

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 general equivalency diploma (GED).

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 (unless the inspector is also the party responsible for the supervision of the construction project); 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 (unless the inspector is also the party responsible for supervision of the 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 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. 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.

- C. 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.
- D. 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 C.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 C.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.
- E. 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 GED shall only be deemed to be satisfied if the candidate can demonstrate that the candidate has obtained a high school diploma or its equivalent in educational training as recognized by the state board of education by providing the board with a copy of the candidate's diploma, GED certificate 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.
- F. 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.
- G. Candidates who are defeated in primary elections and wish to run in the general election as write-in candidates do not need a second certification from the board. Instead, they may file proof of their certification for the primary election with their certificate of write-in candidacy.

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. Agendas will be posted and distributed 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'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 are 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.
- 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

- A. The board will accept affidavits from persons who dispute the qualifications of a candidate. Such affidavits must be based upon first-hand knowledge and sworn to and signed before a notary public or other person authorized by law to administer oaths.
- B. The board shall hold public hearings and accept testimony and other evidence to determine the qualifications of a candidate when the board determines that there is a legitimate dispute as to the qualifications of the candidate.
- C. Any challenge must be filed at least three (3) days prior to the meeting at which a candidate's qualifications are to be reviewed. If a challenge is filed less than three (3) days prior to the meeting at which a candidate's qualifications are to be reviewed, the candidate and challenge shall be moved to the next available agenda.
- D. Challenges filed against candidates on the board's final agenda prior to the qualifying deadline must be filed at least one (1) day prior the meeting at which the candidate's qualifications are to be reviewed.