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Civil Service System

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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

Table of Contents

Civil Service System	3
Private Acts of 1971 Chapter 110	3

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Private Acts of 1971 Chapter 110

COMPILER'S NOTE: Private Acts of 1984, Chapter 192, purported to have changed any mention of "quarterly county court" to "county legislative body", however, Private Acts of 1971, Chapter 110 contains no reference to a "quarterly county court".

SECTION 1. CIVIL SERVICE MERIT SYSTEM ESTABLISHED. There is hereby established a Civil Service Merit System for employees of Shelby County.

SECTION 2. DEFINITIONS. As used in this Act, the following words and terms shall have the following meanings:

- (a) "Appointing Authority" - Any elected official of the county or head of an office of the county government specifically charged by the appropriate elected official with the responsibility of appointing and/or dismissing personnel employed under his direction.
- (b) "Board" - The Civil Service Merit Board.
- (c) "Classified Service" - Those positions of employment contained in the Civil Service Merit System.
- (d) "County" - Shelby County.
- (e) "Employee" - Any person appointed to a position or office in the classified service.
- (f) "Secretary" - Secretary of the Civil Service Merit Board.
- (g) "System" - The Civil Service Merit System of Shelby County.

As amended by: Private Acts of 1977, Chapter 128

SECTION 3. CIVIL SERVICE MERIT BOARD. There is hereby created in Shelby County a Civil Service Merit Board composed of five members and one alternate.

As amended by: Private Acts of 1980, Chapter 292

SECTION 4. ELECTION TO BOARD: TERM: VACANCIES, QUALIFICATIONS OF MEMBERS: REMOVAL OF MEMBERS. All regularly elected officials of the county, under whose direction and supervision three or more persons are employed, shall be entitled to vote in the election of members and alternate of the Civil Service Merit Board. As soon as practicable after approval of this Act by the Shelby County Quarterly Court, the Chairman of the Quarterly Court shall convene those regularly elected officials of the county, under whose direction and supervision three or more persons are employed, for the purpose of electing members and alternate to the Civil Service Merit Board. The Chairman of the Quarterly Court will give each such official at least ten days notice in writing of the designated time and place of this meeting and said notice shall state that the purpose of this meeting is to be the election of members and alternate to the board.

Nominations for the positions of member and alternate of the board may be made by any official entitled to vote in such election, and said nominations must be submitted in writing to the Chairman of the Quarterly Court not less than five days prior to the election meeting. The Chairman of the Quarterly Court shall, not less than two days prior to the election meeting, give each of those officials entitled to vote in said election a list of all nominations for the positions of board members and alternate.

The elected officials of the county entitled to vote shall, by a majority vote of those present elect five board members and one alternate, who shall take office upon the effective date of the system and who shall serve for the following terms: two members for a term of one year; two members for a term of two years, and one member for a term of three years and one alternate for a term of one year. Subsequent to the initial terms of board members, as provided in this Section, each member thereafter appointed to the board shall serve for a term of three years. Vacancies on the board caused by the expiration of the terms of its members or alternate will be filled by election in the same manner as set out in this Section for the initial appointment of members. Any vacancy occurring on the board other than those due to the expiration shall be filled for the unexpired term by a majority vote of the remaining board members. Each board member or alternate shall serve until his successor is appointed and qualified. No persons shall be eligible to serve as a member or alternate of the board:

- (a) Who is under the age of 21 years;
- (b) Who resides outside the county;
- (c) Who holds any elected or appointive office of the County;
- (d) Who is an employee of the County;

(e) Who is an officer of any organized political party.

Any member or alternate of the board may be removed for just cause during his term of office by a two-thirds vote of the body which elected the board member or alternate but only after such board member or alternate shall have served with a statement in writing of the reasons alleged to justify his removal, and only after such member or alternate is allowed an opportunity to be represented and publicly heard in his defense before the body which elected the board member or alternate. Failure to attend three consecutive meetings of the Board for reason other than death in the family or personal illness may, by a majority vote of the remaining Board Members, constitute just cause for removal and shall serve as constructive resignation from the Board. The vacancy shall then be filled as prescribed in Section 4 of the Act.

