law enforcement activities and/or when acting

under specific direction of General Orders of the Sheriff's Office while off-duty may receive L.O.D. benefits as authorized by the Sheriff in accordance with the terms and conditions set out below. Eligible duties include: investigations, pursuits, or the processing, booking, identification, transportation, maintenance of order, and safekeeping of inmates. They do not include injuries sustained in the performance of clerical or office related functions.

Note: A "traumatic" injury is a physical injury or mental injury arising out of a physical injury, which requires prompt medical attention restricts the individual from performing his/her regular duties, and requires employee to be placed on temporary leave by their physician.

a. L.O.D. benefits shall be paid as determined by the Sheriff. The injured employee may use existing sick days until the Sheriff can determine eligibility for L.O.D. benefits. If the Sheriff determines that the individual is eligible for L.O.D. benefits, employee's sick days used shall be credited back to the individual upon receipt of L.O.D. benefits. If the Sheriff determines that the individual is not eligible for L.O.D. benefits the employee may appeal to the L.O.D. Board in writing. The L.O.D. Board shall have the final decision as to the eligibility of benefits.

Note: The L.O.D. Board shall consist of three representatives, one from each of the following: the Sheriff's Office, the Merit Board and the employee's elected Board Representative.

b. If the injury is the result of an act or omission of a third party who may be liable (for any part) to the employee, Knox County and the Sheriff's Office shall be entitled to subrogation to the third party claim of the employee in an amount not to exceed the full value of the L.O.D. benefit and any Worker's Compensation benefits which may or will be paid to the employee.

c. Knox County and the Sheriff's Office shall be entitled to deduct and set-off the amount of any benefits paid under the L.O.D. benefits from any award of benefits granted under the Tennessee Worker's Compensation Act.

d. L.O.D. benefits shall be applied according to the following steps:

1. A maximum of three months (90 calendar days) pay at full salary may be initially authorized.

2. Prior to the expiration of the initial three month period, employee may apply in writing to the L.O.D. Board and Sheriff to review the case and determine if an extension is appropriate and may authorize up to an additional three months subject to the Return to Work provisions contained in paragraph (f) below

3. Thirty days prior to the end of step 2, the employee (or designated representative) may apply in writing to the L.O.D. Board for an extension of an additional six months subject to the Return to Work provisions contained in paragraph (f) below. If approved, the Board shall review the case every 90 days. The Board may, at any time after the approval of this extension, invoke the benefits identified in step 4.

Note: Benefits in steps 1-3 are in lieu of any Worker's Compensation benefits other than medical.

4. When the Board has determined that the employee has received all full-pay benefits it may grant a period of 28 working days during which the employee shall be paid an amount equal to 80% of their regular salary factoring the worker's compensation dollars and any difference made up by the Sheriff's Office. At the end of this period they may approve an additional 28 working days during which the employee shall be paid an amount equal to 70% of their regular salary factored in the same manner as before.

Note: Regular sick and annual leave shall continue to be credited during steps 1, 2, and 3, but not in step 4. At the end of all intervals of paid benefits an employee shall have the opportunity to use all accrued sick and / or annual leave before being placed on full worker's compensation as provided by the County.

e. Benefits shall be subject to verification by a licensed physician selected from the panel provided by the County under workers' compensation law (the "treating physician"). The Sheriff has the right to get a second medical opinion (at no cost to the employee) from a doctor selected by the L.O.D. Board.

f. Return to Work: Knox County and the Sheriff's Office strives to assist employees to return to work at the earliest possible date following an injury or illness. A return-to-work program has several benefits for both the employer and employees by minimizing time lost from work. An employee is no longer eligible for L.O.D. benefits when their treating physician determines the employee may return to work.

This policy is not intended to supersede or modify the procedures applicable to employees eligible for reasonable accommodation under the Americans with Disabilities Act (ADA) or leave benefits under the Family and Medical Leave Act (FMLA). Inquiries about the ADA or FMLA should be directed to the human resource department (HR).

Knox County and the Sheriff's Office defines "transitional work" as temporary, modified work assignments within the worker's physical abilities, knowledge and skills as determined by the treating physician.

When possible, transitional positions will be made available to injured workers to minimize or eliminate time lost from work. Knox County and the Sheriff's Office cannot guarantee a transitional position and is under no obligation to offer, create or encumber any specific position for purposes of offering placement to such a position.

