



PERSONNEL POLICIES MANUAL

County of Fluvanna

Updated January 18, 2017

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Section A

OBJECTIVES AND SCOPE

The specific objectives of the County's Personnel Management System shall be to:

1. Provide a clear statement of policies, rules, regulations and standards that shall govern the conduct of all County employees and the Board of Supervisors with regard to personnel practices and policies.
2. Provide a definition of rights and procedures that regulate the personnel actions of the County and its employees.
3. Define the rights and responsibilities of all County employees who are not otherwise exempted from these policies.
4. Establish and maintain a sound salary structure that will attract and retain qualified employees.
5. Establish and maintain salary ranges that will assure internal equity of compensation based on systematic evaluation of each job.
6. Maintain the salary structure in a proper relationship with competitive pay practices in the local labor market in which the County competes.
7. Assure each County employee a performance and salary review at specified intervals.
8. Provide an effective control of salary payments on a uniform basis.

Section B

INSTALLATION AND ADMINISTRATION

B.1 AUTHORITY

The Board of Supervisors is empowered under the Code of the Commonwealth of Virginia to establish departments, to employ personnel and to set salaries. These regulations are intended to cover all facets of the County's Personnel Management System in accordance with that grant of authority. It is recognized that such authority has been delegated to the County Administrator. Under the direction of the County Administrator, a personnel officer may be assigned for the daily administration of the classification and pay plan. The Constitutional Officers, including the Treasurer, Commissioner of Revenue, Commonwealth's Attorney, Clerk of Circuit Court, and Sheriff shall retain authority over their respective employees as defined by this policy.

B.2 GENERAL PRINCIPLES

a. The Policies and Procedures Manual of Fluvanna County will contain policies and procedures governing employees of Fluvanna County. It will state the County's policies and procedures to be followed with regard to employment, promotion, demotion, dismissal and any other activities dealing with personnel which is deemed necessary in order to clarify the County's or employee's position in the personnel system.

b. It is the fundamental policy of the County of Fluvanna that a fair and uniform personnel management system be established for its employees in order to ensure the most effective provision of services to the citizens of the community. It shall be the policy of the County of Fluvanna that:

- (1) Employment shall be based on merit and fitness, without regard to age, sex, race, religion, political affiliation, disability, or national origin.
- (2) Just and equitable compensation, benefits, and incentives and conditions of employment shall be established and maintained.
- (3) County employees shall be paid in relation to the duties and responsibilities of their position and performance shall be a major factor in justifying salary adjustments and increases.

c. Participation in this personnel policy by appointees of Constitutional Officers is by no means a contract. Appointees are still at will employees working at the discretion of the Constitutional Officer. Further, County paid positions under the supervision of a Constitutional Officer are governed by the policies of their respective office.

B.3 RULES

a. **Applicability of Rules.** The rules, regulations and other administrative provisions established herein shall apply to all employees of the County, except any employees specifically

exempted by action of the County Board of Supervisors. Constitutional officers and their employees are covered by this plan. School Board employees are excluded.

The County Administrator or his designee has the authority to take appropriate action in dealing with cases of violation of the established rules. The responsibility and authority for the enforcement and administration of the rules and regulations set forth herein are delegated to the County Administrator or his designee. All Constitutional Officers are the final arbiters of alleged rules violations when it pertains to their respective employees.

b. Dissemination of Rules. The County Administrator will make public complete copies of all rules and changes thereto within thirty days, and shall be responsible for maintaining a complete current set of rules, and for bringing these rules to the attention of all County employees. Each County employee shall have their own personal copy of the plan and updates within thirty (30) days of changes.

c. Interpretation. These regulations are intended to cover most personnel problems and actions for which the County Administrator is responsible. Those not specifically covered shall be interpreted by the County Administrator or his designee in keeping with the intent of these regulations.

d. Amendments. This Personnel Policy and Procedures Manual may be amended from time to time by action of the Board of Supervisors.

B.4 DEFINITIONS & TERMINOLOGY

a. Administrative Decrease – a pay reduction within the pay range of a position as disciplinary action resulting from unsatisfactory job performance or misconduct. Department Heads working under the County Administrator that administer an administrative decrease must submit a letter of justification to the County Administrator. In the case of Constitutional Officers, a letter of notification shall be submitted to the County Administrator.

b. Administrative Termination - employees who are hired by appointing authorities to fill positions that are later determined to be unavailable in the budget of the respective departments, or who are found not to meet the minimum qualifications of the position, following the actual start of work, shall have their employment administratively terminated as soon as convenient following the determination of the discrepancy.

c. Anniversary Date - The anniversary date shall be defined as the date on which the employee is employed by the County. This date shall be used to determine leave accrual rates.

d. Appointing Authority – that officer or body having authority under the laws or policies of the County to make appointments to positions. Unless otherwise specified, the appointing authority shall be construed to mean the County Administrator or his designee.

e. Board – shall mean the Fluvanna County Board of Supervisors

- f. Change in Pay Grade for Job** – the County Administrator, with consent of the Board of Supervisors, may change the pay range for an established job when determined that the present pay range is not commensurate with the duties and responsibilities of the job.
- g. Class or Class of Positions** – a group of positions sufficiently alike in duties to justify the same class title and pay grade.
- h. Classification** – the entire process of assigning and reassigning individuals to positions, positions to classes, and classes to grades; to the end that employees will be employed and compensated on the basis of merit, fitness, and actual duties performed, so that there may exist comparable pay for comparable work.
- i. Completion of Temporary Employment** – the separation from employment of a temporary employee who has worked through the last workday the temporary position is available. Employees separating prior to the last workday shall be governed by the appropriate separating action.
- j. Demotion** – the change of an employee from a position in one class to a position in another class having a lower pay grade and possibly requiring the performance of less responsible duties.
- k. Dismissal** – an involuntary separation from employment initiated by the employing authority as a result of the employee’s unsatisfactory work performance or misconduct.
- l. Employee** – for purposes of this policy, employee shall be interpreted to mean both employees reporting to the County Administrator as well as appointees of the Constitutional Officers.
- m. Exempt Employee** - one who works whatever amount of time is necessary in order to perform the duties of their job (8 hours a day or 40 hours per week are not break points of any sort). These employees are not exempt from the provisions of this plan, however, they are exempt as defined by the Fair Labor Standards Act.
- n. Failure to Appear** - a failure by an employee to report to work during the first scheduled workday following appointment without previous notification to the appointing authority. Such employee shall be considered having failed to appear and the employee’s record noted accordingly.
- o. General Increase** – an increase to the pay range for all jobs. General increases are usually awarded at the beginning of each fiscal year or July 1. General increases are not dependent on an employee’s individual performance or job, but rather take effect as cost of living adjustments.
- p. Grade or Pay Grade** – the numerical designation of a fixed salary range assigned to a position, class, or group of classes.
- q. Immediate Family** – a biological parent or individual who stood in place of the parent and was charged with the duties and responsibilities of the parent or a parent-in-law; a biological,

adopted, or foster child, a stepchild, or legal ward, or a child of a person standing in place of the parent; and a husband or wife as recognized under the laws of the Commonwealth of Virginia for the purpose of marriage. These definitions of family are different under the Family Medical Leave Act; for FMLA definitions, see section O of this policy.

r. Merit Increase – advancement in pay of an employee to the next higher step in the pay grade, based upon display of merit in performance of duties and not requiring a change in basic duties.

s. Original Employment – the initial period of continuous employment with the County of Fluvanna. An individual beginning employment with the County for the first time shall usually be placed at the minimum step of the pay range established for the job in which employed. Occasionally, however, based on a new employee's prior experience and proficiency in the same or related capacity, placement may be accelerated within current budget restraints up to 15% above the minimum, upon approval of the County Administrator.

t. Personnel Department – shall refer to the County Administrator or such other person as the County Administrator shall designate to handle personnel matters.

u. Position Description – a detailed written description of the specific duties assigned to and performed by a particular employee, to serve as the basis for classification.

v. Probationary Period – at least six (6), but not more than twelve (12), initial calendar months of employment following an original employment or re-employment during which an employee is required to demonstrate, by actual performance, his/her fitness for the duties to which he or she is appointed, and his/her general fitness and suitability as a public employee.

w. Promotion – advancement to a higher pay grade granted to an employee in conjunction with increased job duties and responsibilities. When employees are promoted, their salary may be increased to the minimum range for that job at the recommendation of the department head and County Administrator.

x. Reclassification – a reassignment of the duties and responsibilities of a position, to an employee whose classification does not accurately reflect the actual duties performed; such changes may or may not result in a change of title or grade. When such position cannot accurately be described or compensated by assignment to an existing grade, the County Administrator shall establish a new grade and title. Reclassification differs from promotion in that the actual duties of the employee have not changed. A reclassification is reassignment of the employee's regular and continuing duties to a more descriptive and commensurate range.

y. Re-employment – the employment period following a separation from County employment of more than thirty (30) consecutive calendar days from the date of separation. A returning employee who is re-employed will usually be placed at the minimum range of the position's approved pay grade. Occasionally, however, based on the returning employee's prior proficiency and experience in the same or related capacity, an acceleration may be made upon recommendation by the department head and approval of the County Administrator. All time earned in previous employment shall not be counted towards the probationary period, annual

leave, service awards, or other longevity based employment conditions or benefits. Rather, only that time earned following actual reemployment shall be counted.

z. Reinstatement – the employment period following a return to duty in the same class within thirty (30) consecutive calendar days from the date of separation. An individual returning to the employment of the County within thirty (30) days of separation, shall return to duty in the same position subsequent to the approval of the department head and the County Administrator. The appropriate pay range for all reinstated employees shall be determined by the County Administrator. Anniversary dates for all reinstated employees will remain unchanged, except when a reinstated employee has missed one full pay period or more from their position prior to reinstatement, in which case the anniversary date will be amended to reflect the days missed to the nearest full pay period. All time earned previous to reinstatement shall be counted towards the probationary period, annual leave, etc. However, actual time missed prior to reinstatement shall be discounted from actual annual leave accrual to the nearest pay period.

aa. Resignation – a voluntary separation from employment through written notification to the employing authority initiated by the employee. Written notification shall indicate the actual date and hour the resignation is to become effective and be signed by the employee.

bb. Retirement – the separation of a full-time employee who is scheduled to begin receiving retirement benefits.

cc. Suspension – temporarily prohibiting an employee from performing his or her duties. The suspension period shall always be without pay.

dd. Transfer Between Departments - if a transfer between departments involves a promotion or demotion, the rules of the appropriate action shall apply. When employees transfer between departments to the same position no change of status or anniversary date occurs.

ee. Oral Reprimand – a discussion between the supervisor and the employee wherein the employee is advised and cautioned with reference to unsatisfactory work performance or misconduct.

ff. Written Reprimand – a written documentation to the employee from the supervisor wherein the employee is advised and cautioned with reference to his unsatisfactory work performance or misconduct.

Section C

EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of Fluvanna County to provide equal opportunity in employment and advancement, and to administer its employment policies without regard to race, color, religion, sex, age, national origin, political affiliation or handicap. This policy will prevail throughout every aspect of employment practices including, but not limited to the following:

1. Recruiting, hiring and promoting in all job classifications without regard to race, color, religion, sex, age, national origin, political affiliation or handicap, except where age or sex can be demonstrated as a bona fide occupational qualification.
2. All decisions for hiring or promotions shall be based solely upon each individual's qualifications for the position to be filled.
3. All other personnel actions such as compensation, benefits, transfers, layoffs, returns from layoffs, education, social and recreation programs, will be administered without regard to race, color, religion, sex, age, national origin, political affiliation or handicap.
4. Fluvanna County will maintain an affirmative action program which the administration of the County will make widely known, especially to minorities. The policy holds that equal employment opportunities are available on the basis of individual merit. The County Administrator will actively encourage all persons to seek employment and to strive for advancement on this basis.

Section D

APPOINTMENTS

D.1 QUALIFICATIONS FOR APPOINTMENT

a. Recruitment. Each position within the County government shall have a job analysis complete with job description, task lists and performance expectations. All vacancies shall be advertised based upon the requirements contained in the position description. EEO/AA standards shall be followed.

b. Identification. All applicants for employment must furnish references, be interviewed, and clear a criminal background check when deemed necessary, and/or be fingerprinted to determine criminal record prior to being considered for employment. When a job description requires the use of a County vehicle and/or transporting of citizens, the applicant's driving record will be checked.

c. Physical Standards. Applicants for employment and all County employees, except temporary or seasonal employees, may be given a physical examination at any time and, as a condition of employment, must meet the physical standards established for the position for which they apply. Physical examinations will be administered under the guidelines of the Rehabilitation Act of 1973. In addition, the County will adhere to the non-discriminatory policies set forth in this act, which means that reasonable accommodations will be made to allow handicapped persons to perform the essential functions of any position within the County's organizational structure.

d. Operators of County-owned Vehicles. Any applicant or employee who will operate a County-owned motor vehicle must possess a valid driver's license appropriate to the vehicle driven. Each employee who operates a County-owned motor vehicle must verify his license with the department head or supervisor each time a new license is issued by the Division of Motor Vehicles. Driving records may be required of employees who operate County vehicles.

e. Other Standards for Employment. Where other standards or requirements for a particular position are established which adhere to federal and state guidelines, all applicants shall be required to meet those standards as a condition of employment. Any standards developed must have the approval of the County Administrator or Board before being adopted, and shall then be entered on the applicable position or class description. Any substitution for or deviation from established standards must have prior approval of the County Administrator. The County Administrator may establish and must approve any tests or examinations which are developed and which are warranted to determine whether or not an applicant or employee meets established standards.

Applications with the Sheriff's Office shall be subject to testing as set forth in the Sheriff's Office policy regarding the application process.

D.2 APPLYING FOR POSITIONS

a. Form of Application. All applicants for employment must prepare the State of Virginia application form with all requested information completed.

b. Application Process. All County departments and Constitutional Offices will adhere to the following regulations concerning application forms from prospective applicants:

(1) All employment applications will remain on an active file status for one year after receipt of application.

(2) When the applicant has an active application with the County, it is his/her responsibility to inform the County in writing that the application is to be submitted for consideration for a vacancy which is to be filled.

(3) Vacancies will be advertised for a minimum period of two weeks in newspapers of general circulation. Each advertisement shall include a date by which applications are preferred and notice that the position shall remain open until filled.

(4) If a position has been previously advertised, but no applicant was chosen due to the belief that no applicant was qualified or the responsibilities of the vacancy have been changed, the vacancy should be re-advertised.

c. Criminal Background Check Policy. (Amended June 18, 2003) Every applicant for employment shall authorize the County to conduct a criminal background check. Persons seeking a volunteer position, or permit or license with the County that requires (1) the handling of money; (2) provision of care for persons under 18, the elderly, or disabled persons; or (3) activities relating to law enforcement must complete the appropriate criminal background check form. Once applicants have been interviewed, those applicants for positions who are subject to the criteria of the County ordinance requiring Criminal Background Checks will be asked to:

(1) Read and sign a County of Fluvanna Criminal History Check Notice to Prospective Employee, a Fluvanna County form authorizing a criminal history, and sex offender and crimes against minors registry search, and;

(2) Complete a State Police form (SP-167) for requesting only a Criminal History Record Check if only handling money; or, complete a State Police form (SP-230) for requesting a Criminal History Record Check **and** Sex Offender and Crimes Against Minors Registry Search if caring for children, elderly, or the disabled..

Applicants will be advised that the records check will be conducted only after a job offer is made and that the satisfactory outcome of the record check is a condition of continued employment.

(See Fluvanna County Code, Sec. 17-3 for the full text of the policy.)

All applicants with the Sheriff's Office are subject to criminal background checks at any stage of

the application process.

d. Hiring of Felons and Misdemeanants. It shall be the policy of the County to employ individuals without a criminal record. However, for certain job positions, the hiring of persons previously convicted of felony or misdemeanor offenses may be allowed upon approval of the County Administrator with the consent of the Board of Supervisors. Constitutional Officers retain sole discretion in the hiring of felons and misdemeanants in their respective offices.

D.3 SELECTION PROCESS

a. Recommendations and Appointments. Department heads shall examine applications and interview applicants for employment and recommend applicants for appointment to vacancies existing within their departments. Appointments shall be made on the basis of ability, training, and experience without regard to age, race, religion, sex, national origin, handicap, or political affiliation. The County Administrator, or Constitutional Officers for their respective employees, shall approve all employees of the County covered by this manual.

b. Form of Interview. Each interview may be conducted by a selection committee or by an individual who is authorized to conduct an interview. A single list of questions shall be used for all of the interviews for a single position. Questions may be changed for subsequent interviews for new vacancies in a similar position.

c. Steps in the Selection Process. The steps in the selection process shall be followed in the order as they appear here:

(1) Review and screening of all employment application forms;

(2) Employment interview;

(3) Employment tests will be administered by Department Heads as directed by the County Administrator for departments under his authority; Constitutional Officers (or their designee) are responsible for administration of testing in their respective offices.

(4) Reference checking shall be performed by the County Administrator or Department Head or their designee for which the vacancy is to be filled;

(5) A criminal background check authorization shall be filled out, if determined to be necessary based on the policy, before an employment offer is made to an applicant;

(6) Physical examination, if necessary;

(7) Final selection decision.

D.4 ORIENTATION

a. Training. After employees have been hired, they will be given an orientation to the County

organization, leadership program, and their job. In addition, they will receive necessary training to perform their job. Furthermore, present employees must periodically have their skills updated. Orientation and training of new employees and the training of longer-term employees are a major responsibility of the County Administrator, Constitutional Officers, the personnel officer, and department heads.

b. Responsibility of Orientation. The responsibility for orientation shall be shared between the County Administrator and the new employee's immediate department head or Constitutional Officers for their respective employees.

c. Orientation Packet. Each new employee shall receive an information packet from the personnel and/or finance department to supplement the oral orientation program. New employees shall be required to sign a form indicating that they have received the information packet. The packet shall contain: a copy of the personnel manual or handbook, all benefit information, tax forms, department policies, etc.

D.5 BACKGROUND CHECKS FOR EMPLOYEES AND VOLUNTEERS

(Revised Nov 16, 2016)

a. Policy

(1) Every person who provides services for Fluvanna County as an employee or as a volunteer shall undergo a criminal background check prior to providing such services. Nothing in this policy shall be construed to prevent the Department head, Agency head, or Constitutional Officer with a reasonable basis from obtaining, at any time, a background check on any applicant, employee, or volunteer. Any refusal to consent to a background check may lead to not being considered for a position within the County, or further disciplinary actions, up to and including dismissal for employees and volunteers.

(2) County Library and Parks and Recreation Department employees and volunteers shall also undergo subsequent annual background checks in December.

(3) Employees must report any criminal arrests, charges, or convictions to their Department head, Agency head, or Constitutional Officer within twenty-four (24) hours or at the earliest possible opportunity. Failure to make the required report may constitute a violation and may result in disciplinary action, up to and including dismissal. The same policy applies for volunteers who hold a position of trust with access to vulnerable populations.

(4) No person having been convicted of any crime, under Virginia law, federal law or the law of any other state, district or territory of the United States, shall be employed by the County or accepted as a volunteer unless a waiver is approved as hereinafter provided.

