



Prince Edward County, Virginia



Personnel Policies Manual

Prepared by:

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SPRINGSTED INCORPORATED
8790 PARK CENTRAL DRIVE, SUITE B
RICHMOND, VIRGINIA 23227
TELEPHONE: 804.726.9750
FAX: 804.726.9752
EMAIL: richmond@springsted.com

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COUNTY OF PRINCE EDWARD, VIRGINIA PERSONNEL POLICIES MANUAL

CHAPTER 1

ORGANIZATION AND ADMINISTRATION

1.1 PURPOSE OF PERSONNEL POLICIES

- A. It is the policy of the Prince Edward County Board of Supervisors to establish reasonable rules of employment conduct (i.e., guidelines for management and employees to follow) and to ensure compliance with these rules through a program consistent with the best interests of the County and its employees. THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT, SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY COUNTY EMPLOYEE, AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS. THE TERM AT-WILL MEANS EMPLOYEES CAN TERMINATE OR BE TERMINATED AT WILL. EXCEPTIONS ARE EMPLOYEES HAVING WRITTEN CONTRACTS SIGNED BY THE COUNTY ADMINISTRATOR.

Additionally, it is the policy of the County to strive for safety in all activities and operations and to carry out the commitment of compliance with health and safety laws applicable to the County by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions:

- B. To provide equitable conditions of employment for County employees;
- C. To establish and maintain uniform standards of employment and compensation; and,
- D. To provide assistance to department directors and supervisors in their administration of personnel matters.

1.2 ADOPTION OF PERSONNEL POLICIES

The personnel policies set forth in this Manual supersede all previous personnel policies and serve as the official personnel policies of Prince Edward County, Virginia.

1.3 ADMINISTRATION

- A. The County Administrator shall be responsible for the administration of the County personnel program. The County Administrator may delegate responsibility for administering the County personnel program to another full-time County employee. Decisions made by department directors administering these policies may be appealed by the affected employee to the County Administrator or his/her designee.

- B. This Manual is intended to address most personnel situations and actions for which the County Administrator is responsible. However, those situations not specifically covered shall be interpreted and acted upon by the County Administrator in keeping with the intent of these policies and procedures.

1.4 SCOPE

- A. These policies and procedures shall apply to all departments, positions and employees of Prince Edward County except for the following groups:
 - 1. Constitutional Officers and employees;
 - 2. Department of Social Services' employees; and,
 - 3. Employees specifically exempted by actions of the Prince Edward County Board of Supervisors.
- B. Groups identified in Section 1.4.A-1 and 2 may elect to participate in the County's personnel policies by written agreement between the County and the requesting official.

1.5 COMPLIANCE

Department directors shall take necessary and prompt action to ensure compliance with these policies within their respective departments.

1.6 LIMITATIONS

- A. The policies set forth herein are not intended to create a contract, nor are they to be construed to suggest any express or implied contractual obligations of any kind with the County. Any non-mandated benefits outlined within this policy are subject to approved annual appropriation by the Prince Edward County Board of Supervisors. The County retains the right to amend, cancel or otherwise change any of these policies and procedures at any time as circumstances may warrant with the approval of the Board of Supervisors.
- B. Employment with the County is voluntarily entered into and the employee is free to resign at any time. Similarly, the County may terminate the employment relationship and such termination or any other form of discipline shall be a judgment reserved to the County at its sole discretion.

1.7 AVAILABILITY AND ACKNOWLEDGEMENT OF PERSONNEL POLICIES

The County Administrator shall be responsible for maintaining a complete and current set of personnel policies and for bringing these policies to the attention of all County employees. In addition, a copy shall be maintained in the office of each department director. Each County employee shall be given a copy of the personnel policies upon adoption of these policies by the Prince Edward County Board of Supervisors. Future employees shall receive a copy of the current personnel policies when they begin their employment service with the County. All employees will

acknowledge receipt of these policies via a signed and dated statement, which will be maintained within the employee's personnel file. The statement shall include the employee's confirmation that these policies have been read and are understood by the employee. The Personnel Policy Manual shall be available for review by any employee or the public during the County's regular business hours.

1.8 PERSONNEL DEFINITIONS

Administrative Leave – Leave approved with pay by the County Administrator and not covered by any other leave provision.

Allocation – The assignment of a position to its appropriate class in relation to duties performed.

Anniversary Date – The date that an employee commenced work in his/her position.

Applicant – An individual who indicates a specific interest in a current job vacancy for which the County is hiring; and, provides all required information on an application form.

Appointment – The offer to and acceptance of by a person of a position.

Authorized Absence – An absence approved by the employee's supervisor after proper notification (reason for absence and estimated length of absence) is given to the supervisor.

Absent Without Leave (AWOL) – The term used for any unauthorized absence during a scheduled work period.

Break in Service – Any separation from the service of Prince Edward County whether by resignation, retirement, layoff, dismissal, disability, retirement or absent without leave when the employee is subsequently re-employed. An authorized leave without pay shall not be considered as constituting a "break in service."

Classification (Class) – A position or group of positions which are sufficiently alike in duties performed, degree of supervision, required minimum requirements of education, experience or skill and other such characteristics to be equitably assigned the same class title, same or similar qualification requirements, the same skill level, the same test of fitness and the same salary range.

Class Series – A number of positions involving the same character of work, but different as to the level of difficulty and responsibility.

Class Description – A formal written description of the class that defines the general character and scope of the duties and responsibilities of positions in the class.

Compensation Plan – The official schedule of pay approved by the Board of Supervisors assigning one or more rates of pay to each class title, arranged schematically by classification series.

Constitutional Officer – Those persons identified as County officials who are elected in accordance with Article VII, Section 4 of the Constitution of Virginia, including the Sheriff, Treasurer, Commonwealth's Attorney, Commissioner of the Revenue and Clerk of the Circuit Court.

Continuous Service – The total length of time an employee has been employed with the County. Continuous service is defined as beginning with the date of employment and continues until the employee's retirement or other separation from the County.

Demotion – Movement from one class of position to another of a lower salary range in which the employee meets the minimum qualification requirements.

Dependent – A family member who is claimed as a dependent on the employee's Federal Income Tax Return.

Discipline – Action taken against an employee ranging from verbal reprimand to dismissal depending on the severity of the employee's unsatisfactory work performance or misconduct.

Dismissal – An involuntary separation of an individual's employment initiated by the County.

Employee – An individual who, in consideration of wages or salary for the benefit and under the control of the County and is compensated through the County payroll. "Employee" shall not include:

1. Members of the County's Board of Supervisors;
2. Constitutional Officers and their employees, unless the officer has elected to be covered by the County's personnel system. Constitutional Officers may elect to become part of the County's Classification and Compensation system and Personnel Policies by executing an agreement with the Prince Edward County Board of Supervisors at adoption of these Policies; and, upon the initiation of each term of office for the Constitutional Officer;
3. Members of boards, commissions and authorities;
4. Employees of the School Board; and,
5. Independent contractors.

Essential Personnel – Employees who hold certain positions, which provide necessary health, safety and emergency County services regardless of adverse conditions.

Full-Time Permanent Appointment – Appointment to a full-time permanent position indicates that the employee is to work for the County on a full-time continuous basis, without time limitation and requiring a regularly scheduled work period.

Full-Time Temporary Appointment – Appointment to a full-time temporary position indicates that the employee is scheduled to work for a maximum of one year.

Incumbent – An employee occupying a position in the County service.

Layoff – A temporary or indefinite reduction in the workforce due to economic conditions, technological changes, lack of work or other appropriate reasons, initiated by the County and usually through no fault of the employee.

Maternity Leave – Pregnancy, childbirth or related medical conditions associated with birth shall be treated as any other temporary disability with respect to sick leave, annual leave, compensatory time and leave without pay.

Merit Salary Increase – An increase in compensation established in the Compensation Plan, which may be granted to eligible employees after completion of the appropriate length of service and a performance evaluation rating which satisfies the requirements for advancement.

Non-essential Employee – An employee who is not required to work during adverse conditions. Adverse conditions are declared and defined by the County Administrator.

Part-Time Permanent Appointment – An appointment to a part-time position that is routinely scheduled to work for the County on a continuous basis, without regard to time limitation. Permanent part-time employees work less than eight hours, or less than 40 hours per week or less than 52 weeks per year. Employees occupying part-time permanent positions shall receive fringe benefits as specified in these policies.

Part-Time Temporary Appointment – An employee that is routinely scheduled to work for a period of less than one year. Part-time temporary employees work less than eight hours per day, or less than 40 hours per week. Temporary employees shall not receive fringe benefits.

Performance Evaluation – A systematic review of employees in the effective accomplishment of their assigned duties and responsibilities. A recommendation for a salary increase may or may not be included in the evaluation.

Personnel File – Official file of information pertaining to each employee.

Position Classification Plan – The official system of grouping of similar positions into appropriate classes based upon the respective duties, typical tasks and qualifications.

Probationary Period – The working test or trial period of employment beginning on the first day of work.

Promotion – Movement from one class of position to another of a higher salary range in which the employee meets the minimum qualification requirements.

Qualifications – The minimum education, experience and any special job-related requirements, which must be fulfilled by a person preliminary to appointment or promotion.

Reclassification – A change in the classification of a position or group of positions.

Re-Employment – When an employee's services are terminated and that employee is subsequently employed again with the County.

Regular Employee – The status of a classified employee who has successfully completed the initial probationary period. Regular employees work 35 hours per week for not less than 52 weeks per year. Annual leave sick leave and holidays shall count as time worked.

Reinstatement – The time an employee returns to work from an authorized leave of absence or goes from a non-pay status into a paid status. Reinstatement means that the employee is treated as if on leave without pay for the time s/he was away from the County.

Resignation – Voluntary separation initiated by an employee who chooses to leave the County service.

Safety-Sensitive Position – Positions that require possession of a CDL as a condition of employment are considered safety-sensitive.

Salary Range – The rate of pay assigned to a group of steps.

Salary Step – A rate of pay assigned to one of the steps in a salary range.

Secondary (Outside) Employment – Employment in any capacity other than the employee's primary County job.

Supervisor – An employee who has the responsibility for directing and evaluating the work of other employees.

Suspension – A forced leave of absence without pay for disciplinary purposes.

Transfer – Movement of an employee from one position to another position. Transfers can take place within a department, between departments, between positions of the same pay range or between positions of the same class.

Unauthorized Absence – Any absence from the job during a scheduled work period, without approval from the employee's immediate supervisor or when an employee does not follow the proper request or verification procedure for an absence.

Vacancy – A position which has been newly established or which has been rendered vacant by resignation, retirement or other removal of the previous incumbent.

Workday – Scheduled number of hours an employee is required to work per day.

Workplace – Any County owned or leased property (including parking lots), any site where official duties (including business-related activities for or on behalf of the County) are being performed by a County employee during regular work hours or while operating a motor vehicle or machine leased or owned by the County.

Workweek – The County's regular workweek, except for public safety personnel shall be 40 hours. Work hours shall be scheduled between the period of 12:01 a.m. Monday and ending the following Sunday at 12:00 midnight.

CHAPTER 2

EMPLOYMENT

2.1 EQUAL EMPLOYMENT OPPORTUNITY

- A. The County shall provide equal opportunity in employment and career development. Employment decisions shall be based on merit, qualifications and competence. The County administers its policies without regard to an applicant's or employee's race, color, sex, national origin, marital status, age, religion, political affiliation, disability which is unrelated to a person's occupational qualifications or any other non-merit factor. The County shall provide qualified applicants and employees with disabilities, as defined in Title I of the Americans with Disabilities Act, with reasonable accommodations that do not impose an undue hardship.
- B. The County shall provide an environment that is free of unlawful harassment of any kind, including that, which is sexual, age-related, or ethnic.
- C. The policy of equal opportunity requires that all hiring, interview and personnel recordkeeping procedures comply with the County's approved process.
- D. The policy of equal opportunity governs all aspects of employment including, but not limited to, the following:
1. Personnel Selection – Advertisement, recruitment, referral, testing, hiring, transfer and promotion in all job classifications shall be without regard to race, color, sex, national origin, marital status, age, religion, political affiliation, or disability, which is unrelated to a person's occupational qualifications or other non-merit factor that is not a bona fide occupational qualification.
 2. Other Personnel Actions – All other aspects of employment with the County such as compensation, benefits, assignment, demotion, dismissal, layoffs, return from layoffs, training, tuition reimbursement and social and recreational programs are administered without discrimination.
- E. The successful achievement of equal opportunity throughout the County can only be achieved with the maximum support and cooperation of all employees. Specific responsibilities are as follows:
1. The County Administrator is designated as the Equal Employment Opportunity Officer and is primarily responsible for ensuring that the County department directors are aware of this policy and pertinent federal, Commonwealth of Virginia and local laws, guidelines, executive orders and regulations directing equal employment opportunity and other anti-discrimination programs.
 2. Department directors have a responsibility for the observance of this policy. This responsibility includes supporting programs and practices designed to develop understanding, acceptance, commitment and compliance within the intents and purposes of this policy.

- F. The County provides equal employment opportunities to qualified individuals with disabilities. Reasonable accommodations will be provided to a qualified employee or applicant with a disability when that employee or applicant requests an accommodation. A qualified employee or applicant is one who is able to perform the essential functions of the job with or without accommodation. A request for an accommodation will be denied if the accommodation is not shown to be effective, places an undue burden on the County or if the employee poses a direct threat to the health and safety of him/herself or others.