In the event an employee refuses transitional work, employee will not be eligible for continuing L.O.D. benefits beyond the date of the Sheriff's Office "transitional work" offer. The Sheriff's Office is not obligated to provide an alternative position.

g. Vacancies due to an injured employee shall not be filled until the employee has received all L.O.D. benefits to which they are entitled.

h. The injured employee is responsible to provide the L.O.D. Board medical verification of injuries sustained.

j. L.O.D. Benefits shall not be allowed for an injury due to willful misconduct, use of illegal drugs, alcohol intoxication or self-inflicted injuries. The Sheriff shall be responsible to provide evidence of these facts.

k. Employees with injuries not eligible for L.O.D. Benefits shall be paid as provided by the Knox County Plan.

l. In order to qualify for L.O.D. benefits, employee must also file a workers' compensation claim with the Knox County Law Department Workers' Compensation Division. Medical benefits and other benefits available under Tennessee Workers' Compensation law shall be provided under Knox County's workers' compensation program. In the event employee qualifies for L.O.D. benefits, he/she shall not be entitled to concurrent temporary total benefits.

SECTION 13 RETIREMENT

Retirement shall be provided by the Knox County Retirement System.

SECTION 14 MERIT BOARD RECORDS

14.1 Required Records

Records and access shall be maintained by the board for each of the following:

- a. Every applicant who reaches the eligibility list.
- b. Every Employee in the classified service shall have personnel file maintained. The file shall include:
 - (1) Position, rank, compensation and place of residence.
 - (2) Employment application and related documents.
 - (3) Performance Evaluations, both probationary and annual.
 - (4) Commendations
 - (5) Reprimands.
 - (6) Applications for promotion and related documents.
 - (7) Records of pay changes.
 - (8) Records of leaves of absence, suspensions, promotion and demotions, these shall reflect dates, duration and reasons when applicable.
 - (9) Notations of any board actions relating to the employee.

(10) Family Medical Leave Act (FMLA) records shall be maintained for three years as follows:

- a. Basic payroll data.
- b. Date of FMLA leave
- c. Hours of FMLA leave
- d. Copies of all notices given the employee and employer pertaining to FMLA leave
- e. Records of FMLA disputes between the employee and the Sheriff's Office

SECTION 15 CONFIDENTIALITY OF RECORDS

- a. Medical records relevant to the FMLA shall be kept separate and confidential, with information only being disclosed to supervisors, emergency personnel, and government compliance officials.
- b. All reports of investigations and inquires into the character, mental and physical conditions, and the reputation of the applicant shall be kept confidential and open to only board members and other parties the board deems necessary in performance of their duties.
- c. All examination materials developed, maintained and administered by the board shall be kept confidential and shall not be open to inspection.

ATTACHMENT 1

ARTICLE II. - SHERIFF DIVISION 1. - GENERALLY

Secs. 42-31—42-50. - Reserved.

DIVISION 2. - EMPLOYEES' MERIT SYSTEM

Sec. 42-51. - Established.

There is hereby established a merit system for employees of the Knox County Sheriff's Office. It shall be labeled and referred to as the KCSO Employees' Merit System.

(Ord. No. O-90-9-111, § 1, 9-10-90; Ord. No. O-22-6-103 , § 1(Exh. A), 7-25-22)

Sec. 42-52. - Positions and employees included in system.

The classified service to which this ordinance shall apply shall include all positions and employees in the Sheriff's office, except for the Sheriff and up to ten additional appointed positions at his/her discretion, those employees whose income is derived primarily from fees for service of civil papers, and those employees serving primarily as court officers and bailiffs. No KCSO employee whose position is currently classified as of July 1, 2022 shall have that status affected by passage of this ordinance. The Sheriff's appointees shall be those employees the Sheriff in his/her discretion shall deem necessary for the competent and efficient operation of his/her office. No such appointee shall under any circumstance become a classified employee subject to the protections of the merit system unless he/she shall first have gone through the application and hiring process set forth below.

(Ord. No. O-90-9-111, § 2, 9-10-90; Ord. No. O-94-10-101, § 1, 12-1-94; Ord. No. O-22-6-103 , § 1(Exh. A), 7-25-22)

Sec. 42-53. - Merit System Board of Directors.

(a)Created. There is hereby created a Merit System Board of Directors, composed of seven members, with three members appointed by the County Mayor and four members appointed by the Commission, to administer the terms of this ordinance. Mayoral appointments to the board shall be ratified by the County Commission through spread of record.

