

IN THE CHANCERY COURT FOR CAMPBELL COUNTY, TENNESSEE

IN RE: CLASSIFICATION AND COMPENSATION OF EMPLOYEES)
BY: CAMPBELL COUNTY, TENNESSEE) File No. 09-104
PETITIONER)

2010 DEC - 8 AM 9:00

WILLIAM E. ADAMS
CLERK OF COURT
FILED

ORDER

This cause came to be called for final hearing and was heard on the 15th day of November, 2010, before the Honorable Billy Joe White, Chancellor, holding the Chancery Court for Campbell County, Tennessee, upon the Petition For Declaratory Judgment filed in this case, the various responsive pleadings and exhibits filed, the testimony of Campbell County Mayor William Baird, the testimony of Campbell County Sheriff Robbie Goins, who appeared pro se, the testimony of Campbell County Finance Director Jeff Marlow, who appeared personally and with his attorney, Michael G. Hatmaker, and the record as a whole, from all of which it duly appeared to the Court and the Court accordingly

11-17-10

ORDERS, ADJUDGES AND DECREES AS FOLLOWS:

1) That this Court has jurisdiction of the issues presented in this case pursuant to the Declaratory Judgment Act set forth in Tennessee Code Annotated Section 29-14-101, et seq., and under Rule 57 of the Tennessee Rules of Civil Procedure, and under Tennessee law generally.

2) As to Issue Number (1), which states:

What roles each of the Campbell County Sheriff and Campbell County Finance Director have in determining whether an employee position of the Campbell County Sheriff's Department is administrative or non-administrative for the purposes of determining the proper method of compensation under the Fair Labor Standards Act (FSLA), and under any other applicable state

and federal laws, rules, and regulations relating to compensation of county employees.

The Court ORDERS, ADJUDGES AND DECREES that it is the duty of the Campbell County Sheriff to prepare written employee job descriptions reflective of the actual job duties and responsibilities to be performed by each such employee employed by the Campbell County Sheriff and submit each such written employee job description to the Campbell County Finance Director. It is the duty of the Campbell County Finance Director to review each such employee job description and to determine and classify whether each such employee position is administrative or non-administrative and to pay each such employee in accordance with the applicable provisions and requirements of the Fair Labor Standards Act (FSLA) and any other applicable state and federal laws, rules and regulations relating to compensation of employees of the Campbell County Sheriff.

- 3) As to Issue Number (2) which states:

Whether the Campbell County Sheriff or the Campbell County Finance Director, or some other office or official, has the ultimate responsibility to determine and classify employees of the Campbell County Sheriff's Department as administrative or non-administrative employees.

The Court ORDERS, ADJUDGES AND DECREES that the Campbell County Finance Director has the ultimate responsibility to determine and classify employees of the Campbell County

Sheriff's department as administrative or non-administrative employees.

- 4) As to Issue Number (3) which states:

Whether the employee position with the title of Jail Administrator in the Campbell County Sheriff's Department is an administrative or non-administrative position, including whether or not such employee position is eligible to earn and receive payment of overtime under the Fair Labor Standards Act (FLSA), and under any other applicable state and federal laws, rules and regulations relating to compensation of county employees.

The Court ORDERS, ADJUDGES AND DECREES that under the unique facts and circumstances of this case the Clerk and Master shall pay back to the Finance Department all monies deposited in relation to Wesley J. Perkins, the employee of the Campbell County Sheriff's Department who previously held the position with the title and/or effective duties of Jail Administrator, and that the Campbell County Finance Director is ordered to pay such monies to Wesley J. Perkins as taxable compensation after all appropriate deductions for applicable taxes and other fringe benefit costs.

- 5) As to Issue Number (4) which states:

Unrelated to the above stated specific issues as to the Campbell County Sheriff's Department, which county official or officials have the ultimate duty and responsibility and authority to make the final determination as to whether a county employee is classified as administrative or non-administrative for the purpose of calculating and paying compensation to county employees including the eligibility of employee positions within the various departments of county government to earn and receive payment of overtime under the Fair Labor Standards Act (FLSA), and under

any other applicable state and federal laws, rules and regulations relating to compensation of county employees.

