



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Private Acts of 1983 Chapter 54

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Sincerely,

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## Private Acts of 1983 Chapter 54

**SECTION 1.** There is created a Madison County Sheriff's Department Civil Service Commission (the commission), which shall consist of three (3) members. One (1) member shall be appointed by the county legislative body of Madison County. One (1) member shall be selected by a majority vote of the classified employees of the Madison County Sheriff's Department (the department). The third member shall be selected by the two (2) members whose method of selection is provided above.

A member shall be at least thirty (30) years of age and shall have been a resident of Madison County for at least five (5) years. A member shall serve for a term of six (6) years; provided, however, for the initial selections the member appointed by the county legislative body of Madison County shall serve a two (2) year term; the member selected by classified employees of the department shall serve a six (6) year term; the third member who is selected by the other two members shall serve a four (4) year term.

Each member shall have equal power, and a majority vote of the members is necessary to authorize any commission action or decision. Two (2) members shall constitute a quorum for the transaction of business. No member of the commission shall be employed in any manner by a municipal, county, state or federal government. No member shall hold any elected or appointed position in any governing body and no member shall be a member of the immediate family of any employee of the department. Any vacancy in the commission shall immediately be filled for the remainder of the unexpired term in the same manner as the position was originally filled.

**SECTION 2.** Each member of the commission shall receive a salary of seventeen dollars and fifty cents (\$17.50) per meeting. Each member shall be reimbursed his necessary expenses incurred in the discharge of official duties. The county legislative body of Madison County shall make adequate financial provision including stenographic services for the commission in the performance of its duties. The commission shall hold no more than ten (10) meetings a year.

**SECTION 3.** The commission shall elect a chairman who shall preside over all meetings, a vice chairman to serve in the absence of the chairman, and a secretary.

The secretary shall keep complete and accurate records of all proceedings held by the commission in a minute book to be provided for this purpose. The secretary shall likewise keep a complete and accurate record of employment lists as provided in Section 5.

**SECTION 4.** All full-time employees of the department, holding a classified position, as set out hereafter, on the payroll of the department on the date this Act is ratified by the county legislative body of Madison County as required in Section 18, shall be covered by the provisions of this Act except as noted, and shall not be required to take an examination to continue in their presently classified positions.

**SECTION 5.** After this Act is ratified as required in Section 18, any person seeking employment with the department for any classified position as hereinafter defined, with the exception noted below, shall first be examined and declared qualified by the commission. All other classified positions in the department shall be filled as provided below.

The examination may be written or practical and shall be prepared by the commission on advice of the sheriff, and shall be a comprehensive examination related to the field which it covers. The commission shall regularly hold competitive examinations for classified positions; such examinations shall be offered annually to any applicant and more often as necessary. The commission shall cause a notice to appear not less than thirty (30) days prior to the date set for such examination, and the notice shall contain a brief statement of classified position or positions for which examinations will be held, a brief statement of the subjects upon which the applicants will be examined, the time and place of the examination and the duties required by such classified position. The commission shall prepare a list of those persons declared qualified for each classified position, in the order of their excellence as determined by the examination. If a vacancy occurs in a classified position, and upon the request from the sheriff, the commission shall certify to the sheriff the names of those persons qualified for such vacancy. The sheriff may select any one (1) of those persons for the classified position. Each classified position in the department, except detention specialist and deputy shall be filled by a promotion by the sheriff from a holder of a classified position. Deputized clerical and office staff shall be appointed by the sheriff.

As amended by: Private Acts of 1995, Chapter 42

Every February, a new classified position list shall be established by examination and any applicant shall take such examination before he or she can be eligible for listing as an applicant for a classified position. This paragraph applies whether a person was listed on a former classified position or not.

As amended by: Private Acts of 1986, Chapter 185

**SECTION 6.** No person holding any classified position of employment shall be discharged from the service of the department or demoted except for just cause and it is expressly intended that engaging in any political activity or refusing to engage in any political activity shall not be just cause for discharge, suspension or demotion of any employee holding a classified position. All persons discharged or demoted shall have the right to be heard by the commission in his own defense, in person or by counsel, and the action of the sheriff in discharging or demoting such person shall be subject to the approval or disapproval of the commission. If the commission approves the discharge or demotion, the decision shall be final. If such discharge or demotion be disapproved the employee shall be reinstated to such position with full pay and rights from the day of discharge or demotion. The sheriff shall have the authority to suspend any classified position holder in the department for a period not exceeding one (1) consecutive fifteen (15) day period without approval of the commission; provided, however, where the suspension exceeds one (1) consecutive three (3) day period the classified position holder shall have the right to request an appeal and review by the commission. Written request for hearing must be made within five (5) days from date of discharge, demotion or suspension. No employee holding a classified position shall be discharged or suspended for any act not involving moral turpitude which occurred more than six (6) months prior to the date of discharge.

Any person holding a classified position in the department may be reduced in rank for cause, but such action shall likewise be subject to the approval or disapproval of the commission upon appeal duly perfected.

None of the provisions of this section shall apply to any classified position during the first twelve (12) months of employment; such period is hereby declared to be a probationary period.

None of the provisions of this section shall apply to prevent the discharge of the holder of a classified position who was employed as the result of the resignation of the holder of a classified position to enter the armed forces, but upon the return of such holder from the armed forces, the holder of the position with the least seniority may be discharged, in which case such holder would revert to the classified position list.