(b)Terms. The terms of the members of the Merit System Board shall be three years; provided, however, that no member of the board shall serve more than two consecutive terms. Members of the Merit System Board of Directors may be appointed for a shorter term in order to create a staggered-term system with appointments specifying the term of office of each individual.

(c)Qualifications. All members of the Merit System Board must be over 21 years of age; of good moral character; a citizen of the United States and the state; and must reside in the county. No person shall be eligible to serve as a member of the board if he has previously been employed by the county Sheriff's office within the ten calendar years preceding his/her appointment, or if any member of such person's family is or becomes employed by the county Sheriff's office or the Knoxville Police Department at any time during such person's term of service as a member of the board. For purposes of this section, "family" shall include spouse, parent, grandparent, siblings, in-laws, or children.

(1) All members of the Merit System Board of Directors shall attend an ethics training provided by the Knox County Human Resources Department, as required of all employees of Knox County.

(2) The County Commission finds that the actual or apparent political influence on the members of the Merit System Board is injurious to the credibility of the board and undermines its mission as an apolitical civil service system for KCSO employees. Therefore, membership on the Merit System Board shall be conditioned upon the following:

a. 1. No person holding a position on the Merit System Board shall take an active part in any political campaign while a member of the Merit System Board.

2. i. No member of the Merit System Board shall solicit money for political campaigns.

ii. No member of the Merit System Board shall make any public endorsement of any candidate in any campaign for elected office.

3. A member of the Merit System Board shall not use such position to reflect the member's personal political feelings as those of the Sheriff's department or to exert any pressure on anyone to influence that person's political views.

4. No member of the Merit System Board shall display any political advertising or paraphernalia on such person's body or automobile while conducting business on behalf of the Merit System Board.

b. However, nothing in this part shall be construed to prohibit or prevent any such Board Member from becoming or continuing to be a member of a political club or organization and enjoying all the rights and privileges of such membership or from attending any political meetings. Such Board Member shall not be denied freedom in the casting of a vote.

c. A violation of this rule shall subject the Member to investigation by the Knox County Ethics Committee, which may recommend to the County Commission that the Member be removed from the Board. In such event, removal shall occur by majority vote of the Commission, and any seat so vacated shall be filled by the entity (Mayor or Commission) which first filled the seat.

(3) During a Member's term of service, should that Member take active steps toward becoming a political candidate, such member shall immediately resign from the Board. A failure to immediately resign shall subject that Member to removal by the County Commission as set forth above. "Active steps" shall include taking out a nominating petition from the Knox County Election Commission, appointment of a campaign treasurer, or any public announcement of an intention to become a political candidate.

(d) Compensation. The members of the Merit System Board shall not receive compensation.

(e) Administration. The Commission shall provide for personnel and administrative support necessary to operate the Merit System and support the Merit System Board of Directors. All Merit System personnel shall remain under the jurisdictional control of the Commission but shall report to the Merit System Board of Directors Chair and receive support from the Senior Director of the Knox County Human Resources Department. The Merit System Board of Directors Chair shall oversee the budget, administrative operations and conduct annual performance reviews of all personnel in accordance with the Knox County HR policies. The Merit System Board of Directors Chair shall submit an annual report to Commission for consideration no later than March 1 st with an overview of the administration of the Merit System office and personnel.

(f) Powers. The Merit System Board as a body shall have the power to:

(1) Propose rules and regulations for the administration of this ordinance to be submitted to the Commission for approval.

