



# **Personnel Policies Manual**

**Adopted by the  
Board of  
Supervisors**

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**The most current edition of this manual can be found on the County website at:**

[www.pittsylvaniacountyva.gov](http://www.pittsylvaniacountyva.gov)

**NOTHING CONTAINED IN THIS HANDBOOK IS INTENDED TO CREATE (NOR SHALL BE CONSTRUED AS CREATING) A CONTRACT OF EMPLOYMENT (EXPRESS OR IMPLIED) OR GUARANTEE OF EMPLOYMENT FOR ANY SPECIFIC PERIOD OF TIME OR FOR ANY SPECIFIC PROCEDURES OR TYPE OF WORK. EITHER YOU OR THE COUNTY MAY TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME, FOR ANY REASON, WITH OR WITHOUT CAUSE OR NOTICE.**

**NOTHING CONTAINED IN THE HANDBOOK IS INTENDED IN ANY FASHION TO PROHIBIT, RESTRICT, OR INTERFERE WITH CONDUCT PROTECTED BY THE NATIONAL LABOR RELATIONS ACT. THIS INCLUDES, AMONG OTHER THINGS, ENGAGING IN "PROTECTED CONCERTED ACTIVITIES."**

**THE POLICIES, PROCEDURES, BENEFITS AND OTHER PROGRAMS CONTAINED IN THIS HANDBOOK MAY BE MODIFIED, AMENDED, OR CANCELED BY THE COUNTY AT ANY TIME WITH OR WITHOUT ADVANCED NOTICE.**

# PITTSYLVANIA COUNTY, VIRGINIA PERSONNEL POLICY MANUAL

## 1. INTRODUCTION

### 1.1 PURPOSE OF THE PERSONNEL POLICIES

It is the policy of the Pittsylvania County Board of Supervisors to establish:

The following policies, regulations, and other administrative provisions for personnel administration by the Board of Supervisors for Pittsylvania County for the information and guidance of all County employees.

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

The Pittsylvania County Personnel Policies Manual establishes general County policies and procedures to be used by all County employees covered by the Manual and provides a description of the County's benefits and the general County policies pertaining to benefits provided to employees. Policies may not always be aligned with all individual circumstances and there may be situations which may require interpretation of existing policies or a ruling in conjunction with an employee action related to the policies. If such interpretations are necessary, procedures for such interpretations are established and interpretations shall be made in keeping with the intent of the policies and procedures.

The County Administrator has sole authority to modify or interpret any provisions or terms in this Manual. Any and all policies in this Manual may be modified, amended, or rescinded at the sole discretion of the County Administrator, with or without notice.

The masculine pronoun as used in this Manual is intended to apply to both genders.

### 1.2 APPLICABILITY OF POLICIES

The policies herein established shall apply to all employees of the County except the following:

- A. Employees of the Pittsylvania County Public Schools;
- B. Any employee specifically exempted by action of the Board of Supervisors; and
- C. Constitutional Officers and their appointees not specifically covered by the latest revised Cooperative Agreement.

The County Administrator has the authority to take appropriate action in dealing with cases of violation of the established policies. No employee can be exempted from the grievance procedure contained herein with the exception of Constitutional Officers, those identified in Section 1.2 of this policy, and those identified in Section 18.1 of this policy.

It should be noted that boards established by the Board of Supervisors do not have authority to change County policy. Rather, such boards only have authority to act on those matters that specifically allow decisions or interpretations as defined in this Manual.

The policies herein established shall apply to appointees of the County's Constitutional Officers to the extent agreed upon by the respective Constitutional Officers, and the Board of Supervisors, and as documented in any Cooperative Agreements that may be agreed to by all parties and adopted by the Board of Supervisors.

### 1.3 DISSEMINATION OF POLICIES

The County Administrator will make public, complete copies of all policies and changes thereto, and shall be responsible for maintaining complete current policies. Employees will be provided with various changes and updates. In addition, a copy shall be maintained in the office of each department director. Each County employee shall be given a copy of the personnel policies upon adoption of these policies by the Pittsylvania County Board of Supervisors. Future employees shall receive a copy of the current personnel policies when they begin their employment service with the County. All employees will acknowledge receipt of these policies via a signed and dated statement, which will be maintained within the employee's personnel file. The statement shall include the employee's confirmation that these policies have been read and are understood by the employee. The Personnel Policies Manual shall be available for review by any employee or the public during the County's regular business hours.

### 1.4 DEFINITIONS

Where used within this Manual, the following words and terms shall have the meaning indicated below:

- A. **ALLOCATION.** The assignment of an individual position to an appropriate grade of positions on the basis of the kind, difficulty, required skill, and responsibility of the work performed.
- B. **APPOINTING AUTHORITY.** That officer or body having authority under the ordinances of the County to make appointments to positions. Unless otherwise specified, the appointing authority shall be construed to be the County Administrator.
- C. **APPOINTEE.** A term used by the Constitutional Offices to designate those who work at the pleasure of the Constitutional Officer. The term "employee" as



used in this Manual also applies to the appointee except where otherwise designated.

D. **GRADE.** A position or group of positions which are sufficiently alike in job evaluation factors (such as essential job functions, degree of supervision, minimum education requirements, experience or skill and other such characteristics) to be equitably assigned the same grade, and the same salary range.

E. **CLASSIFICATION.** The entire process of assigning and reassigning positions to grades and to the end that employees will be employed and compensated on the basis of merit, and actual duties performed so that there may exist equal pay for equal work.

F. **JOB DESCRIPTION.** A written description of a position containing a title, statement of typical duties, responsibilities, and minimum or desirable qualifications for applicants or incumbents to insure satisfactory performance.

G. **DEMOTION.** The change of an employee from a position in one grade to a position in a lower pay grade.

H. **GRADE OR PAY GRADE.** The numerical designation of a fixed salary range assigned to a position.

I. **IMMEDIATE FAMILY.** Includes: the father, mother, child, spouse, father-in-law, mother-in-law, grandparent, grandchildren, stepparent, stepchild, brother/stepbrother, sister/stepsister, aunt, uncle, grandparent of spouse, or any relative living in the household of the employee.

J. **MERIT INCREASE.** Advancement in pay of an employee to a higher pay rate within the pay grade based upon performance that consistently exceeds expectations as defined in the performance review document.

K. **PERFORMANCE REVIEW.** A formal review and evaluation of an employee's essential job functions, core competencies, and development. A performance review will be completed by the employee's supervisor upon completion of the introductory period of six months, and annually at the end of the calendar year.

L. **INTRODUCTORY PERIOD.** A working test period, not to exceed six (6) months, during which an employee is required to demonstrate satisfactory performance in carrying out the essential functions of the job and core competencies. The introductory period may be extended if approved by the department head. Employees dismissed during their introductory period do not have the right to use the grievance procedure outlined in Section 18.

M. NORMAL WORK WEEK. The total number of hours expected to be worked by an employee in a seven-day period is considered the normal work week. The number of hours varies by department. The standard work week is the period from 12:01 a.m. Sunday through 12:00 midnight the following Saturday. Normal work hours are 8 a.m. to 5 p.m. Monday through Friday.

N. VIRGINIA RETIREMENT SYSTEM (VRS) HYBRID PLAN. You are covered under the Hybrid Retirement Plan if your membership/hire date is on or after January 1, 2014.

O. VRS PLAN 1. You are covered under Plan 1 if you were hired or re-hired before July 1, 2010 and have at least five years of service credit as of January 1, 2013, and have not taken a refund.

P. VRS PLAN 2. You are covered under Plan 2 if your membership/hire date is on or after July 1, 2010, or before July 1, 2010, and you were not vested (you had less than five years of service credit) as of January 1, 2013. Eligible employees include: Full-time salaried, sworn sheriffs; Full-time salaried, sworn deputy sheriffs; Superintendents and sworn officers of regional jails; and Full-time salaried, sworn local law enforcement officers, firefighters and emergency medical technicians.

## 2. QUALIFICATIONS FOR EMPLOYMENT

### 2.1 EQUAL EMPLOYMENT OPPORTUNITY AND ACCOMMODATION

The County is committed to fostering, cultivating, and preserving a culture of diversity and inclusion to create an equitable work environment. We embrace the collective mixtures of our employees' differences and similarities. We are proud of the fact that we extend equal opportunity in employment and to administer employment policies without regard to race, color, religion, sex, sexual orientation, gender identity, age, national origin, genetic makeup, veteran status, or disability, which if needing accommodation, may be reasonably accommodated as required by law. Pittsylvania County is an equal opportunity employer that strives to adhere to the provisions of the Equal Opportunity Act with the goal of maintaining and promoting equal employment opportunity for all employees and applicants for employment. This policy applies to every aspect of our employment practices including, but not limited to the following:

A. Recruiting, hiring and promoting in all job classifications without regard to race, color, religion, sex, age, national origin, political affiliation, or disability except where such a factor can be demonstrated as a bona fide occupational qualification.

B. All decisions for hiring or promotions shall be based solely upon each individual's qualifications for the position to be filled.

C. Other personnel actions such as compensation, benefits, transfers, layoffs, training, assignments, will be administered without regard to race, color, religion, national origin, sex, age, political affiliation, or disability.

D. **Persons with Disabilities:** It is the policy of the County to comply with the Americans with Disabilities Act (ADA), as amended, and all other applicable federal and state laws concerning the employment of individuals with disabilities. County policy prohibits discrimination against qualified individuals with disabilities with regard to access, application, hiring, advancement, discharge, compensation, training, or other terms, conditions and privileges of employment. A qualified employee or applicant is one who is able to perform the essential functions of the job with or without accommodation. The County will afford reasonable accommodations to qualified applicants and individuals with disabilities that will enable them to perform the essential functions of a job unless doing so would create an undue hardship or would cause a direct threat to the health and safety of the individual or others in the workplace that cannot be eliminated or reduced by reasonable accommodation. It is critical that both parties engage in the interactive process to assist the County in determining what, if any, accommodations can be made to assist the employee. Please contact Human Resources with any questions/requests for accommodation. Human Resources is responsible for implementing this policy, including the resolution of reasonable accommodation, undue hardship, and direct threat issues. In addressing reasonable accommodation requests or needs, Human Resources will engage in an interactive process with the applicant or employee to determine whether the accommodation can be afforded.

E. **Break Time for Nursing Mothers:** The County provides reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express milk. The frequency and duration of each break may vary for each employee. A place other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, will be provided for these break times.

Employees, if possible, should use normal break times to express breast milk. Non-exempt employees will be paid for breaks totaling up to 20 minutes per day. Breaks over 20 minutes per day will not be paid for non-exempt employees. The employee will punch out to take this break and then punch back in upon return to their duties. An adjustment will then be made to the employee's time to assure compensation, if applicable, for the allowed paid break time.

**\*\*For other accommodations, please inquire with Management.**

## 2.2 DIVERSITY POLICY

Pittsylvania County is committed to fostering, cultivating and preserving a culture of diversity and inclusion. Our human capital is the most valuable asset we have. The

collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities and talent that our employees invest in their work represents a significant part of not only our culture, but our reputation and achievements as well.