2.2 EMPLOYMENT

- A. Authorization from the County Administrator, or his/her designee, is required prior to initiating any recruitment or appointment.
- B. Procedures may be modified by the County Administrator when deemed necessary to best serve the interests of the County.
- C. All records relating to employment, recruitment or appointment will be maintained in one central file location as designated by the Board of Supervisors and maintained in conformance with the Code of Virginia and regulations of the Virginia State Library.
- D. Employment Notice
 - 1. The County Administrator shall determine the advertising requirements necessary to attract qualified applicants to fill each vacancy. The County Administrator shall maintain an advertising distribution list, which shall be used to maximize the application pool.
 - 2. When it is determined by the County Administrator that a sufficient number of qualified applicants are currently on file from which to select, advertisement of a position vacancy is not required.
- E. Employment Applications
 - 1. Persons seeking to apply for employment with the County shall be referred to the County Administrator, except for those groups specified in Section 1.4.
 - 2. The County relies upon the completeness and accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the selection process and during County employment. Therefore, applicants and employees are hereby notified:
 - a. All employment information shall be current, accurate and complete.
 - b. Any misrepresentations, falsifications or material omissions on the County application may result in the County's exclusion of the individual from further consideration for employment.
- F. Recruitment and Selection
 - 1. The County Administrator has the primary responsibility for recruitment. All selection methods shall be approved in advance by the County Administrator.
 - 2. In determining qualified applicants, the County may use, but shall not be limited to, any one or a combination of the following selection methods in the pre- and post-

employment processes: evaluation of training and experience; written and skills tests; performance tests; psychological tests; driving record, reference and background checks and, post-offer medical examinations.

3. An applicant who refuses to participate in any phase of the selection process shall be considered withdrawn from the recruitment and shall not be eligible for further consideration.
4. After department representatives have completed final interviews and given full consideration to the group of qualified candidates, the department director shall submit a written recommendation for a selection to the County Administrator.
5. In all cases, the offer of employment and discussion of beginning salary, benefits and starting date shall be approved by the County Administrator.
6. Upon completion of the hiring process, all applications, resumes and any related test materials shall be returned to and maintained by the County Administrator's office.

2.3 HIRING OF RELATIVES

- A. The Virginia State and Local Government Conflict of Interests Act provides that members of an officer's or an employee's immediate family may be employed in the employee's division, department or agency only under the following conditions:
 1. The employee does not participate in the decision to hire the employee's immediate family member;
 2. The employee exercises no control over the employment or the employment activities of his/her immediate family member; or,
 3. The employee is not in a position to influence the employment activities of his/her immediate family member.
- B. Based on the above criteria, the County shall not hire an employee's immediate family member, as defined in Section C of the policy, in a supervisor-subordinate relationship.
- C. For the purposes of this policy, the following definitions apply:
 1. An officer's or an employee's immediate family is defined to include:
 - Spouse; and,
 2. Son, daughter, father, mother, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-, father-, son-, daughter-, brother- and sister-in-law, -mother; -father, -son, -daughter, -brother and step-sister, or -brother and half-sister.
- D. If the relative relationship that violates this policy is established after employment, the two employees involved shall decide who will seek a position change, if a position is available for which that individual qualifies or who is to terminate County employment. If a decision is not made within 30 calendar days, the County Administrator shall make the decision.

- E. Department directors shall ensure that this policy is enforced when making recommendations for employment, promotions, transfers or demotions. Any concerns or questions regarding an applicant's or an employee's eligibility under this policy shall be directed to the County Administrator.

2.4 IMMIGRATION LAW COMPLIANCE

The County complies with the Immigration Reform and Control Act of 1986 and is committed to employing only United States citizens and aliens who are authorized to work in the United States.

2.5 EMPLOYMENT REFERENCE INVESTIGATIONS

To ensure that individuals who are employed by the County are well qualified and have a strong potential to be productive and successful, reference checks may be conducted for those applicants being seriously considered for employment.

2.6 EMPLOYEE ORIENTATION

A. Completion of Required Personnel Forms

1. Employees who are eligible for fringe benefits must complete enrollment forms relating to certain mandatory and elective benefit programs.
2. Employees shall be provided a copy of the County's personnel policies and acknowledge receipt by completing an acknowledgement form.
3. Each department shall be responsible for conducting an on-the-job training program for each new employee, which shall cover the employee's work environment, position responsibilities and duties, work schedule, safety requirements and application of the County's personnel policies and departmental policies to the position involved.

2.7 PROBATIONARY PERIOD

The probationary period is intended to give employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. This period is considered a trial period or extension of the selection process, which is used to evaluate employee capabilities, work habits and overall performance.

A. Initial Probationary Period

1. A probationary period of six months is established for all new or re-employed employees appointed to full and part-time permanent positions.
2. Personnel action may be taken against any employee whose performance does not meet the required standards. During the initial probationary period, all employees are subject to personnel action without prior notice or access to the Grievance Procedure.

3. Either the employee or the County may end the employment relationship at any time during or after the probationary period.
- B. Secondary Probationary Period
1. An employee who is appointed to another County position (through promotion, transfer or demotion) must complete a secondary probationary period of three months.
 2. Each probationary employee who is transferred from one position to a similar position of an equal salary range shall retain the months successfully served in the former position towards earning regular status, as well as for the annual merit salary review.
 3. Should an employee serve an unsatisfactory probationary period in the newly assigned position, the employee may, with the approval of the County Administrator, be allowed to return to his/her former position or to a comparable position for which the employee is qualified, prior to the end of the probationary period, without prejudice. Such an action is dependent upon the availability of such position and the County's needs. Where no appropriate vacancy exists, the employee's position with the County shall be severed.
 4. The employee's status as a regular employee is not changed during the secondary probationary period that results from a change in position (promotion, transfer or demotion) within the County.
- C. Extension of Probationary Period
1. When it is deemed to be in the best interest of the County, the initial probationary period may be extended up to a maximum of 180 days.
- D. Separation During Probationary Period
1. The department director shall provide a probationary employee the opportunity to discuss problems involving his/her position at any time during a probationary period, or extension thereof, if it is determined that a probationary employee's work performance, work attitude or other related work activities are not at an acceptable level of competence expected for the position.
 2. Should the employee's performance fail to improve, the County may elect to terminate employment.
 3. If the employee decides that the particular job is not what s/he desires, the employee may resign without harm to his/her employment record.

2.8 SECONDARY (OUTSIDE) EMPLOYMENT

- A. County employees shall not engage in secondary (outside) employment during regularly scheduled work hours, while at the County's facilities or when using the County's supplies, equipment, materials or personnel.
- B. County employees shall not engage in any employment, activity or enterprise, which has been or may be determined to be inconsistent, incompatible, in conflict of interest with or

have the appearance of conflict of interest with the duties, functions or responsibilities of County employment.

- C. County employees shall notify their department directors in writing prior to accepting employment outside of their regular County employment. The request shall be sent to the County Administrator for written approval.
- D. Employees found in violation of this policy may be subject to disciplinary action up to and including dismissal.

2.9 ACCESS TO PERSONNEL FILES

- A. The County Administrator's Office shall maintain the official County personnel files for all employees.
- B. The official personnel file shall be defined as the employment file containing personal and job-related information relevant to the individual's employment with the County.
- C. Personnel files are the property of the County, and the information they contain shall not be disclosed or disseminated except as required by law.
- D. Only officials and representatives of the County who have a legitimate reason to review information in a file are allowed to do so.
- E. Employees are required to provide adequate notice to their department directors of their desire to be released from work to review their personnel file (the employee does not have to disclose the reason for the request). The employee shall make an appointment with the County Administrator's Office to review his/her personnel file.
- F. With reasonable advance notice, employees may review material in their personnel file but only in the presence of the individual appointed by the County Administrator to maintain the file.

CHAPTER 3

POSITION CLASSIFICATION PLAN

3.1 PREPARATION AND PLAN ADMINISTRATION

The Position Classification Plan for the authorized positions in the service of the County provides for the grouping of similar positions in classes based upon the respective duties, typical tasks and qualifications. The Plan class descriptions are used to assist with the recruitment, training, career planning, and assignment to a salary range and communication of job requirements to employees.

A. Amendments to the Classification Plan

Periodic amendments shall be made to maintain plan accuracy.

B. Official Copy of the Classification Plan

The County Administrator's Office shall maintain and publish a set of descriptions for all classes.

3.2 CLASSIFICATION OF POSITIONS

A. Each position classification shall be classified by the County Administrator and allocated within the Plan according to the appropriate class title, general definition of work, the required knowledge, skills and abilities, desirable training and experience, special licensing or other unique requirements and additional requirements deemed necessary by the County Administrator. Positions shall be allocated to the same class when their duties are sufficiently similar that:

1. The same descriptive title may be used to designate each position in the class;
2. The same level of education, experience, knowledge, skill, ability and other qualifications may be required of incumbents;
3. Similar tests of fitness may be used to select incumbents; and,
4. The same salary range shall apply.

B. All classes involving the same character of work, but different as to level of difficulty and responsibility, shall be assembled into the same series. All series of classes within the same broad occupational field shall be assembled together.

3.3 INTERPRETATION OF CLASS DESCRIPTIONS

A. Class Title

The term "class title" or "title" shall refer to the official title of the class as stated in the class descriptions, and shall apply to all positions allocated to the class and shall be used in all personnel and administrative processes. Department directors may assign "informal" titles to such positions if they deem this action necessary.

B. Class Descriptions

The class descriptions shall be considered descriptive rather than restrictive. They shall not be construed as declaring what the duties and responsibilities shall be or as limiting the power of any department director to assign duties to and to direct and control the work of employees under his/her supervision. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned that are of a similar kind or quality. Job duties and responsibilities may be further defined by the employee's department head or supervisor.

3.4 MAINTENANCE OF THE CLASSIFICATION PLAN

- A. The Plan shall be kept current by ongoing investigation and review. Position classification studies of individual positions or groups of positions shall be conducted whenever the County Administrator deems it necessary; whenever, the duties or responsibilities of existing positions have undergone significant changes; or, whenever the County Administrator is notified by a department director that new positions need to be created.
- B. It shall be the responsibility of each department director to promptly notify the County Administrator of each change of duties, responsibilities or work requirements and furnish detailed information relative to such changes.
- C. When a new class title is established, a class description shall be written and incorporated into the existing Plan and the class title added to the schematic list of titles.
- D. All class allocations are subject to the approval of the County Administrator.

3.5 RECLASSIFICATION PROCEDURE

- A. When significant changes in position content or prevailing economic conditions warrant a review of a class or classes, the department director may submit a written request (outlining all facts supporting the request) to the County Administrator.
- B. If a department director has facts, which indicate that a position or group of positions is improperly classified a request for a review may be made to the County Administrator. All pertinent information relative to the request shall be submitted in writing.

3.6 SALARY ADJUSTMENTS FOR RECLASSIFICATIONS

A. Merit Salary Increase Date

July 1 shall serve as the anniversary date for all employees covered by this policy. Reclassification shall not change the employee's date of merit salary increase.

B. Downward Reclassification/Reallocation

Upon downward reclassification/reallocation of a position, an employee shall be placed in the pay step in the new range equal to or closest to the current rate of pay. When the employee's rate of pay prior to reclassification exceeds the maximum step of the new, lower range, the employee's rate of pay shall be frozen at that existing rate of pay until the

pay of the lower range matches or exceeds the employee's rate of pay from the time of reclassification/reallocation.

C. Upward Reclassification/Reallocation

Upon upward reclassification/reallocation of a position, an employee shall receive the greater amount of either the minimum rate for the new salary range or the next higher rate of pay in the new pay range as compared to the rate of pay in the lower range.

D. When, in the opinion of the department director, following this policy results in an inequity, the County Administrator may authorize and adjustment in step(s) to correct the inequity based on the circumstances involved.

CHAPTER 4

COMPENSATION

4.1 COMPENSATION PLAN

- A. The County's Compensation Plan shall be designed to achieve the following objectives:
 - 1. Establish and maintain a salary structure which attracts and retains qualified employees;
 - 2. Maintain the salary structure in proper relation to competitive pay practices in the local labor market; and,
 - 3. Provide a consistent and effective means of recognizing and rewarding valuable employee contributions made through improved and satisfactory or better work performance.
- B. When, in the opinion of the department director, following this policy results in an inequity or problem, the County Administrator may authorize an adjustment in step(s) to correct the inequity based on the individual circumstances involved.
- C. Except as provided in this policy, anniversary dates shall not be affected by the adoption of any revisions to the Compensation Plan.
- D. The Board of Supervisors may authorize a periodic cost-of-living adjustment to reflect current market conditions.
- E. The Board of Supervisors may authorize a salary supplement to employees under the supervision of a Constitutional Officer. The salary supplement amount shall be determined by the Board of Supervisors subsequent to a recommendation of the County Administrator and shall be consistent with the County's adopted Compensation Plan. Employees that receive a salary supplement shall perform the duties for which the supplement is authorized.

4.2 STARTING RATE OF PAY

- A. The normal entry-level salary for appointment shall be the minimum rate of pay (first step of the salary range) for the classification assigned.
- B. Compensation may be established beyond the minimum step of the salary range, upon approval of the County Administrator if any of the following conditions exist:
 - 1. The qualifications of the applicant exceed the requirements for the class;
 - 2. The applicant is a former employee in good standing and possesses qualifying experience; or,
 - 3. Difficulty of recruitment requires payment of a higher rate.

4.3 PERFORMANCE EVALUATION

A. The County's performance evaluation program is designed to help ensure quality services through improving performance. Assigned duties and responsibilities of an employee shall be evaluated annually by the department director. Recordkeeping for employee reviews (including probationary evaluations) will include all written documentation and remain on file at least five years.

B. Uses of the Performance Evaluation Program

The formal performance evaluation program shall be used to:

1. Provide both supervisors and employees with the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths and discuss positive, purposeful approaches for meeting goals;
2. Motivate employees to improve work performance;
3. Increase employee morale through management recognition;
4. Serve as the basis for salary increase recommendations;
5. Improve communications between supervisors and employees; and,
6. Serve as part of the justification for recommendations pertaining to personnel actions (promotion, demotion or dismissal).

C. Confidentiality

The performance evaluation process is strictly confidential. Every effort shall be made by all parties involved to maintain employee confidentiality. Any employee, other than the employee being evaluated, who is found in breach of this confidentiality, shall be subject to disciplinary action.

D. Timing of Performance Evaluations

1. Performance evaluations are conducted at the end of an employee's probationary period in a regular full-time or part-time position where the incumbent regularly works a minimum of 20 hours per week.
2. Performance evaluations for non-probationary employees are scheduled to be completed prior to January 15 of each calendar fiscal year.
3. Additional evaluations shall be authorized as needed by the employee's department director.
4. A non-probationary employee who receives a less than satisfactory performance rating may receive additional time to improve work performance when it is deemed to be in the best interest of the County and the employee. The department director shall submit a written justification and recommendation for extending the review period to the County Administrator for approval. The maximum period for an extension shall be 60 days.