As amended by: Private Acts of 1979, Chapter 96
Private Acts of 1980, Chapter 292

SECTION 5. MEETINGS; ELECTION OF CHAIRMAN; DESIGNATION OF SECRETARY.

The board shall meet as soon as practicable following the effective date of the system. By a majority vote of all board members, the board shall, at its first meeting elect a chairman for a term of one year who will preside at all subsequent meetings during said term. Thereafter, the board will elect a chairman by a majority vote of all board members upon the expiration of the former chairman's term. The board shall determine the order for business at its meetings and shall make out such rules and procedures as it deems necessary for the efficient and orderly conduct of its meetings.

The board shall also designate the time and place within the county for its regularly scheduled meetings. The board, in addition to its regularly scheduled meetings, shall also convene (1) at the call of the Chairman; (2) at the call of any three board members, or (3) upon five days notice in writing to each board member by any appointing authority of the county, which written notice may be waived by the concurrence of all five members of the board.

At all meetings of the board subsequent to the first meeting, the presence of any three members of the board shall constitute a quorum for the transaction of the business of the board. The Board shall appoint the Administrator of Personnel named by the Shelby County Mayor to be the Secretary of the Civil Service Merit Board. The Secretary shall record the proceedings of each meeting and shall render such assistance to the Board as is required.

As amended by: Private Acts of 1977, Chapter 128

SECTION 6. POWERS AND DUTIES OF BOARD. The powers and duties of the Civil Service Merit Board shall be as follows:

- (a) To promulgate such information as it deems expedient to promote public understanding of purpose, policies, and practices of the system;
- (b) To make recommendations to the Secretary and to the Quarterly Court concerning the processing, examination, and certification of applicants and the administration of the system;
- (c) To review the classification plan, compensation plan and personnel policies and to make recommendations to the Secretary and to the Quarterly Court regarding their adoption and/or revision;
- (d) To hear the appeal of any employee in the classified civil service following his removal, suspension or reduction in rank or compensation by the appointing authority, as provided in Section 23 of this Act;
- (e) To establish such rules and regulations as are adapted to and necessary for the efficient administration of this Act;
- (f) To investigate, by itself or otherwise, the enforcement of the provisions of this Act, or of rules and procedures duly authorized for the administration of the system, and of the action of employees in classified positions. In the course of such investigation, the board shall have the power to administer oaths, and to secure, by subpoena in the name of the county, the attendance and testimony of witnesses and the production of books and papers relevant to such investigation.

SECTION 7. COMPENSATION OF BOARD MEMBERS AND ALTERNATE. The Quarterly Court shall set the compensation of the members and alternate of the Civil Service Merit Board.

As amended by: Private Acts of 1980, Chapter 292

SECTION 8. POWERS AND DUTIES OF SECRETARY. The powers and duties of the Secretary shall be as follows:

- (a) To prepare a classification plan for submission to the board for recommendation and to the Quarterly Court for approval;

- (b) To prepare a schedule of compensation for the classified service for submission to the board for recommendation and to the Quarterly Court for approval;
- (c) To prepare written personnel policies and regulations governing working conditions for submission to the board for recommendation and to the Quarterly Court for approval;
- (d) To make necessary amendments to and revisions of such, as required, for submission to the board for recommendation and to the Quarterly Court for approval;
- (e) To prepare and administer a selection program including the determination of weights and norms utilizing examination instruments which stress validity and reliability and relate to those characteristics which will test fairly the relative capacity and fitness of candidates to discharge efficiently the duties of the positions to be filled.
- (f) To maintain and provide to the various appointing authorities, as required, a list or lists of all eligible candidates for positions in the system;
- (g) To maintain the preceding plans, policies and lists on a current basis, and to make them available for inspection by the public;
- (h) To prepare, in accordance with the provisions herein, for the approval of the board, such rules and regulations as are adapted to and necessary for the efficient administration of this Act;
- (i) Except as otherwise provided in this Act, the Secretary shall be responsible for and shall have general supervisory authority over the administration of the system, subject to review by the board.

