



July 22, 2024

Private Acts of 1937 (3rd Ex.Sess.) Chapter 18

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

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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Private Acts of 1937 (3rd Ex.Sess.) Chapter 18

COMPILER'S NOTE: The Knox County Charter at Section 6.05 continued the effectiveness of this Act, as amended, but was subsequently amended.

SECTION 1. That all counties of this State having a population of not less than 155,000 and not more than 157,000 according to the Federal Census of 1930 or any subsequent Federal Census, civil service or permanent tenure shall apply to all employees of the Boards of Education of the counties coming within the provisions of this Act occupying the positions of principals, teachers, supervisors of instruction, clerks and secretaries, provided, that no persons occupying the positions of principals, teachers, supervisors of instruction, clerks and secretaries, shall be under civil service or permanent tenure unless and until they have been employed by the Boards of Education of said counties for the fourth year from the time of their employment; and, provided, further, that said probationary period, which shall consist of three school years, shall have been served within five years next preceding their employment for the fourth year; provided, further, that all promotions for such employees coming under the provisions of this Act shall be probationary for two years from the time of their promotion, but without prejudice to their civil service rights prior to promotion; provided, further, that the provisions of this Act shall include only substitute and emergency teachers who shall teach twenty-seven (27) school months after the passage of this Act, and who shall meet the educational requirements of the Board of Education. Provided, further, that in case any employee under tenure shall be promoted to any position in the school system of said counties which is not protected by tenure, in the event that said position is at any time abolished or the Board of Education shall at any time remove the occupant of said position for any cause other than one of the specified causes for the removal of employees under tenure, then the occupant of such position shall be reinstated in the same civil service status that he held prior to promotion. Provided, further, that the provisions of this Act shall not apply to nor include teachers or principals who are teaching in the place and stead of teachers and principals on leave of absence. Provided, further, that all employees of the Board of Education of said counties coming under the provisions of this Act who have been promoted to the position of supervisor may be reinstated as teachers or principals at the regular Teacher's Salary Schedule, in the discretion of the Board of Education, without the preferring and sustaining of charges as hereinafter provided.

Provided, further, that the time served by all supervisors who are not under civil service or teachers' tenure at the time of their employment shall be counted as a part of the probationary period for civil service as provided by this Act; and provided, further, that all time served by any superintendent of schools in the counties coming within the provisions of this Act from the effective date of this Act, shall be counted as a part of the probationary period for civil service as provided by this Act; and, provided further, that any employee, under civil service or teacher tenure who may hereafter be elected superintendent by the people or otherwise shall retain his civil service status.

Provided, further, that all employees of Boards of Education coming under the provisions of this Act shall be required to retire from civil service at such age and under such conditions as are provided, or that may be provided from time to time, by the State Teachers' Retirement Law.

As amended by: Private Acts of 1945, Chapter 345

SECTION 2. That neither the Board of Education, nor any member thereof, nor the Superintendent of Schools, nor any other official of the Boards of Education of Department of Education of any of the counties coming within the provisions of this Act, shall have any right to discharge, suspend, demote, or change any employee made subject to civil service or permanent tenure by the provisions of this Act, from one position or class to another position of class within the Department of Education of said counties at a reduced salary, unless and until charges as specified herein shall have first been filed and sustained against such employee in the manner herein provided. Provided, further, that in making up the school budget the Board of Education of any such counties ascertain that there is a surplusage of employees in the system, by reason of the natural diminution of the number of pupils in any school, or otherwise, the Board of Education of any such counties may reduce the number of employees to the number required by first dismissing all of those who have not been appointed or employed for the fourth year from the time of their employment. If the reduction so made is inadequate or insufficient in the opinion of the Board of Education of any such counties, the Board may then dismiss civil service employees without charges being filed or sustained, but such dismissals shall be made according to seniority of service.

As amended by: Private Acts of 1945, Chapter 345

SECTION 3. That employees under civil service or permanent tenure by the provisions of this Act may be suspended, demoted, or discharged from service for inefficient service, neglect of duty, or improper conduct, in the following manner:

- (a) The Superintendent of Schools or any Supervisor of schools, or any principal, or any ten patrons

of the school in question may prefer charges against any such employee. Such charges shall be in writing but may be in any form, and no charge shall ever be dismissed because lacking in form. A copy of said charges shall be delivered to the employee charged, and a certificate from the Superintendent of Schools that he has delivered a copy of said charges shall be sufficient evidence of delivery. No charge shall be dismissed for insufficiency, but the charge or charges shall state the facts upon which such charge or charges are based, and give the time, place and factual nature in such detail as will apprise the employee under charge of the case against him, but if after the hearing hereinafter provided for, the employee charged submits himself for examination, and after such employee has testified he shall make affidavit: (1) that he has been misled to his prejudice by the insufficiency of the charge, and (2) that he verily believes that he can obtain sufficient testimony to cause a dismissal of the charge, the evidence so taken on the hearing shall become the charge, and such employee shall be granted a reasonable time in which to obtain such testimony in his behalf.

