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Private Acts of 1967-68 Chapter 475

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Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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SECTION 1. That all counties having a population of not less than forty-one thousand six hundred (41,600) nor more than forty-one thousand eight hundred (41,800) inhabitants according to U.S. Census of Population of 1960 or any subsequent U.S. Census of Population may establish civil service for employees of the sheriff of said counties.

SECTION 2. That the Classified service to which this law shall apply shall include all positions and employees in the sheriff's department except for the sheriff, his chief deputy, administrative assistants and his personal secretaries.

SECTION 3. That there is hereby created a Civil Service Board composed of seven (7) members selected by the County Legislative Body to administer the terms of this Act. Membership of the Board should be representative of the diversity of the community, including minorities and females.

As amended by: Private Acts of 1995, Chapter 64
Private Acts of 2003, Chapter 35

SECTION 4. That the terms of the members shall be three (3) years providing, however, that the initial appointments shall be as follows:

- (1) One (1) member selected by the County Legislative Body for one (1) year.
- (2) One (1) member selected by the County Legislative Body for two (2) years.
- (3) The third member selected by the County Legislative Body shall serve for three (3) years.
- (4) The fourth member selected by the County Legislative Body shall serve for two (2) years.
- (5) The fifth member selected by the County Legislative Body shall serve for three (3) years.
- (6) The sixth and seventh members selected by the County Legislative Body shall serve for three (3) years.

All appointments thereafter shall be for three-year terms.

As amended by: Private Acts of 1995, Chapter 64
Private Acts of 2003, Chapter 35

All appointments thereafter shall be for three-year terms.

SECTION 5. That all members of the Board must be over twenty-one (21) years of age; of good moral character; a citizen of the United States and the State of Tennessee, and must reside in the county where he is appointed.

SECTION 6. That the members of the Board shall receive such salary, if any, as determined by the County Court in its sound discretion.

SECTION 7. That the County Judge shall designate from the three members thus selected a Chairman of the Board. The sheriff shall appoint from among his employees a personnel officer who shall be the keeper of the personal records and shall serve as Secretary of the Civil Service Board.

SECTION 8. That the Board as a body shall have the power:

- (a) To adopt and amend rules and regulations for the administration of this Act.
- (b) To make investigations concerning the enforcement and effect of this Act and to require observance of its provisions of the rules and regulations made thereunder.
- (c) To hear and determine appeals and complaints respecting the administration of this Act.
- (d) To establish and maintain a roster of all employees of the classified service and the office of the sheriff showing their positions, rank, compensation and places of residence.
- (e) To ascertain and record the duties and responsibilities pertaining to all positions in the classified service and classify such positions in the manner hereinafter provided.
- (f) Except as otherwise provided in this Act, 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 eligibles for the various positions.
- (g) To establish records of the performance and a system of service ratings to be used to determine promotions, the order of lay-offs and re-employment and for other purposes. (h) To keep any other such records as may be necessary for the proper administration of this Act.

SECTION 9. That all persons in the employ of the office of the sheriff at the time this Act becomes operative, who have served for a period longer than six (6) months to be known under this Act as

classified service, shall be retained without preliminary or performance tests, but shall thereafter be subject in all other respects to the provisions of this Act. Any other persons in the classified service at the time this Act becomes operative shall be regarded as holding their position under provisional appointment.

SECTION 10. That the Board shall, as soon as practical after this Act becomes operative, adopt a classification plan and make rules for its administration. The position classification plan may, if desired, create different classes of positions within each position in the classified service. The position classification plan shall show the duties, authorities, responsibilities and character of work required of each position and each class thereof. The Board shall determine the requirements of each position and class thereof as to education, experience, capabilities, knowledge and skill. As far as practical, the probable lines of promotion to and from the classes of position shall be indicated.

SECTION 11. That the Board may, upon request of the sheriff and by his advice, 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. Provided, however, that no position in the classified service be abolished except upon approval of the Board acting in good faith upon the advice of the sheriff.

SECTION 12. That the Board shall formulate reasonable rules governing the granting of leaves of absence to members of the classified service in good standing. The Board shall request the advice of the sheriff upon any request of leave of absence before acting thereon and shall be guided by the requirements of the adequate law enforcement and operational efficiency of the office of sheriff when considering any such request for a leave.

All persons coming under the classified service who shall hereafter be inducted into the Armed Forces of the United States of America, or who shall hereafter enter said 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. The said employee shall retain all rights or seniority and shall be entitled to reemployment in the same capacity and position they held at the time of entering said military service; provided, however, that application for reinstatement in such position be made by or on behalf of such employee within three (3) months after termination of active service in said Armed Forces.

All employees coming under the provision of this Act shall be entitled after one (1) year of service to one (1) week vacation each year until the employee shall have completed fifteen (15) years of service. The employee shall then be entitled to two (2) weeks vacation, commencing with the sixteenth (16) year of employment and continuing until such time as employee shall leave the service. The vacation shall be at full pay and shall be taken at a time as agreed upon by the sheriff and the employee.

SECTION 13. That the sheriff shall keep the Board informed by periodic reports of the employment needs of the office and the Board shall, as often as required by the necessity of the office of sheriff, hold tests for the purpose of establishing lists of eligibles for the various positions in the classified service. Such tests shall be public, competitive and open to all persons who may be lawfully appointed under the rules promulgated by the Board 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 examination is designated.