As amended by: Private Acts of 1977, Chapter 128

SECTION 9. UNCLASSIFIED AND CLASSIFIED SERVICES. The civil service of the county is hereby divided into the unclassified and classified services.

(a) The unclassified service shall include:

1. Officials elected by popular vote and persons appointed to fill vacancies in such elective offices;
2. Members of duly established boards and commissions of the county;
3. Any person retained by the county on a consulting basis and any professional person hired in his professional capacity as determined by the board;
4. Any employee of the county whose employment is on a temporary basis;
5. Any person who provides services to the county on a volunteer basis or who receives no compensation for said services;
6. Any person employed by the Shelby County Board of Education;
7. Such person occupying the position of department head, deputy department head, chief clerk, personal assistant to a department or personal secretary to a department head as is designated by an appointing authority and approved by the board. The intent of this provision is to restrict positions in the unclassified service to those which involve sensitive, policy-making duties. In granting its approval the board shall consider this intent as well as the size of the department in question. A list of these additional positions shall be prepared and maintained by the Secretary.

(b) The classified service shall comprise all offices and positions of employment for the county not specifically included in the unclassified service.

As amended by: Private Acts of 1979, Chapter 96

Private Acts of 1984, Chapter 192

SECTION 10. CLASSIFICATION PLAN. All offices and positions of employment included in the system shall be listed and classed and a written plan of such will be prepared and maintained.

Such classification plan will contain description of the duties and responsibilities of each individual office or position. Each office or position shall be assigned to an appropriate class of positions, each class consisting of those offices or positions which have the same or reasonably similar duties and responsibilities. Written specifications will be given to each class and must include the title of the class; a general description of the duties and responsibilities of the offices and positions within the class; the minimum requirements of education, training, experience, licensing or certification, and any other qualifications necessary to hold an office or position within the class. As far as practicable, the lines of promotion to and from each class should be included in the classification plan.

Under the provisions of this Section, a class may be comprised of a single office or position.

SECTION 11. SCHEDULE OF COMPENSATION. For each class of positions established in the classification plan, a study shall be made of the rates paid for similar services elsewhere and of other information pertaining to proper rates of compensation and a schedule of compensation will accordingly be established. Such schedules shall show for each class a minimum salary rate, a maximum salary rate and such intermediate rate or rates as is equitable and proper.

The financial condition of the county and the personnel policies of the county, in addition to other relevant factors, will be taken into consideration in the assignment of a minimum and maximum rate for each class of position.

The schedule of compensation may include, in addition to the minimum, maximum and intermediate merit rates, a rate of pay to be based on longevity of service with the county, and a rate of pay based on cost of living factors.

SECTION 12. PERSONNEL POLICIES. All policies, rules and regulations regarding personnel and employees within the system shall be reduced to writing. The personnel policies of the county shall establish specific procedures for the governing and maintenance of the personnel system of the county. Such written statements of policy will set out all pertinent information concerning working conditions such as working hours, attendance, holidays, leaves of absences, vacations, in addition to residency requirements, minimum age requirements, programs available to employees, and any and all other information which properly may be the subject of such statement of policy.

SECTION 13. APPLICATION FORMS. Appropriate application forms for employment to a classified position shall be prepared and kept in the office of the Secretary or such other public and convenient place as is designated. This form or forms shall require such information as will reveal the qualifications of the applicant for appointment in the system. All applicants for appointment in the system will be required to complete the appropriate employment application form. Such additional and further investigation concerning the applicant may be conducted as is necessary and proper.

SECTION 14. EXAMINATION; BONUS FOR VETERANS. Open competitive and promotional examinations shall be prepared and conducted by or under the direction of the Administrator of Personnel.