A performance evaluation shall accompany the department's status recommendation to the County Administrator at the conclusion of the extended performance review period.

4.4 MERIT SALARY INCREASE

- A. It is County policy to provide eligible employees with opportunities for annual merit salary increases based upon receiving a satisfactory performance evaluation provided sufficient County funds are available. A merit increase is not entitlement, nor a right of employment, nor an integral part of the pay system to be awarded automatically. Rather, it is an expression of management recognition of the ability, the performance and the potential worth of the employee to the County.
- B. Annual merit salary increases are based upon an eligible employee receiving a satisfactory or better performance evaluation, positive recommendation by the department director and approval by the County Administrator.
- C. Each eligible employee may be advanced through the salary range on the basis of performance to the next higher step(s), which are in that salary range until the maximum step in the range is reached.
- D. All submissions for merit salary increases shall be accompanied by the completed performance evaluation.
- E. Eligibility
 - 1. The following employees are eligible to be considered for annual merit salary increases based on satisfactory performance in accordance with this policy:
 - a. Regular full-time employees; and,
 - b. Regular part-time employees who work a minimum of 20 hours per week.
 - 2. Eligibility for merit salary increases shall not be affected by:
 - a. Salary adjustments due to change in hours of work;
 - b. Revisions made to the Compensation Plan;
 - c. Promotion, transfer and demotion; and,
 - d. Satisfactory completion of active military service in accordance with the Military Leave Policy.

4.5 PROMOTION

A promotion is the movement of an employee from one class of position to another of a higher salary range in which the employee meets the minimum qualification requirements.

- A. When an employee is promoted, the employee's salary shall be increased to the greater of the minimum salary of the new higher class or at least one but not more than two steps above the employee's salary prior to promotion.
- B. A promotion shall change the employee's anniversary date.
- C. All promoted employees are required to serve a probationary period in accordance with Section 2.7.
- D. Exceptions may be granted by the County Administrator.

4.6 DEMOTION

A demotion is the movement of an employee from one class of position to another of a lower salary range in which the employee meets the minimum qualification requirements.

- A. An employee may be demoted to a position for which s/he qualifies for any of the following reasons, subject to approval of the County Administrator:
 - 1. When an employee would otherwise be laid off because the position is being abolished, lack of work, lack of funds or other organizational changes;
 - 2. When an employee is unable to meet the satisfactory performance standards over a period of time or when removed during probation following a promotion;
 - 3. When an employee voluntarily requests such demotion; or,
 - 4. For the good of the County service.
- B. When an employee is demoted from a class in which s/he was originally appointed, the salary shall be reduced to the step of the new range of pay that is immediately below his/r salary prior to demotion.
- C. A demotion shall change the employee's anniversary date.
- D. All demoted employees are required to serve a probationary period in accordance with Section 2.7.

4.7 TRANSFER

- A. There shall be no change in salary as the result of a lateral transfer.
- B. When an employee is transferred into any position, other than moving within the same classification and range level, the employee shall be paid at a step within the range based on qualifications in the new position and the anniversary date shall change.
- C. All transferred employees are required to serve a probationary period in accordance with Section 2.7.

4.8 RECLASSIFICATION

- A. Upon an upward reclassification/reallocation of a position, an employee shall receive the greater amount of either the minimum rate for the new salary range or the next higher rate of pay in the new salary range as compared to the rate of pay in the lower range.
- B. Upon a downward reclassification/reallocation of a position, an employee shall be placed in the step in the new range equal to or closest to his/her current rate of pay, so that the employee is not penalized by a reduction in pay. When the employee's rate of pay prior to reclassification exceeds the maximum step of the new, lower range, the employee's rate of pay shall be frozen at the existing rate of pay until the pay of the lower range matches or exceeds the employee's rate of pay from the date of reclassification/reallocation.
- C. Reclassifications shall not change the employee's anniversary date.

4.9 ACTING CAPACITY

- A. When an employee is required to work in the capacity of a higher-level supervisory position due to an anticipated absence over a prolonged period of time, such employee may be paid additionally for assuming the higher-level duties.
- B. Requests for "acting pay" shall be made in writing by the department director and submitted to the County Administrator for approval.
- C. The temporary salary adjustment for the period of assignment to the higher-level position shall be determined by the County Administrator.
- D. Retroactive requests shall not be considered.

4.10 OVERTIME AND COMPENSATORY TIME

A. Policy

It is the policy of the County to adopt and implement the provisions of the Fair Labor Standards Act (FLSA), as amended, as the fundamental wage and hour policy of the County. Further, it is the policy of the County that any overtime work necessary for the continued effective operation of the County shall be managed in the most efficient and economical manner possible.

B. Authorization For Overtime

- 1. Overtime work shall be authorized to cover emergencies, inclement weather conditions and unusual working requirements, and may be authorized only by the employees Department Head prior to such work being performed.
- 2. Both Exempt and Non-exempt employees who work approved overtime shall receive compensatory time off at the rate of one and one-half hours (1½) for each hour worked. The maximum accrual of compensatory time shall be 240 hours.
- 3. It is the policy of Prince Edward County that overtime shall be accrued on the basis of hours worked in excess of 40 hours per week.
- 4. Department directors shall take all necessary actions to allow employees to use their accrued compensatory time. Department directors are also responsible for ensuring that an employee under his/her supervision does not accrue more than 240 hours of compensatory time.
- 5. It is the responsibility of each department director to determine that overtime pay is administered in the best interest of the County. Department directors shall ensure that, whenever possible, overtime assignments are distributed as equitably as practical to all employees qualified to perform the required work. In addition, it is equally important for the department director to eliminate unauthorized overtime. Failure by a department director to eliminate unauthorized overtime will result in disciplinary action, up to and including dismissal.
- 6. No employee shall start work before the authorized starting time, work through the meal period or work past the authorized ending time without prior authorization from the County Administrator.

7. Failure by an employee to work scheduled overtime or overtime worked without prior authorization from the County Administrator may result in disciplinary action, up to and including dismissal.

C. Categories of Jobs

1. Under the FLSA, there are two (2) basic categories of jobs:
 - a. Exempt (E) – Those employees not covered by the overtime provisions of the FLSA; or,
 - b. Non-exempt (N) – Those employees covered by the overtime provisions of the FLSA.
2. FLSA requirements apply to positions and employees not to classes. The County's class designations serve as a general guide in determining whether individual positions are exempt or non-exempt from the overtime provisions of the FLSA. All County positions, under the direction of the County Administrator, shall be identified as follows:
 - a. E – Exempt; or,
 - b. N – Non-exempt.
3. In determining which positions shall be exempted from the provisions of FLSA, the guidelines established by the FLSA shall be followed.
4. The following job classifications managed by the Board of Supervisors are classified as exempt. Others may be added as agencies agree to participate in the Policies :
 - Assistant County Administrator
 - Director of Planning and Community Development
 - Director of Economic Development and Tourism
 - Building Official
 - Other positions so designated via Class Description

D. Record Keeping

Each department must keep a daily and weekly time and attendance record of hours worked, sick leave, annual leave, holidays, leave without pay, other categories of leave and overtime hours for each work period. Records must be submitted to the County Administrator's Office on a monthly basis. All employees' time cards, time and attendance records leave slips, on-call records, overtime records and payroll records shall be kept for a minimum of five years.

E. Questions on Applicability

All questions about the application of this policy or the FLSA should be directed to the County Administrator. Additionally, copies of all policies, practices or procedures issued by a department director, as it relates to any provisions of this policy, must be approved by the County Administrator prior to implementation.

4.11 PERSONNEL DATA CHANGES AND PAYROLL DEDUCTIONS

A. Personnel Data Changes

It is the responsibility of each employee to promptly notify the County Administrator's Office of any changes in personnel data. Personal mailing addresses, telephone numbers, dependant information, changes in marital status, individuals to be contacted in the event of emergency, educational accomplishments and other such status reports should be accurate and current at all times.

B. Pay Deductions

The County is required by law to make certain deductions from every employee's compensation. These mandated deductions include Federal and Virginia income taxes and Social Security taxes. The chapter pertaining to employee benefits provides additional information regarding payroll deductions.

C. Garnishments

1. Garnishments are legal permission of creditors to collect part of an employee's pay from the County. The County cannot refuse to honor such levies, as they represent an order from the Court to withhold and pay to the Court a specific amount of an employee's earnings.
2. Upon receipt of an order of garnishment, a written notification of the garnishment shall be sent to the employee. A copy of the garnishment shall be placed in the employee's personnel file.

D. Administrative Pay Corrections

1. The County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on scheduled paydays.
2. In the event that an error in pay is detected, the employee shall promptly notify the department director or County Administrator's Office of the discrepancy. Payroll errors shall be corrected as soon as possible.
3. Both underpayments and overpayments shall be corrected as soon as possible. If an overpayment results in the employee owing a substantial amount, a schedule of repayments may be arranged with the employee to minimize the inconvenience.

E. Administrative Pay Corrections

1. Accurately recording time worked is the responsibility of every employee. Time sheets are used to meet federal and Virginia record keeping requirements and serve as the basis for calculating employee pay and benefits.
2. Tampering, altering or falsifying time sheets or recording time on another employee's time sheet may result in disciplinary action, up to and including dismissal.

CHAPTER 5

HOURS OF WORK

5.1 ATTENDANCE AND PUNCTUALITY

- A. To maintain a safe and productive work environment, the County expects employees to be reliable and to be punctual in reporting for scheduled work. Employees are responsible for learning the specific reporting requirements for their department and work unit from their department director or County Administrator.
- B. Poor attendance and excessive tardiness may lead to disciplinary action up to and including dismissal.

5.2 WORK SCHEDULES

- A. The County Administrator shall establish the hours of work for employees. The regular workweek is a seven day period (12:01 a.m. Monday through 12:00 midnight Sunday). Full-time employees work a 40 hour workweek (including meal periods). When individual work schedules differ from this, compensation shall be made on a proportionate basis.
- B. When a department's normal services necessitate work schedules other than that listed above, work schedules shall be proposed by the department director by submitting such request, in writing, to the County Administrator for approval.
- C. Other workweeks and hours may exist for specific classes of employees as a condition of employment.
- D. With the advance approval of the County Administrator, a department may establish an alternative workweek.
- E. Department directors shall advise employees of their individual work schedules.
- F. During inclement weather, essential-services employees shall report to work.
- G. Daily hours of work for employees covered by this policy may be adjusted by the Department Head, with prior approval of the County Administrator. All departments shall demonstrate that they are adequately staffed during the designated hours of County business prior to approval of adjusted hours by the County Administrator.

CHAPTER 6

WORK ENVIRONMENT

6.1 PROTECTION OF EMPLOYEE LIABILITY

- A. It is the policy of the County to protect its employees against lawsuits arising out of the performance of their duties. All public employees and officers of the County, when acting within the scope of their employment, are protected from financial loss resulting from a lawsuit or action brought against them.
- B. This policy requires that certain “conditions for protection” must be met to provide an effective defense, namely:
 - 1. The employee must deliver to the County Administrator the original or a copy of any summons, complaint, process, notice, demand or pleading as soon as possible after being served with such document;
 - 2. The employee must provide the County full cooperation in the defense of such action or proceeding; and,
 - 3. The acts complained of against the employee must not have been malicious or a result of gross negligence, fraud, other willful acts or where an employee has been found to have violated County policy.

6.2 SEXUAL AND OTHER UNLAWFUL HARASSMENT

- A. Policy
 - 1. It is the County policy that sexual and other unlawful harassment of its employees in any form is prohibited and that all employees shall be treated with respect. Actions, words, jokes or comments based on an individual's sex, race, ethnicity, age, disability, religion or any other legally protected characteristic shall not be tolerated.
 - 2. Any employee who engages in or who perpetuates or condones sexual and other unlawful harassment shall be subject to disciplinary action, including dismissal.
 - 3. A non-employee who subjects an employee to harassment in the workplace will be informed of the County's policy and appropriate actions will be taken to protect the employee from future harassing conduct.
- B. Definition
 - 1. Sexual Harassment – Behavior that constitutes sexual harassment, as currently defined in guidelines published by the U.S. Equal Employment Opportunity Commission (EEOC), includes sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; and,
 - c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
 2. Sexual Discrimination – The EEOC has determined that sexual harassment is a form of sexual discrimination.
 3. Employee – An individual employed by the County on a full-time, part-time, regular, grant, term or temporary basis is considered to be an employee for the purposes of this policy.
- C. Persons Covered
- Employees, as defined in Chapter 6.2.B-3, are covered by the provisions of this policy.
- D. Prohibited Conduct
- The following types of conduct are examples of sexual or other unlawful harassment and are prohibited. These examples do not necessarily represent all the ways in which sexual harassment may occur and are not intended to limit the definition of sexual harassment.
1. *Verbal comments and gestures of a sexual nature.* This includes any type of sexually suggestive remarks, pictures, jokes and catcalls.
 2. *Explicit or implicit promises of career advancement or preferential treatment in return for sexual favors.* Such promises or preferential treatment may include, but are not limited to, hiring, promotion, training opportunities, work scheduling and leave approval, acceptance of a lower standard of performance, providing higher performance evaluations and lax timekeeping.
 3. *Explicit or implicit threats that an employee shall be adversely affected if sexual demands are rejected.* Such threats include, but are not limited to, lower performance evaluations, denial of promotions, punitive transfers, terminations and altered or increased work assignments.
 4. *Unsolicited and repeated touching of any kind.* This includes the touching, patting or pinching of another person and repeated brushing against another person's body.
- E. Investigation of Complaints
1. Employees who experience sexual or other unlawful harassment shall notify the County Administrator, in writing, within two working days of the incident.
 2. Upon receipt of the written complaint, the County Administrator shall order an investigation into the matter.

F. Confidentiality

1. Any complaint shall be handled in a confidential manner. Every effort shall be made, by all parties involved, to protect the confidentiality and privacy of all information and documents pertaining to a claim.
2. Persons designated by the County Administrator to conduct investigations shall not communicate the fact that an investigation is pending; nor, shall they communicate the contents and findings of such investigation except to the appropriate parties.
3. Breach of confidentiality may result in disciplinary action, including dismissal.

