

County of Caroline
Personnel Policies and Procedures Manual

Section 1. Authority and Application

1.1. Authority for and Adoption of Personnel Policies

Title 15.2, Article I, Chapter 15 of the *Code of Virginia* enables the Board of Supervisors to adopt personnel policies, establish departments, employ personnel, and fix compensation for its employees.

The Board of Supervisors in adopting this Personnel Policies and Procedures Manual (the “Manual”) intends it to supersede all previous personnel policies adopted by the Board.

This Manual includes those policy statements and procedures that establish the framework for the administration of a personnel system. As such, it is deemed to require legislative review by the Board of Supervisors. As a framework, it contains the generally applicable rules and regulations for the employment of personnel. It does not include all departmental operational policies related to personnel. The authority to adopt departmental operating policies is delegated to the County Administrator. Moreover, any actions not reserved to the Board and not inconsistent with what is contained herein are reserved to the County Administrator.

1.2. Purpose of Personnel Policies

These Personnel Policies are intended to:

- Foster effective and efficient service to the public;
- Provide and maintain equitable conditions of employment;
- Establish and maintain uniform standards of employment and compensation;
and
- Aid employees and supervisors with personnel matters.

1.3. At-Will

Employees serve at the will and pleasure of the Board of Supervisors. This means that the employment relationship may be terminated by either the employee or the Board and at anytime with or without notice or cause. Nothing contained in this Manual shall alter that status.

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1.4. Federal, State and Local Laws

The personnel policies or procedures contained in this Manual are to be read consistent with federal, state, and local law and any provisions that are, in conflict with such laws shall be superseded by the pertinent law. If any part, section, subsection, sentence, clause or phrase is for any reason held to be unconstitutional or invalid, that part only shall be deemed severable and shall not affect the constitutionality or validity of the remainder.

1.5. Changes in Personnel Policies

These personnel policies may be amended or changed at any time by the Board of Supervisors.

1.6. Applicability

The personnel policies contained in this Manual apply to all departments, positions, and employees of Caroline County government. Department Directors may implement standard operation procedures (SOPs) provided they are consistent with these personnel policies and approved by the County Administrator.

Employees of other County offices, including constitutional offices, school board, local offices of state agencies, and local agencies (e.g. the Department of Social Services) may be included in the coverage of these personnel policies by request of the respective officer or board and upon approval of the Board of Supervisors.

1.7. Compliance

Department Directors shall take necessary and prompt action to ensure compliance, within their respective departments, with these personnel policies. Employees who fail to adhere to the requirements set forth in these policies may be subject to disciplinary action including termination of employment.

1.8. Availability of Personnel Policies and Procedures Manual

In order to make the Manual readily accessible to all employees, a copy shall be provided to each Department Director, supervisor, and to each employee.

1.9. Duties May Be Delegated

Whenever a responsibility is to be exercised by the County Administrator or a Department Director, such responsibility may be delegated to a subordinate employee. All responsibilities so delegated remain under the oversight and ultimate control of the delegating authority.

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1.10. Situations Not Specifically Covered

This Manual is intended to address most personnel matters. Situations not specifically covered by this Manual shall be handled in a manner consistent with the purposes of these policies.

1.11. Official Copy of Personnel Manual

The official copy of the Manual shall be maintained in the Office of the County Administrator.

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Section 2. Administration of Personnel System

2.1. Board of Supervisors

Except for what it expressly reserves to itself, the Board of Supervisors delegates to the County Administrator the responsibility and authority for all personnel matters.

2.2. County Administrator's Responsibilities

The County Administrator shall serve as personnel officer for the County, and is responsible for the administration of the County personnel system. The County Administrator shall administer these personnel policies and may delegate such duties in connection with the administration of these policies as deemed appropriate.

The County Administrator shall:

- Fairly and equitably interpret and apply these personnel policies for all employees and applicants;
- Advise the Board of Supervisors in matters concerning personnel administration;
- Recommend sound merit standards of personnel administration;
- Institute operating procedures for the implementation of these policies;
- Regularly review and recommend changes to these personnel policies and the County's position classification and pay plan;
- Maintain all centralized personnel records and personnel files according to state and federal regulations;
- Perform the duties and functions of Equal Employment Opportunity Officer;
- Administer and interpret the County's personnel policies and procedures and its classification and compensation plan;
- Confer with employees and management for the betterment of working relationships as appropriate;
- Coordinate employee training and development; and

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- Perform other related activities that provide and support an efficient and effective workforce.

The County Administrator's authority specifically includes, but is not limited to:

- The authority, within budgetary limits, to employ, promote, transfer, reclassify, discipline, demote, discharge or in any manner deal with personnel matters concerning employees of all departments and agencies under the County's control
- The authority to administer the classification and pay plan and to issue policies and procedures for the administration of the plan
- The authority, within budgetary limits, to reclassify existing classifications, delete or abolish positions or transfer to other departments; or to make changes in employee classifications to provide for proper administration of the compensation and pay plan; and to establish from funds allocated for this purpose, the compensation of each employee within the designated salary range
- The authority to issue or cause to be issued appropriate policies and procedures dealing with all personnel matters that are not required to be issued or promulgated by the Board of Supervisors. Any such issuance, clarification or standardization of any policy issued by the County Administrator is incorporated by reference in this Manual
- The authority to interpret, supplement, amend or revise and be the final administrative authority with regard to the implementation of such policies, and any other policies and procedures, written or unwritten, whenever the situation requires such amendment, supplementation, interpretation or revision

The authority of the County Administrator granted in this Manual does not extend to exercising authority over any officers or employees of the county who by law are employed or appointed directly by the Board of Supervisors unless specifically directed by the Board, nor does it extend such authority to elected officials of the County or their employees, except to the extent that such elected officials have agreed to the application of policies and procedures adopted by the Board of Supervisors to their employees.

Section 3. Classification and Compensation

3.1. Classification and Compensation Plans Established by Board of Supervisors

The Board of Supervisors establishes the classification and compensation plans for its employees. The Board may amend either plan as it deems necessary. The most recently adopted or amended plans remain in effect unless and until it is amended by the Board.

3.2. Purpose of Classification and Compensation Plan

The Classification Plan is the official system of grouping positions on the salary scale based on established classification factors.

Classification is the entire process of assigning and reassigning employees to positions, and positions to pay grades. For classification purposes, a position contains a group of assigned duties and responsibilities as outlined in the job description requiring full or part time employment of one or more persons. A position may be occupied or vacant. Classification factors include essential job duties and responsibilities, knowledge, skills and abilities needed to perform the job, role within the organization and internal and external job evaluation.

The job description includes, at a minimum: job title and a general statement about the job, specific duties and responsibilities of the position, the knowledge, skills, and abilities needed to perform the job of such a position. Department Directors have the responsibility of assuring that job descriptions for positions in their departments are accurate, up to date, and reflect essential functions.

A copy of the Classification Plan is on file in the County Administrator's Office and available for review by employees and the public during normal business hours.

3.3. Creation and Maintenance of Classification Specifications

Prior to the establishment of a new position or reclassification of an existing position, a job description covering the duties, responsibilities, and minimum qualifications for the position is developed and submitted to the County Administrator's Office for review. The County Administrator's Office examines the proposed position and determines the proper classification.

No person shall be appointed, promoted, demoted, transferred, or paid in any new position until the position has been first established with the job duties for that particular position.

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The classification of each position shall be reviewed periodically as directed by the County Administrator or Board of Supervisors.

Abolished positions shall be removed from the Classification Plan.

The County Administrator's Office is responsible for maintaining an official copy of the Classification Plan, as approved or amended by the Board of Supervisors. The official copy includes a schematic list of positions and their respective pay grade and any amendments.

3.4. Purpose of the Compensation Plan

Compensation ranges for County positions shall be determined by the relative difficulty and responsibility of the work, the prevailing rates of pay in similar jurisdictions and/or organizations with which the Board wishes to compete for employees, cost of living, employee turnover, financial policies, and fiscal considerations.

The compensation of each County employee shall be within the pay grade assigned to that position, unless an exception is made by the Board or merit pay raises have brought the compensation above the maximum of the pay grade.

3.5. Definitions

- Date of Employment (DOE) – The month, day, and year in which an employee began working for the County.
- Position Entry Date (PED) – The month, day, and year that an employee enters their current grade. This date may be the same as the date of employment or another date as a result of promotion, demotion or other action set forth in this policy.
- Performance Review Date (PRD) – The annual date that begins one year after the PED and continues thereafter.

3.6. Job Descriptions

Job descriptions set forth the duties and responsibilities of the position, the required and preferred knowledge, skills, abilities (the "KSA's"), and the exempt or non-exempt status of the position. Department Directors shall ensure that all position descriptions accurately reflect the essential duties of each position.

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3.7. Full-Time Employment

The salary for a regular full-time position is for a minimum of 40 hours of actual work per week or 2,080 hours per year. Positions that are exempt under the Fair Labor Standards Act are expected to work as many hours as may be required for execution of the responsibilities assigned to the position without additional compensation. A full time position comes with full benefits. Employees in these positions who have successfully completed their probationary period have grievance rights.

3.8. Part-Time Employment

A part-time position is funded for fewer than 40 hours per week, or 2,080 hours per year. Part time employees receive reduced or no benefits. The incumbent is designated as part-time in County employment records. Part-time employment with the County is at will and may be terminated by the County at any time and for any or no stated reason. There are generally two categories of part-time positions: Regular part-time and seasonal or temporary.

A regular part-time position is funded for an established number of hours each day or week throughout the year and may receive compensation on a salary or hourly wage basis. Employees in this category who have successfully completed their probationary period have grievance rights.

A seasonal or temporary part-time position is funded for a specified period of time, generally relating to the completion of a special project, seasonal activity, or contingency. Employment ends upon completion of the project or season. Employees in these positions do not have grievance rights.

Pay rates for part-time positions with a full-time equivalent should be within the same minimum to maximum hourly range as the full-time position. Department Directors should consult with the County Administrator for part-time pay rates for those positions with no full-time equivalent.

3.9. Entry Rate of Pay

The starting salary for any new employee in a regular full or part-time position shall be determined on a case-by-case basis but should generally be at the minimum of the pay grade. Factors contributing to a higher entry rate of pay include the individual's education, training, and applicable experience or competitive recruitment conditions. The County Administrator has the authority to set the entry rate of pay for each employee hired provided that such pay is within the pay grade scale. Salaries above such pay grade scale will need the approval of the Board of Supervisors.

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3.10. In-Grade Pay Increases

Department Directors, with the approval of the County Administrator, may establish a career enhancement program wherein employees who receive professional licensing or certification credentials that are desired for the position will receive additional compensation. Such supplemental compensation may be in the form of a bonus or salary supplement.

3.11. Pay for Performance Increases

Should the Board of Supervisors approve funding for a merit pay increase, employees are eligible for such an increase on their performance review date. A merit pay increase is based on the rating that an employee receives on the employee's annual performance review. Employees at the top of the pay grade for their position remain eligible for merit pay increases.

3.12. Personnel Actions Affecting Compensation

A. Demotion

A demotion occurs when an employee is placed, either voluntarily or involuntarily, in a position within a lower pay grade. An employee may request a voluntary demotion for personal reasons or to retain employment status with the County when the employee's position has been eliminated. An employee may be demoted involuntarily for poor performance or disciplinary reasons. No demotion shall be effective until approved by the County Administrator.

A demotion generally results in a reduction of pay; however, a reduction in pay may not occur in certain circumstances such as when the employee's current salary is within the pay grade established for the position to which the employee was demoted. An employee who is demoted will be subject to a new merit anniversary date which shall be the date the demotion was effective. If the demotion is voluntary, the employee will have to serve a new 12-month probationary period beginning on the date the demotion becomes effective.

B. Promotion

A promotion occurs when an employee who is placed in a position within a higher pay grade. If a promotion occurs, the employee may receive a salary increase depending on the circumstances. The following factors will determine the amount of pay increase, if any, that the employee will receive: (1) current salary; (2) pay grade for the new position, and (3) the years of employment with the County.

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3.13. Pay Increase

All general pay increases are determined and authorized by the Board of Supervisors.

3.14. Overtime and Compensatory Time

The provisions of the federal Fair Labor Standards Act (FLSA), as amended, are the fundamental wage and hour policy of the County. Any questions relating to minimum wage and overtime will be interpreted and applied consistent with the FLSA and state law.

A. Hours of Work Rules

Employees must adhere to scheduled hours and work overtime only with authorization. An employee must not begin work before the scheduled starting time, work through the meal period, or work past the scheduled ending time without prior authorization from the Department Director. If such unauthorized work is engaged in, the employee may be subject to discipline and/or have the work schedule adjusted later in the work period.

Employees are expected to work overtime and weekend hours when required by their Department Director or supervisor. Overtime work assignments shall be managed in the most efficient and economical manner possible.

Overtime must be approved in advance by the Department Director or supervisor. When overtime hours are required due to an emergency and advance approval cannot be obtained prior to the work commencing, the Department Director or supervisor is required to complete the overtime/compensatory time form within two (2) working days after overtime was worked and provide an explanation of the emergency that necessitated the overtime work.

Should an employee be required to work overtime hours, the Department Director has the discretion in order to avoid overtime hours to make adjustments to the employee's scheduled work hours for that work period (e.g. if an employee works two hours beyond his scheduled hours on Monday, the Department Director may require the employee to take two hours off during that work period to avoid the payment of overtime).

Overtime work shall be authorized only to cover emergencies, necessary seasonal activity, inclement weather conditions, and unusual or unanticipated working conditions. Its use on a continued basis for accomplishing regular services is prohibited.

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It is the responsibility of each Department Director to determine that overtime work is administered in the best interest of the County. Department Directors shall ensure that, whenever possible, overtime assignments are distributed as equitably as practical to all employees qualified to perform the work. In addition, it is equally important for the Department Director to eliminate unauthorized overtime.

If the unauthorized overtime work is performed with the supervisor's knowledge (but not consent), the time shall be counted as hours worked; however, the employee may be disciplined for unauthorized overtime.

B. Overtime Compensation

Employees designated as non-exempt from the overtime provisions of the FLSA shall receive cash payment at time and one-half (1 ½) the employee's regular rate of pay for all hours actually worked in excess of 40 hours in the work period. Paid time off does not count as hours worked for calculating overtime hours. The work period for purposes of overtime eligibility and compliance with FLSA shall be seven (7) consecutive days beginning at 12:01 a.m. Monday and ending at midnight Sunday.

Compensatory time may be given in lieu of cash overtime payments on a time and one-half basis with the consent of the employee (Compensatory Time Consent forms may be obtained from the County Administrator's Office). The maximum compensatory time allowed to accrued shall be 40 hours; once this maximum accrual amount is reached cash compensation, computed at time and one half the hourly rate, must be paid. Non-exempt employees with a compensatory leave balance at the time of termination or appointment to a new position will receive cash compensation for the compensatory leave balance at their current rate of pay or the average rate of pay for the past three years, whichever is greater.

C. Exempt and Non-Exempt Positions

For the purposes of overtime compensation, certain positions are exempt from the overtime requirements of the FLSA. These positions have responsibilities and duties that fall within the Executive, Administrative, Professional, or Computer Professional categories under the FLSA. Certain employees of seasonal programs may be exempt. All other positions are non-exempt under the FLSA.

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D. Definition of Hours Worked

Employees must actually work 40 hours during the applicable work period to be eligible for overtime pay or compensatory time. For purposes of computation, hours in a paid leave status are not considered to be hours worked. Paid leave status includes, but is not limited to, annual leave, sick leave, compensatory leave, military leave, personal leave, and civil leave. The hours of work used in computing eligibility for overtime at time and a half (1 ½) rate, are hours actually worked on the job during a workweek. Hours not worked that are associated with holidays and County closing due to adverse weather, are not considered as hours worked for overtime computation.

E. Time of Payment

Overtime pay earned in a particular work period must be paid on the regular payday for that period. If the correct amount of overtime pay cannot be determined until some time after the regular payday, the overtime compensation will be paid on the next payday.

Payment shall not be delayed for a period longer than is reasonably necessary to compute and arrange for payment and in no event shall payment be delayed beyond the next payday after such computations can be made.

3.15. Other Forms of Supplemental Compensation

A. On-Call

- “On Call” Pay is compensation for those employees who are regularly required to be available when needed to handle exceptional situations occurring outside the standard working hours. It is available only to those employees determined to be eligible by the Department Director;
- “On Call” time is a period when an employee is not required to remain at the work station and is free to engage in personal activities, subject only to the understanding that the personal activity will conform to the department’s requirements for availability and prompt response when necessary;
- Any department requiring “On Call” staffing shall submit a proposed Plan including designation of positions requiring “On Call” status, response requirements, procedures for scheduling of “On Call” staff, and methods of compensation to the County Administrator with a recommended action. The County Administrator shall then approve or disapprove the Plan;
- In general, “On Call” pay shall conform to the following guidelines:

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- Specific individuals scheduled to be “On Call” should be on a rotating basis;
- Required response periods and any other conditions applicable to “On Call” service shall be included in the Plan and shall be communicated to affected applicants and employees in writing;
- “On Call” service requirements shall be included in the job descriptions for affected positions; and
- In the event State or Federal laws or regulations differ from this policy, the procedures and compensation required under those laws or regulations shall be included in the Plan submitted to the County Administrator and those requirements shall govern “On Call” Pay.

B. Call Back Pay

On certain exceptional occasions or as required by law, overtime may be computed and paid at a time and one-half rate to an eligible employee even though the employee has not already worked a standard workweek as specified above. These exceptional occasions would necessitate the rendering of direct citizen services (e.g. snow removal, utility repairs, etc.) whereby services cannot wait to be administered through normal daily scheduling of personnel. The agency head is authorized by the County Administrator to declare such an exceptional occasion and is also responsible for documenting and maintaining a record of the situation and the personnel required to meet its need.

C. Holiday Pay

When a non-exempt employee or an exempt employee other than a Department Director, Assistant County Administrator, and County Administrator is required to work on a holiday, the employee shall receive up to 8 hours of compensatory leave or special duty leave to take off at a later date.

D. Special Duty Leave

With the exception of the Department Directors, County Administrator, and Assistant County Administrator, when exempt employees actually work hours beyond their regular and expected hours of work they earn Special Duty Leave on an hour for hour basis, for additional hours worked over the 40 hours in a work period. Special Duty Leave may be accrued up to a maximum of 80 hours, unless the County Administrator approves an exception. Employees with a Special Duty Leave balance at the time of termination will receive cash payment up to the 80 hour maximum. Special Duty Leave will not be paid out for any

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reason other than termination. Special Duty Leave may be used in the same manner and purposes as annual and sick leave.