Examinations may be assembled and may include, but not be limited to: rating of training and experience; written, oral, physical or performance tests or other measurements which are technically sound; or any combination as determined by the Administrator of Personnel. The examination process may take into consideration such factors as education, experience, recency of experience, knowledge, skill, physical fitness or any other qualifications which are job-related, which may be applied equitably, and which in the judgment of the Administrator of Personnel enter into the determination of the relative fitness of applicants. For all examinations, the minimum performance or requirements on which eligibility is attained shall be established by the Administrator of Personnel. A minimum qualifying grade shall be established for each exam segment or the combined ratings of the several parts of the examination.

Any applicant for original appointment into the system achieving at least a minimum passing score on the competitive examination process, who shall have received an honorable discharge from any branch of the Arms Forces of the United States and who served in time of war or National Emergency as declared by the President of the United States, shall be entitled to receive a bonus of additional points, the number of which to be determined by the Board, which shall be added to his competitive examination score.

As amended by: Private Acts of 1977, Chapter 128

SECTION 15. ELIGIBILITY LISTS. Employment and promotion eligibility lists for the various classes of position in the system shall be maintained as are necessary or desirable to meet the needs of the system. These lists shall contain the names of persons arranged in order of final earned ratings. Certificates of eligibles drawn from these lists shall be provided, as required, to the appointing authorities for the filling of vacancies in accord with the provisions of this Act.

As amended by: Private Acts of 1977, Chapter 128

SECTION 16. APPOINTMENT; PROBATIONARY PERIOD. Whenever a position in the classified service is to be filled, the appropriate appointing authority shall so notify the Secretary. The Secretary shall forward to the appointing authority a certificate of eligibles drawn from the applicants eligible for the class or grade to which such position belongs, and the appointing authority shall forthwith appoint to such position one of such persons whose name appears on the certificate. Such appointment shall be for a probationary period of six months, commencing with the first working day. During the probationary period, the newly appointed employee may be dismissed with or without cause, and such dismissed employee shall no recourse as is otherwise provided in Section 23 of this Act. Upon application of the appointing authority, the board may extend the probationary period for any newly appointed employee for a period not to exceed an additional three months. If the employee has not been discharged prior to the expiration of the period of probation, his appointment to the classified service shall be deemed complete.

As amended by: Private Acts of 1977, Chapter 128

SECTION 17. EXTRAORDINARY AND EMERGENCY APPOINTMENTS. Notwithstanding the provisions of this Act, in order to prevent the stoppage of business or to meet extraordinary conditions or emergencies, an appointing authority may appoint any individual to a classified position for a period not to exceed 90 days and only until regular appointment can be made under the provisions of this Act.

SECTION 18. PROVISIONAL APPOINTMENTS. Should there arise an urgent or pressing need for filling a vacancy in any position in the classified service and the Secretary be unable to provide the appropriate appointing authority with the name of an applicant eligible for the vacancy, the appointing authority may provisionally appoint an individual to fill the vacancy. Such provisional appointment shall continue only until an appropriate eligible list can be established and submitted to the appointing authority, but in no event for more than 90 days. When, in the opinion of an appointing authority, there arises the urgent or pressing need for a new permanent position in his office or department not contemplated in the existing classification plan, he may provisionally appoint an individual to fill such position. Such provisional appointment shall continue only until the classification plan can be amended to include such position, if same is found to be necessary or desirable, and regular appointment can be made under the provisions of this Act. Immediately following such provisional appointment, the necessity or desirability of inclusion of such position within the system shall be studied and determined. In no event shall such provisional appointment exceed 90 days.

SECTION 19. PROMOTION. Vacancies occurring in the classified service may be filled by the promotion of those officers and employees of a lesser class of position within the system who are otherwise qualified for the position and certified as eligible by the Secretary. In filling any vacancy arising in an office or department, an appointing authority may restrict his consideration of applicants to those individuals presently in the classified service, provided that the names of applicants considered have been certified as eligible for promotion by the Secretary. Following a promotional appointment, the promoted employee shall serve a three months probationary period in that position, at the successful completion of which the promotion shall be deemed complete. Should the appointing authority determine that the service of an employee in a position to which he was promoted is unsatisfactory within the three months probationary period, he shall reinstate the employee to the position which he occupied immediately prior to the promotion.

