

Guidelines Relative to Certification of Candidates for Chief Administrative Officer of the County Highway Department

I. Qualifications

- A. In each county, in order to qualify for the office of chief administrative officer of the highway department, a person shall:
1. Be a graduate of an accredited school of engineering, with at least two (2) years of experience in highway construction or maintenance;
 2. Be licensed to practice engineering in Tennessee;
 3. Have a combination of education and experience equivalent to either of the above; or
 4. Have had at least four (4) years' experience in a supervisory capacity in highway construction or maintenance.
- B. Candidates must have at least a high school diploma or its equivalent in educational training as recognized by the state board of education, such as a high school equivalency credential.

II. Definitions

- A. **“Highway Construction”** is defined as the construction of roads, streets, highways, and/or bridges according to federal, state, or local specifications or the construction and acceptance of such by a local government as meeting the appropriate construction standards. Highway construction **includes** the construction of subdivision roads or any other roads that have met the standards of a governmental body or that have been accepted by a governmental body and the construction of public airport runways according to standards and specifications of the federal, state, or local government.

Highway construction **does not include:**

- construction of subdivision roads that do not meet the standards of a governmental body or that have not been accepted by a governmental body;
- construction of parking lots, driveways or access roads;
- construction of roads for agricultural or timber harvesting operations;
- repair or re-construction of portions that are less than half the width of roads, streets, or highways in conjunction with installing water or other utility lines;
- inspection of highway construction; or
- construction of private airport runways.

- B. **“Highway Maintenance”** is defined as the repair and general upkeep of roads, streets or highways of the federal, state, or local government and includes resurfacing, road shoulder maintenance, and repair and upkeep of guardrails and bridges sufficient to give the person experience in **all** aspects of highway maintenance.

Highway maintenance **does not include**:

- maintenance of subdivision roads that have not met the standards of a governmental body;
 - placement or replacement of road signs;
 - clearing of plant growth or debris from the road or shoulder;
 - minor repairs to highways, streets, or roads necessitated by utility service or maintenance work that are less than half the width of the road; or
 - inspection of highway maintenance.
- C. **“Supervisory Capacity”** means having direct oversight or management of other persons involved in actual highway construction or maintenance activities so that the supervisor directs the methods, equipment, and standards of the work performed and is responsible for the timely completion and quality of the work. Supervisory capacity further means that the person has the authority to determine whether the work was performed according to the applicable specifications.
- D. **Licensed to Practice Engineering in Tennessee** means the person has been issued a license to practice engineering by the State Board of Architects and Engineers or is otherwise authorized by that board to practice engineering in the State of Tennessee by virtue of being licensed in another state.
- E. **Graduate of an Accredited School of Engineering** means an engineering school that has been accredited by the Accreditation Board for Engineering and Technology (ABET) as of the date the degree was issued.
- F. **Combination of Education and Experience** may include, but is not limited to, licensure in another state, or a sufficient combination of engineering education at an accredited school of engineering and experience in highway construction or maintenance.

III. **How to Apply for Certification**

- A. The person wishing to be certified to seek election or appointment to the office of chief executive of the county highway department shall provide sworn statements that outline his or her experience and/or education. All statements must be sworn to and signed before a notary or other person authorized by law to administer an oath.
- B. Candidates who have been previously certified by the board must be certified each time they seek election or appointment. If a person has been previously certified by the board, the person is only required to provide proof of previous

certification (such as a copy of the certificate of qualification or letter) and complete Sections 1 and 6 of the application. If the person qualified as a licensed engineer, the person must also include a copy of their current engineering license.

- C. The board has prepared an application for certification designed to assist candidates in providing relevant information to the board. Candidates who submit materials in a different format will be sent the application and encouraged to complete it, but failure to complete the application will not prevent an application from being reviewed.
- D. A sworn statement by the applicant will be sufficient as long as the statement includes the necessary information and does not include contradictory provisions or provisions contradictory to prior statements. When it is determined that there are contradictions, the applicant will be required to provide supporting statements from others in support of the application. The supporting statements must be from individuals with first-hand knowledge of the applicant's experience in this area.
- E. Statements concerning experience should describe the applicant's experience to clearly show that he or she has the required number of years' experience. The format of this would vary depending on the type of experience. A representative example of the different possibilities follows with the type of information necessary to satisfy the requirement.
 - 1. Full-time employment with the state Department of Transportation or county highway department. - A detailed description of the applicant's responsibilities, the number of personnel supervised and their responsibilities, and the period of time in that position.
 - 2. Full-time employment with a company that exclusively builds roads. - Information as described in D.1., above along with a representative example of the type of roads constructed. For instance, specific projects should be identified (e.g., resurfacing of 10-mile stretch of I-285, construction of I-40 between Lebanon and Cookeville, etc.) with a statement that the listed projects are representative of the work performed over a specified period of time.
 - 3. Full-time employment with a paving company or other business that does not exclusively build roads. - Information as described in D.1., above along with a listing of specific projects involving highway construction or maintenance and the time periods that the applicant worked on those projects. Credit will be given only for time that can be attributed to highway construction or maintenance.
- F. Candidates must file evidence that they have met the educational requirements:

