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Adoption of Required Policies by County Mayor/County Legislative Body

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily 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 e-Li material.

Sincerely,

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Reference Number: CTAS-1106

For all county offices that are not covered by separate policies authorized in T.C.A. § 5-23-103, the county legislative body and the county mayor each have responsibilities in connection with the adoption of personnel policies on the four required topics. The procedures are set out in T.C.A. § 5-23-103 and include the following:

- The county mayor, with confirmation of the county legislative body, designates an attorney to review all policies for compliance with the law.
- The county mayor prepares a list of all offices and departments to be governed by the policies, which includes all departments, agencies and boards whose funds are handled by the county trustee (except those filing separate policies), and submits the list to the attorney for review and to the county legislative body for approval.
- The policies may be prepared by one person or several, appointed by the county mayor with confirmation by the county legislative body. The act is very flexible in this regard: one person could be appointed to compile all of the policies, or one person from each office or department on the list could be appointed to a committee, or each office could be directed to develop its own set of policies to be submitted to the county legislative body for review and approval, or some other method could be used.
- When the policies have been prepared, they must be reviewed and approved for compliance with the law by the designated attorney.
- The approved policies must be submitted to and approved by the county legislative body and included in its minutes, and filed in the office of the county clerk.

When making the list of which departments and agencies the policies will govern, there may be some that seem to be hybrid organizations (for example, joint city-county library boards, county health departments, etc.). For these entities, look at the documents under which the entity was formed. If the contracts, resolutions, or other written materials do not state who is considered the employer of the employees of that entity, the county should go back and make some provision for this (i.e., amend the resolution or contract). This provision is important for liability and other purposes, in addition to the personnel policies.

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