We embrace and encourage our employees' differences in age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and other characteristics that make our employees unique.

Pittsylvania County's diversity initiatives are applicable—but not limited—to our practices and policies on recruitment and selection; compensation and benefits; professional development and training; promotions; transfers; social and recreational programs; layoffs; terminations; and the ongoing development of a work environment built on the premise of gender and diversity equity that encourages and enforces:

- Respectful communication and cooperation between all employees.
- Teamwork and employee participation, permitting the representation of all groups and employee perspectives.
- Work/life balance through flexible work schedules to accommodate employees' varying needs.
- Employer and employee contributions to the communities and citizens we serve to promote a greater understanding and respect for diversity.

All employees of Pittsylvania County have a responsibility to treat others with dignity and respect at all times. All employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all other company-sponsored and participative events.

Any employee found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action.

Employees who believe they have been subjected to any kind of discrimination that conflicts with the company's diversity policy and initiatives should seek assistance from Human Resources.

## 2.3 OUTSIDE EMPLOYMENT

Pittsylvania County considers itself to be the primary employer for all employees who are not temporary or relief, and requires that activities away from the job must not adversely affect the employee's primary job performance or compromise the County's interests through conflicts of interest, or the appearance of conflicts of interest.

Before seeking or accepting outside employment, employees are cautioned to consider carefully the demands that such additional employment will create. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, refusal to travel, or refusal to work overtime or different hours.

The employee shall notify the Department Head in writing when he is involved in outside employment within ten (10) business days of obtaining such position.

In addition, employees are not to conduct any business related to outside employment during County paid working time. Conflicting outside employment shall be grounds for disciplinary action up to and including termination of employment.

## 2.4 PHYSICAL STANDARDS

Applicants for employment and employees may be required to have a physical examination at any time and, (as a condition to employment) must meet the physical standards, with or without accommodation, established for the position for which they apply.

## 2.5 EMPLOYMENT INVESTIGATIONS

All applicants will be subject to a criminal background check, drug screen, reference checks, and educational background check (if applicable). The County will not inquire about misdemeanor marijuana possession convictions of employees, as they are sealed from employers by Virginia law. Applicants may be subject to optional tests considered necessary for the position applied for, including a Department of Motor Vehicle record check, a polygraph examination, psychological tests, credit reports where appropriate, and other bona-fide pre-employment investigations.

Various departments, where the handling of cash is necessary, may periodically require employee credit checks at a manager's recommendation, if approved by the County Administrator.

Seasonal and temporary employees will be tested as necessary for the position.

When required by a department, an applicant may be fingerprinted to determine his criminal record, if any, prior to being considered for employment or after hire date as may be required to comply with standards as set forth by local, state, or federal government. All pre-hire inquiries will be limited to those applicable to the position for which the applicant is applying and will be job related.

## 2.6 FORM OF APPLICATION

All applicants for employment must fill out and furnish complete information on the Employment Application Form. Information shall include residence, training, experience, references, and other pertinent information, and may require certificates of one or more

examining physicians, depending on the position. The Employment Application is located on the County website: [pittsylvaniacountyva.gov/jobs](http://pittsylvaniacountyva.gov/jobs).

## 2.7 OTHER STANDARDS FOR EMPLOYMENT

Where other standards or requirements for a particular position are established, all applicants shall be required to meet those standards as condition of employment.

## 2.8 CODE OF CONDUCT FOR PUBLIC SERVICE TO PITTSYLVANIA COUNTY

Pittsylvania County requires that employees follow this “Code of Conduct for Public Service to Pittsylvania County,” reflecting the highest ethical standards and promoting public confidence in County government. This policy is not intended to supersede more stringent codes of conduct adopted by individual departments or offices.

This Code shall be operative in all instances covered by its provisions except when superseded by an applicable statutory or other provision and statutory or other action is mandatory, or when the application of a statutory or other provision is discretionary, but determined to be more appropriate or desirable.

The effective operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made through the proper channels of the governmental structure; that public office not be used for personal gain; and that the public has confidence in the integrity of its government.

The purpose of this Code is to establish standards of ethical conduct for employees by setting forth those acts or actions that are incompatible with the best interests of the County. The provisions and purpose of this Code and accompanying rules and regulations are established in the best interests of Pittsylvania County.

A. Responsibilities of Public Office - Public employees are agents of the citizens and are entrusted to pursue the public good at all times. As such, they are expected to display the highest degree of integrity and are bound to uphold the Constitution of the Commonwealth of Virginia and to carry out impartially the laws of the nation, state, and County, thus fostering respect for all government. They are bound to observe in their official acts the highest ethical standards and to discharge faithfully the duties of their office regardless of personal considerations with courtesy and respect, always recognizing that the public interest must be their primary concern.

B. Dedicated Service - All Pittsylvania County employees are expected to be loyal to the objectives expressed by the electorate through the Board of Supervisors. Employees shall adhere to the rules of work and performance established as the standard



for their positions. Employees shall not exceed their authority, breach the law or ask others to do so, and shall work in full cooperation with other employees and departments unless prohibited from so doing by law or by officially recognized confidentiality concerns.

C. Fair and Equal Treatment - No employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

No employee shall use or permit the use of County-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally, or are provided as public policy for the use of such employees in the conduct of official business.

1. Conflict of Interest - As provided in Title 2.1 of the Code of Virginia ("The Virginia Conflict of Interests Act") no employee shall engage in any private financial or other interest which might impact the performance of his official duties. The County respects all individuals' rights to engage in activities outside their employment that are private in nature (e.g. social, community, political, religious, etc.). Employees are also bound by the additional guidance outlined below:

a) Incompatible Employment: No employee shall engage in or accept other employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would impair his/her independent judgment or action in the performance of his official duties. With Department Head's approval, employees may engage in other employment that does not interfere with or present a conflict of interest with County employment;

b) Disclosure of Confidential Information: No employee shall, without proper authorizations, disclose confidential information concerning the property, government, or affairs of the County, which would advance the financial or other special interest of himself or others;

c) Gifts and Favors: No employee shall accept any gift or favor of more than nominal value, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation, intended to, or which may, influence him in the discharge of his duties; and

d) Representing Private Interests before County Agencies or Courts: No employee shall represent his own or any other private interest before any agency of the County, unless he is doing so as a member of a civic organization, or is speaking on an issue of general public interest;

2. Consequences of Violation - Violation of any section of this policy may constitute a cause for disciplinary action up to and including dismissal.

#### D. Money Matters, Fraud, and Embezzlement

The County considers any form of fraud or dishonesty on the part of its employees/volunteers as totally unacceptable conduct. Claims of fraudulent or dishonest behavior will be investigated. Any money collected for services must be kept safe and in accordance with all state and federal laws. Failure to timely handle County money may constitute embezzlement or theft. It is never appropriate to solicit money or other tangible benefits ("gifts") from anyone we do business with, including our clients. Theft of any kind, including stealing from client accounts is strictly prohibited. A violation of this policy will result in disciplinary action up to and including termination

The County reserves the right to take any lawful action, including filing criminal charges, against an employee who embezzles or attempts to defraud clients or the County.

#### E. Member Relations and Visitors

The County realizes it is good business to acquaint the general public with our services and function in the business world. Courteous and intelligent treatment of clients and the general public by all of our employees with whom they may come in contact helps to make and retain a good public image and to secure future business. All employees should greet and introduce themselves to clients and members of the public while at the workplace.

Visitors not on County-related business are not allowed into working areas at any time. A visitor is anyone not currently employed by the County, but does not include employees' family members and friends so long as they are not a distraction to employees. Employees are not permitted to "babysit" their children or children of others during working hours.

### 2.9 DRESS CODE

Pittsylvania County is a public service delivery organization and expects all employees to dress appropriately for a business environment and in keeping with his work assignment. Public image plays an important role in developing and maintaining support for the organization. The County values and embraces the diversity of the its employees and will not discriminate against employees based on traits historically associated with race, including but not limited to hair style, hair type or hair texture. The County fully intends that the enforcement of this policy shall not conflict with the County's obligations under federal EEO laws and standards. Please speak with Management if you have any questions or concerns and would like to discuss a religious exception to the County personal appearance policies. To maintain the confidence and respect of the citizens of Pittsylvania County, each employee must exercise good judgment and professional decision-making in choosing workplace attire.



A. Objective - To establish clear guidelines regarding employee attire, taking into account the variety of work assignments.

B. General Guidelines - The following guidelines establish the general expectations regarding employee attire. Every employee is expected to exercise good judgment in dressing appropriately for his work assignment. The following list is not intended to include every possible scenario, but provides guidelines for employee and supervisory decisions.

1. Clothing, jewelry, and accessories must not create a safety hazard for the employee or others;

2. All clothing must be in good condition without holes, excessive wear, or staining from use or design;

3. Clothing shall not display implied or stated profanity, advertisements or logos for alcohol, tobacco products and/or illegal, racial, or sexual connotations;

4. Political endorsements may not be worn on clothing, badges, or any other ways that are visible to the public;

5. Employees shall be clean, well-groomed and demonstrate acceptable personal hygiene;

6. Appropriate undergarments must be worn;

7. Employees shall not normally wear jewelry in facial and/or tongue piercing(s);

8. Excessive or offensive (profanity, nudity, illegal acts, racial/ethnic slurs) tattoos must not be visible; and

9. Appropriate footwear must be worn.

10. Due to allergies and sensitivities of co-workers and the public, employees shall refrain from wearing or using products containing fragrances.

C. Prohibited Clothing - The following clothing is not acceptable for employees at any time and shall not be worn except in the case of approved field/operational attire or as noted in the Exceptions section:

- Leggings (except underneath an appropriate lower body garment such as skirts, shorts, or pants);
- Excessively short skirts and shorts; Bedroom slippers;
- Flip-flops; Sweat Pants;

- Wind Suits /Jogging Suits;
- Tank Tops, Halter Tops, Tube Tops; and
- Head gear worn indoors (hats, caps, headphones, bandannas, etc.)

#### D. Direct Service Delivery Assignments

Employees working in direct service delivery assignments, such as uniformed public safety positions, public works, inspections, or other operational field capacities may be issued workplace uniforms that shall be worn while performing official duties. The style and material of the uniforms shall be determined by the department. When uniforms are not issued, departments shall determine the appropriate attire for field or direct service delivery staff, taking into account the general guidelines of this policy.

Employees shall not post pictures showing themselves in uniform or links to such pictures on any non-County Internet website or electronic media not related directly to their specific job function.

#### E. BUSINESS CASUAL AND CASUAL DRESS

The County supports “business casual” dress Monday through Thursday for those employees working in an office environment. Business casual is a form of attire that is more traditional and typically includes slacks and shirts for men and slacks or skirts with blouses, and dresses for women. Directors and department heads retain the right to require more formal business-like attire (i.e. suit) based on the needs of the department or division. Business casual does not include blue jeans pants, t- shirts (only t-shirts adorned with approved Pittsylvania County emblem or logo may be worn), sweatshirts, or bib pants/overalls.

