

PUBLIC RECORDS POLICY
for
HAMILTON COUNTY, TENNESSEE, HUMAN RESOURCES DEPARTMENT

The Hamilton County Department of Human Resources, being specifically exempted from the Hamilton County General Government Public Records Policy, hereby adopts the Hamilton County General Government Public Records Policy to the extent not specifically modified herein.

I. DEFINITIONS

The Hamilton County Department of Human Resources specifically adopts the definitions established in the Public Records Policy of the Hamilton County General Government, with the following additions:

A. **Hamilton County Department of Human Resources (HCDHR):** Department within Hamilton County Government responsible for the administration of benefits, ensuring the County's compliance with federal and state legislation and regulations, effecting employers, employees, independent contractors, elected officials, and appointees, including, but not limited to: Titles VI and VII of *The Civil Rights Act of 1964*; corresponding State legislation, *The Tennessee Human Resources Act*; ERISA, *Employee Retirement Income Security Act*; regulations promulgated by OSHA, *Occupational Safety & Health Administration*; FMLA, *the Family Medical Leave Act*; ADA, *the Americans with Disabilities Act*; regulations promulgated by the IRS, Internal Revenue Service; etc.

B. **Employee:** HCDHR follows the definition of employee developed by the IRS, generally, any individual, regardless of number of hours or frequency of work, whose working time is directed by the County, i.e., who is directed as to when to work, where to work, how to work, uses the tools, equipment and facilities provided by the County, etc., and who receives a periodic pay check directly from the County, from which the County may withhold payroll taxes and/or benefit contribution amounts.

C. **Independent Contractor:** HCDHR follows the definition of independent contractor developed by the IRS, generally, any individual, regardless of number of hours or frequency of work, whose working time is not directed by the County, i.e., who possesses a particular skill, training, or knowledge, and who is not directed as to when to work,

where to work, how to work, etc., and who bills the County for completed work, or receives a specified amount—regardless of frequency—for completed work, from which the County does not withhold payroll taxes and/or benefit contribution amounts, and to whom the County issues an annual 1099.

D. **Elected Official:** Any individual who holds an office established the Constitution of the State of Tennessee, the Hamilton County Charter, Resolution of the Hamilton County Commission, Court Order, etc., and/or selected by means of a general election, or by appointment by the Hamilton County Commission or other governing authority. Although such individual may receive benefits and payroll from Hamilton County, this shall not be deemed to convert such individual to the status of employee.

E. **Appointee:** Any individual who shall hold their position as a result of appointment by an elected official or County employee. Such individual may receive benefits and payroll from Hamilton County, this shall not be deemed to convert such individual to the status of employee.

F. **Personnel File:** The Hamilton County Human Resources Department maintains a file on all employees and independent, contractors, as well as elected officials, their staff, employees and appointees, to the extent that such elected official shall elect to operate under HCDHR. Such files contain personnel evaluations, salary and benefits information, and the Final Report generated as a result of any investigation(s) involving that individual. All items in this file are a matter of public record, subject to redaction to the extent allowed and/or required by law.

G. **Investigation:** In the event that an employee, contractor or subcontractor, elected official or appointee shall make statements or file a formal complaint against another employee, independent contractors, elected official or appointee, or a member of the public shall file such a complaint, or make such statements, as to indicate inappropriate behavior by an employee, independent contractors, elected official or appointee, the Hamilton County Human Resources Department, and/or the Hamilton County Equal Employment Opportunity Commission Officer, and/or other appropriate internal or external entity, may conduct an investigation into such allegations. The notes and investigative materials relative to such investigation(s) shall not be a matter of public record. However, each investigation shall

culminate in a Final Report. Once such Final Report is adopted by the Human Resources Department and has been presented to the individual(s) who is the subject of the Report, such Report shall become a permanent part of that individual(s) Personnel File.

H. **Human Resources Public Records Request Coordinator (HR-PRRC):** This individual shall serve as the Public Records Request Coordinator and shall also serve as the Records Custodian for HCDHR, and shall coordinate with the Hamilton County General Government PRRC.

II. HAMILTON COUNTY HUMAN RESOURCES DEPARTMENT
PUBLIC RECORDS REQUEST COORDINATOR

The Designated Public Records Request Coordinator for the Hamilton County Department of Human Resources is:

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