Should the promotion of any employee result in his exclusion from the classified service, he shall thereafter be entitled to reinstatement in the system at the same or equivalent position which he held immediately prior to said promotion, upon 30 days notice to the board of his desire to be reinstated in the system.

Employees who have not completed original appointment probation, including extended original appointment probation, or who are on disciplinary probation or suspension, shall not apply for positions posted as closed promotion positions.

As amended by: Private Acts of 1979, Chapter 96
Private Acts of 1984, Chapter 192

SECTION 20. SERVICE RATING. The Secretary, in cooperation with the various appointing authorities of the county, shall prepare for approval by the board, a system for rating the performance of the individual employees in the system. The rating system shall be so designated as to give a fair evaluation of the quality and quantity of the employee's work performed. The service rating for the individual employee will be based on periodic reports of the appointing authority and made on no less than an annual basis. No employee will be eligible for a promotion in rank or compensation who does not maintain a satisfactory service rating. An unsatisfactory service rating may be a basis for disciplinary action to be taken against the employee.

SECTION 21. APPOINTMENTS PERMANENT. Except as otherwise provided in this Act, no employee in the classified service who is not a durational employee and who shall have successfully completed the prescribed period of probation and therefore have been permanently appointed or inducted into the system under the provisions of this Act, shall be dismissed, suspended, demoted or subjected to other discipline, except for cause.

As amended by: Private Acts of 1977, Chapter 128

SECTION 22. DISCIPLINARY ACTION. For unsatisfactory performance of duties or other just cause, an employee in the classified service may be subject to the following discipline by the appointing authority:

- (a) Reprimand;
- (b) Suspension without pay for a period not to exceed 30 days;
- (c) Reduction in pay within allowable range for class of employee;
- (d) Demotion to a lower classification;
- (e) Dismissal from service;

(f) Retirement under the terms of the Retirement Act, as applicable.

SECTION 23. REPLY TO DISCIPLINE: APPEAL FROM DISCIPLINE. Any employee in the system may be subjected to discipline, as provided in the preceding Section, by the appointing authority, after his appointment or promotion is complete by written order stating specifically the reasons for such discipline. Such order shall be signed by the appointing authority and directed to the individual employees involved and a copy thereof directed to the Secretary for inclusion in a permanent service record to be maintained for each employee in the system. Any employee so disciplined may respond, by directing a reply in writing to the Secretary within seven days of receipt of the order of discipline with a copy of such reply to the appointing authority. Such reply of the employee shall be maintained in his permanent service record.

Any employee demoted in rank or compensation, suspended without pay for a period exceeding 10 days, or dismissed, may, within seven days after service of the order of demotion, suspension or dismissal as hereinabove provided, appeal to the board.

Immediately upon service of any order of suspension or dismissal, the employee shall stand relieved of all duties of his office and shall not reassume said duties until the expiration of any suspension or until reinstated from suspension or dismissal by the board. Immediately upon service of any order of demotion in rank or compensation, employee shall assume the rank or rate of compensation to which he was demoted.

The board shall, within 30 days from the filing of said appeal, commence a hearing thereon, and shall thereupon fully hear and determine the matter and shall either affirm, modify or revoke such order of discipline. A hearing may be postponed or continued upon written request of the employee and/or written or oral request of the employee's attorney. The appellant shall be entitled to appear personally, produce evidence, and to have counsel and to a public hearing. The finding and decision of the board shall be certified to the appointing authority from whose order the appeal is taken, and shall forthwith be enforced and followed by him, but no such demotion in rank or compensation, suspension or dismissal, if appealed to the board, shall be considered final until the finding and decision of the board shall be so certified. Any form of discipline not appealed to the board shall be considered final as of the date of the service of the order of discipline on the employee.

As amended by: Private Acts of 1979, Chapter 96
Private Acts of 1984, Chapter 192

SECTION 24. APPEAL FROM DECISION OF BOARD. Within 30 days following the publication of the decision of the board, on any matter heard by it, either the involved employee or the appointing authority from whose order the appeal was taken may appeal the decision of the board to the Circuit Court of Chancery Court of the county.