G. Frivolous and Groundless Complaints

1. The County's commitment to eliminate sexual harassment and other forms of unlawful harassment from the workplace does not grant license for employees to engage in unfounded, frivolous or vindictive actions in violation of the intent of this policy.
2. Where the results of an investigation reveal that a written complaint of sexual or other unlawful harassment is wholly frivolous or groundless, the employee having made such complaint may be subject to disciplinary action, including dismissal.

H. Policy Against Retaliation

Reprisal or retaliation is strictly prohibited. This includes both direct retaliation or reprisal, or the encouragement of others to engage in retaliation or reprisal against any person whom:

1. Opposes any conduct prohibited by this policy;
2. Complies or encourages others to comply with any provision of this policy;
3. Files a complaint concerning any violation of this policy;
4. Testifies, assists or participates in any investigation or hearing resulting from a complaint under this policy; or;
5. Exercises or attempts to exercise any right conferred under this policy.

I. Discipline

Any employee found to have engaged in sexual or other unlawful harassment, who is found to have knowingly condoned, encouraged or perpetuated an act or acts of sexual or other unlawful harassment; or, who is found to have in some way participated in retaliation or reprisal, shall be subject to disciplinary action, including dismissal.

6.3 ALCOHOL AND DRUG FREE WORKPLACE

A. Employee Responsibilities

1. No employee shall unlawfully manufacture, dispense, possess, use or distribute any controlled substance, medication or alcohol.

2. Any employee convicted under a federal or state statute regulating controlled substances shall notify their supervisor and the manager within five days after the conviction.
3. No employee shall consume alcoholic beverages immediately before work, during work hours or while at work during breaks or lunches.
4. No employee shall be impaired by alcoholic beverages immediately before work, during work hours or while at work during breaks or lunches.
5. No employee shall represent the County in an official capacity while impaired by alcohol, illegal drugs or medication.
6. No employee using medication that may impair performance shall operate a motor vehicle or engage in safety-sensitive functions while on duty for the County.
7. If an employee is using prescription or non-prescription medication that may impair performance of duties, the employee shall report that fact to his/her supervisor.
8. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs and/or medication shall immediately notify the supervisor or manager.

DISCIPLINARY ACTION – Because of the serious nature of illegal use or abuse of alcohol, controlled substances and/or non-prescribed use of medication, appropriate employee disciplinary action will be taken, up to and including termination.

B. Drug & Alcohol Testing

In order to achieve a drug-free workplace, employees in, and applicants for, safety-sensitive positions shall be required to participate in all of the following alcohol and controlled substances testing:

1. When an applicant for a safety-sensitive position has been extended a conditional offer of employment, but before beginning work;
2. When there is a reasonable suspicion to believe that the employee is in an impaired state;
3. When the employee has been involved in an on-duty serious accident or has endangered others in the workplace;
4. On a random basis for safety-sensitive positions;
5. As a condition for return for duty after testing positive for controlled substances or alcohol; or,
6. As part of follow-up procedures for return-to-duty related drug or alcohol violations.

Scope – This policy covers all employees of and applicants of the County.

CHAPTER 7

WORKER SAFETY

7.1 SAFETY PROGRAM

A. Safety Policy

1. It shall be the policy of Prince Edward County that every employee is entitled to work under the safest conditions possible. To this end, every reasonable effort shall be made to promote accident prevention.
2. Safety is a fundamental responsibility of employees and management. To this end, the primary responsibility for safety in all work activities rests equally between employees and management.

B. Managerial and Employee Responsibility

1. Department Directors – Department directors shall:

- a. Assume responsibility for safe work areas for their employees;
- b. Be accountable for preventable injuries, collisions and liabilities caused by their employees. These items shall be taken into consideration during their performance evaluations;
- c. Ensure that each employee is trained for the job assigned and is familiar with all published work procedures;
- d. Take the initiative in recommending correction of deficiencies noted in facilities, work procedures, employee job knowledge or attitudes that adversely affect safety efforts;
- e. Take appropriate disciplinary action against those who fail to follow safety policy and procedures, and be prompt to give recognition to those who perform well;
- f. Ensure advance planning for new work activities to anticipate requirements for needed safeguards and controls;
- g. Report all accidents and injuries involving County employees, County vehicles or County property in accordance with County reporting procedures; and,
- h. Provide safety instructions to assigned employees and provide on-the-job supervision to ensure safe working conditions.

2. Employees – Employees shall:

- a. Comply with the County's safety program policies and procedures and directions from their supervisors;

- b. Report all accidents and safety hazards to the department director, as soon as practical, after an accident occurs or a hazard is observed;
- c. Keep work areas clean and orderly;
- d. Avoid engaging in horseplay and avoid distracting others;
- e. Learn to lift and handle materials properly;
- f. Be familiar with the Workers' Compensation policy; and,
- g. Operate assigned vehicles, equipment and machinery in a safe and responsible manner.

7.2 SAFE OPERATION OF COUNTY VEHICLES

- A. Employees, who use a County vehicle, whether occasionally or on a daily basis, are expected to follow County and Virginia safety procedures and traffic laws. In addition, for the protection and safety of County employees and the public, every employee is required to follow these safety steps:
1. Any operator of a County vehicle must possess a valid and appropriate Virginia driver's license appropriate for operation of the vehicle. For employees required to operate a County vehicle the invalidation, revocation or suspension of the driver's license or any restrictions must be reported to the department director within one workday of the occurrence. Employees who do not report these changes as required shall be subject to disciplinary action, including dismissal;
 2. Safety belts must be properly used by the vehicle operator and any passengers of County vehicles at all times. The vehicle operator shall be responsible for ensuring that passengers use their safety belts;
 3. Employees are responsible at all times for the proper care of County vehicles and to be alert to any apparent defects or mechanical problems. Any operational problems shall be reported to the employee's department director as soon as possible;
 4. Employees assigned a county vehicle are responsible at all times for the proper care, periodic inspection and maintenance of their vehicle; and,
 5. Employees observed operating a County vehicle in an unsafe manner shall be reported to the appropriate department director and may be subject to disciplinary action.
- B. The personal use of County vehicles by County employees is prohibited. For example, the use of a county vehicle to complete personal errands because the employee's car is in the shop would characterize abuse of the business-use only directive; while, stopping to have a meal because it is impractical to return to the office and use a personal vehicle may be acceptable. Employees should always be sensitive to the public's perception about the appropriate use of County property.

7.3 UNIFORMS, PROTECTIVE CLOTHING AND SAFETY EQUIPMENT

Uniforms, protective clothing and safety equipment shall be provided to County employees for their safety. Those positions requiring uniforms and safety equipment shall be identified by department directors. Loss or excessive wear does not relieve the employee of the responsibility to wear uniforms and safety equipment. The loss or destruction of uniforms or safety equipment due to the employee's negligence shall be the responsibility of the employee.

A. Safety Equipment: *Uniforms and Protective Clothing*

1. Uniforms and protective clothing shall be provided to each employee whose position precludes wearing personal clothing for reasons of safety or prospective damage to normal personal work attire.
2. County uniforms shall never be worn for any jobs other than approved County employment.
3. Uniforms and protective clothing shall be replaced when the employee's department director determines the uniforms or protective clothing to be non-useable.

B. Safety Equipment: *Shoes*

Safety shoes shall be worn by each County employee whose position requires protective footwear.

C. Safety Equipment: *Hard Hats*

Hard hats shall be provided to and worn by each County employee whose position requires protective headwear.

D. Safety Equipment: *Gloves*

1. Protective gloves shall be provided to and worn by each County employee whose position requires protective gloves.
2. Protective gloves shall be replaced, as they become non-useable. An employee's department director shall determine when the gloves need to be replaced.

E. Safety Equipment: *Safety Eyeglasses*

Protective eye equipment, e.g., safety eyeglasses, goggles, hoods, etc., shall be provided to and worn by each employee whose position requires protective eye equipment.

CHAPTER 8

LEAVE

8.1 LEAVE DEFINED

Leave is any approved absence during regularly scheduled work hours that has been authorized by the proper authority. Leave may be authorized with or without pay. Absence without leave is considered unauthorized leave (AWOL) and is subject to disciplinary action.

8.2 TYPES OF LEAVE

- A. Holiday Leave
- B. Annual Leave
- C. Sick Leave
- D. Bereavement Leave
- E. Civil Leave
- F. Military Leave
- G. Leave Without Pay
- H. Emergency Closings Policy
- I. Administrative Leave
- J. Unauthorized Absence (AWOL)

8.3 GENERAL LEAVE PROVISIONS

- A. Employees are responsible for obtaining approval from their department director before beginning any absence from work. Leave shall be requested by the employee and approved in advance, in writing, on the appropriate form. When circumstances allow (i.e., scheduling doctor appointments, elective surgery), sick leave shall also be requested and approved in advance. Otherwise, a sick leave request shall be completed and submitted for approval immediately upon the employee's return to work. Forms shall be provided by the County for the employee, the supervisor and the employee's personnel file. Employees are responsible for maintaining records of all leave identified under this policy.
- B. To receive paid annual or sick leave for unscheduled absences, employees must notify their department director within two hours of their regular starting time. In cases where the department director is unavailable, employees should contact the County Administrator's Office. All departments are required to advise employees of their notification procedures.

- C. The calculation of annual and sick leave accrual is based on a standard pay period.
- D. Charges for authorized leave shall be made on an actual usage basis and rounded to the nearest one-half hour.
- E. Department Heads will assure standard leave record maintenance is performed and those current leave records are submitted to the County Administrator's Office each month.
- F. Employees are responsible for providing required leave forms to the appropriate staff in a timely manner.
- G. No employee shall use leave that has not been earned. If an employee is off and does not have sufficient leave to cover the balance for that pay period, leave without pay shall be reflected on the employee's time sheet as approved absence or as unauthorized absence, if the time off was not approved.
- H. All County employees, including temporary employees, are eligible for leave without pay.
- I. Leave shall accrue while an employee is on approved paid leave. Leave shall not accrue if an employee is on unauthorized leave, military leave without pay or leave without pay as specified within this policy.
- J. False or fraudulent use of leave or failure to follow this policy may be cause for disciplinary action, including dismissal.

8.4 HOLIDAY LEAVE

- A. Scheduled Holidays
 - 1. The County observes the same holidays as the Commonwealth of Virginia.
 - 2. The Board of Supervisors may designate additional holidays.
- B. Eligibility
 - 1. Regular full-time employees shall receive paid holiday leave.
 - 2. Regular part-time employees who are specifically required by the County to work on a holiday are eligible to receive a proportional amount of paid holiday leave based on the annual leave accrual table.
 - 3. Temporary full and part-time employees are not entitled to paid holiday leave.
- C. Policy
 - 1. Exclusion from Overtime Computation – Holiday leave shall not be counted as hours worked for determining overtime.
 - 2. Holiday on a Mandatory Workday – Eligible employees who are required to work on a holiday shall be compensated as determined by the County Administrator.
 - 3. Holiday During Paid Leave – A holiday falling within a period of paid leave shall not be counted as a workday in computing the amount of leave taken. However, when an employee is absent on a holiday on which s/he is scheduled to work, the time shall be deducted from annual leave or be charged to leave without pay, whichever is appropriate.

4. Holiday During Unpaid Leave – When a holiday falls within a period of leave without pay or immediately preceding or following such leave, the employee shall receive no pay for the holiday.
5. Appointment or Separation on a Holiday – The appointment or separation of an employee shall not be effected on a holiday unless the employee worked that day.

8.5 ANNUAL LEAVE

A. Annual Leave Accrual

1. Regular full-time employees shall earn annual leave at a rate based upon completed calendar month of service as follows:

0 – 4 years of continuous service	8 hours per month
5 – 9 years of continuous service	10 hours per month
10 – 14 years of continuous service	12 hours per month
15 – 19 years of continuous service	14 hours per month
20 – 24 years of continuous service	16 hours per month
25 or more years of continuous service	18 hours per month
2. Regular part-time employees shall earn annual leave proportionate to the amount of time worked.
3. Temporary full and part-time employees do not earn annual leave.
4. Maximum annual leave accrual rates are as follows:

0 – 4 years of continuous service	192 hours
5 – 9 years of continuous service	240 hours
10 or more years of continuous service	288 hours
5. During the calendar year, an employee may accrue more than the maximum levels as stated above. Leave beyond the maximum levels that is not used by the beginning of the first full pay period of the new calendar year shall be forfeited.

B. Granting of Annual Leave

1. So far, as possible, annual leave shall be set at a time mutually agreeable to the employee and the County. Annual leave shall normally be granted each calendar year, unless a department director specifically defers an employee's vacation because of work requirements.
2. The annual leave credits provided may be used, at the option of the employee, to provide for paid absences due to vacation or other personal purposes (including sickness) or for paid absences exceeding credit available for other kinds of leave.
3. No annual leave credit shall be provided for service less than a full semi-monthly pay period. The credit for a full semi-monthly pay period or more, but less than one calendar month shall be one-half the accrual rate to which the employee is

entitled for one calendar month of service. No annual leave credits shall be provided during any period of absence immediately following an absence of sixty calendar days.

- C. Payment of Annual Leave Upon Separation
 1. Upon separation, an employee shall receive payment for annual leave up to the maximum accrual rate. Payment shall be calculated using the employee's base hourly rate of pay at the time of separation.
 2. In the case of the death of an employee, the unused annual leave credit shall be paid to the employee's estate.

- D. Effect of Change of Appointment Status

An employee who transfers from a temporary to permanent position, without a break in service, may receive annual leave credit from the date of temporary appointment. Annual leave credit is conditional upon the following:

1. The permanent position must be identical or nearly identical to the temporary position in duties and level of responsibility; and,
2. The employee must have worked an average of 30 hours per week in the temporary position.

8.6 SICK LEAVE

- A. Sick Leave Accrual

1. Regular full-time employees shall accrue one and one-quarter day of sick leave for each completed calendar month of service. There is no limit for accumulated sick leave. Upon favorable termination, an employee who has accumulated over ninety (90) days of sick leave will be reimbursed for thirty percent (30%) of the first ninety (90) days of accumulated leave. The remainder of the leave shall be unreimbursable and forfeited by the employee.
2. Regular part-time employees accrue sick leave proportionate to the amount of time worked.
3. All other employees do not accrue sick leave.

