



Mike Garland

Welcome to the flagship edition of the new electronic monthly newsletter, *County Officials E-News*, provided to you by UT CTAS. We hope you will find this newsletter informative and helpful as you fulfill your duties as a county official. In addition to the articles and items of interest in this newsletter, remember to use our website (www.ctas.tennessee.edu) for more detailed information on a variety of issues pertinent to your office. Please feel free to contact us at anytime with questions, concerns, or suggestions for this newsletter. Thank you for your continued support!

Sincerely,

A handwritten signature in black ink that reads "Michael R. Garland".

Michael R. Garland
Executive Director

COUNTY PRIVATE ACT UPDATES

Private Acts are acts passed by the state legislature that affect a particular county. CTAS compiles and maintains thorough records of all the private acts in effect for a particular county. These compilations are continuously being updated. The following is a listing of the private acts that have been updated in 2008. The new compilations can be accessed from the CTAS website under "Legislative Information."

- Bedford
- Benton
- Blount
- Bradley
- Campbell
- Cannon
- Cheatham
- Clay
- Crockett
- Decatur
- Dickson
- Dyer
- Fayette
- Fentress
- Grainger
- Hamblen
- Hamilton
- Hawkins
- Henry
- Lincoln
- Maury
- Meigs
- Montgomery
- Robertson
- Tipton
- Wayne
- Weakley
- Williamson
- Wilson

COCTP to offer Renewal Conference in Blountville

County officials who have earned the designation of *Certified Public Administrator* (CPA) must complete 16 hours of training each fiscal year to maintain their certification. Renewal conferences are held across the state to provide CPAs an opportunity to earn recertification credits. These conferences are held for two consecutive days and allow attendees to receive twelve hours of recertification credit, including the two hour ethics requirement. A renewal conference is scheduled in Blountville for September 16-17, 2008 at Northeast State Technical Community College.

Please contact Patricia Burke at (615)532-3555 if you are in need of registration information for this conference. The deadline to register is September 2. Renewal conferences are also planned for Nashville, Jackson and Knoxville. Information concerning these upcoming conferences will be made available at a later date.

Upcoming COCTP Training Opportunities:

- *Improving Mutual Aid in TN (Re-cert only)
- *Ethics (COAT Conference)
- *Open Records Law (COAT Conference)
- *Category B Class with Ollie Mannino (COAT Conference)
- *Crisis Communications Workshop (B)
- *Emotional Intelligence Workshop (B)

To register and view course details, visit:

www.ctas.tennessee.edu

Family and Medical Leave Act Amended

The federal Family and Medical Leave Act was amended on January 28, 2008 (Pub. L. 110-181) to grant expanded leave benefits to military personnel and their families. The law went into effect immediately. The U. S. Department of Labor is expected to issue new regulations later this year to provide additional guidance.

This law creates two new categories of FMLA leave, as follows:

“Qualifying Exigency” Leave

An employee is entitled to take leave for a “qualifying exigency” (to be defined in regulations issued by the department of labor) arising out of the fact that a spouse, son, daughter, or parent of the employee is on active duty or has been notified of an impending call to active duty in support of a military operation in which armed forces are or may become involved in actions against an enemy or opposing force, or during a war or national emergency. This provision will not be effective until the regulations have been issued defining “qualifying exigency”, but the department of labor encourages employers to begin providing this type of leave to employees who otherwise qualify for FMLA leave. This leave is subject to the 12-workweek limitation on FMLA leave in a 12-month period.

Servicemember Family Leave

An employee who is the spouse, son, daughter, parent, or next of kin (nearest blood relative) of a servicemember who is undergoing medical treatment, recuperation, or therapy, or is otherwise in outpatient status or on the temporary disability retired list for a serious injury or illness incurred while on active duty, may take up to 26

workweeks in a 12-month period to care for the servicemember. However, this leave will be combined with any other FMLA leave the employee takes in the same period, and the combined total is not to exceed 26 workweeks. Also, this leave is available only during a single 12-month period.