The County also supports “casual” dress on Fridays (or the last workday of a shortened workweek). Casual dress is a form of attire that is more relaxed and normally associated with leisure time. Casual dress typically includes less formal clothing such as blue jeans (with no holes, tears, or rips), sweatshirts, and t-shirts (only t-shirts adorned with approved Pittsylvania County emblem or logo may be worn).

#### F. Exceptions

Directors shall retain the right to consider unique situations and may approve alternate employee attire for a variety of reasons.

#### G. Consequences

Employees are expected to abide by the provisions of the dress code policy and shall be held accountable for decisions that do not meet the guidelines. When an employee's attire does not meet expectations, the immediate supervisor shall first discuss the matter with the employee to ensure that the employee understands the policy and its application. If Management finds that your personal appearance is inappropriate, you will be asked to leave work and return properly dressed and groomed. If you are asked to leave, you will not be paid for the time you are away from work. If the employee refuses to change his attire and/or fails to comply with the dress code, the supervisor may initiate disciplinary action in accordance with Pittsylvania County's disciplinary policy.

## 2.10 ANTI-NEPOTISM POLICY

Except as provided herein, no applicant shall be hired, reinstated, reemployed, transferred, promoted, or demoted to a position which places him or her in a direct supervisory role with a family member.

This prohibition may be extended to positions in which the duties involve access, review, verification, authorization, or approval of the transactions of family members in financial, personnel, purchasing, or other sensitive matters, even though the respective functions are in different departments. Such positions will be identified by the affected department head or designee, with the approval of the County Administrator.

For the purposes of this anti-nepotism policy, "family member" is defined as spouses, parents, in-laws, children, and siblings, including step-parents and siblings, half-siblings, and including grandparents and grandchildren, and aunts, uncles, nieces and nephews, and first cousins. Such relationships include those legalized by adoption.

If a change occurs which causes employees to come into conflict with this policy, one of the employees shall be transferred to a vacant position, if available. In the absence of an agreement, by the affected parties, the employee with the lower (pay) grade or if the same grade, the employee with the fewest years of County service, will be transferred.

The County Administrator may approve written requests to interpret or waive this policy, when it is in the best interest of the County to do so as provided by the Code of Virginia.

## 2.11 PRE-EMPLOYMENT RECRUITMENT AND APPLICATION PROCEDURES

The Human Resources Department develops, and maintains effective recruitment procedures that attract candidates who possess the education, skills, and abilities to meet the current and future needs of Pittsylvania County. When a position is to be filled from outside of the department, the department manager will notify the Human Resources Manager of the need to advertise the position and seek qualified applicants for employment. No person will be hired or promoted into a position unless that position is a funded vacant position as approved by the County Administrator.

Vacant positions may be filled by recruitment from inside and/or outside sources as determined appropriate in coordination with the selecting department manager or designee. Vacancies may also be advertised with the local Virginia Employment Commission, newspapers, electronic media, other government agencies, journals or other appropriate sources. All posted position vacancies can be viewed online at any time at <http://www.pittsylvaniacountyva.gov/>.

When a vacancy occurs, or the County Administrator approves a new position, normally, vacancies may be advertised concurrently internally, and externally and posted for a minimum of ten (10) days. Applications will be accepted only for posted positions. However, high turnover positions may remain continuously under recruitment in order to maintain pools of qualified candidates, and to quickly fill such positions as vacancies occur. Pittsylvania County supports cross training and promotion from within and when appropriate, internal applications will be considered first. If no internal application is selected to fill the position, outside applicants will be considered. Positions are posted on the bulletin board located in the County Administration Building.

Managers at each work site are responsible for posting notices of vacancy at their facility. In the interest of public welfare and safety, before an employment offer can be extended, an applicant must be able to perform the essential functions of the job with or without reasonable accommodations. Medical examinations may be required depending on the duties of the position. If an applicant is formally offered a position, the pre-hire process may also include examinations, such as reference checks, criminal history, child abuse registry, motor vehicle records check, alcohol and drug testing, skill testing, written examinations, personal interviews and other testing as determined appropriate and lawful. If other testing is determined to be appropriate, in such case, all applicants for that position will be administered the same test uniformly.

Some positions require the operation of Pittsylvania County owned motor vehicles as a function of the job. Employees must report any restrictions, limitations, or loss of their driving privileges to their supervisor as soon as the employee becomes aware. Applicants will be required to grant permission to Pittsylvania County management to conduct background investigations, and state criminal history checks not to violate any federal or state equal opportunity law or regulation. All applicants for Pittsylvania County employment will be informed of the Drug Free Work Place Policy, and will be required to undergo a drug screen upon offer of employment and prior to final appointment.

Due to the length of time required to complete certain background investigations, a conditional offer of employment may be extended, subject to the successful completion of the investigation. Pittsylvania County does not discriminate unlawfully against persons who have been convicted of criminal offenses. A prior conviction does not automatically exclude an applicant from employment with Pittsylvania County. The nature and the offense of a past conviction is weighed and considered in relation to the duties of the vacant position. Department managers will review applicants for vacant positions in their department and will make recommendations for employment to the Human Resources Manager. The Human Resources Manager will review the department manager's

decision, and check references on the selected applicant. The Human Resources Manager will then present the information to the department manager for final approval.

## 2.12 IMMIGRATION LAW COMPLIANCE

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

## 3. APPOINTMENTS

### 3.1 VACANCIES

All full-time and regular part-time vacancies to be filled shall be publicized. Human Resources shall maintain an advertising distribution list, which shall be used to maximize the application pool.

#### A. Employment Applications

1. Persons seeking to apply for employment with the County shall be referred to the Human Resources Department. The County relies upon the completeness and accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the selection process and during County employment. All employment information shall be current, accurate and complete.

2. Any misrepresentations, falsifications or material omissions on the County application may result in the County's exclusion of the individual from further consideration for employment.

## 4. CLASSIFICATION OF POSITIONS

### 4.1 CLASSIFICATION PLAN

The County Classification Plan ("Plan") has been established and shall be maintained by County Administration. No deviation shall be made from the Plan except where circumstances warrant. Under these circumstances, the Plan itself or the classification of a particular class or grade of positions may be amended with the approval of the County Administrator.

### 4.2 COVERAGE

The Plan shall cover all positions included under Section 1.2 of this Manual.

### 4.3 ASSIGNMENT OF POSITIONS

The County Administrator or his designee, in consultation with affected department heads, shall make all assignments of positions to pay grades and salary ranges. Positions, which are sufficiently alike in duties and/or responsibility, will be accorded the same pay grade. The County Administrator or his designee shall allocate each position covered by the Plan to its appropriate pay grade in coordination with Human Resources.

#### 4.4 RECLASSIFICATION AND/OR GRADE CHANGES

Department heads shall be responsible for bringing to the attention of the County Administrator or his designee any material change in the nature of duties, responsibilities, working conditions, or other factors affecting the classification of any position. Following the receipt of such information, the County Administrator, in consultation with Human Resources, shall restudy the position and determine if the classification should be changed. No person shall be appointed, promoted, demoted, transferred, or paid in any position until the position has first been established and approved by the Board of Supervisors.

#### 4.5 CLASSIFICATION OF NEW POSITIONS

The County Administrator or designee shall be responsible for the allocation of new positions to existing classifications and/or pay grades in County service.

#### 4.6 CLASSIFICATION OF EMPLOYMENT

**Introductory employees:** Employees begin employment with the County as introductory employees. The introductory period is six (6) months of continuous uninterrupted service from the date of hire. Such employees' performances are evaluated during this time to determine whether further employment in a specific position or with the County is appropriate. After satisfactorily completing the introductory period, employees will receive a formal performance review completed by their supervisor.

**Full-time regular employees:** Employees hired to work the County's normal, full-time, 40 hour workweek on a regular basis. Such employees may be "exempt" or "nonexempt" as defined below. Full-time employees are eligible to participate in the benefits outlined in this manual provided they qualify for each individual benefit. Employees who are scheduled to work more than 40 hours per week on regular basis (fire/EMS) are also eligible to participate in the benefits.

**Part-time employees:** Employees hired to work 29 hours or less per week on a regular basis. Such employees may be "exempt" or "nonexempt" as defined below. Part-time employees are not eligible to participate in the benefits outlined in this manual; with the exception of the Employee Assistance Program as explained in Section 10.

**Temporary employees:** Employees engaged to work full-time or part-time with the understanding that their employment will be terminated no later than on completion of a specific assignment. Such employees may be "exempt" or "nonexempt" as outlined below.

Employees hired from temporary employment agencies for specific assignments are employees of the respective agency and not employees of the County. Temporary employees are not eligible for benefits.

In addition to being categorized as introductory, full-time, part-time, or temporary; employees will also be categorized as exempt or nonexempt.

Nonexempt employees: Employees who are required to be paid overtime at the rate of time and one half (i.e., one and one-half times) their regular rate of pay for all hours worked beyond 40 hours in a workweek, in accordance with applicable federal, wage and law hours. Holiday, vacation, sick, compensatory time, or personal hours are not factored in when calculating overtime.

Exempt employees: Employees who are not required to be paid overtime, in accordance with applicable federal wage and hour laws, for work performed beyond 40 hours in a workweek. Executives, professional employees, outside sales representatives, and certain employees in administrative positions are typically exempt.

You will be informed of your initial employment classification as an exempt or nonexempt employee during your orientation session. If you change positions during your employment as a result of a promotion, transfer, or otherwise, you will be informed by Management of any change in your exemption status.

Please direct any questions regarding your employment classification or exemption status to Management.

## 5. PAY OF EMPLOYEES

### 5.1 COMPENSATION AND CLASSIFICATION DEFINITIONS

A. PAY PERIOD - The County's regular pay period is semi-monthly. Normal pay days are the 15th of the month and the last working day of the month.

B. FULL TIME – Those employees who work (40) hours or more in a week and are eligible for all County benefits. Vacation leave benefits are available upon successful completion of the introductory period of six (6) months. .

C. PART TIME - Those employees who work twenty-nine (29) hours or less per week are paid on an hourly basis and are not eligible for County benefits other than the Employee Assistance Program (EAP).

Upon successful completion of five (5) years of continuous service, part-time employees who work a minimum of 20 hours per week, earn 24 hours of personal leave. Personal leave hours must be used by June 30<sup>th</sup> each year. Unused personal leave hours do not carry over and are not eligible for pay-out.



Part-time employees who do not work a minimum of 20 hours per week are not eligible for 24 hours of personal leave.

Eligible Part-time employees will earn a new 24 hours of personal leave hours each July 1<sup>st</sup>, to be used by June 30<sup>th</sup> of the following year. Personal leave hours do not rollover if an employee transitions from part-time to full-time status.