- (2) Make investigations concerning the enforcement and effect of this ordinance and to require observance of the rules and regulations established by the board and approved by the Commission.
 - (3) Hear grievances of classified employees in accordance with the definition of grievances as set out in section 42-67.
 - (4) Maintain a roster of all employees of the classified service and the office of the Sheriff showing their positions, rank, compensation, grade and step under the "Salary Progression Scale," and places of residence.
 - (5) Maintain a record of duties and responsibilities pertaining to all positions in the classified service, and to classify such positions in the manner provided in this ordinance.
 - (6) Except as otherwise provided in this ordinance, formulate and hold competitive tests to determine the qualifications of persons who seek employment in any position, and as a result of such tests, establish employment lists of eligible persons for the various positions.
 - (7) Establish and maintain records of the performance and a system of service ratings to be used to determine promotions, the order of layoffs and reduction of force; to determine the order of reemployment.
 - (8) Keep any other such records as may be necessary for the efficient and proper administration of the Knox County Sheriff and the Merit System Board of Directors.
 - (9) Provide for part-time and temporary positions and employment as required by the Sheriff, and establish rules defining and governing use of these positions, except that no temporary employment shall be for more than three months except by action of the Sheriff.
 - (10) Participate in and provide training to all new covered employees of the Knox County Sheriff's Office on the existence, roles and responsibilities of the Merit System and the Merit System Board of Directors.
 - (11) Adopt and amend rules and regulations providing for a means of hearing grievances as herein defined by members of the classified service and submit to Commission for approval.
- (g) Legal Counsel. The Knox County Law Director or his designated representative shall be responsible for attending all meetings and giving advice and counsel to the board. In the event of a contested hearing before the board, the Law Director shall appoint legal counsel to advise the board.
- (h) Conflict of Law. If any Rule or Regulation adopted by the Merit System Board and approved by the County Commission is in conflict with this ordinance, the provisions of this ordinance shall prevail.
- (i) Severability. If any of these sections, provisions, sentences, clauses, phrases or parts are held unconstitutional or void, the remainder of this ordinance shall continue in full force and effect. (Ord. No. O-90-9-111, §§ 3—8, 9-10-90; Ord. No. O-91-8-114, § 1, 11-25-91; Ord. No. O-95-4-101, § 1, 4-24-95; Ord. No. O-19-1-101, § 1, 2-25-19 ; Ord. No. O-22-6-103 , § 1(Exh. A), 7-25-22)

Sec. 42-54. - Conduct of Merit System Board meetings.

- (a) All meetings shall comply with the public notice requirements of the Tennessee Open Meetings Law. All members are required to comply with the strictures of the Tennessee Open Meetings Law.
- (b) All meetings shall be publicly held in the main assembly room or small assembly room of the city-county building, or such other public facility as may be set out in the public notice of the meeting.

(c) Minutes of all meetings shall be taken and maintained as a public record.

(d) All meetings shall be audibly and visually recorded and maintained as a public record.

(e) The Merit System Board shall meet at least once every quarter, on a regularly scheduled day/time, as determined by the chairperson. Any special called meetings outside of the regular quarterly meetings shall be publicly noticed at least ten days prior to such meeting occurring. No executive sessions shall occur without the prior concurrence of the Knox County Law Director. Executive session shall only be held for the purpose of the board seeking confidential legal advice from the Knox County Law Director or his designated representative.

(f) At the first meeting of each calendar year, the Merit System Board shall elect a chairperson and a vice chairperson whose parliamentary duties shall be the same as those as defined for the officers of the County Commission.

(Ord. No. O-21-7-105 , § 1(Exh. A), 8-23-21; Ord. No. O-22-6-103 , § 1(Exh. A), 7-25-22)

Editor's note— Ord. No. O-21-7-105 , § 1(Exh. A), adopted Aug. 23, 2021, repealed the former § 42-54, and enacted a new § 42-54 as set out herein. The former 42-54 pertained to effect of the division on current employees and derived from Ord. No. O-90-9-111, § 9, 9-10-90.

Sec. 42-55. - Classification plan.

(a) The classification plan in effect upon January 1, 2021 shall remain in effect unless and until it is modified as provided herein. (b) The position classification plan shall show the duties, authorities, responsibilities and character of work required for each position and each class thereof. In consultation with the Sheriff, the Merit System Board of Directors shall determine the requirements of each position and class thereof as to education, experience, and capabilities, knowledge, and skill. The board shall provide, as far as practical, for the maximum flexibility in lateral transfer of personnel, particularly in those positions and classes of positions relating to law enforcement.

(Ord. No. O-90-9-111, § 10, 9-10-90; Ord. No. O-22-6-103 , § 1(Exh. A), 7-25-22)

Sec. 42-56. - Board to create, combine, alter or abolish positions as necessary; exception.

The Merit System Board of Directors shall create new positions, or combine, alter, or abolish existing positions as the Sheriff deems necessary for the effective operation of the Sheriff's office, provided, however, that no position in the classified service be abolished where there is evidence to show that the abolishing of the office is designed to subvert the merit principle contained in this ordinance that an individual covered by the merit system may not be dismissed from service except for demonstrated cause.

(Ord. No. O-90-9-111, § 11, 9-10-90; Ord. No. O-22-6-103 , § 1(Exh. A), 7-25-22)

Sec. 42-57. - Leaves of absence rules.