Generally the requirements of the FMLA apply to these new categories of leave. For example:

- An employee must meet the requirements for eligibility for FMLA leave (have been employed for at least 12 months and have worked at least 1,250 hours in the preceding 12-month period).
- If the employee requests intermittent leave or leave on a reduced schedule, the employer may

require the employee to transfer temporarily to an alternative position with equivalent pay and benefits that better accommodates the leave.

- The leave is not required to be compensated. However, the employer may require, or the employee may elect, to substitute any accrued paid vacation, personal leave, family leave, or medical or sick leave (but not if the employers' sick leave policy would not

otherwise allow leave to be taken for this purpose).

- If the need for leave is foreseeable, the employee must give at least 30 days notice, or as much notice as is practicable.
- Leave of a husband and wife employed by the same employer is limited to a combined total of 26 workweeks for servicemember family leave, and to 12 workweeks for a qualifying exigency.
- Medical certification may be required, as appropriate. For “qualifying exigency” leave, certification may be required as provided under the new regulations.

To view the full text of the Family and Medical Leave Act as amended, visit:

<http://www.dol.gov/esa/whd/fmla/fmlaAmended.htm>

For additional assistance regarding the application of the FMLA, visit:

<http://www.dol.gov/esa/whd/fmla/>

If you have questions, please contact your CTAS County Government Consultant.

County Legislative News

COUNTY CLERKS: The Attorney General has issued the opinion we discussed at the County Clerks Association meeting in June regarding social security numbers on marriage license applications. According to Opinion No. 08-126, issued July 22, 2008, T.C.A. 36-3-104(a) should be read to require that an applicant for a marriage license provide his or her social security number only if the applicant has a social security number. You do not need to change your application. You can simply have the applicant write “do not have one” or something similar in the space where the social security should appear.

2008 INDEX OF ACTS: The 2008 Index of Acts has been posted to the CTAS website under Legislative Information. The Index of Acts contains summaries of the public and private acts affecting county government that were passed by the General Assembly this year. These summaries are intended to give county officials notice of changes in the laws that affect their offices. Prior to taking action based on these new laws, the actual text of the law should be consulted. The full text of all of the new laws can be found on the website of the Tennessee Secretary of State (<http://tennessee.gov/sos/acts>).

LITIGATION TAX UPDATE: When Public Chapter 1187 goes into effect on August 27, 2008, counties will be authorized to increase their litigation tax for purposes of jail/courthouse construction/renovation/debt to an amount not to exceed \$50, of which as much as \$25 may be used for courthouse security. This act was originally set to go into effect on July 1, but the effective date has been delayed due to an engrossing error. We advise counties which have already passed a resolution pursuant to Public Chapter 1187 to pass the same resolution again after the act becomes effective on August 27.

HIGHWAY OFFICIALS’ INTERIM SUCCESSOR: Under a new law passed this year, the Chief Administrative Officer (CAO) of the county highway department may designate an interim successor to operate the highway department temporarily in the event of the death, resignation, or removal of the CAO. The CAO must make this designation in writing. The interim successor serves until the county legislative body can meet to fill the position. CTAS has developed a suggested form to designate an interim successor. Please contact your County Government Consultant if you would like to obtain this form.

Minimum Wage Increase

The federal minimum wage increased to \$6.55 on July 24, 2008. It will increase to \$7.25 on July 24, 2009. For more information on the federal minimum wage, click here:

<http://www.dol.gov/esa/whd/minimumwage.htm>

HIGHLIGHTS OF NEW VACANCY LAW

2008 Public Chapter 871 has clarified the law on filling vacancies by the county legislative body (CLB). Following are some highlights of the new law—