D. TEMPORARY – Those employees engaged to work full-time or part-time with the understanding that their employment will be terminated no later than the completion of a specific assignment. Temporary employees are not eligible to participate in County benefits, other than the Employee Assistance Program (EAP). Seasonal employees are considered temporary.

F. WORK DAY - The normal work day in Pittsylvania County is eight (8) hours per day for most employees, depending on department and work situation.

The normal work day is 8:00 to 5:00 P.M., Monday through Friday, but the schedule may be adjusted by the Department Head with the approval of the County Administrator to establish a flexible work schedule for employees. Starting and stopping times and shift lengths may also vary in some departments, such as the Sheriff's Office and Public Safety, which operates with an independent work schedule consistent with the service needs of the County. Employees are expected to be at their work station and ready for work at the starting time, unless prior arrangements have been made. Hourly employees should report to work no more than six minutes prior to their scheduled starting time and stay no more than six minutes after their scheduled work day has ended unless otherwise approved by a supervisor. It is the employee's responsibility to adequately record their time worked. If corrections/modifications are made to the time record, both the employee and Management must verify the accuracy of the changes by initialing the time record.

**It is a violation of County policy for any employee to record another employee's time, alter another employee's time sheet, or alter his/her own time sheet without permission.**

The County Administrator reserves the right to adjust the number of hours worked for all employees in accordance with the provisions of the federal Fair Labor Standards Act.

G. COMPENSATORY ("COMP") TIME – Comp time is time off with pay in lieu of overtime pay for irregular or occasional overtime hours worked. Exempt status employees are not eligible to receive comp time.

H. LUNCH AND BREAKS - Lunch times will vary from department to department, but normally are scheduled for one (1) hour and are unpaid. Morning and afternoon break periods of fifteen (15) minutes are provided to each employee and are paid.



I. EMERGENCY SERVICE - Each County employee has a special responsibility to the citizens of Pittsylvania County. As part of this responsibility, service outside of the normal working hours may be required during a state of emergency. All County employees should be prepared to receive special assignments. When emergency service results in overtime work, employees will be compensated, in accordance with the overtime provisions.

## 5.2 PAY PLAN

For each pay grade, a salary range shall be assigned which includes a minimum, mid and maximum salary. Every position is assigned to a pay grade, with consideration given to factors including skill level, experience, level of work, physical demands and other pertinent factors. The County Administrator shall approve the appropriate pay grade for all new positions and positions that are approved for re-classification.

Periodically, the County Administrator may cause to be made a comprehensive review of all factors affecting employee compensation levels. The review, when undertaken, will consider rates of pay for comparable positions in the area, fringe benefits, general wage data, the County's financial condition, and other pertinent factors. Prior to implementing changes to employee pay or compensation package based on such review, approval of the Board of Supervisors is required.

## 5.3 NEW EMPLOYEES

Generally, a new employee shall be paid the minimum rate of pay for the position he was hired for. The minimum rate of pay for each pay grade is based upon the assumption that a new employee meets the minimum qualifications for the position he was hired for.

When a new employee more than meets the minimum qualifications for the assigned pay grade, he may be paid at a higher rate of pay than the minimum for that pay grade. New employees paid a rate higher than the minimum for the assigned pay grade, require approval by the County Administrator.

## 5.4 PROMOTIONS

When an employee is promoted to a position in a higher pay grade, his salary shall be increased to at least the minimum rate of the higher pay grade. In the cases of overlapping ranges, the promoted employee shall be increased to a salary within the new pay grade which accurately reflects the increased responsibility of the position. Employees will be formally evaluated upon completion of six (6) months of service to determine if job performance and requirements are satisfied, and may be eligible for a merit increase

## 5.5 REHIRED / REINSTATED EMPLOYEES

An employee who voluntarily leaves the County in good standing shall be eligible for rehire, if the position is vacant. If an employee is rehired or reinstated within six (6) months, all pre-employment tests do not need to be performed again.

An employee who has voluntarily resigned from County employment, and is in good standing, and wishes to return within thirty (30) days of the separation, may be reinstated to their former position, if vacant. An employee who is reinstated may be eligible for accruals and seniority he had at the time of separation. The County Administrator reserves the right to determine who is rehired or reinstated

## 5.6 TRANSFERS TO ANOTHER POSITION AND/OR DEPARTMENT

The pay of an employee transferred to another position of the same pay grade shall remain unchanged. Leave accruals will continue at the current level. Years of service for full-time employees will be counted for the corresponding accrual category when transferring from an office/department that does not participate in the County accrual leave policy to another office/department that does participate.

## 5.7 DEMOTIONS

A voluntary or involuntary demotion is defined as assignment to a position with a decrease in duties and responsibilities and is distinguished from a downward reclassification resulting from a formal review of duties and responsibilities. An employee demoted from one position to another is placed in a lower pay grade contingent upon a lesser position being available at the time the action is taken. The department head may petition the County Administrator to adjust the amount of the salary reduction within the new pay grade.

## 5.8 OVERTIME COMPENSATION

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

If determined necessary, overtime work will be authorized by management beyond an employee's standard scheduled hours of work. Every attempt will be made to minimize overtime work and supervisory approval is required to authorize any overtime. Non-exempt employees will be paid overtime compensation in accordance with federal and state wage and hour provisions. Overtime pay is based on actual hours worked. Non-exempt employees shall not perform job related work at home unless specifically authorized in advance by the employee's supervisor, and permission is granted from the respective department director. Any employee who fails to comply with any applicable provisions of this section, and any supervisor who permits the same shall be subject to disciplinary action.

All County Departments have established working hours as required by workload, production flow, service needs, and the efficient management of personal resources. In addition, to these established work hours, certain situations may arise requiring overtime work. As required by the Federal Fair Labor Standards Act ("FLSA") all positions in the County shall be designated as "exempt" or "non-exempt". Employees in exempt positions are not subject to the provisions of the FLSA.

The FLSA requires that non-exempt employees receive overtime compensation for hours worked in addition to specified limits. Law-enforcement, EMT's and fire protection employees' overtime hours are calculated in accordance with the Code of Virginia 9.1-703. However, the compensation may be in the form of compensatory time earned as opposed to payout. The limits placed on the amount of compensatory time a non-exempt employee can earn in lieu of payout is noted in (Section 6.8). All compensatory time accrued by employees in non-exempt positions must be taken or paid when the employee separates from County employment. In the event a non-exempt employee is promoted to an exempt position, he shall be paid for any accrued compensatory time at the time of promotion.

To the extent any provision in the Personnel Policies Manual would cause an exempt employee under the FLSA to lose their exempt status, such policy shall not apply.

It is the County's policy to comply with the salary basis requirements of the FLSA. Therefore, the County prohibits all department heads or their designees from making any improper deductions from the salaries of exempt employees that violate the FLSA.

#### 5.9 EMERGENCY CALL BACK POLICY

Non-exempt employees who are required to report to work under emergency circumstances ("called back") will be compensated for a minimum of three (3) hours. If the actual hours worked exceed the 3-hour minimum, the employee will be compensated for all hours worked. Call-back time will commence from the time the employee leaves his/her premises and returns to the original location. If the employee is called back while in route to or from work, time worked will be credited as an extension of the normal workday and the 3-hour minimum will not apply.

Should the employee be called back a second time within the original 3 hours of the first call, an additional 3-hour credit for the new call-back will not be granted. Calls received and time worked by an employee in a call-back situation must be reported to the employee's supervisor on the next regular workday. The nature and amount of time worked during on-call duty are subject to verification by supervisors. When discrepancies are noted, further justification may be required. Supervisors must establish what constitutes emergencies for their department.

#### 5.10 ON CALL POLICY

It is the policy of Pittsylvania County that departments that require non-exempt employees to be on-call, are required to develop a department on-call roster. Establishment of on-call rosters, and method of notification, are the responsibility of each respective department head. Employees who are assigned to on-call duty, are required to be available for work within a reasonable time. Pittsylvania County does not restrict employee movement while on-call. A reasonable response time shall be deemed within one (1) hour.

For each scheduled assignment of on-call duty, a non-exempt employee shall be paid for 1 hour at his/her regular hourly rate for each day of on-call duty, whether or not actually called for duty, in addition to being compensated for any time actually worked. Actual time worked over the employee's prescribed duty cycle while on-call will be subject to the overtime provisions herein.

### 5.11 DEDUCTIONS

As a condition of employment with Pittsylvania County, the employee must complete an application and participate in Direct Deposit.

Payroll is authorized to make established deductions from an employee's gross pay to cover taxes, mandatory deductions, and optional deductions elected by an employee.

If an employee believes that an improper deduction has been made to his salary, he should immediately report this to his supervisor and/or Payroll /Human Resources.

### 5.12 DEDUCTIONS UPON SEPARATION OF EMPLOYMENT

Upon separation of employment, Payroll shall deduct and withhold, consistent with federal, state or local laws, from the final pay check of any employee any amount owed to the County in payment for unearned leave, group insurance premium, unreturned property including keys, cell phones, credit cards, electronic devices, or any other indebtedness to the County. The final paycheck and payment for unused leave shall not be issued until the extent of any indebtedness to the County has been determined and cleared. If any indebtedness is determined after an employee has been separated from the County, and has received their final paycheck, Human Resources shall give proper notice to the person, informing such person of the indebtedness and requesting payment. If such correspondence is unsuccessful in clearing the indebtedness, legal action may be initiated at the direction of the County Administrator.

### 5.13 GARNISHMENT OF EMPLOYEE WAGES

Garnishments are court orders requiring an employer to withhold specified amounts from an employee's wage for payment of a debt owed by the employee to a third party. State law requires the County to honor garnishments of employee wages (including child support) as a court or other legal judgment may instruct. The law also provides for an administrative fee to be charged when a garnishment occurs.

Employees are expected to manage their personal financial affairs in such a manner as not to require debtors to seek garnishments or payroll liens for payment of bills and/or taxes owed by the employee.

## 6. EMPLOYEE LEAVE

### 6.1 ELIGIBILITY

The County recognizes that only permanent full-time employees are eligible to accrue leave benefits; including personal, vacation, and sick leave hours. Accruals are based on the total number of hours worked annually, which varies by department and position. Please reference the charts below.

Part-time employees are not eligible to accrue vacation or sick leave benefits; however, the County recognizes that part-time employees can earn 24 personal leave hours only after successful completion of five (5) years of service.

### 6.2 VACATION LEAVE

**A. Each permanent full-time employee working 2,080 hours annually (Sheriff's office, and any employee working a normal 40-hour work week) shall accrue vacation hours at the following rates:**

Years of Service Completed	Accrual Rate
0 through 4 years	Four (4) hours of paid vacation, per completed pay period, with an annual accumulation of 96 hours. Vacation hours are available after completion of six (6) months of continuous service.
5 through 9 years	Five (5) hours of paid vacation per completed pay period.
10 through 14 years	Six (6) hours of paid vacation per completed pay period.
15 through 19 years	Seven (7) hours of paid vacation per completed pay period.
20 through 24 years	Eight (8) hours of paid vacation per completed pay period.