- B. Granting of Sick Leave

The department director shall grant sick leave to eligible employees in accordance with the following provisions:

1. Leave for sickness shall not exceed the total amount credited to an employee at the time of absence. Sick leave shall not be advanced.
2. Leave without pay may be granted for sickness extending beyond the employee's earned sick leave balance.
3. Employees may use available annual leave and compensatory leave for sick leave when sick leave has been exhausted.

4. When advance approval is not possible, employees are required to submit to their department director a request for leave slip immediately upon return to work.

C. Policy

Sick leave shall not be considered a right, which may be used at the employee's discretion, but is a privilege. Sick leave shall be provided to aid employees in time of need and shall only be used when necessary, and as outlined in this policy:

1. Sick Leave – Sick leave shall be granted, in accordance with this policy, to eligible employees for the following:
 - a. Sickness or physical incapacity;
 - b. Medical, dental or optical diagnosis or treatment;
 - c. When an employee is unable to perform regular duties, as certified by a licensed physician, during pregnancy, childbirth or related medical conditions associated with birth;
 - d. Exposure to a contagious disease when the employee's presence at work jeopardizes the health of others; and,
 - e. The necessary care and attendance of an employee's spouse and dependent(s) due to sickness or incapacity up to three (3) days per occurrence.
2. Maternity/Pregnancy Related Absences
 - a. Employees who are absent because of pregnancy shall have their leave requests handled in the same manner as any other temporary disability and shall be governed by the provisions of this section.
 - b. Requests for time off associated with pregnancy and childbirth, once the employee has been medically released to return to work by the employee's physician, shall be considered in the same manner as any other request for personal leave.
3. Written Certificate of Sickness or Physical Incapacity
 - a. An employee may be required by the department director to submit a certificate by a licensed physician confirming the employee's incapacity and his/her inability to report for work.
 - b. An employee who is away from work for medical conditions, which require absence in excess of five consecutive work days, may be required to submit to the department director a certificate from a licensed physician outlining the general nature of the medical condition, stating the earliest approximate date of return to duty and advising on the ability of the employee to perform his/her regular duties.
 - c. Sick leave shall not be approved if the employee does not present the necessary physician's certificate(s) when required by the department director or his/her appointed designee.

1. Medical Examination -- The County Administrator may require an employee to undergo a medical examination to be performed by a County authorized, licensed physician at County expense under any of the following conditions:
 - a. When there is evidence to support that an employee is having problems related to job performance or safety;
 - b. To verify fitness for duty of employees assigned to physically demanding jobs;
 - c. When in the judgment of the department director, an employee absent on sick leave is falsely or fraudulently using sick leave; or,
 - d. Upon an employee's return to work after an absence due to sickness or physical incapacity.

2. Confidentiality of Medical Information

All medical information obtained shall be treated as confidential medical records to be maintained by the County Administrator's Office.

3. Modified Work Assignment

When an employee is found (either through certification from a licensed physician or a County medical examination) to be unable to perform all regular duties and the medical condition appears to be of a temporary, short-term nature, a temporary transfer to modified duty (less strenuous or less hazardous jobs) may be granted. Such requests must be endorsed by the department director and forwarded to the County Administrator for approval. Employees shall not be assigned modified duty without review and approval by the County Administrator.

4. Extended Sickness or Physical Incapacity

The department director in determining whether to hold the employee's current position or to place them in another position for which the employee qualifies shall consider medical information and the staffing needs of the department.

D. Investigation and Documentation of Sickness

A department director or the County Administrator may investigate an employee's alleged sickness and sick leave request. Circumstances that may warrant investigation include, but are not limited to, the following:

1. Sick leave requested before or after a holiday or other scheduled day off;
2. Sick leave requested in excess of five consecutive workdays;
3. When an employee's sick leave record reflects questionable leave use, repetitious usage of short amounts of sick leave, a pattern of leave use over an extended period of time and other excessive leave usage; or,
5. False or Fraudulent Use of Sick Leave.

Sick leave shall be denied to an employee who is found guilty of making a false statement of sickness or otherwise abuses the sick leave privilege. False or fraudulent use of sick leave shall be cause for disciplinary action, up to and including dismissal.

8.7 BEREAVEMENT LEAVE

Regular full-time employees may be granted up to three consecutive workdays of bereavement leave in the event of the death of an immediate family member. This leave is granted with pay and is not charged against an employee's other leave accruals.

8.8 CIVIL LEAVE

A. Eligibility

1. Regular full-time employees shall be granted leave with pay (without charge against other leave accruals) for any absence necessary when they are required to serve as a juror, or are subpoenaed as a witness to appear before a court or duly authorized public body or commission.
2. If an employee is summoned to court to appear as a witness for County-related business or to appear as a witness in a case in which the employee is not a party, civil leave is applicable. If, however, the case is one in which the employee is a party and the court decision affects the employee (positively or negatively), the time off from the job is of a personal nature and the employee shall request leave as appropriate. Civil leave shall not be granted when a court appearance is of a personal nature.

B. Amount of Compensation

Any payment received by an employee while on civil leave, except meals and related travel expenses, shall be reimbursed to the County.

C. Requesting Civil Leave

1. The employee shall provide a copy of the court summons or subpoena along with a leave request form to his/her department director as soon as possible to allow arrangements to be made to accommodate the employee's absence.
2. Civil leave shall not extend beyond the actual time required. Any additional time off on the same day shall be requested as annual or compensatory leave or leave without pay, as appropriate.

8.9 MILITARY LEAVE

A. Eligibility

Regular full-time employees, including those serving a probationary period, are eligible for military leave with or without pay. Temporary and part-time employees are not eligible for military leave.

B. Military Leave With Pay

1. Employees who are former members of the armed services or members of the organized reserve forces of any of the armed services of the United States, National Guard, or naval militia shall be entitled to a military leave of absence, with pay, for the purpose of federally funded military duty to include training duty. This

leave shall not exceed 15 workdays, equivalent to 120 hours, for FLSA non-exempt employees (whether the time is fragmented or continuous) each federal fiscal year, October 1 – September 30.

2. FLSA non-exempt employees requiring more than 15 workdays shall be granted the time off for the performance of such duty. Such absences shall be without pay or, at the option of the employee, may be charged to annual or compensatory leave balances.
3. Employees who are called forth by the Governor pursuant to the Code of Virginia shall be entitled to leave with pay for the period of the ordered absence.
4. Employees returning from military leave with pay are required to return to work the first regularly scheduled workday after the end of duty, allowing reasonable travel time.

C. Military Leave Without Pay

1. Any eligible employee who leaves County service as a result of volunteering for active duty or being drafted into the armed services of the United States during time of war or other national emergency, as determined by the Board of Supervisors, or when reservists and National Guard members are voluntarily or involuntarily called to active duty, shall be placed on military leave without pay.
2. Leave shall only be granted for active military service for those dates stated on the employee's military orders. Such leave shall extend 90 days after the employee is released from County service.
3. Status of Benefits For Employees on Leave Without Pay for Active Military Service
 - a. *Service Credit* – An employee on extended leave without pay due to active military service shall be treated as though s/he was continuously employed for purposes of determining benefits based on length of service, such as the annual leave accrual.
 - b. *Compensatory Leave* – Any compensatory leave balance shall be paid in accordance Chapter 4.10 at the time the employee is placed on military leave without pay.
4. Reinstatement from Active Military Service
 - a. *Conditions* – Upon satisfactory completion of active military service, the employee is entitled to reinstatement to his/her former position or to a position of like status and pay, provided that:
 - 1) The employee makes application to the County Administrator within the proper time frames established under the Federal Veterans Reemployment Rights statute.
 - 2) The employee presents a certificate showing satisfactory completion of military service.
 - 3) The employee is still physically and mentally qualified to perform the duties of his/her position.

- b. Conditions stated in 6.8.C.4.a shall not apply when County circumstances have changed making it impossible or unreasonable to reinstate the employee. Reinstatement may not be possible when:
 - 1) The employee's former position has been abolished at the time of reinstatement: The employee may be placed in a position of comparable status and pay to the one previously held. Employees selected to fill vacancies created by persons on military leave may be employed on a temporary basis.
 - 2) Such a position is not available: The employee shall be considered affected by a reduction in force and the provisions of the County's Layoff Policy shall apply.
- D. Employee Notification Requirements
 - 1. Requests for military leave shall be made in writing and submitted with copies of the employee's official military orders to the department director. The employee shall notify his/her department director of the military obligation as far in advance as possible. A minimum of two weeks advance notice is required except for an emergency call-up. In the case of emergency call-up, the employee shall notify the department director as soon as possible.
 - 2. The leave request and supporting military orders shall be forwarded to the County Administrator.

8.10 LEAVE WITHOUT PAY

- A. A department director may grant leave without pay for an excused absence when the employee does not have sufficient leave credit to cover an absence during a given pay period. The County Administrator shall be notified of all occasions and employee is in a non-pay status in excess of five workdays. The County Administrator may grant leave without pay to employees for periods beyond five consecutive work days, subject to the following conditions:
 - 1. Leave without pay shall be granted only when it is in the interests of the County to do so.
 - 2. All annual, sick and compensatory leave balances must be exhausted before leave without pay can be approved.
- B. At the expiration of leave without pay, the employee shall be reinstated in the position vacated or in any other vacant position in the same class, if possible.
- C. Annual and sick leave credit shall not accrue during leave without pay.
- D. An employee who anticipates being on approved leave without pay for five consecutive days or more shall consult the County Administrator, in advance of the absence when possible.
- E. Failure on the part of the employee to report to work at the expiration of leave without pay may be cause for disciplinary action, up to and including dismissal.

8.11 EMERGENCY CLOSINGS POLICY

It is the intent of the County to provide maximum services to the public by maintaining normal business hours at all County facilities. Under normal and safe conditions, employees are expected to arrive at work on time.

Adverse weather conditions (generally the result of snow or icy conditions) and conditions which make it unsafe or unsanitary for employees to remain at work are recognized as conditions which could jeopardize the safety of employees and could therefore warrant the closing of County facilities. The County Administrator shall determine when to announce the closing or delayed opening of County facilities. Employees shall report to their workstation unless otherwise advised by the County Administrator or his/her designee, under this policy.

A. Essential and On-Call Personnel and Operations/Job Sites During Adverse Weather Conditions

For the purposes of this policy, employees who report to an essential job site or occupy an essential position may be regularly scheduled to work regardless of weather conditions. Additionally, certain County employees are considered on-call for the purpose of responding to emergency situations. The following positions are essential-services positions:

- Buildings and Grounds Maintenance Worker
- Buildings and Grounds Maintenance Supervisor

Essential services employees shall report to work at their regularly scheduled time during adverse weather conditions.

All other employees shall report to work in accordance with the direction of the County Administrator. Essential services employees shall accrue compensatory time in accordance with Section 4.10.B.3 of this personnel policy.

B. Employee Responsibility

Employees shall be responsible for checking with the County Administrator to determine for the purposes of this policy, whether or not they would be considered non-essential.

C. Public Service Announcements

Public service announcements shall be announced over several local radio and television stations when the County Administrator changes the normal business hours of County facilities (delayed openings, closing of facilities partially or all day).

8.12 ADMINISTRATIVE LEAVE

A. Administrative leave shall be other paid leave as authorized by the County Administrator. Any paid leave specifically authorized by the Board of Supervisors, not otherwise classified by these rules, shall be classified as administrative leave.

B. Illustrative examples of administrative leave include leave authorized by the County Administrator due to severe weather conditions, conditions which make it unsanitary or

unsafe for employees to remain at work, suspension of an employee due to investigation of a complaint, breakdown of equipment making it impossible to perform assigned duties, or attendance at meetings.

- C. Administrative leave shall not be substituted for any other prior approved leave.

8.13 UNAUTHORIZED ABSENCE (AWOL)

- A. An employee who is absent from duty without approval shall:
 1. Receive no pay for the duration of the absence; and,
 2. Be subject to disciplinary action up to and including dismissal.
- B. It is recognized that there may be extenuating circumstances for unauthorized absences and due consideration shall be given each case.
- C. An employee who fails to report to work at the expiration of an authorized leave of absence or who has not requested and received approval for an extension of such leave, shall be considered and charged as unauthorized absence or absent without leave (AWOL).

8.14 FAMILY AND MEDICAL LEAVE ACT OF 1993

- A. Family & Medical Leave

Employees are entitled to participate in the benefits of the Family and Medical Leave Act ("FMLA"). FMLA leave is unpaid leave. The County requires an employee to use accrued paid leave on an hour for hour basis in conjunction with FMLA leave.

- B. Eligible Employees

To be covered under the FMLA, an employee must have worked for the County for twelve (12) months and must have worked at least 1,250 hours within the twelve (12) months preceding the start of the leave. Part-time and temporary employees who meet these requirements are eligible for FMLA leave.

- C. FMLA Leave may be used:

1. To care for an employee's child after birth, or for the placement with an employee of a child for adoption or foster care (provided that the leave is requested and used within twelve (12) months of the birth, placement, adoption or foster care);
2. To care for an employee's spouse, child or parent (does not include in-laws) who has a serious health condition; or,
3. When the employee is unable to work because of a serious health condition.

A serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care, facility, or an incapacity lasting more than three consecutive days and involving continuing treatment by a health care provider. Continuing treatment involves two or more treatments (or one treatment when the condition is such that continuing follow-up is or will be required) by a

healthcare provider, pregnancy, prenatal care or other chronic or long-term serious health conditions.

To qualify for leave due to the serious health condition of a family member, the family member must be incapable of self-care. To qualify for leave due to the serious health condition of the employee, the employee must be unable to work at all or unable to perform any of the essential functions of the employee's position.

Employees are required to obtain a health care provider certification for all absences for which FMLA leave is being requested. A chronic or long-term health condition or pregnancy does not require a visit to the health care provider for each absence; however, a statement by the health care provider that the absence was due to the chronic condition or pregnancy may be requested by the County at its discretion.

D. FMLA Benefits

An eligible employee is entitled to twelve weeks of unpaid leave during a twelve-month period. The twelve-month period begins on January 1 and is terminated December 31 of each year. Employees will be required to use accumulated paid leave (sick, compensatory, annual, etc.) on an hour for hour basis concurrent with the FMLA leave. If FMLA leave is exhausted before the end of the twelve-month period, the employee will not be entitled to further FMLA leave during this period.

