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Chapter X - Law Enforcement

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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Chapter X - Law Enforcement

Sheriff

Employment Plan

Private Acts of 1995 Chapter 70

SECTION 1. (a) There is created the Bradley County Sheriff's Department Employment Protection Plan, hereinafter referred to as the "EPP", as set forth in this act.

(b) Under the EPP, all Bradley County sheriff's department personnel who have been employed by the department for a continuous, uninterrupted period of time of at least two (2) years full-time employment, and who during their tenure with the sheriff's department have maintained a satisfactory work history, shall be protected from arbitrary firing or failure to re-hire. The two (2) year employment period needed to obtain protection under the EPP begins on each employee's date of full-time employment with the department, and job protection status is achieved on the two-year anniversary of each employee's hire date to full-time, continuous employment.

(c) No incoming sheriff shall be able to hire more new employees than the number exempted by the EPP and not retained. An incoming sheriff shall hire no more employees than allowed under the existing departmental budget in place and previously approved by the county commission.

SECTION 2. The following employees are not eligible for protection under the EPP:

(a) all part-time employees working thirty-two (32) or less hours per work week;

(b) all temporary employees;

(c) all volunteer, non-salaried employees; and

(d) employees who have three (3) major disciplinary occurrences placed in their personnel file within the previous thirty-six (36) months of employment. A major disciplinary occurrence is defined as a written reprimand, suspension from duty, or termination for just cause.

SECTION 3. The individual rank of those employees covered by the EPP is not protected, regardless of time employed with the department. A ranking employee can be reclassified by a new sheriff at a pay level that is no lower than the highest non-ranking position within the division he or she is to be assigned, with the amount of salary determined by the department's salary chart which takes into account an employee's longevity with the department, and state certification status, if applicable.

SECTION 4. (a) The job assignment given individual employees who are not protected under the EPP by one sheriff is not protected from re-assignment by another sheriff. Reassignments involving state-certified officers must be within the specific area of each officer's certification. Job re-assignments may include:

(1) changes in job description and duties within an officer's area of certification;

(2) changes in division assignments;

(3) changes in shift hours; and

(4) changes in daily work schedules.

(b) Job re-assignments shall be in accordance with each employee's experience, training, education, abilities, and area of state certification when applicable.

SECTION 5. (a) All benefits extended by Bradley County to sheriff's department employees who are covered under the EPP and who are re-assigned or re-classified by an incoming sheriff shall be protected. The employee benefits shall continue to be granted on the basis of each employee's continuous time served with the county and department as described by the employee policy and procedure manual.

(b) Employee benefits are:

(1) legal holidays as described in the employee's policy and procedure manual;

(2) annual leave or vacation;

(3) sick leave;

(4) special medical leave;

- (5) maternity/family leave;
- (6) military leave;
- (7) civil leave;
- (8) death-in-family leave;
- (9) petty leave;
- (10) county retirement program;
- (11) terminal leave (up to thirty (30) days); and
- (12) worker's compensation insurance.

(c) Benefits extended to sheriff's department employees by the county government are subject to change.

SECTION 6.

(a) No employee of the Bradley County sheriff's department shall take part in any political campaign while on duty, nor under any circumstances shall any employee solicit money for political campaigns while on duty.

(b) No employee shall use his or her position with the department to promote his or her personal political opinions, or portray his or her own personal political opinions as representing those of the department or sheriff.

(c) No employee of the department shall use his or her position with the department in an attempt to influence the political opinions of others.

(d) No officer while on duty or in uniform shall display any political advertising or political paraphernalia on his or her person.

(e) No employee shall make any political endorsements of any candidate in any campaign for elected office while in uniform.

(f) Nothing in this act shall be construed to prohibit or prevent any employee of the sheriff's department 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 an political meeting or other activity while on duty.

(g) Employees shall not be denied freedom in the casting of his or her vote.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Bradley County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Bradley County and certified to the Secretary of State.

SECTION 8. 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 7.

Passed: May 22, 1995.

Sheriff's Patrol

Private Acts of 1957 Chapter 254

COMPILER'S NOTE: This act may be in conflict with Tennessee Code Annotated §8-20-101.

SECTION 1. That the Sheriff of Bradley County, Tennessee, is hereby authorized and empowered to appoint four Deputy Sheriffs, who shall be designated as the "Bradley County Sheriff's Patrol".

SECTION 2. That said Deputy Sheriffs shall wear uniforms while on duty, said uniforms to be designated by the sheriff, and each Deputy Sheriff shall be allowed an annual uniform allowance of One Hundred (\$100.00) Dollars for the purpose of maintaining the same.

SECTION 3. That the compensation of said Deputy Sheriffs shall be Three Hundred Twenty Five Dollars (\$325.00) per month, except that of the Chief Deputy Sheriff which shall be Three Hundred Fifty Dollars (\$350.00) per month, which compensation shall be paid them monthly out of the General Fund of said County on a warrant of the Judge of the County Court, but before payment is made the Sheriff of said County shall file with the said Judge a written statement certifying that such Deputy Sheriffs have devoted the whole of their time to the duties of their office and have rendered faithful and efficient services in the month for which the salaries are due.

As amended by: Private Acts of 1959, Chapter 251
Private Acts of 1961, Chapter 262

SECTION 4. That all fees earned by said Deputy Sheriffs shall belong and be paid to the Sheriff of said County and by him accounted for in the manner now provided for by law.

SECTION 5. That all laws and parts of laws in conflict with this Act be, and the same hereby repealed.

SECTION 6. That this Act shall not become effective unless and until the same has been ratified and approved by the Quarterly County Court of Bradley County, Tennessee, by two-thirds majority of the Justices present and voting at any meeting at which this Act may be submitted for ratification and approval.

SECTION 7. That this Act insofar as the General Assembly of Tennessee is concerned, take effect from and after its passage, the public welfare requiring it.

Passed: March 18, 1957.

Law Enforcement - Historical Notes

Militia

Those acts once affecting Bradley County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order.

1. Acts of 1835-36, Chapter 21, was the first state militia law and military code which affected Bradley County. This Act was enacted at a time when the state government was being organized pursuant to the 1835 Constitution. This Act covered in detail all phases of organization, supply logistics, military discipline, and all other facets of this particular service. Bradley County, newly formed, was not assigned a regiment under this law but was placed in the 6th Bridage with the units of Roane County, Monroe County, and McMinn County.
2. Acts of 1837-38, Chapter 157, scheduled the dates for the annual county muster and drills for all the units of the State Militia. However, Bradley County was not listed, probably because no effective unit had been organized at the time.
3. Acts of 1839-40, Chapter 56, was the next revision of the military laws of Tennessee necessitated by the growing forces of militia as more counties were created. Bradley County's units comprised the 144th and the 148th Regiments in the 6th Brigade which included also the units in the counties of Roane, Monroe, McMinn and Polk.

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