



County Technical Assistance Service

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Definitions

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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Definitions

Reference Number: CTAS-1002

Employ	to suffer or permit to work.
Employer	any person acting directly or indirectly in the interest of an employer in relation to an employee and includes a public agency.
Public Agencies	includes counties and cities.
Employees	as defined in cases of public agencies, means all individuals employed by such public agency <i>other than</i> an employee who is: not subject to civil service laws of the state, political subdivision, or agency employing the individual and who holds a public elective office of that state, political subdivision or agency, is selected by the holder of such an office to be a member of his or her personal staff, is appointed by such officeholder to serve on a policymaking level or, is an immediate advisor to such officeholder concerning the constitutional or legal powers of his or her office.
Firefighters	employees of an organized fire department who have been trained to the extent legally required, and have responsibility for the prevention, control or extinguishment of fires and who perform activities required for incidental functions, such as house-keeping, equipment maintenance, and inspections.
Law Enforcement Personnel	members of a body of officers (uniformed and plain-clothed) who are empowered to enforce laws to maintain public peace or protect property from accidental or willful injury and to prevent and detect crimes, have the power of arrest and have undergone or are undergoing on-the-job training or a course of instruction that typically includes physical training, self-defense, firearm proficiency, criminal and civil law principles, investigative and law enforcement techniques, community relations, medical aid and ethics, and may include security personnel in correction institutions and jails. Not covered by this term are civilian dispatchers, parking checkers, health inspectors, clerical support staff and building guards.
Workweek	a regularly recurring period of 168 hours in the form of seven consecutive 24-hour periods. The workweek need not be the same as the calendar week and may begin on any day of the week and at any hour of the day. Once established, a workweek may not be changed unless the change is intended to be permanent.
Compensable Hours all times	during which the employee is on duty, including time spent away from the employer's premises under conditions that do not permit the employee time for personal activities and in some circumstances may include sleep time, meal time, on call time and training time.
Hours Worked	in general, includes all the time an employee is required to be on duty, on the employer's premises or at a prescribed workplace and all time when the employee is suffered or permitted to work for the employer, and will include extra work, even if performed at home and even if the employee failed to work properly all day, if the employer has knowledge the person is working extra. Sick leave, vacation and holidays are not counted as hours worked.
Wage	compensation paid to an employee.
Minimum Wage	effective July 24, 2009, \$7.25 per hour worked.
Tour of Duty	with regard to law enforcement and fire protection activities with an established work period of at least seven days and up to 28 consecutive days, the number of hours such employee is engaged in work activities.

Regular Rate of Pay	the rate per hour paid for normal non-overtime work. Gifts, payments for vacation, holidays, illness, traveling expenses in furtherance of the employer’s business, retirement, life, accident, health and similar benefits are not included. For salaried employees, divide the regular weekly salary by the number of hours in the employee’s regular workweek. The regular rate may be more than the statutory minimum wage but it cannot be less (except for employment under subminimum wage certificates pursuant to section 14 of FLSA). The regular rate includes all remuneration for employment paid to an employee such as commissions, shift differentials, and other payments for work actually performed, including the cost of any facilities furnished to an employee.
Overtime	as a general rule, all hours over 40 worked in a particular workweek for which the law requires the employee be compensated at a rate not less than one and one-half times the employee’s regular rate.
Compensatory (“Comp”) Time	hours of work compensated by not working (having time off) during another regular working period.
Volunteer	an individual who performs work on a volunteer basis (without any express or implied compensation agreement) who may be paid expenses or a nominal compensation.
Oppressive Child Labor	a condition of employment under which any employee under the age of 16 is employed by an employer (other than a parent or person standing in place of a parent employing his or her own child or a child in his or her custody under the age of 16 years in an occupation other than manufacturing or mining or an occupation found by the DOL to be particularly hazardous for the employment of children between the ages of 16 and 18 years or detrimental to their health or well-being) in any occupation, or any employee between the ages of 16 and 18 years is employed by an employer in any occupation that the DOL finds and by order declares to be particularly hazardous for the employment of children between such ages or detrimental to their health or well-being; but oppressive child labor shall not be deemed to exist by virtue of the employment in any occupation of any person with respect to whom the employer shall have on file an unexpired certificate issued and held pursuant to regulations of the DOL certifying that such person is above the oppressive child labor age. The employment of employees between the ages of 14 and 16 years in occupations other than manufacturing and mining is not deemed to constitute oppressive child labor if and to the extent that the DOL determines that such employment is confined to periods that will not interfere with their schooling and to conditions that will not interfere with their health and well-being.

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