**SECTION 7.** The following positions within the department are hereby declared to be classified positions within the meaning of this act: 1) captains, 2) lieutenants, 3) sergeants, 4) investigators, 5) deputies, 6) deputized clerical and office staff, 7) communications officer and 8) assistant chief deputy and 9) detention specialists.

As amended by: Private Acts of 1994, Chapter 152

All positions not classified herein as classified positions are unclassified positions and such unclassified positions are not covered by the provisions of this act.

As amended by: Private Acts of 1986, Chapter 185

Private Acts of 1991, Chapter 27

Private Acts of 1991, Chapter 107

**SECTION 8.** It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this Act and of the rules of the commission and to defend all civil suits which may be brought against the commission. The commission shall be represented in such suits by the county attorney except in cases wherein the county attorney may be an interested party. In such event their [sic] commission may employ special counsel, and the expense shall be borne by the county.

**SECTION 9.** In any investigation conducted by the commission, the commission shall have the power to subpoena and require the attendance of witnesses and the production by them of books and papers, pertinent to the investigation and to administer oaths to such witnesses.

**SECTION 10.** Any person who obstructs or deceives any person in respect to his or her rights under this Act, makes a false report or certificate, or bribe, or attempt to bribe any employee of the commission or in any other way fraudulently conduct themselves to gain favor for any person or persons, shall be punishable by a civil penalty of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1000.00).

**SECTION 11.** Immediate reports in writing shall be given to the commission by the head of the sheriff's department of all occurrences which affect the status of classified positions or the performance of duties of all persons holding classified positions.

**SECTION 12.** The working day for any employee of the department shall be eight (8) hours of duty in any twenty-four (24) hour period. The working week shall consist of five (5) eight (8) hour days. Each employee of the department shall receive two (2) days off each week. Each employee of the department shall receive compensatory time for each hour worked in excess of eight (8) hours per twenty-four (24) hour period and in excess of forty (40) hours per week at the rate of one (1) compensatory hour to be taken at a later time in return for each hour worked overtime.

No compensatory time shall be granted for attendance in court unless the officer is duly subpoenaed to attend in state or federal courts and duly claims his witness fee for such attendance. Such attendance fee shall be paid to Madison County.

**COMPILER'S NOTE:** This is to the extent that the provisions do not conflict with the Federal Fair Labor Standards Act (FLSA).

**SECTION 13.** All members of the department shall be entitled to retirement benefits as provided by the general law.

**SECTION 14.** The sheriff shall designate the specific days which employees shall receive as paid holidays.

**SECTION 15.** Each member of the department shall be entitled and allowed to receive all hospital, medical, and surgical expenses which were incurred as a result of an injury received by an employee in the performance of his departmental duty as a member of the department.

**SECTION 16.**

(a) It is the policy of the county to promote employee efficiency, health and morale through periodic interruption from one's duties. Paid leave is provided based on length of service as follows:

(1) Any employee who has less than five (5) years of full time service shall accrue annual leave at the rate of ten (10) days for each year of service. Such an employee shall be credited with five (5) days of annual leave at the end of each six (6) month period.

(2) Any employee who has five (5) years and less than ten (10) years of full time service shall accrue annual leave at the rate of one (1) day per month.

(3) Any employee who has more than ten (10) years of full time service shall accrue annual leave at the rate of one and one-fourth (1 1/4) days per month.

(b) Annual leave may be used only at times approved in advance by an immediate supervisor.

(c) An employee may accumulate a maximum of thirty (30) work days of annual leave. Any greater amount of annual leave shall be forfeited.

(d) Accrued annual leave may be used for maternity leave.

**SECTION 17.**

(a) An employee of the department shall receive full pay during incapacity caused by illness, subject to the guidelines of subsection (b).

(b) Any employee shall become eligible for sick leave if:

(1) Employees are incapacitated by sickness or injury; for medical, dental, or optical diagnosis and treatment.

(2) For necessary care and attendance of a member of the employee's immediate family when approved by department head or his appointed representative.

(3) After exposure to a contagious disease, when certified by a qualified doctor's certificate, that the employee may jeopardize the health of others.

(4) Each permanent employee will accrue sick leave at the rate of one (1) work day per month with the maximum accumulation of one hundred twenty (120) work days.

(5) Sick leave benefits will commence on the first day of such absence and shall continue for as long as sick leave credit remains.

(6) To prevent abuse of the sick leave privilege, the department head is required to satisfy himself that the employee is genuinely ill before paying sick leave.

(7) Any absence may require a doctor's certificate, and any absence in excess of three work days shall require a doctor's certificate to return to work, if in the opinion of the immediate supervisor, such action is deemed appropriate.

(8) Accumulated sick leave has no value except for the purpose granted, and in the event of retirement or separation, all unused sick leave shall be forfeited.

(9) Accrued sick leave may be used as maternity leave.

(10) For leave purposes, the service an individual has to his credit, includes all time spent as a permanent employee of the county.

(11) Each day deducted from an employee's sick leave accumulation shall be for a regular work day

and shall not include holidays and scheduled off days.

(12) Employees claiming sick leave while on annual leave must support their claim by a doctor's statement or other satisfactory proof.

**SECTION 18.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Madison County before August 1, 1983. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 19.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 18.

Passed: April 6, 1983.

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