(6) Any conviction as to which the applicant shall have received an absolute pardon or which shall have been set aside by a court of competent jurisdiction.

b. Waivers may be approved when any of the following conditions exist:

Conviction:	Must be at least:
Crimes of fraud, dishonesty or moral turpitude (e.g., larceny, forgery, bad checks)	10 years old
Felony DUI	10 years old
Felony Drug	10 years old
Misdemeanor Drug	10 years old
Misdemeanor DUI	5 years old
Conviction of any Class 1 or Class 2 Misdemeanor involving reckless and/or dangerous driving behaviors	2 years old
Where the applicant has received an absolute pardon	N/A
Where the applicant’s conviction has been set aside by a court of competent jurisdiction	N/A

A waiver shall not be approved for any applicant who shall have been convicted of two or more misdemeanors unless the County Administrator or respective Constitutional Officer shall determine that the most recent conviction is far enough in the past to indicate that behavior change has occurred (3-5 years, depending on the nature of the crime).

c. Convictions Not Eligible for Waiver. Convictions that are not eligible for waiver are as follows:

- (1) Abduction;
- (2) Felonies involving violence including but not limited to rape, sexual assault, homicide, malicious wounding, unlawful wounding, and domestic assault or battery;
- (3) Child/adult abuse or neglect;
- (4) Crimes which involve the exploitation of a child or an incapacitated adult;
- (5) Felony arson;
- (6) Felony or misdemeanor crime against a child or incapacitated adult which causes harm;
- (7) Neglect or abuse by a caregiver or a person in a custodial or supervisory relationship;
- (8) Pornography crimes involving children or incapacitated adults including but not

limited to, use of minors in filming sexually explicit conduct, distribution and exhibition of material depicting minors in sexually explicit conduct or sending, distributing, exhibiting, possessing, displaying or transporting material by a parent, guardian or custodian, depicting a child engaged in sexually explicit conduct;

(9) Purchase or sale of a child;

(10) Sexual offenses including but not limited to incest, sexual abuse, or indecent exposure.

d. Waiver Requests

(1) All waiver requests will be evaluated by the Department or Agency head who will make a written recommendation to the County Administrator for review. Waiver authority within a constitutional office will be considered and made by the respective Constitutional Officer.

(2) The decision shall be final if the County Administrator disapproves the waiver from either a Department head or Agency head. Constitutional Officers retain sole authority of any waiver decision within their respective offices.

(3) Waivers approved by the County Administrator shall also require the final consent of the Board of Supervisors.

(4) In evaluating waiver requests, the County Administrator, Board of Supervisors, and Constitutional Officers shall give due consideration to the guidelines issued by the Federal EEOC for employers by considering the criminal history of job applicants, evaluation of the incident(s) based on consultation with appropriate professionals, and the following factors:

- The relationship between the incident and the type of employment or service that the applicant/employee will provide.
- The applicant/employee's employment or volunteer history before and after the incident.
- The applicant/employee's efforts and success at rehabilitation.
- The likelihood that the incident would prevent the applicant/employee from performing his or her responsibilities in a manner consistent with the safety and welfare of the consumers served by the agency.
- The circumstances and/or factors indicating the incident is likely to be repeated.
- The nature, severity, number, and consequences of the incidents disclosed.
- The circumstances surrounding each incident, including contributing societal or

environmental conditions.

- The age of the individual at the time of the incident.
- The amount of time elapsed since the incident occurred.

D.6 EMPLOYEE IDENTIFICATION CARD PROGRAM (Adopted Nov 5, 2014)

Fluvanna County is committed to providing employees and the public with the highest quality of public service in the safest possible environment while conducting business. As part of this goal, the County is instituting an identification card program for County employees.

a. Policy. The County will issue employee identification (ID) cards to all full-time employees and part-time employees who work on a regularly scheduled basis. Employee ID cards may also be issued to other employees or volunteers who come in direct contact with the public, work in remote job sites, or as requested by the department/agency head or Constitutional Officer.

b. Employee ID Card Information

- (1) Employee's photo
- (2) Employee's name
- (3) Employee's County ID number
- (4) Employee's title and department
- (5) Some departments/agencies or Constitutional Officer may require additional information as needed.

c. Process to Obtain an Employee ID Card. Human Resources (or designees) processes the photo ID cards for all departments, agencies, and Constitutional Officer staff, except for the Sheriff's Office and the Department of Social Services.

(1) New employees will generally receive their Employee ID card at their new hire orientation meeting, but at minimum, Employee ID cards will be issued within 2 weeks of an employee's first work day.

(2) All employees who have a name, job title, or department change will receive a new Employee ID card within 2 weeks of the change.

- Employees shall turn in the old Employee ID card to Human Resources, prior to receiving the new card with the change.

d. Employee ID Carried / Worn. The employee ID card must be carried or worn at all times when an employee is acting in an official capacity.

(1) Department/Agency heads and Constitutional Officers will determine when their employees shall wear the employee ID card so that it is visible to the public.

(2) Field employees shall carry their ID card at all times in a manner that does not interfere with any equipment or their activities.

(3) The Employee ID card shall be used as identification during duty hours if requested by a member of the public or another County employee.

e. ID Cards May Not be Shared. At no time shall an employee share his/her employee ID card with any person.

f. ID Cards Property of Fluvanna County. All employee ID cards are the property of Fluvanna County.

g. Reporting Lost or Stolen Cards. An employee shall report all lost or stolen employee ID cards immediately to their Supervisor and the Human Resources Office.

h. Termination or Resignation. Upon Termination or resignation from County employment, employees are required to turn over their Employee ID card to their supervisors who will send the ID to Human Resources.

Section E POSITION TYPES

E.1 EMPLOYMENT TYPES

a. Permanent Full-time Employee – shall be defined as personnel who regularly work 8 hours or more per day, 40 hours or more per week for not less than 50 weeks per year. Annual leave, sick leave and holidays shall count as time worked for this purpose.

b. Full-time Temporary or Provisional Employee – shall be defined as one who works a full-time schedule, but whose employment is expressly limited to a term of not more than five years, whether for reasons of grant program limitation or other considerations. Except as the Board of Supervisors may direct in a particular case, such employees shall be subject to the provisions of these policies. Such employees are not eligible for and do not earn annual, sick, court, military, or holiday leave.

c. Permanent Part-time Employee – shall be defined as those employed to work less than 8 hours per day or less than 40 hours per week for not less than 50 weeks per year. Annual leave, sick leave and holidays shall count as time worked for this purpose.

d. Hourly or Non-full-time Temporary Employee – shall be defined as those employed to work less than 8 hours per day, or less than 40 hours per week, or are employed to do work less than 50 weeks per year. Such employees are not eligible for and do not earn annual, sick, court, military, or holiday leave. Designation of type of employment shall be made by the County Administrator consistent with the position approved by the County Board of Supervisors.

E.2 CLASSIFICATION OF POSITIONS

a. Classification Plan. The County Classification Plan has been established and shall be maintained within the office of the County Administrator. No deviation shall be made from the Plan except where circumstances warrant. Under these circumstances, the Plan itself or the classification of a particular class of positions may be amended with the approval of the County Board of Supervisors.

b. Coverage of Classification Plan. The Classification Plan shall cover all positions in the County personnel system. This would exclude employees of the School Board and Social Services Board unless specifically provided for.

c. Assignment of Positions and Classes of Positions. The County Administrator shall make all assignments of positions to salary grades. Positions which are sufficiently alike in duties and/or responsibility will be accorded the same pay scales. The County Administrator shall allocate each position covered by the Classification Plan to its appropriate pay scale, subject to annual approval of the County Board.

d. Maintenance. Department heads and supervisors shall be responsible for bringing to the attention of the County Administrator any material change in the nature of duties,

responsibilities, working conditions, or other factors affecting the classification of any position. Following the receipt of such information, the County Administrator shall review the position and determine if the classification should be changed.

e. Review of Classification. All appeals of classifications or requests for reclassification shall be submitted in writing by the employee concerned to his department head with an explanation of the reason for reclassification. The department head shall forward the request to the County Administrator with a recommendation and the County Administrator shall render a final decision. Employees of Constitutional Officers must submit any appeal to their Constitutional Officer. If denied, the appeal goes no further; if approved, the request is sent to the County Administrator with a recommendation and the County Administrator shall render a final decision which is reported to the Board of Supervisors.

f. Classification of New Positions. The County Administrator shall be responsible for the allocation of new positions to the existing classes or to new classes of positions in the County service, subject to annual review and approval of the County Board of Supervisors.

E.3 EXEMPT SERVICE

a. All employees of the County shall be divided into the classified or the exempt service. Nothing in this section shall be construed to mean that those listed below are exempt from the provisions of this plan unless specifically addressed in the plan. The designation of exempt is only as it relates to the Fair Labor Standards Act.

b. The exempt service shall include the following:

- (1) All elected officials.
- (2) Members of boards and commissions.
- (3) Volunteer personnel and personnel appointed to serve without pay.
- (4) Consultants and counsel rendering professional service.

(5) Employees whose positions fall within the definition of being exempt under the Fair Labor Standards Act §541 Executive, Administrative, Professional, and Outside Sales. Those positions are listed below:

Building Inspections

Building Official

Clerk of Circuit Court

Clerk of Circuit Court

Commissioner Of Revenue

Parks & Recreation

Director of Parks & Recreation
Programs Manager

Planning & Development

Director of Planning and Dev.

Commissioner of Revenue
 Chief Deputy Commissioner

Commonwealth’s Attorney

Commonwealth’s Attorney
 Assistant Commonwealth Attorney

County Administration

County Administrator
 Assistant Co. Administrator
 Director of Information Technology
 Grants Administrator
 Human Resources Manager
 CSA Coordinator

Finance

Director of Finance

Public Works

County Engineer
 Director of Facilities
 Project Manager

Sheriff’s Office

Sheriff
 Colonel
 Captain
 Director of Communications

Treasurer

Treasurer
 Chief Deputy Treasurer

(6) Positions involving seasonal or temporary employment.

(7) Selected employees of Constitutional Officers and their employees as may be determined by legitimate appointing authority and approved by the Board of Supervisors.

(8) Student interns and work-study employees.

(9) Such other positions as may be designated by the Board of Supervisors.

E.4 PROBATIONARY PERIOD

a. Progress Review. The immediate supervisor and/or department head is encouraged to review progress with the probationary employee at the end of each three month interval of the probationary period.

b. Objective . The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee’s work, for securing the most effective adjustment of a new employee to his or her position and for rejecting any employee whose performance is not satisfactory.

c. Promotional Appointments. The probationary period shall be used in connection with promotional appointments in the same manner as it is used for original entrance appointments. If a person is removed during his or her probationary period following a promotion, he or she shall be entitled to re-employment rights in his or her former job.

d. Probationary Evaluation. During, or at the conclusion of, the probationary period, the employee’s services may be terminated without access to the grievance procedure. At the conclusion of the probationary period and the conclusion of the extended probationary period if

applicable, the Department Head must make one of the following determinations.

(1) The employee has successfully completed the probationary period and probationary status is to be removed. Written notification must be sent to the personnel officer and/or County Administrator.

(2) The employee has **not** successfully completed the probationary period and that probationary period is to be extended by up to six months. Written notification must be sent to the personnel officer and/or County Administrator.

(3) The employee has successfully completed the probationary period and in addition to probationary status being removed, the Department Head is recommending an increase to reflect the quality of work shown. Written notification must be sent to the personnel officer and/or County Administrator.

(4) The employee has **not** successfully completed the probationary period and the employee shall be dismissed. Written notification must be sent to the personnel officer and/or County Administrator.

e. Salary Adjustment. A salary adjustment may be given to an employee at the end of the probationary period at the discretion of the Department Head and approval of the County Administrator or Constitutional Officer, as appropriate.

Section F

TRANSFER, DEMOTION, LAYOFF, RESIGNATION, & DISMISSAL

Revised Jan 4, 2006

F.1 TRANSFERS (excluding Social Services and the School Board)

The County Administrator has the authority to transfer employees, other than employees that report to Constitutional Officers, as necessary in the best interest of the County. The pay of an employee transferred to another position of the same pay grade shall remain unchanged.

F.2 TRANSFER FROM DEPARTMENT OF SOCIAL SERVICES AND THE SCHOOL BOARD

Transfer of employees from the Department of Social Services and the School Board to County employment shall be entitled to the following regarding leave balances and seniority:

(1) Annual Leave Balance - Any annual leave balance shall be paid to the employees by the employer who incurred the annual leave liability according to that employer's policy and no annual leave balance shall be allowed to be carried over by an employee transferring from the Department of Social Services or the School Board.

(2) Sick Leave Balance - One-half of an employee's sick leave balance or a maximum of fifteen (15) days shall be allowed to be carried over by an employee transferring from the Department of Social Services or the School Board Office to county employment.

(3) Seniority - Credit for years of service with the Department of Social Services or the School Board will be given to a transferred employee only in regards to the annual leave accrual rate.

F.3 DEMOTIONS

The pay of an employee demoted to a position of lower grade shall be reduced to a step below the present salary and within the new salary classification schedule, unless such salary step is above the maximum for that class to which the employee is demoted. In this case, the maximum step will be the appropriate step. The foregoing constitutes the minimum reduction that may occur and, at the discretion of the County Administrator, or Constitutional Officer for their respective employees, this reduction may be greater.

F.4 LAYOFFS

The order of layoff is hereby declared to be as follows:

(1) The order of the layoff shall be inverse to the relative value of the employees to the County, as determined by the County Administrator, subject to review of the Board of Supervisors; Constitutional Officers retain sole authority to determine the order of layoffs;

(2) No permanent employee shall be laid off from any position while any temporary employee is continued in a position of the same class;

(3) Each employee laid off shall be given a written notice. Whenever practical, this notice should be given not less than two weeks prior to the effective date and should include the reasons for the layoff, the effective date, and any other information deemed necessary by the County Administrator, or Constitutional Officer for their respective employees, to include information on unemployment benefits, anticipated length of layoff, etc.

F.5 RESIGNATION

a. An employee who resigns from County service is required to give at least two weeks written notice to the department head. A department head is required to give at least four weeks written notice to the County Administrator. This notification shall include the reason for resignation, the actual date and hour the resignation is to become effective and shall be signed by the employee. A copy of the notification shall be forwarded to Human Resource for its inclusion in the file. Such resignation may be withdrawn by the employee at any time prior to the effective date with the approval of the department head. Employees are expected to work during their entire notice period. Vacation, Personal Days and Compensatory Time may not be used during the notice period. This includes time off approved prior to the resignation. If an employee needs to use Sick Leave during the notice period, the employee shall furnish Human Resources with a written statement from his/her physician indicating the nature of the employee's condition and the approximate anticipate date of medical release by the physician.

b. The County reserves the right to provide an employee with up to two weeks time off pay (up to four weeks for department heads) in lieu of notice in situations where job or County needs warrant such action. Such a decision should not be perceived as reflecting negatively on the employee since it may be for a variety of reasons not known to the individual or other employees. The pay will be deducted from the Employee's accrued unused leave balance in the following order: Comp Time, Vacation, Sick Leave. This payment of time off is separate and apart from payment of leave balances under Section F.7 Final Settlement.

F.6 DISMISSAL

The County Administrator, or designee, and Human Resources are to be contacted prior to the dismissal of an employee with the exception of those working in Constitutional Offices. The procedure and reasons for dismissal of a non-probationary employee are detailed in section Q of this policy. Probationary employees may be dismissed with or without cause and are not eligible to use the County's Employee Grievance Procedure pursuant to state law.

F.7 FINAL SETTLEMENT

a. When an employee leaves employment with the County, regardless of the circumstances, he shall receive his final paycheck on the next regular payday. Non-Probationary employees who leave County employment shall receive payment for all annual leave up to the maximum number of hours that can be carried forward at the end of the calendar year, based on length of service. If

the employee has five or more years of continuous service when County employment ends, he or she also will be paid for 25% of the unused sick leave, not to exceed \$2,500. The employee also will be paid for any overtime leave balance and compensatory leave balance. Payment for this time will be on the next regular payday following the issue of the final paycheck. Any County property not returned upon leaving County employment will result in having the value of the property deducted from any pay due to the former employee.

b. Any employee giving less than the required notice period outlined in Section F.5 upon resignation will forfeit an equivalent amount of accumulated leave. The County Administrator, or Constitutional Officer for their respective employees, reserves the right to waive this penalty in the event of extenuating circumstances beyond the control of the employee.

c. It is the responsibility of the department head or Constitutional Officer to submit a Personnel Action Request (PAR) to Human Resources stating the amount of leave due the employee and any debit to that leave balance due to lack of notice or unreturned County property.

F.8 BENEFITS

Upon leaving County employment, the employee has the option to convert group life insurance and to extend health coverage under COBRA provisions.

F.9 EMPLOYMENT REFERENCES

The Human Resources Department is designated to respond to reference check inquiries from other employers. All calls, contacts and written inquiries concerning current or former employees should be referred to the Human Resources Department. It is the policy of Fluvanna County to provide neutral references concerning former employees. Responses to such inquiries will confirm dates of employment, wage rates and title of positions held. Constitutional Officers are exempted from this policy unless the Officer specifically requests in writing to be subject to this policy.

Section G

OUTSIDE EMPLOYMENT

1. If a full-time employee plans to seek or accept additional employment other than the County, the employee must first talk with his/her supervisor and have written approval from the County Administrator or Constitutional Officer for their respective employees.
2. The County Administrator or Constitutional Officer is responsible for determining whether the additional employment will have an adverse effect on the employee's performance or if there is a potential conflict of interest in the second job.
3. If an employee receives approval to accept additional employment, but the job performance begins to deteriorate, he/she may be required to give up the second job.
4. County employees may not engage in outside business or professional activities or accept employment in private enterprises if such activities or employment will:
 - a. Be in conflict with the interests of the County Government,
 - b. Interfere with the performance of official duties,
 - c. Use or appear to use information obtained in connection with official duties which is not generally available to the public, or
 - d. May be reasonably regarded as official action.

Section H

PERFORMANCE EVALUATION

The County Administrator shall maintain an employee performance evaluation system to be used for the evaluation of employee performance. All Constitutional Officers may utilize this format, or create an alternative format that achieves the same evaluation objectives. Constitutional Officers themselves are not subject to evaluations.

H.1 OBJECTIVE

The purpose of the employee performance evaluation shall be primarily to inform employees about how well they are performing their work and how they can improve their work performance. The performance evaluation may also be used as a factor in determining order of layoff; as a basis for training, promotion, demotion, transfer or dismissal; and for such other purposes as may be deemed advisable.

H.2 PERIOD OF EVALUATION

From the date of the original appointment or promotion, all employees except temporary workers shall be evaluated at least once during the sixth month probationary period, and annually thereafter.

H.3 EVALUATION

Evaluations shall be prepared by the immediate supervisor of each employee and reviewed by the appropriate department head or Constitutional Officer. An employee in a supervisory position who is leaving a position shall be required to submit performance evaluation forms on all the employees under his or her supervision who have not been evaluated within the previous six month period.

a. Confidentiality of Evaluations

(1) Performance evaluations for employees in departments other than Constitutional Offices shall be confidential and shall be made available only to the:

- (a) Employee evaluated;
- (b) Supervisor or department head;
- (c) Director of Human Resources;
- (d) County Administrator; or
- (e) Board of Supervisors, if required, in closed session.

(2) Performance evaluations for employees of Constitutional Officers shall be

confidential and shall be made available only to the:

- (a) Employee evaluated;
- (b) Immediate supervisor;
- (c) Constitutional Officer; or
- (d) Board of Supervisors, if required, in closed session.

b. Review with Employee. Each employee shall have the opportunity to review every evaluation made of him or her. Upon a review of the evaluation, the employee shall note in writing his/her comments concerning the evaluation.

c. Appeal of Employee Evaluation. Any County employee who feels that his or her performance evaluation is not correct, shall have the right to appeal the evaluation through higher levels of authority until the appeal reaches the department head, who will make a final attempt to resolve the problem prior to referring it to the County Administrator, or Constitutional Officer for their respective employees, who shall have final administrative authority.

Section I

COMPENSATION PLAN

I.1 PAY PLAN AND RATES

a. There is hereby established a formal pay plan to be approved by the Board of Supervisors upon recommendation of the County Administrator. The official pay plan for the County service shall consist of a schedule showing established annual pay ranges and the title of classes of all positions. On an annual basis, and coinciding with the budget process, the salary ranges assigned to all classifications shall be reviewed by the County Administrator. In arriving at salary ranges, consideration shall be given to prevailing rates for comparable work in other public employment and relevant private business, the current cost of living, responsibilities of the position, and the County's financial condition and policy. Based on the County Administrator's findings and the general financial condition of the County, increases, reductions, or other changes may be made in the salary structures of the pay plan.

b. Adoption of the annual budget shall constitute approval of the plan including amendments. The ordinary procedure for amending the official salary plan outside of the budget cycle, shall involve a recommendation by the County Administrator to the Board of Supervisors, and adoption in the form of a resolution.

c. The County Administrator shall be responsible for administering the Pay Plan for all positions, for working out arrangements which will ensure an equitable administration of the plan for all affected employees, and for interpreting the application of the pay plan in regard to problems which are not specifically covered herein by using the principles expressed herein as guides.

d. Rates of pay established for each job classification constitute total compensation for full-time service in the various classifications. The hours of work for full-time service are established by the pay plan. Rates of pay established are for full-time employment.