SECTION 25. LAYOFF. Notwithstanding the other provisions of this Act, in the event that conditions in any department or office of the county or the financial condition of the county necessitates a reduction in the work force, the required reduction shall be made in such class or classes as the appointing authority designates. Favorable consideration must, however, be given toward retention of those employees in the highest class of positions. If necessary to achieve their retention, employees may be temporarily demoted to a lower class of position. The determination as to which employees within a particular class are to be laid off rests with the sound discretion of the appointing authority and will be based on such considerations as service ratings, seniority and other relevant factors. Any employee laid off or temporarily demoted to a lower class of position under this section shall be given priority over other applicants to reinstatement to his former position or to a comparable position in the system.

SECTION 26. DISCRIMINATION PROHIBITED. All appointment and promotion in the system, except as otherwise provided under the provisions of this Act, shall be on the basis of competitive examination, and no person in the system or seeking admission thereto, shall be appointed, disciplined or dismissed, or in any way favored or discriminated against because of his political affiliation, sex, race, color, creed, age or religious belief. This Section does not apply to membership in any organization which has advocated or does advocate disloyalty to or the violent overthrow of the government of the United States or any subdivision thereof.

SECTION 27. POLITICAL ACTIVITY PROHIBITED. No employee in the classified service may be required or directed, either directly or by implication, to contribute or solicit funds for any political candidate, political part, or political activity, nor may such employee be required or directed, in any capacity whatever, to serve or assist a political candidate, political party or political activity.

Every employee will have the right freely [sic] to express his views as a citizen and to cast his vote. Coercion for political purposes of and by employees of Federally aided programs and use of their positions for political purposes will be prohibited. Participation in partisan political activity by any employee subject to these standards will be prohibited with respect to activity prohibited in Federally grant-aided programs under the Federal Hatch Political Activities Act, as amended 5 U.S.C. 1501-1508.

This Section is not intended to nor does it deprive any employee from voluntary participation in such proper political activity as is allowed by the policy of the county.

As amended by: Private Acts of 1977, Chapter 128.

SECTION 28. STATUS OF EMPLOYEES ON EFFECTIVE DATE OF SYSTEM. On the date which the system takes effect, any employee of the county, whose position is to be included in the classified service, shall be appointed to retain his position without being required to take a competitive examination. The appointment of any such employee who has held his position for more than six months prior to the effective date of the system shall be deemed complete and he shall hold his position until discharged or reduced in accordance with the provisions of this Act. The appointment of any such employee who has held his position for less than six months prior to the effective date of the system shall be probationary. Such probationary period shall extend for six months from the employee's first day of employment with the county, and upon the successful completion of this probationary period, his appointment in the system shall be deemed complete.

SECTION 29. CONTRARY PROVISIONS OF SECTION 8-2009 T.C.A. NOT APPLICABLE. Insofar as Section 8-2009 T.C.A. is contrary to the provisions of this Act, Section 8-2009 T.C.A. shall not apply to Shelby County.

SECTION 30. VALIDITY OF STATUTE. The provisions of this Act are severable, and if any such provisions or section be held to be unconstitutional, the remaining provisions and sections are not so affected but continue in full force and effect.

SECTION 31. OPERATIVE DATE OF SYSTEM. The Civil Service Merit System of Shelby County established under the provisions of this Act shall become operative upon certification by the Chairman of the Quarterly Court of Shelby County to the Secretary of State that a Civil Service Merit Board has been duly elected and that the Quarterly County, by a two-thirds majority vote of its members, has approved:

- (a) A plan for examination of applicants;
- (b) A plan for the classification of positions;
- (c) A schedule of compensation; and
- (d) The policies regarding personnel.

SECTION 32. APPROVAL OF QUARTERLY COURT. This Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly Court of Shelby County, and its approval or non-approval shall be proclaimed by the presiding officer of that body and certified by him to the Secretary of State.

SECTION 33. PUBLIC WELFARE. This Act shall take effect from and after its passage and approval, the public welfare requiring it.

Passed: April 29, 1971.

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