25 + years	Nine (9) hours of paid vacation per completed pay period, with an annual accumulation of 216 hours.
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**B. Each permanent full-time employee working 2,920 hours annually (Firefighter/EMT), shall accrue vacation leave at the following rates:**

Years of Service Completed	Accrual Rate
0 through 4 years	Five and ½ (5.5) hours of paid vacation, per completed pay period, with an annual accumulation of 134 hours. (Vacation hours are available after completion of six (6) months of continuous service).
5 through 9 years	Seven (7) hours of paid vacation per completed pay period, with an annual accumulation of 168 hours.
10 through 14 years	Eight and ½ (8.5) hours of paid vacation per completed pay period, with an annual accumulation of 202 hours.
15 through 19 years	Ten (10) hours of paid vacation per completed pay period, with an annual accumulation of 235 hours.
20 through 24 years	Eleven (11) hours of paid vacation per completed pay period, with an annual accumulation of 269 hours.
25 + years	Twelve and ½ (12.5) hours of paid vacation per completed pay period, with an annual accumulation of 302 hours.

**C. Each permanent full-time employee working 2,366 hours annually (Firefighter/EMT), shall accrue vacation hours at the following rates:**

Years of Service Completed	Accrual Rate
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0 through 4 years	Four and ½ (4.5) hours of paid vacation, per completed pay period, with an annual accumulation of 109 hours. (Vacation hours are available after completion of six (6) months of continuous service).
5 through 9 years	Five and ½ (5.5) hours of paid vacation per completed pay period, with an annual accumulation of 136 hours.
10 through 14 years	Seven (7) hours of paid vacation per completed pay period, with an annual accumulation of 163 hours.
15 through 19 years	Eight (8) hours of paid vacation per completed pay period, with an annual accumulation of 191 hours.
20 through 24 years	Nine (9) hours of paid vacation per completed pay period, with an annual accumulation of 218 hours.
25 + years	Ten (10) hours of paid vacation per completed pay period, with an annual accumulation of 245 hours.

Vacation leave may be taken only after successful completion of six (6) months of continuous service. An employee may carry a specified amount of vacation leave earned from one year into the next year. However, no more than the below noted levels of accumulated vacation leave shall be allowed to be carried over from one year into the next. On the last day of the year, any accrued vacation leave in excess of the amounts noted below shall be forfeited. For the purpose of carry over, a year is defined as the period of time from July 1st through June 30th.

#### VACATION LEAVE CARRY OVER

Years of Service	Maximum Carry Over Hours	Upon Separation Maximum Hour Paid
0 through 4 years	192	192
5 through 9 years	240	192



10 through 14 years	288	192
15 through 19 years	336	192
20 through 24 years	384	192
25 through 29 years	432	192
30 + years	480	240

Scheduled vacation leave shall be subject to the approval of the employee's supervisor. Vacation hours may be taken in quarterly or one-hour increments. Every effort will be made to grant employee vacation leave requests; however, in instances of concurrent requests for overlapping vacation dates, preference will be given to the request of the longer-term employee

If a holiday is observed during an employee's vacation leave, it is not counted as a vacation day.

Employees who resign or terminate employment within the first 6 months of employment (the introductory period), will not receive payout for accrued vacation leave.

### 6.3 SICK LEAVE

All full-time benefit eligible employees accrue sick leave based on the annual number of hours worked, beginning the first month of employment. Sick leave may only be used to cover any absence from work because of a personal illness, injury, or physical incapacity (other than incurred in the line of duty) that prevents the employee from performing his/her job or exposure to contagious disease, when the employee's presence on duty would jeopardize the health of fellow workers or the public.

#### SICK LEAVE ACCRUAL

1. Each permanent full-time employee working 2,080 hours annually (Sheriff's office, and any employee working a normal 40-hour work week) shall accrue four (4) hours of paid sick leave per completed pay period, with an annual accumulation of 96 hours.
2. Each permanent full-time employee working 2,920 hours annually (Firefighter/EMT), shall accrue five and ½ (5.5) hours of paid sick leave per completed pay period, with an annual accumulation of 134 hours.



3. Each permanent full-time employee working 2,366 hours annually (Firefighter/EMT), shall accrue four and ½ (4.5) hours of paid sick leave per completed pay period, with an annual accumulation of 109 hours.

When an employee is absent for one of the above reasons, he shall inform his supervisor via telephone, at the earliest possible time, to assure full coverage of departmental work responsibilities.

If an employee is away from work for three (3) or more consecutive work days, the employee may be asked to provide a doctor's statement and may be asked to provide a written release from his physician to return to work. It is the employee's responsibility to keep his supervisor informed of his work status through regular contact.

An illness, injury, or medical condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or an incapacity that lasts more than three (3) consecutive work days, may be considered a serious health condition and subject to the requirements of the Family Medical Leave Act. The County may also designate leave as FMLA leave without a request from the employee.

A request for extended sick leave use may require verification by the department head concerned and/or the Human Resources Manager. Sufficient verification is a medical certification containing medical facts to establish an employee was unable by reason of the disability to be on duty during the entire period covered by the application, and where an extended absence is indicated, the probable duration of the disability.

The absence of an employee for the reasons stated shall be a charged against accrued sick leave:

- A. An illness, condition, or nonwork-related injury incapacitating the employee to perform his duties;
- B. An exposure to a contagious disease such that presence on duty would jeopardize the health of fellow employees or the public;
- C. Appointment for examination and treatment related to health when such appointment cannot reasonably be rescheduled during non-work hours; on the basis of the availability of local resources in the area of employment, the County Administrator may establish limits upon the charge of sick leave for keeping such appointments;
- D. Sick leave is also available when dependents/spouse requires the employee's assistance not to exceed three (3) days. In situations where the employee is required to care for a child, parent, or spouse and exceeds 3 days and the medical situation meets the definition of a serious medical condition, the absence may be considered a qualifying event under the Family and Medical Leave Act. Other legitimate causes which, at the discretion of the County

Administrator and/or the Elected Constitutional Officer, may be classified as sick leave.

E. Final Sick Leave Settlement

VRS Plan 1 & 2 Employees and Hybrid Employees: Whenever possible, department heads shall budget when a retirement is foreseeable. Upon retirement with 10 or more years of service, an employee shall be paid his/her hourly rate, up to a maximum of \$1,250 for unused sick leave, or \$2,500 for 20 or more years of service.

F. Sick Leave Carry Over

1. VRS Plan 1 & 2 Employees: There is no limit on the number of accrued sick leave hours an employee can carry over from one year into the next. For purposes of carry over, one (1) year is defined as starting July 1<sup>st</sup> and ending June 30<sup>th</sup>.

2. Hybrid Employees: There is a cap of 720 hours of accrued sick leave that an employee can carry over from one year into the next. For purposes of carry over, one (1) year is defined as starting July 1<sup>st</sup> and ending June 30<sup>th</sup>.

G. Sick Leave Bank - (Plan 1 and 2 employees only)

1. The purpose of the Sick Leave Bank is to provide additional sick leave for those eligible employees who have prolonged, catastrophic or long-term illness or injury and who have exhausted their sick leave.

2. The Bank will be maintained as long as at least one-third (1/3) of the eligible employees agree to participate and will be declared inoperative at a specific time to be determined by the County Administrator and/or his designee.

3. Membership Eligibility

a. Eligible employees are those who are member of the Virginia Retirement System (VRS) Plan 1 and Plan 2 programs and who earn sick leave benefits according to division policy. Employees under the VRS Hybrid Retirement Plan, which includes short-term and long-term disability coverage, will not be eligible to participate in the Sick Leave Bank.

b. Membership shall be voluntary on the part of the employee.

4. Enrollment Period

a. An eligible employee becomes a member of the Sick Leave Bank by submitting the Sick Leave Bank Enrollment Form. By completing this form, the employee donates two (2) days of

- his/her sick leave to the Sick Leave Bank and one day thereafter when an assessment is required.
- b. An employee may enroll within the first thirty (30) days of employment.
  - c. An employee who does not enroll when first eligible may do so between any subsequent August 1st through August 31st by completing a Sick Leave Bank Enrollment Form.
  - d. Membership in the Bank shall be continuous unless the employee informs the County Administrator and/or his designee in writing of his/her intent to discontinue participation at the time that an additional assessment is required in order to maintain the Sick Leave Bank.

#### 5. Procedures Concerning Use

- a. Sick Leave Bank members must exhaust their own sick leave prior to drawing from the Sick Leave Bank. Employees do not accrue leave until he/she returns to work.
- b. A member must make application for the use of the Sick Leave Bank entitlement by completing and filing a Sick Leave Utilization Application with the Human Resources Manager and/or designee).
- c. For the participating member to be eligible to receive sick leave benefits, a doctor's certificate is required. The certificate is to be submitted to the Human Resources Manager, and must contain the job title of the applicant, medical certification, and statement that the member is totally unable to work as a result of the illness or disability and the approximate length of absence.
- d. All applications will be reviewed by the (Human Resources Manager and County Administrator) whose decision to approve or disapprove the application will be final, binding and not subject to appeal.
- e. The Human Resources Manager and/or his designee shall maintain a current list of Bank members.
- f. A "day" in each case refers to eight (8) hours.
- g. The first thirty (30) consecutive days of illness or disability will not be covered by the Bank but must be covered by the employee's own accumulated sick leave or leave without pay.
- h. Employees on Worker's Compensation shall not be permitted to draw from the Bank.
- i. A member may discontinue participation by giving written notice to the Human Resources Manager and/or designee within ten (10) calendar days from the date of notification of any additional assessment to be made.

- j. An individual member may draw thirty (30) days from the Bank during any one fiscal year. Any period of eligibility must be consecutive except as provided below. If the member suffers a recurrence of the same illness, disability or condition that resulted in the initial utilization of Sick Leave Bank benefits and if the member has not drawn the maximum number of days (thirty (30) for one (1) fiscal year), then the member will not be required to complete an additional eligibility period of thirty (30) consecutive days prior to being eligible for continuation of Sick Leave Bank benefits.
- k. Any Sick Leave Bank days not used at the end of one (1) fiscal year will carry over to the next fiscal year. .
- l. Upon termination of employment or withdrawal of membership from the Bank, a participating employee shall not be permitted to withdraw his/her contributed day (s).
- m. Sick Leave Bank days are for employee use only and do not apply to absence due to family illness.

#### 6. Additional Assessment

- a. Members of the Bank shall be assessed a maximum of one (1) day of sick leave per year if the Bank falls below ninety (90) days. A member may withdraw from the Bank if he/she does not accept the additional assessment but shall lose all contributed days to that point. Members who do not have leave to contribute will be assessed this day from the first sick leave subsequently accumulated.
- b. Notification of such assessment shall be sent to each member at the time is determined to be necessary, and the assessment shall be made unless the participant chooses to cease membership in the Bank. A member not wishing the assessment may terminate membership in the Bank by notifying the County Administrator and/or his designee, in writing, within ten (10) work days from the date of the notice.