I.2 STEP INCREASES

On June 6, 2007 the Board of Supervisors voted to eliminate steps from the Fluvanna County Compensation system.

I.3 PAY AND ALLOWANCES

a. **New Appointees.** Generally, all new employees shall be paid the minimum rate of pay for the class. The minimum rate for each class is based upon the assumption that a new employee meets the minimum qualifications stated in the class specification. An individual beginning employment with the County for the first time shall usually be placed at the minimum of the pay range established for the job in which employed. Occasionally, however, based on a new employee's prior experience and proficiency in the same or related capacity, placement may be accelerated within current budget restraints up to 15% above the minimum of the grade, upon

approval of the County Administrator.

Exceptions may be granted upon the approval of the County Board of Supervisors in the following cases:

(1) When it is necessary to appoint a new employee whose qualifications are less than the minimum, the new employee shall enter service at a salary below the minimum rate of the class.

(2) When a new employee more than meets the minimum qualifications, and will not accept appointment at 15% above the minimum of the grade, the employee may be appointed at a higher salary.

b. Promotions. When an employee is promoted to a position in a higher class, the salary shall be increased to at least the minimum rate for the higher class. Occasionally, however, based on the employee's prior experience and proficiency, placement may be accelerated within current budget restraints up to 15% above the minimum, upon approval of the County Administrator. The probation period of at least six (6) months will be required for each promotion.

c. Reinstatement / Re-employment. An employee that has been reinstated or re-employed shall be paid at a salary rate within the approved salary range for the position to which he is reinstated.

d. Hourly or Non-Full-time Temporary Employment. When employment is on an hourly or non-full-time temporary basis, the rate paid shall be at a rate approved by the County Administrator.

e. Allowances. Uniformed members of the Sheriff's Department and other departments may be provided with such uniforms and equipment. Non-uniformed personnel of the Sheriff's Department may be given a clothing allowance in the form of a salary supplement. Clothing receipts will not be honored for reimbursement.

f. Payment of Leave Balances. If an employee resigns from County service, retires, or is terminated, he or she will be paid for unused annual leave up to the maximum number of hours that can be carried forward at the end of the calendar year, based on length of service. If the employee has five or more years of continuous service when County employment ends, he or she also will be paid for 25% of the unused sick leave, not to exceed \$2,500. The employee also will be paid for any overtime leave balance and compensatory leave balance. The payment of Leave Balances will be in the payroll cycle after the final paycheck is issued.

If an employee moves from one position to another in the same department or to another County department, the employee's annual and sick leave balances are transferred. If an employee moves within the same agency, his or her compensatory and overtime leave balances also will be transferred. If the employee moves to another department, his or her compensatory and overtime leave balances must be paid by the department he or she is leaving.

g. Deductions. The payroll clerk is authorized to make established deductions from an

employee's gross pay to cover Federal and State income taxes, contributions for retirement systems, and for employee group life, hospitalization and supplemental insurance premiums. With the authorization of the employee, the payroll clerk may also make payroll deductions for the purpose of other deductions as may be approved by the County Board of Supervisors for the benefit or convenience of the employees. Individual deductions for other than the above e.g., for garnishments or tax liens shall be made only with the approval of the County Administrator or his designee.

h. New Benefit Deductions. New benefit deductions will be started in the payroll cycle prior to the benefit effective date for all employee benefits with the exception of the deduction for the Flexible Spending Accounts which will be taken out in arrears. It is the responsibility of the Human Resources Department to submit a Personal Action Request authorizing the new benefit deduction.

I.4 PAYROLL POLICY

a. Time Sheets. All employees (permanent and part-time) are required to complete a biweekly time sheet. This time sheet should reflect actual work hours and any leave time taken. The employee and the employee's supervisor should sign the employee's time sheet. Time Sheet Summary reports should be submitted to the Finance Department per the payroll schedule distributed at the beginning of each calendar year. On June 30th or at the end of the fiscal year the employee's time sheets should be submitted with the Time Sheet Summary to the Finance Department. The Finance Department will retain each employee's time sheet for ten years. Failure to submit the time sheet to Timekeepers for the preparation of the Time Sheet Summary report for submission to the Finance Department by the date on the payroll schedule will interrupt payroll processing. Repeated violation of the submittal deadline is grounds for disciplinary action.

b. Payroll Distribution. All employees are paid bi-weekly on the Friday following the bi-weekly cycle. Direct deposit is mandatory for all employees. Direct deposit is mandatory for employees on the bi-weekly pay cycle. For those unable to utilize the direct deposit benefit, the following procedure is hereby established regarding the release of payroll checks from the Department of Finance:

(1) Payroll Checks are to be picked up by the Department Head or designee per the Authorized Signatories form. This form is signed by individuals who have been authorized to pick up payroll from the Finance Department.

(2) Payroll Checks will not be released prior to payday except when an employee is scheduled off. The employee's Department Head or designee as authorized by the Authorized Signatories form may pick the employee's check up one (1) day prior to payday after 2:00 p.m.

(3) Payroll Checks will not be released from the Finance Department to a family member. The employee may make arrangements with their Department Head or supervisor for a family member to pick up the employee's payroll check.

I.5 COMPENSATION FOR ADDITIONAL DEGREES, CERTIFICATIONS AND LICENSURES (Approved October 26, 2015)

a. Purpose. To establish compensation policies for eligible Fluvanna County employees who attain degrees from accredited colleges and universities and/or job-related professional certifications and licensures from appropriate agencies.

b. Applicability

(1) This policy only applies to such degrees/certifications/licensures earned after an employee's initial employment date and after June 30, 2015.

(2) The salary increases only apply to the attainment of the first degree at each level and/or the initial attainment of the certification/licensure, not re-certifications.

c. Eligibility

(1) Compensation is contingent upon budget authorization each year.

(2) Employees must be a Permanent Benefit Eligible (i.e., regular work week schedule of 30 hours per week or greater).

(Note: Permanent benefit-eligible staff members who are regularly scheduled for less than 40 hours per week will receive a prorated amount based upon their full-time equivalency (FTE). For example: a scheduled 30-hour per week eligible employee counts for 0.75 FTE and will be eligible for an amount equal to 75% of the normal compensation amount.)

(3) Eligible employees must have satisfactory job performance (minimum of overall "Meets Expectations") on their last performance evaluation.

(4) The certification and/or licensure earned must be beneficial to the County such that it enhances employee's skills and competencies related to their current position.

(5) The college degree earned must be aligned to the employee's current job and/or departmental functions and above that required for the position.

(6) If a degree or certification/licensure is received after an employee has submitted a resignation, no additional compensation will be made.

d. Qualifying Degrees, Certifications, and Licensures

(1) Certifications and Licenses. Approved certifications and licensures are typically those that are nationally recognized across a wide variety of industries and usually require a continuing education/training to maintain the certification or licensure. Although not possible to list all the

designations this may include, several examples are:

- Virginia Commercial Applicator Pesticide Certification
- Virginia Fertilizer Applicator Certificate
- AICP Certification for planners
- Building Code Official Certification
- Building Permit Technician Certification
- Microsoft Certified Solutions Certification (MCSC)
- Certified Public Accountant License
- Professional Engineer License
- Journeyman Plumbing License
- State sponsored certifications for specific agencies/offices

(2) Degrees. A qualifying degree's concentration must be within the scope or closely related to the employee's position and/or the agency's/department's operating functions. Some examples would be, but not limited to:

- Financial Services Specialist: Degree in accounting, business administration, statistics, finance or public administration.
- Program Support Specialist-Planning Department: Degree in business administration, planning, communication or community development.
- Grounds Specialist: Degree in public works administration, horticulture, landscape architecture or management, urban design, engineering, geology or botany.
- Sheriff's Deputy: Degree in criminal justice, homeland security, paralegal, legal studies, or J.D.
- Deputy Treasurer: Degree in public administration, business administration, accounting, statistics, banking management, or communication.

e. Application and Processing

(1) The employee and his/her supervisor must complete a "Request for Compensation for Additional Degrees, Licenses & Certifications" form and submit it to the employee's Director, Constitutional Officer, or Agency Head for review and recommendation.

(2) Additional Compensation forms recommended for approval by the employee's Director, Constitutional Officer, or Agency Head shall be forwarded to the HR Manager for review prior to final approval/disapproval by the County Administrator.

(3) When possible and to help ensure applicability, requests should be submitted and approved prior to enrolling for the trainings/classes.

(4) The approved form will be retained by the Director, with a copy in the employee’s personnel record.

(5) Once the degree/certification has been obtained, the employee should provide documentation of the degree/certification to their supervisor.

(6) The supervisor will prepare a Personnel Action Request (PAR) and submit it to Human Resources along with the approved Request for Compensation for Additional Degrees, Licenses & Certifications.

f. Base Salary Increases

(1) For the completion of an approved academic degree/certification/licensure, the following individual base salary increases are authorized:

Degree/Certification	Annual Increase	Per Hour Increase for 40 hours/week Position
GED / Diploma	\$ 250.00	\$0.12
Certificate	\$ 500.00	\$0.24
Licensure	\$ 1,000.00	\$0.48
Associate	\$ 500.00	\$0.24
Bachelor	\$1,000.00	\$0.48
Master’s/EDS/JD	\$1,500.00	\$0.72
Doctorate	\$2,000.00	\$0.96

(2) The maximum salary increase for degrees and/or certifications in one year shall not exceed \$2,000.

(3) In no case will an increase place an employee's salary above the maximum of their position’s pay grade.

(4) Pay increases during the budget year will be funded from the County’s Personnel Contingency funds, and programmed into the department budget in subsequent years.

(5) Pay increases for certifications/licensures that are paid for by State or other non-County funds will be by those salary funds and generally the procedure/application of the increase and the amount will be determined by the funding source.

(6) Employees are responsible for keeping certifications and licensures current and up to date. If an employee’s certification or licensure is not active on the first pay period of the fiscal year, their increase will be removed from their annual salary.

I.6 CONSTITUTIONAL OFFICER PAY (Approved by BOS – Jan 18, 2017)

a. Starting Salary. The starting salary for newly elected Constitutional Officers will be set at the minimum amount that must be paid to the Constitutional Officer by the local government as

established by the General Assembly and reimbursed by the State's Compensation Board. Per State Code § 15.2-1605.1, however, the Board of Supervisors may approve a higher starting salary. The Board may consider education, experience, special skills or certifications, and proficiency in related former role(s) when determining that a higher starting salary is appropriate.

b. Salary for Interim Appointments. The salary for an appointed interim Constitutional Officer will be the minimum amount that must be paid to the Constitutional Officer by the local government as established by the General Assembly.

Section J

HOURS OF OPERATION

County offices shall generally be open as follows:

County Administration Office Personnel – 8:00 a.m. to 5:00 p.m.; Monday through Friday.

Buildings & Grounds Staff – 7:00 a.m. to 4:00 p.m.; Monday through Friday.

Water Treatment Plant – Schedules will vary due to operation of plant.

The above hours may vary based on discretion of the Department Head given the specific demands of work assigned to various departments. Specific work hours will be assigned to employees by the County Administrator or department head or Constitutional Officer for their respective employees. In all cases, full-time employees work eight (8) hours per day or forty (40) hours per work week as calculated on an hourly basis.

Section K

FAIR LABOR STANDARDS ACT PROVISIONS

For FLSA provisions pertaining to employees of the Sheriff's Office, see the Sheriff's policy manual.

K.1 DEFINITION OF EMPLOYEE

The term employee does not include any individual who volunteers to perform a service for this public agency. This is true as long as the individual is paid a minimum fee and the service performed is not the same type of service that the individual is employed to perform for the County. An employee of the County may volunteer to perform services for any other public agency and they are encouraged to do so to promote the general public welfare of this community, so long as it does not conflict with or interfere with the performance of existing job duties.

K.2 OVERTIME POLICY FOR HOURLY EMPLOYEES

The authorization and control of all overtime work is the direct responsibility of the department head. All overtime work must be approved by the Department Head in advance of the work performed and in writing. Overtime assignments are permitted only when required by operational necessity, and without which the normal functioning of the agency concerned would be adversely affected. Department heads must assure adequate funds are available for any payment of overtime work.

a. Overtime Hours Defined. Overtime hours for all eligible employees shall be defined as all those work hours exceeding 40 hours in a one week work period. The official work week shall be Sunday through Saturday for all county departments.

b. Policy. Overtime pay for hourly employees is compensated at the rate of time and one-half for any work hours exceeding forty (40) in a one week work period when requested by the department head or supervisor.

K.3 COMPENSATORY TIME POLICY FOR SALARIED NON-EXEMPT EMPLOYEES

a. Compensatory time for salaried employees who are not exempt from the Fair Labor Standards Act is earned at time and one-half rate for any work hours exceeding forty (40) in any one work week. Additional work hours shall be required only to relieve specific occasional peak work loads and not to provide for additional compensation.

b. Overtime wage payments may be awarded in lieu of compensatory time to salaried non-exempt employees with the approval of the Department Head or Constitutional Officer and Human Resources.

- c. It is the responsibility of the Department Head to provide the employee opportunities to use earned compensatory time in order to avoid exceeding the allowed maximum accrual of 240 hours. All hours in excess of the allowed maximum accrual must be paid to the employee.
- d. Non-exempt employees who are transferring to another department or who are promoted from a non-exempt to an exempt position shall, prior to assuming the new position, reach an agreement with their department head to use their accumulated compensatory time or to be paid for the unused compensatory time balance. The employee's compensatory balance must be zero prior to the starting date for the new position.

K.4 FLEX TIME POLICY FOR EXEMPT EXECUTIVE, ADMINISTRATIVE AND PROFESSIONAL EMPLOYEES

- a. Nothing in this section is to be construed to undermine the primary definition of an exempt employee being one who works whatever amount of time is necessary in order to perform the duties of their job (8 hours a day or 40 hours per week are not break points of any sort).
- b. To further clarify, working longer than usual hours does not equate to hours "earned" for the purpose of flex time and do not accrue or carryover, nor is that time owed to the employee in any way. The use of that time is at the discretion of the Department Head and should be taken only when doing so will not interfere with necessary work or deadlines.
- c. This policy applies to those positions listed in section E.3 of this policy.

K.5 SEPARATE AND INDEPENDENT EMPLOYMENT

In a situation where a County employee, who is engaged in either fire protection or police enforcement activities, and who agrees to be employed on a special detail by a separate or independent employer in related activities, the hours of such separate and independent employment shall be excluded from the calculation of overtime.

K.6 FIRE/RESCUE SERVICE DURING WORKING HOURS

- a. Under certain conditions, an employee who is a member of a County Rescue Squad or a County Volunteer Fire Department may respond to emergency calls during working hours. This is permitted only when there is a critical situation and there are not enough other available Squad or Department members to answer a call. Each employee who is a member of a County Rescue Squad or a County Volunteer Fire
- b. Department and may want to invoke this provision must initially receive, in advance, a one-time approval from the County Administrator.
- c. After having responded to a call during work hours, such call must be logged with the Department Head immediately after the employee returns to work. No regular shifts should be scheduled during regular working hours.

K.7 PART-TIME EMPLOYMENT

If a County employee undertakes on occasion or sporadic basis, solely at his or her option, part-time employment for the County which is different from his or her regular employment, the hours of different employment shall be excluded from the calculations of overtime compensation.

K.8 SUBSTITUTE FOR ANOTHER EMPLOYEE

If an employee agrees, with the approval of his/her department administrator and solely at the option of such individual, to substitute during scheduled work hours for another County employee who is employed in the same capacity, the hours worked as a substitute shall be excluded from the calculation of overtime payment. The County reserves the right not to keep a record of such substitute work hours and maintains that such substitute work was solely on the basis of the employee's agreement.

Section L

OFFICIAL PERSONNEL FILE POLICY

1. The purpose of this policy is to establish an official personnel file and to provide a procedure governing the access, dissemination and purging of information contained within this file.
2. The official personnel file shall be defined as the employment file containing personal information relevant to the individual's employment which is maintained by the Personnel Office. The official personnel file shall be the only file considered official and complete in matters related to wage and salary, employee selection, employee relations and arbitration hearings. Information pertaining to any personnel related aspect of employment (eg., letters of reprimand, letters of commendation, unemployment compensation requests, etc.) shall be contained within the file.
3. The access, dissemination, and purging of information contained within the file shall be in accordance with the Privacy Protection Act of 1976, as amended.
4. Official personnel files for Sheriff's Office employees will be housed in the Sheriff's Office. The County Administrator and Board of Supervisors shall have access to wage and evaluation information.
5. The following individuals shall be designated as having regular access to the official personnel files:
 - a. The County Administrator or his designee, and Constitutional Officers for their respective employees,
 - b. The Director of Finance,
 - c. The members of any Grievance Panel,
 - d. The Virginia Employment Commission Unemployment Compensation Division,
 - e. Federal, State, or local agencies to create additional personnel records after employment (ex. to create Federal personnel files on CETA employees),
 - f. Federal, state or local law enforcement agencies during the investigation of a violation or potential violation of the law,
 - g. Members of the Board of Supervisors.
6. The following individuals shall be designated as having regular access to a limited number of the official personnel files:
 - a. Individual employees or former employees shall have regular access to their own personnel file after having satisfactorily demonstrated their identity.

b. Department heads and immediate supervisors shall have regular access to the official files of employees under their authority only.

7. All official personnel files shall be stored in a locked cabinet and shall be reviewed in the presence of the Director of Finance, the personnel officer, or the County Administrator or his designee.

8. There shall be no dissemination of any personal information contained within the official personnel file to any individual or organization not having authorized access unless a Voluntary Release of Information Form has been completed both by the employee and the requesting individual agency.

Section M BENEFITS

M.1 GROUP HEALTH INSURANCE

- a. Employee group health insurance is provided to permanent employees who request coverage. A portion of the cost is paid by the County. Costs of the group health insurance may vary from year to year.
- b. Health insurance benefits are extended to permanent part-time employees who work at least 30 hours per week. The employer share of this coverage for permanent part-time employees will be at 100% of the employer cost for a full time permanent employee.

M.2 RETIREMENT BENEFITS

- a. Retirement benefits are provided through the Virginia Retirement System. This benefit is for permanent employees who work a regular schedule of thirty (30) or more hours per week. An employee is vested in the system after 5 years of service. As a vested member of the VRS, an employee is eligible to receive a reduced retirement benefits as early as age 55 with at least 5 years of service and as early as age 50 with 10 years of service. Full retirement benefits are granted at age 50 with 30 years service.
- b. In addition, permanent disability benefits are available through the VRS.

M.3 GROUP LIFE & HOSPITALIZATION INSURANCE

- a. A group life insurance policy is provided to full-time permanent employees through the Virginia Retirement System. This life insurance provides employees with group life insurance without a medical examination; natural death benefits; double indemnity for accidental death; and dismemberment payments for accidental loss of one or more limbs, or eyesight.
- b. The amount of the employee life insurance is equal to your annual salary rounded to the next highest thousand, and then doubled.
- c. The cost for group life insurance is paid entirely by the County.
- d. Employees may also purchase additional life insurance coverage for the employee, spouse and children. This coverage is also available from the Virginia Retirement System.

M.4 WORKER'S COMPENSATION

- a. If an accident or illness arising from, and occurring in, the course of an employee's job, causes him/her to miss work, the employee may be entitled to compensation to help offset the loss of wages during the period he or she is unable to work. The employee should report any work-related accident to his or her supervisor immediately. First report of injury should be made to Human Resources as soon as possible after the incident.

b. If the injury is compensable, the County pays the employee's full salary or wages for the first seven (7) working days, the insurance carrier for worker's compensation shall pay the employee's salary or wages on a percentage basis. Lost work days due to a job related injury or illness shall be recorded as worker's compensation leave.