An employee is required to request FMLA leave in writing at least thirty days before the leave is to commence if the need for leave is foreseeable. In circumstances when the leave is not foreseeable thirty days in advance, an employee must request the leave as soon as practicable. The County may designate leave as FMLA leave without a request from an employee.

FMLA leave taken for a serious health condition of the employee or family member may be taken intermittently or on a reduced-hours basis.

FMLA leave taken for birth, adoption, placement or foster care cannot be taken intermittently unless approved in advance. If both spouses work for the County, the total FMLA leave that may be taken for this event by both employees is twelve weeks, pro-rated between as the spouses choose. FMLA leave taken for the birth, adoption, placement or foster care of a child must be taken within twelve months following the event.

Should the County obtain information that the employee was not FMLA eligible or the event did not qualify under FMLA, the designation of FMLA leave, previously given, may be withdrawn.

E. Job Restoration

Upon return from FMLA leave, an employee is entitled to be restored to the same position that was held before the start of the FMLA leave, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. If an employee is unable to return to work after the FMLA leave benefits have been exhausted, the employee will not have a right to return to his/her position even if there are unused accrued leave balances.

Key employees are entitled to FMLA leave but are not entitled to job restoration if re-employment after the conclusion of the leave will cause a substantial and grievous economic injury to the County. A key employee is a salaried employee who is among the highest paid ten percent of the County's workforce. A key employee will be notified in writing of his/her status in response to the employee's notice of intent to take FMLA leave, unless circumstances do not permit such notice. If a key employee is already on FMLA leave when s/he receives notice that s/he is a key employee, the employee will be given a reasonable time to return to work before losing the right to job restoration.

F. Health Benefits

If paid leave is used for FMLA purposes, an employee will maintain the same benefits as if working. If the employee is on leave with pay, continuation in the health care plan is permitted, provided that the employee continues to pay for his/her share of premiums. If the employee fails to make his/her premium payments, the employee will be provided written notice of this failure and will be given additional fifteen days to make payment in full. If payment is not made after this notice, health benefit coverage will cease.

If an employee does not return to work after the conclusion of the FMLA leave, the employee is responsible for reimbursing the County for the County's share of the health care premiums paid.

CHAPTER 9

BENEFITS

The County offers a comprehensive benefits program. Employees are encouraged to contact their department director or the County Administrator's Office with any questions about the benefits program.

It is important that employees advise the County Administrator's Office of any personal status changes (i.e., marriage, divorce and change in dependents or beneficiaries) which could affect their benefits. The following benefits are offered by the County.

9.1 HEALTH INSURANCE

Primary Health Care

The County offers one primary health care program for employees. The County pays 100% of the employee's share of the premium, and varying amounts for dual and family coverage as determined by the Board of Supervisors. Retiree health benefits are offered by the County to retired employees with thirty (30) years of County service upon reaching the age of sixty. No cash payments will be made to individuals and these benefits cease when the retired employee becomes Medicare eligible.

9.2 RETIREMENT

- A. The County is a member of the Virginia Supplemental Retirement System. The County pays both the employer's and employee's cost of participation in VSRS.
- B. Amount of Benefit
 1. VSRS offers several alternative methods of receiving retirement benefit payments (these options are outlined in the Handbook for Members).
 2. The amount of the retirement benefit is based on three factors: the employee's average final compensation (average of highest 36 consecutive months of salary), years of service credit and age.
- C. Notice of Retirement

Employees planning retirement should contact the County Administrator's Office four months prior to retirement to ensure sufficient time for application of all retirement benefits.
- D. Disability Retirement
 1. Employees may apply for disability benefits if they become mentally or physically unable to perform their present duties, and the disability is likely to be permanent.
 2. Regular disability retirement (for conditions that are not work-related) may be granted if medical conditions warrant and all other qualifications established under the retirement program are met.

3. A work-related disability results from a cause compensable under the Virginia Workers' Compensation Act. The amount of compensation provided by the retirement program is coordinated with any benefits received under Workers' Compensation and Social Security disability benefits.

9.3 GROUP LIFE INSURANCE

The County pays the cost of the premium for group life insurance provided by the Virginia Supplemental Retirement System.

Optional life insurance is also provided by the Virginia Supplemental Retirement System. The cost of the premium for the optional life insurance coverage shall be paid by the employee

9.4 DEFERRED COMPENSATION

The County offers a deferred compensation plan. Employees may participate in the plan at their option. The cost of participation in the deferred compensation plan shall be paid by the employee.

9.5 CAFETERIA PLAN

Employees may choose to participate in the cafeteria benefits plan offered by the County. The cost of participation in the cafeteria plan shall be paid by the employee.

9.6 WORKERS' COMPENSATION

A. Coverage

1. The County provides Workers' Compensation insurance coverage at no cost to employees. This insurance program covers an injury (by accident) or illness (occupational disease) which arises out of and in the course of employment that requires medical, surgical or hospital treatment. Workers' Compensation coverage is provided to all regular and temporary employees, both full and part-time.
2. There are several types of benefits provided by the Virginia Workers' Compensation Act, which generally include time-loss benefits after seven (7) calendar days for temporary or permanent partial disability, death benefits, paid medical expenses and rehabilitation services.

B. Program Administration

1. Notification to the County Administrator's Office shall be within two hours of the first business day following any injury or illness, which occurred during emergency or other hours outside the regular business day. The County Administrator shall be notified immediately (at home if after hours) in the event of a fatality.
2. Each department shall establish procedures for notification of appropriate personnel for emergency and after-hours situations, including notification of injury or illness of employees during such times. Departmental procedures shall be communicated to all employees affected.
3. Employee Responsibility

a. *Immediate Notification Of Injury/Illness*

It is mandatory that every work-related injury or illness regardless of severity be reported immediately by the employee to his/her immediate supervisor. In addition, when circumstances allow, the employee is to complete the written incident report at the time of supervisor notification. Failure to report an injury/illness promptly may result in loss of compensation and payment of medical expenses.

b. *Completion of Required Report(s)*

Within the first 2 hours following injury, the employee shall be responsible for completing a report of the incident using forms provided for this purpose. Upon completion, the employee shall give the report to his/her department director to review the report.

4. Immediate Supervisor Responsibility

a. *County Administrator Notification*

The department director shall contact, or designate someone within the department to contact, the County Administrator's Office to advise of the following:

- 1) An injury/accident immediately upon receipt of employee notification; and,
- 2) An employee's return to work or change in work status.

b. *Completion of Required Report(s)*

- 1) The department director shall review the incident report to ensure that it is complete. The department director shall assist the employee when necessary to complete all required information. In addition, the department director shall complete the report if the seriousness of the injury/ illness precludes the employee from doing so, and shall later, when able, get a written statement from the incapacitated employee.
- 2) The incident report shall be forwarded to the County Administrator's Office within three hours of an incident.

C. *Amount of Compensation During Incapacity*

An employee receiving Workers' Compensation salary continuation may use accumulated sick leave in order to maintain his/her regular income. Compensatory leave and then annual leave may be used if the employee's sick leave balance is exhausted. However, in no case shall the total wages received be greater than what the employee's base pay would be if s/he were not incapacitated.

D. *Use of Leave Pending Claim for Workers' Compensation*

If a Workers' Compensation claim is initially denied by the VWCC and later, after a VWCC hearing, the claim is subsequently determined to be compensable under the Act, a leave

adjustment shall be made to credit the employee's leave balance(s) for the portion of Workers' Compensation awarded.

E. Modified Work Assignment

1. The County actively supports a selective return-to-work program. For claims deemed compensable by the Workers' Compensation insurance carrier, every effort shall be made within the employee's department to find a suitable modified work assignment for an employee unable to perform his/her regular duties. Any return to work action taken by the County shall be in accordance with Virginia compensation laws.
2. The modified work assignment shall be based upon the treating physician's medical evaluation (including information on required medical treatments, recovery prognosis, work restrictions, and time frames). The department director and County Administrator shall carefully consider the medical report(s) and the availability of suitable modified duty prior to initiating a modified work assignment.
3. An injured employee, who refuses any suitable employment, shall not be entitled to any compensation at any time during the continuance of such refusal, unless in the opinion of the VWCC the refusal was justified.

9.7 SOCIAL SECURITY

- A. All County employees are covered under the Federal Old-Age, Survivors, and Disability Insurance Program, commonly referred to as Social Security. Federal Insurance Contribution Act (FICA) taxes are paid by both the County and employee in required amounts to fund Social Security.

9.8 UNEMPLOYMENT COMPENSATION

All employees are covered under the Virginia Unemployment Compensation Act. County employees who are laid off, dismissed, or otherwise terminated by the County for reasons other than gross misconduct or improper acts shall be entitled to apply for unemployment compensation under the rules and regulations of the Virginia Employment Commission (VEC). Application eligibility is determined by the VEC on an individual case-by-case basis.

9.9 AFFECT OF EMPLOYMENT STATUS CHANGE OF BENEFITS

A. Termination of Employment

1. Health Insurance

- a. The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the County's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are: termination of employment (i.e., resignation, retirement); death of an employee; a reduction in an

employee's hours from full-time to part-time; an employee's divorce or legal separation; or, when a dependent child no longer meets eligibility requirements.

- b. Under COBRA, the employee or beneficiary pays the full cost of coverage at the County's group rates plus an administration fee.
- c. Employees shall notify the County Administrator's Office of any qualifying events.

9.10 AMENDMENTS TO BENEFITS

Current benefits may be amended, modified, added or eliminated by or the Board of Supervisors at any time.

9.11 QUESTIONS CONCERNING BENEFITS

All questions concerning eligibility for various benefits or the proper procedures to be followed to qualify for any benefits discussed in this section should be referred to the County Administrator's Office.

CHAPTER 10

EMPLOYEE TRAINING

10.1 TRAINING POLICY

A. Policy

1. It is County policy to encourage employees to increase their technical and professional skills in order that they may perform their duties to the best of their abilities.
2. Training opportunities shall be made equitably without regard to race, sex, age, marital status, religion, disability, or national origin. In addition, efforts shall be maintained to distribute training assignments to provide maximum benefits to all eligible employees.
3. Approval of any training activity outlined in this policy is dependent upon appropriate budgeted funds being available.
4. A record of training offered and completed shall be maintained in each employee's personnel file.

B. Eligibility

Regular full and part-time employees (including probationary employees unless otherwise specified) shall be eligible to participate in any training activity outlined in this policy.

C. Employees may be required to successfully complete special training courses as a condition of employment.

D. Criteria

Approval of any training activity shall meet the following criteria:

1. Be of necessary and direct value to the County and relevant to the employee's general field of work;
2. Be limited to knowledge and skills which cannot be acquired through available in-service training; and,
3. Cover subject matter not sufficiently or recently encompassed in the employee's previous education and experience, or which the employee normally would not be expected to know prior to appointment to his/her present position.

E. Procedures

1. Participation in training activities outlined in this policy shall meet the following conditions and requirements.
 - a. A department director may assign an employee, and consider for approval an employee's request for training, in accordance with this policy and the administrative regulations of the County;

- b. All assignments, provisions for reimbursement, and direct payment of registrations and related expenses shall be subject to budget constraints. All approved training-related expenditures shall be charged to the appropriate account within the departmental budget;
- c. Training assignments shall be subject to authorization by the County Administrator prior to enrollment; and,
- d. Each employee on approved training assignment, as outlined in this policy, shall maintain continuous satisfactory performance in the prescribed course of study.

CHAPTER 11

CONDUCT

11.1 CONDUCT STANDARDS

- A. To ensure orderly operation and provide the best possible work environment, the County expects employees to follow the conduct standards, which are designed to protect the interests and safety of all employees and the County. County employees shall observe the highest standards of professional behavior at all times both within the County government and with the general public in all matters.
- B. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. Examples of infractions of the conduct standards, which may result in disciplinary action, up to and including suspension or dismissal, are listed under Causes for Disciplinary Action.
- C. Employment with the County is by the mutual consent of the County and the employee, and either party may terminate this relationship at any time.

11.2 GIFTS AND GRATUITIES TO COUNTY EMPLOYEES

- A. Employees shall not solicit or accept any money, loan, gift or gratuity, favor or service from a contractor, firm, consultant, individual or others which may relate to County business or services provided, or that reasonably tends to influence the officer or employee in the performance of official duties.
- B. No one seeking employment or promotion to a County position or appointed office shall directly or indirectly give any money, service or other item to any person in connection with his/her appointment or proposed appointment.
- C. Employees are not prohibited from accepting occasional social courtesies which promote good public relations for the County, nor to exclude gifts of food which can be shared by all employees or those within a given work area.

11.3 SOLICITATION ON COUNTY PROPERTY

Persons not employed by the County shall not solicit or distribute literature in the workplace at any time for any purpose, unless specifically authorized by the County Administrator.

11.4 CONFLICT OF INTERESTS

Employees shall comply with the Virginia State and Local Government Conflict of Interests Act. An employee with questions concerning interpretation or the application of the Act shall contact the Office of the Commonwealth's Attorney or the employee may request, through his/her department director, an opinion from the County Administrator.

11.5 POLITICAL ACTIVITY

All County employees are encouraged to exercise their right to vote and to express private opinions of candidates and issues. To ensure and to maintain employee's individual rights free from interference or solicitation by fellow employees, supervisors or officials, political activities during working hours or when officially representing the County are prohibited.

11.6 PERSONAL USE OF COUNTY TIME AND EQUIPMENT

- A. Telephone Usage and Use of the Internet
 1. Telephones and computers are provided for employees who need them to conduct County business.
 2. Personal use of telephones for long-distance and toll calls is prohibited.
 3. Personal calls shall not be made or received that interrupt or interfere with the employee's work, or either prevent or hinder the use of the telephone for County business.
- B. The use of County-paid postage for personal correspondence is prohibited.
- C. Unauthorized removal of County equipment or property from the premises or the use of County equipment or property for personal reasons is prohibited.
- D. The County may provide electronic, digital and wire communications equipment for business purposes. The use of this equipment should not be for personal use. Messages sent, received, and stored on this equipment will be subject to monitoring from time to time and in the course of this monitoring, may be read for content. Employees should be aware that there are stored records of all communications. There should be no expectation of privacy in any communications received, sent or stored on equipment or service provided by the County.