3.16. Special Provisions for Certain Executive Level Employees

Department Directors, the Assistant County Administrator, and the County Administrator are not entitled to overtime pay, Compensatory Leave, or Special Duty Leave because the measure of their performance is the result achieved, not the number of hours worked. Although such employees should give due recognition to the public's expectation of their availability for public service when scheduling their workweek, specific hours worked are within the discretion of that employee, consistent with the satisfactory achievement of the goals of their department and the expectations of the County Administrator.

Section 4. Equal Opportunity Employer

4.1. Equal Opportunity Statement

The County does not discriminate in employment or in the provision of services on the basis of race, color, national origin, religion, gender, age, marital status, pregnancy, or disability.

4.2. Equal Employment Opportunity (EEO) Policy

The County is an Equal Opportunity Employer and strives to provide equal employment opportunities to employees and applicants without regard to race, color, national origin, religion, gender, age, marital status, pregnancy, or disability.

This policy applies to all employment related activities, including but not limited to, recruiting, hiring, promotion, compensation, benefits, transfer, layoff, demotion, termination, training, and/or leave.

4.3. EEO Officer's Responsibility

The County Administrator shall designate an Equal Employment Opportunity Officer to perform the following duties and functions:

- Be responsible for the overall administration of the Equal Employment Opportunity policy;
- Ensure that all job vacancies are advertised to as diverse an audience as practical and that good faith efforts are made to recruit and consider qualified applicants and employ them without regard to race, color, national origin, religion, gender, age, marital status, pregnancy, or disability;
- Monitor to ensure that the benefits and conditions of employment are available to all employees in a uniform and nondiscriminatory manner;
- Provide guidance on being EEO compliant; and
- Foster a work environment where each person is treated with dignity, fairness, and respect.

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4.4. Department Directors’/Supervisors’ Responsibilities

Department Directors and supervisors have a heightened responsibility for their own conduct as well as for all employees who work under their supervision. Department Directors/Supervisors or others who are in the chain of command should not date or otherwise engage in intimate relationships with subordinate employees.

4.5. Equal Employment Opportunity

It is the policy of Caroline County to provide equal opportunity in employment and to administer employment policies without regard to race, color, religion, gender, age, national origin, marital status, pregnancy, or disability. This policy applies to every aspect of employment practices including, but not limited to the following:

- Recruiting, hiring, and promoting in all job classifications without regard to race, color, religion, sex, age, national origin, marital status, pregnancy, or disability, except where such a factor can be demonstrated as a bona fide occupational qualification;
- All decisions for hiring or promotion shall be based solely upon each individual's qualifications for the position to be filled; or
- Other personnel actions such as compensation, benefits, transfers, layoffs, training, and assignments will be administered without regard to race, color, religion, national origin, sex, age, marital status, pregnancy, or disability.

A. Harassment

Harassment or hostile work environments based on race, gender, color, national origin, religion, age, marital status, sexual orientation, pregnancy, or disability will not be tolerated. Harassment arises from the dynamics of the workplace and can be based on nuances, subtle perceptions, and implicit communications. Conduct that may rise to the level of harassment includes verbal remarks (epithets, derogatory statements, slurs, jokes), physical contact (assaults, physical interference with movement or work, touching), visual displays (displaying of printed or photographic materials, objects), and other actions that are demeaning or hostile.

B. Sexual Harassment

Sexual harassment is unwelcome advances, requests for favors, or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is either explicitly or implicitly made a term of condition of employment;

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- Submission or rejection of such conduct is used as a basis for employment decisions; or
- The conduct is severe or pervasive enough to create an intimidating, hostile, or offensive work environment.

Examples of sexual harassment are:

- Physical assaults;
- Subtle or overt pressures or direct requests for sexual favors;
- Inappropriate displays of sexually suggestive objects or pictures; or
- A pattern of unwelcome conduct of a sexual nature that would be offensive to a reasonable person such as unnecessary touching, abusive or demeaning language or gestures (including remarks about another's clothing, body or body movements, or sexual activities), or teasing or joking.

No supervisor or coworker shall explicitly or implicitly communicate that an employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other conditions of employment.

A non-employee who subjects an employee to harassment or discrimination in the workplace will be informed of the County's policy and appropriate actions will be taken to protect the County employee from future harassing conduct.

C. Accommodating Individuals with Disabilities

The County provides equal employment opportunities to qualified individuals with disabilities. Reasonable accommodations will be provided to a qualified employee or applicant with a disability when that employee or applicant requests such an accommodation. A qualified employee or applicant is one who is able to perform the essential functions of the job with or without accommodation. A request for an accommodation will be denied if the accommodation is not shown to be effective, places an undue burden on the County, or if the employee poses a direct threat to health and safety. See Section 5 for a more complete discussion of the procedures for accommodating person with disabilities.

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D. Retaliation

Retaliation is illegal and contrary to the policy of the County. Employees who bring complaints of discrimination or who identify potential violations, witnesses interviewed during the investigation, and others who may have opposed discriminatory conduct, are protected from retaliatory acts.

If an employee believes that retaliation has occurred, the employee should make a report, preferably in writing, to the EEO Officer.

E. Complaints

An employee who believes that the Equal Employment Opportunity policy is being violated should report the conduct immediately to the EEO Officer. The report should be made in writing; however, a report will also be accepted by phone or in person.

Charges will be promptly and thoroughly investigated and corrective actions taken if the charge is founded. If it is determined that a violation has occurred, appropriate relief for the employee(s) bringing the complaint and appropriate disciplinary action, up to and including discharge, against the person(s) who violated the policy will follow.

Employees who are eligible may also utilize the County Grievance Procedure in order to resolve complaints regarding discriminatory practices.

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Section 5. Accommodating Persons with Disabilities

5.1. Americans with Disabilities Act (ADA) 1990

The County prohibits employment discrimination against qualified individuals with disabilities and will provide reasonable accommodations for the known disabilities of applicants and employees. No department, agency or individual employee shall discriminate on the basis of disability against a qualified individual, whether an employee or an applicant for employment, with regard to any employment practice, condition and privilege of employment, including application, testing, hiring, assignment, performance evaluation, discipline, training, promotion, medical examination, reduction in force and recall, termination, compensation, leave or benefits.

5.2. Definitions

A person with a disability is an individual who:

- has a physical or mental impairment that substantially limits one or more major life activities;
- or has a record of such impairment; or
- Is regarded as having such impairment.

A qualified person with a disability is an individual with a disability who:

- meets the skills, experience, education, or other job-related requirements of the position; and
- With or without reasonable accommodation can perform the essential functions of the job.

A reasonable accommodation includes but is not limited to:

- making existing facilities used by employees readily accessible to and usable by persons with disabilities;
- job restructuring, modifying work schedules, reassignments to a vacant position; and/or
- Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

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An *undue hardship* is:

- an action or accommodation that requires significant difficulty or expense when considered in light of factors such as the size of the County workforce or the employing work unit, the cost of the requested accommodations, and the impact of the accommodation on the work unit's operations.

A *direct threat* is:

- An action or accommodation that will result in a significant risk of harm to self or others and for which there is no accommodation that is reasonable that would reduce the risk of harm.

5.3. Providing Reasonable Accommodation

The County will provide reasonable accommodation, determined on a case-by-case basis, for the known physical or mental limitations of a qualified applicant or employee with a disability unless the accommodation would cause an undue hardship or may cause a direct threat.

5.4. Request for Accommodations

The person with a disability must make it known that accommodations are needed. Although it is preferable for the request to be made in writing (and the County has prepared a form that may be used for such a request), a request could be made orally. The request should be made to either the Department Director or the County Administrator's office. Once a request for an accommodation is made, the employee will be required to provide medical information regarding the disability and its limitations; this information is to be provided on the Certification of Accommodation form that can be obtained from the County Administrator's Office.

The Department Director and the County Administrator's Office will review the employee's written request for accommodation and discuss the range of accommodations that may be reasonable for the employee's disability. If it is determined that an accommodation is reasonable, the Department Director shall be responsible for implementing the accommodations required. Upon acceptance of the accommodation, the applicant will be requested to acknowledge that the accommodation is acceptable. If it is determined that the accommodation imposes undue burden or a direct threat to safety, the employee will be informed.

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5.5. Applicants for Employment

Job interview questions shall follow EEO guidelines and all applicable laws and focus on the candidate's abilities, not disabilities.

If there is a need for an accommodation in order to complete the application process, the applicant should inform the Department Director as soon as the need is known. Once a provisional offer of employment is made, the applicant may request accommodations in order to perform the essential functions of the position. The Department Director and the County Administrator's Office will review the candidate's request and make the accommodation, if reasonable and there is no safety risk that will result. Upon acceptance of the accommodation, the applicant will be requested to acknowledge that the accommodation is acceptable.

5.6. Performance Expectations

Employees with disabilities are generally held to the same performance and productivity standards as non-disabled workers. However, it is recognized that in certain circumstances a modification of performance and productivity standards may be a reasonable accommodation.

5.7. Confidentiality of Information

All medical information and information regarding a person's disability will be kept confidential and no information referencing such will be kept in the employee's personnel file. To the extent that certain information regarding the disability may need to be disclosed, it will be disclosed on a need-to-know basis to assure that the accommodations are effective and continue to be reasonable.

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Section 6. Recruitment, Selection, and Orientation

6.1. Basic Requirements for Employment with Caroline County

Those who are employed, or wish to be considered for employment, with the County shall:

- Possess and meet minimum qualifications for the position they hold or for which they are applying;
- Provide evidence of eligibility for lawful employment;
- Be able to perform, physically and mentally, with or without reasonable accommodation, the essential duties of the position;
- Not have made a false statement of any material fact on their application or during the selection process;
- Have not been dismissed previously for disciplinary reasons from a position with the County or allowed to resign in lieu of termination within the past three years; and
- Not have used or attempted to have used political pressure or bribery to secure an advantage in any stage of the selection process.

6.2. Board Appointees

The Board of Supervisors shall appoint the County Administrator and the County Attorney who shall serve at the will and pleasure of the Board.

6.3. County Administrator's Office

The County Administrator shall:

- Appoint all Department Directors;
- Approve the methods by which recruitment is conducted;
- Review all selection methods; and
- Review compensation of all new employees to determine that it conforms to the County's current compensation plan.

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6.4. Recruitment

All regular positions, full-time and part-time, shall be filled via open, competitive recruitment in accordance with guidelines established by the County Administrator's Office. Advertisements of vacancies shall be placed in the media and posted at County's facilities to attract a pool of applicants who meet or exceed the minimum requirements of the current vacancies. Seasonal and temporary positions shall be filled through as competitive a process as the situation allows.

Recruitment shall be open to the general public except in instances when the County Administrator determines that internal recruitment best serves the interest of the County.

At times it may become necessary for a position to be reclassified which for purposes of this policy, is not to be deemed to be considered recruitment. Reclassifications occur when the employee's job duties have changed through evolution and interdepartmental task restructuring. The reclassification may result in a new job title for the incumbent.

6.5. Internal Recruitment

The County Administrator may limit recruitment to existing employees upon determination that there are sufficient qualified applicants. "Employees Only" job announcements shall be posted throughout County facilities. If no internal applicants with suitable qualifications apply, advertisement shall be made to the general public.

6.6. Re-Employment

A former employee may be re-employed in the same position within 90 calendar days of the effective date of separation provided that there is a vacancy. Should such a vacancy be available no competitive recruitment will be required. Any accumulated leave balances for which the former employee was not compensated upon separation shall be restored; however, no leave shall accrue during the separation period.

For service years credit, the employee's initial hire date shall remain the same while their performance anniversary date becomes effective the date of re-employment. The Virginia Retirement System determines earned retirement credit for such absences.

6.7. Position Description

Position descriptions shall state the duties, level of responsibility and required qualifications for a particular position. A pay grade shall be assigned to every position.

Prior to recruiting, the Department Director shall review and, if necessary, update the position description. All position descriptions and updates shall be approved by the County Administrator.

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6.8. Sources of Recruitment

The Department Director shall notify the County Administrator's Office as soon as they have knowledge that a position will become vacant. When a vacancy occurs, the County Administrator shall make a determination as to whether the position needs to be filled and if an internal recruitment or an open recruitment process will be used.

All job announcements shall be coordinated between the County Administrator's Office and the affected department to ensure the content of the advertisement conforms to County policy and the needs of the department.

Job announcements must, at a minimum, contain the position title, the department in which the vacancy exists, the nature of the work or examples of the work, minimum qualifications, the application closing date, where applications may be obtained, whether the position is exempt from overtime, and the statement "Caroline County is an Equal Opportunity Employer." When circumstances necessitate, the County Administrator may extend the application closing date or authorize a continuous recruitment process.

Every reasonable effort should be made to publicize such job vacancies so that all interested parties are informed and qualified individuals are encouraged to compete for County employment.

At a minimum, recruitment announcements should be publicized by posting announcements or advertisements in the following sources:

- In a public location convenient to employees;
- Local newspapers;
- The County website; and
- The Virginia Employment Commission.

Depending on the requirements of the position, the County Administrator's Office may permit a more extensive recruitment effort e.g. advertisement in newspapers with larger circulations, trade journals, and mailings to specific outreach locations for posting.

The County Administrator's approval is required prior to an advertisement of vacancy being issued.

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6.9. Applications

All candidates for employment must submit a completed County Job Application form prior to the application deadline. Resumes will not be accepted in lieu of a completed County Job Application form.

To be considered, applications shall indicate the specific position of interest and be signed by the applicant. The County shall not accept general applications or unsolicited resumes.

6.10. Screening

All applications shall be carefully screened and evaluated by the Department Director according to the previously established qualifications that have been determined necessary to perform the duties of the position. Those applicants whose knowledge, skills, and abilities most closely align with those needed for the position shall be invited for a panel interview. If fewer than three applicants meet the position's minimum qualifications, the department may re-advertise.

All advertisements, tests, and selection methods shall be approved by the County Administrator's Office prior to being used.

In determining qualified applicants, the County may use, but shall not be limited to, any one or a combination of the following selection methods:

- Evaluation of experience;
- Written and skills tests;
- Performance tests;
- Driving records;
- Interviews;
- Reference and background checks;
- Post offer medical and physical agility examinations; and/or
- Criminal Background Checks.

An applicant who refuses to participate in any phase of the selection process shall be considered to have withdrawn from the applicant pool and will receive no further consideration.

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6.11. Interviews

The Department Director shall select at least two individuals to serve on the interview panel. The interview panel members should have the experience necessary to evaluate the applicant's capabilities.

The persons serving on the interview panel as well as all questions to be asked in the interview must be approved by the County Administrator's Office to determine and verify that there are no inherent violations of Equal Employment Opportunity (EEO) laws.

When the panel has finished interviewing the selected applicants, the names of the three applicants deemed best suited will be forwarded to the Department Director. If more than one vacant position exists, the panel may forward the names of up to three applicants for each vacancy to the Department Director. The applicant best suited for the position(s) will be offered the job.

If the Department Director finds no applicant suitable for the position, the vacancy may be re-advertised.

6.12. Testing

Where appropriate, the department may test specific and essential job skills that are required to fulfill the duties of the vacancy. Such tests shall be designated and the parameters for satisfactory completion shall be determined by the affected Department Director with the approval of the County Administrator's Office. All testing shall be consistent with state and federal regulations concerning employee selection, including Title IV and the Americans with Disabilities Act (ADA).

6.13. References

The Department Director will have all credentials and references verified before recommending an applicant to the County Administrator's Office.

6.14. Selection and Notification of Employment Offer

After selecting a finalist for a vacant position, the Department Director shall provide a written recommendation to the County Administrator including justification for the recommendation and the recommended starting pay rate.

If approved by the County Administrator, the Department Director shall contact the applicant to make a provisional offer of employment orally. If any physical or medical (including drug and alcohol testing), testing requirements have to be met, they shall be done at that time.

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The formal job offer shall be made in writing by the County Administrator's Office after all testing is completed.

6.15. Criminal Records Check

In the interest of the public welfare and safety, applicants for employment with the County may be subject to a pre-employment national criminal records check.

Upon receipt of information which indicates a prior criminal conviction, the County Administrator's Office will consult with the Department Director to determine if there is a connection between the crime for which the applicant was convicted and the employment position being sought.

In cases where it is determined that the conviction record is incompatible with the nature of employment, the applicant will be removed from further consideration. The decision of the County Administrator's Office shall be final. Criminal history records shall be kept confidential.

6.16. Medical Examinations

Applicants for employment with the County may be subject to a pre-employment physical examination with the approval of the County Administrator Office.

Following a provisional offer of employment, the County Administrator's Office shall arrange a medical examination for the applicant at the County's expense. If the medical examination results indicate that the applicant may be incapable of performing the essential duties of the position, the Department Director shall meet with the applicant to determine if any reasonable accommodations can be made that will allow the applicant to perform the essential duties of the position. In the event that no reasonable accommodation can be made or the necessary accommodation imposes an undue hardship or a safety risk/direct threat, the provisional employment offer will be withdrawn.

6.17. Residency

Except for the position of County Administrator, employment shall not be limited to County residents. All employees must be available and accessible to perform the duties and responsibilities required of their jobs.

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6.18. Employment of Close Relatives

No person shall be hired into a position in the same department where another close relative is employed. A “close relative” is defined as a spouse, child, parent, grandparent, brother, sister, half-brother or sister, or the spouse of any of these. All relationships shall include those arising from adoption. A close relative of the County Administrator or of a member of the Board of Supervisors shall not be hired by the County. This restriction does not preclude the retention, promotion, or transfer of an employee who was employed prior to his or her close relative taking office as a member of the Board of Supervisors.

Relatives will not be placed in positions where they work with or have access to sensitive or confidential information regarding other close relatives, or if there is an actual or apparent conflict of interest.

If employees become related after employment and a conflict of interest or problems with supervision, safety, security, or morale result or if reorganization creates such an employment conflict, reasonable time may be given so that alternative employment may be found. If resolution is not possible, the County Administrator may require one or both of the employees to transfer or resign.

6.19. First Day of Work

Department Directors or supervisors shall inform all new employees of the need to schedule an appointment to meet with the County Administrator’s Office on the first day of work to complete various employment forms and to become oriented to the benefits associated with the position.