#### 7. Records

- a. The Sick Leave Bank will be administered by the Human Resources Manager and/or designee.
- b. The Human Resources Manager or/designee shall maintain the operations and maintenance of the Sick Leave Bank and its records.
- c. If the Sick Leave Bank shall become inoperative for any reason, the balance of days shall first be distributed to those

members receiving benefits. From the remaining balance, the Human Resources Manager and Payroll Clerk will determine distribution of days to participating members.

#### 6.4 BEREAVEMENT LEAVE

When there is a death in the employee's family, full-time employees are allowed to use bereavement leave in order to attend the funeral or memorial service of a family member, to experience the initial grieving process, and to take care of personal business specifically related to the death in the family. Full-time employees will be granted 24 hours of bereavement leave with supervisor approval. Bereavement leave hours does not accumulate from year to year and are not eligible for payout upon termination.

Extended leave may be granted at the supervisor's discretion if extenuating circumstances warrant (i.e. significant travel). The employee may use accrued sick, vacation, personal, or comp time leave to cover additional approved days out of the office for bereavement purposes.

For purpose of bereavement leave, employee's family is defined as parent/stepparent, child/stepchild, spouse, brother/stepbrother, sister/stepsister, grandparent, grandchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, aunt or uncle of employee or spouse, or any relative living in the household of the employee.

#### 6.5 INJURY LEAVE

Injury leave may be granted during the seven (7) day Workers' Compensation waiting period disability requirement, because of an employee's incapacity to work as a result of an injury or illness that occurred during the course of an employee's job performance. Injury leave during the first 7 days pays an employee his/her regular rate of pay.

Should leave extend beyond the 7-day period, the County will pay the employees regular salary, so that total payments will not exceed a period of 92 Calendar days. Such payments by the County will not be charged against the employee's sick leave, compensatory leave or vacation leave accruals. The County will continue to maintain the employee's health and life insurance coverage.

If the absence continues beyond the 92 calendar day limit, employees will be required to use accumulated sick leave, compensatory leave, and vacation leave to continue receiving their full salary. Charges against balances will equal 1/3 of earned leave for workers' compensation.

If the Workers' Compensation carrier makes a determination an injury or illness is not job related, the absence will be charged 100% to sick leave. If sick leave is exhausted, the absence will be charged to vacation leave, and if necessary, leave without pay. The employee must pay for other benefits that are usually deducted from his or her salary.

Part-time employees will receive benefits according to the workers' compensation guidelines.

## 6.6 PERSONAL LEAVE HOURS

All permanent full-time employees are eligible for eight (8) hours of personal leave, per fiscal year. The personal leave hours may be taken, with supervisor approval, at the employee's discretion. Personal leave hours may not be used in increments. Personal leave hours are available at the commencement of a County fiscal year (July 1<sup>st</sup>) and must be taken prior to its termination (June 30<sup>th</sup>). Personal leave hours may not be accumulated from year to year, and are not eligible for pay out upon an employee's separation of employment.

## 6.7 INCLEMENT WEATHER

The purpose of this policy is to provide guidance to management and employees on handling inclement weather and emergency related operating and facility delays, closures, program postponements and cancellations, and associated employee leave from work.

### POLICY

The County will attempt to keep offices and facilities open, continue to deliver services, and maintain programs as scheduled, unless severe weather or emergency conditions jeopardize the safety of County employees and citizens. The County will make appropriate emergency actions necessary to maintain the safety of the public and employees. The County may excuse some employees from duty, ask others to work their normal shifts, and call upon some employees to work extended hours in dealing with weather and emergency related conditions.

At the discretion of the County Administrator, or designee, offices and departments may be opened late, dismissed early, or closed due to inclement weather or an emergency event.

### RESPONSIBILITY

Employees:

- Public Safety (police, fire, EMS), Building & Grounds and other essential personnel may be required to report to work, even when the County is officially closed, due to weather or other types of extraordinary circumstances. Essential personnel are key employees who work in departments that are required to be in full operation.
- Every employee is expected to report to work on time during hours established by the County Administrator and when reasonably safe to do so.

- If local weather conditions make it impossible to report to work on time, if at all, the employee is to notify his or her supervisor in the same manner as for any other tardiness or absence.
- If an employee does not report to work during hours established by the County Administrator, or designee, annual/vacation leave, compensatory time, or leave without pay must be used to cover the duration of the absence.
- In the event the County Administrator, or designee, decides to close due to inclement weather or emergency event, the hours closed will be assigned as hours worked.

\*Scenarios (assumes the employee work day is 8 hours and reports to work at 8am):

1. *Employee reports to work at 8am. The County Administrator makes a decision to close at 12pm due to inclement weather.*

- 8am-12pm = 4 hours worked by employee
- 1pm-5pm = Inclement weather hours to be paid as hours worked.
- Employee will be paid a total of 8 hours worked for the day.
- Part-time employees will be paid only for hours actually worked.

2. *Employee does not feel safe driving to work due to inclement weather although County offices are open. The employee notifies his/her supervisor of the absence for the day per the policy. At 11am the County Administrator makes a decision to close due to inclement weather*

- Employee will be charged the number of hours he is schedule to work.

3. Employee is out of the office on an approved leave status (vacation, sick). There is an inclement weather event and the County Administrator makes a decision to close offices while the employee is out on an approved leave status.

- Employee will remain on approved leave status and the employee's leave will not be offset by the amount of time County offices were closed.

#### Department Heads:

Department Heads are responsible for their department's inclement weather preparations, including maintenance of staffing necessary to keep essential operations running and continue at least minimal services to the public.



Department Heads may, in certain circumstances outside of normal business hours, exercise discretion when opening late, dismissing early or closing early due to weather or emergency conditions.

Departments Heads and supervisors are responsible for proper timekeeping associated with employee leave from work during all inclement weather and emergency events.

## PROCEDURE

1. County Administrator, or designee, will determine if County offices will open late or close due to weather conditions.

a. If offices close during the course of normal business hours, County Administrator, or designee, will announce that the offices are closed via email.

b. If offices open late, a message will be sent to all County phones via the phone message system.

c. If offices close prior to the start of normal business hours, a message will be sent to all County phones via the phone message system.

d. Employees that are not issued a County phone may registered their personal cell phone number to receive notifications by emailing Daniel Kendrick at [daniel.kendrick@pittgov.org](mailto:daniel.kendrick@pittgov.org), or by calling 434-432-7984.

2. Department Heads are responsible for ensuring that all staff are informed and aware of County office late openings or closures due to inclement weather conditions or emergency event.

### 6.8 COMPENSATORY TIME OFF

Only non-exempt employees are eligible to receive compensatory time. In order to receive compensatory time off, the employee must work more than their normal work week. Time taken as sick leave, personal leave, annual leave, and compensatory time cannot be counted toward this time until the normal work week has been worked.

Compensatory leave may be taken in quarterly, half-hour, or one-hour increments.

Compensatory leave may not be credited to any employee in a position in which the employee independently determines the need for the extra hours or establishes the work schedule, or is one in which administrative or professional responsibility for work accomplishment without regard to their work schedule is implicit. (EXCEPTION: Irrespective of the position held, compensatory leave may be credited when a holiday (a) falls on a rest day, or (b) is not observed by the employee because the unit of employment operated on the designated holiday.



Compensatory leave may be used at the employee's request in lieu of vacation and sick leave. When available, accumulated compensatory leave should be used prior to the usage of vacation time. Earned compensatory leave must be used within one year of accrual. It is the responsibility of supervision to ensure that earned compensatory time is taken off within one year of accrual. At no time shall an employee retain more than 40 hours of compensatory time leave per fiscal year ending June 30. If leave remains over 40 hours, the difference from 40 hours will be paid the close of fiscal year by July 15. If an employee(s) wants all hours paid, the department supervisor must request, in writing, payout of all hours. Employees with accrued compensatory leave classified from a non-exempt to exempt position will receive a payout of accrued compensatory leave the next available pay period.

## 6.9 COURT LEAVE

The employee shall be granted leave with full pay for absences necessary for serving on a jury, or attending court under subpoena. Employees are required to report to work if court duty ends within the assigned work hours. If an employee is unable to return to work after court duty within assigned work hours, the employee must request approval from his/her supervisor to use their available leave. Employees are required to submit proof of jury duty from the court along with timesheet to the payroll department.

Employees are expected to return to work at the conclusion of their service if the employee will be able to work for four (4) hours or more in that regular work day; provided, however, that no person who is summoned and appears for jury duty for four or more hours, including travel time, in one day shall be required to start any work shift that begins on or after 5:00 p.m. on the day of appearance for jury duty or begins before 3:00 a.m. on the day following the day of appearance for jury duty.

If an employee receives compensation for attending jury duty, they may keep it.

## 6.10 MILITARY LEAVE

### A. Eligibility

Regular full-time employees, including those serving an introductory period, are eligible for military leave with or without pay. Under the Federal Uniformed Services Employment and Reemployment Rights Act of 1994 and Section 44-83 and 44-93 of the Code of Virginia, part-time employees are not eligible for military leave.

### B. Military Leave With Pay

1. Employees who are former members of the armed services or members of the organized reserve forces of any of the armed services of the United States, National Guard, or naval militia shall be entitled to a military leave of absence, with pay, for the purpose of federally funded military duty to include training duty. This leave shall not exceed 15 consecutive calendar days for training

duty and 5 working days for emergency active duty each federal fiscal year, October 1 – September 30.

2. FLSA non-exempt employees requiring more than 15 workdays shall be granted the time off for the performance of such duty. Such absences shall be without pay or, at the option of the employee, may be charged to annual or compensatory leave balances.

3. Employees who are called forth by the Governor pursuant to the Code of Virginia shall be entitled to leave with pay for the period of the ordered absence.

4. Employees returning from military leave with pay are required to return to work the first regularly scheduled workday after the end of duty, allowing reasonable travel time.

### C. Military Leave Without Pay

1. Any eligible employee who leaves County service as a result of volunteering for active duty or being drafted into the armed services of the United States during time of war or other national emergency, as determined by the Board of Supervisors, or when reservists and National Guard members are voluntarily or involuntarily called to active duty shall be placed on military leave without pay commencing on the first business day following the last day of active employment with the County.

2. Leave shall only be granted for active military service for those dates stated on the employee's military orders.

#### 3. Status of Benefits for Employees on Leave Without Pay for Active Military Service

a. Service Credit – An employee on extended leave without pay due to active military service shall be treated as though he was continuously employed for purposes of determining benefits based on length of service, such as the annual leave accrual.

b. Compensatory Leave – Any compensatory leave balance shall be paid at the time the employee is placed on military leave without pay.

#### 4. Reinstatement from Active Military Service

a. Conditions – Upon satisfactory completion of active military service, the employee is entitled to reinstatement to his/her former position or to a position of like status and pay, provided that:

(1) The employee makes application to the County Administrator not later than 90 days after the date of honorable discharge or separation under honorable conditions.