M.5 UNEMPLOYMENT COMPENSATION

If an employee is laid off, or terminated, he or she may apply for unemployment compensation. For such purposes, the employee may contact the Virginia Employment Commission: <http://www.vec.state.va.us/index.htm>, 804-786-1485. The Commission will determine the employee's eligibility, which depends on such factors as length of employment, reason for separation, and salary earned.

M.6 HOLIDAYS

The County shall observe the holiday schedule adopted by the Commonwealth of Virginia. Permanent part-time employees who work at least 20 hours per week are entitled to pay for the holiday if the holiday falls on a regularly scheduled workday.

M.7 PERMANENT PART-TIME EMPLOYEE BENEFITS

a. Permanent part-time employees who work at least 20 hours per week, but less than 30, shall receive annual leave, sick leave, court leave, and military training leave of 50% of that received by a full-time employee of equal tenure. Permanent part-time employees who work at least 30 hours per week, but less than a full-time schedule, shall receive annual leave, sick leave, court leave, and military training leave of 75% of that received by a full-time employee of equal tenure. Group health insurance benefits are provided to permanent part-time employees who work 30 hours per week.

b. Retirement benefits are provided through the Virginia Retirement System. This benefit is for permanent employees who work a regular schedule of thirty (30) or more hours per week.

c. Permanent part-time employees who work at least 20 hours per week are entitled to holiday pay if the holiday falls on a regularly scheduled workday. Permanent part-time employees who work at least 20 hours per week, but less than 30, shall be allowed to accrue annual and sick leave balances at a rate of 50% of the maximum allowed accrual by a full-time employee of equal tenure. Permanent part-time employees who work at least 30 hours per week, but less than a full-time schedule, shall be allowed to accrue annual and sick leave balances at a rate of 75% of the maximum allowed accrual by a full-time employee of equal tenure.

M.8 DIRECT PAYROLL DEPOSIT

Direct deposit is mandatory for all employees. The employee will need to complete an authorization form for this benefit.

M.9 OTHER INSURANCES

A number of additional insurance policies are available to employees through payroll deduction to include cancer, life, disability and accidental coverage. However, the total premium is paid by the employee for the additional coverage.

M.10 EMPLOYEE ASSISTANCE PROGRAM

The County of Fluvanna considers its employees to be its most valuable asset and is concerned about the safety of the employees and their general state of health and well-being. Because of this, the County offers an Employee Assistance Program for county employees comprised of:

- (1) Employee Referral - A resource directory of human services offered in the Fluvanna County area that gives employees access to public and private counseling and treatment services available. The county's administrative staff is available to help an employee make a referral.
- (2) Employee Education - County employees are encouraged to take advantage of the resources available such as publications and pamphlets available through the administrative staff on substance abuse.
- (3) Employee Health Insurance - County employees have treatment coverage as a part of the health insurance through the County of Fluvanna. Employees are encouraged to check with personnel to determine specific coverage available.

M.11 CAFETERIA PLAN

The Internal Revenue Service allows individuals to pre-tax any health related insurance premiums which reduces the gross salary amount before taxes are calculated. Fluvanna County accommodates this section of the IRS code for all employees who qualify for health related insurance policies.

M.12 FITNESS CENTER USE

All County employees are able to use the fitness center at no charge, complete with weight room orientation and program design. The fitness center is located at the Fork Union Community Center. Please contact the Parks & Recreation Department for hours of operation.

Section N LEAVES OF ABSENCE POLICIES

N.1 ANNUAL LEAVE POLICY

a. Permanent County employees receive paid annual leave which can be taken for any purpose. Except in cases of illness or emergency, annual leave must be approved in advance. All full-time permanent employees of the County of Fluvanna shall be granted annual leave by the County as follows:

Years	Hours Earned per month	Days Earned per year	Service Accumulation
less than 5 years	8	12	160 hours
5 but less than 10	10	15	200 hours
10 but less than 15	12	18	240 hours
15 but less than 20	14	21	240 hours
20 or more	16	24	240 hours

b. Employees on vacation leave shall be paid their prevailing wage based on the prevailing scheduled work week. Annual leave is earned only upon completion of a full calendar month of employment. If an employee is absent for a period exceeding his or her earned leave balances, he or she will not earn annual leave for that period. Also, an employee will not earn annual leave during that portion of an absence with pay that exceeds 60 consecutive calendar days.

c. Probationary employees will not normally be permitted to take vacation leave until satisfactory completion of their probationary period. Exceptions may be approved by the Department Head on a need basis.

d. Upon separation or retirement a full-time employee shall be paid for all accrued annual leave, not to exceed the maximum amount of leave that can be carried to the next year.

e. In the event of death of the employee, the employee’s estate will be paid for accumulated annual leave.

f. Annual leave accrued above the maximum rate above, is lost by the employee.

g. Permanent part-time employees who work at least 20 hours per week, but less than 30, shall be entitled to annual leave equal to 50% of that earned by a full-time employee of equal tenure. Permanent part-time employees who work at least 30 hours per week, but less than a full-time schedule, shall be entitled to annual leave equal to 75% of that earned by a full-time employee of equal tenure.

h. Annual leave balances for employees who move from one Fluvanna County department to another, or the constitutional offices, will have those leave balances transferred in their entirety. If the transferred employee is terminated from their position within six (6) months of the hire date in the new position, then the employee’s previous department is obligated to incur their

prorated share of the leave balance payout assuming all leave balances initially transferred are reduced first by any leave the employee may have taken in the new department.

N.2 SICK LEAVE POLICY

a. Permanent employees may use sick leave for absences related to conditions that prevent them from performing their duties. These conditions include illness, injury, death in the immediate family, health problems, pregnancy, and childbirth. In cases of illness an employee shall notify his department head by telephone or messenger promptly. Employees may also use sick leave for medical appointments that cannot be scheduled outside work hours.

b. When these circumstances are known in advance, such as in cases of scheduled surgery or childbirth, employees should give their supervisors advance notice. A physician's certificate may be required by a department head or supervisor at any time as evidence of illness or scheduled medical appointment before compensation for such absence is allowed, but in any case a certificate certifying the reason for sick leave request shall be signed by the employee.

c. When it becomes evident an employee shall be unable to be at work for an extended period of time (three (3) consecutive working days), the employee must furnish the department head or supervisor with a written statement from his/her physician. This statement shall include the:

(1) Nature of the employee's condition;

(2) Expected date on which the employee will be able to return and perform normal work duties (in cases where applicable); and

(3) Approximate anticipated date of medical release by the physician.

d. The above medical statement shall also apply when an employee is unable to be at work for an illness in their immediate family as defined in B.4.(q) of this policy. An immediate family member shall be defined as spouse, parent, step-parent, child, step-child, grandchild, sibling, step-sibling, and any relative living in the employee's home.

e. Sick leave with pay shall be earned at the rate of 8 hours per full month worked for all full-time permanent employees. Sick leave shall be extended to all permanent part-time employees who work at least 20 hours per week. Sick leave, if not exhausted in the year in which it accrues, may be carried over from year to year without limit. Employees shall retain all benefits and seniority while on approved sick leave.

f. If an employee is absent for a period exceeding his or her earned leave balances, he or she will not earn sick leave for that pay period. Also, he or she will not earn sick leave during that portion of an absence with pay that exceeds 60 consecutive calendar days.

g. An employee's abuse of this policy may result in the employee's immediate dismissal from the County, or such other disciplinary action which may be appropriate.

- h. Employees on approved sick leave shall be paid their prevailing wage based on their usual prevailing scheduled work week not to exceed 40 hours per week.
- i. If an employee has five or more years of continuous service when County employment ends, he or she will be paid for twenty-five (25%) percent of the unused sick leave, not to exceed \$2,500.
- j. Sick time balances for employees who move from one Fluvanna County department to another, or the constitutional offices, will have those leave balances transferred in their entirety. If the transferred employee is terminated from their position within six (6) months of the hire date in the new position, then the employee’s previous department is obligated to incur their prorated share of the leave balance payout assuming all leave balances initially transferred are reduced first by any leave the employee may have taken in the new department.

k. New Hybrid VRS Eligible Employees’ Sick Leave. (Eff. 1-1-14) (Approved 10-16-13)

(1) Employees enrolled in the VRS Hybrid plan will receive Short term and long term disability, therefore the sick leave plan for this group will be a lump sum each fiscal with not accrual or carry over or paid out when leave employment. The leave of service will be determined as how many years as a VRS Hybrid eligible employee as of July 1 of that year. The amount of annual sick leave received is as follows:

Perm. FT Years of Service	Hours Earned per year	Days Earned per year (8 hours per day)
Less than 5 years	96	12
5 through 9 years	104	13
10 or more years	120	15

Perm. PT Years of Service	Hours Earned per year	Days Earned per year (4 hours per day)
less than 5 years	48	12
5 through 9 years	52	13
10 or more years	60	15

(2) Permanent Part-time employees working at least 30 hours per week, but less than 40 shall receive 75% of the Full-time allotted lump sum.

N.3 COURT LEAVE POLICY (Revised Nov 16, 2016)

Employees of the Sheriff’s Office will operate under the Sheriff’s policy regarding Court Leave in lieu of this section.

An employee’s absence from work for jury duty or for attending court in a non-official capacity as a witness shall be defined as “court leave”. Only leave-eligible employees are eligible for

court leave.

Court leave shall be granted by the County Administrator or Constitutional Officers for their respective employees. Before this leave is granted, the employee must submit a copy of the official summons for jury duty or witness service to the County Administrator or Constitutional Officer prior to the beginning date of such service. Any employee appearing in court either as a defendant or plaintiff in a case shall not be eligible for this leave.

A regular leave-eligible employee shall be given time off without charge to other leave or decrease of pay while performing jury duty when subpoenaed as a witness on County business or in a proceeding in which the employee is not a party. The period of such leave shall be only as necessary for the performance of the activity, plus the necessary travel time.

N.4 MILITARY LEAVE POLICY

The following policy is intended to conform to state and federal law with respect to military leave for County employees. In the event that there is any dispute, ambiguity or misunderstanding as to the County's policy with respect to military leave, this policy shall be so construed as to conform to the federal Uniformed Services Employment and Reemployment Rights Act (URESSA) and other applicable federal or state laws.

a. Reserve Duty. Upon presentation of a copy of final orders or other equivalent notice, a regular employee who is a member of an officially-recognized reserve or National Guard unit is eligible to 15 work days of military leave for training purposes or active duty per federal fiscal year (October 1 – September 30). During this 15-day period, the employee shall be considered on military leave with pay and shall accordingly be paid his or her full gross salary for regularly scheduled work hours during this period. Military leave will be credited to a full-time employee on the basis of an 8-hour workday. A full-time employee working a 40 hour work week will accrue 120 hours (15 days x 8 hours) of military leave in a fiscal year. Military leave will be prorated for part-time employees and for employees on uncommon tours of duty based upon the “workday formula” as defined under Section 44-93 of the Code of Virginia. Based on formulas in the Code of Virginia as well as the US Office of Personnel Management Deputies working a 84 hour bi-weekly schedule will accrue 126 hours ($84/80=1.05 \times 120=126$ or $1/260 \times 2184=8.4 \times 15=126$) of military leave per federal fiscal year.

b. Active Duty. Employees who voluntarily enlist in the Uniformed Services of the United States, or a reservist called to active duty, shall be placed on leave without pay for up to five (5) years while serving in the uniformed services. The leave without pay shall commence after the 15-day military leave with pay has been utilized.

c. Procedures for Military Leave. An employee who is leaving to perform military service shall provide advanced written notice to his supervisor which includes the best approximation of the expected dates of the leave. When available, employees shall provide a copy of their military orders. As with all leave requests, the employee should give as much advance notice as possible.

d. Benefits

(1) During military leave with pay, the employee will continue to accrue seniority, annual leave and sick leave. Employees who are on military leave without pay will continue to accrue seniority but not annual leave or sick leave.

(2) Employee reemployed following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of military leave, plus any additional seniority and benefits the employee would have attained had the individual remained continuously employed. An employee's time spent on active military duty will be counted toward their eligibility for FMLA leave once they return to their job.

(3) During a military leave of less than 31 days, an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work. For military leaves of more than 30 days, an employee and covered dependents may elect to continue his/her health coverage for up to 24 months at the cost of 102% of the overall (both employer and employee) premium rate. This continuation of coverage will run concurrently with applicable health insurance coverage under COBRA.

e. Reemployment. Any employee whose absence from employment with the County is necessitated by reason of military service in the uniformed services shall be entitled to all reemployment rights and benefits as set forth in the federal Uniformed Services Employment and Reemployment Rights Act (URESSA) and other applicable federal or state laws.

f. Notice. Upon return from military service, an employee must provide notice of or submit an application for reemployment in accordance with the following schedule:

(1) An employee who served for less than 31 days, must report for reemployment at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service and eight hours after returning to the employee's residence.

(2) An employee who served for more than 30 days, but less than 181 days, must submit an application for reemployment no later than 14 days after completing his/her period of service, or, if this deadline is impossible or unreasonable through no fault of the employee, then on the next calendar day when submission becomes possible.

(3) An employee who served for more than 180 days must submit an application for reemployment no later than 90 days after the completion of the uniformed service.

(4) An employee who has been hospitalized or is recovering from an injury of illness incurred or aggravated while serving must submit an application for reemployment with Human Resources no later than two years following completion of service.

g. Terms

(1) An employee will be reinstated to employment in the following manner depending

upon the employee's period of military service.

(a) If less than 91 days of military service in a position in which the employee had been employed prior to military service or a position that the employee would have attained if employment had not been interrupted by military service.

(b) If more than 90 days and less than 5 years of military service in a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay.

(2) A probationary employee called to military service is eligible for reemployment. When a probationary employee is reemployed, he or she will return to the same status as existed prior to the military service.

h. Exceptions to Reemployment. In addition to the employee's failure to apply for reemployment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:

(1) The County's circumstances have so changed as to make reemployment impossible or unreasonable.

(2) The employee's employment prior to the military service was merely for a brief, non-recurrent period of time and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.

(3) The employee did not receive an honorable discharge from military service.

N.5 ABSENCE WITHOUT LEAVE POLICY

a. Absence without leave shall be defined as an absence from the job during a scheduled work period without approval of the employee's supervisor or department head. Also the failure to report to work at the expiration of an authorized leave or to request an extension of time, shall be considered an absence without leave. An unauthorized absence from duty during required hours of attendance shall be treated as an absence without pay. Where there are not adequate reasons for the failure to secure authorization prior to the absence the employee shall be subject to disciplinary action as may be determined by the department head subject to the provisions governing discipline set forth herein.

b. The following disciplinary procedure shall serve as a guide:

(1) The first occurrence (2 work days or less) of absence without leave shall result in at least a reprimand with a copy to the official personnel file.

(2) The second occurrence (2 work days or less) of absence without leave within a

(3) 12-month period shall result in at least suspension without pay.

(4) The third occurrence (2 work days or less) of absence without leave within a 12-month period shall result in the immediate dismissal of the employee.

(5) Any employee absent without leave for three consecutive work days shall be subject to immediate dismissal.

N.6 LEAVE WITHOUT PAY POLICY

a. Policy

(1) Leave of absence without pay may be granted for:

(a) Educational leave in excess of such leave allowable with pay;

(b) Courses of study;

(c) Military leave in excess of such leave allowable with pay;

(d) Use of annual and sick leave which exceeds the amount of leave earned requires specific advance approval of the County Administrator, or the Constitutional Officer for their respective employees.

(2) Leave of absence without pay shall not be allowed until all balances of applicable leave with pay have been used. Leave of absence without pay shall not be granted for more than one calendar month without approval of the County Administrator or Constitutional Officers for their respective employees.

(3) Any employee returning from leave of absence without pay, during or at the end of the period for which the leave was granted, shall be entitled to reinstatement. If he/she fails to return at the end of the period for which the leave was granted, he/she shall be treated as having resigned.

b. Leave Accrual. During the period for which the leave was granted, employees will not accrue annual or sick leave hours.

c. Benefits

(1) The County will continue to pay the life insurance premiums.

(2) Retirement Contributions –

(a) Retirement contributions (including the component to fund the health credit) will be made for any period in which the employee has received qualifying compensation.

(b) Retirement contributions will not be made for any pay period in which no

qualifying compensation has been received by the employee (i.e., if the employee was on leave without pay for the entire pay period).

d. Health Insurance Premiums. For an employee granted leave without pay status under the Family Medical Leave Act (FMLA), the County will continue to pay the employer portion of the premium. For an employee granted leave without pay status who does not qualify for FMLA, the employee will have to pay both the employer and employee portions of the premium in order to maintain coverage.

N.7 EDUCATIONAL LEAVE

Employees may be allowed to take leave to further their education through courses related to their work. This leave may be with full, partial, or no pay, and must be authorized by the County Administrator, or Constitutional Officers for their respective employees, who decides what type of leave employees may take. Financial assistance for such courses may be available from the employees department, based on the department's needs and ability to finance educational courses.

N.8 CLOSURES DUE TO WEATHER OR OTHER EMERGENCIES

a. Purpose. To prescribe uniform procedures for the closure of County offices and the treatment of employee work and absences from work during periods of inclement weather and other emergency closures.

b. Policy. Fluvanna County will make every reasonable effort to open its facilities to the public as scheduled, consistent with safe access for staff and the public. Whenever it is determined that the health and safety of citizens or employees would be placed at risk or that conditions or events prevent performance of regular operations, services, or responsibilities assigned, closure of County offices or specific departments may be deemed necessary.

(1) The County Administrator is responsible for determining whether a delayed opening, early closure, or full day closing of the County offices is necessary due to inclement weather or other emergency.

(2) The chief judge or presiding judge of the respective court may authorize the clerk of the court to close the clerk's office and court. The clerk of the respective court will notify the County Administrator or designee of such closure.

c. Employee Safety

(1) Employees should use their own judgment when they believe roads or other conditions may be unsafe for travel to/from work, and employees may take appropriate annual leave when necessary during inclement weather or emergency situations. Employees are encouraged to maintain adequate leave balances for such situations.

(2) During times of emergency or inclement weather it is the responsibility of the employee to

confirm when and where County facilities will be closed. Employees are advised to listen to local radio/TV announcements for closures/reopening notices. If such conditions develop during the night and warrant delayed opening or official closing, employees will be notified through their department via the Emergency Contact and Recall List. If there is any doubt, employees should contact their supervisor.

d. Definitions

(1) **Essential Employees**. Essential employees are those who may be required to work during emergency conditions as designated by their department head.

(2) **Public Safety Personnel**. Deputy Sheriff's and Emergency Communications Officers are deemed Public Safety Personnel.

(3) **Closure Pay**

(a) A supplemental pay category for leave-eligible employees paid at an employee's annualized normal hourly rate during an officially approved closure.

(b) Closure pay can only be earned during an employee's regularly scheduled work hours.

e. Designated Essential Employees During Approved Closures

(1) Essential employees who physically work some or all of their regularly scheduled hours during an approved closure will receive their normal compensation for those regular hours worked **plus** closure pay for those same hours (i.e., "double time pay").

(2) Overtime policy also applies to essential personnel who physically work more than 40 hours during that work week (Sun to Sat).

(3) Overtime is only calculated on the regular and unscheduled hours worked, not the closure pay compensation amounts.

f. Public Safety Personnel During Approved Closures

(1) Will physically work their regularly scheduled hours regardless of County office closures and may also be required to work over regularly scheduled hours to meet operational needs.

(2) Public Safety personnel who physically work their regularly scheduled hours during an approved County closure will receive their normal compensation for those regular hours worked **plus** closure pay for those same hours (i.e., "double time pay").

(3) Overtime policy also applies to a Deputy Sheriff who physically works over 86 hours in their work cycle and to an Emergency Communications Officer who physically works over 40 hours during their work week (Sun to Sat).

(3) Overtime is only calculated on the regular and unscheduled hours worked, not the closure pay compensation amounts.

g. Non-Essential Employees During Approved Closures

(1) Employees will not be required to make up regularly scheduled time missed during an approved closure. Such time will be charged to the closure pay code.

(2) Regularly scheduled hours missed outside of the approved closure hours will be charged to accrued annual leave or accrued compensatory time.

(3) Leave-eligible employees who are not regularly scheduled to work during an approved closure will not receive closure pay.