6.20. Former Employees

A former employee may be rehired subject to the restrictions in Section 6.6. If eligible for consideration, the County Administrator’s office and the Department Director shall review the personnel folder of the former employee prior to a job offer being made to determine whether to rehire the person based on the previous employment record. For purposes of computing benefits due, the employee shall be considered as a new appointment and shall serve the required probationary period.

6.21. Temporary, Seasonal Employees

A temporary employee may be recruited to assist in the handling of workloads of unknown duration, seasonal employment, emergency work, or for completion of a specific task or project. These positions may be for full or part-time work; what distinguishes them is the fact that the duration of their employment is short-term and finite. Temporary employees shall not be employed longer than 3 months at a time without the approval of the County Administrator.

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A temporary employee shall not be hired at a rate less than the minimum of the pay grade into which the job is classified. A temporary employee shall not be entitled to County benefits unless specifically authorized in the job creation process by the County Administrator. If a temporary employee changes status to a regular full-time position, the employee shall be considered as a new hire at the time that employee's status is changed unless otherwise designated by the County Administrator.

6.22. Emergency Hiring

Should circumstances and conditions necessitate the hiring of personnel in an abbreviated manner, the Department Director shall make a written request for authority to hire on an emergency basis from the County Administrator. No employment commitment shall be made prior to the County Administrator's approval.

6.23. Staffing through Temporary Agencies

From time to time, a department may have an immediate workload demand that can be met only by additional staff for a short duration. If the Department Director determines that the department's need is best met through personnel assigned by a temporary employment agency and if department funds are available, all arrangements for such contract workers shall be made by that department in conjunction with the County Administrator's Office. The duration of the contract with the temporary employment agency shall be no longer than 90 calendar days, unless a longer period is approved by the County Administrator. Contract workers are not "employees" of the County.

6.24. Acting Assignment

An employee may be temporarily assigned to a vacant position, or a prescribed set of duties, other than those found in the position description under certain circumstances. These circumstances include, but are not limited to: during temporary vacancies created by the resignation of an employee, to meet emergencies occasioned by abnormal workload or organizational changes, to cover absences pending official assignment of personnel, to perform duties pending the development and classification of a new position, or for other purposes necessary to provide quality public service.

Acting assignments and the reasons thereof shall be made a part of the employee's personnel file. The employee's pay while on acting assignment may change if the employee is required to work in the full capacity of a higher classified position for a period equivalent to thirty (30) workdays or longer. Requests for "acting pay" shall be made in writing by the Department Director and forwarded to the County Administrator in advance of the employee assuming an acting assignment.

"Acting pay" for positions below that of the Department Director level shall be 15% higher than the employee's current salary or the minimum salary of the applicable

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position whichever is higher. Acting pay for Department Director level positions shall be determined by the County Administrator.

6.25. Transfer

A transfer is the lateral move of an employee from one position to another position with a similar level of responsibility. Transfers shall be authorized by the County Administrator upon the recommendation of the Department Director. An employee who makes a transfer will be subject to a new merit anniversary date and if the transfer is voluntary, a 12-month probationary period, which shall be the date the transfer, becomes effective.

6.26. Promotion

A promotion is the selection of any employee for a position with a higher level of responsibility in a higher pay grade. An employee may compete with external and/or internal applicants for a promotional opportunity. Employee initiated promotions require approval of the County Administrator and the satisfactory completion of a 12-month probationary period in the position to which the employee is promoted. The employee shall be subject to a new merit anniversary date, which will be the effective date of the status change.

6.27. Employment of Minors

All persons employed by the County should be a minimum of eighteen years of age. In special circumstances such as the Summer Jobs Program where it is not possible or preferable to recruit a qualified applicant who has reached their eighteenth birthday, employment of a child must be conducted in accordance with the state and federal law.

Prior to employing a child, under sixteen years of age, the Department Director must have on file a completed Employment Certificate which shall be obtained by the child from the Superintendent of Caroline County Schools or the Superintendent of the school district in which the minor resides. The child must also provide proof of age prior to commencing work.

6.28. Political Activities

No employee shall be deprived of the right to vote, to express political opinions, or to join in any political organization provided, that:

- Such participation does not interfere with job performance and is not conducted within the workplace; and

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- No employee shall be required to make a contribution of money, time or any other thing of value to any political party, candidate or other political organization.

Prior to accepting a public appointment to or becoming a candidate for election to a federal, state, or local public office, the employee shall:

- Obtain an advisory opinion from the Commonwealth's Attorney stating that candidacy or acceptance of the public appointment and continued status as an employee would not constitute a violation of the State and Local Government Conflict of Interests Act, of the Code of Virginia, Section 2.2-3100 *et seq.* of the Code of Virginia; and
- Obtain an advisory opinion from the employee's Department Director stating that the employee is not covered by the federal Hatch Act (e.g. the employee does not work on activities or programs receiving federal funds). If an employee is covered under the Hatch Act, the employee must obtain an advisory opinion from the U.S. Office of Special Counsel (HatchAct@osc.gov) or call 1.800. 854.2824).

Any employee who is elected or appointed to a public office and is unable to obtain the opinions described above shall resign the position before assuming office. At all times during the candidacy as well as after commencing service as an elected official, the employee must adhere to all work rules including, but not limited to, hours of work and work performance standards.

Section 7. The New Employee

7.1. Orientation

The County recognizes the importance of a sound orientation program to ensure that new employees have a clear understanding of their duties, how to perform them and the relationship of these duties to the department and the overall operation of the County government.

On the first day of work, the Department Director or supervisor should make arrangements for new employees to meet the staff in the County Administrator's Office. The new employee will be required to provide pertinent information necessary to be placed on the County's payroll. Employees may receive a packet beforehand to process the required information in a more leisurely manner.

An orientation checklist is used to facilitate the process to ensure that all appropriate information is passed on to the new employee.

7.2. On-the-Job-Training

The Department Director and/or the supervisor of an employee will explain job responsibilities, duties, hours of work, working conditions and general information regarding the department's facilities, organization, and standard operating procedures and to provide guidance on how the employee may meet expected performance.

7.3. Probationary Period

All regular full-time and regular part-time employees shall be subject to a probationary period for the 12 months immediately following their date of hire or upon a substantial voluntary change in job position. The probationary period is regarded as an integral part of the evaluation process. It is used to closely observe the employee's performance to ensure the effective adjustment of the new employee into the position.

Probationary employees may be terminated from employment at any time during the probationary period at the discretion of the Department Director after consultation with the County Administrator. The provisions of the County's grievance procedures are not available to probationary employees.

7.4. Probationary Period Performance Review

The Department Director shall assess the probationary employee's performance at regular intervals, but no later than six months and eleven months of employment.

7.5. Satisfactory Completion of Probationary Period

The Department Director or supervisor must conduct the eleventh month probationary review and submit the rating to the County Administrator's Office before the end of the twelve month probationary period. If the rating on the performance review is satisfactory, the employee will move from probationary to regular status and is eligible for a merit pay increase. An assessment reflecting less than satisfactory progress shall be sufficient grounds for immediate termination of employment.

7.6. Extension of Probationary Period

If an employee has not achieved satisfactory performance on the probationary performance reviews, but has demonstrated the potential to succeed, the employee's probationary employment period may be extended at the discretion of the Department Director and with the approval of the County Administrator. Such extension shall not be for a period longer than six months.

An employee who during the probationary period is absent for five or more consecutive workdays, will have the probationary period extended for the length of time of each such consecutive absence. For example, a seven day consecutive absence will extend the probationary period by seven days; two seven day consecutive absences will extend the probationary period by 14 days.

7.7. Substantial Change in Job Responsibility

Upon a voluntary change in position classification (including, but not limited to promotion, demotion, lateral transfer and reclassification), an employee will serve a new twelve month probationary period. If an employee is removed from the position for not successfully completing the probationary period, the employee may be re-employed in his or her former position if there is a vacancy in that position classification. This provision does not apply to an employee who is involuntarily placed in a different position classification.

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Section 8. General Rules

8.1. Purpose

The following policies set forth general operating procedures.

8.2. Official Hours

The official hours for the transaction of County business are from 8:30 a.m. until 5:00 p.m., Monday through Friday. The County Administrator may establish different official hours for the departments under his supervision, depending on the functions and operations involved. Constitutional officers, who are independently elected officials, may set different hours.

Because of the variety of services that departments provide, an employee's work schedule may be different from the official hours. However, a full-time employee is expected to work forty (40) hours a week.

8.3. Holidays

County offices shall be closed on officially designated state holidays. Employees who provide public safety or other essential services may be required to work on holidays.

The County shall observe the following holidays:

<u>Holiday</u>	<u>Date County Offices Closed</u>
New Year's Day	January 1
Lee-Jackson Day	Friday preceding the 3 rd Monday in January
Martin Luther King, Jr. Day	3 rd Monday in January
President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	First Monday in September
Columbus Day	2 nd Monday in October
Veteran's Day	November 11 th
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	4 th Friday in November
Christmas Day	December 25

In addition to the holidays listed above, the Board of Supervisors may designate any other day or part of a day as an official holiday. If one of the above holidays falls on a Saturday, the preceding Friday will be observed as the designated holiday; if the holiday

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falls on a Sunday, the following Monday will be observed as the designated holiday. Salaried employees shall receive paid time off for a holiday.

8.4. Service Recognition

Employees shall be recognized upon satisfactory completion of intervals of five (5) years of service as follows: five years, ten years, fifteen years, twenty years, twenty-five years, thirty years, and each subsequent five year period of service.

8.5. Retirement Recognition

Individuals who elect to retire after five (5) consecutive years of full-time County employment shall be recognized by the Board of Supervisors. Retire means to apply for and receive retirement annuity benefits from VRS.

8.6. Employee Relations Committee

The County Administrator may establish an Employee Relations Committee which shall be advisory. Such a committee shall be dedicated to working as a team to enhance employee relations, address employee concerns, and encourage communication and cooperation between County employees and the County Administration.

8.7. Closing of County Offices Due to Severe Weather

County offices may be declared closed by the County Administrator during periods of severe weather and/or when the health and safety of employees may be at risk. When weather conditions are serious enough to raise questions about driving safety or whether County offices will be open, employees should listen to local radio stations for relevant announcements. Closing information may also be posted on television stations, the County Administrator's Office answering machine or the County's non-emergency alert system.

The County Administrator's declaration of closure may affect the manner in which an employee is paid for that day or partial day that the offices are closed. If a re-opening date and time is not announced, it is presumed to be 12:01 a.m. of the next calendar day following the closing and employees are expected to report to work on their regular schedule.

A. Essential Positions

Employees in essential positions are those who have duties related to emergency response or provide essential and/or public safety services. Essential personnel shall be required to report for duty following the standard operating procedures within their departments.

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The Department Director shall identify those positions which are deemed to be essential and are to submit an updated list of such positions to the County Administrator's Office no later than July 1 of each year. Employees are to be informed if their position is an essential position.

B. All Other Positions

When County offices are closed due to inclement weather conditions, non-essential employees are released from duty and will receive paid leave for the hours that the offices are closed.

In the interest of employee safety and well being, non-essential employees shall not report to work unless they have received advanced approval from their supervisor or Department Director.

C. Liberal Leave

When County offices are open during inclement weather, the County Administrator may declare a liberal leave policy to be in effect. Under the liberal leave policy, employees who are in non-essential positions may elect not to report to work and may have their absence or late arrival charged to annual leave, compensatory leave and/or leave without pay, without having received approval in advance. The employee, upon returning to work, must submit a leave form for any time the employee was absent from work while County offices were open.

D. Previously Approved Leave Restored

Employees who were previously approved for annual, sick, and/or compensatory leave prior to County offices closing shall not have such time charged against their leave balances to the extent that such time coincided with the period that County offices were closed.

8.8. Punctuality

Employees are expected to report to work on time and adhere to their scheduled work hours. The efficient and effective service to County residents and businesses requires regular attendance and punctuality of all employees. Therefore, absenteeism, tardiness, and leaving work early will not be tolerated because such behavior is disruptive. All time away from work must be approved in advance, otherwise it will be counted as an unexcused absence.

Nothing in this policy shall preclude Departments from adopting their own more stringent attendance policies.

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8.9. Flexible Work Schedules

Department Directors, for good reason, may recommend to the County Administrator flexible work schedules for all or some of the position classifications where appropriate. No flexible or alternative work schedules shall be implemented without the prior approval of the County Administrator.

8.10. Required Certifications and Licenses

The minimum qualifications for certain positions may include specific professional or technical certifications or licensing requirements. Those employed in such positions shall maintain the required certification or licensure in order to continue employment with the County.

8.11. Appearance

A. Uniformed Personnel

It is the responsibility of the employee to keep uniforms in a neat, clean, and orderly manner. Employees are expected to begin their work period with a uniform in proper order. The complete uniform must be worn at all times while on duty and no uniform may be altered or changed in appearance. Any employee not wearing the assigned uniform may be sent home on leave without pay to change and the time counted as an unexcused absence.

An employee who loses a uniform more than once will be responsible for the cost of replacing the uniform. The employee will be required to pay cash for the replacement or with the employee's consent the replacement cost will be deducted from the employee's next regular paycheck.

It is the employee's responsibility to make the Department Director/supervisor aware of the need to replace uniforms.

B. Non-Uniformed Personnel

During work hours, employees are considered to be representatives of the County and are required to dress and groom themselves in a manner that portrays a professional image. Department heads are to determine appropriate appearance and apparel. Any manner of dress or personal hygiene that is disruptive to the work of the department or to those being served, shall be considered inappropriate.

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8.12. Use of Tobacco Products

In the interest of the health and well being of employees and the public, the use of tobacco products is not permitted in County buildings or vehicles.

8.13. Use of County Equipment

The County provides employees with tools and office equipment intended for use while performing County business. This equipment (including, but not limited to, copiers, facsimile machines, carpentry, lawn care tools, plumbing, earth-moving equipment, and vehicles, etc.) is not intended for an employee's personal use. Removal or unauthorized use of County property without authorization is prohibited.

8.14. Computers and Other Wire, Digital, and Electronic Communication Devices

Each employee who is authorized to use a computer terminal, personal computer, the Internet, or other wire, digital, or electronic communication device ("communication equipment") is responsible for maintaining, preserving and securing the information received, sent and stored. Communication equipment includes, but is not limited to, electronic mail (e-mail), facsimiles, Internet, pager, copier, radio, cell phone, computer server, and telephone.

All messages received, transmitted, or stored on the County's communication equipment is subject to the monitoring of, use, and the reading of the messages.

Employees who engage in excessive or abusive personal use of any communication equipment will be subject to disciplinary action.

A. Telephones

County telephones are intended for official use only while conducting County business. Personal calls (made or received) to local phone exchanges should be as brief and infrequent as possible. No long distance telephone calls shall be made for personal business. If such a call is made under emergency circumstances, the employee will reimburse the County for the cost of such a call and, if situations warrant, may be subject to disciplinary action.

B. Prohibited Uses

The following actions illustrate some of the prohibited uses of the communications equipment:

- Employees are prohibited from sending messages which are harassing or discriminatory;

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- Use of abusive or obscene language in either public or private messages;
- Using the Internet in any manner violating federal, state, or local laws or statutes including copyright laws;
- Knowingly changing any computer file that was not generated by the user (a user shall include any person in the chain of supervision);
- Use of Internet for sending, viewing or retrieving pornographic materials, inappropriate text files or files dangerous to the integrity of the network;
- Circumventing security measures;
- Attempting to gain access to another person's resources, programs, or data, without consent;
- Vandalizing, which is defined as any malicious attempt to harm or destroy, County equipment or data on the network or the Internet. This includes the uploading or creating of computer viruses; or
- While using the Internet, falsifying one's identity to others, user name, and/or allowing another person to use the employee's password.

C. Monitoring

The County may at any time and for any reason monitor messages transmitted, received, or stored on the County's communications equipment and systems.

8.15. Vehicle Use

- Certain designated employees are required to utilize County vehicles for commuting purposes ("take-home vehicles"). Take-home vehicles are intended specifically to enable employees to respond directly from home to calls for service. Transporting passengers other than County employees or other authorized persons in a take-home vehicle is prohibited. Take-home vehicles are not to be used for personal business with the following limited exceptions:
- Travel to and from lunch or medical appointments (that could not be otherwise scheduled) during the work day, provided the distance traveled is reasonable; and

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- Personal errands on the way to and from work, or during the lunch break, if the errand requires only a minor deviation from the normal route traveled.

An employee will be taxed according to prescribed IRS rules and regulations for any compensatory benefit received from the personal use of the take-home vehicle. It is the responsibility of the employee to notify the Department Director if there has been a change in vehicle use.

8.16. Reimbursement for Expenses Incurred in Connection with the Performance of Official County Business

From time to time, County employees and officials (members of the Board of Supervisors, the Planning Commission, the Board of Zoning Appeals, etc.) incur certain expenses in connection with the performance of official County business. County employees and officials will be reimbursed for reasonable and appropriate expenses in the following manner.

A. Vehicle Expense

When a County owned vehicle is not available and a personal vehicle must be used for official County business, the employee/official will be reimbursed for mileage at the current rate established by the Internal Revenue Service. There will be no reimbursement for any other expenses related to the operation or maintenance of the personal vehicle, with the exception of tolls or parking fees documented by a receipt.

Mileage driven while on County business shall be recorded on a mileage reimbursement form indicating the date, destination, purpose, and total mileage of individual trips. Mileage reports shall be approved by the appropriate Department Director or the County Administrator and processed for reimbursement through the Finance Department.

B. Travel Expenses

Out of area trips, involving an overnight stay on official business must be approved in advance by the appropriate Department Director or the County Administrator. The preferred method of payment for lodging and travel by common carrier, is to have costs paid in advance using either direct billing or credit card billing to the County.

Reasonable and necessary expenses for overnight travel will be reimbursed upon the presentation of a receipt or other appropriate documentation and approval by the Department Director or County Administrator. This includes the use of a personal vehicle (if necessary), airline, train, bus or other common carrier transportation, taxi or cab service, rental vehicle (pre-approved), tolls,

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parking fees, business telecommunications, lodging and meals (including gratuities not to exceed 15%). Alcoholic beverages may not be charged to the County and must be excluded from any receipt submitted. The County Administrator may develop travel guidelines for travel expenses and employees/officials are expected to adhere to these guidelines.

C. Miscellaneous Business Expenses

Other reasonable and appropriate expenses (such as operating supplies, material, or equipment), necessary for the conduct of County business may be procured if such procurement comports to the county procurement policies. When direct billing or the use of a County credit card is not possible and purchases must be made, a County employee/official will be reimbursed if such purchases are evidenced by a written receipt or other appropriate documentation and approved by the Department Director or County Administrator.

