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Policy Preparation Tips and Suggestions

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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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This process will work best with the cooperation of all parties involved. The officials, department heads and supervisors whose offices will be governed by these policies must be given an opportunity to provide the necessary information and input to enable the preparation of practical and workable policies. Lawsuits often result when an employer fails to follow its own policies.

The objective is to have minimum policies in place to enable the county to comply with existing law. The purpose is not to micro-manage offices or departments. The only policies authorized are those listed in the act (leave, wage and hour, anti-discrimination and sexual harassment, and required drug testing). All other personnel policies remain the responsibility of the individual under whose direction the employees work.

Any policies that are not in one of the four required categories are outside the scope of this law and should remain within the official's office. They should not be filed with the county legislative body.

In making the decision whether to file separate policies, the official should consider the advantages to having one set of policies for all of the employees of the county. For instance, employees may be happier knowing that they are receiving the same benefits as other county employees, and there will be less jealousy between county employees working in different offices. Most of the policies on the required topics throughout the county probably will be similar, with only a few differences. There will be variations, for example, in the overtime policies for the sheriff's office because the overtime law is different for law enforcement employees. Countywide policies can take into account these variations, noting any different provisions that apply to particular offices. Also, with the limitation on the scope of the policies under the act, the county legislative body cannot establish the hours the official's office is open or the actual hours each official's employees are required to work, nor can they make hiring and firing decisions for the official. These remain the responsibility of the official, and this authority is not relinquished if an official decides to come under the countywide policies. The policies under this act are limited to such general things as establishing the number of hours in a regular workweek, and if the workweek is less than 40 hours, stating whether the salary paid to non-exempt salaried employees is intended to cover all hours worked up to and including 40. They also set overtime policies, which for most offices will be the same. As long as the county mayor and county legislative body allow the official to participate in the preparation of the policies and are willing to work with the officials and department heads within the county to arrive at policies that are workable and everyone is reasonably pleased, there are many advantages to policies of countywide application. Finally, the act allows an official to withdraw from the countywide policies if he or she later becomes dissatisfied.

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