(4) Employees on official travel out of the local area and not subject to the weather or emergency event will not receive closure pay.

(5) Employees on pre-approved leave will not receive closure pay.

(6) Non-essential employees who work some or all of their regularly scheduled hours during an approved closure will not receive closure pay.

N.9 LEAVE SHARING POLICY

a. Requirements. Leave may be donated from one employee to another under the following conditions:

(1) the employee receiving the leave uses it for authorized sick leave purposes only; and,

(2) the employee receiving the leave has exhausted all other leave balances (including annual, sick, and compensatory leave); and,

(3) the employee donating the leave understands that there is no obligation or pressure to donate leave.

b. Requesting and Donating Leave. If an employee(s) have freely agreed to donate leave to another employee needing sick leave and meeting the conditions outlined in section N.9.a of this policy, notification must be made to the Finance Director in writing. The following items must appear in that notice:

(1) All parties must acknowledge that they meet all of the conditions as set forth in section N.9.a of this policy.

(2) Each donor shall indicate the type of leave he/she is donating and how many hours are being donated.

(3) This letter shall be signed by both the requestor and the donor(s).

Should a requestor receive leave from more than one donor and not use all of the leave, the amount of donated leave remaining shall be divided equally among the donors and returned to them as the same type of leave that they donated.

N.10 BEREAVEMENT LEAVE (Approved 01/21/2015)

a. Policy. Bereavement leave is designed to provide employees with paid time away from work to grieve and to handle matters related to a death in their immediate family. All Regular full time staff are eligible for paid leave upon the death of an immediate family member. Regular part time staff will be compensated for regularly scheduled work hours only on the approved Bereavement Leave days.

b. Immediate Family Defined

- Spouse
- Child (natural/step/adopted/foster)
- Parent (natural/step/adoptive)
- Sibling (natural/step/adopted)
- Immediate in-laws (father, mother, sister, brother, son, daughter)
- Grandparents (immediate or spousal)
- Legal Guardian
- Person living in the same household as the employee.

Other relationships may also be approved on a case-by-case basis by the County Administrator or Constitutional Officer without setting precedent.

c. Length of Leave. Bereavement Leave is granted for up to three days. If additional time is necessary, the employee may elect to use other available leave with the approval of his/her supervisor.

d. Notification

(1) Employees taking Bereavement Leave will notify their supervisor as soon as possible of the funeral arrangements, anticipated length of leave, where the employee can be reached during the Leave, and other appropriate information. In no case will Bereavement Leave begin before the Supervisor is notified.

(2) If the employee requires more than 3 days leave in the event of a death in the immediate family, vacation, personal, comp, sick, or leave without pay may be requested for the additional days.

(3) An employee may request leave for the death of a non-immediate family member or a friend. In this case, vacation, personal, comp or leave without pay may be requested.

Section O

FAMILY AND MEDICAL LEAVE ACT PROVISIONS

Updated 12/2009

O.1 OBJECTIVE

It is the objective of Fluvanna County to provide eligible employees with up to 12 weeks of unpaid family or medical leave because of the birth of a child or the placement of a child with the employee for adoption or foster care, because the employee is needed to care for a family member (child, spouse, or parent) with a serious health condition, or because the employee's own serious health condition makes him or her unable to do his or her job.

O.2 DEFINITIONS

a. Eligible Employees - Employees who have (1) been employed by the County for at least 12 months; and (2) worked at least 1,250 hours during the 12 months before the start of the leave.

NOTE: The required 1,250 hours do not have to be worked during consecutive months. However, the 1,250 hours of work requirement applies to the 12 months immediately preceding the start of the leave.

b. Employment Benefits - All benefits provided by the County to salaried employees including group life insurance, health insurance, annual and sick leave, educational benefits, and retirement contributions.

c. Family and Medical Leave - A leave without pay (or use of an employee's accrued leave) for up to 12 workweeks during a 12-month period for the reasons specified in this policy in conformance with the federal Family and Medical Leave Act (FMLA) of 1993.

d. Health Care Benefits - The health insurance program covering eligible employees.

e. Health Care Provider - Health care providers include the following:

(1) Doctors of medicine or osteopathy who are authorized to practice medicine or surgery (as appropriate) by the state in which the doctors practice;

(2) Any other person determined by the Secretary of the Department of Labor to be capable of providing health care services; and

(3) Others capable of providing health care services to include only podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners and nurse-midwives authorized to practice in the state and performing within the scope of their practice as defined under state law. This also includes Christian Scientist practitioners listed with the First Church of Christ, Scientist in Boston, although an employee or family member may be required to submit to a medical examination for a second or third opinion (not treatment) from a non-Christian Science practitioner.

f. Parent - Biological parent or individual who stood in place of the parent and was charged with the duties and responsibilities of the parent.

g. Son or Daughter - A biological, adopted or foster child, a stepchild, or legal ward, or a child of a person standing in place of the parent. The child must either be under age 18 or be age 18 or older and incapable of self-care because of a mental or physical disability.

h. Spouse - Husband or wife as recognized under the laws of the Commonwealth of Virginia for the purpose of marriage.

i. Serious Health Condition/Illness - An illness, injury, impairment or physical or mental condition that involves: (1) inpatient care in a hospital, hospice, or residential medical care facility; or (2) continuing treatment by a health care provider.

O.3 WHEN FAMILY AND MEDICAL LEAVE ALLOWED

a. Time Frames for Use of FMLA

(1) Eligible full-time employees may take up to 12 workweeks (60 workdays; 480 work hours) of family and medical leave (FMLA) in a 12-month period. The time missed from work due to FMLA cannot exceed 12 weeks in a 12-month period.

(2) The 12-month period is calculated from the leave commencement date. The first day of family medical leave constitutes the beginning of the 12-month cycle and remains the same regardless of whether the leave is continuous or intermittent.

b. FMLA for Full-Time Employees

Eligible full-time employees may take up to 12 workweeks (60 workdays; 480 work hours) of unpaid family and medical leave per 12-month period for the following reasons:

(1) The birth of a child (to be taken within 12 months of the child's birth);

(2) The placement of a child with the employee for adoption or foster care (to be taken within 12 months of date of placement);

(3) In order to care for a child, a dependent son or daughter over 18 years of age who is incapable of self-care because of a mental or physical disability, a spouse, or a parent who has a serious health condition that involves:

(a) In-patient care in a hospital, hospice, or residential medical care facility; or

(b) Continuing treatment by a health care provider.

(4) A serious personal health condition that renders the employee unable to perform the functions of his or her position. Departments may request certification that the employee is unable to work at all or is unable to perform any of the essential functions of the employee's position within the meaning of the Americans with Disabilities Act.

c. FMLA for Eligible Part-Time Employees. Eligible part-time employees may take up to 12 weeks of family and medical leave in a 12 month period for the reasons listed in Section "O.3, b"

above. Actual hours taken will be counted on a prorated basis corresponding to the percentage of hours they normally are scheduled to work during a 12 month period.

EXAMPLE:

A part-time employee works 25 hours per week year-round. During any 12-week period, she works a total of 300 hours. Therefore, if intermittent leave is taken, she may take up to 300 hours of family and medical leave in a 12 month period.

O.4 RESTRICTED USE OF FAMILY AND MEDICAL LEAVE

- a. Family and medical leave may not be used for short-term conditions for which treatment and recovery are brief, such as minor illnesses and out-patient surgical procedures with expected brief recuperating periods. It does not provide for the intermittent care of a child for such commonplace illnesses as colds and flu.
- b. When both parents of a child work for the County in the same facility, the full amount of leave may be limited to a combined total of 12 workweeks in a 12-month period when the leave is for the birth, adoption, or foster care placement of a child.

O.5 PAID LEAVE

Employees are required to use all paid leave, as appropriate under each particular leave policy, for absences covered under family and medical leave. A department may designate such leaves as family and medical leave, if it meets the conditions of Section “O.3, b” above. The County is required to provide only the number of unpaid workdays which, when combined with the number of days of other leave taken, equal a total of 60 workdays or 480 work hours.

EXAMPLE:

An employee uses six days of sick leave and 15 days of annual leave to care for a parent who has a serious health condition. The County must allow him to take 39 days of unpaid leave.

O.6 INTERMITTENT LEAVE OR LEAVE ON REDUCED SCHEDULE

- a. Employees may take intermittent leave or work a reduced schedule, not to exceed 480 hours for full-time employees, as follows:

(1) When medically necessary because of an eligible employee's own serious health condition or the serious health condition of a child, spouse or parent, an employee may take family or medical leave on an intermittent leave basis or a reduced schedule as indicated below.

(a) Intermittent leave schedule - a leave schedule permitting the employee to take leave periodically for a few hours a day (less, than eight hours), or for a few days, on an as-needed basis.

NOTE: Employees may be required to provide medical certification that intermittent leave is necessary.

(b) Reduced schedule - a leave schedule permitting the employee to reduce his or her usual number of hours worked per workweek or per workday.

(2) Employees who must take intermittent leave or work a reduced schedule may either use their available paid leave balances as permitted by each specific leave policy or take unpaid family and medical leave. A department may designate such leave (paid or unpaid) as family and medical leave, if it meets the conditions of Section “O.3, b” above.

(3) Employees do not accrue annual and sick leave when they are on leave without pay status during family and medical leave.

(4) When an employee takes leave to care for a newborn child, or because of the placement of a son or daughter with him or her for adoption or foster care, the employee may take leave intermittently or on a reduced schedule, if departmental management agrees on such an arrangement beforehand.

(5) When the conditions noted in Section “O.6, (1)” above are applicable, the department can temporarily transfer the employee to another position that better accommodates the intermittent leave or reduced schedule as long as the new position carries equivalent pay and benefits.

O.7 FAMILY AND MEDICAL LEAVE NOTIFICATION/SCHEDULING

a. Employee Responsibility

(1) An employee should submit a written request for family and medical leave at least 30 days before the anticipated beginning of the family and medical leave, unless emergencies or unforeseen events preclude such advance notice.

(2) The County requires that a request for family and medical leave be supported by a health care provider's certification of the medical condition of the person affected to include the date when the serious condition began, the probable duration of the condition, and other appropriate facts as detailed below before granting family and medical leave.

The medical certification provisions encompass both physical and psychological care, and it includes situations where, for example, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself or herself to the doctor, etc. The term also includes providing psychological comfort and reassurance which would be beneficial to a seriously ill child or parent receiving inpatient care.

(a) A family illness request requires a statement that the employee is needed to care for a child, spouse or parent, and must include the estimated time needed.

(b) A personal illness request requires a statement that the employee is unable to perform the essential functions of his or her job as defined by the Americans with Disabilities Act.

(c) An intermittent leave or reduced schedule request necessitated by an employee's own health condition must include a statement of the medical necessity for the leave and the expected duration.

(d) An intermittent leave or reduced schedule requested for the care of an employee's family member requires a statement that the employee's leave is "needed to care for" the family member, the expected duration, the expected treatment dates and the schedule of intermittent leave or

reduced leave. The term "needed to care for" includes:

i. Situations where the employee may be needed to fill in for others who are caring for the family member, or to make arrangements for changes in care, such as transfer to a nursing home; and

ii. An employee's intermittent leave or a reduced schedule necessary to care for a family member including not only a situation where the family member's condition itself is intermittent, but also where the employee is only needed intermittently, such as where other care is normally available, or care responsibilities are shared with another member of the family or a third party.

NOTE: When possible, the employee should provide certification in advance of, or at the commencement of, the requested leave. When that is not possible, certification must be provided reasonably soon after the leave begins.

(3) The County requires an employee to report periodically during the leave period on his or her leave status and intention to return to work, and to provide subsequent re-certifications on a reasonable basis (every 4 to 6 weeks).

b. County Actions

(1) While FMLA protection is typically initiated by a leave request, employees need not expressly assert FMLA rights by name, or even make a formal leave request, in order to obtain protection. Rather, the Act imposes obligations on an employer as soon as it acquires knowledge that an last updated absence is potentially FMLA-qualifying. It is important to remember that even requests for paid leave, if for an FMLA-qualifying condition, need to be documented as such and the employee notified in writing that the leave will count toward the 12-weeks of eligibility. Subsequently, records must be kept in accordance with this policy and the guidelines set out in the FMLA.

(2) If a supervisor lacks sufficient information to determine whether the leave qualifies under FMLA, then it is his/her obligation to inquire further and preliminarily designate the leave as family and medical leave. Nonetheless, an employee giving notice of the need for unpaid FMLA leave must explain the reasons for leave so as to allow this determination.

(a) Once leave is designated, the supervisor must immediately notify the employee of the designation. The notice may be oral, but must be confirmed in writing by the next payday (or subsequent payday if the next payday is less than one week away). If leave has already begun, the notice should be mailed to the employee's home address.

(b) Written notice must set out clearly the obligations of the employee during leave, and any consequences for failing to meet these obligations. The notice must also provide:

i. That the leave will count against the employee's annual FMLA entitlement;

ii. Any requirements for furnishing medical certification, and the consequences for failing to do so;

- iii. The employee's right to substitute paid leave, whether you will require substitution, and any conditions related to substitution;
- iv. Any requirements for making premium payments to maintain health benefits, the arrangements for making such payments, and the consequences for failing to make such payments timely;
- v. Any requirements for presenting fitness-for-duty certificates prior to returning to work;
- vi. The employee's right to the same or an equivalent job upon return from leave;
- vii. The employee's potential liability for payment of health benefit premiums paid by the employer during leave, if he or she fails to return.

NOTE: Although leave typically may not be designated as FMLA leave after the employee returns to work, you may designate the leave retroactively (within two days of the return) if you learn of the reason for absence only after the employee's return.

c. **Second and Third Opinions**

(1) The County may require, at its own expense, a second opinion from its designated or approved health care providers. (This health care provider cannot be one who is employed by the County on a regular basis.)

(2) When the second opinion differs from the first, the County may, at its own expense, require a third opinion from a health care provider designated or approved jointly by the employee and the County. The opinion of the third health care provider shall be considered final and binding upon the employer and the employee.

O.8 RESTORATION TO POSITION

a. **Types of Reinstatement.** At the end of family and medical leave, employees normally are to be reinstated as follows:

(1) Original position - departments normally must restore employees to the positions they held (or to equivalent positions) when the leave began.

(2) Equivalent position - if previous positions have been filled, employees are entitled to restoration to equivalent positions.

-standard of equivalence: requires comparability and correspondence to duties, terms, conditions, and privileges of employees' previous positions.

b. **Conditions of Restoration of Position.** Departments can require their employees to report periodically on their status and intent to return to work, and can require certification from health care providers that employees are able to return to work.

O.9 STATUS OF BENEFITS DURING FAMILY AND MEDICAL LEAVE

a. Health Insurance Premiums – County Contribution. The County will continue to contribute to the health insurance premiums of salaried employees who are on leave under the Family and Medical Leave Act as discussed below:

(1) When employees are using paid annual or sick leave under the provisions of FMLA, the payroll deductions of their portions of the premiums continue.

(2) When employees are on leave without pay under the provisions of FMLA, their premium contributions will be handled as if they were on leave without pay.

b. Health Insurance Premiums – Employee Contribution. Employees who are on leave under FMLA will pay the same portion of their health insurance premiums as they would if they were not on leave.

(1) Premiums are due to the County by the first day of each month of coverage.

(2) If employees fail to make premium payments, the County will follow the same procedures to terminate coverage as they would if employees failed to pay premiums while on leave without pay.

(3) If employees fail to return to work at the end of leave under FMLA, the County may recover from them the County's share of premiums paid during the period of leave.

(4) However, there will be no recovery of premiums if employees fail to return to work as a result of:

(a) the onset, recurrence, or continuation of a serious health condition that entitles them to leave to care for themselves or for a family member; or

(b) other circumstances beyond the employee's control.

EXAMPLES:

- If an employee fails to return to work secondary to a disabling condition, the department will not seek reimbursement for the County's contributions for health insurance coverage during the period of leave.

- If an employee fails to return to work at the end of FMLA leave because of his or her acceptance of other employment, the County will seek to recover the County's contributions for health insurance coverage during the period of leave.

c. Life insurance. The County will continue to pay VRS life insurance premiums while employees are on family and medical leave.

d. Leave Accrual. Employees will not accrue annual or sick leave hours during any period of leave without pay.

e. Retirement

(1) Retirement contributions (including the component to fund the health credit) will be made for any period in which the employee has received qualifying compensation.

(2) Retirement contributions will not be made for any pay period in which no qualifying compensation has been received by the employee (i.e., if the employee was on leave without pay for the entire pay period).

O.10 MANAGEMENT OF FMLA RECORDS

a. The County must make, keep and preserve records pertaining to their obligations under FMLA. Records must be kept for at least three years.

b. Required records must include the information listed below:

(1) Basic payroll and identifying employee data, including: name, address, and occupation; rate or basis of pay and terms of compensation; daily and weekly hours worked per pay period; additions to or deductions from wages; and total compensation paid.

(2) Leave designated as FMLA leave, both paid and unpaid, and the dates employees took it. (If FMLA leave is taken in increments of less than a day, the hours must be noted.)

(3) Copies of employees' notices of leave furnished to the County.

(4) Any documents (including written and electronic records) describing employee benefits or policies and practices regarding the taking of paid and unpaid leaves.

(5) Records of premium payments.

(6) Records and documents relating to medical certifications, recertifications or medical histories of employees or employees' family members are to be maintained in separate files/records and treated as confidential medical records except:

(a) Supervisors and managers may be informed regarding necessary restrictions on work duties and necessary accommodations;

(b) First aid and safety personnel may be informed (when appropriate) if the employee's physical or medical condition might require emergency treatment; and

(c) Government officials investigating compliance with FMLA (or other pertinent law) shall be provided relevant information upon request.

O.11 USE OF COUNTY FORMS

Employees shall request family/medical leave through use of the leave request form with certification attached. It is the employee's responsibility to secure all appropriate information and submit this information to the County as required. A request cannot be considered until complete information (in a clear format) is received. Incomplete information or information that is unclear will be returned to

the employee.

O.12 SERVICEMEMBER FAMILY AND MEDICAL LEAVE ADDENDUM

This Addendum supplements our FMLA policy and provides general notice of the employee rights to Servicemember Family and Medical Leave. Except as mentioned below, an employee's rights and obligations to Servicemember FMLA Leave are governed by our existing FMLA policy.

a. Employee Entitlement to Servicemember FMLA

(1) Servicemember FMLA provides eligible employees unpaid leave for one, or for a combination, of the following reasons:

(2) A "qualifying exigency", as defined by the Department of Labor, because the employee's spouse, son, daughter or parent is on active duty (or has been notified of an impending call to duty) in the Armed Forces in support of a "contingency operation", and/or To care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

(3) Notice of the need for such leave to one's employer must be reasonable and practicable.

b. Duration of Servicemember FMLA

(1) When Leave Is Due to a "Qualifying Exigency": An eligible employee may take up to 12 workweeks of leave during any 12-month period.

(2) When Leave Is To Care for an Injured or Ill Service Member. An eligible employee who is the spouse, child parent, or next-of-kin of the covered servicemember may take up to 26 workweeks of leave during a single 12-month period to care for the servicemember injured or taken ill during active duty. Leave to care for an injured or ill servicemember when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period.

(3) Servicemember FMLA runs concurrent with other leave entitlements provided under federal, state and local law.

FMLA Amendment - Military Leave Entitlements Effective October 28, 2009

(4) On October 28, 2009, President Obama signed the National Defense Authorization Act for Fiscal Year 2010 into law. The bill includes provisions amending the Family and Medical Leave Act (FMLA) military family leave entitlements, expanding qualifying exigency leave and care giver leave.

(5) Qualifying exigency leave will now cover family members of the regular Armed Forces, in addition to current coverage of family members of the Guard or Reserves. It will also cover family members of individuals deployed to a foreign country, removing the current requirement that National Guard or Reserve members be serving "in support of a contingency operation."

(6) Military caregiver leave has also been expanded so it may be used by family members to care for Veterans undergoing treatment, recuperation or therapy for an injury, as long as the veteran was a member of the Armed Forces, National Guard or Reserves within five years of requiring care. The bill also expands military caregiver leave so that employees may use it to care for a covered service member's serious injury or illness incurred because service on active duty aggravated an existing or preexisting injury. Previously, law only allowed caregiver leave for serious illnesses or injuries incurred on active duty.