The Court ORDERS, ADJUDGES AND DECREES that each department head of Campbell County government has the duty to prepare written employee job descriptions reflective of the actual job duties and responsibilities to be performed by each such employee employed by each such department and submit each such written job description to the Campbell County Finance Director. It is the ultimate duty of the Campbell County Finance Director to review each such job description and to determine and classify each such employee position as administrative or non-administrative for the purpose of calculating and paying compensation to each county employee including the eligibility of each such employee position within the various departments of Campbell County government to earn and receive payment of overtime under the Fair Labor Standards Act (FLSA) and under any other applicable state and federal laws, rules and regulations relating to compensation of county employees.

The Court Further Finds, ORDERS, ADJUDGES AND DECREES that under the Financial Management Act of 1981 as set forth in Tennessee Code Annotated Section 5-21-101 et seq., the ultimate authority and responsibility to classify county employees as administrative or non-administrative employees, with the exception of those county employees whose classification is

otherwise set by statute, is the duty of the Campbell County Finance Director and that no other Campbell County official or officials have such authority.

- 6) That a certified copy of this Order shall be filed with the County Clerk for Campbell County, Tennessee to record in the official minutes and records of Campbell County.
- 7) The cost of this cause is assessed to the Petitioner, Campbell County, Tennessee, for which let execution issue, is necessary.

Enter this 4 day of Dec, 2010, for November 15, 2010,

NUNC PRO TUNC.

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BILLY JOE WHITE
Chancellor

APPROVED FOR ENTRY:

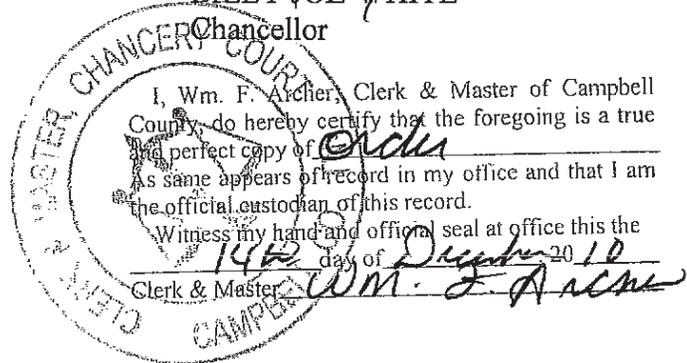
[Signature]
ROBBIE GOINS, PRO SE
Campbell County Sheriff

[Signature]
JEFF MARLOW
Campbell County Finance Director

[Signature]
MICHAEL G. HATMAKER, ESQ.
Attorney for Campbell County Finance Director Jeff Marlow

[Signature]
WILLIAM BAIRD
Campbell County Mayor

[Signature]
JOSEPH G. COKER
Attorney for Campbell County, Tennessee



CLERK'S CERTIFICATE OF SERVICE

I certify that a true and correct copy of this **ORDER** has been served on all persons hereon by depositing a true and exact copy of same in the U.S. Mail, postage prepaid, to the last known address of counsel of record and/or parties not signatories hereon, to-wit:

Mr. Robbie Goins
Campbell County Sheriff
Post Office Box
Jacksboro, Tennessee 37757

Mr. William Baird
Campbell County Mayor
Post Office Box
Jacksboro, Tennessee 37757

Mr. Michael Hatmaker, Esq.
Post Office Box 417
Jacksboro, Tennessee 37757

Mr. Jeff Marlow
Campbell County Finance Director
Post Office Box
Jacksboro, Tennessee 37757

Mr. Joseph G. Coker
Campbell County Attorney
Post Office Box 134
Jacksboro, Tennessee 37757

This 14th day of ^{December}~~November~~, 2010.

William F. Archer
Clerk and Master

By: 
Deputy Clerk