The County may provide unlimited access to the Internet and the World Wide Web to its employees as one of the many resources available to assist them in doing their jobs better and more efficiently. Therefore, the County may establish an Internet account that may be accessed by employees.

Employees may be provided with passwords and e-mail addresses to enable them to use the account; these addresses and passwords are not provided to make employees' usage confidential or private. E-mail records are business records of the County. The usage of the Internet is subject to the same code of conduct, which applies to all other actions in the workplace, and using the County's Internet account in a manner that violates any rules or regulations constitutes grounds for disciplinary action, up to and including discharge. The electronic use, transmission and storage of messages, files, images and sounds are subject to monitoring by the County.

Employees must not share their passwords with any other individuals, including other employees or outsiders. Nor is it appropriate to attempt to subvert network security either by accessing the Internet without using your password or by seeking to discover other

passwords to gain access. Employees are representatives of the County when using the County's Internet account. Accordingly, they are expected to act and to communicate professionally on the Internet, not to engage in any commercial or illegal activities, or to use the account for personal business.

The County will have access to a log of all usage, including a list of employees who have used the Internet and the sites they have visited. The County will monitor this usage from time to time, and employees found to be abusing usage or using the Internet inappropriately will be subject to disciplinary action.

- E. Employees will be required to consent to the monitoring of communications sent, received and stored on equipment provided by the County or an electronic, wire or digital services provided by the County is a requirement for employment by the County.

11.7 CONFIDENTIALITY OF RECORDS

- A. Many County employees work in capacities where confidential data is handled. Employees shall not discuss such information with persons not authorized to have access to it.
- B. An employee who has worked with confidential information during County employment shall honor such confidentiality even after separation from County service.
- C. If there is a question as to whether or not the information should be released, the inquirer shall be referred to the appropriate department director or County Administrator.

11.8 ADMINISTRATIVE INVESTIGATIONS

Employees are required to cooperate with and participate in administrative investigations involving themselves and others. Failure to do so may result in disciplinary action, including dismissal.

CHAPTER 12

SEPARATIONS AND DISCIPLINE

12.1 SEPARATIONS

- A. An employee may be separated from County service by any one of the following methods:
1. Resignation – Voluntary separation initiated by an employee who chooses to leave County service
 2. Layoff – A temporary or indefinite reduction in the workforce due to economic conditions, lack of work or funds, County or department reorganization, or other appropriate reasons, initiated by the County.
 3. Dismissal – Involuntary separation initiated by the County as a result of an employee's unsatisfactory work performance or misconduct.
- B. Regular full-time employees may be eligible to apply for:
1. Retirement – The provisions of the Virginia Supplemental Retirement System shall apply.
 2. Disability Retirement – Separation initiated by the employee or by the County when an employee is unable, for health reasons, to continue to work. Depending on the circumstances, the employee may be eligible for disability retirement in accordance with the provisions of the Virginia Retirement System.

12.2 RESIGNATION

- A. An employee desiring to resign in good standing shall submit a signed written notice, to include the reason for resignation, the effective date and signed by the employee to the employee's supervisor at least 14 calendar days prior to the effective date of resignation. Certain employees may be required to give a 30 day notice. The department director and the employee resigning by mutual consent may waive or modify the advance notice requirements.
- B. An employee who has submitted his/her resignation may be continued in his/her position as though the resignation had not be filed, on his/her written request for authorization to withdraw the resignation, filed before the effective date thereof, with the approval of the County Administrator, unless the position has been filled in the meantime.
- C. Failure to comply with Section 12.2.A of this policy may be entered on the employee's personnel records and may be grounds for refusal to re-employ the employee.

12.3 RETIREMENT

Eligible employees who are planning to retire from County service shall submit written notification to their department director at least four months prior to the retirement effective date. The written notice shall be forwarded to the County Administrator's Office.

Retirement benefits are stipulated in the County's retirement plan under Section 9.2

12.4 LAYOFF

The County Administrator has the right and obligation to manage the workforce to best serve the interests of the County and may require implementation of this reduction in workforce procedure. Unless specific instruction is received from the County Administrator, the following shall serve as the general procedure for a reduction in workforce for positions under the control of the County Administrator:

- A. When a reduction in the workforce necessitates the actual removal of personnel because of reduced appropriations, lack of sufficient work or funds, or County-wide or departmental reorganization, layoffs may be ordered by the County Administrator in the following order:
 1. The order of the layoffs shall be inverse to the relative value of the employees to the County as determined by the County Administrator.
 2. No regular full-time employee shall be laid off from any position while any temporary employee's employment is continued in the same position classification.
 3. No regular part-time employee shall be laid off from any position while any temporary part-time employee's employment is continued in the same position classification.
- B. The County Administrator's Office is responsible for executing the necessary written notices and notifying employees of layoff decisions and correspondence. Department directors shall immediately advise the County Administrator's Office of any personnel problems arising from a layoff.
- C. Notice of Layoff
 1. Insofar as practical, all employees to be laid off shall be provided a minimum written notice of 14 calendar days.
 2. Department directors shall personally meet with each affected employee to inform the employee of the layoff decision.
- D. Recall Lists
 1. All employees who are laid off as a result of this policy shall be placed on a Recall List for their position classification and within their department until a job offer is made or for one year from the date of separation, whichever comes first. Once a job offer is made, whether accepted or refused, the laid off employee shall be removed from the Recall List.
 2. Individuals recalled to fill the same position from which they were originally removed shall be restored to regular employment status and not serve a probationary period.

E. Employee Responsibility

Any employee laid off and placed on a Recall List is responsible for notifying the County Administrator of any change in address or telephone number. Employees shall be notified to return to work by registered mail. Any individual who fails to report to work as directed within five workdays following receipt of notification to return to work shall be removed from the Recall List and no additional efforts shall be made to contact the individual.

F. Aid to Employees

Employees who are laid off under a reduction in force directive are eligible to apply to the Virginia Employment Commission for unemployment compensation. Laid off employees shall be paid for accrued annual and compensatory leave.

12.5 SEPARATION DATE

- A. When an employee separates from County service, the effective date must be the last day that such employee is physically on the job. The County will not be liable for matters affecting the employee following his/her physical absence from the job. It is not permissible to delay the effective date of separation by any amount of accumulated annual or compensatory leave due the separated employee. Pay for an annual and compensatory leave balances due to eligible employees shall be paid in a lump sum basis.
- B. If an employee is on approved sick leave, Workers' Compensation leave or leave without pay when separated, the effective date of separation shall be the actual date of separation as given by the employee and approved by the County Administrator.
- C. When the effective separation date immediately precedes a holiday, the employee shall not be paid for the holiday

12.6 RETURN OF COUNTY PROPERTY

- A. Employees are responsible for all property, materials, and written information issued to them or in their possession or control. Employees must return all County property that is in their possession or control in the event of separation from County employment, or immediately upon request to the department director or other County authorized designee.
- B. The County may withhold from the employee's final paycheck the cost of any items that are not returned in proper condition. The County may also take all action deemed appropriate to recover or protect its property.

12.7 DISCIPLINE

- A. Disciplinary action may take the form of an informal counseling session or formal written notice, or other disciplinary action as set forth herein depending upon the severity of the situation. Counseling is not mandatory prior to taking formal disciplinary action, depending on the circumstances.
- B. The department director shall consult with the County Administrator when considering disciplinary action beyond verbal reprimand.

- C. All disciplinary actions beyond verbal reprimand are initiated by the County Administrator based upon the justification(s) and recommendation(s) of the department director.
- D. The Prince Edward County Board of Supervisors is to be notified by the County Administrator when disciplinary action is required for all employees covered by this policy.
- E. All disciplinary actions beyond verbal reprimand shall be documented in writing to the employee with a copy to the employee's personnel file.
- F. Disciplinary action includes:
1. Verbal Reprimand – A discussion between the department director and the employee where the employee is advised and cautioned with reference to unsatisfactory work performance or misconduct.

The department director shall maintain departmental records to document that such discussion took place, when it took place, what was discussed and who was present; depending on the severity of the offense, such documentation may be placed in the employee's personnel file.
 2. Written Reprimand – A reprimand reduced to writing, which documents the unsatisfactory work performance or misconduct and recommends specific guidance for corrective action.
 3. Suspension – A temporary removal from duty of an employee for cause where the situation is not sufficiently grave to merit dismissal. The length of time shall depend on the seriousness of the offense.
 - a. An employee may be suspended without pay; or,
 - b. An employee may be suspended with pay for the purpose of completing investigatory and administrative processes concerning allegations against the employee.
 - c. For any suspension without pay in excess of seven calendar days, the department director shall provide the employee with an explanation of the reason for the County's action and an opportunity to present his/her side of the story.
 - d. Where an employee is charged with a criminal act, the outcome of the criminal case shall not necessarily affect the outcome of the administrative investigation. The fact that a person is acquitted of the charge does not necessarily mean the suspension or other disciplinary action will be revoked.
 4. Withholding of Merit Salary Increase – The denial or postponement of merit increase within the pay range of a class, which is normally awarded upon the employee's completion of a prescribed period of successful job performance.
 5. Administrative Decrease – A reduction within the pay range of a class as a disciplinary action resulting from unsatisfactory job performance or misconduct.
 6. Disciplinary Demotion – Demotion of an employee, for disciplinary reasons, may occur when it is determined that the employee's work has not been satisfactory

after providing the opportunity and guidance for improvement, and the County wishes to retain the employee. The employee shall meet the qualification requirements of the new, lower pay range, position prior to appointment. If the demotion is specified as temporary, the length of the demotion shall be so stated.

7. Dismissal – An employee may be dismissed from County service upon the recommendation of the department director, subject to the review and approval of the County Administrator.

Before any employee may be dismissed, the department director shall provide the employee with an explanation of the reason for the County's action and an opportunity to present his/her side of the story. If the employee is dismissed, such dismissal shall take effect immediately.

G. Causes for Disciplinary Action

The following are examples of unsatisfactory work performance and misconduct, which may result in disciplinary action up to and including suspension or dismissal.

1. Excessive absenteeism or excessive tardiness;
2. Abuse of leave;
3. Absent without approved leave;
4. Insubordination;
5. Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace, during hours, or while operating County-owned vehicles or equipment;
6. Deliberate or grossly negligent or improper conduct endangering the safety of self or others, or which leads to damage of County-owned or public property;
7. Theft, unauthorized use, unauthorized removal, possession of or vandalism of County records or property, or employees' property;
8. Falsification of or damage to County records (i.e., employment application and supporting documents, timekeeping records, safety records and reports, expense reports);
9. Unauthorized disclosure of County records and information;
10. Participating in a work slowdown, sit down or strike;
11. Unlawful conduct, on or off duty, when the conduct impairs the efficiency of the County service or brings it into public disrepute;
12. Willfully violating safety or health rules where there is a threat to life or health;
13. Boisterous or disruptive activity, fighting or threatening violence in the workplace;
14. Smoking in prohibited areas;
15. Sexual or other unlawful harassment;
16. Possession or use of dangerous or unauthorized materials, such as firearms, weapons or explosives in the workplace;

17. Unauthorized use of telephones, the Internet, mail system or other County-owned property;
18. Violation of County rules, policies, ordinances, procedures or applicable federal/state regulations;
19. Improper use of authority or position; and,
20. Use of abusive or threatening language toward employees, supervisor(s) or the public.

Dismissals may be warranted in other circumstances where the employee does not meet the conditions of employment for the position, such as unsatisfactory job performance as evidenced by receiving two consecutive unsatisfactory performance evaluations; failure to maintain valid licenses or other qualifications necessary to perform the job; or, inability to perform the work required, with or without reasonable accommodation.

CHAPTER 13

GRIEVANCE PROCEDURE

13.1 GRIEVANCE PROCEDURE

A. Purpose

The purpose of the Prince Edward County Grievance Procedure is to afford an immediate and impartial method for the resolution of disputes, which may arise between the County government and County employees.

B. Coverage

All regular full-time and regular part-time County employees, excluding probationary employees, are eligible to file grievances as provided in this policy with the following exceptions:

1. The County Administrator;
2. Department directors; and,
3. Constitutional Officers, their employees or directors.

The County Administrator shall determine the officers and employees excluded from this Grievance Procedure and shall be responsible for maintaining a current list of the affected positions.

C. Definition of Grievance

A grievance shall be a complaint or dispute by a covered employee relating to his/her employment, including but not necessarily limited to:

1. Disciplinary actions including dismissals, disciplinary demotions and suspensions. Dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance.
2. The application or interpretation of personnel policies, procedures or rules and regulations.
3. Acts of reprisal as the result of utilization of the Grievance Procedure, or of participation in the grievance of another County employee.
4. Complaints of discrimination on the basis of race, color, creed, political affiliation, age, marital status, religion, handicap, disability, national origin or sex.
5. Acts of retaliation because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States or the General Assembly.

D. Management Responsibilities

Management reserves the exclusive right to manage the affairs and operations of the County government. Accordingly, complaints regarding the following are not grievable:

1. The establishment and revision of wages or salaries, including annual performance evaluations and periodic pay adjustments, position classifications or general benefits.
2. Work activity accepted by the employee as a condition of employment or work activity, which may reasonably be expected to be a part of the job content.
3. The contents of ordinances, statutes or established personnel policies, procedures, rules and regulations.
4. Failure to promote except where the employee can show the County Administrator that established promotional policies were not followed or applied fairly.
5. The methods, means and personnel by which such work activities are to be carried on.
6. Termination, layoff, demotion or suspension from duties because of lack of work, reduction in force, or job abolishment.
7. The hiring, promotion, transfer, assignment and retention of employees within the County service, or a demotion requested by an employee.
8. The relief of employees from duties in emergencies.

E. Standing to Pursue a Grievance

A grievant must be personally and directly affected by an occurrence or condition before s/he shall be permitted to pursue a grievance. No employee may grieve another employee's job performance unless such job performance directly or adversely affects the grievant's own employment. Disputes as to an employee's standing to file a grievance shall be determined as shall any other disputes as to grievability as set forth in Section F.