Section P

STANDARDS OF CONDUCT

Employees of the Sheriff's Office are excluded from this section of the policy and should refer to the Sheriff's Office policy regarding Standards of Conduct.

P.1 GENERAL PROCEDURES

a. The Standards of Conduct in this policy are designed to protect the well-being and rights of all covered employees; to assure safe, efficient government operations and to assure compliance with law.

b. The Standards serve to:

(1) Establish a fair and objective process for correcting or treating unacceptable conduct or work performance;

(2) Distinguish between less serious and more serious actions of misconduct and provide corrective action accordingly; and

(3) Limit corrective action to employee conduct occurring only when employees are at work or when otherwise representing the County in an official or work-related capacity, unless otherwise specifically provided for in this procedure.

c. The Standards in this policy are intended to be illustrative but not all inclusive. Accordingly, an offense which, in the judgment of the agency head, although not listed in the policy, undermines the effectiveness of the agency's activities or the employee's performance, should be treated consistent with the provisions of this policy.

P.2 TIMELY AND REGULAR ATTENDANCE

Planned absences should be arranged with supervision in advance. Unexpected absences should be reported to supervisors as promptly as possible, as determined by agency management.

P.3 DEPENDABLE APPLICATION OF TIME

Employees are expected to apply themselves to their assigned duties during the full schedule for which they are compensated.

P.4 SATISFACTORY WORK PERFORMANCE

Employees are expected to meet established performance standards. Conditions or circumstances, as they become known, which will prevent employees from performing effectively or from completing their assigned tasks should be reported to supervision. Unclear instructions or procedures should be brought to the attention of supervision.

P.5 SUPERVISING FOR BETTER WORK PERFORMANCE

- a. Supervisors should assist employees in understanding their work assignments, the Standards of Conduct, and the goals, objectives, and performance standards of their position.
- b. Supervisors should be aware of inadequate or unsatisfactory work performance or behavior on the part of employees and attempt to correct the performance or behavior immediately. Depending on the severity of the situation, corrective action may be accomplished through the use of informational or formal means. Informal corrective action may take the form of a counseling session or the issuance of a counseling memorandum or letter. Formal disciplinary action is accomplished by the issuance of a written reprimand. While it is hoped that most performance and behavior problems can be resolved through a counseling process, such counseling is not a prerequisite to taking formal disciplinary action.

P.6 DRESS CODE

All personnel shall dress in a manner that is suitable to their place and type of work. Office workers shall generally dress in business or business casual attire. Department Heads are responsible for making judgment calls as to appropriateness and compliance with dress code. Department Heads are encouraged to extend this standard to their volunteers, contract employees, and community service workers that are working in an environment visible to the public.

P.7 EMPLOYEE POLITICAL ACTIVITY POLICY

- a. Employees of the County serve all County residents equally. The political opinions or affiliations of any resident will in no way affect the amount or quality of service received from the County. An individual's political affiliation, preference, or opinion will not in any way influence appointment, retention, or promotion as a County employee. No employee will, directly or indirectly, give, render, pay, offer, solicit or accept any money, services or other valuable consideration of or on account of any appointment, proposed appointment, promotion or proposed promotion to a position in Fluvanna County.
- b. Employees of the County will not solicit any assessment or subscription intended for any political purpose from other employees or the general public. Employees of the County will not contribute money to any candidate or political party except on a strictly personal voluntary basis.

P.8 GIFTS AND GRATUITIES POLICY

- a. An employee of Fluvanna County is subject to disciplinary action if he accepts "gifts or gratuities" of value from anyone doing business with the County or anyone actively operating under the various codes and ordinances of Fluvanna County.
- b. The term "gifts and gratuities" includes, but is not limited to monies, credits, lavish meals, household appliances and furnishings, clothing, loans of money, tickets to sporting events, theaters, etc., transportation, vacations, travel or hotel expenses and various forms of entertainment. County related business trips paid for by others must receive prior approval of the County Administrator or the Board of Supervisors.
- c. The term value could apply to any gift if given in return for "special treatment" from the County.

The receipt of such items as calendars, sample advertisements such as a pencil or ball point pen on which the employers place no significant value may be accepted as a courtesy, but only if the employee has not requested the item. The overriding factors shall be that the gift is accepted as a courtesy, has no significant value to the employee, is not requested by the employee and is in no way related to "Special treatment" for the giver. Any gift should be discouraged when possible.

d. Employees may not personally accept gifts of significant value, but may accept gifts or contributions that will be used to the benefit of the public in a county office, subject to acceptance of that contribution being confirmed by the County Administrator or the Board of Supervisors. A value in excess of \$50.00 shall be deemed significant.

P.9 CONFLICT OF INTEREST POLICY

a. Employees of the County will, in all cases, be guided in their action by the highest of ethical standards. Information gained through association with the County will not be used for personal profit or gain, nor may normal business associations with anyone be used to the personal advantage of an employee. For example, employees may not:

(1) Speculate or trade in real estate to take advantage of information gained through the County that is not otherwise available to the general public.

(2) Be employed or accept payment for services from contractors or others.

(3) Purchase or offer bids on surplus County property, unless sale of services and goods are offered at uniform prices available to the general public or are offered to all in an advertised public auction, and do not exceed \$500 total for all purchases at one sale or a series of related sales. (Virginia Code Section 2.2-3110.A.6)

P.10 SMOKING IN THE WORK PLACE

All County facilities are tobacco free facilities. This policy covers the smoking of any tobacco products and the use of smokeless tobacco products. Employees wishing to smoke shall do so outside of County Buildings. For purposes of this policy, this shall also include County-owned vehicles.

P.11 NETWORK/INTERNET ACCEPTABLE USE POLICY

All users of electronic mail and internet services are required to acknowledge acceptance of and intention to comply with the Acceptable Use policy, by signing the "Use Agreement for Electronic Mail and Network/Internet Services" (Appendix A.2). Signed agreements will be kept in the office of the Network Administrator.

P.12 SEAT BELT USE

Employees are required to use lap and shoulder seat belts when driving a vehicle on-the-job.

Section Q

DISCIPLINARY POLICY

Q.1 POLICY STATEMENT

The County of Fluvanna shall support the practice whereby all part-time, temporary, and permanent employees shall be disciplined by the same process. The discipline of an employee shall be a progressive process. Constitutional Officers may adopt their own disciplinary policies for their respective employees; a copy of such policy shall be made available upon request to the County Administrator. For employees of Constitutional Officers that have chosen to adopt the disciplinary policy outlined in this section, all references to the “County Administrator” shall be interpreted to mean the “Constitutional Officer”. Disciplinary actions of lesser severity than dismissal shall be taken in an attempt to correct an employee’s unsatisfactory work performance or misconduct before a dismissal is initiated. A dismissal may be generally considered as appropriate only as a last resort or be undertaken only when an extremely serious policy violation has occurred. Disciplinary actions may take any of the following forms and are not necessarily restricted to the order set forth below:

1. Counseling Session
2. Written Reprimand
3. Suspension
4. Administrative Decrease
5. Demotion
6. Dismissal

Q.2 DISCIPLINARY ACTIONS

a. Counseling Session. Counseling refers to an informal discussion with the employee about a work performance or behavior problem which, if not corrected, could lead to disciplinary action. A counseling session should:

- (1) Be held in private.
- (2) Include an interchange between the supervisor and employee as to what course of action should be taken to improve performance or correct behavior. Goals and objectives may need to be established.
- (3) Clarify, to the employee, the supervisor’s expectations.

A counseling session may be followed up by a memorandum or letter documenting the contents of the conversation. Documentation of counseling sessions should be maintained in the supervisor’s file, not the employee’s official personnel file except as a backup to subsequent Written Notices.

b. Reprimand

(1) When issuing a written reprimand, a copy shall be hand delivered and signed received or mailed to the employee certified mail (return receipt requested) and a copy placed in the employee's personnel file.

(2) Reprimands shall be appealable through the grievance procedure.

(3) Reprimands not appealed within the appropriate time limits specified by the grievance procedure shall become part of the official personnel file until it is purged by the employing authority.

(4) When twelve months shall have elapsed from the date a written reprimand is filed with an employee's personnel records, without a second reprimand having been given, it shall not be considered in any determination of the propriety of future disciplinary actions.

c. Suspensions. Department heads shall have the authority to suspend an employee for a period not to exceed five consecutive days, or thirty (30) days within one (1) calendar year if approved by the County administrator.

(1) A written notice of suspension including the items below shall be hand delivered and signed received or mailed certified mail (return receipt requested) to the employee.

(a) A statement of the reasons for the suspension.

(a) A warning of what further disciplinary action could result, if the situation is not corrected.

(a) A statement of the employee's right to appeal (if any) in accordance with the County's grievance policy.

(2) A copy of such written notice shall be forwarded to the personnel office for its inclusion in the employee's personnel file.

d. Administrative Decrease. An administrative decrease shall require a letter of justification submitted by the department head to the County Administrator's office and such decreases shall be subject to the approval of the County Administrator.

(1) Once an administrative decrease has been authorized, a written notice of the decrease including the items listed below shall be hand delivered and signed received or mailed certified mail (return receipt requested) to the employee.

(a) A statement of the reasons for the decrease.

(b) A warning of what further disciplinary actions could result, if the situation is not corrected.

(c) A statement of employees rights to appeal (if any) in accordance with the County's grievance policy.

(2) A copy of such written notice shall be forwarded to the personnel office for its inclusion in the employee's personnel file.

e. Demotion. Demotions are sometimes necessary in order that employees whose work has not been satisfactory, but whose dismissal does not appear warranted, may be retained and assigned less difficult work by the employee's department administrator. The department head is required to gain the approval of the County Administrator before the demotion procedure takes place. The department head must inform the Payroll Department of the new rate of pay.

(1) A written notice of the demotion including the items listed below shall be hand delivered or mailed to the employee certified mail (return receipt requested).

(a) A statement of the reasons for the demotion.

(b) In cases where the demotion is not voluntary, include a warning of what further disciplinary action could result, if the situation is not corrected.

(c) A statement of employee rights to appeal (if any) in accordance with the County's grievance policy.

(2) A copy of such written notice shall be forwarded to the Personnel office for its inclusion in the employee's official personnel file.

f. Dismissals. Dismissals will be made for inefficiency, insubordination, misconduct or other just cause. A department head, subject to the approval of the County Administrator, may dismiss any employee in his or her department at any time. The department head shall give the employee written notice of dismissal, including the reasons thereof, and shall send a copy of the notice to the County Administrator.

Q.3 UNSATISFACTORY WORK PERFORMANCE OR MISCONDUCT

Each need for discipline has varying circumstances and requires the exercise of discretion on the part of the supervisor. Disciplinary action may be taken against an employee for any of the following examples of unsatisfactory work performance and misconduct. These examples are not in any way to be construed as a comprehensive listing of possible violations nor are they to be considered as rigid guidelines.

- a. Recurring tardiness without reasonable explanation.
- b. Absence without leave.
- c. Violation of policy on intoxicants.
- d. Sleeping on the job.
- e. Serious neglect of work.
- f. Serious neglect of duty or refusal to comply with instructions of a supervisor.
- g. Insubordination.

- h. Deliberate or careless conduct endangering the safety of oneself or other employees.
- i. Negligence in the care and handling of County property.
- j. Theft of County property or of another employee's property.
- k. Incompetence or inefficiency in the performance of required job duties.
- l. Use of offensive, abusive, threatening, coercive, indecent or discourteous language toward supervisors, other employees, or members of the public.
- m. Intentional falsification of personnel records, time records, or any other County records or reports.
- n. Provoking, instigating or participating in a fight while on duty or on County property.
- o. Unauthorized carrying of a concealed weapon during work hours or on County property.
- p. Any violations of county policies including sexual harassment.
- q. Being charged with or convicted of criminal activity.
- r. Dishonesty in any form, including falsification of one's employment application or history.

Q.4 REMOVALS DUE TO CIRCUMSTANCES WHICH PREVENT AN EMPLOYEE FROM PERFORMING THE JOB

- a. Employees unable to meet the working conditions or their employment due to circumstances such as those listed below may be removed under this section. Examples of such circumstances: loss of driver's license which is required for the job; incarceration for an extended period of time; loss of certificate or license required for the job, etc.
- b. Prior to such removal, the appointing authority shall notify the employee, orally and in writing, of the reasons for such removal and give the employee a reasonable opportunity to respond.
- c. Final notification of removal shall be via letter or memorandum rather than by Written Notice form.
- d. Removals under this section should be reported to the County Administrator.

Q.5 GROUPS OF OFFENSES

a. First Group Offenses (Group I)

(1) First group offenses include types of behavior least severe in nature but which require correction in the interest of maintaining a productive and well-managed work force.

Group I offenses include, but are not limited to:

- (a) Unsatisfactory attendance or excessive tardiness.
- (b) Abuse of County time. Examples include unauthorized time away from the work area, use of County time for personal business, abuse of sick leave, etc.
- (c) Obscene or abusive language.

(d) Inadequate or unsatisfactory job performance.

(e) Disruptive behavior.

(f) Conviction of a moving traffic violation while using a County or other public-use vehicle.

(2) Procedures for issuing a Group I notice

(a) When issuing an employee a Written Notice form for a Group I offense, management should issue such notice as soon as possible.

(b) Group I notices shall be cumulative in nature. Upon the accumulation of three “active” Group I offenses, the employee normally should be suspended without pay but such suspension shall not exceed five workdays. A fourth active Written Notice normally shall result in removal. NOTE: Mitigating circumstances may justify the use of demotion, suspension for up to 30 workdays, and/or transfer as an alternative to removal.

(c) A Written Notice for a Group I offense shall remain active for two years from the date of issuance.

b. Second Group Offense (Group II)

(1) These offenses include acts and behavior that are more severe in nature and are such that an addition Group II offense normally should warrant removal. Group II offenses include, but are not limited to;

(a) Failure to follow a supervisor’s instructions, perform assigned work or otherwise comply with applicable established written policy.

(b) Violating safety rules where there is not a threat of bodily harm.

(c) Reporting to work when impaired by or under the influence of alcohol, or the unlawful use of controlled substances.

(d) Failure to report to work as scheduled without proper notice to supervision.

(e) Unauthorized use or misuse of County property or records.

(f) Refusal to work required overtime.

(2) Procedures for issuing a Group II notice

(a) When issuing an employee a Written Notice form for a Group II offense, management should issue such notice as soon as practicable. Discipline normally shall take the

form of the notice only or notice and up to 10 workdays maximum suspension without pay.

(b) An additional Group II offense normally should result in removal. Further, a single Group II offense coupled with three active Group I offenses normally should result in removal.

NOTE: Mitigating circumstances may justify the use of demotion, suspension for up to 30 workdays, and/or transfer as an alternative to removal.

(c) If the employee is not removed, due to mitigating circumstances, the employee is to be notified that any subsequent Written Notice issued during the active life period, regardless of level, may result in removal.

(d) Written Notices for Group II offenses shall remain active for three years from the date of issuance.

c. Third Group Offenses (Group III)

(1) These offenses include acts and behavior of such a serious nature that a first occurrence normally should warrant removal. Group III offenses include, but are not limited to:

(a) Absence in excess of three days without proper authorization or satisfactory reason.

(b) Falsifying any records. Such records include, but are not limited to: vouchers, reports, insurance claims, time records, leave records, or other official County documents.

(c) Willfully or negligently damaging or defacing County records, County property or other person's property (to include employees, supervisors, visitors, etc).

(d) Theft or unauthorized removal of County records, County property, or other person's property (to include employees, supervisors, visitors, etc).

(e) Gambling on County property or during work hours.

(f) Acts of physical violence or fighting.

(g) Violating safety rules where there is a threat of bodily harm.

(h) Sleeping during working hours.

(i) Participating in any kind of work slowdown, sitdown, or similar concerted interference with County operations.

(j) Unauthorized possession or use of firearms, dangerous weapons or explosives.

(k) Threatening or coercing persons associated with any County agency (to include employees, supervisors, visitors, etc).

(l) Criminal convictions for acts of conduct occurring on or off the job that are plainly related to job performance or are of such a nature that to continue the employee in assigned position could constitute negligence in regard to the agency's duties to the public or to other County employees.

(2) Procedures for issuing a Group III notice

(a) When issuing an employee a Written Notice form for a Group III offense, management should issue such notice as soon as practicable. Discipline normally shall take the form of the notice and removal or notice and up to 30 workdays maximum suspension without pay in lieu of removal.

NOTE: Mitigating circumstances may justify the use of demotion, suspension for up to 30 workdays, and/or transfer as an alternative to removal.

(b) If the employee is not removed, due to mitigating circumstances, the employee is to be notified that any subsequent Written Notice issued during the active life period, regardless of level, may result in removal.

(c) Written Notices for III offenses shall remain active for four years from the date of issuance.

Q.6 MITIGATING CIRCUMSTANCES

a. Unacceptable behavior shall be divided into three types of offenses according to their severity. Specified corrective action for such offenses shall not be exceeded. However, when in the judgment of the County Administrator, the Constitutional Officer for their respective employees, department management and/or the appointing authority, mitigating circumstances exist, specified corrective action may be reduced.

b. Mitigating circumstances include those conditions related to a given offense that would otherwise serve to support a reduction of corrective action in the interest of fairness and objectivity.

c. Mitigating circumstances also may include consideration of an employee's long service and/or a history of otherwise satisfactory work performance.

d. Mitigating circumstances also may justify the use of demotion, transfer, and/or suspension as an alternative to removal. Suspension in lieu of removal shall not exceed 30 workdays for a Group III offense or an accumulation of a Group I or Group II offenses.

Q.7 NOTICE TO EMPLOYEE OF DISCIPLINARY DEMOTION, TRANSFER, SUSPENSION, OR REMOVAL ACTION

a. Prior to any disciplinary demotion, transfer, and/or suspension, or disciplinary removal action, an employee shall be given:

- (1) Oral and written notice of the offense;
- (2) An explanation of the agency's evidence in support of the charge; and
- (3) A reasonable opportunity to respond.

b. The Written Notice form confirming the cause and nature of the disciplinary demotion, transfer, and/or suspension, or removal action shall be provided to the employee. All Written Notices shall include a reference to the employee's right to grieve.

Q.8 EXCEPTION TO PRIOR NOTIFICATION

a. An employee may be sent immediately away from the work area when the employee's continued presence:

- (1) May be harmful to self or other employees or clients,
- (2) Makes it impossible for the agency to execute its functions, or
- (3) Could constitute negligence in regard to the agency's duties to the public or other employees.

b. In such cases, the employee shall be given: a) notice of the charges and an explanation of the agency's evidence as soon as possible thereafter and b) shall then be given a reasonable opportunity to respond prior to being placed on suspension without pay or being removed.

c. When an employee is sent away from work under this exception, such action should be reported to the County Administrator as "Pre-disciplinary Action Leave."

Section R

GRIEVANCE PROCEDURE POLICY

(Amended July 1, 2014)

It is the policy of the Board of Supervisors to provide fair, equitable and satisfactory working arrangements for its employees. Every effort will be made to resolve employee grievances informally with the least amount of worry and delay. However, in some cases it becomes necessary to proceed through a formal appeal and panel review to handle a given grievance. Accordingly, the following procedure and regulations are established. It is the intent that this policy fully comply with the applicable state statutes on grievance procedures. For employees in the Department of Social Services, all references in this section to “Department Head” shall be interpreted to mean the “Director of Social Services.” Constitutional Officers shall prepare grievance procedures for their respective employees. These procedures shall be made available upon request to the County Administrator. In the event of any conflict between this policy and state statutes, state statutes shall control and be part of this policy as if set out herein.