(a) The Merit System Board shall formulate reasonable rules governing the granting of leaves of absence to members of the classified service in good standing. Leaves of absence shall be granted only where the Sheriff has recommended the leave of absence and where it is demonstrated that the requirements of adequate law enforcement and operational efficiency of the office of the Sheriff shall not be impaired by the granting of such a leave.

(b) All persons coming under the classified service who shall, after September 10, 1990, be inducted in the Armed Forces of the United States of America, or who shall, after September 10, 1990, enter such service voluntarily, by enlistment or otherwise, in a time of war or other

national emergency shall, upon application of the Sheriff, receive a military leave of absence for the duration of the period of service required. Such employee shall retain all rights for seniority and shall be entitled to reemployment in the same capacity and position held at the time of entering such military service; provided, however, that application for reinstatement in such position be made by or on behalf of such employee within three months after termination of active service in the Armed Forces.

(Ord. No. O-90-9-111, § 12, 9-10-90; Ord. No. O-22-6-103 , § 1(Exh. A), 7-25-22)

Sec. 42-58. - Competitive tests; lists of eligibles.

(a)The Sheriff shall keep the Merit System Board informed by periodic reports of the employment needs of the office and the board shall, as often as required by the necessity of and the request of the office of the Sheriff, hold tests for the purpose of establishing lists of eligibles for the various positions in the classified service. Notice of such tests shall be made public, competitive, and open to all persons who may be lawfully appointed under the rules promulgated by the Merit System Board as approved by the Commission and existing prior to the announcement of the examination. Such rules may set limitations as to residence, age, health, habits, moral character, and other necessary prerequisites for the performance of the duties of the position for which the examination is designated. However, all such limitations shall be in compliance with all federal and state laws relating to the hiring and placement of individuals. Prior to placement on the list of eligibles, background investigations must be completed by the Sheriff and the candidate found in conformity with standards.

(b)Promotion tests shall be public, competitive, and free to all persons examined and appointed under the provisions of this ordinance and who shall have served as an employee of the Sheriff's office for a minimum of one year and successfully completed a probationary period. Promotional examinations shall include an oral examination by an examining board, which shall include the Sheriff or his designated representative.

(c)Tests required by this section may include examination for psychological fitness, physical fitness, and manual skill performed either within the initial 30-day period or within 30 days after the Sheriff notifies the Merit System Board of Directors of the filling of a vacancy from the eligibility list and prior to commencement of the employment duties. No questions in any test shall relate to religious or political opinions or affiliations. The eligible persons shall take rank upon a list which shall be compiled for each position in the order of their relative excellence as determined by the tests without reference to the priority of the time the tests are given. No lists of eligible persons shall be valid after one year, except, however, that the Merit System Board may extend an eligible period for not more than one year. Notice of the time, place and general scope of each test and the duties, pay and experience required for all positions for which the test is to be held shall be given by the board to each applicant at least one week preceding the test.

(d)The notice required by subsection (c) of this section must be in writing and addressed to the last known address supplied by the applicant.

(Ord. No. O-90-9-111, § 13, 9-10-90; Ord. No. O-20-7-102 , § 1, 9-28-20; Ord. No. O-22-6-103 , § 1(Exh. A), 7-25-22)

Sec. 42-59. - Filling of vacancies.

(a)It is the responsibility of the county Sheriff to conduct all aspects of recruitment, advertising, marketing and promotional efforts, including job fairs, promotional materials and such other recruiting tools as the Sheriff's office deems necessary in order to attract qualified employee

applicants and candidates. Interested candidates will then be referred to the Merit System Board for the application process.

(b)Whenever a vacancy occurs in any position in the classified section of the office of Sheriff, the Sheriff shall make requisitions to the Merit System Board for names and addresses of all persons eligible for appointment thereto. The board shall immediately certify the names of all persons on the eligible list for the position wherein the vacancy exists. The Sheriff thereupon shall investigate each of the five highest persons on the list of eligibles and provide a conditional offer of employment from that list. If the Sheriff finds the list of such five persons unacceptable, he may state his findings in writing to the board which at its discretion may authorize selection from the second five eligible persons on the list. The Sheriff thereupon shall provide a conditional offer of employment to the person selected to the position where the vacancy exists and shall notify the board of his action. The Merit System Board will within 30 days thereafter and prior to commencement of the employment duties have performed psychological fitness, physical fitness, and manual skill examinations on those persons selected by the Sheriff. If the Merit System Board shall fail to provide a list of eligibles, then the Sheriff may make appointments to vacancies after having notified the board of his action or his intention to do so.

