



County Officials E-News

*Promoting better county government through direct assistance
to county officials and their associations.*

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Minimize Sexual Harassment Liability in Your Office

The recent #MeToo campaign has revealed widespread sexual harassment and an outpouring of reporting that spans all types of workplaces and relationships. Both women and men have reported being sexually harassed at some point in their life at work. Title VII of the Civil Rights Act of 1964 includes provisions that make discrimination against employees based on sex illegal. Employers have focused on limiting their legal liability under Title VII by instituting training or other internal reporting processes. However, the #MeToo campaign's reach has shown that those processes may not be working.

You can improve your effectiveness when responding to sexual harassment in your office by using the tips below.

Remove fear of retaliation.

In addition to encouraging employees to report sexual harassment, employers must also thoroughly investigate any reports. As part of the investigation the employer should ensure the employee who reports the harassment does not suffer retaliation. Once the updated processes are working and employees see that retaliation does not occur, they will be more likely to report incidents. Swift action on reports of sexual harassment combined with a culture of non-retaliation will help employers minimize sexual harassment liability.

Be proactive.

Waiting for complaints or reports of sexual harassment to come across your desk may not be the most effective method of handling these cases. Being more proactive in understanding the workplace culture and climate can reveal incidents that may have gone unreported. Periodically send out surveys to staff to get their input on how the workplace is functioning. If issues appear, investigate or set up training.

Create a top-down workplace culture.

As sexual harassment is often a problem

of a workplace's culture, changing this culture must come from a top-down approach. Leadership must show their employees through not only policy, but action (i.e., enforcement of that policy) that sexual harassment or retaliation will not be tolerated. Employers must foster a workplace culture that is antithetical to harassment. One way to do so is to have a diverse, responsive leadership team. Employers must display their willingness to listen to and believe reports of sexual harassment then act on those claims.

Train, train, train.

Policies and a top-down approach to mitigating sexual harassment in the workplace cannot function properly without the necessary support of effective training. The Equal Employment Opportunity Commission (EEOC) recently found that current harassment training is not working. The EEOC recommends diverse types of training that focus on how others can help in harassment situations ("bystander intervention training") and training that works to encourage respect and civility in the workplace ("civility training"). As our collective understanding of sexual harassment in the workplace has evolved, our methods of training employees to not engage in harassment or to be proactive in recognizing and stopping harassment should also evolve. Specifically, employers should ensure front-line managers are effectively trained in recognizing occurrences of harassment and investigating and handling harassment reports.

Below are additional resources to help employers minimize sexual harassment liability.

- [Facts About Sexual Harassment](#)
- [Title VII of the Civil Rights Act of 1964](#)
- [Vicarious Employer Liability for Unlawful Harassment by Supervisors](#)
- [Policy Guidance on Employer Liability under Title VII for Sexual Favors](#)

Reasonable Accommodations: Train Your Managers

In 2012, a cashier for Dollar General filed and won an ADA claim against her employer for \$27,565 in back pay and \$250,000 in damages. What happened?

The employee was diabetic and had asked her manager if she could drink orange juice at her register. Her manager told her it was against company policy for employees to eat or drink when they were not on break.

Dollar General conducted investigations of violations of this “grazing” policy that includes provisions where employees must purchase food or beverages before consuming and only a manager may handle the purchase transaction. The employee in this case did admit to consuming food and a drink before purchasing. She said she needed to consume the items immediately to prevent a hypoglycemic attack. Dollar General terminated the employee for violating the “grazing” policy.

The Equal Employment Opportunity Commission claimed that Dollar General and the manager failed to provide reasonable accommodations for the employee. The company claimed the employee never requested reasonable accommodations, however the jury found that when the employee asked her manager if she could drink orange juice at her register, that sufficed as her request and her asking should have triggered the manager to begin the interactive process of reasonably accommodating the employee’s needs. The manager did not respond to this request appropriately and thus failed to reasonably accommodate the employee.

Reasonable accommodation is about ensuring, in a manner not detrimental to either the employee or company, that disabled employees are able

to have their health or physical ability needs met while at work. This case shows how proper training in ADA reasonable accommodation rules can help limit liability for employers.

Check out these resources to learn more about reasonable accommodation, training for staff, and other information about the ADA.

[Current ADA Regulations – Title II State and Local Governments](#)

[Procedures for Providing Reasonable Accommodation for Individuals with Disabilities](#)

[Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under ADA](#)

[Notice Concerning ADA Amendments Act of 2008](#) (Note change in definition of “major life activities”)

Disclosures of Interest Due January 31

All elected local public officeholders and all candidates for a local public office are required under the Comprehensive Governmental Ethics Reform Act of 2006 to file a Statement of Disclosure of Interests (Form SS-8005) with the Tennessee Ethics Commission.