F. Grievability

1. Decisions regarding whether or not a matter is grievable under this procedure shall be made by the County Administrator as set forth below. Decisions as to grievability shall be made at the request of the grievant or the grievant's department director, within ten days of such request. A copy of the ruling shall be sent to the grievant and to the grievant's department director. Decisions by the County Administrator that an issue is not grievable may be appealed by the grievant to the Prince Edward County Circuit Court for a hearing de novo on the issue of grievability as provided in the appropriate sections of the Code of Virginia. Pursuant to those sections proceedings for the review of the decision of the County Administrator shall be instituted by filing notice of appeal with the County Administrator within ten (10) days after the date of his/her decision as to grievability and by giving a copy of such notice to all other parties of the grievance. Within ten (10) days after receiving notice of appeal, the County Administrator shall transmit to the Clerk of the Prince Edward County Circuit Court a copy of his/her decision, a copy of the notice of appeal and any exhibits, which may have

been provided in connection with the resolution of the issue of grievability. A list of the evidence furnished to the Court shall also be furnished to the grievant. The failure of the County Administrator to transmit the record within the time allowed shall not prejudice the rights of the grievant. The Circuit Court, on motion of the grievant, may issue a writ of certiorari requiring the County Administrator to transmit the record by a certain date. Within 30 days of receipt by the Clerk of such records, the Court, sitting without a jury, shall hear the appeal on the record transmitted and such additional evidence, as the ends of justice require. The Court may affirm, reverse or modify the decision of the County Administrator. The Court's decision shall be rendered no later than the fifteenth day from the date of conclusion of the hearing. The decision of the Court is final and is not appealable.

2. All matters from the institution of a request that the County Administrator determine the issue of grievability, through the notation of appeal of an adverse decision by the County Administrator, shall be recorded on forms provided for those purposes.
3. The issue of grievability may be raised at any step of the Grievance Procedure prior to the panel hearing provided in Section L of this procedure; but once raised, the issue must be resolved before further processing of the grievance. In any event, the issue of grievability must be resolved prior to the panel hearing or it shall be deemed to have been waived by all parties. A request that grievability be determined shall toll the time limits under this procedure. Time limits shall begin to run again the day after the decision that a matter is or is not grievable is made by the County Administrator or the Circuit Court.
4. The classification of a complaint as non-grievable by either the County Administrator or the Circuit Court shall not be construed to restrict any employee's right to seek, or management's right to provide, customary administrative review of complaints outside of the scope of the Grievance Procedure.

G. Policy Generally

1. All stages of the Grievance Procedure beyond the First Step provided in Section I shall be reduced to writing on forms supplied by the County Administrator's Office.
2. The grievant is entitled to representation at the Third Step as provided in Section K. Such representation shall be at the grievant's expense. Nothing in this section shall preclude the presence of witnesses for either party being present at Step Two.
3. Once an employee reduces the grievance to writing, the grievant shall specify on the appropriate form the specific relief s/he expects to obtain through the use of this procedure. When the employee expresses his/her grievance in writing, s/he shall first obtain the required forms from the County Administrator's Office. That office shall thereupon open a file on the grievance, assign it a number, and shall assist the grievant and the department director in ensuring that all papers are transmitted throughout this process in a timely fashion.

4. After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the Grievance Procedure without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five working days of receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the County Administrator. Failure of either party without just cause to comply with all substantial procedural requirements at the grievance panel level shall result in a decision in favor of the other party.
5. The County Administrator may require a clear written explanation of the basis for a just cause extension or exception. The County Administrator shall determine compliance issues. Compliance determinations made by the County Administrator shall be subject to judicial review by filing petition with the Circuit Court within 30 days of the compliance determination. Any decision made by the Circuit Court is final and is not appealable.

H. Consolidation of Grievances

In the event that an employee files more than one grievance, the County Administrator may, at any time prior to a panel hearing, consolidate those grievances for joint processing. If the grievances are consolidated, the processing of the first grievance shall be suspended until such time as the last filed grievance proceeds to the same point in this procedure. Once consolidated, the grievances shall be processed at the same time.

I. First Step – Immediate Supervisor Level

1. Within 20 calendar days after the occurrence or condition giving rise to the grievance, the employee affected shall identify the grievance verbally to his/her immediate supervisor. Within five days of such presentation, the immediate supervisor shall give his/her response orally to the employee with respect to the particular grievance, or shall advise the employee that additional time is needed; the immediate supervisor must render the decision verbally within three days after notice of the need for additional time is given.
2. If a satisfactory resolution is not reached by this informal process, the employee shall reduce his/her grievance to writing, identifying specifically and in detail the nature of the grievance and the requested remedy, on a form provided for that purpose. Grievants shall be entitled, should they prevail in their grievance, only to the relief specifically requested. Such grievance shall be presented to the immediate supervisor within three days of the supervisor's verbal reply to the oral grievance. The supervisor shall then reply in writing within three days to this written grievance.
3. In the event that an employee's immediate supervisor is the department director, the grievant shall pass the First Step of this procedure and proceed immediately to the Second Step.

J. Second Step – Department Director Level

1. If a satisfactory resolution of the grievance is not reached at the First Step, the employee may so indicate on the grievance form provided and submit the grievance to his/her department director within five days. Within five days of such submission, a meeting shall be held with the grievant and the department director to review the grievance. This time may be extended by the mutual agreement of the department director and the employee.
2. At the meeting provided for above, the only persons who may be present are the grievant, one person representing the appropriate management level at which the grievance is being heard, and appropriate witnesses for each side. Witnesses shall be present only while actually providing testimony. The meeting may be adjourned to another time or place by agreement of the parties. The department director shall provide the employee with a written reply to the grievance within five days after the meeting.
3. In the event that an employee's department director is the County Administrator, then the grievant shall pass the Third Step of this procedure and proceed immediately to Step Four.

K. Third Step – County Administrator Level

If a satisfactory resolution of the grievance has not been reached at the termination of the Second Step, the employee may submit the grievance to the County Administrator. Submission to the County Administrator must occur within five days following receipt of the response from the department director. The County Administrator shall then meet with the employee within three days or indicate that an extension is necessary. The extension shall not exceed three additional days, except by mutual agreement. The employee, at his/her option, may have a representative of his/her choice at the Third Step meeting. If the employee is represented by legal counsel, the County Administrator likewise has the option of being represented by counsel. The County Administrator shall render a written response to the grievance within five days following the Third Step meeting. The County Administrator shall ensure that a tape recording of such meeting is made and retained in his/her custody for not less than 12 months. The grievant shall be entitled to a copy of the tape recording upon payment of a reasonable fee. The County Administrator may designate in writing that the grievance shall be heard by the Assistant County Administrator.

L. Fourth Step – The Grievance Panel

1. If a satisfactory resolution to the grievance is not reached at the Third Step, the grievant may submit the grievance to an impartial grievance panel. The request for a hearing before a grievance panel shall be indicated by the grievant on a form provided for that purpose and submitted to the County Administrator within five days of receipt of the Third Step response.
2. The County Administrator shall schedule the grievance panel hearing. In the event that the County Administrator is a party to the grievance, or in his/her absence, the Assistant County Administrator shall make the necessary arrangement. The County Administrator will notify the County Board of Supervisors of all grievances

to be heard before a grievance panel impaneled under these policies and procedures.

M. Composition of Grievance Panel

1. The Grievance Panel shall be composed of three impartial members who shall be chosen in the following manner: one member shall be appointed by the grievant, one member shall be appointed by the County Administrator, and the third member shall be appointed by the first two. To ensure an impartial panel, such panel shall not be composed of any person having direct involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to the grievance. Staff members who are in a direct line of supervision of a grievant and the following relatives of a participant in the grievance process or participant's spouse are prohibited from serving as panel members: Spouse, parent, child, and descendants of a child, sibling, niece, nephew and first cousin. Neither the attorney having direct involvement with the subject matter of the grievance nor a partner, associate, employee or co-employee of such attorney shall serve as a panel member. In the event that an agreement cannot be reached as to the final panel member, the Chief Judge of the Prince Edward County Circuit Court shall select the third panel member pursuant to the appropriate section of the Code of Virginia.
2. Both the grievant and the County Administrator shall select the first and second members of the panel within five days after the request for a panel hearing shall have been filed. These members shall, in turn, select the third member within ten days after the request for a panel hearing shall have been filed.
3. In the event that the first two members cannot reach an agreement as to the third member within such ten day period, then the County Administrator shall forward the request for appointment of a third member to the Circuit Court immediately upon notification by the first two members that they are unable to agree.
4. The third member of the grievance panel shall serve as Chairperson, shall set the time for the hearing, and notify the grievant and the County Administrator thereof. The hearing shall be held within 20 days after selection of the third panel member. Any party may have present at this meeting a representative of his/her choice. The County Administrator shall ensure that each panel member has copies of all written materials and forms submitted in connection with the grievance. The County Administrator shall appoint an impartial employee who is not a party to the grievance or a spouse or a relative (as defined in Section 13.M.1) to attend the hearing for the purpose of recording the proceedings.
5. The majority decision of the grievance panel shall be final and binding as to any grievance submitted to it and shall be consistent with provisions of law and written policies.
6. The grievance panel is constituted solely for determining whether a grievance filed by an employee is merited and what remedy, if any, should be provided. The grievance panel shall not formulate or change policy, rules or procedures. The grievance panel shall determine whether the grievant has demonstrated, by a preponderance of the evidence, that the action complained of was without cause,

or done in violation of a law, rule, regulation or other policy. It shall not otherwise substitute its judgment for that of management.

N. Rules for Grievance Panel Hearings

1. The grievance panel shall have the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. However, at the request of either party, the hearing shall be private.
2. The County Administrator shall provide the grievance panel with copies of all documents and records germane to the grievance prior to the hearing and provide the employee with a list of the documents furnished to the grievance panel. The employee and his/her attorney, at least ten days prior to the scheduled panel hearing, shall be allowed access to and copies of all relevant documents intended to be used in the grievance proceeding.
3. The grievance panel has the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence.
4. All evidence shall be presented in the presence of the grievance panel and the parties.
5. Documents, exhibits and lists of witnesses shall be exchanged between the parties in advance of the hearing.

O. Conduct of Grievance Panel Hearings

The grievance panel shall conduct the hearing as follows:

1. The grievance panel may at any time ask the parties or their representatives for statements clarifying the issues involved in the grievance.
2. Exhibits, when offered by the grievant or the department director, may be received in evidence by the panel and when so received shall be marked and made a part of the record.
3. The parties may offer evidence and cross-examine witnesses and shall produce such additional evidence, as the panel may deem necessary to form an understanding and determination of the dispute. There shall be no formal rules of evidence for the panel; however, the panel shall be the judge of relevancy and materiality of any evidence offered. The grievant shall proceed first and shall bear the ultimate burden of persuasion. The County shall proceed next.
4. The Chairperson shall specifically inquire of all parties whether they have any further proof to offer or witnesses to be heard. Upon receiving negative response, the Chairperson shall permit the parties to summarize their cases and shall then declare the hearing closed.
5. The hearings may be reopened by the panel on its own motion or upon application of a party for good cause shown at any time before a final decision is made.

6. In all matters not otherwise covered by this section, the panel shall determine the procedures to be followed.
7. The County Administrator shall ensure that a tape recording of the hearing is made and retained in his/her custody for not less than 12 months. The grievant shall be entitled to a copy of such tape recording upon payment of a reasonable fee.

P. Decision of Grievance Panel

1. The decision of the grievance panel shall be filed in writing by the panel Chairperson with the County Administrator, the County Administrator, and the grievant, not later than 15 days after the completion of the hearing. The decision shall summarize the grievance and the evidence, shall make specific findings of fact and shall state in full the reasons for the decision and the remedy to be granted. Decision shall be made by majority vote of the entire panel.
2. The grievant shall bear any cost involved in employing representation and in preparing his/her case.
3. If the panel determines that the grievance is meritorious in whole or part it may (as to that portion which is meritorious):
 - a. Order that an employee be reinstated to a former position; award back pay; order expungement of information contained in the employee's personnel files, or other files maintained by the County; or, render opinions as to the application or interpretation of the personnel management system for the County or rules and regulations adopted thereunder, as they may relate to the specific facts of the case before it.
 - b. If the panel finds that the County failed to follow established procedures governing promotion, demotion, transfer, hiring or layoff, it shall remand the grievance with the instructions that the action taken by the County Administrator be rescinded, and proper procedures be followed for the matter at issue. In connection with such remand, the panel may make provisional orders governing the case (i.e., a person improperly promoted to a position may continue to serve temporarily in the position to which s/he was promoted, pending compliance with appropriate procedures).
 - c. The panel may affirm or modify any decision reached by any supervisor at any previous stage of the grievance proceedings.

Q. The Implementation of Remedy

1. The County Administrator shall implement any remedy, which may be ordered by the panel, provided that such decision is consistent with law and written policies.
2. In the event the County Administrator does not implement the remedies ordered by the panel, the grievant may petition the Prince Edward County Circuit court for an order requiring implementation of the decision of the panel.

R. Computation of Time

1. Except where otherwise provided, time periods under these regulations shall be deemed to begin on the day following that on which any action is to be taken or response rendered and to run without regard to weekends or holidays. If a time period herein provided ends on a weekend or holiday, the last day of the time period shall be deemed to be the end of the business day of the first working day following.
2. Time limits established under this procedure are intended to be strictly construed and enforced. Time limits may be extended by mutual agreement of all parties; provided however, that if the County Administrator consolidates grievances under Section H of this procedure, the employee's consent need not be obtained.

CHAPTER 14

IMPLEMENTATION OF POLICIES

14.1 CONFLICTING POLICIES REPEALED

All policies, ordinances or resolutions that conflict with the provisions of this policy are hereby repealed.

14.2 SEPARABILITY

If any provision of this policy or any rule, regulation or order thereunder of the application of such provision to any person or circumstances is held invalid, the remainder of this policy and the application of such remaining provisions of this policy of such rules, regulations or orders to persons or circumstances other than those held invalid will not be affected thereby.

14.3 VIOLATIONS OF POLICY PROVISIONS

An employee violating any of the provisions of this policy shall be subject to suspension and/or dismissal, in addition to any civil or criminal penalty.

14.4 EFFECTIVE DATE

This policy shall become effective upon adoption.