8.17. Solicitations

Solicitations for private businesses or individuals, civic and other non-profit organizations ("outside organizations) and their fund raising events are prohibited unless approved in advance by the County Administrator. No literature or announcements outside organizations shall be distributed or posted without the prior approval of the County Administrator.

8.18. Outside Jobs

An employee may have an outside job or engage in business activities provided that such supplemental employment or business activities do not impair job performance with the County, is not done during work, and does not create a conflict of interest. Prior to the acceptance of outside employment, the employee must submit a completed Approval Form to his supervisor and/or Department Head.

Outside employment or business activities cannot be engaged in while on sick leave. An employee may be asked to terminate outside employment or business activities if such activities interfere with County duties or represent a conflict of interest.

8.19. Employee Identification Badges

The purpose of the Employee Identification Badge Policy is to assure that individuals working in behalf of the County are readily identified to the general public and each other.

A. Badge Must Be Displayed

The following rules shall be followed:

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- The identification badge must be worn by all employees working for or in behalf of the County, including Constitutional Officers' employees, and employees of other public agencies who work in facilities owned or leased by the County. The badge shall be worn at all times the employee is serving in an official capacity (e.g., in the office, in the field, site visits, in court, etc). The identification badge shall be worn on the front torso between the waist and the neck and shall be plainly visible at all times;
- Employees are not required to wear the badge while attending training, meetings, conferences, etc. outside the County;
- An employee who inadvertently forgets to wear the identification badge to work shall wear a replacement badge issued on a daily basis by the employee's immediate Department Director or supervisor;
- Lost or stolen badges must be replaced. After the first replacement, the cost of subsequent replacements are the responsibility of the employee;
- Identification badges remain the property of the County and must be returned upon separation of employment or upon request of the employee's Department Director or supervisor;
- Identification badges may not be modified, altered or otherwise displayed in a way that detracts from its appearance as issued by the County; and
- "Visitor" or other appropriate badges may be issued to non-employees at the discretion of the Department Director in those facilities or offices in which access is limited strictly to "authorized" personnel. In addition, it is anticipated that appropriate identification badges will be issued at the discretion of the Department Director for any non-employee under extended contract to perform within County facilities.

B. Public Safety Exceptions

Special protocols for the display of an identification badge are to be developed and implemented for public safety employees, specifically those in the Sheriff's Office, the Department of Fire, Rescue and Emergency Management and the Department of Animal Control. Such special protocols, when implemented, will address employee identification on standard issue uniforms. Further, the protocols will address the need to protect undercover employees and the need to provide a means to identify public safety volunteers working on behalf of the County.

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C. Other Exceptions

Department Directors will develop and implement special protocols for wearing the identification badges for those employees engaged in specific activities involving equipment, tools, and/or machinery in which the wearing of an identification badge constitutes a legitimate safety hazard. Protocols should address occasions when the employee is actually involved in such activities.

8.20. Personnel Files

There will be only one official personnel file for each employee and such file will be maintained in the office of the County Administrator. The official personnel file may comprise several sets of documents, some of which are marked confidential (e.g. medical or immigration information); those marked confidential may only be viewed by the employee and certain designated individuals. The official personnel file may be reviewed by the employee during regular office hours; it is recommended that an appointment be made. The official personnel file may be reproduced at the request of the employee at the County Administrator's Office.

Persons other than the employee who will have access to the official personnel file will be designated by the County Administrator. The following persons may have regular access to the official personnel file but not to the confidential components of such a file: the employee's supervisor, Department Director, the Assistant County Administrator, the County Administrator and the Board of Supervisors. If an employee is physically or mentally unable to review the file, the authorized representative of the employee may access the file. The Finance Director and staff have access to all payroll and timekeeping records and may access the personnel file to submit these records into that file.

An employee may request, in writing, that inaccurate or no longer timely information in the employee's personnel file be corrected or purged; if such request is denied, the employee may provide supplemental information or a statement no longer than 200 words.

Information in the personnel file will be released when subpoenaed or by Court Order.

8.21. Personal Information

Employees must notify the Finance Department of any changes in personal information, (e.g. phone and cell numbers, names of dependents, and spouse, home, and P.O. addresses, etc.). It is critical that all information be kept up to date. It is important to remember to update marital status, name of spouse, and all minor children, addresses and phone numbers. Any problems incurred by the County's use of out-of-date information are not the responsibility of the County.

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8.22. Verification of Employment and Employment References

All requests for employment references and verification of employment or salary for current and former employees shall be referred to the County Administrator's Office. Employees shall not supply information regarding the employment history of any former or current employee to any inquiring party, including other County employees.

8.23. Public Inspection of Personnel Information

The name, title, and salary of current and former employees shall be available for public inspection during business hours and in accordance with such procedures as the County Administrator may prescribe. The Government Data Collection and Discrimination and Freedom of Information Acts govern the public availability of employee records.

8.24. Destruction of Records

The retention and destruction of official records including the official personnel files shall be governed by the Virginia State Library in accordance with the Virginia Public Records Act and applicable federal laws.

Personnel files and any other records may be kept longer than the minimum required under the VPRA at the discretion of the County Administrator.

8.25. Garnishments

Should the County be served with a writ of garnishment or attachment, a notice of levy by the Internal Revenue Service (IRS) or other taxing authority, or any other judicial order requiring payment of an employee's wages to a third party or the court, the County will deduct the required amount from the employee's wages in an amount not to exceed that permitted by law. The County may impose an administrative fee based on the amount of the garnishment. Two or more garnishments involving more than one creditor during any 12-month period may be grounds for discipline up to and including dismissal.

8.26. Conflict of Interests

All employees are subject to the Virginia Conflict of Interests Act, § 2.2-3100 *et. seq.* of the Code of Virginia. Whenever an employee or family member of the employee may directly or indirectly financially benefit from a transaction or a contract to which the employee has a personal interest, a potential conflict of interest may arise.

A violation of the Conflict of Interests Act is criminal. Whenever a potential conflict arises, the employee is advised to request a written opinion immediately from the Commonwealth's Attorney who is required by statute to give such an opinion. A copy of

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the Conflict of Interests Act is available from the County Administrator's Office or it may be found on the Web.

8.27. General Ethical Conduct

The following are general rules of ethical conduct to which employees are expected to adhere:

- Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and respectful attitude toward the public;
- Be dedicated to the highest ideals of honor and integrity in all relationships in order to merit the respect and confidence of other employees and of the public;
- Maintain public confidence and trust in County government through your actions;
- Conduct official and personal affairs in such a manner as to give the clear impression that you cannot be improperly influenced in the performance of your official duties;
- Handle all personnel matters on the basis of merit so that fairness and impartiality govern decisions pertaining to appointments, pay adjustments, promotions, and discipline;
- Do not solicit directly or indirectly any gift or accept or receive any gift-whether it is money, services, loans, travel, entertainment, hospitality, promise, or any other form if it has a retail value of \$35.00 or greater or if (1) it could be reasonably inferred or expected that the gift was intended to influence you in the performance of your official duties; or (2) the gift was intended to serve as a reward for any official action on your part; and
- Do not disclose to others, or use to further your personal interest, confidential information acquired in the course of your official duties.

Section 9. Performance

9.1. Purpose

Performance conferences and annual reviews inform employees how well they are performing their work and how they can improve their work performance. The review and evaluation process is intended primarily to enhance communication on performance expectations between employees and their Department Directors and supervisors. The performance review is for:

- Determining the level of the employee's performance and informing the employee about this determination;
- Identifying areas which meet or exceed expectations and those which need improvement; and
- Identifying how the employee, his co-workers and his immediate supervisor can best work together to achieve the department's work goals for the coming year.

Performance evaluations may be used as a factor in determining pay, promotion, demotion, transfer, dismissal, layoff, or training.

9.2. Performance Plans

The Performance Plan sets forth the expectations for the duties and responsibilities of the position. It describes a proficient level of performance for the duties found in the position description as well as what new skills and abilities must be attained during the next performance year.

9.3. Evaluations on Anniversary Dates

All employees, except temporary and seasonal workers, shall be evaluated twice during their probationary period - at the end of their first 5 months and at the end of the first 11 months. If the employee has achieved a level of satisfactory performance, the employee will be evaluated on an annual basis thereafter on or before the anniversary of employment date.

9.4. Supervisor's Responsibility

Performance evaluations shall be prepared by immediate supervisors and reviewed by Department Directors. The immediate supervisor is expected to regularly review the performance with each employee. Each employee shall be provided with a copy of the completed annual performance evaluation form signed by the immediate supervisor and the Department Director; the employee is also expected to sign the evaluation. The

employee's signature does not indicate agreement with the evaluation ratings, but merely acknowledges that the review has been discussed.

9.5. Employee's Responsibility

Every employee is encouraged to discuss openly with the immediate supervisor the responsibilities and expectations for future performance. If an employee wishes to supplement or clarify the annual performance evaluation, the employee may submit a written statement within 10 days following the annual performance conference with the supervisor.

9.6. Confidential Nature of the Evaluation

Copies of annual performance evaluations shall be maintained in personnel files. A performance evaluation shall be made available only to the employee, the immediate supervisor, the Department Director, the Assistant County Administrator, the County Administrator, the Board of Supervisors, and legal authorities on a need-to-know basis.

Section 10. Benefits

Note: Employment benefits are presented in detail to new employees during the orientation with the County Administrator's office. As benefits change, employees will be notified. The information contained below is only an introduction to the benefits and the requirements for obtaining such benefits. Please contact the County Administrator's Office for complete information about current benefits. The Board of Supervisors may at any time change the eligibility and participation requirements as well as eliminate any of the following benefits.

10.1. Retirement/Disability Benefits - Virginia Retirement System

Retirement benefits are administered through the Virginia Retirement System (VRS).

A. Eligibility

Membership in the VRS defined benefit plan is mandatory for all full-time employees in regular positions.

B. Cost

Participation in the VRS retirement plan requires a contribution from the employer as well as the employee. Presently, the County pays both the employer's and the employee's contributions. Contributions to VRS begin with the first paycheck and continue throughout employment. No contributions will be made in any pay period in which an employee has been on leave without pay for 51% or more of the work days during that pay period; this includes employees who are on leave without pay for a Workers' Compensation injury.

C. Benefits for Disability or Retirement

An employee who is disabled and unable to work may be eligible for disability benefits from VRS (as well as Social Security disability benefits). To apply for disability benefits, an employee must be unable to perform his or her job because of a physical or mental disability and the disability is likely to be permanent. The terms and conditions of this coverage can be found at the VRS website, www.varetire.org.

The monthly amount of the annuity retirement benefit is based on three factors: years of credited service, age at the time retirement benefits are received, and final or highest three years of salary.

Employees may contact the County Administrator's office or VRS (www.varetire.org) for information regarding their estimated benefits. Employees planning retirement should contact the County Administrator's office four (4)

months before their retirement date to ensure the coordination of benefits and their timely receipt.

10.2. Group Life Insurance

A. Eligibility

Employees in regular positions who work full-time are covered under the “Basic Group Life Insurance” program offered through VRS. Coverage begins on the employee’s first day of employment. A medical examination is not required.

In addition to the Basic Group Life Insurance, an employee may purchase additional life insurance coverage. This program is optional and may require a medical examination. Proof of good health is required.

B. Cost

Basic Group Life Insurance: The County presently pays both the employer and employee’s contributions for the Basic Group Life Insurance program.

Optional Life Insurance: The cost of optional life insurance must be borne entirely by the employee and payments must be made through payroll deductions.

C. Leave Without Pay Status

The County’s contribution will discontinue if the employee is on approved Leave Without Pay for 51% or more of his/her working month, unless absence is protected or granted under the Family Medical Leave Act (FMLA), Sick Leave Bank, and/or Worker’s Compensation Act. An employee in this situation is advised to make payment to the County for this period of absence to ensure life insurance coverage is not discontinued.

Optional life insurance premiums are the responsibility of the employee.

D. Benefits

Coverage is for natural or accidental death or dismemberment. The natural death benefit payment is double the employee’s final salary; accidental death benefit payment is double the natural death payment. There is also an accelerated death benefit for a terminal condition.

E. Retirement

Coverage ends at termination of employment unless an employee elects to convert coverage to an individual whole life policy at non-group rates. Conversion coverage must be elected within 31 days of the last day in the month in which

retirement occurred. Retirees may continue in the life insurance program if they meet the eligibility requirements under their plan. Such life insurance coverage is reduced over a period of time as provided by VRS. Additional life insurance through the VRS Optional Life Insurance Program may be continued at the retiree's expense.

10.3. Group Health Insurance

A. Group Health Insurance

The County currently provides health plan coverage for full-time employees in regular positions. Coverage does not begin until the first month following the initial 30 days of full time employment.

B. Cost

The County shares the cost of coverage with the employee at a rate authorized by the Board of Supervisors. Employees on leave without pay for 51% or more of his/her working month must pay the full costs of the health care coverage (employer and employee share) for such pay period.

The employee's share of the premium is deducted from the employee's pay check. The premiums may be withheld on a pre-tax basis. Changes in election can be made on the occurrence of a qualifying event (within 30 days of such an event) or during the Open Enrollment period.

If an employee is on leave without pay status for 51% or more work days during the pay period, the full costs of the health plan coverage will be the responsibility of the employee under the provisions described in greater detail under COBRA.

C. Eligibility

All full time employees in regular positions are eligible for participation in the health plan. Employees can elect to include their spouses and dependent children under the health plan. The effective date of health insurance coverage shall be the first day of the month following the initial 30 days of full-time employment. If a part-time employee converts to a regular full-time position the same 30-day waiting period applies.

D. Open Enrollment

Open enrollment is the time period designated by the County for enrolling in the health plan and/or making changes in coverage and participants. Open enrollment usually occurs in the month of February.

E. Qualifying Event

After initial eligibility, changes in the health plan can only be made during Open Enrollment or when a “qualifying event” occurs. Internal Revenue Code Section 125 defines it as: 1) experienced by an employee or an employee’s eligible family members; and that 2) gives rise to the employee’s ability to change coverage levels under the plan at a time not corresponding to the Open Enrollment period. Qualifying events include but are not limited to marriage, divorce, birth of a child, death, spouse’s or dependent’s loss of coverage or a major change to current health plan coverage.

Health insurance changes due to a qualifying event must be made within 31 days of the event. Supporting documentation must be provided to show proof that a qualifying event has occurred.

F. Separation from Employment

If an employee separates from employment, health insurance coverage will continue until the end of the month in which the employee terminated employment as long as the employee’s share of the premium for that month has been received. Thereafter, continuation coverage will be under the provisions of COBRA.

G. COBRA

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) allows an employee and/or spouse or dependents covered by the County’s group health insurance plan the opportunity to maintain group coverage for the following time periods (and qualifying events): 18 months (termination of employment or reduction in work hours); 29 months (qualified beneficiary is disabled at time of termination of employment or reduction in hours); and 36 months (death of covered employee, loss of dependent child status, covered employee becomes eligible for Medicare, covered employee divorces spouse). An election of continuation coverage must be made within 60 days of the qualifying event or the date notice of election was received, whichever is sooner.

If elected, the cost to continue coverage under COBRA is the monthly premium for the coverage selected. The County reserves the right to charge up to a 2% administrative fee.

10.4. Retiree Health Insurance

A. Eligibility

Employees applying for retirement through the Virginia Retirement System (VRS) before reaching age 65 will be considered “early retirees”. Employees (and family members of employees) with a minimum of fifteen (15) years in the VRS

system will remain eligible for coverage under the County's group health insurance policy after the federally mandated "COBRA" period expires 18 months after separation from employment. Such employees must pay for 100% of the cost of health insurance.

Once the employee reaches age 65, he or she becomes eligible for Medicare coverage. If the employee wants supplemental coverage to Medicare, he or she must convert to a Medicare supplement or other plan separate for the County's policy.

Early retirees who do not meet this requirement must choose an individual plan through the County's carrier or another carrier of their choice (after the 18 month "COBRA" period). Early retirees and employees continuing coverage during the "COBRA" period are responsible for 100% of the cost. Payment of monthly premiums is due to the Finance Office on the first of every month. Non-payment of premiums will result in termination of benefits.

A retiree, who does not make this election within 60 days of the effective retirement date, does not have the right to re-enter the plan at a later date. If a retiree interrupts the continuous participation in the health plan, the retiree's right to coverage is forfeited.

A retiree may change coverage level only during Open Enrollment or if a qualifying event occurs. Upon the death of a retiree, a covered spouse and/or dependent children may continue on the County's plan at their own expense under COBRA.

10.5. Employee Assistance Program

A. Counseling

Full-time and part-time employees in regular positions, and their family members residing in the employee's household, may participate in counseling and referral services designed to help them manage personal or job-related problems.

B. Confidentially

Counseling through the Employee Assistance Program (EAP) is confidential. Neither the employee's name nor department will be released to the County when the employee or family member seeks counseling through the EAP voluntarily.

C. Cost

A fixed number of counseling sessions are provided at no cost to the employee. Employees should inquire upon the commencement of counseling, the number of sessions that are provided at no cost.

10.6. Social Security and Medicare

The County pays the employer's share of Social Security and Medicare contributions. The employee's share is paid through mandatory payroll deductions.

10.7. Unemployment Insurance

Former employees may file for unemployment compensation through any Virginia Employment Commission (VEC) office. The VEC determines eligibility for benefits.

10.8. Optional Benefits

The County may offer its employees the opportunity to purchase various optional benefits through payroll deduction. Generally, such benefits are available to full-time and part-time employees who work an average of 20 hours or more per workweek. Each benefit program may have different participation criteria. Specific plan information is available through the County Administrator's Office.

10.9. Deferred Compensation

All full-time employees in regular positions are eligible to participate in a deferred compensation program. Contributions are pre-tax and are made bi-weekly through payroll deductions. There is no County match for such contributions.

Section 11. Leave

11.1. Annual Leave

A. Purpose

Annual leave provides paid time-off for vacation or other personal reasons. Only those employees on full-time status accrue annual leave.

B. Accrual

Annual leave is accrued at the end of each calendar month. The amount of annual leave that an employee accrues and the total that may be accumulated is based upon the employee's length of service as follows:

<u>Years of Service</u>	<u>Monthly Accrual</u>	<u>Maximum Accrual</u>
Less than 5 years	8 hours	192 hours (24 days)
Five, but less than 10	10 hours	240 hours (30 days)
Ten and over	12 hours	288 hours (36 days)

C. Accrual Based on Days of Paid Leave Status

The amount of annual leave that is accrued each month will be prorated based on the hours that the employee actually worked during that month (e.g. deductions will be taken for leave without pay or days not worked because the employee was hired or separated from employment during the month).