This requirement also applies to officials who were appointed to fill a vacancy in an elected public office. It does not apply to office holders who are regularly appointed to their positions, such as appointed county highway superintendents or clerk and masters.

The deadline for current office holders is January 31.

Where Should the Statement Be Filed?

Electronic filing: To file electronically for the first time, go to <https://apps.tn.gov/conflict>, click on “Sign Up,” and follow directions to set up a TN.GOV account with your unique authorization code. After setting up your TN.GOV account, go to <https://apps.tn.gov/conflict> and log in as a returning user to file your Statement of Interests. If you have previously filed electronically, go to <https://apps.tn.gov/conflict> and log in to file your report. If you do not remember your Username and Password, call 629-888-5870 or 888-890-8183, and press “1” for technical support to retrieve that information.

Paper Filing: To file on paper, go to <https://www.tn.gov/content/dam/tn/ethicscommission/documents/officials/ss-8005.pdf> to print the form and instructions. Complete your Statement in its entirety. Mail the completed form to the Tennessee Ethics Commission, 404 James Robertson Parkway, Suite 104, Nashville, TN 37243.

Your Statement of Interests is not considered filed until received by the Commission. If you have questions, please feel free to contact the Commission’s office at: (615) 741-7959 or email at morgan.tygret@tn.gov.

Normally, politicians who waver and change their vote unexpectedly are heavily criticized for doing so, but a McMinn County native once did just that and is now celebrated for it.

On August 18, 1920, a little-known state representative named Harry Burn changed his mind at the last minute and decided to vote in favor of Tennessee's ratification of the Nineteenth Amendment (which granted the right to vote to women). He later said that he did so because his mother had told him to vote "yes" on the suffrage amendment, in a letter which he carried in his pocket. Burn's vote resulted in Tennessee's ratification, and thus the passage into law of the suffrage amendment.

County Spotlight McMinn County

County Seat: Athens

2010 Population: 52,639

County Government Consultant:

Gary Hayes

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Training Opportunities



All classes are 8:30am-12:30pm local time.

County Debt Management

Jan 25	Jackson - Jackson Energy Authority
Jan 26	Murfreesboro - DoubleTree Hotel

Vision to Execution: Bringing Your Strategic Plan to Life

Feb 16	Knoxville - UT Conference Center
Feb 27	Jackson - Jackson Energy Authority
Feb 28	Murfreesboro - Embassy Suites

Register today!

k@te

Participant Cancellation Policy

Please cancel 3 days prior to a class if you cannot attend. Expenses are incurred for our classes based on the number of registrations that we have in each class.

Class Cancellation Policy

Each class requires a minimum of 15 participants for the class to be held. Classes with less than 15 participants enrolled will be canceled.

[Training](#) | [Calendar](#)



FEMA

FY 2017 Assistance to Firefighter Grants (AFG) Open Application Period Announcement

The FY 2017 AFG application period will open on Tuesday, December 26, 2017 at 8 AM ET and will close on **Friday, February 2, 2018 at 5 PM ET.**

Please make sure that you have thoroughly reviewed the Notice of Funding Opportunity (NOFO) prior to beginning your application, as it contains the latest updates to the FY 2017 AFG Grant Program. Begin preparing your application now by utilizing the [application assistance tools](#) available below.

FY 2017 Application Assistance Tools:

- [NOTICE OF FUNDING OPPORTUNITY \(NOFO\)](#)

contains the key programmatic updates and application requirements for all eligible applicants.

- The [GET READY GUIDE](#) is designed to give you a kick-start in preparing your application. It will help better prepare you to thoroughly answer the application questions.
- The SELF-EVALUATION ASSISTANCE sheets are designed to help you understand the criteria that you must address in your Narrative Statement when applying for the Assistance to Firefighters Grants (AFG) Program. There are two sheets, one for [OPERATIONS & SAFETY](#) and one for [VEHICLE](#)

[ACQUISITION.](#)

- The APPLICATION CHECKLIST will help you prepare your grant application. Collecting this information beforehand will reduce the time and energy needed to complete your application.
- The [COST SHARE CALCULATOR](#) allows you to determine your organizations Local Cost Share for grants. It is important to familiarize yourself with FEMA's administration of cost sharing requirements.

For more information on this grant or other funding opportunities, visit the [FEMA website](#).



TENNESSEE
County Services
Association

County Government Day

**DoubleTree Hotel
Downtown Nashville**

March 12-13, 2018

[Registration now open!](#)



**COUNTY
OFFICIALS
ASSOCIATION OF
TENNESSEE**

Regional Meetings

**West Tennessee
March 15-16, 2018**

West TN Regional Training Center - Jackson

**Middle Tennessee
March 20-21, 2018**

DoubleTree - Murfreesboro

**East Tennessee
March 22-23, 2018**

Bridgewater Place - Knoxville



**County Technical Assistance Service
INSTITUTE FOR PUBLIC SERVICE**

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