(c)No appointment for any position in the classified service shall be deemed complete until after the expiration of 12 months' probation of service, during which time the Sheriff may determine the effectiveness of the employee, and if in his judgment the employee does not meet the standards, he may terminate the employment of any person certified and appointed if he deems it in the best interest of the service.

(d)No promotion to a supervisory position shall be deemed complete for a period of six months after appointment, during which time the employee may be returned to his previous position without prejudice.

(Ord. No. O-90-9-111, § 14, 9-10-90; Ord. No. O-20-7-102 , § 2, 9-28-20; Ord. No. O-21-7-106 , § 1(Exh. A), 8-23-21; Ord. No. O-22-6-103 , § 1(Exh. A), 7-25-22)

Sec. 42-60. - Transfers.

All employees in the classified service may be transferred from one position to another within and between classes of positions as determined by the Sheriff and consistent with the rules established by the Merit System Board. These rules may designate those classes of positions between which transfer may take place. Nothing in this section shall prohibit any employee holding a position in one class from proving qualifications for holding a position and being eligible for appointment in another class through regular competitive examination. Transfers may be instituted only by the Sheriff and shall be permitted only with the consent of the Sheriff.

(Ord. No. O-90-9-111, § 15, 9-10-90; Ord. No. O-22-6-103 , § 1(Exh. A), 7-25-22)

Sec. 42-61. - Investigations.

(a)The Merit System Board shall have the authority to investigate those grievances as defined and set out in section 42-67. The procedure of the Merit System Board with respect to any investigation by the board as authorized by this ordinance shall be in accordance with the rules and regulations established by the board as approved by the Commission and shall provide for reasonable notice to all persons affected by the authorization of any order the Merit System Board may issue after such investigation is complete. Such affected person shall have the opportunity to be heard either in person and/or by counsel, and to introduce testimony in his behalf in a public hearing to be held for that purpose.

(b)The Merit System Board, when conducting any investigations or hearings authorized by this ordinance, shall have the power to administer oaths, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony. In case of the disobedience of any person to comply with the order of the board or of a subpoena issued by the board or any of its members, or upon the refusal of a witness to testify on any matter in which he might be lawfully interrogated, the judge in any court of record within the county on application of the board shall compel obedience by proceedings as for contempt. The Sheriff or his legal deputy shall serve such subpoenas as issued by the board.

(c)The Commission finds that it is in the interest of all parties to have a speedy resolution of grievances. Therefore the Merit System Board shall be required to investigate, hear and resolve any grievance filed with it within 90 days of filing.

(Ord. No. O-90-9-111, § 16, 9-10-90; Ord. No. O-22-6-103 , § 1(Exh. A), 7-25-22)

Sec. 42-62. - Sheriff to make immediate report of matters affecting status of member of service; suspensions.

(a)The Sheriff shall give an immediate report in writing to the Merit System Board on all appointments, reinstatements, vacancies, absences, or other matters affecting the status of any member of the classified service or the performance of the duties of members of the classified service. The report shall be in the manner and form prescribed by the Merit System Board.

(b)The Sheriff may suspend any employee for not more than three days for cause, and there shall be no right of appeal for any suspension thereof. A member of the classified service shall be authorized to file a grievance under the procedures established by the Merit System Board pertaining to suspension of more than three days. The Sheriff shall not have the authority to suspend any employee for more than ten days cumulatively within any given six-month period of time without the right of appeal. If the Sheriff shall suspend any employee for a period longer than ten days cumulatively within any given six-month period, the individual suspended shall be notified in writing of the charges placed against him for his suspension. He shall thereafter have ten days to request a hearing before the Merit System Board, and upon his request the board shall set a hearing not more than 30 days from the receipt of such request for a hearing. It is the intent of this ordinance that the Sheriff shall have maximum flexibility in the disciplining of employees for ordinary cause. However, if the board finds that the Sheriff has not complied with procedures established by the board, that suspension has occurred for political reasons, or that the Sheriff has been arbitrary in the interpretation of cause, the board may order reinstatement and back pay of the employee.

(Ord. No. O-90-9-111, § 17, 9-10-90; Ord. No. O-22-6-103 , § 1(Exh. A), 7-25-22)

Sec. 42-63. - Dismissals.