R.1 COVERAGE OF PERSONNEL

a. Included. All permanent non-probationary employees under the County personnel system whose position status is full-time or part-time.

b. Excluded

- (1) Probationary employees;
- (2) An employee who has resigned voluntarily may not have access to the grievance procedure after the effective date of the resignation;
- (3) Appointees of elected groups or individuals;
- (4) Deputies and Assistants to the County Administrator: (5) Agency Heads;
- (5) Employees of judicial and legislative departments;
- (6) Any other employee electing to proceed pursuant to any other existing procedure in the resolution of his or her grievance.

c. Employees Removed from Duty. An employee who has been removed shall not have access to the grievance procedure, except to grieve a removal resulting from formal discipline, or unsatisfactory job performance, or an involuntary resignation. Such grievance must be filed within thirty calendar days of the dismissal date. Any grievance initiated by a permanent, classified County employee prior to separation from County service may, at the employee’s option, continue to be processed through the County grievance procedure.

R.2 DEFINITION OF GRIEVANCE

As defined in Section 15.2-1507 of the Virginia State Code, a grievance shall be defined as:

“a complaint or dispute by an employee relating to his employment, including but not necessarily limited to (i) disciplinary actions, including dismissals, disciplinary demotions, and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance; (ii) the application of personnel policies, procedures, rules and regulations, including the application of policies involving the contents of ordinances, statutes or established personnel policies, rules and regulations; (iii) discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin or sex; and (iv) acts of retaliation as the result of the use of or participation in the grievance procedure or 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, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement. For the purposes of clause (iv) there shall be a rebuttable presumption that increasing the penalty that is the subject of the grievance at any level of the grievance shall be an act of retaliation.”

R.3 MATTERS DEEMED NOT GRIEVABLE

Employees are advised that conditions of employment and the content of laws, ordinances and policies established by the Board of Supervisors are not grievable. By state law, wages, salaries, and fringe benefits are likewise not grievable. In addition, it is to be understood that the establishment of this procedure shall in no way remove the right of the county to do the following, provided however, that none of these rights may be exercised in an arbitrary or capricious manner:

- (1) Direct the work of its employees;
- (2) Hire, promote, transfer and assign employees, except where the employee can show established promotional policies or procedures were not followed or applied fairly;
- (3) Maintain the efficiency of governmental operations;
- (4) Reduce the work force or abolish jobs except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance. In any grievance brought under this exception, the action shall be upheld upon a showing that (i) there was a valid business reason for the action and (ii) the employee was notified of the reason in writing prior to the effective date of the action;
- (5) Take actions necessary to carry out duties of an agency in emergencies;
- (6) Determine the methods, means and personnel necessary to carry out operations.
- (7) Control and manage the county's property and maintain the county's function and

operations.

R.4 DETERMINATION OF GRIEVABILITY

In the event that a question regarding grievability arises at any Step of the Grievance procedure after a written grievance has been filed, the employee may make a request for a ruling of grievability from the County Administrator, who shall respond in writing within five (5) days. The County Administrator may consult with the County Attorney, provided that the County Attorney does not decide the question of grievability. In any case, no complaint may be addressed beyond the top management level before grievability has been determined. Only after grievability has been determined shall a grievance be processed through the grievance panel stage. The decision of the County Administrator may be appealed by the grievant to the Circuit Court for a hearing de novo on the issue of grievability, as provided for in Virginia Code, Section 15.2-1507. The grievant may initiate proceedings for review of the decision of the County Administrator by filing a notice of appeal with the County Administrator within ten (10) working days after the date of the decision and giving a copy thereof to all other parties. Within ten (10) days thereafter, the County Administrator shall transmit to the Clerk of the Circuit Court a copy of the decision of the County Administrator, a copy of the notice of appeal and the exhibits. A list of evidence furnished to the Circuit Court shall also be furnished to the grievant, although failure to do so shall not prejudice the rights of the grievant. The grievant may move the Circuit Court to issue a writ of certiorari requiring the County Administrator to transmit the record on or before a certain date. The decision of the Circuit Court with regard to grievability is final and is not appealable.

R.5 GRIEVANCE PROCEDURE

An employee wishing to file a grievance shall have the right to follow all the steps of this procedure as listed below with complete freedom from reprisal. This does not, however, confer the right upon anyone to make slanderous or libelous statements. 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 will result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the non-compliance within five (5) work 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. The County Administrator shall make all determinations on compliance issues. Compliance determinations made by the County Administrator shall be subject to judicial review by filing a petition with the Circuit Court within thirty days of the compliance determination. Failure of either party without just cause to comply with all substantial procedural requirements at the panel hearing shall result in a decision in favor of the other party. Grievance Procedure Forms can be found in Appendix A of the Personnel Policy Manual.

a. Step I

(1) An employee who has a grievance, as defined herein, shall within thirty (30) work days of the occurrence of the action or event causing the grievance or of the date when the employee could have reasonably been expected to have learned of the act or event, contact his

immediate supervisor for an informal face to face meeting to discuss the grievance. (The immediate supervisor here is defined as the person responsible for hiring, evaluating performance, and/or taking disciplinary action under the Standards of Conduct policy.)

(2) The supervisor shall immediately discuss the grievance with the employee and make a careful inquiry into the facts and circumstances of the complaint. The supervisor shall give the employee an oral reply within five (5) work days following receipt of the complaint.

(3) In any case where the employee claims sexual harassment by or involving an immediate supervisor, the employee may instead file the grievance with another supervisor within the same department or with the department head as outlined below.

(4) If the grievance is not resolved at this point the employee may, within five (5) work days following the date of the oral response, file a written grievance with his department head on Grievance Procedure Form A (hereinafter referred to as Form A). The employee must be sure that the written grievance is complete in all detail at this stage of the procedure and must specify the relief he expects to obtain through the use of the grievance procedure. No addition, deletions or adjustments to the original grievance will be allowed or accepted at a late point within the procedure.

(5) In any case where the employee claims sexual harassment by or involving the department head, the employee may bypass filing a grievance with the department head and instead proceed to Step II below.

(6) The department head shall inform the employee in writing on Form A of his decision and the reasons within five (5) calendar days of receipt of Form A.

b. Step II

(1) If the department head's response does not resolve the grievance, and the issue of grievability has not been raised, the employee may within five (5) work days after receipt of the supervisor's reply submit Form A to the next direct level of management indicating the desire to have the grievance advanced to the next step. For employees of the Department of Social Services, the "next direct level of management" shall be interpreted as the Social Services Board.

(2) Upon receipt of Form A, the second step administrator shall meet with the employee within five (5) work days. The only persons present at this meeting are the employee, the second step administrator, and appropriate witnesses. Witnesses shall be present only while actually providing testimony. The second step administrator shall give the employee a written response on Form A within five workdays following the date of the meeting.

c. Step III

(1) If the second step written response does not resolve the grievance, and the issue of grievability has not been raised, the employee may within five (5) work days after receipt of the second step administrator's reply submit Form A to the County Administrator indicating the

desire to have the grievance advanced to the next step.

(2) Upon receipt of Form A, the County Administrator shall meet with the employee within five workdays. The persons present at this meeting are the employee, County Administrator, appropriate witnesses, and at the employee's option, a representative of his or her choice. If the employee is represented by legal counsel, the County likewise has the option of being represented by counsel.

(3) The County Administrator shall give the employee a third-step response in writing on Form A within five workdays following the meeting.

d. Advancement to a Panel Hearing

(1) If the employee wishes to advance the grievance to a panel hearing, the employee must so note on Form A and forward Form A to the County Administrator within five (5) work days of receipt of the third-step reply. The County Administrator shall, if he has not already done so, make a ruling of grievability and shall respond in writing within five (5) workdays. The County Administrator may consult with the County Attorney, provided that the County Attorney does not decide the question of grievability. In submitting this request, it is not necessary that the employee again provide a written explanation of what has occurred as this was contained in his written request submitted at Steps II and III and as part of the record will be made available to the grievance panel.

(2) If the County Administrator rules that an issue does not qualify for a panel hearing, the grievant may appeal the ruling using the procedures set forth in Section R.4 of this personnel policy.

e. Role of the Grievance Review Panel. A copy of any grievance, qualified or disqualified for a panel hearing by the County Administrator, shall be forwarded to the Grievance Review Panel at the same time of notification to the employee. The Grievance Review Panel will attempt to monitor grievances, and will attempt to provide assistance to the parties and the panel on procedural matters as needed.

f. Panel Selection

(1) The final step of the grievance procedure shall be the actual panel hearing. One member shall be chosen by the grievant, one member shall be chosen by the County Administrator and one member shall be chosen by the first two appointees. Members may be chosen from among county employees. If no agreement on a third member can be made, the selection shall be made by the Chief Judge of the Circuit Court. The decision of the panel shall be final and binding and shall be consistent with provisions of law and written policies. In cases of termination, the third panel member shall be appointed by the Grievance Review Board, from a list of lawyers who have been approved to serve as administrative hearing officers by the Supreme Court of Virginia. The appointments shall be made on a rotating and geographic basis. In all cases, the third panel member shall be the chairperson of the panel.

(2) To insure an impartial panel, the panel shall not be composed of any persons having direct involvement with the grievance being heard, or with the problem giving rise to the grievance. Also, managers who are in a direct line of supervision of a grievant are excluded from serving as panel members. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee or co-employee of such an attorney may serve as a panel member. In addition, the following relatives of a participant in the grievance process or a participant's spouse shall not serve as panel members; spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin.

(3) The employee and the County shall select their respective panel members within five workdays. In termination cases requiring the appointment of an administrative hearing officer as the third panel member, the County shall at the time of notice of qualification send Form B to the Grievance Review Panel requesting such an appointment.

(4) The full panel selection should be completed by the tenth (10) workday following receipt of qualification. However, this time limit may be extended in instances where the agreement on a third panel member has not been reached. In such instances, this County shall, within the ensuing five work days, request the chief Judge of the Circuit Court in the locality where the grievant is employed to select a third panel member.

g. Panel Hearing Date. The full panel shall set the time, the date and place for the hearing, which should be held within ten (10) work days following the selection of the full panel. The panel chairperson shall notify the grievant and the county of the hearing date. The panel shall conduct the hearing in the county where the grievant is employed, unless the panel unanimously decides that another location is appropriate.

h. Rules for Panel Hearing

(1) The rules for panel hearings shall be those set forth below "Conduct of Panel Hearing" and those set forth in Section 15.2-1507 of the Code of Virginia. The following procedures are to assist grievance panels in preparing for and conduction of panel hearings. A panel's responsibility is to insure the proper application of state and county policies and procedures. Panels do not have the authority to formulate or to change policies or procedure of the county; however the panel may consider mitigating circumstances and modify county action concerning discipline. A panel by a majority vote may uphold or reverse the action of the county or may choose a modified remedy. Decision of the panel must be consistent with provision of law and written policy. A panel might determine that a grievant is entitled to reinstatement with back pay and restoration of benefits, but in no case does a panel have the authority to award damages or attorney fees. The panel hearing is the concluding step to an administrative process designed for the resolution of sensitive personnel matters. Therefore, it is recommended that the persons present at the panel hearing be limited to the grievant, the panel members, the legal counsel and/or representative of the grievant and the county, appropriate witnesses and official recorders. At the request of either party, the hearing shall be private.

(2) The parties should not discuss the substance of any grievance or the problem giving rise to the grievance with any panel members prior to the hearing. Any matters requiring the

attention of the panel should be communicated in writing with copies to all parties.

i. Conduct of Panel Hearing

(1) The county shall provide each panel member copies of all grievance forms and the county grievance procedure prior to the convening of the panel in order that each member may review the documents. The County shall provide the grievant with a list of the documents furnished to the panel. The grievant and his attorney shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding at least ten (10) days prior to the scheduled panel hearing. Other information shall be submitted at the hearing in the presence of the parties.

(2) All documents, exhibits and lists of witnesses shall be exchanged between the parties in advance of the hearing.

(3) All evidence taken by the panel shall be under oath.

(4) Opening statements may be made at the beginning of the hearing and the panel may ask for such statements in order to clarify the issue of the grievance.

(5) The county and thereafter the grievant, or their representatives, shall then present claims, proofs and witnesses who shall submit to questions or other examination. Each party has the right of cross-examination. All evidence shall be presented in the presence of the panel and the parties, except by mutual consent of the parties. Equal opportunity shall be given to all parties for presentation of any material or relevant evidence.

(6) The panel, by majority vote, may decide procedural questions and rule upon objections raised during the hearing.

(7) Witnesses, other than the parties, shall remain in the hearing room only while giving their testimony.

(8) Members of the panel may question anyone giving testimony in order to clarify points being made.

(9) Exhibits may be received in evidence by the panel, by the grievant or the county and shall be marked and made a part of the record.

(10) The parties shall produce additional evidence as the panel may deem necessary to better understand and make determination of the dispute. The panel shall be judge of the relevancy and materiality of the evidence offered. All evidence is to be taken in the presence of the panel and both parties.

(11) After both parties have presented their evidence, the panel chairperson shall ask of all parties whether they have any further evidence to offer or witnesses to be heard. Upon receiving negative replies, both parties will be given an opportunity for a closing statement. After

both sides have made a closing statement, the hearing shall be declared closed.

j. Panel Decision

(1) The panel, in rendering its decision, shall be guided, but not necessarily bound, by the relief specified by the grievant on Form A. The panel shall render its decision on Form B within ten (10) work days of the conclusion of the hearing. The reasons for the panel's decision must be set forth in writing. Copies shall be distributed to the employee, County Administrator, and the Grievance Review Board. The majority decision of the panel shall be final and binding, and shall be consistent with provisions of law and written policy. The County Administrator is responsible for assuring that panel decisions are implemented. Either party may petition the Circuit Court having jurisdiction in this locality where the grievant is employed for an order requiring implementation of the decision of the panel.

(2) If a written request to reconsider the panel decision is submitted by either party, within five (5) work days of receipt of the decision, the panel, by majority vote, may elect to review its decision and/or reopen the hearing for good cause shown.

Section S

DRUG AND ALCOHOL POLICIES

Employees of the Sheriff's Office are excluded from this section of the policy and should refer to the Sheriff's Office policy regarding Drugs and Alcohol.

S.1 GENERAL OVERVIEW

Employees of the County shall not be involved with the unlawful application, possession, market, or transfer of drugs in any manner. County employees shall not possess any types of alcohol on County premises, or ingest alcohol in association with their job or during work schedules. Off the job, prohibited drug activities or alcohol abuse that could adversely affect an employee's job performance, or that could pose a hazard to the safety of other County employees, that general public, County machinery, or the County's relation with the public, will not be permitted.

S.2 THERAPY FOR DRUG OR ALCOHOL USE

The County regards alcoholism and other drug addictions to be treatable disorders. Thus, employees who suffer from alcohol or drug abuse, shall be encouraged to participate in appropriate treatment programs.

S.3 CONSEQUENCES FOR DRUG OR ALCOHOL ABUSE

- a. The use, marketing, or personal possession of illegal drugs while on the job, during rest periods, meal periods, or on County property, will be considered a dischargeable offense and may result in criminal prosecution. Any narcotics discovered will be turned over to the proper law enforcement agencies.
- b. The consumption or personal possession of alcohol during scheduled work times or on County property is a dischargeable violation. For all County employees, alcohol consumption is prohibited during the work day, including during rest periods and meal periods. Any employee who is perceived to be under the influence of alcohol will be immediately removed from service and administered an alcohol test.
- c. County Administration will take subsequent action in those cases which demonstrate alcohol or drug abuse. Such action shall include: referral to a drug or alcohol treatment program, disciplinary action, or administrative counseling. Any action will be on the basis of the medical information, past history, and/or pertinent factors.
- d. Off the job selling, distributing or manufacturing of illegal drugs by an employee shall be viewed as a dischargeable offense.

S.4 SPECIAL ACTION

- a. The County will take whatever measures are necessary to determine whether alcohol or illegal drugs are located on or are being used on County property. These actions will not be taken unreasonably, but when the County has substantial evidence which has been completely verified and validated, then measures must be approved by the County Administrator or his assistant. However, the one exception is in those circumstances where time is crucial to the success of the search.
- b. Inspections of County property, facilities, or equipment may be managed by certified personnel. Federal, state, or local authorities may be called upon to assist in an investigation in those cases where management determines it is necessary.
- c. Searches of people and personal property located on County premises may be conducted by authorized personnel and resistance to submit to a search (after the purpose of the search and the potential implications of refusing to be searched have been explained) will result in immediate removal from service and may result in a discharge.

S.5 DRUG AND ALCOHOL TESTING

Drug and/or alcohol tests shall be conducted when an employee's supervisor has cause to believe that the County employee is unfit for duty and when there is reason to suspect the use and possession of illegal drugs. An employee suspected of being under the influence of alcohol shall be escorted to the Sheriff's Office by his Department Head for a Preliminary Breath Test (or PBT analysis). An employee suspected of being under the influence of drugs shall be escorted to FirstMed (Pantops, Charlottesville, VA) or PromptCare (Seminole Trail, Charlottesville, VA) for a urine test. After approval of the County Administrator or his immediate assistant, all employees within a work group may be tested for drugs when there is a change in group behavior, a high rate of accidents or injuries, reliable information about illegal drug involvement, and/or reason to suspect the use of illegal drugs within the group.

S.6 CONSEQUENCES OF POSITIVE DRUG OR ALCOHOL TEST

When a drug screen is positive for the first time, but no evidence of prior drug use on the job exists, a County employee will be suspended without pay. The employee shall be required to seek treatment from a recognized professional and/or institution, whose goal is to provide treatment in such situations. Refusal to do so will be viewed as uncooperative and the employee will then be subject to discharge. At the end of six weeks, the screen test will be administered again, and if negative, the County employee will be allowed to return to work. However, in those situations where the employee cannot return to work because he or she is involved in participation in a treatment program, the suspension period will be extended.

S.7 REPEATED DRUG OR ALCOHOL ABUSE

In those cases where a County employee is found to have evidence of drug or alcohol use during working hours on a second occasion, or is found to be engaging in manufacture or distribution of

illegal drugs, the employee's service will be terminated immediately. The County is obligated to its employees and its citizens to ensure that all of its employees act in a lawful, sane and efficient manner at all times and will tolerate no such misconduct.

Section T

COUNTY TRAVEL AND EDUCATION POLICY

T.1 TRAINING POLICY

- a. If funds are available in the department's budget and with prior approval of the employee's supervisor, employees may be reimbursed for all reasonable expenses incurred in participation in short courses, seminars, conferences, meetings, etc., coincident with the employees' routine responsibilities with the County. With prior approval of the County Administrator, or Constitutional Officer for their respective employees, employees may be reimbursed for the cost of tuition and books for actual class attendance or for correspondence courses, satisfactorily completed, which are directly related and which will enhance the employee's ability to perform the job for which he was hired.
- b. The County Administrator, or Constitutional Officer for their respective employees, shall be responsible for the organization, conduct and execution of any other training programs which might be of value to County employees (in-service training).

T.2 OVERNIGHT TRAVEL POLICY

- a. Conference attendance and other business travel shall be undertaken within budgeted travel allocations. For employees under the supervision of the County Administrator, consent of both the Department Head and the County Administrator will be necessary prior to overnight travel for a professional purpose. Constitutional Officers shall govern the travel of their respective employees. (See policy on Seat Belt Use.)
- b. Out-of-state travel (travel outside of Virginia and Washington D.C.) requires advance authorization. Out-of-state travel by a member of the Board of Supervisors must be approved by the Board of Supervisors; all others covered by this plan must receive approval from the County Administrator to travel out-of-state. Constitutional Officers shall govern the travel of their respective employees.
- c. Attendance, lodging, and registration shall be at the lowest reasonable cost. Lodging provided at the facility where the conference is held shall be deemed appropriate. Government discounts shall be requested for all lodging, unless the conference arrangements include such discounts.
- d. In the event that the total cost of the trip inclusive of reimbursements, registrations, travel, etc. is estimated to exceed \$5,000, the Board of Supervisors must approve the travel in advance of any bookings.

T.3 MILEAGE REIMBURSEMENT

- a. The County will reimburse employees for the use of their personal vehicle used for County business when a County vehicle is not available. Reimbursement will be at the rate published by the Commonwealth of Virginia.

b. Mileage reimbursement is meant to cover only those miles incurred above and beyond the employee's normal commute to his/her place of business. For example, if the normal commuting round trip is 20 miles, and the employee goes on a trip that covers 75 miles, only the incremental 55 miles are reimbursable. If travel begins or ends on a normal workday, the traveler must deduct his/her commuting mileage from total mileage traveled to calculate reimbursable mileage.

c. To calculate reimbursable mileage:

(1) If you leave from your workplace and return to the workplace, count only the mileage from the workplace to the destination and back to the workplace.