- Vacancies must be filled within 120 days
- County Clerk provides notice to CLB members (which may be waived)
- Presiding officer gives public notice in newspaper at least 7 days before meeting
- Registered voters in the county may submit names to CLB for consideration, either in writing to the chair before the meeting or in person at the meeting. CLB members may also make nominations. Nominations do not require a second. If the person nominated is not present at the meeting, a signed statement of willingness to serve must be submitted.
- If a member of the CLB is nominated, the member is not required to resign but cannot vote on the appointment. If the CLB member is appointed to fill the vacancy, the member must resign.
- After nominations cease, the CLB may discuss nominations and may, at the discretion of the chair, interview nominees or allow them to address the CLB. Upon motion, the vote may be postponed to a subsequent meeting with adequate public notice.
- Appointments require a majority of the members of the CLB who are eligible to vote on the appointment. The CLB must adopt procedures for eliminating nominees where there are multiple nominees and no one receives a majority after the first vote.

OFFICE OF OPEN RECORDS COUNSEL ISSUES NEW FORMS

The Office of Open Records Counsel was created by 2008 Public Chapter 1179 to answer questions and provide information to records custodians and citizens regarding public records requests. The Office of Open Records Counsel has prepared three forms for records custodians that are now available on its website at <http://www.comptroller.state.tn.us/openrecords/forms.htm>: (1) an Inspection/Duplication of Records Request form to be used by both the records requestor and records custodian when a record is requested; (2) a Records Request Denial Letter form to be used by a records custodian when denying a records request; and (3) a Records Production Letter form to be used by a records custodian when the record cannot be made available within seven (7) business days. Detailed instructions on the use of these forms can also be found at the above-referenced website address. Should you have any questions regarding the use of these forms you may contact the Office of Open Records Counsel at (615) 401-7891, toll free 1-(866) 831-3750 or by e-mail at open.records@state.tn.us.

Have comments or suggestions for this newsletter? Email Claire Marsalis at Claire.marsalis@tennessee.edu. We look forward to hearing from you!

CALENDAR OF EVENTS

Sept 2	TCCA Regional Meeting, Cleveland
Sept 4	TCCA Regional Meeting, Henry Horton State Park
Sept 4	TCHOA Region IV Meeting, Jackson
Sept 4	Improving Mutual Aid, Collegedale
Sept 8	Improving Mutual Aid, Franklin
Sept 9	Improving Mutual Aid, Jackson
Sept 9	TCCA Regional Meeting, Vol State
Sept 10	TCCA Regional Meeting, Knoxville
Sept 10	Improving Mutual Aid, Bartlett
Sept 10-12	Clerks of Court Conference, Paris Landing State Park
Sept 11	TCCA Regional Meeting, Jonesborough
Sept 11	TCHOA Region I Meeting, Gatlinburg
Sept 16	Crisis Communications Workshop, Knoxville
Sept 16	TCHOA Region III Meeting, Murfreesboro
Sept 17	Improving Mutual Aid, Johnson City
Sept 18	Improving Mutual Aid, Knoxville
Sept 18	TCCA Regional Meeting, Jackson
Sept 18	TCHOA Region II Meeting, Chattanooga
Sept 23	TCCA Regional Meeting, Cookeville
Sept 25	TCCA Regional Meeting, Paris Landing State Park
Sept 23-25	Capstone, Montgomery Bell State Park
Sept 25	Crisis Communications Workshop, Jackson
Sept 30	Crisis Communications Workshop, Franklin

CTAS Environmental Blog Experiences Continued Success

In October of 2007, CTAS launched an environmental blog site in hopes of providing an information resource on managing solid waste in Tennessee. Since its creation, the blog has had over 3500 visitors from 74 Tennessee cities and 46 states. In addition to topic discussions, the site also features training, event, and meeting details, as well as a comment/question forum. Visitors to the site can opt to subscribe to the blog's newsreader. By doing so, they will be sent a daily email highlighting new information posted to the site. To view the blog, visit: <http://ctasenvblog.tennessee.edu>. If you have new topics you would like to see posted, please contact Kim Raia at Kim.Raia@tennessee.edu.

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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