The Sheriff shall have the authority to dismiss any employee for ordinary cause with a right of appeal assured the employee. The dismissed employee shall be notified in writing of the causes for dismissal. The employee shall thereafter have ten days to request a hearing before the Merit System Board, and upon his request the board shall set a hearing not more than 30 days from the date of the receipt of such request. The rules of procedure for the conduct of any investigation by the Merit System Board shall apply to such hearing. If the board finds that the Sheriff has not complied with the procedures established by the board, that dismissal has occurred for political reasons or that the Sheriff has been arbitrary in the interpretation of cause, the board may order the employee to be reinstated with back pay. If dismissal results from a reduction in force, such

reduction shall be made on the basis of seniority and merit, as provided for in the rules established by the board.

(Ord. No. O-90-9-111, § 18, 9-10-90; Ord. No. O-22-6-103 , § 1(Exh. A), 7-25-22)

Sec. 42-64. - Political activities restricted.

No person holding a position in the classified service shall take an active part in any political campaign while on duty, nor shall any employee of the Sheriff's office, under any circumstance, solicit money for political campaigns or in any way use his position as a deputy sheriff to reflect his personal political feelings as those of the Sheriff's office or to use his position as deputy sheriff to exert any pressure on anyone or any group of people to sway that person's or group of persons' political views. No employee while on duty, nor any officer while in uniform, shall display any political advertising or paraphernalia on his person or on his automobile. No employee of the Sheriff's office shall make any public endorsement of any candidate in any campaign for elected office, nor be responsible for the conduct of such campaign. However, nothing in this ordinance shall be construed to prohibit or prevent any such employee from becoming or continuing to be a member of a political club or organization and enjoying all the rights and privileges of such membership or from attending any political meetings while not on duty or in the course of his official business, nor shall he be denied from enjoying any freedom in the casting of his vote. Any person violating the provisions of this section shall be dismissed from the service of the office of the Sheriff.

(Ord. No. O-90-9-111, § 19, 9-10-90; Ord. No. O-22-6-103 , § 1(Exh. A), 7-25-22)

Sec. 42-65. - Sheriff not to require political activity as condition of employment or promotion. The Sheriff may not require any employee in the classified service to participate in any political activity as a condition of employment, continuation of employment, or promotion. If, upon proper investigation, notice and hearing of the Merit System Board, it is determined that such actions have taken place, where applicable, the employee shall be reinstated with back pay, and the board shall issue an order to the Sheriff to cease and desist from such activity. If the Sheriff fails to comply or persists in the activity, the board may apply to the nearest court of record having jurisdiction for a citation of contempt.

(Ord. No. O-90-9-111, § 20, 9-10-90; Ord. No. O-22-6-103 , § 1(Exh. A), 7-25-22)

Sec. 42-66. - Ordinance not to create property rights or vested interests.

This ordinance shall not be held nor construed to create any property rights or any vested interests in any position in the classified service, and the right is hereby reserved to repeal, alter, or amend this ordinance, or any provisions thereof, at any time.

(Ord. No. O-90-9-111, § 21, 9-10-90; Ord. No. O-22-6-103 , § 1(Exh. A), 7-25-22)

Sec. 42-67. - Grievances which may be addressed by the Merit System Board.

A grievance subject to a hearing before the Merit System Board of Directors is defined as any of the following actions by the Sheriff:

(1)A dismissal of an employee under the procedure set out in the Merit System Board of Directors Policies and Procedures in effect January 1, 2021 and as from time to time may be amended.

(2) Loss of salary. The term "salary" does not include the use of any KCSO property assigned to the employee or loss of overtime hours.

(3) A suspension of longer than three days or where an employee is given cumulative suspension of more than ten days within any given six-month period.

(4) Denial of "Leave" as defined and set out in Section 11 of the Merit System Board of Directors Policies and Procedures in effect January 1, 2021 and as from time to time may be amended.

(5) Requiring a classified employee to participate in political activity as a condition of employment or promotion.

(Ord. No. O-22-6-103 , § 1(Exh. A), 7-25-22)

Attachment 2

ACKNOWLEDGEMENTS

Since the inception of the Knox County Merit System Council in 1970 and the Merit System Board of Directors in 2022, the following persons have served on the Council and Board of Directors contributing to its success.