D. Maximum Accrual Limited

On July 1 of each year, all leave accrued in excess of the maximum accrual amount will be lost. Employees are expected to plan their annual leave early enough so that no leave time is lost on July 1. The County Administrator may make an exception when there are extenuating circumstances beyond the employee's control which have caused the employee not to be able to use the leave by June 30.

E. Notification of Leave Balance

Annual leave balances will be noted on the paycheck. Employees should check periodically to determine whether the information reported is accurate.

F. Minimum Increment of Leave

Annual leave must be taken in increments of no less than 30 minutes.

G. Advanced Request for Annual Leave

The use of annual leave is contingent on obtaining advance approval for the time away from work. Employees are expected to request approval of annual leave for planned events and holidays well in advance of the anticipated dates. Every consideration will be given to an employee's desire to take time off from work; in approving leave the supervisor or Department Director is foremost responsible for managing work schedules so that department services are not compromised. Therefore, employees who desire to use annual leave around a holiday should make a request well in advance. Request for the use of annual leave forms are available and should be used at all times.

H. Restrictions on Use

Annual leave may not be used in advanced of its accrual. Annual leave is accrued but may not be used until the employee has completed the initial probationary period. The County Administrator may, at his discretion, approve the use of accrued annual leave during the probationary period for extenuating circumstances.

The use of annual leave is not a right; depending on the needs of the department a leave request may be denied for business necessity or for failure to request the leave in a timely manner. Unless the leave has been approved in advance, the absence cannot be charged to annual leave.

I. Payout for Annual Leave

Upon the termination of employment, an employee shall receive payment for the annual leave accrued as of the date of separation in an amount not to exceed the maximum accrual limit. In the event of an employee's death, the estate will receive payment for the accumulated leave balances to which the employee is entitled.

11.2. Sick Leave

A. Purpose of Leave

Sick leave provides paid time off when an illness or injury of the employee or the employee's immediate family member necessitates the employee being absent from work. Sick leave is only available to full-time employees.

B. Use of Sick Leave

Sick leave may be taken for one of the following reasons:

- Personal Sick Leave – Personal sick leave is defined as absence for reasons of illness or injury incapacitating the employee to perform assigned duties or exposure to contagious disease such that the employee’s presence on duty would jeopardize the health of fellow workers on the job.
- Medical Appointments - Medical, dental, and other health care provider appointments, whether for the employee or the employee’s immediate family member, should be scheduled outside of work hours whenever possible. When such appointments cannot be scheduled outside of or around work hours, the employee may use sick leave provided it is approved in advance by the supervisor or the Department Director. Emergency medical appointments are an exception.
- Family Illness - An employee may use sick leave to care for an immediate family member who has a serious health condition or to transport such a family member to health care provider appointments. For purposes of sick leave, immediate family member is defined as child (son, daughter, adopted child, foster child, stepchild, legal ward, child of the employee standing in *loco parentis*), mother, father, sister, brother, grandfather, grandmother, husband, wife, mother-in-law, father-in-law, or any family member related by blood or marriage living in the employee’s home.
- Workers’ Compensation Injuries - Employees may use sick leave for the first seven (7) calendar days that they are absent due to a Workers’ Compensation injury or illness. If such leave is used and the employee becomes eligible to receive lost wage payments from the Workers’ Compensation Commission for the first seven (7) days, the County will request from the Commission that the amount of money paid to the employee in sick leave benefits be returned to the County.
- Pregnancy - Unless a medical reason prevents a pregnant employee from performing the duties of the position, sick leave cannot be used for pregnancy conditions. A medical doctor must certify that the employee cannot work because of medical reasons relating to the pregnancy, and the anticipated return to work date must be given. Sick leave shall be authorized only within the limitations set forth in the doctor’s certification. Should an employee desire to be away longer than the doctor certifies, the employee may request to use annual leave.
- Family and Medical Leave Purposes - Sick leave (or annual leave) must be used for all absences taken for Family and Medical Leave purposes including absences following the birth or placement of a child.

C. Accrual of Sick Leave

Sick leave is accrued at the end of each calendar month. The amount of sick leave that an employee accrues is based upon the employee's length of service as shown in the charts below.

<u>Years of Service</u>	<u>Monthly Sick Leave Accrual</u>
Less than 5 years	8 hours
5 but less than 10 years	10 hours
Ten and over	12 hours

D. Accrual Unlimited

Although there is no maximum accrual amount for sick leave, the use of sick leave for a period exceeding that allowed under the Family and Medical Leave policy (12 weeks in a rolling 12 month period) may result in the loss of the employee's job.

The continuing employment status of such an employee will be reviewed on a case-by-case basis to determine whether the operational needs of the department require that the employee's position not remain vacant. If the County Administrator determines that the position needs to be filled, the employee will be given a notice to return to work within a reasonable time or be terminated.

E. Accrual Based on Days of Paid Status

The amount of sick leave that an employee accrues each month shall be prorated for the hours that the employee worked during that month (e.g. deductions will be taken for leave without pay or days not worked because the employee was hired or separated from employment during the month).

F. Notification of Leave Balance

Sick Leave balances shall be noted on the pay check. Employees should check periodically to determine the accuracy of the information reported.

G. Minimum Increment

Sick Leave may be taken in increments of no less than 30 minutes.

H. Sick Leave Cannot be Advanced

An employee must accrue sick leave before it is used.

I. Sick Leave Request

To request the use of sick leave, an employee must complete the appropriate leave form and submit it to the supervisor or Department Director for approval. Employees must notify their supervisor or Department Director as soon as the need for the leave is known; unless there is an emergency situation, such notice must be given no later than one hour before scheduled work hours. Until approval is given, the absence will be counted as leave without pay.

J. Doctor's Statement

The Department Director, or supervisor, may require an employee requesting sick leave to present a physician or health care provider's statement as a condition of approving the use of sick leave. When an employee is on sick leave for more than one week or has missed work due to a chronic medical condition, the leave shall be designated provisionally as Family and Medical as well as sick leave. The Department Director shall notify the County Administrator's Office to determine whether the absence is for a qualifying Family and Medical Leave condition.

Before the employee returns to work from an extended absence or from treatment for a medical condition that may limit the employee's ability to perform normal job duties, the supervisor may require a statement from the treating health care provider confirming the employee's ability to return to normal work duties. Health care provider forms can be obtained from the County Administrator's Office. If there are limitations placed on an employee's ability to perform the duties of the position, the County may consider alternative assignments as a reasonable accommodation for the employee's disability.

K. Payout for Sick Leave at Separation

When an employee voluntarily separates from employment, the employee shall be compensated for accrued sick leave as shown in the chart below. The amount of such payment shall not exceed the maximum payment limitations. In the event of an employee's death, the estate will receive any leave payment to which the employee would have been entitled.

<u>Years of Service</u>	<u>% Paid of Accrued Sick Leave</u>	<u>Maximum Payment</u>
Less than 5	5%	\$1,000
5 but less than 10	12.5%	\$2,000
10 years and over	25%	\$3,000

11.3. Family Medical Leave

A. Purpose

The purpose of Family and Medical Leave (FMLA) is to provide unpaid, job protected leave to eligible employees for certain medical reasons as mandated in

the Family and Medical Leave Act of 1993. An eligible employee is entitled to up to 12 weeks of unpaid leave during the rolling 12-month period (looking backward from the date that the leave commences).

B. Eligible Employees

An eligible employee is one who has worked for the County for twelve (12) months and within the twelve (12) months preceding the commencement of the leave has worked at least 1,250 hours. Part-time and temporary employees who meet these requirements are eligible for FMLA leave. Employees who are “Key Employees” are eligible for FMLA leave; however, they may not be entitled to job restoration.

C. Purposes for Which FMLA Leave May Be Taken

FMLA leave may be taken for the following purposes:

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

D. Definitions

Parent: is the biological parent of an employee or an individual who stood or now stands in *loco parentis*.

Child: son, or daughter is a person under 18 years of age, the biological child, adopted child, foster child, stepchild, legal ward, child of an employee who stands in *loco parentis*, or child over 18 years of age who is incapable of self-care because of a physical or mental condition.

Serious Health Condition: A serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or an incapacity lasting more than three consecutive days and involving continuing treatment by a health care provider. Continuing treatment involves two or more treatments (or one treatment when the condition surfaces and follow-up visits are required) by a healthcare provider, pregnancy, prenatal care, or other chronic or long-term serious health condition that (1) requires periodic visits to a health care provider; (2) recurs over an extended period of time; and (3) causes episodic absences.

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

E. Certification from Health Care Provider Required

Employees are required to obtain a certification from the health care provider for all absences for which FMLA benefits are being requested. A chronic or long-term health condition or pregnancy does not require a visit to the health care provider for each absence.

The County may request an employee to obtain a second opinion from a health care provider of its choice; if that opinion differs from the opinion provided in the certification, the County can request that a third health care provider provide an opinion. Both consulting opinions will be at County expense.

A health care provider may be a doctor of medicine or osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioner, nurse mid-wife, clinical social worker, or any other health care provider recognized by the County's health plan(s). Christian Science practitioners are also included within this definition.

Upon conclusion of FMLA leave taken for the employee's own serious health condition, the County may require the health care provider, if such a statement has not already been provided, to certify to the employee's fitness for duty and his ability to perform the essential duties of his job.

F. Provisional Designation of FMLA Leave

Should an employee be absent for five (5) or more consecutive days or for a chronic condition, a birth, or other possible FMLA reason, the supervisor must provisionally designate the absence as FMLA/sick or annual leave. Once it is established that the absence qualifies for FMLA leave, the provisional designation will be removed. For purposes of calculating the 12-week leave entitlement, provisional designations of leave will be counted as FMLA leave.

G. FMLA Benefits

An eligible employee is entitled to twelve weeks of unpaid leave during a twelve-month period. The 12-month period is a rolling twelve months (12 months measured backward from the date the leave commenced).

H. Concurrent Use of Leave

Employees are required to use accumulated paid leave (sick, compensatory, annual, etc.) on an hour-for-hour basis concurrently with the FMLA leave.

I. Unpaid Leave Status

If an employee is on unpaid FMLA leave status, no annual or sick leave will accrue and the employee will be responsible for the costs of all benefits other than the employer's share of health care premiums.

J. Advance Request is Required

An employee is required to request FMLA leave in writing at least thirty days before the leave is to start if the need for the leave is foreseeable. In circumstances when the leave is not foreseeable, an employee must request the leave as soon as practicable.

K. Intermittent Leave

FMLA leave taken for a serious health condition of the employee or the employee's family member may be taken intermittently or may be given for reduced hours of work. A Certification from a health care provider will be required.

When the employee requests the FMLA leave to be intermittent leave or to have a reduced schedule, the Department Director may transfer the employee to another position more suitable to the employee's schedule requirements; the employee will not suffer any change in salary and benefits.

L. Leave Taken for Birth or Placement of Child

FMLA leave taken for birth, adoption, placement, or foster care cannot be taken intermittently unless approved by the Department Director in advance.

If both spouses work for the County, the total FMLA leave that may be taken for this event by both employees is twelve weeks, pro-rated between the employees as they choose. FMLA leave taken for the birth, adoption, placement, or foster care of a child must be taken within the twelve months following the event.

M. Retroactive Removal of Approval

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

N. Job Restoration

Upon returning from FMLA leave, an employee is entitled to be restored to the same position that was held before the start of the FMLA leave, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. The only exceptions to job restoration are:

- The job has been eliminated; and
- Employee cannot perform the essential duties with accommodations.

Key employees are entitled to FMLA leave but are not entitled to job restoration if re-employment after the conclusion of the leave will cause a substantial and grievous economic injury to the County.

O. Special Provisions for Key Employees

A key employee is a salaried employee who is among the highest paid ten percent of the County's workforce. A key employee will be notified in writing of this designation in response to the employee's notice of intent to take FMLA leave. Should the circumstances prevent such notice being given in advance, the notice will be given as soon as it is known that the leave is FMLA leave. If a key employee is already on FMLA leave when the notice is received, the employee will be given a reasonable time to return to work before losing the right to job restoration.

P. Health Benefits

If paid leave is used for FMLA purposes, an employee will maintain the same benefits as if working. It is the responsibility of the employee to maintain the portion of the health premium by submitting to the Finance Department a check no later than the last day of the month for the following month of FMLA leave.

If the employee is on unpaid leave, continuation in the health care plan is permitted, provided that the employee continues to pay for his share of the premiums. If the employee fails to make his premium payments by the last day of the month for the following month, the employee will be provided written notice of this failure and will be given an additional fifteen days to make payment in full. If payment is not made after this notice, health benefit coverage will cease.

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

11.4. Bereavement Leave

Upon the death of a member of the employee's immediate family which is defined as child (son, daughter, adopted child, foster child, stepchild, legal ward, child of the employee standing in *loco parentis*), mother, father, sister, brother, grandfather, grandmother, husband, wife, mother-in-law, father-in-law, or any person related by blood or marriage living in the employee's home, an employee may take up to five days of bereavement leave. Such leave must be taken within 30 days of the death or the funeral and shall be unpaid leave unless the employee has sufficient annual or compensatory leave available for such purpose.

11.5. Civil Leave

Leave with full pay will be granted an employee for any absence necessary for serving on a jury or for attending court as a witness under subpoena in an action in which the employee is not a party. The employee may retain any compensation received for such service if the employee uses annual leave, compensatory leave, or leave without pay for the period of absence.

11.6. Military Leave

An employee in a regular position who is called for active duty, or as a member of the reserve components, of the United States Army, Navy, Air Force, Marines Corps, and Coast Guard will have job restoration rights if (1) notice of the call for duty is provided to the County Administrator, (2) the employee has not previously used five years of military leave during his course of employment with the County, (3) the employee is honorably discharged, and (4) the employee upon the conclusion of military service reports back to work within the statutorily established time periods.

A. Advance Notice Required

An employee must give the County Administrator advanced notice, either orally or in writing, of the call to military service. An employee must complete a leave request form and provide a copy of the military orders prior to departure. If an employee without justification fails to provide this notice, the employee will not be entitled to be restored to his job at the conclusion of the leave. If military orders were not provided prior to departure, in order to assure job restoration rights, an employee must provide such orders or evidence of military service.

B. Fifteen Days Paid Leave

An employee on military leave who is in a regular position will receive fifteen (15) days of paid leave per federal fiscal year; the remainder of the leave will be without pay. The period of military service will count as "years of service" for the

purposes of annual and sick leave accrual and seniority as if the employee had remained employed during the tour of duty.

C. Continuation of Health Care

When an employee is called to military service, the employee has the right under COBRA to elect to continue health plan coverage for up to 24 months or for the duration of the military leave whichever is shorter. The County will provide the election forms in order that the employee and other covered individuals receive notice of their right to elect continuation coverage.

D. Reporting Back to Work

An employee desiring to return to his position after military service must report back to work within these periods of time (travel time not included):

- Less than 30 days of service - within 8 hours of the first regularly scheduled work day after returning home;
- 31-180 days of service - within 14 days of completing military service; and
- Over 181 days of service - no later than 90 days of completing military service.

If the employee is incapacitated, injured, or ill from an illness or injury incurred during military service, the days allotted to report to work commences at the date that the employee recovers from such incapacity or illness provided that two years have not lapsed since discharge.

E. Job Restoration

Upon return from military service the employee will be placed in the position he or she would have held if he or she had been continually employed. If the employee is no longer qualified to perform the duties of the former position, the employee may be placed in a position of like seniority status and pay. The County, at its election, may fill on a temporary basis, the position vacated by the employee on military leave.

11.7. Leave Without Pay (LWOP)

Department Directors may approve up to 3 days per month of leave without pay for an employee when circumstances justify such an absence. For any additional absences the employee must complete the Leave Without Pay (LWOP) Request Form and submit it to the Department Director who may deny the request or recommend to the County Administrator that such leave is warranted and if given will not impede the operations of the department. All LWOP in excess of three days per month must be approved by the

County Administrator. Employees who are on Family and Medical Leave are an exception and are subject to the terms of the provisions in that section.

An employee must have exhausted all other forms of leave (as they may be applicable) prior to making a request for LWOP.

11.8. Administrative Leave

Administrative leave is paid leave that an employee may receive the use of at the initiation of the County Administrator. Circumstances that may give rise to administrative leave include but are not limited to: severe weather conditions, unsanitary or unsafe working conditions, death of a County employee, and for other good cause.

Section 12. Sick Leave Bank

12.1. Purpose

It is the objective of the County to allow employees to participate in a Sick Leave Bank program. The Sick Leave Bank shall provide an income replacement benefit, subject to specific provisions, to those participants who are unable to work due to an illness or non-work related injury.

12.2. Scope

All permanent full-time employees may elect to participate in the Sick Leave Bank.

12.3. Definitions

Illness/Non-Work Related Injury

Illness or non-work related injuries are defined as medical conditions which preclude an employee from performing his or her job duties, including disability related to pregnancy or child birth and/or exposure to a contagious disease such that his or her presence on the job might jeopardize the health of others.

12.4. Procedures

A. Enrollment

1. An employee shall enroll in the Sick Leave Bank through the donation of 1 day of sick leave. One day constitutes 8 hours.
2. New employees may enroll in the Sick Leave Bank through the County Administrator's Office within one month of employment.
3. Open enrollment for current employees shall occur during the month of January.
4. Employees become members of the Sick Leave Bank immediately upon their donation of sick leave to the Bank.

12.5. Accessing the Sick Leave Bank

1. Employees shall be required to exhaust all annual and compensatory leave prior to use of the Sick Leave Bank.

2. All but one week of sick leave shall be exhausted prior to use of the Sick Leave Bank. One week of sick leave shall be calculated based on the employee's normally scheduled workweek.
3. The first thirty (30) calendar days of illness or non-work related injury shall not be covered by the Bank, but must be covered by the employee's own accumulated leave balances. During these thirty (30) days, the employee must be completely incapacitated from performing work duties. Intermittent work schedules/days shall not be counted toward the first thirty (30) consecutive days of illness or non-work related injury.
4. If an employee does not have an accumulated leave balance, he or she shall be placed on leave without pay status until the thirty-first (31st) day of the illness or non-work related injury before entering the Sick Leave Bank.

