



Washington County Courthouse

County Spotlight: *Washington*

Population: 107,198
County Seat: *Jonesborough*

Did you know...

The county was originally established in 1777 as Washington County, North Carolina and was named in honor of General George Washington while the Revolutionary War was underway.

The National Storytelling Festival, held every October in Jonesborough, is acclaimed as one of the Top 100 Events in North America.

*For more information, visit:

<http://www.jcedb.org/>
<http://www.storytellingcenter.com/>

New FMLA Regulations Take Effect January 16

The U. S. Department of Labor (DOL) has issued revisions to the Family and Medical Leave Act (FMLA) regulations which will take effect on January 16, 2009. These new regulations implement the two new military family leave entitlements that were enacted last year. They also expand and clarify some of the existing FMLA provisions. These new provisions are explained in detail on the DOL website: <http://www.dol.gov/esa/whd/fmla/finalrule.htm>.

“Qualifying exigency leave” may be taken when an employee’s spouse, child, or parent is on active military duty, or is called to active military status in support of a contingency operation, and a “qualifying exigency” arises. This only applies for members of the National Guard and Reserves, and certain retired military personnel, not service members in the regular armed forces. The definitions of parent and child include biological, adopted, foster, stepchild, legal ward, or other persons in loco parentis. Qualifying exigencies include such things as attending military-sponsored functions, making appropriate financial and legal arrangements, and arranging for alternative childcare. The new regulations contain a broad list of activities that qualify for this leave.

“Military caregiver leave” may be taken when an employee’s spouse, son, daughter, parent, or next of kin who is currently in the armed forces becomes seriously injured or ill in the line of duty. This leave applies for members of the regular armed forces, as well as National Guard and Reserves.

The regulations revise the requirements for employer notifications. The following four types of notice are required: (1) general notice (Form WH-1420, the “FMLA Poster”), (2) eligibility notice, (3) rights and responsibilities notice (Form WH-381), and (4) designation notice (Form WH-382). The new regulations restate most of the former rules on notice, with some additions and clarifications. If an employer fails to provide the required notices, the employer can be held liable for any damages the employee incurs as a result of the lack of notice. The employer is not required to use the DOL forms, but it is highly recommended in order to avoid mistakes in giving the required notices. The DOL has published new and revised forms on the site listed above.

The regulations also make some changes with regard to employee certifications, such as medical certifications and certifications related to military family leave entitlements. New DOL forms are available for these certifications.

Access the full text of the regulations, the new and revised FMLA forms, frequently asked questions, and other information to assist you with FMLA compliance by visiting the DOL website: <http://www.dol.gov/esa/whd/fmla/finalrule.htm>.

Federal Law Sets New Standards for Public Pools

The Virginia Graeme Baker Pool and Spa Safety Act (the “Act”), which went into effect on December 19, 2008, places new restrictions on pool and spa drains. The Act, named after a seven-year-old child who died after being sucked to the bottom of a hot tub by the tub’s drain, applies to public pools and spas. The term “public” is defined in the act to include any facility open to the public, whether or not a fee is charged. The Act specifies that the U.S. Consumer Product Safety Commission (the “Commission”) is the agency charged with enforcing the Act.

The Act has three main requirements for public pools and spas: (1) Drain covers that meet the ANSI/ASME A112.19.8-2007 standard must be installed on every drain and/or grate. A list of drain cover manufacturers can be found on the Commission’s website at www.cpsc.gov/whatsnew.html#pool; (2) An automatic shut-off system, gravity drainage system, Safety Vacuum Release System (SVRS), or a suction-limiting vent system must be installed if the pool operates from a single main drain. An additional alternative is to disable the drain. This requirement does not apply to facilities with unblockable drains. Should operators choose the SVRS method, a list of SVRS manufacturers can also be found at www.cpsc.gov/whatsnew.html#pool; and (3) Facility operators must ensure that dual or multiple main drains are at least three feet apart.

According to the Commission, public facilities that operate on a year-round basis are expected to be in compliance with the Act as of December 19, 2008. The Commission has, however, taken the position that seasonal facilities that are currently closed must only be in compliance with the Act by the time they reopen. Both the Commission and state Attorneys General are authorized by the Act to close down any facility that is found to be in noncompliance with the Act. Facilities may only reopen after coming into compliance with all of the Act’s requirements.

For additional information on the Act and how to comply, visit: www.cpsc.gov/whatsnew.html#pool.

Specific questions can be sent to info@cpsc.gov.

These new requirements are quite technical in nature and could possibly be expensive to implement. The Act does provide for a grant program for states that enact similar legislation. The grants, however, are only to be used for hiring enforcement personnel and for educating the public on the new standards found in the Act.

As facilities must be in compliance by the time they reopen, it is important that this information be forwarded to those responsible for the pools in your county (if any) so that proper action may be taken.

You can find additional information on the Act and on how to comply at the website listed above. Specific questions can be sent to info@cpsc.gov.

TNCPE to Host Excellence in Tennessee Conference

The Tennessee Center for Performance Excellence (TNCPE) is an economic development nonprofit that provides performance improvement guidance and education to organizations of all types using a methodology based on the Baldrige National Quality Program.

TNCPE will hold its biggest educational event of the year, the Excellence in Tennessee Conference, on February 17-19 in Franklin. This conference assembles local and national experts and leaders from world-class organizations who offer training on best practices and organizational improvement tools. Attendees will learn more about quality techniques such as Baldrige, LEAN, 6-Sigma and beyond.

For more detailed information regarding TNCPE, or the Excellence in Tennessee Conference, please visit www.tncpe.org or call (800) 453-6474.

Have comments or suggestions for this newsletter?
Contact Claire Marsalis at Claire.marsalis@tennessee.edu.

CALENDAR OF EVENTS

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| Jan. 21-22 | UT Legislative Seminars, Nashville |
| Jan. 29 | COCTP Ethics Training, Cool Springs |
| Feb. 17 | COAT Board Meeting, Nashville |
| Feb. 17-19 | TNCPE Excellence in TN Conference, Franklin |

COCTP Offers Evening Ethics Training

CTAS Training Services will be providing an ethics course in Williamson County on January 29, 2009. The class will be held from 6:30 p.m. to 8:30 p.m. at the Cool Springs Marriott located at 700 Cool Springs Boulevard, Franklin, TN 37067. Two hours of COCTP recertification credit or Category A credit will be awarded for attending and completing the session. To register, please visit the "COCTP Training" tab of the CTAS website (www.ctas.tennessee.edu) and click on "Classroom Training."

County Officials E-News is a monthly newsletter provided by the University of Tennessee County Technical Assistance Service in an effort to promote better county government through direct assistance to county officials and their associations.

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