(b) After preferment and filing of charges as above set out, the employee charged shall be entitled to a hearing before the Board of Education. Pending such hearing, the employee may be suspended by the Board of Education, but such charges shall be filed and a copy thereof furnished the employee within twenty-four (24) hours after such suspension. The Board of Education shall hear all charges within fifteen days after a copy of such charges have been furnished the employee so charged, unless the hearing is further postponed at the request of or with the consent of the employee charged. At such hearing the employee under charge may appear and defend in his own right, or he may appear and defend by counsel. Each member of the Board of Education is hereby empowered to administer oaths to the parties and their witnesses appearing before them. The Board of Education shall render its decision within ten days after the conclusion of the hearing, excluding the day of the hearing. If the decision is adverse to the employee charged, and is rendered in his absence, the Board shall give or cause to be given immediate notice in writing of such decision to such employee.

(c) Either party dissatisfied with the decision of the Board of Education shall have the right of appeal therefrom to the Chancery Court of the County in which such hearing is held within ten days after receipt of notice of the decision of the Board of Education by the employee charged, except in cases of demotion only, in which cases the decisions of the Board of Education shall be final and no appeal shall be allowed. Upon written notice to the Board of Education, and upon executing and filing with the Clerk & Master of said Court an appeal bond in the penalty of \$250.00 conditioned as required by law in civil cases, to be approved by the Clerk & Master, or upon subscribing to the statutory oath provided by law in lieu of bond, it shall be the duty of the Board of Education to cause to be transmitted all the papers in the case, including a transcript of the evidence introduced on the trial of the case before the Board of Education, to the Chancery Court within thirty days after such appeal has been taken, and said case shall be tried on appeal in the Chancery Court under rules and procedure as provided by law as other civil cases are tried in said court, except that no formal pleadings shall be required of either party in the Chancery Court, and the case shall be tried in the Chancery Court on the evidence introduced on the trial of the case before the Board of Education, and no additional evidence shall be introduced by either party in the Chancery Court. The sole remedy by said dissatisfied party shall be by appeal or certiorari to the Chancery Court.

(d) The Superintendent of Schools shall issue writs of subpoena on request of either party to compel attendance of witnesses to testify on the hearing of such investigation before the Board of Education. Such subpoenas shall be signed by the Superintendent of Schools and be served by any truant officer or the sheriff of the county or one of his deputies, and shall be obeyed by the witnesses in the manner as subpoenas issued by Justices of the Peace or the clerks of General Sessions Courts, or the clerks of common law courts under the general statutes of Tennessee, and any failure to obey such subpoenas may be punished in the same manner and to the same extent as is now provided by law for failure to obey subpoenas issued by Justices of the Peace, Clerks of General Sessions Courts, or clerks of common law courts of this State.

(e) Hearings upon such charges shall be held at such place in the county as may be designated by the Board of Education, and shall be public unless private hearing is agreeable to the Board of Education, and the employee charged.

As amended by: Private Acts of 1945, Chapter 345

SECTION 4. That if on final disposition of the case the employee so charged is not dismissed nor suspended on final hearing, any unpaid salary accruing during his or her suspension before the final hearing shall be paid in full by the Board of Education of such county. The Board of Education shall have the right to grant leaves of absence to any employees of the Board of Education, said leave of absence not to exceed, however, two years; provided that the Board of Education upon the advice of the County

physician may compel any female employee who has become pregnant at any time after three months pregnancy, to take a leave of absence not to exceed two years.

As amended by: Private Acts of 1943, Chapter 330

SECTION 4(a). The Board of Education shall have the right to grant leaves of absence upon written request of such employee of the Board of Education, said leave of absence not to exceed, however, two years; provided that the Board of Education, upon the advice of the county physician, may compel any female employee who has become pregnant, at any time after three months after pregnancy, to take a leave of absence not to exceed two years; provided, that any such female employee violating the provisions of this Section shall be subject to charges preferred against here for improper conduct in the manner provided in Sections 3, 3(a), 3(b), 3(c), and 3(d) herein. Provided, further, that the Board of Education may from time to time employ persons set out in Section (1) of this Act, who shall not be subject to civil service or entitled to permanent tenure; provided, at the time of the hiring for the fourth year, the employee signs a written waiver of the provisions and benefits of this Act; and provided, further, that not more than fifteen (15) per centum of all employees coming within the provisions of this Act shall be so employed at any one time.

As amended by: Private Acts of 1945, Chapter 345

SECTION 5. That if any sentence, clause, or section of this Act be held unconstitutional, or the application of this Act be held unconstitutional, with respect to any person or circumstance, such holding shall not affect any other person or circumstance.

SECTION 6. That all laws or parts of laws in conflict with this Act, be, and they are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: November 17, 1937.

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