(2) The employee presents a certificate showing satisfactory completion of military service.

(3) The employee is still physically and mentally qualified to perform the duties of his/her position.

b. The conditions stated above shall not apply when County circumstances have changed making it impossible or unreasonable to reinstate the employee. Reinstatement may not be possible when:

(1) The employee's former position has been abolished at the time of reinstatement: The employee may be placed in a position of comparable status and pay to the one previously held. Employees selected to fill vacancies created by persons on military leave may be employed on a temporary basis.

(2) Such a position is not available: The employee shall be considered affected by a reduction in force and the provisions of the County's Layoff Policy shall apply.

#### D. Employee Notification Requirements

1. Requests for Military Leave shall be made in writing and submitted with copies of the employee's official military orders to the department head. The employee shall notify his department head of the military obligation as far in advance as possible. A minimum of two weeks advance notice is required except for an emergency call-up. In the case of emergency call-up, the employee shall notify the department director as soon as possible.

2. The leave request and supporting military orders shall be forwarded to the County Administrator.

#### 6.11 PERSONAL LEAVE OF ABSENCE

An unpaid personal leave of absence may be granted upon request to regular full- and part-time employees for important personal needs, at the discretion of the department head. Accepting employment elsewhere is not unpaid leave and constitutes a termination of employment at Pittsylvania County.

##### A. Provisions:

1. Unpaid personal leave may only be requested once all other appropriate leave balances have been exhausted.
2. No VRS service credit will be given to the employee during an unpaid personal leave of absence.
3. A personal leave of absence may be granted for a period of one (1) calendar month or more by the department head and in consultation with the County Administrator and Human Resources.
4. Any employee returning from a personal leave of absence without pay during, or at the end of the period for which the leave was approved, shall be entitled to reinstatement. Failure to return at the end of the period for which leave was approved, shall be treated as a voluntary resignation of employment.
5. Employee health benefits will be continued in the same manner as received prior to the leave; however, the employee will be expected to remit payment for the employee's portion of the health insurance premium, if applicable, prior to departing for unpaid personal leave, and in an amount equivalent to the expected period of absence.
6. Unpaid personal leaves of absence are limited to one (1) per year.

B. Procedure for applying for unpaid personal leave:

1. Requests for unpaid personal leave must be made in writing to the employee's department head with a copy to the Human Resources Manager, and should indicate the reason and the length of leave requested.
2. The department head shall review and act upon a request for unpaid personal leave in consideration of the following factors:
  - The purpose for which the leave is requested.
  - The length of time the employee will be away.
  - The effect the leave will have on the ability of the department to carry out its responsibilities.
  - The quality of the employee's performance prior to the submission of the request.
3. All unpaid personal leaves must be approved by the department head, County Administrator, and Human Resources Manager.

C. Procedure for returning from unpaid personal leave:

1. An employee who has been granted an unpaid personal leave of absence shall give his or her department head reasonable notification of his or her intent to return to work at least two (2) weeks prior to the return date.
2. Upon receiving notification of the employee's availability, the supervisor or department head will arrange to have the employee resume his or her previous position.

3. Failure to return at the end of the period for which leave was approved, shall be treated as a voluntary resignation of employment.

#### 6.12 ADMINISTRATIVE LEAVE

Administrative leave is assigned at the discretion of the County Administrator, Board of Supervisors, or Constitutional Officers when it is deemed to be in the best interest of the County or a department. Administrative leave may be with or without pay as approved by the County Administrator, Board of Supervisors, or Constitutional Officers.

If administrative leave is granted while employee is on any other prior approved leave status (e.g., vacation, sick, military, etc.), the administrative leave will begin after the approved leave is completed.

#### 6.13 HOLIDAYS

Pittsylvania County will observe state holidays, Easter, and any other day so appointed by the Board of Supervisors or Governor for full-time employees. Holiday pay is included in all full-time employee's annual compensation which allows employees to observe these holidays as they occur. Certain positions required to work during a holiday will be compensated as outlined below:

- A. Each permanent full-time employee working **2,080** hours annually (Non-exempt Sworn Deputies and Dispatchers) shall be granted eight (8) hours of pay per holiday.
- B. Each permanent full-time employee working **2,080** hours annually (Other than Non-exempt Sworn Deputies and Dispatchers) who are required to work on a holiday shall be paid for the hours worked on that day.
- C. Each permanent full-time employee working **2,920** hours annually (Firefighters, EMTs), shall be granted eleven (11) hours of pay per holiday.
- D. Each permanent full-time employee working **2,366** hours annually (Firefighters, EMTs), shall be granted nine (9) hours of pay per holiday.
  - Holiday leave hours may not be "banked" or carried over into the following year.
  - Holiday leave is not payable at the time of separation of employment.

#### 6.14 CIVIC AND VOLUNTEER LEAVE

Pittsylvania County encourages its employees to become active in civic and volunteer activities. Absence from work for volunteer activities must have prior approval from the employee's department head.

## 6.15 FAMILY AND MEDICAL LEAVE

Employees are entitled to participate in the benefits of the Family and Medical Leave Act ("FMLA"). FMLA leave may be unpaid leave.

### A. Eligible Employees

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

### B. Purposes for Which FMLA May Be Taken

1. To care for an employee's child after birth or for the placement with an employee of a child for adoption or foster care (provided that the leave is requested and used within twelve (12) months of the birth, placement, adoption or foster care);
2. To care for an employee's spouse, child or parent (does not include in-laws) who has a serious health condition; or,
3. When the employee is unable to work because of a serious health condition. A serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility, or an incapacity lasting more than three consecutive days, or involving continuing treatment by a health care provider. Continuing treatment involves two or more treatments (or one treatment when the condition is such that continuing follow-up is or will be required) by a healthcare provider, pregnancy, prenatal care or other chronic or long-term serious health conditions.

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

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

### FMLA Leave for Spouses employed by the County

1. In any case in which a husband and wife are both entitled to leave, the combined total number of workweeks of leave both may take is limited to 12

workweeks during a 12-month period, if such leave is taken for the birth or placement of a new child or to care for a sick parent.

2. The combined total number of workweeks of leave that a husband and wife may take is limited to 26 workweeks during the single 12-month period if the leave is to care for a service member or is a combination of caring for a service member and for the birth or placement of a new child or to care for a sick parent.

### C. FMLA Benefits

An eligible employee is entitled to twelve weeks of unpaid leave during a twelve-month period. The twelve-month period is calculated on a rolling 12-month period starting with once eligible with twelve (12) months, and 1,250 hours of employment at the onset of the condition. Employees will be required to use accumulated paid leave (sick, compensatory, annual, etc.) on an hour for hour basis concurrent with the FMLA leave. If FMLA leave is exhausted before the end of the twelve-month period, the employee will not be entitled to further FMLA leave during this period.

Employees with military family members shall be eligible for leave entitlements for eligible specified family members:

1. Up to 12 weeks of leave for certain qualifying exigencies arising out of a covered military member's active-duty status, or notification of an impending call or order to active-duty status, in support of a contingency operation, and

2. Up to 26 weeks of leave in a single 12-month period to care for a covered service member recovering from a serious injury or illness incurred in the line of duty on active duty.

Eligible employees are entitled to a combined total of up to 26 weeks of all types of FMLA leave during the single 12-month period.

#### Initiating a Request for FMLA Leave

As soon as an employee is aware of the possibility of an FMLA leave request, the matter should be discussed with the employee's supervisor, who will provide the employee with the necessary paperwork to be completed by the employee and/or the employee's health care provider. If the employee provides sufficient notice of the need for leave, the County may conditionally designate the leave as FMLA-qualifying pending the receipt of a Certification from the employee's health care provider. The final determination as to the request for leave will be made upon receipt of the Certification. FMLA leave taken for a serious health condition of the employee or family member may be taken intermittently or on a reduced-hours basis.



FMLA leave taken for birth, adoption, placement or foster care cannot be taken intermittently unless approved in advance.. FMLA leave taken for the birth, adoption, placement or foster care of a child must be taken within twelve months following the event.

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

Airline Flight Crew Employees (Informational Purposes Only). See link below. <https://www.dol.gov/whd/regs/compliance/whdfs28j.pdf>

The County Administrator or Constitutional Officer shall have discretionary authority to administer leave for eligible employees who exhaust FMLA leave benefits, and may need additional leave beyond the FMLA twelve (12)-week entitlement period.

#### Medical Certification

1. All employees who are taking FMLA leave are required to submit an appropriate Certification form, which is available from Human Resources.
2. The Certification must be returned within 15 days. Failure to return the Certification in a timely fashion may result in the delay or denial of the leave.
3. Employees may be required to re-certify from time to time such as when the employee requests or requires an extension of the leave, if the circumstances of the leave change, or for other justifiable reasons.
4. The County reserves the right to require at County expense a second Certification. If the first and second Certifications differ, the County may require a third Certification at County expense, which will be controlling.

#### D. Job Restoration

Upon return from FMLA leave, an employee is entitled to be restored to the same position that was held before the start of the FMLA leave, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. If an employee is unable to return to work after the FMLA leave benefits have been exhausted, the County Administrator or Constitutional Officer shall have discretionary authority in regarding to an employee's return to work status.

Key employees are entitled to FMLA leave but are not entitled to job restoration if reemployment after the conclusion of the leave will cause a substantial and grievous economic injury to the County. A key employee is defined by the Department of Labor – when under limited circumstances where restoration to employment will cause

"substantial and grievous economic injury" to its operations, an employer may refuse to reinstate certain highly-paid, salaried "key" employees. A key employee must be among the highest paid 10 percent of all the employees. A key employee will be notified in writing of his/her status in response to the employee's notice of intent to take FMLA leave, unless circumstances do not permit such notice. If a key employee is already on FMLA leave when s/he receives notice that s/he is a key employee, the employee will be given a reasonable time to return to work before losing the right to job restoration.

#### E. Health Benefits

If paid leave is used for FMLA purposes, an employee will maintain the same benefits as if working. If the employee is on leave with or without pay, continuation in the health care plan is permitted, provided that the employee continues to pay for his/her share of premiums. If the employee fails to make his/her premium payments, the employee will be provided written notice of this failure and will be given an additional fifteen (15) days to make payment in full. If payment is not made after this notice, health benefit coverage will cease.

If an employee is unable to return to work at the conclusion of the 12 weeks, the employee must request in writing, to the County Administrator or Constitutional Officer, an extension of leave. The employee must also provide medical certification for the extension of leave. COBRA options will be discussed with the employee in order to continue health insurance coverage.

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

Vacation and sick leave will not accrue during FMLA leave. Pay for holidays, jury duty or bereavement will not be granted unless the employee meets the condition of the applicable policies to be paid.