12.6. Sick Leave Bank Stipulations

1. A member may withdraw a maximum of sixty (60) working days within a 12-month period, starting with the first date of withdrawal from the Bank.
2. Days withdrawn from the Bank for any one period of eligibility must be consecutive. Additional periods of disability resulting from the recurrence or relapse of the original illness or non-work related injury shall be covered through the Sick Leave Bank contingent upon a doctor's notification of recurrence or relapse.
3. In no instance shall the Sick Leave Bank pay more than the sixty (60) day maximum within a 12-month period.
4. Participation in the Sick Leave Bank shall run concurrently with Family Medical Leave.
5. No benefits shall be paid from the Sick Leave Bank for a work-related illness or injury for which an employee is entitled to Workers' Compensation.

12.7 Verification of Illness or Non-Work Related Injury

1. A doctor's statement shall be required from the employee prior to utilizing the Sick Leave Bank.
2. The doctor's statement must be submitted to the Department Head or supervisor fifteen (15) days prior to each payroll date.
3. At the discretion of the Department Head, and with the concurrence of the County Administrator, an employee may be requested to submit to a physical

examination which shall be conducted by a licensed physician under contract with the general government.

12.8 Assessment of Additional Sick Days

1. Employees utilizing sick leave days from the Bank shall not have to replace those days, except as regular contributing members of the Bank.
2. Members of the Bank will automatically be assessed additional hours of leave if the Bank is depleted to 500 hours, or at the discretion of the County Administrator.
3. Members who have no sick leave to contribute at the time of the assessment will be assessed within sixty (60) calendar days of the announcement.

12.9 Cessation of Sick Leave Bank Membership

1. An employee may cease membership in the Sick Leave Bank if he or she does not agree to the additional assessment of sick days, but shall lose all previously contributed days.
2. Members must notify the County Administrator's Office in writing if they wish to cease participation in the Bank.

12.10 Donation of Leave to the Sick Leave Bank

1. In June of each year, members of the Bank may donate any of their accrued annual leave that is in excess of the maximum yearly accumulation amount to the Sick Leave Bank.
2. Upon termination of employment, members may donate any portion of their accumulated annual or sick leave to the Sick Leave Bank.

Section 13. Training and Development

13.1. Purpose

Training and development opportunities are offered to employees in order for them to acquire new skills and abilities and to improve their knowledge base. Training is offered through a variety of methods including: assessing employee training needs and developing organized training plans; developing and using internal instructors wherever possible; and encouraging employees to share training experiences.

13.2. Department Director's Responsibility

The Department Director is responsible for providing employees within their department an opportunity for meaningful training and development with the following constraints: budgeted monies available; job requirements; expected changes in services that will require additional skills and abilities; employee performance; and the recommendations of the County Administrator and the Assistant County Administrator.

13.3. Required Certifications and Licenses

When a specific certification or license is required for the position and budgeted funds are available, the department may pay or reimburse the employee for the cost of the certification or licensure fee upon successful completion of the qualifying test or exam.

When seeking reimbursement, the employee must present the Department Director with the awarded certificate or license and proof that the employee paid for the test or exam. A copy of the license or certificate shall be maintained in the employee's personal file.

The County will reimburse the employee for the costs of one attempt at obtaining a license or certificate. If unsuccessful, the second attempt will be at the employee's expense.

13.4. Workshops, Seminars, and Conferences

Department Directors may authorize employees to attend workshops, seminars, conferences, or other training programs that would directly benefit the County. The costs of attendance shall be paid by or reimbursed from the department's available funds.

13.5. Higher Education

The Department Director may, from time to time and subject to budgeted funds, permit the reimbursement of certain expenses incurred by employees participating in courses

offered by public institutions of higher education provided such courses are directly related to the employee's job with the County.

A. Cost

With prior approval of the County Administrator and upon recommendation of the Department Director, an employee may be reimbursed for the basic cost of tuition for any course completed, provided such course is directly job-related and the employee works for the County for at least one year following completion of the course.

B. Tuition Reimbursement

It is the policy of the County to reimburse an employee for the cost of job related courses up to a maximum of three (3) courses in any fiscal year, approved by the County Administrator or designee, under the following terms and conditions:

- A. Priority will be given to employees who have not been reimbursed during the current fiscal year.
- B. Courses are related to the employee's present position. The department head must be able to demonstrate that taking the course will maintain or improve the skills required for the employee's current job or meet express requirements of the department that are a condition of continued employment.
- C. Funds are available in the Tuition Reimbursement Pool
- D. Reimbursement is not available or is not being paid by another source
- E. Reimbursement is limited to tuition and books or to those tests for certification which are required before the employee can receive a grade in the course.
- F. Reimbursement is on a course-by-course basis and is not available to employees in Leave Without Pay status. Auditing of courses does not qualify for reimbursement.
- G. Reimbursement is contingent upon receiving at minimum a "C" or its equivalent, as defined by the educational institution and credit for the course.
- H. Proof of grade and payment must be received by the County Administrator's Office before reimbursement can be processed.
- I. Requests must be made by completing and submitting the Tuition Reimbursement form to the County Administrator's Office at least 30 days prior to the day class starts.
- J. The employee must remain in the employment of Caroline County for a least one (1) year after course completion or will be required to reimburse the County for the full amount paid.
- K. The maximum tuition reimbursement shall not exceed three (3) courses in any one fiscal year per employee.

Section 14. Safety Program

14.1. Purpose

The purpose of the Safety Program is to provide a safe place for employees to work and for the public to conduct County business and enjoy County-sponsored activities. Every employee should work under the safest conditions possible. Accidents which injure people or damage property cause needless personal suffering, inconvenience, and expense. Every reasonable and practical effort will be made to promote accident prevention.

14.2. Responsibilities

All employees shall be responsible for following the provisions set forth in this policy. The responsibilities listed below are a minimum. Employees are encouraged to take additional actions over those listed below to reduce losses due to personal injury or vehicle accident. Safety and loss control is a responsibility that must be shared by all.

A. Department Directors

Department Directors are responsible for maintaining safe working conditions within their departments. All Directors shall:

- Ensure that all employees in their department comply with the policies and procedures set forth herein;
- Devote a portion of staff meetings as necessary to the review of prior accidents or injuries and to inform employee of the initiatives to reduce unsafe conditions;
- Establish safety rules for their departments and distribute them as SOPs;
- Provide personal protective equipment to employees, as appropriate;
- Designate a department safety officer; and
- Provide training in safety, loss prevention, and accident response.

B. Department Safety Officer

The department safety officer is responsible for coordinating the Safety Program within the department and among departments within the County. All department safety officers shall:

- Review and ensure the investigation of accidents and make recommendations for preventing their reoccurrence;
- Serve as a safety resource to the department employees within the department;
- Participate on the County's Safety Committee;
- Analyze countywide safety trends and set goals, objectives and strategies for the Safety Program;
- Serve as a liaison between the County Safety Committee, director and department employees; and
- Implement all aspects of the Safety Program such as coordinating VOSH inspections, keeping abreast of OSHA regulations, coordinating safety training materials, coordinating vehicle safety programs, etc.

C. Supervisors

Supervisors are responsible for ensuring that their employees work and operate machines and equipment safely. In conjunction with the Safety Officer, all supervisors shall:

- Ensure that each employee is fully trained to safely perform the job assigned;
- Ensure that each employee is familiar with the department's safety rules;
- Conduct regular safety training meetings;
- Make recommendations on the appropriate personal protective equipment needed for the work the department's employees perform;
- Make recommendations on any additional department or unit-specific safety rules needed to protect employees performing particular jobs;
- Correct any unsafe conditions which may exist in the work area;
- Review all accidents that occur within the department, provide accurate information on the appropriate forms, and make recommendations on ways to prevent a reoccurrence of a similar accident; and
- Report all accidents and injuries on the proper Virginia Occupational Safety and Health (VOSH) or Virginia Workers' Compensation (VWC) form.

D. Employees

Employees are required to exercise due care in the course of their work to prevent injuries to themselves, their co-workers, and the general public. All employees shall:

- Report all unsafe conditions to their supervisor;
- Report all accidents immediately to their supervisor;
- Obey all published safety rules;
- Operate only machines and equipment on which they have been trained and are authorized by their supervisor to operate; and
- Take an active part in the Safety Program.

E. County Safety Committee

The County Safety Committee shall ensure that the Safety Program incorporates those practices proved to be most effective in preventing injuries, occupational disease, vehicle accidents, and injuries to the public, and damage to equipment and materials. The County Safety Committee shall:

- Periodically evaluate compliance with the Safety and Hazard Communication Programs within the departments;
- Conduct a quarterly review of County accidents, document any trends and recommend ways to prevent similar accidents from occurring;
- Set goals, objectives and strategies for the Safety Program; and
- Implement safety strategies adopted by the County Safety Committee.

14.3. Minimum Safety Rules

The importance of the safety rules cannot be emphasized enough, at the New Employee Orientation; employees are required to sign an agreement to abide by the County's safety rules. Listed below are the minimum that employees are expected to follow.

- Report all accidents to your supervisor immediately and complete the required written reports;
- Keep all work areas clean and orderly at all times;

- Wear seat belts at all times when driving or as a passenger in a vehicle;
- Wear protective headgear when working in areas where the potential of flying objects, head bumping, or electrical conduction exists;
- Wear eye protection when working in areas where the potential of airborne debris, dust, flying particles, chips, chemicals, and injurious rays exists;
- Wear hearing protection when working in areas where prolonged exposure to noise exceeding sound tolerance levels defined by laws exists in accordance with VOSH rules implementing the Occupational Noise Exposure Act Title 29 CFR 1910.95;
- Wear safety shoes when working in areas where possible injury from articles that can be dropped from vehicle wheels, machines, and nail puncture exists;
- Wear protective clothing such as gloves, long sleeves, aprons, and long pants when working in areas where wounds and abrasions could occur;
- Refrain from engaging in horseplay; and

14.4. Violation of Safety Rules

Violation of the County safety rules may be grounds for discipline, up to and including dismissal, depending on the severity of the violation.

14.5. Reporting Injury on the Job

All employees shall report any accident involving property or vehicle damage, injury to the public, or injury to the employee to their Department Director immediately. When injury to an employee occurs, the employee must report it on the appropriate forms provided by the Department Director no later than 48 hours after the incident.

14.6. Reporting of Other Accidents

Traffic accidents and any other accident or losses shall also be reported to the supervisor immediately. The proper forms must be completed and submitted to the County Administrator's office no later than 48 hours following the accident or injury.

14.7. Accident Review

Each department safety officer shall investigate the accidents in the department within two working days of receipt of the accident report and make written recommendations to the Department Director on ways to prevent reoccurrence of similar incidents in the

future. The department safety officer shall work with the employee's supervisor to obtain all the facts necessary to complete the investigation and reports.

14.8. Safety Meetings

Safety training meetings should be held periodically throughout the year. It is recommended that meetings be held monthly for field and operations personnel and quarterly for administrative personnel; during these meetings department accident records and safety material should be presented that is specific to the reduction and prevention of accidents. The supervisor shall maintain records of topics and attendance at safety meetings.

14.9. Record Keeping

Each department shall maintain records of accidents and employee participation in safety training for five (5) years in compliance with federal and state requirements.

14.10. Inspections

The safety officers and Department Directors shall conduct regular, periodic inspections of County offices, facilities, and work sites. Recommendations to correct any deficiencies found during inspection shall be given to the Director for action. These inspections shall include but not be limited to the following areas, which shall be checked for safety program compliance and sound safety practices at least annually to ensure that:

- Exits are well marked and accessible;
- Presence of fire extinguishers and their last inspection date;
- Proper storage of flammable liquids;
- Availability of Material Safety Data Sheets (MSDS) to employees;
- Posted, published safety rules;
- Good housekeeping practices;
- Equipment and vehicle maintenance records; and
- Provide Fire Extinguisher Training for employees.

Section 15.

Workers' Compensation

15.1. Workers' Compensation Coverage

The County provides Workers' Compensation insurance coverage for all employees at no cost to the employee. Eligibility for benefits is determined in compliance with the Virginia Workers' Compensation Act (Act). The Act is administered by the Virginia Workers' Compensation Commission (VWC).

15.2. Workers' Compensation Benefit

Employees are entitled to receive compensation for an "injury by accident" or an "occupational disease." In order to be covered, an "accident" must:

- Occur at work or during a work-related function;
- Be caused by a specific work activity; and
- Happen suddenly at a specific time (injuries incurred gradually or from repetitive trauma are not covered, although certain diseases caused by repetitive trauma are covered).

In order to be covered, a disease must be caused by the work and not be a disease of the back, neck, or spinal column.

15.3. Benefits

A. Wage Replacement (Temporary total or partial)

If temporarily unable to perform any work, an employee is entitled to 2/3 of the gross average weekly wage up to a set maximum weekly limit. There must be seven (7) days of disability before benefits are payable. However, if disabled for more than 21 days, the employee receives payment for the first seven days. Benefits cannot exceed 500 weeks unless the person is totally and permanently disabled.

If an employee cannot return to regular work and is given a light duty job at the lower wage, benefits are 2/3 of the difference between the pre-injury wage and the current pay up to the maximum weekly limit.

In addition to lost wage benefits, an employee may be eligible for compensation for a loss of a body part and for permanent and total disability. Should a death result from the injury, death benefits are also provided.

B. Medical Benefits

Medical expenses for conditions caused by the accident or occupational disease are payable for as long as necessary, provided the employee files a claim with the VWC within the required two year time period.

The employee must select a physician from a panel of three physicians provided by the County. If a panel is not offered after the employee gives notice of the accident, the employee may seek treatment from any physician. The treating physician may refer the employee to other physician. Once treatment begins, the physician cannot be changed without approval of the County or after a hearing by the VWC. The employee must cooperate with medical treatment or the weekly benefits may be suspended. Medical bills should be sent to the workers' compensation insurance carrier for payment and not to the County's health plan.

C. Disability Benefits

Should permanent disability result, the employee may be eligible to apply for disability retirement under the Virginia Retirement System (VRS) and/or Social Security.

D. Use of Paid Leave to Supplement Lost Wages

For lost wages incurred during the first seven day waiting period, an employee may offset the potential loss of income through the use of paid leave. Should the incapacity exceed 21 days and the employee receives lost wage benefits for the first 7 days of incapacity, the County will request that the VWC reimburse the County for the money paid as leave benefits. Paid leave may not be advanced.

E. FMLA Leave

If an employee is absent from work due to a worker's compensation injury or occupational illness, the absence will be counted as FMLA leave.

15.4. Employees' Responsibility

An employee shall report every accident, injury, or occupational illness, regardless of severity, to the Department Director immediately, but in no case later than 48 hours. It is the employee's responsibility to also report it to the VWC. After the report is made, the employee will be asked to complete a written statement or to assist the Department Director in completing a statement on the nature and cause of the accident (including how the injury or illness occurred and the nature and extent of the injury).

If medical treatment is necessary, the employee will be provided with a "Panel of Physicians" from which the employee must choose a treating physician. Upon learning

of the injury or illness, the Department Director or supervisor should provide the employee with the Panel of Physicians list. In the event of a life-threatening or serious emergency, an employee may seek treatment at the nearest emergency medical facility. After discharge from the emergency medical facility, all subsequent medical treatment must be obtained through a physician on the Panel of Physicians list. Should the employee not be provided a Panel of Physicians, the employee may elect to receive treatment from any healthcare provider.

The employee shall advise the healthcare provider that all medical expenses, including prescriptions, are to be submitted under Workers' Compensation and are not to be billed to the County's health plan or to the employee personally. The injured or ill employee shall contact the County Administrator's office should any medical expenses resulting from a compensable occupational injury or illness be improperly billed or processed.

The employee is encouraged to cooperate with the County's Workers' Compensation Administrator during the continued handling of the claim including supplying additional information as necessary. It is expected that the employee will keep all medical appointments, medical evaluations, physical therapy, or other related treatments resulting from occupational injury or illness and accept treatment from the attending physician.

15.5. Directors'/Constitutional Officers'/Supervisors' Responsibility

For safety purposes and to prevent future occurrences, the Department Director shall determine the causes of all occupational injuries and illnesses and take the necessary corrective actions.

The Department Director is responsible for completing the "Employer's First Report of Accident" form (VWC Form 3) and obtaining the employee's statement. It is recommended that the employee provide a written statement on how the illness or injury occurred and the nature and extent of the injury. If the employee is unable to do so, the Department Director should write the oral statement given by the employee and have the employee sign it or affirm the accuracy of the statement.

The VWC form 3 is available from the County Administrator's office. The form must be submitted to the Office of the County Administrator within 48 hours. The County Administrator shall be notified immediately (at home if after hours) in the event of fatality. The fatality report must also be sent to VOSH.

The Department Director is responsible to assure that the Family and Medical Leave Act (FMLA) policy guidelines and required paperwork is followed in instances when loss of time or intermittent leave results. The supervisor shall designate the workers' compensation absences provisionally as FMLA leave until such time as the Certification of Health Care Provider is completed and returned or the supervisor has knowledge that

the injury or illness is a serious health condition. A copy of the FMLA notice and leave designation sent to the employee shall be provided to the County Administrator's office.

The Department Director is encouraged to maintain contact with the employee during the period of incapacity in order to obtain a report of the progress being made. Should the employee make a request for light duty, the Department Director shall consult with the County Administrator's Office prior to implementing modified or light duty. The Department Directors shall advise the County Administrator's Office immediately of an employee's return to work or significant change in work status.

The Department Director should ensure that the payroll timekeeper properly records the leave used for workers' compensation absences, medical appointments, medical evaluations, physical therapy, or other related treatments associated with an occupational injury or illness appropriately on timesheets as WC/FMLA leave.

15.6. Program Administration

The County Administrator's Office and Finance Department have the shared responsibility to monitor and administer the Workers' Compensation Program. The responsibilities include:

- Provide appropriate forms, policies and procedures to facilitate timely and accurate reporting of all occupational injury or illness;
- Review all medical expenses and reports and submit them to the Workers' Compensation Administrator for payment. Whether or not medical expenses are compensable under the Act is determined by the County's Workers' Compensation Administrator;
- Monitoring the progress and investigation of all Workers' Compensation claims, and where necessary, provide status reports to the Department Director;
- Train departments and employees, initiate safety orientation and distribution and posting program literature and legal notices;
- Coordinate claims specifically pertaining to lost time or intermittent leave for payroll purposes; and
- Maintain files and reports for the occupational injuries or illnesses separate from the personal County files.

15.7. Workers' Compensation Claim Denied

If a Workers' Compensation claim is denied, an employee may forward the denial letter along with the proper forms to the County's health plan provider. In most situations, the health plan will pay medical expenses denied.