(2) If you leave from home and return home without going to your workplace, take your mileage from home to destination and back to your home, then subtract your normal round-trip commuting distance.

(3) If you leave from the workplace and return to your home without going back to your workplace, take your mileage from workplace to destination and back to your home, then subtract your normal one way commute distance.

(4) If you leave from home and return to workplace without going back home, take your mileage from home to destination and back to the workplace, then subtract your normal one-way commute distance.

d. Telecommuting employees, who routinely work from home as part of their normal duties, shall be reimbursed only for mileage which exceeds the round trip distance from their home to their Fluvanna County permanent work location. Fluvanna County promotes the efficient use of energy to preserve natural resources and lessen unnecessary negative impacts to the environment. Such practices include carpooling. When three (3) or more employees are traveling to the same place, they must carpool and the driver will receive reimbursement for any reimbursable miles. An employee may refuse to carpool; however, they forfeit their mileage reimbursement. When large groups of employees are traveling to the same place (i.e. PVCC) there must be at least two employees traveling in a vehicle for it to qualify for mileage reimbursement. The County Administrator, or Constitutional Officer for their respective employees, may grant a waiver to the carpooling requirement in instances where carpooling is not practical.

T.4 TRAVEL REIMBURSEMENT POLICY

a. The department director is responsible for determining the propriety of travel, for approving or recommending approval of all travel in the respective department, and for insuring travel reimbursement is properly and timely settled upon travel completion. The County of Fluvanna shall reimburse an employee for travel expenses after said expenses have been incurred by the employee.

b. Travel expenses must be for county related business and include meals, motel/hotel expenses,

mileage, parking, transportation and other appropriate and necessary fees. Number of days reimbursed includes days actually spent on County business, for programmed days at a conference or meeting, and for time spent in route. Additional reimbursable travel days may not exceed one day before and after the conference or meeting. The travel days are only allowed if time and travel schedules do not allow for travel at reasonable hours on the beginning and ending days of the conference or meeting.

c. Employees must submit said expenses along with receipts on the appropriate travel expense forms within 14 days of their return. Expense estimates must be approved in advance of the travel, and all actual expenses must be approved by the appropriate department head prior to submittal to the accounts payable clerk for payment. Any request for reimbursement of costs deemed excessive will be denied and borne by the traveler. No subsequent travel advance will be approved if there is an existing travel advance outstanding.

T.5 TRAVEL ADVANCES

a. Advance travel expenses to an employee shall only be made in an unusual situation and only upon approval of the County Administrator or the Constitutional Officers for their respective employees. Requests for advance travel expenses shall be detailed on the Travel Advance form.

b. No later than fourteen (14) days after returning from a trip, the traveler should complete the Travel Expense form to submit to the Department of Finance.

(1) If the reimbursable expenses exceed the amount of the advance, A/P will process a reimbursement check.

(2) If the advance exceeded the actual reimbursable expenses, the traveler's personal check must accompany the Travel Expense form when submitted to the Department of Finance.

(3) In any case, all expenses incurred by the traveler are documented with receipts. All receipts should be placed in chronological order and attached to an 8 ½ x 11 piece of paper, such that the document may easily be photocopied.

(4) If the advance is not properly accounted for, the advance is income to the recipient and can be deducted from their regular pay.

T.6 EXPENSE REIMBURSEMENT APPROVAL

All employees requesting reimbursement for mileage, meals, telephone calls, and any miscellaneous expenses, must have the appropriate reimbursement request form signed and accompanied by receipts where applicable. The form must be approved by the employee's immediate supervisor prior to submitting the reimbursement request to accounts payable for processing. Payment will not be made to the employee until the supervisor has approved the reimbursement request.

Section U

WORKER'S COMPENSATION POLICY

U.1 REPORTING OF INJURY & PANEL OF PHYSICIANS

a. The following is a check list for employees to refer to should a an injury or accident occur while on the job;

- (1) Advise supervisor of accident or injury immediately;
- (2) Have supervisor complete quick fax form for submission to insurance company;
- (3) Choose physician from the list of approved physicians and advise supervisor which physician you have chosen;
- (4) Take quick fax form and appraisal of physical condition form to doctor's office for completion by doctor;
- (5) After examination by doctor return all forms to supervisor.

b. For emergency worker's compensation claims, the above procedure would be the same except the employee should go to the emergency room facility for medical care.

c. The following is an outline of the procedure for a worker's compensation claim for supervisors and department heads to use:

- (1) Supervisor should ask employee to chose a doctor from the County's list of approved physicians;
- (2) Supervisor should have employee sign the Selection of Approved Physician form;
- (3) Supervisor should complete the quick fax form and give to employee to take to the doctor's office;
- (4) Supervisor should submit all completed forms to the Director of Finance.

U.2 LOSS OF WORK DAYS

a. Worker's Compensation is provided to any employee who is injured or suffers a job related illness while on the job. The County pays the employee's full salary or wages for the first seven (7) lost workdays after the injury. If the employee is unable to return to work after seven (7) working days, the insurance carrier for worker's compensation shall pay the employee's salary or wages on a percentage basis.

b. All job related injuries/illnesses should be reported to the employee's supervisor immediately.

c. Lost work days due to a job related injury or illness shall be recorded as worker's compensation leave.

Section V

OCCUPATIONAL SAFETY AND HEALTH

V.1 PURPOSE

The County recognizes the standards and provisions of the Occupational Safety and Health Act. Two major objectives which the County will make every effort to support and implement within our working environment include:

(1) The County realizes that it has the primary responsibility of providing a safe and healthy working environment (conditions) for all employees within the County's workforce;

(2) If requested by the National Institute for Occupational Safety and Health (NIOSH), the County will actively support any activities which will assist the agency in ascertaining their goals of education, research, and training within the field of occupational safety and health.

V.2 RECORD KEEPING

The County will make every good faith effort to meet OSHA requirements concerning the various health and safety standards established by the Act. Furthermore, the County will keep records of hazards, deaths, injuries, and illnesses that might occur on County property. These records will be made available to the proper OSHA representatives upon request and management has been directed to fully cooperate with these individuals in the performance of their duties.

V.3 DIRECTIVE TO EMPLOYEES

The County Board of Supervisors has committed itself to providing a work environment free from hazards or conditions that might pose a threat to employees and/or visitors. Therefore, the County is directing all employees to utilize all applicable safety guidelines. Administrators are responsible for developing and maintaining work safety rules and for providing these rules in writing to their subordinates. All other employees are responsible for bringing to their supervisor's attention any potential hazards that might exist within their work station. In addition, the County will actively engage in preserving employee rights under OSHA and protect employees from retaliation or discrimination by the employer for reporting any OSHA violations committed by the County.

Section W

LIABILITY OF PUBLIC EXECUTIVES

W.1 TORT LIABILITY

Liability has emerged from court action in two forms, personal and official, which apply to personnel administrators of the County.

(1) Personal liability concerns the individual public official's responsibility (as an employee of the County) for both his/her own acts, and subordinates erroneous acts and omissions resulting in damage or injury to another.

(2) Official or governmental liability refers to the responsibility for unlawful policies.

(3) Under personnel liability, the payment of damages comes from the individual, and under official liability, the payment of damages comes from the County's resources rather than the individual.

(4) The County Board of Supervisors shall hold the County's executive officers, who use discretionary authority, liable on the basis of not only the scope of the official discretionary authority, but also on the evidence that the official acted reasonably and in good faith. This means that an official will be held liable for conduct, if he/she knew or should have known his/her acts would violate constitutional rights of other employees.

W.2 LIABLE ACTS GENERALLY

Traditional liability referred to cases where a public official would have to, through intent or neglect, physically harm an innocent victim (employee). Today's liability includes instances where a public official violates legally guaranteed rights of citizens. Guaranteed rights include Federal Statutory rights, equal employment opportunity, and rights of the disabled and handicapped.

W.3 IMPACT OF TORT LIABILITY

The impact of tort liability upon the County may arise when:

(1) Employment discrimination occurs. (Employment nondiscrimination has its origins in the Civil Rights Act of 1964. The two factors that form the basis of the Standard Section 1983, which deals with nondiscriminatory employment acts, are bad faith and unreasonable action.)

(a) Bad faith effort in an employment discrimination action considers intent of purposeful behavior of the party being accused (public official.)

(b) Unreasonable action requirement is the other element necessary to prove employment discrimination cases within the County. Unreasonable action refers to action contrary to law.

(2) The likelihood of a personal liability suit arises if officers of the County attempt to stop the formation of employee associations. Circumstances for personal liability may arise from these situations.

- (a) Dismissal of an employee for his/her membership in an employee association.
- (b) Departmental rules which forbid membership or participation in employee associations.
- (c) Forbidding supervisory associations.

(3) An official of the County is personally liable, if he/she commits adverse actions against employees concerning their due process rights which include:

- (a) Failure to provide adequate notice concerning disciplinary actions, suspensions, or dismissals.
- (b) Failure to provide a full and fair hearing on any actions.
- (c) Failure to provide a way to appeal the initial decision.

(4) The County Board of Supervisors, County Administrator, Constitutional Officers, and other administrative officers of the County have a critical responsibility to deal with subordinates who violate the constitutional rights of others: “the supervisor who fails to supervise faces personal liability.” The law of supervisory liability applies when there is personal:

- (a) Involvement in wrong doing, or
- (b) Knowledge of wrong doing and a failure to act.

W.4 DEALING WITH FUTURE PERSONAL LIABILITY

The County shall counsel public administrators to avoid the likelihood of liability actions through the following practices:

- (1) Constructing sound personnel practices for dealing with such areas as non-discriminating employment practices;
- (2) Evenhanded responses to employee association formation activities;
- (3) Providing due process considerations for County employees’
- (4) Disciplinary policies and programs dealing with responsible supervisory management;

(5) Training, monitoring, and communicating with public officials to avoid potential personal liability situations.

Section X

LIFE THREATENING OR CONTAGIOUS DISEASES

X.1 POLICY CONCERNING LIFE THREATENING AND CONTAGIOUS DISEASES

The county recognizes that employees who are experiencing life threatening or contagious diseases may wish to continue to engage in as many of their normal activities as their condition allows, including employment. As long as these employees are able to meet acceptable performance standards and medical evidence exhibits that their condition is not a hazard to themselves or other county employees or visitors, the county shall continue their employment. County management shall be sensitive to their conditions and insure that these employees are treated comparably with other employees. At the same time, the county will seek to maintain a safe working environment for all employees and clientele. Therefore, safeguards will be taken to insure that an employee's condition does not present a health and/or safety threat to county employees or visitors.

X.2 ROLE OF PERSONNEL RELATIONS

Consistent with this concern for employees experiencing life threatening diseases, the county extends the subsequent resources through the county administrator's office:

(1) Management and employee educational programs concerning life threatening illnesses will be promoted. Information shall be provided on terminal illnesses and specific life threatening diseases or contagious diseases to those employees requesting the material for self-educational purposes.

(2) The county shall refer county employees, who are experiencing life threatening illnesses or contagious diseases, to agencies and organizations that offer support and assistance for such disorders.

(3) The county administrator or his designee shall provide benefit consultation to assist employees in effectively managing insurance, leave, and other benefits.

X.3 GUIDELINES FOR LIFE THREATENING ILLNESSES

When administrating those situations which involve county employees who are facing life threatening diseases, supervisors shall abide by the following guidelines. Constitutional Officers shall perform the same role as the County Administrator for their respective employees as outlined in this section.

(1) Recognize that a county employee's health condition is confidential and private, and reasonable prudence should be used to shield information regarding an employee's health condition.

(2) Notify the county administrator, if employees need information about terminal

illnesses, certain life threatening illness, or a contagious disease, or if subsequent counseling is needed in managing a situation that involves a county employee with such an illness or disease.

(3) Contact the county administrator if you have any concerns about the possible contagious nature of an employee's illness.

(4) Contact the county administrator to ascertain if a statement needs to be obtained from the employee's attending physician and that his/her continued presence on the job will pose no threat to the employee, coworkers, or visitors. In addition, the county retains the right to require an examination by a medical physician designated by the county in those situations which warrant such a medical exam.

(5) If warranted, the county will make reasonable adaptations for employees with life threatening ailments compatible with the work requirements of the division/unit.

(6) The county administrator will make reasonable attempts to transfer to other jobs those employees with life threatening illnesses who seek a transfer and are experiencing unreasonable levels of emotional anxiety.

(7) County Management shall be sensitive and responsive to co-workers' concerns and emphasize employee education available through the county Personnel Department.

(8) County Management shall not give special consideration beyond regular transfer requests for employees who feel threatened by a co-worker's life threatening illness.

(9) County Management shall be sensitive to the fact that continued employment of an employee, who is experiencing a life threatening disease, sometimes may be therapeutically important in the remission or recovery process or may serve in extending the employee's life.

X.4 THE LEGAL ENVIRONMENT

Direction in matters concerning AIDS can be drawn from Federal legislation in correlated areas. The fundamental legislation that prevents discrimination against employees experiencing life-threatening diseases is Section 504 of the Vocation Rehabilitation Act (29USC701). The act prohibits both private and public organizations that receive \$2,500.00 or more in federal assistance, from discriminating against individuals with handicapping conditions. Section 503 (29USC793) of the act requires that federal contractors use affirmative action to employ and advance qualified individuals with handicapping conditions. Handicapped is best defined as a person who has a mental or physical impairment that substantially limits one or more such person's major life activities. A person who is handicapped may be required to produce evidence or medical record of such impairment. After proper evidence has been presented the person will be perceived as having such impairment.

X.5 PRE-EMPLOYMENT INQUIRIES

The county recognizes that federal law requires that an individual cannot be discriminated

against on the basis of race, color, religion, national origin, sex, age, and handicapping conditions. To guard against possible litigation, the county administrator will review and modify employment applications and interview procedures on a regular basis to avoid extracting information that is not specifically job related and/or that may provide an applicant a basis for alleging discrimination. The county prohibits any inquiries to applicants that might give the impression that the county discriminates against someone who is experiencing a life threatening illness. However, if there is medically supportive evidence that a person who has life threatening illness is not able to meet performance standards, the county reserves the right to refuse employment to that applicant.

X.6 MEDICAL EXAMINATIONS

Medical examinations may be required of any applicant for a job or of any employee where applicable to job performance or the health, safety, and welfare of employees, residents or visitors.

Section Y

SEXUAL HARASSMENT

Y.1 GUIDELINES CONCERNING SEXUAL HARASSMENT

The following are guidelines concerning sexual harassment that the Equal Employment Opportunity Commission has set forth, and the county government has adopted and will abide by to ensure the proper recognition of what constitutes sexual harassment.

- a. Sexual harassment includes:
 - (1) Unwelcome sexual advances,
 - (2) Request for sexual favors,
 - (3) Other verbal or physical conduct of a sexual nature.
- b. Such action constitutes sexual harassment when:
 - (1) Submission to such conduct is made explicitly or implicitly a term of an employee's employment,
 - (2) Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting such employee,
 - (3) Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance, or creating an intimidating, hostile or offensive working environment.
- c. In determining whether alleged conduct constitutes sexual harassment, the Personnel Department shall look at the record as a whole and at the totality of the circumstances such as:
 - (1) Nature of the advances,
 - (2) Context in which the alleged incident occurred.
- d. The determination of the legality of a particular action will be made from the facts on a case by case analysis.

Y.2 SEXUAL HARASSMENT: BASIC PRINCIPLES

- a. Sexual harassment should not be construed as an action particular to one gender.
- b. A county employee experiencing sexual harassment is required to demonstrate a relationship between acceptance of the sexual harassment and the assurance of his or her job position.
- c. Sexual harassment claims can be filed with the county administrator when sexual harassment

actions result in an offensive, hostile, or intimidating working environment.

Y.3 CRITERIA FOR ALLEGING SEXUAL HARASSMENT

- a. Verbal or visual sexual harassment are adequate grounds for initiation of a complaint to sustain a hostile environment, in those situations where the offensive conduct is frequent and abusive.
- b. Sexual harassment conduct is not determined based upon whether participation was voluntary, but rather whether the conduct was unwanted. Unwelcome advances, therefore, are sufficient to justify a complaint under Title VII, if the activity or verbal comments interfere with the performance of the employee on the job by creating a hostile, offensive, or intimidating working environment.
- c. Evidence regarding a complainant's dress or provocative discussions are admissible for some purposes when the county administrator reviews the alleged sexual harassment complaint.
- d. Allegations of sexual harassment filed under Section R of this personnel policy shall in no way adversely affect an employee who files such allegations in good faith. An employee alleging sexual harassment shall not be subject to retaliation for doing so.

Y.4 CONSEQUENCES FOR EMPLOYEES ENGAGING IN SEXUAL HARASSMENT

Those employees who engage in sexual harassment shall be advised orally and in writing that the county will not tolerate such conduct. If the offending employee continues to engage in sexual harassment, disciplinary action will be taken to correct the situation and will be dealt with under the guidelines of Section 9 (Discipline and Separations).

Y.5 EMPLOYER LIABILITY FOR SEXUAL HARASSMENT

The county realizes that as an employer, it grants management authority to various personnel and that this authority often serves as a primary source in sexual harassment. As an employer, the county shall endorse and promote programs designed to reduce the probability of sexual harassment taking place within the organization. In addition, all administrators and supervisors shall be directed to monitor employee behavior to insure professionalism within all county departments.

Section Z

AMERICANS WITH DISABILITIES ACT

(Approved May 3, 2006)

Z.1 POLICY

- a. The Americans with Disabilities Act (ADA) requires employers to reasonably accommodate qualified individuals with disabilities. It is the policy of Fluvanna County to comply with all Federal and state laws concerning the employment of persons with disabilities. This policy is to be interpreted and applied in light of applicable federal and state law as the same may be amended from time to time.
- b. It is the policy of Fluvanna County not to discriminate against any qualified employee or applicant for employment with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, the County will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the County aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the County.
- c. Employees with disabilities who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Human Resources Department. Fluvanna County encourages individuals with disabilities to come forward and request reasonable accommodation.

Z.2 DEFINITIONS

- a. "Disability" refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such impairment, has a record of such impairment, or is regarded as having such impairment is a "disabled individual".
- b. "Major Life Activities" refers to the basic activities that a person can perform with little or no difficulty and include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- c. "Direct threat to safety" means a significant risk to the health or safety of others that can not be eliminated by reasonable accommodation.
- d. A "qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.
- e. "Reasonable accommodation" means making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, adjustment or modification of training materials,

adjustment or modification of policies, and similar activities.

f. “Undue hardship” means an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include: the nature and cost of the accommodation; the overall financial resources of the facility at which the reasonable accommodation is to be made; the number of persons employed at that facility; the effect on expenses and resources or other impact upon that facility. These are not all of the factors but merely examples.

g. “Essential job functions” refers to a task/responsibility that is not marginal to the purpose of the job.

Z.3 SAFETY STANDARDS

All employees are required to comply with safety standards. Applicants who pose a direct threat to health or safety of other individuals in the workplace, which threat can not be eliminated by reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employee’s immediate employment situation.

Z.4 PROCEDURE FOR REQUESTING AN ACCOMMODATION

a. An individual with a disability may request an accommodation by contacting the Human Resources Department. Human Resources will ask the individual to submit the request in writing. Human Resources may request reasonable documentation from the employee’s health care professional that is needed to establish the person has an ADA disability and that the disability necessitates a reasonable accommodation.

b. On receipt of the accommodation request and documentation, Human Resources and the appropriate supervisor will meet with the individual to discuss the potential accommodation. The County Administrator or Constitutional Officer will determine the feasibility of the required accommodation and will inform Human Resources of their decision.

c. Human Resources will inform the individual of its decision on the accommodation request. If the accommodation request is denied, the individual will be advised of their right to appeal the decision by submitting a written statement explaining the reasons for the request. If the request on appeal is denied, that decision is final.

d. An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should notify the Human Resources Department. All such inquiries or complaints will be treated as confidential to the extent permissible by law.