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## **EXEMPT STAFF COUNCIL MEETING MINUTES**

August 27, 2019  
1610 University Avenue, Room 118

**Present:** Michele Atkins, Rex Barton, Jeannine Berge, Brad Briggs, Brian Browning, William Bruhin, Jessica Cantu, Tom Cervone, Joe Christian, Kevin Frye, Kimberly Hardaway, Elisha Hodge, Janet Jones, Johnny Jones, Charles Primm, Tammy Renalds, John Rich, Nicholas Simson, Nate Taylor, Kaley Walker, Norma Wilcox, Wesley Wright

**Absent:** Leah Buffington, Linda Daugherty, Deanna Flinchum, Elizabeth Greene, Mary Lucal, Heath Nokes, Susan Robertson, Julie Roe, Theresa Sears

**Next Meeting**  
**Tuesday, September 24, 2019**  
**2:30 pm**  
**Guest Speaker: Robert C. Chance, Director of Payroll**  
***Insurance: Benefit Plans Update and Open Enrollment***

### **Welcome:**

Kimberly Hardaway, 2019-2020 Chair & Student Life Representative, introduced herself and welcomed everyone to the meeting.

### **Presentation:**

No guest speakers attended this meeting.

Ms. Hardaway described her experience during the July trip to the Law Enforcement Innovation Center. She highly recommended Council members visit if possible. Kim also invited members to suggest ideas for a special session in July 2020.

## Commission Reports:

Kimberly Hardaway expressed a need for volunteers for commissions including Commission for LGBT, Faculty Senate, Commission for Women, and Commission for Blacks.

Tom Cervone volunteered for the commission for LGBT People, and Tammy Renalds will continue on as a member of the commission but voting rights for ESC will remain with Tom. Charles Primm volunteered for Faculty Senate, and Kaley Walker volunteered for Commission for Women. Elisha Hodge volunteered for Commission for Blacks depending on if they will allow Skype attendance, and Jeannine Berge volunteered as a backup if Skype attendance is not available.

Ms. Hardaway explained to the volunteers how commission members are voting members and provide reports back to the ESC. She has emailed all of the commission chairs (copying the volunteers) to let them know of the ESC representatives for this year.

No reports for all commissions otherwise.

### INFORMATIONAL QUICK LINKS

[Law Enforcement Innovation Center](#)

[OED: Campus Councils and Commissions](#)

## Constituent Issues:

Q: “A couple of years ago I posed the question about why someone can’t donate sick leave unless the recipient is in the sick bank (which means it isn’t even really needed). I was told it was a state law issue but no one would provide information to me on where or why that is. Dr. Byrd mentioned to them that they should look at how to change that but once PJ left I didn’t hear anymore. I’m in the sick leave bank now but it’s something that I could still benefit others.”

Nate Taylor explained that anyone can donate sick leave, but that recipients must be in a Bank to receive time.

- System policy HR0383 – Sick Leave Transfer between University Employees as it relates to Eligibility Criteria to Receive Sick Leave:

“In order to receive sick leave donated from another employee, all of the following criteria must be met. The receiving employee must:

- a. be a current member of a sick leave bank;
  - b. have a continuing disability resulting from personal illness or injury and be unable to perform job duties;
  - c. have received approval for sick leave bank hours from the sick leave bank trustees;
  - d. have used all accumulated sick, annual, and other paid leave and used all days approved through the sick leave bank for each separate illness or recurring diagnosed illness or accident;
- and

e. not be receiving any other form of compensation including social security disability benefits, any workers' compensation benefits, or disability compensation through any retirement plan.”

- Related state law T.C.A. § 8-50-802(c)(2) states:

“Employees shall be members of the sick leave bank established in part 9 of this chapter to be eligible for a transfer of sick leave from another employee.”

Mr. Taylor will share this discussion about Sick Leave Bank concerns with General Counsel.

### **QUESTION QUICK LINKS**

[HR0383 – Sick Leave Transfer Between University Employees](#)

[T.C.A. § 8-50-802 Sick Leave](#)

Q: “What is the University’s policy/procedure for employees who consume CBD products? For instance, UT employee has a work related injury or is involved in an automobile accident. I would assume blood tests are required for drug screening. How will an employee’s use of CBD products be evaluated on a drug test?”

Rex Barton spoke about his understanding of THC testing. Mr. Barton talked about a recent law enforcement conference he attended and described his understanding of drug testing with regard to Tennessee Bureau of Investigation standards.