15.8. Appeal of Claim Denial

An employee has the right to appeal the denial of the claim to the VWC. Appeal forms may be obtained from the Virginia Workers' Compensation Commission office in Richmond. For detailed information, please contact the Finance Department or the Virginia Workers' Compensation Commission, 1000 DMV Drive, Richmond, VA 23220, (877) 664-2566 (Toll Free), or at www.vwc.state.va.us.

15.9. False Claims

Any employee who falsifies an occupational injury or illness or collaborates in making a false claim of an occupational injury or illness is committing a crime. The employee will be subject to the full penalties provided by the law, as well as disciplinary action. If convicted, the employee may also be subject to civil penalties including recovery by the County of any amount paid in compensation, medical expenses, and/or benefits.

Section 16. Drugs and Alcohol

16.1. Purpose

It is the goal of the County to establish and maintain a safe and healthy workplace for its employees, free from drug and alcohol abuse, the effects of drugs and alcohol on work performance, and to protect the safety of the public by providing the highest quality of service.

The use of alcohol, illegal drugs, or misuse of prescription drugs is not tolerated in the County's workplace. Such behavior seriously affects job performance and can create a danger to others. In addition, the use of illegal drugs is not acceptable at any time or place. The policy and regulations pertaining to a drug-free workplace must be followed by all employees in the County.

16.2. Drug-Free Workplace

All County work sites shall be maintained as drug-free workplaces.

No employee shall unlawfully manufacture, distribute, dispense, possess, or use on or in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in Schedule I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 812) and as further defined by federal regulation in 21 CFR §§ 1300.11 through 1300.15.

"*Workplace*" is defined to mean any site for the performance of work by an employee, including but not limited to any County building or premise; any County-owned vehicle; any building or premise used by the County for County business; and any non-County property during any County-sponsored or County-approved activity, event or function. "Workplace" also includes all County-owned property such as, but not limited to, offices, desks, lockers, safes, file cabinets, and toolboxes.

As a condition of employment, each employee shall:

- Notify the Department Director or supervisor of a conviction of any criminal drug charge no later than 5 days after such conviction; and
- Abide by the terms of this County policy and regulations respecting a drug-free workplace.

16.3. Drug and Alcohol Testing

Drug and/or alcohol tests will be required in the following situations:

- Pre-employment test after a conditional offer of employment has been given to applicants for positions that are deemed to be safety sensitive, require a CDL license, or other positions that the County Administrator may identify or has identified;
- When there is reasonable suspicion that an employee, while at work, is under the influence of, or impaired by, use of illegal drugs or alcohol;
- On a random basis for employees in positions that are safety sensitive, require a CDL license, or who have consented to random testing; and
- On a random basis upon the return to work and for 12 months following the return to work for employees who have tested positive on a drug or alcohol test administered under this policy and who have successfully undergone substance abuse treatment.

16.4. Refusal to Submit to Test

In all cases, a refusal to submit immediately to a drug or alcohol test when requested, including failure to appear for testing or a verified positive test finding of alcohol or illegal drug use will subject the employee to the full range of disciplinary action up to and including dismissal; or in the case of an applicant, the withdrawal of a conditional offer of employment.

16.5. General Test Procedures

The County's drug and alcohol testing program will be administered as follows:

- An evidential breath-testing device operated by a trained breath alcohol technician will be used to test for the presence of alcohol;
- Urinalysis will be used for the detection of controlled substances. Each sample will be screened, and if positive, then confirmed using gas chromatography/mass spectrometry (GC/MS). The panel includes screening for amphetamines, marijuana, cocaine, opium, and phencyclidine (PCP);
- An employee who is to be tested will be required to sign an authorization and consent form releasing the information to the County; and
- The cost for all drug or alcohol tests ordered will be borne by the County.

16.6. Urine Testing Protocols

An employee subject to urine testing under this policy will be permitted to provide the urine specimen in a manner so that the employee is not observed while actually providing the specimen.

Should the person who administers the test have reason to believe that the employee has altered or substituted the urine specimen provided a second sample will be obtained under direct observation of a same gender collection site person.

When a drug test is positive, the Medical Review Officer employed by the laboratory will allow the employee to provide medical evidence that the positive test result was due to causes other than the use of illegal drugs.

If the Medical Review Officer determines there is no legitimate reason for the positive result, the result will then be considered a verified positive test result. The Medical Review Officer will timely and confidentially notify the County Administrator's Office in writing of the verified positive test result.

16.7. Guidelines for Reasonable Suspicion Testing

When there is reasonable suspicion to believe an employee has used, is impaired by, or is under the influence of drugs or alcohol, a drug and/or alcohol test will be required. The reasonable suspicion decision must be based on "specific, contemporaneous, particular observations concerning the appearance, behavior, speech, and/or body odors of the employee." When a supervisor has reason to believe that an employee has used, is impaired by, and/or is under the influence of drugs or alcohol, the supervisor should ask the manager or the Department Director to corroborate the supervisor's observations. The following examples, alone or in combination, may comprise reasonable suspicion. The list is intended to be illustrative, not all-inclusive:

- Unexplained inability to perform normal job functions;
- Slurred speech;
- Smell of alcohol or drugs on breath;
- Any unusual lack of physical coordination or loss of equilibrium;
- Unexplained hyperactivity or depression and withdrawal;
- Unexplained inability to think or reason at the employee's normal level; and/or
- Unusual or bizarre behavior.

When reasonable suspicion is determined, the supervisor shall contact the County Administrator's Office to discuss the observations and to determine whether a drug or alcohol test should be administered. Should the County Administrator not be available, the test can be ordered by the Department Director. Once a test is ordered, arrangements must be made with the County's designated testing center. The employee will be transported to the testing site.

A written report of the observations leading to the reasonable suspicion test, signed by the supervisor and the Department Director, who made the observation, is to be done within 24 hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier. All records should immediately be sent to the County Administrator's Office.

16.8. Confidentiality of Test Results

All records and information involving an employee with a positive test result shall be maintained in confidential and secured file in the County Administrator's Office and disseminated only to authorized individuals on a confirmed "Need to Know" basis.

Section 17. Standards of Conduct

17.1. Purpose

The Standards of Conduct are intended to promote the orderly, efficient, and effective operation of the County's responsibilities.

All County employees shall conform to these standards and otherwise conduct themselves in a responsible and productive manner. An employee shall not violate the public trust, discredit the County or its employees, or hinder the effective performance of the County's governmental or proprietary functions.

17.2. At-Will Employment

The standards are guides for acceptable conduct and do not negate the employment at-will relationship. An individual's employment with the County is entered into voluntarily and the employee may resign at any time and for any or no stated reason. Similarly, the County may end the employment relationship at any time and for any or no stated reason.

17.3. Director's Responsibility

Department Directors shall be responsible for administering disciplinary measures consistent with the procedures set forth in this section. If the appropriateness of specific conduct or discipline is in question, the Department Director should consult with the County Administrator's Office to determine the proper disciplinary action. Written notification of the disciplinary measure shall be delivered to the employee as prescribed herein and a copy forwarded to the County Administrator for placement in the employee's personal County file.

17.4. Disciplinary Measures

Department Directors and supervisors are to apply disciplinary measures fairly and consistently. Disciplinary measures of less severity than discharge shall generally be taken to correct inappropriate conduct; however, under certain circumstances, discharge may be appropriate for first incidents of misconduct.

A. Communication

The most effective means of discipline is effective and regular communication between the immediate supervisor and the employee about the expected performance and behaviors. On-going feedback tends to foster greater teamwork and productivity; it also results in performance issues being corrected early.

B. Corrective Measures

Any corrective measure shall take into consideration the mitigating or aggravating circumstances surrounding the misconduct, the employee's history, and the impact of the misconduct on the effective operation of the County. Progressive discipline is encouraged but not required. A verbal reprimand or warning is usually the first step. Should the conduct repeat itself, a written reprimand should follow. Depending upon the conduct and the circumstances in which it occurred, termination may be an appropriate consequence for the first incident. In lieu of termination, less severe action such as a suspension without pay or a demotion is an alternative.

Before an employee is suspended or dismissed, the Department Director should meet with the employee to discuss the misconduct and to find out if there are any mitigating circumstances. The employee should be provided an opportunity, however brief to respond.

C. Types of Disciplinary Actions

- Verbal Warning - An informal verbal communication from a supervisor to an employee explaining exactly what behavior is unacceptable and how similar behavior shall be avoided in the future.
- Written Reprimand – the formal written communication to an employee for the purpose of addressing the unacceptable conduct.
- Suspension - A separation from employment without pay for the purpose of reprimanding an employee for unacceptable conduct. An employee who is suspended without pay shall not accumulate sick or annual leave during the pay periods in which the suspension occurred.
- Disciplinary Demotion - A disciplinary demotion is the assignment of an employee to a lower-classified position for the purpose of reprimanding the employee for inappropriate conduct. Demotion may not be used as a disciplinary measure if the employee does not qualify for the position in the lower pay grade, or if the demotion would displace another employee. A disciplinary demotion shall be accompanied by a reduction in pay grade and salary.
- Dismissal - A discharge from employment for unacceptable conduct. An employee who is dismissed forfeits all payment for any accumulated annual and sick leave.

D. Notification of Suspension, Demotion, or Dismissal

The written notification concerning an employee's suspension, demotion, or dismissal, shall be delivered in person to the employee while the employee is at work or sent by certified mail to the employee's last known address.

E. Authority to Issue Disciplinary Action

<u>Type of Action</u>	<u>Authority to Approve</u>
Verbal Warning	Department Director
Written Warning	Department Director
Suspension	County Administrator
Demotion	County Administrator
Dismissal	County Administrator

Whenever the Department Director is absent or not available disciplinary measures may be taken by the person exercising the Department Director's authority during the period of absence. Whenever the County Administrator is not available, the Assistant County Administrator shall have the authority to act on a suspension, demotion, or dismissal.

F. Criminal Charges

If charged with a felony or other criminal offense, an employee shall report such criminal charge to the Department Director within one (1) workday of receipt of notice of the charge. The Department Director shall contact the County Administrator who shall have the matter investigated.

If the criminal offense is of such nature that the employee's continued performance of County duties poses an immediate threat to co-workers or impairs the effective performance of the employee's duties, the County Administrator's may indefinitely suspend or terminate the employee.

The conviction of a felony offense is an immediate grounds for dismissal. The conviction of lesser crimes may be grounds for termination.

17.5. Types of Misconduct

The following examples of misconduct are neither all-inclusive nor in order of severity. They are provided to assist Department Directors in administering discipline in a fair and consistent manner and to inform employees of the more frequently encountered misconduct.

- Rudeness, offensive, hostile, obscene language used while at work or while engaged in County business;
- Careless or sloppy workmanship;
- Poor housekeeping of work stations which may create or contribute to inefficient, unsanitary, or unsafe work conditions;
- Careless or negligent maintenance, handling, or use of County property;
- Excessive absences, tardiness, or abuse of time while at work;
- Unjustified absence from the workstation or department without notice and/or supervisor's permission;
- Stopping work before the specified end of a working day or starting work after the specified beginning of the work day without prior approval;
- Horseplay, pranks, or non-work related activity during working hours;
- Posting or removal of notices, signs, or other writing in any form on any County bulletin boards without permission;
- Unauthorized solicitation of employees or others during working hours on County property;
- Unauthorized distribution of literature or any other material during working hours or on County property;
- Conviction of a moving violation while operating a County vehicle;
- Refusal to follow a supervisor's instructions or perform assigned work;
- Violation of safety rules;
- Sleeping on the job;
- Reporting to work under the influence of alcohol or unlawful controlled substances;
- Failure to report to work without proper notice to and approval from appropriate supervisor;
- Unauthorized use of County vehicles or equipment or unauthorized removal of such from County property;

- Use of sick leave for any purposes other than as outlined in this Manual;
- Threatening or otherwise interfering with the work of fellow employees or supervisors;
- Acceptance of gifts or gratuities from any person, company, corporation, or any other act that constitutes a conflict of interest under the State and Local Government Conflict of Interest Act;
- Failure to report known work-related illegal activity of any employee;
- Unauthorized non-County employment or activity, which interferes with the performance of an employee's assigned duties and responsibilities;
- Fighting on County property during working hours;
- Use of alcohol or unlawful possession of controlled substances on County property during working hours;
- Discrimination or harassment of a protected class, whether an employee or a member of the general public;
- Falsification of County records, including, but not limited to vouchers, time records, leave records, insurance claims, or the application for employment;
- Two or more garnishments involving more than one creditor during any 12-month period;
- Theft or unauthorized removal or use of County property or employee property;
- Unauthorized possession of firearms or other weapons on County property or vehicles during working hours;
- Participation in any kind of work slowdown, sit down, or similar concerted interference with County operations;
- Unauthorized use of County documents, records, or confidential information;
- Dishonesty, lying, stealing, or cheating, including lying on one's County employment application;
- Failure to report being charged with a felony or other criminal offense within one workday of the offense;

- Any criminal conviction for an act occurring on or off the job which is related to job performance, or is of such a nature that to continue the employee in the assigned position could constitute negligence in regard to the County's duties to the public or other employees, or which adversely affects the reputation of the County, or is conduct unbecoming of an employee;
- Any other conduct having adverse effect on the employee's work responsibility as the functioning of County business;
- Boisterous or disruptive activity, fighting, or threatening violence in the workplace;
- Unauthorized use of telephones, mail system, or County-owned property;
- Violation of County rules, policies, ordinances, procedures, or applicable federal/state regulations; and
- Improper use of authority or position.

17.6. Other Reasons for Dismissal

Dismissals may be warranted in other circumstances where the employee does not meet the conditions of employment for the position, such as unsatisfactory job performance, failure to maintain valid licenses or other qualifications necessary to perform the job, or inability to perform the work required.

Section 18. Grievance Procedure

18.1. Purpose

The purpose of the grievance procedure is to afford an immediate and impartial method for the resolution of disputes which may arise in the workplace.

18.2. Coverage of Personnel

A. Eligible Personnel

Employees who have completed the probationary period and are in regular full-time and part-time positions may utilize the grievance procedure.

B. Ineligible Personnel

- The following classes of employees are not eligible to utilize the grievance procedure:

Seasonal
Temporary, or
Limited term positions

- Appointees of elected officials or elected groups (e.g. employees of constitutional officers).
- Law enforcement officers who have elected to proceed pursuant to the procedural rights afforded in § 9.1-500 et seq. of the Code of Virginia.
- Employees of the Department of Social Services are under a separate grievance procedure established by the Virginia Department of Social Services.

18.3. Definition of Grievance

A grievance is a complaint or dispute by an employee relating to his or her employment, including, but not limited to:

- Disciplinary actions, including dismissals, demotions and suspensions, provided that such dismissals result from formal discipline or unsatisfactory job performance;
- The application of personnel policies, procedure, rules and regulations including the application of policies set forth in ordinances and statutes;

- Retaliation as a result of using this Procedure or participating in the formal grievance of another county employee under this Procedure, or complying with the laws of the United States or the Commonwealth of Virginia as well as reporting any violation of such laws to a governmental authority, or seeking any change in law before the United States Congress or the Virginia General Assembly; and
- Discrimination on the basis of race, color, religion, age, disability, national origin, gender, marital status, and/or political affiliation.

18.4. Issues That Shall Not Be Grieved

The Board of Supervisors reserves the exclusive right to manage the affairs and operations of the County government. Therefore, the following complaints cannot be grieved:

- establishment and revision of wages and salaries, including position classification and performance evaluations and/or concomitant pay increases, or general benefits;
- work activity accepted by the employee as a condition of employment or which may reasonably be expected to be a part of the job content;
- the contents of ordinances, statutes, or established personnel policies, procedures, rules and regulations;
- failure to promote, except where the employee can show that established promotional policies or procedures were not followed or fairly applied;
- the methods, means and personnel by which work activities are to be carried out, some examples are:
 - The provision of equipment, tools, and facilities necessary to accomplish tasks;
 - The scheduling and distribution of manpower/personnel resources; and
 - Training and career development
- termination, layoff, demotion or suspension from duties because of lack of work, reduction in workforce, or job abolition except where such action affects an employee who has been reinstated within the previous six month as a result of the final determination of a grievance. [In any grievance brought under the exception, the action shall be upheld upon a showing by the County that there was a valid business reason for the action and the employee was notified of such reason in writing prior to the effective date of action.]

- the hiring, promotion, transfer, assignment, and retention of employees within the County service; and
- the relief of employees from duties, or action necessary to carry out such duties, during County emergencies.

18.5. County Administrator's Responsibilities

The County Administrator shall:

- Open a file and assign a number to each written grievance;
- Ensure that all parties are aware of the process;
- Monitor procedures and adherence to time frames;
- Notify either party of noncompliance;
- Maintain appropriate documentation, and
- Perform all other responsibilities as specified in the Procedure.

18.6. Procedure for and Conduct of Grievance Meetings

A. Time Limits

For purposes of this Procedure "days" shall be defined as calendar days and time periods shall start counting on the day following that on which triggering action was taken and run without regard to weekends or holidays. If a time period ends on a weekend or holiday, the last day of the time period shall be the end of the business day of the first working day following the weekend or holiday.

B. Mutually Agreed Extension

Time limits established under this Procedure are intended to be strictly followed and enforced. However, in the interest of fairness, a time limit may be extended if both parties agree to such extension in writing.

C. Forms

All stages of the Procedure beyond the First Step shall be put in writing on forms available at the County Administrator's Office.

D. What Employee Expects

When an employee puts the grievance in writing on the appropriate form, he shall specify the specific relief he expects to obtain through this Procedure. The grievant shall be entitled, should they prevail in the grievance, only to the relief specifically requested.

E. Hearings During Business Hours

As far as practical, all grievance meetings shall be held during normal County working hours.

F. Witnesses

The grievant and management may call appropriate witnesses at any step of the Procedure. All witnesses, including the grievant, if the grievant should testify, shall be subject to examination and cross-examination. Witnesses shall be present only while actually providing testimony.

G. Lost Wages

County employees who are necessary participants at grievance hearings shall not lose pay for time necessarily lost from their jobs and will not be charged leave because of attendance at such hearings.

H. Representatives

At the Step Three meeting, the grievant, at his option, may have a representative of his choice present. If the grievant is represented by legal counsel, the County has the option of being represented by legal counsel. A person shall not serve as both a representative and a witness.

I. Record

The use of recording devices or a court reporter is not permitted at the Step One, Two, and Three meetings.