Promotion tests shall be public, competitive and free to all persons examined and appointed under the provisions of this Act and who have held a position for at least a one (1) year period of time. All tests shall be practical and shall consist only of subjects which will fairly determine the capacity of the person examined to perform the duties of the position in which the appointment is to be made. Tests may include examination for physical fitness and manual skill. No questions in any tests shall relate to religious or political opinions or affiliations. The eligibles 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 and without reference to the priority of the time of the tests are given. No lists of eligibles shall be valid after one (1) year except, however, the Civil Service Board may extend an eligible period for not more than one (1) 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.

The notice must be in writing and addressed to the last known address supplied by the applicant. Notice of promotional tests shall be given as the Board may subscribe.

SECTION 14. That whenever a vacancy occurs in any position in the classified section of the office of sheriff, the sheriff shall make requisition to the Board for the names and addresses of all persons eligible for appointment thereto. The Board shall certify the names of all persons on the eligible list for position wherein the vacancy exists within thirty (30) days of the requisition to the Board. The sheriff thereupon

shall investigate each of the five (5) highest on the list of eligibles. In the event the investigations result in none of the five eligibles being acceptable to the sheriff, he shall investigate the next five eligibles on the list, one after another until one of the eligibles investigated is acceptable to the sheriff. The sheriff thereupon shall appoint this person to the position wherein the vacancy exists and shall notify the Board of his action. If the Civil Service Board shall fail to provide a list, then the sheriff may make appointments to vacancies after having notified the Board of his action or his intention so to do.

No appointment or promotion for any position in the classified service, shall be deemed complete until after the expiration of six (6) months probationary 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. Provided that whenever a position of the classified is filled by promotion, and the services of the person promoted are terminated by the sheriff during the probationary period, such person shall forthwith be returned to the duty in the former position held by him in the classified service unless such person's conduct during the probationary period has given grounds for dismissal for cause under this Act. Any person dismissed during the probationary period shall not be eligible to a hearing before the Board. A person certified to the sheriff who does not report for duty at the time so designated and who does not explain his said failure to report in writing within five (5) days, may be rejected by the sheriff who shall forthwith notify the Board of the action taken and the reason therefor, the person's name will then be stricken from the eligible list.

SECTION 15. That all employees in the classified service may be transferred from one position to another in the same class, and not otherwise. Transfers may be instituted only by the sheriff and shall be permitted only with the consent of the sheriff.

SECTION 16. That the practice and procedure of the Board with respect to any investigation by the Board authorized by this Act, shall be in accordance with the rules and regulations to be established by the Board which shall provide for a reasonable notice to all persons affected by order to be made by the Board after such investigation, with the opportunity to be heard either in person or by counsel, and to introduce testimony in his behalf at a public hearing to be held for that purpose.

The Board, when conducting any investigations or hearings authorized by this Act, 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 orders of the Board or of a subpoena issued by the Board or any of its members, or on the refusal of a witness to testify on any matter on which he may be lawfully interrogated, the Judge in any Court of record within the county on application of any member 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.

SECTION 17. That the sheriff shall give an immediate report in writing of all appointments, reinstatements, vacancies, absences or other matter effecting the status of any member of the classified service or the performance of the duties of members of said classified service. The report shall be in the manner and form prescribed by the Board. The sheriff may suspend any employee for not more than ten (10) days for cause and there shall be no right of appeal for any suspension thereof.

Provided, however, the sheriff shall not have the authority to suspend any employee for more than one suspension of ten (10) days within any given six (6) month period of time without a right of appeal. If the sheriff shall suspend any employee for a period longer than ten (10) days, the suspended employee shall be notified in writing of the charges placed against him from his suspension. He shall thereafter have ten (10) days to request for a hearing.

SECTION 18. That no person holding a position in the classified service shall take an active part in any political campaign while on duty nor shall under any circumstance any employee of the sheriff's department solicit money for political campaigns or in any wise use his position as a deputy sheriff so as to reflect his personal political feelings as those of the sheriff's department or to use his position as deputy sheriff to exert any pressure on any one or group of people to sway that person's or 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. However, nothing in this Act 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 or interference 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.

SECTION 19. That the provisions of this Act shall be severable and if any of the provisions shall be held

to be unconstitutional the decision of the Court shall not affect the validity of the remaining provisions. It is hereby declared the legislative intent of this Act that it would have been adopted by the General Assembly had such unconstitutional provisions not been included therein.

The Act 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, amend this Act, or any provision thereof at any time.

SECTION 20. That any law in existence at the passing of this Act which shall be in conflict with the provisions of this Act is hereby repealed.

SECTION 21. That this Act shall become effective as to any county to which it may apply when the same shall have been approved by the Quarterly County Court of such county by a vote of not less than two-thirds (2/3) of the members thereof, such approval to be made by said Quarterly County Court within ninety (90) days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1968, the public welfare requiring its becoming effective at that time. The approval or non-approval of this Act by said Quarterly County Court shall be certified by the Chairman of the Quarterly County Court of said county to the Secretary of State.

SECTION 22. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 25, 1968.

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