1. Satisfactory evidence of graduation from an accredited school of engineering shall be in the form of a diploma, transcript or other official documentation.
 2. Evidence of a candidate's engineering licensure shall only be deemed to be satisfied if the candidate can provide the board with a copy of the candidate's engineering license, including the candidate's license number.
 3. Any provision in this section requiring a chief administrative officer to have a high school diploma or high school equivalency credential approved by the state board of education shall only be deemed to be satisfied if the candidate can demonstrate that the candidate has obtained a high school diploma or a high school equivalency credential as recognized by the state board of education by providing the board with a copy of the candidate's diploma or other official documentation. A degree from an online school may only be accepted if the candidate files proof that the school is recognized by the state board of education.
 4. If a person is unable to provide a diploma or proof of a high school equivalency credential by the filing deadline with the board, candidates must file proof they have requested the documentation or attempted to obtain the appropriate evidence. The individual, if otherwise qualified under the statute, may be provisionally approved by the board until receipt of the proper evidence. The official documentation must be submitted by the qualifying deadline in order for the board to issue a certificate of qualification.
- G. If an application is technically deficient (such as no proof of education provided or failure to have the application notarized), the chairman will contact the candidate to provide an opportunity to provide missing information before submitting the application to the board for review. If the additional information is not received by the filing deadline, the application will be reviewed by the board as submitted.

IV. Timing of Filing and Review of Applications

- A. The board will not review candidates in a county prior to the date petitions for the office of chief administrative officer of the county highway department are available.
- B. All affidavits and other evidence must be filed not later than fourteen (14) days prior to the qualifying deadline for candidates wishing to appear on the ballot, or sixty-four (64) days prior to the election for write-in candidates.
- C. The board will strive to publish meeting notices on its website and distribute them to county election commissions at least ten (10) days prior to the meeting date.

- D. The board will strive to post and distribute the agenda seven (7) days prior to a scheduled meeting. Candidates must submit their affidavits and other evidence not later than seven (7) days prior to the meeting at which they wish to be heard in order to be placed on the agenda, provided that the materials are filed not less than fourteen (14) days before the qualifying deadline.
- E. The board will provide a period for public comment at each meeting. Each individual will be recognized once and limited to two (2) minutes. However, the board's review of a candidate is limited to the scope of the materials submitted. If a candidate or other individual wishes to introduce additional evidence at a meeting, the candidate will be rolled to the next available agenda to provide time to receive the evidence in a written format.
- F. Meetings may be recorded for purposes of assisting in the preparation of the board's minutes. Once the minutes have been prepared, recordings are not retained.
- G. A candidate who wishes to appeal the board's decision regarding his or her application may do so by filing a request along with additional evidence in support of his or her application prior to the filing deadline. The board will review any additional evidence to determine if there are grounds to reconsider its previous decision.
- H. The board cannot accept materials after the filing deadlines listed in paragraph B.

V. Vacancies

- A. When a vacancy exists that is required to be filled by the county commission, candidates wishing to submit their names for consideration must be certified prior to the appointment. The board will not review applications until a vacancy exists or the resignation of a county's chief administrative officer of the highway department has been accepted.
- B. The board will work with the commission, county attorney, or other county officials to determine a timeline that allows for adequate notice to be given to interested candidates.
- C. In the event of a vacancy, the board prefers that candidates submit applications directly to the board. The board will notify the appointing authority or appropriate contact of any applications received.

VI. Challenge Process (pursuant to T.C.A. §§ 54-7-104(k) and (l))

- A. A person may challenge whether a candidate has the required qualifications for chief administrative officer of the highway department.

- B. The challenge must be filed in writing with the board no later than twelve o'clock (12:00) noon, prevailing time, on the third day after the qualifying deadline in counties where the position is filled by popular election. In counties where the position is appointed, the challenge must be filed by a deadline established by the local appointing authority.
 - 1. If the deadline to file a challenge falls during non-business hours of the Division of Elections, challenges may be scanned and emailed to the chairman by the deadline. The scanned document must be notarized and the original filed with the board by close of business on the next business day following the deadline.
- C. A challenge form has been provided by the board for individuals who wish to challenge a candidate in order to provide the board the information needed. However, a person may file a challenge in a different format. All challenges must be notarized and original copies filed with the board by the appropriate deadlines.
- D. Individuals wishing to challenge a candidate must have first-hand knowledge of the candidate's experience and/or qualifications. Anonymous challenges are not considered valid by the board.
- E. If a candidates qualifications are challenged, the board shall:
 - 1. Notify the candidate of the challenge;
 - 2. Review and verify the candidate's required qualifications pursuant to T.C.A. § 54-7-104(g) or to a private act if a county has established more stringent qualifications.
 - 3. In order for the board to review and verify the candidate's qualifications, the candidate may submit additional evidence in response to the challenge even if the filing deadline for the board has passed. Any additional documentation must be notarized and original documents filed with the board prior to the scheduled meeting where the challenge will be reviewed by the board.
- F. If the Tennessee highway officials certification board determines the candidate does not possess the required qualifications for chief administrative officer of the highway department, the board shall disqualify the candidate
- G. If a candidate is disqualified, the board will provide notice to the candidate and to the county election commission by noon on the seventh day after the qualifying deadline or to the appointing authority prior to the date of the appointment.

VII. Records Policy

- A. Records of the board, including applications submitted by candidates and records of the board's meetings, are open records and are available subject to the open records laws of the State of Tennessee.
- B. As records of the board are housed in the office of the coordinator of elections, they are subject to the open records policy adopted by the Office of the Secretary of State in accordance with T.C.A. § 10-7-503(g).