J. Appeal

When a grievant has obtained partial relief at one level of this Procedure but decides to pursue to the next higher level, the appeal shall be on the original grievance and the relief requested. An appeal constitutes a rejection of the partial relief that was offered at the previous level.

K. Rules of Evidence

Hearings are not intended to be conducted like proceedings in court and the rules of evidence do not necessarily apply.

L. Presentation and Examination

Except in cases involving discipline, the grievant shall present his evidence first. All witnesses, including the grievant, shall be subject to examination and cross-examination.

18.7. Grievability

A. To Determine Grievability

Decisions regarding grievability (whether the grievance falls within the definition of a grievance), including the question of access to the procedure, shall be made by the County Administrator pursuant to procedures set forth below. Decisions shall be made at the request of the grievant or the Department Director within 10 days of such request. A copy of the ruling shall be sent to the grievant and to the grievant's Department Director. The issue of grievability may be raised at any time prior to the Step Four hearing. Once raised, the issue of grievability and/or access shall be resolved before further processing for the grievance.

A request that grievability be determined shall toll the time limits under this Procedure. Time limits shall begin to run again the day after the decision on grievability made by the County Administrator or the Circuit Court is received by the grievant.

B. To Appeal Grievability Decision

Decisions by the County Administrator that an issue is not grievable may be appealed by the grievant to the Circuit Court of Caroline County. Proceedings for the review of the decision of the County Administrator shall be instituted by filing a notice of appeal with the County Administrator within 10 calendar days after the date of the decision by giving a copy of such notice to the Department Director.

Within 10 calendar days after receiving the notice of appeal, the County Administrator shall transmit to the Clerk of Circuit Court of Caroline County a copy of his decision, a copy of the notice of appeal, and any exhibits, which may have been provided in connection with the resolution of the issue of grievability. A list of the evidence furnished to the court shall also be furnished to the grievant. The failure of the County Administrator to transmit the record within the time allowed shall not prejudice the rights of the grievant. If the County

Administrator fails to transmit the record within the time allowed, the Circuit Court, on motion of the grievant, may issue a Writ of Certiorari requiring the County Administrator to transmit the record on or before a certain date.

Within 30 calendar days of receipt of the record by the Clerk of Court, the Court, sitting without a jury, shall hear the appeal on the record transmitted to the Court and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The Court may receive such other evidence as the ends of justice may require. The Court may affirm, reverse, or modify the decision of the County Administrator. The decision of the Court is final and is not appealable. All matters, from the institution of a request that the County Administrator determines grievability through notation of appeal of an adverse decision by the County Administrator, shall be recorded on forms provided by the County Administrator's Office.

C. If Determined Non-Grievable

The determination that is a complaint is non-grievable or that the employee does not have access to the grievance procedure, by either the County Administrator or the Circuit Court of Caroline County shall not be construed to restrict an employee's right to seek, or management's right to provide, customary administrative review of complaints outside the scope of the Procedure.

18.8. Consolidation of Grievances

If more than one grievance is filed arising from the same factual circumstances, the County Administrator may, at any time prior to a panel hearing, consolidate those grievances to joint processing. If the grievances are consolidated, all time limits set forth in this Procedure shall thereafter be calculated from the date of the consolidation. Once consolidated, the grievances shall be processed as a single matter.

18.9. Step One: Immediate Supervisor Level

A. Employee

An employee who believes he has a grievance and wishes to utilize this Procedure shall discuss the grievance informally with his immediate supervisor within 20 calendar days of the occurrence of the incident giving rise to the grievance or within 20 calendar days following the time when the employee reasonably should have gained knowledge of its occurrence. At this time, the grievance need not be submitted or resolved in writing. Within 5 days of such discussion, the immediate supervisor shall respond to the employee with respect to the particular grievance.

B. Mutual Agreement

The employee and the immediate supervisor may arrive at a mutually satisfactory resolution during their discussion. Either party may contact the Assistant County Administrator for consultation in doing so.

C. Complaints regarding Discrimination or Retaliation

If the grievance alleges discrimination or retaliation by the immediate supervisor and/or the Department Director, the grievant is not required to present the grievance to or meet with the person who allegedly took the discriminatory or retaliatory actions.

18.10. Step Two: Department Director Level

A. Notify Director of Personnel

If the grievant is not satisfied with and does not accept the Step One response, and the grievant wishes to advance to Step Two of this Procedure, the grievant must file a completed Grievance Form, (available from the County Administration's Office) identifying specifically and in detail the nature of the grievance and the relief desired. The grievant must present the Grievance Form to the Department Director within 10 calendar days of the immediate supervisor's reply to Step One.

B. Director Meets with Grievant

Within 10 calendar days of the receipt of the grievance, the Department Director shall hold a meeting with the grievant to review the grievance. The meeting may be adjourned to another time and place by agreement of both parties. The grievant and Department Director may discover a mutually satisfactory resolution. A written reply to the grievance shall be provided by the Director to the grievant within 10 calendar days after meeting.

C. Director is the Immediate Supervisor

If the grievant's immediate supervisor is also the Department Director, the grievant shall pass by the second Step of this Procedure and proceed immediately to Step Three.

18.11. Step Three: County Administrator Level

A. Notify Personnel

If the grievant is not satisfied with the Step Two written response, the grievant may advance to Step Three of this Procedure. The grievant shall notify the County Administrator's Office by indicating on the Grievance Form A, the request for a meeting with the County Administrator. The request shall be submitted to the County Administrator's Office within 10 calendar days of receipt of the Step Three response.

B. County Administrator

Within 10 calendar days of receipt of the Grievance Form, the County Administrator shall schedule and hold a meeting with the grievant to review the grievance. The meeting may be adjourned to another time or place by agreement of the parties. A written reply to the grievance shall be provided to the grievant by the County Administrator within 10 calendar days after the meeting.

18.12. Step Four Procedure: The Grievance Panel

A. Notify Personnel

If the grievant is not satisfied with the Step Three written response and wishes to advance to Step Four of this Procedure, the grievant shall notify the County Administrator's Office indicating on Grievance Form the request for a grievance panel hearing. The request shall be submitted to the County Administrator's Office within 10 calendar days of receipt of the Third Step response.

B. Panel Arrangements

An impartial grievance panel shall be constituted for hearing the grievance.

C. Composition of the Grievance Panel

- Members - The Grievance Panel shall be composed of 3 members who shall be chosen in the following manner:
 - One member shall be appointed by the County Administrator;
 - One member shall be appointed by the grievant;

- The third member shall be chosen by the members appointed by the County and the grievant. If unable to agree on a third member, the chief judge of the Circuit Court of Caroline County shall select the third Panel member; and

In cases of termination of County employees or grievances including a charge of retaliation, at the option of the County Administrator or designee, the County may use an administrative hearing officer as the third panel member. In that event, the hearing officer shall be appointed by the Executive Secretary of the Supreme Court from the list of administrative hearing officers maintained by the Executive Secretary pursuant to Virginia Code § 9-6.14:14.1. The appointment shall be made from the appropriate geographical area on a rotating basis. The County shall pay the cost of the hearing officer's services.

- Prohibited From Serving on Panel - The Panel shall not be composed of any persons having direct involvement with the grievance being heard by the Panel, or with the complaint or dispute giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant and the following relatives of a participant in the grievance process or a participants' spouse are prohibited from serving as Panel members; spouse, parent, child, descendants of a child, sibling, niece, nephew, and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee or co-employee of the attorney shall serve as a Panel member.
- Panel Selection - Both the grievant and County Administrator shall make their appointments to the Panel within 10 calendar days after the request for a panel hearing is received.

The two members shall select the third member within 10 calendar days, and shall notify the Assistant County Administrator and the grievant of their decision.

- Chairperson of Panel - The third panel member shall chair the hearing. After consulting with the Assistant County Administrator and the grievant, the Chair shall set the time for the hearing. Notice shall be given to the grievant and the County Administrator. The hearing shall be held as soon as possible, allowing sufficient time for access to records as specified below.

D. Conduct of Grievance Panel Hearing

The Grievance Panel shall conduct the hearing as follows:

- Attendance - At the request of either party the hearing shall be private and limited to the grievant, the panel members, legal counsel or other representative of the grievant and the County, appropriate witnesses as they

are called to testify, and official recorders. However, the panel reserves the right to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing.

- Panel's Deliberations - The panel shall consider any grievance de novo without regard to any proposed disposition at an earlier stage in the Procedure.

The Panel may at any time ask parties or their representatives for statements clarifying the issues involved in the grievance.

Exhibits, when offered by the grievant or the County, may be received as evidence by the Panel, and when so received shall be marked and made a part of the record. Prior to the hearing, the parties shall exchange exhibits and a list of potential witnesses.

The parties may offer evidence and cross examine witness and shall produce such additional evidence as the Panel may deem necessary to an understanding and determination of the dispute. The formal rules of evidence do not apply. The Panel shall be the judge of relevancy and materiality of any evidence offered. All the evidence shall be taken in the presence of the Panel and the parties. The grievant shall proceed first in all matters other than discipline, and shall bear the ultimate burden of persuasion. At the conclusion of the grievant's evidence, the County shall have the opportunity to present its evidence. All parties shall be afforded a full and equal opportunity for the presentation of their evidence.

At the conclusion of the presentation of the evidence, the Chairperson shall specifically inquire of all parties whether they have any further proof to offer or witnesses to be heard. Upon receiving a negative response, the Chairperson shall permit the parties to summarize their cases and shall then declare the hearing closed.

The hearing may be reopened by the Panel on its own motion or upon application of a party for good cause shown at any time before a final decision is made.

Upon the request of the Panel, the County Administrator, or the grievant, the Assistant County Administrator shall ensure that a verbatim record of the hearing is made and retained in his custody for 12 months or until the grievance proceedings are completed, if longer. The record may be a taped recording. The grievant shall be entitled to a copy of such record upon payment of a reasonable fee, including costs of providing verbatim record.

The Assistant County Administrator may be called upon by the Panel as a witness at any time to provide specific policy interpretation or clarification of applicable County policy and these Procedures.

- Costs of Panel - The grievant shall bear the reasonable costs and expenses, if any, of his Panel member.

The County shall bear the reasonable costs and expenses, if any, of its panel member and those of the third party member unless the grievant objects.

- Compensation - No person shall receive any compensation, whether monetary or otherwise, for his time in serving as a member of a Grievance Panel. Notwithstanding this prohibition, a County employee serving as a member of the Grievance Panel may receive his usual County salary for the period he serves on such a Panel.
- Information about Grievance - The County shall provide the panel with copies of the grievance record prior to the hearing and shall provide the grievant with a list of documents furnished to the Panel.

At least 10 calendar days prior to the scheduled panel hearing the grievant and the County shall exchange all documents to be introduced at the panel hearing. A potential witness list must also be produced. The parties have the right to supplement the list of potential witnesses and documents until 3 days prior to the hearing or at a later date if the Chair so allows.

- Representation - Both the grievant and the County may be represented by legal counsel or other representative at the panel hearing. Such representatives may examine, cross-examine, question, and present evidence on behalf of the grievant or the County before the Panel without being in violation of the provisions of the Virginia Code Section 54.1-3904. A person shall not serve as both a representative and a witness for the grievant.
- Other Panel Procedures - In all matters not otherwise covered by this Section, the Panel shall determine the Procedures to be followed.

18.13. Decision of the Grievance Panel

A. General

The decision of the panel shall be in writing and mailed by the Chairperson to the County Administrator and the grievant not later than 15 days after the completion of the hearing. The decision shall summarize the grievance and the evidence, shall make specific findings of fact, and shall state in full reasons for the decision, and the remedy to be granted. Decisions shall be by majority vote of the entire

panel. The decision of the panel shall be final and binding if it is consistent with law and written policy.

B. In Favor of Grievant

If the Panel finds, based on the greater weight of the evidence, that the grievant has been denied a benefit or wrongly disciplined, it shall have the authority to reverse, reduce, or otherwise modify such action and, where appropriate, to order the reinstatement of such employee to his former position with back pay. Provided, however:

- Back pay shall not exceed pay for time actually lost due to such suspension or discharge, in an amount the panel believes equitable.
- Any award of back pay shall be offset by interim earnings the grievant earned during the period of separation.

C. Panel Cannot

The panel shall not have the authority to do any of the following:

- Formulate policies or procedures.
- Alter existing policies or procedures
- Circumscribe or modify the rights of the County as outlined in this Procedure.
- Exonerate an employee from all discipline when the employee admits guilt or it is proven by the greater weight of the evidence presented to the panel.
- Grant relief greater than that which the grievant has requested in the Request form.

18.14. Implementation of Remedy

A. Panel Decision

The Panel Decision must be consistent with law and Policy. If the decision of the grievance panel is inconsistent with any law or applicable policy, either party may request the panel to reconsider its decision.

B. Remedy

The County Administrator shall implement the relief granted by the Panel, provided that such decision is consistent with law and written policies. If the

County Administrator finds the Panel decision is not consistent, he shall not implement the decision of the Panel.

C. Implementation

The grievant or County Administrator may petition the Circuit Court for an order to implement the decision of the Panel.

18.15. Compliance

A. Notification

After the initial filing of a written grievance, failure of either part to comply with all substantial procedural requirements of the Procedure, including the Panel Hearing, without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within 5 calendar 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.

B. Extensions

The County Administrator may require a clear written explanation of the basis for just cause extensions or exceptions. The County Administrator shall determine compliance issues. Compliance determinations made by the County Administrator shall be subject to judicial review, which shall be initiated by the grievant filing a petition with the Circuit Court within 30 calendar days of the compliance determination.

18.16. Assistance with Grievance Procedure

Assistance in the use of this Procedure and forms to be used are available from the County Administrator's Office.

Section 19. Separation from County Employment

19.1. Resignation, Layoff, Dismissal, or Retire

An individual's employment with the County is entered into voluntarily and the employee is free to resign at any time and for any or no stated reason. Similarly, the County may end the at-will employment relationship at any time and for any reason. No notice is required.

A. Employment with the County may be terminated through one of the following personnel actions:

- Resignation - Voluntary separation of employment initiated by an employee.
- Layoff – An involuntary separation of employment due to temporary or indefinite reduction in workforce due to economic conditions, lack of work, reorganization, insufficient funds, change in operational and manpower needs, or other appropriate reasons.
- Dismissal – An involuntary separation of employment initiated by the County as a result of an employee's unsatisfactory work performance, misconduct, or inability to perform the job.
- Retirement – The termination of employment for the purpose of receiving VRS annuity retirement benefits.

19.2. Resignation

A. In order to resign in good standing an employee must submit a signed written letter of resignation to the Department Director or supervisor at least 14 days before the effective resignation date. Department Directors and certain other managerial employees should give the written notice at least 30-days in advance. The resignation notice shall be signed by the employee and include the last date of employment, and the date the notice is submitted. The Department Director and the resigning employee, by mutual consent, may waive or modify the advance notice requirement. Failure to give appropriate notice may be grounds for refusal to re-employ the individual and/or a forfeiture of money owned for accrued leave.

B. A Department Director shall immediately forward the resignation to the County Administrator's office for processing so that an exit interview may be scheduled.

- C. An employee may rescind the resignation provided the resignation has not been accepted. Once the resignation has been accepted, the resignation may only be rescinded with the approval of the County Administrator.

19.3. Retirement

- A. Eligible employees who are planning to retire should submit written notice to their Department Director at least 4 months prior to the effective retirement date. The written notice shall be forwarded to the Finance Department and the County Administrator. The 4-month time frame is required to ensure sufficient time to process all retirement benefits with VRS and to assure that retirement benefits will commence at the desired retirement date.
- B. Retirement benefits are offered through the Virginia Retirement System (VRS) and outlined in the VRS Handbook for Members.
- C. Payment for any leave balance for which the employee is eligible shall be paid in a lump sum. It is not permissible to delay the effective date of retirement by using accrued paid leave or compensatory time.
- D. There is no mandatory retirement age. An employee's ability to perform work is evaluated without regard to age.

19.4. Dismissal

An employee may be dismissed for any reason.

19.5. Separation Date

Whenever an employee separates from County employment, the effective date of separation will be the last day that the employee is physically on the job unless the employee was on pre-approved leave.

19.6. Exit Interview

All employees who resign employment are requested to complete an exit interview. During the interview, the reasons for resignation and the timing for the return of County property will be discussed as well as what benefits the employee may expect to receive. The employee's viewpoints on subjects such as pay, benefits, training, and working conditions can provide valuable information on ways to enhance the County's Human Resources program.

Some benefits may be continued at the employee's expense if the employee so chooses. A representative from the County Administrator's office will conduct the exit interview during the employee's last week on the job. Completed exit interviews are kept separate from an employee's official personnel file.

19.7. Return of County Property

Employees are responsible for returning all County property, materials and written information issued to them. Items to be returned include, but are not limited to, the County identification card; keys to buildings, offices, files and vehicles, uniforms, safety equipment, tools and manuals. If an employee fails to return County property as stated in this policy, the County will pursue all appropriate legal remedies in order to recover the property and seek compensation for its corresponding value if such property has been destroyed.

19.8. Final Paycheck

Payment for any compensatory time and/or accrued paid leave to which the employee is eligible shall be paid in a lump sum on the payday following the date of separation or the next payday depending on the date payroll is processed. For purpose of unemployment compensation, the payment for the accrued leave shall be allocated to future pay periods.

19.9. Layoff Procedure

- A. The Board of Supervisors and the County Administrator have the right and obligation to manage the workforce to best serve the interests of the County. Because of reduced appropriations, lack of sufficient work or funds, or County-wide or departmental reorganization, lay-offs may be necessary to reduce positions allocated to a department. A lay-off or a reduction in force (RIF) shall be approved by the Board of Supervisors.
- B. Unless the Board of Supervisors instructs differently, the following is the general procedure and order for a layoff:
 - A layoff will be managed on an individual department basis. The County Administrator and the Department Director will identify those organizational sections, job classifications, positions, and individuals affected;
 - Upon identifying the specific classifications requiring reduction in personnel, the layoff will follow this order;
 - Seasonal part-time employees;
 - Regular part-time employees;
 - Employees of less than 1 year's seniority; or
 - Full-time employees

- In order to provide for a uniform, fair, equitable, and effective determination of the individuals to be laid off within each of the classes listed above, other factors to be considered shall be
 - Performance; or
 - Length of service.
- C. Insofar as practical, all employees to be laid off shall be provided with a written notice at least 14 calendar days in advance.
- D. Employees who are laid off under a reduction in force are eligible to apply to the Virginia Employment Commission for unemployment compensation.