Lewis J. Van Mol	1971-1977
Norman H. Williams	1971-1976, 1979-1981
John E. Sergeant	1971-1974
Robert W. Ritchie	1977-1983
Peggy R. Szabo	1974-1977
Joshep L. Swift	1977-1983,1984-1989
Howard A. Mullins	1982-1987
Herbert S. Moncier	1983-1989
Sylvia B. Clark	1988-1991
H. Douglas Nichol	1989-1994
William T. Hendon	1990-1995
Eddie Daniel	1992-1993 (Alternate Council Member)
Robert R. Madigan	1991-1992
Gary W. Parker	1992-December 31, 1992 (Alternate Council Member) January 1993-July 1995 (Council Member) 1994-1994 (Alternate Council Member)
Harold Pinkley	1994-1994 (Alternate Council Member)
Charles E. Patty	October 1994-December 31, 1994 (Alternate Council Member) January 1995-March 1997 (Chairperson)
William A. (Mike) Arms	July 1995 (Council Member) to fulfill the term of Gary Parker which expires December 31, 1996 January 1997-August 1998 (Chairperson)
John F. Ray	July 1995-December 31, 1995 (Alternate Council Member) January 1996-August 1998 (Council Member) 1998-January 2002 (Chairperson)
Michael B. Beatty	January 1996-March 1997 (Alternate Council Member) March 1997 to December 1997 (Council Member) to fulfill term of Charles Patty 1998-2000 (Council Member)
Kevin Desmond	1997-1998 (Alternate Council Member)
Brian Hornback	September 1998-May 2000(Alternate Council Member) May 2000-September 2000 (Council Member)
Sue Methvin	May 1998-September 1998 (Alternate Council Member) September 1998- January 2002 (Council Member) January 2002-September 2004 (Chairperson)

Ronald Wade	June 2000-August 2004 (Council Member) September 2004 –August 2006 (Council Chair)
Launa Pennell	February 2002-August 2004 (Alternate Council Member) August 2004-July 2006 (Council Member) July 2006-August 2010 (Council Chairperson)
Terry Lewis	September 2004-April 2005(Alternate Council Member) April 2005-July 2010 (Council Member) July 2010- April 2011 (Council Chair)
Tom Pierce	April 2005-August 2010 (Alternate Council Member) August 2010-April 2011 (Council Member) April 2011-August 2016 (Council Chair)
Doug Minter	July 2006-July 2012(Council Member)
Bill Lindsey	November 2010-April 2011 (Alternate Council Member) April 2011-August 2016 (Council Member) August 2016-April 2017 (Council Chair)
Tommy Daugherty	October 2011-July 2012 (Alternate Council Member) July 2012-June 2015 (Council Member)
Roy Kruse	July 2012-June 2015 (Alternate Council Member) June 2015-April 2018 (Council Member)
Jim Jennings	June 2015-August 2016 (Alternate Council Member) August 2016-April 2017 (Council Member) April 2017-February 2021 (Council Chair) February 2021-April 2022 (Council Member)
Jim Wright Jr.	August 2016-April 2017 (Alternate Council Member) April 2017-March 2022 (Council Member) March 2022-August 2022 (Vice-Chairman) August 2022-January 2023 (Chairman <i>Pro Tem</i>) January 2023-Present (Board Member)
Gina Oster	April 2017-April 2018 (Alternate Council Member) April 2018-February 2021 (Council Member) February 2021-August 2022 (Council Chair)
William Schaad	April 2018-July 2019 (Alternate Council Member)
Laschinski Emerson	September 2019-April 2021 (Alternate Council Member)
John Marshall	April 2021-April 2022 (Alternate Council Member) April 2022-Present (Board Member)
Christopher Manning	April 2022-November 2022 (Alternate Member) November 2022-January 2023 (Board Member) January 2023-Present (Chairman)
Lindsay Willis	November 2022-Present (Board Member)
Kenny Boatman	November 2022-Present (Board Member)
Clarence Vaughn	November 2022-Present (Board Member)
John Valliant	November 2022-January 2023 (Board Member) January 2023-Present (Vice-Chairman)
The Following	individuals have served the Council in the positions listed
Peggy Szabo	Executive Secretary
Sylvia B. Clark	Executive Secretary

Marlyn “Corky” Truan	Executive Secretary
Diana D. Caldwell	Executive Secretary/Director
Deanna G. Williams	Executive Director
The Following	individuals have served the Council in the positions listed (continued)
W. Gary Hall	Executive Director October 1997-February 2013
Paula M. Taylor	Executive Director February 2013-Present