Nate Taylor said that per Mary Lucal there is no precedent. There is a System policy [HR0720 – Drug Free Campus and Workplace](#). He offered to talk with General Counsel for clarification on the issue.

Elisha Hodge discussed her understanding of state law with regard to drug testing, prescriptions and drug free workplaces. She says the issue has come up with MTAS city clients. Their advice is if it comes up in a drug screening they consider it to be a positive drug screen. Several representatives discussed their understanding of drug free workplaces and CBD oil. Kimberly Hardaway suggested taking the issue to ERAB for System consideration to get clarification statewide.

### **QUESTION QUICK LINKS**

[HR0720 – Drug Free Campus and Workplace](#)

**Other Business:**

**Discuss potential Bylaws revisions vote and language:**

Rex Barton talked about the Bylaws revisions that were voted on in June 2019. He said he hopes to have the final language that was voted on to Nicholas Simson by the next meeting for posting to the website. The language will also include the 2<sup>nd</sup> vice chair addition. Mr. Simson and Mr. Barton discussed the status of the bylaws currently posted to the website.

**Proposed speakers for fall 2019:**

The proposed speakers for fall 2019 are:

- September: Robert C. Chance, Director of Finance
- October: Lisa Yamagata-Lynch, Ombudsperson
- November: Tim Price, Director of University Printing & Mail

Kim Hardaway discussed inviting the Chancellor and possibly someone to discuss the UTK-UTIA unification. William Bruhin talked about a recent listening session he attended about the unification and implementation of the change. His understanding is there is an estimated unification completion date of October 1<sup>st</sup>. There was a related discussion about how the unification affects ranking, understanding of other schools' experience and funding. Janet Jones relayed the creation of an Ag commission.

**UPCOMING SPEAKERS AND INFORMATION LINKS**

Robert C. Chance, Director of Finance

[Lisa Yamagata-Lynch, Ombudsperson](#)

[Tim Price, Director of University Printing and Mail](#)

[UTK/UTIA Unification Process](#)

**Proposed Speakers Beyond Fall 2019:**

Kim Hardaway invited attendees to suggest speakers for meetings beyond fall 2019.

Tammy Renalds suggested inviting Tyvi Small, Interim VC for Diversity and Engagement, to guest speak about Diversity and Engagement initiatives and the VC search.

Kim Hardaway talked about a Diversity Luncheon she attended on August 13, 2019, which was presented by Dr. Erin Darby and Dr. Tina Shepardson from the Department of Religious Studies. The conversation focused on best practices when scheduling events and meetings throughout the school year while keeping in mind the various religious holidays that students, faculty, staff, and community members may be observing and how those observances may affect time of event, place, diet, etc.

Charles Primm suggested inviting Claudio Gómez, the new director of the McClung Museum, in the spring to talk about his first year experience on campus.

There was a discussion about other universities and colleges that have museums, and Tom Cervone talked about the League of Resident Theatres. He said that UTK is one of only 12 universities with a resident theatre. Mr. Cervone discussed inviting a group of Art, Architecture and arts related faculty to guest speak.

Tammy Renalds suggested the group take a tour of the Clarence Brown Theatre for their special event next July, and Mr. Cervone suggested touring during the set of "A Christmas Carol" as an alternative. He also highlighted the debut of CBT's latest show, "Million Dollar Quartet."

William Bruhin encouraged the attendees to communicate news about upcoming guest speakers to their constituents and encourage them to submit questions.

### **PROPOSED SPEAKERS LINKS**

[Tyvi Small, Interim VC for Diversity and Engagement](#)

[Claudio Gómez: Executive Director – Press Release](#)

[League of Resident Theatres](#)

[Clarence Brown Theatre](#)

**HR Updates:** Nate Taylor, Senior Employee Relations Consultant

- New Bullying Policy Committee formation/request for volunteer

### **2<sup>nd</sup> Vice Chair Election:**

Kim Hardaway asked if there was a quorum present to vote. Rex Barton related the Bylaws revisions voted on during the June meeting including adding a 2<sup>nd</sup> Vice Chair position. Tammy Renalds nominated Tom Cervone for the 2<sup>nd</sup> Vice Chair position and he indicated an interest in serving. A vote was taken and all voted in favor of Mr. Cervone with none opposed and no abstentions.

### **Next Meeting:**

- September 24, 2019 at 2:30
- Guest Speaker: Robert C. Chance, Director of Payroll
  - Topic: Insurance: Benefit Plans Update and Open Enrollment