#### F. Paid and Unpaid FMLA Leave

The County will require the use of all accrued but unused paid leave (vacation, sick leave, personal leave, if applicable to the case, etc.) prior to any unpaid leave. The FMLA leave time frame will not be increased by the length of any paid leave (paid leave and unpaid FMLA leave cannot be stacked to increase leave time; instead, such leave must run concurrently). Any paid sick or other leave due to a serious health condition will be designated as FMLA leave and will be counted against the employee's annual FMLA entitlement. In addition, any workers' compensation or other disability leave resulting from a serious health condition will be designated as FMLA leave. In other words, all FMLA-qualifying paid leave will be designated as FMLA leave and count against an employee's entitlement.

#### Return to Work

1. All employees on FMLA leave must notify his/her immediate supervisor at least 4 days prior to returning to work

2. Employees who are on FMLA leave for their own serious health condition must submit a fitness for duty report to his/her supervisor before returning to work.

3. Upon return from an approved FMLA leave, an employee will be restored to his or her original or an equivalent position with equivalent pay and benefits

4. Certain "key employees" may be denied job restoration at the conclusion of the leave.

5. Failure of an employee to return to work after the exhaustion of leave will be addressed in accordance with the County's attendance policies

## 7. SEPARATIONS AND DISCIPLINE

### 7.1 VOLUNTARY SEPARATIONS - RESIGNATION

An employee may leave County service voluntarily by resignation. An employee will state his reasons for resigning in writing to his department head. To resign in good standing, an employee must:

A. Non-department heads: Give at least two (2) weeks advance notice in writing.

B. Department heads: Give at least 30 days advance notice in writing.

If special circumstances exist, the notice requirement may be waived by the County Administrator. If the County Administrator finds that a reported resignation was not voluntary, he shall treat the separation as a removal under these rules. If an employee fails to work an agreed upon resignation notice, the department head may withhold accrued vacation, or banked holiday leave, proportionate to the days of notice the employee fails to work. Banked holidays only apply to departments that operate on holidays, otherwise holidays are not payable upon resignation.

### 7.2 LAYOFF

The County reserves the right to lay off employees for lack of available work or funds. The order of layoff is hereby declared to be as follows:

A. The order of the layoff shall be based on the relative value of the employees to the County as determined by the Board of Supervisors on the

recommendation of the County Administrator. Constitutional Officers have sole authority to determine order of layoffs for their office.

B. No permanent employee shall be laid off from any position while any temporary employee continues in that capacity.

C. Each employee laid off shall be given a written notice. Whenever practicable, this notice should be given at least 14 days prior to the effective date and should include reasons for the layoff, the effective date, and any other information deemed necessary by the County Administrator.

### 7.3 RETIREMENT

When an employee-initiated retirement is undertaken, the employee should notify the department head and payroll as far in advance as possible with a minimum 60-90-day notice provision suggested.

When an employee subject to the provisions of the Retirement Plan in effect has become physically or mentally incapable of performing the duties of his position satisfactorily, or has reached an age at which retirement is mandatory, it shall be the duty of the appointing authority to recommend his retirement, or in cases in which retirement is not mandatory, his demotion or transfer to any position for which he is eligible, the duties of which he is capable of performing satisfactorily. Effective October 1, 2017 all current retirees under age 65, enrolled in the group health plan, will be removed from the County's group health plan once Medicare eligible.

### 7.4 PROGRESSIVE DISCIPLINE POLICY

#### A. Purpose

Pittsylvania County's progressive discipline policy and procedures are designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable employee behavior and performance issues.

Outlined below are the steps of Pittsylvania County's progressive discipline policy and procedures. Pittsylvania County reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling or training; the employee's work record; and the impact the conduct and performance issues have on the organization.

Nothing in this policy provides any contractual rights regarding employee discipline or counseling, nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between Pittsylvania County and its employees.

#### B. Procedure

### ***Step 1: Counseling and verbal warning***

This first step creates an opportunity for the immediate supervisor to bring attention to the existing performance, conduct or attendance issue. The supervisor should discuss with the employee the nature of the problem or the violation of company policies and procedures. The supervisor is expected to clearly describe expectations and steps the employee must take to improve his or her performance or resolve the problem.

Within five business days, the supervisor will prepare written documentation of the verbal counseling. The employee will be asked to sign this document to demonstrate his or her understanding of the issues and the corrective action.

### ***Step 2: Written warning***

A written warning involves more-formal documentation of the performance, conduct or attendance issues and consequences.

During Step 2, the immediate supervisor or department head will meet with the employee to review any additional incidents or information about the performance, conduct or attendance issues, as well as any prior relevant corrective action plans. Management will outline the consequences for the employee of his or her continued failure to meet performance or conduct expectations.

A formal performance improvement plan requiring the employee's immediate and sustained corrective action may be issued by the supervisor at this step. The written warning may also include a statement indicating that the employee may be subject to additional discipline, up to and including termination, if immediate and sustained corrective action is not taken.

### ***Step 3: Final written warning***

A final written warning will be issued when an employee fails to meet performance, conduct or attendance expectations as discussed and outlined in Steps 1 and 2. The final written warning will include a statement indicating that the employee may be subject to termination if immediate and sustained corrective action is not taken.

### ***Step 4: Recommendation for termination of employment***

The last and most serious step in the progressive discipline process is a recommendation to terminate employment. Generally, Pittsylvania County will try to exercise the progressive nature of this policy by first providing warnings, issuing a final written warning or suspending the employee from the workplace before proceeding to a recommendation to terminate employment. However, Pittsylvania County reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the

offense. Furthermore, employees may be terminated without prior notice or disciplinary action.

Management's recommendation to terminate employment must be approved by the County Administrator or designee in consultation with HR.

### C. Documentation

The employee will be provided copies of all progressive discipline documentation, including all performance improvement plans. The employee will be asked to sign copies of this documentation attesting to his or her receipt and understanding of the corrective action outlined in these documents. Copies of these documents will be placed in the employee's official personnel file.

### D. Suspensions

Some performance, conduct or safety incidents are so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary to ensure the safety of the employee or others, the immediate supervisor may suspend the employee pending the results of an investigation.

The appointing authority may suspend without pay, for a period not exceeding 30 days, or reprimand, or apply other less drastic disciplinary measures, to an employee for any violation of the rules outlined in Section 7.6, or for insubordination or willful neglect of duty. Nonexempt/hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. In compliance with the Fair Labor Standards Act (FLSA), unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. HR will provide guidance to ensure that the discipline is administered without jeopardizing the FLSA exemption status.

When a suspension is affected pending completion of an investigation or court action for alleged violation of rules or statutes, the limitation of thirty (30) days shall not apply.

Pay may be restored to the employee if an investigation of the incident or infraction absolves the employee of wrongdoing.

Suspensions that are recommended as part of the normal sequence of the progressive discipline policy and procedures are subject to approval from the department head and County Administrator in consultation with HR.

### E. Demotions

Demotions may be necessary in a situation where an employee whose work has not been satisfactory, but whose dismissal does not appear warranted, may be retained and

assigned less difficult work. However, a demotion shall never be used as a form of disciplinary action when the demotion will result in the displacement, or may result in the displacement, of another employee. Therefore, demotion as a form of disciplinary action shall only be available when there is an existing vacancy in a lower-level position for which the employee being disciplined is qualified. In the event that a demotion is appropriate, the department head shall notify the employee of his/her decision of demotion and the cause. All documentation, including any disciplinary action or correction action, as well as written notice of the demotion to the employee, is to be sent to HR and will be placed in the employee's official personnel file.

#### F. Performance and Conduct Issues Not Subject to Progressive Discipline

Behavior that is illegal is not subject to progressive discipline and may result in immediate termination. Such behavior may be reported to local law enforcement authorities.

Similarly, theft, substance abuse, intoxication, fighting and other acts of violence at work are also not subject to progressive discipline and may be grounds for immediate termination.

#### G. Investigations

Upon receiving a report of a violation of the law, or a violation of a department or disciplinary regulation as set forth in Section 7.6, from an official or an employee of the County, or from any citizen, the department head or County Administrator will consult with HR and investigate. The investigation will be made for the purpose of ascertaining the true facts relative to the circumstances surrounding the alleged offense.

### 7.5 EMPLOYEE TERMINATION PROTOCOL

A. Prior to involuntary termination of employment, the department head, in consultation with the County Administrator and human resources, will assess the employee's potential demeanor in deciding how and when to terminate said employee. This assessment will determine whether the act of termination has the potential to subject other employees or bystanders to physical or verbal abuse or other disruptions in the workplace.

B. In the event there is a potential for disruption, the Sheriff's Office will be contacted. A determination will be made as to whether or not law enforcement personnel will be present or on standby at a nearby location.

### 7.6 CAUSES FOR SUSPENSION, DEMOTION OR DISMISSAL

County employees are expected to conduct themselves in a professional, and courteous manner, as representatives of the County. Employees are expected to avoid any action



which may result in giving preferential treatment to any organization or person, losing independence or impartiality of action, or adversely affecting the integrity of the County.

If an employee's work performance is deemed unsatisfactory, he or she may be suspended, demoted, or dismissed. Additionally, other types of discipline, such as verbal or written reprimands, may be used at the supervisor's discretion as outlined in Section 7.4 Progressive Discipline Policy.

The following are examples of situations and misconduct that may result in discipline. The list is not inclusive and other misconduct may be subject to disciplinary action:

- A. Conviction of a felony or of a misdemeanor involving moral turpitude and other criminal acts such that continued performance of duties is compromised;
- B. Membership in a subversive organization that knowingly or willfully violates the laws of the United States, the Commonwealth of Virginia, and the ordinances of any city, county, or municipality of the Commonwealth, or any departmental rules and regulations;
- C. Willful, wanton, unreasonable, unnecessary, or culpably negligent brutality or cruelty to an inmate, or prisoner of a county institution or to a person in custody, provided the act committed was not necessarily or lawfully done in self-defense, or to protect the lives of others or to prevent the escape of a person lawfully in custody;
- D. Violation of any of the provisions or regulations of this Manual;
- E. Offensive conduct or language in public or toward the public, county officials, or fellow employees, either on or off duty;
- F. Violating any lawful official regulation or order, insubordination, or failing to obey any proper direction made and given by a superior.
- G. Using or being impaired by intoxicants while on duty, or otherwise violating the County's Drug-Free Workplace policy.
- H. Becoming afflicted with any disease or having any physical or mental ailment or defect which, in the opinion of the County Administrator and the department head after confirmation by a physician, renders the employee unfit for employment. However, any such actions shall be taken in a manner that complies with the requirements of the applicable federal, state or local law;
- I. Being incompetent or inefficient in the performance of the duties of his position;

J. Being careless or negligent with the monies or other property of the County or taking any property of the county for personal use or for sale or gift to others;

K. Using, or threatening to use, or attempting to use personal or political influence in securing promotion, leave of absence, transfer, change of pay rate, or in any manner related to work;

L. Inducing, or attempting to induce, an officer or employee in the service of the county to committing an unlawful act or to act in violation of any lawful or official regulation or order;

M. Taking for personal use from any person any fee, gift, or other valuable thing in the course of work or in connection with it, when such gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons, or accepting any bribe, gift, token, monies, or other official acts, or engaging in any action of extortion or other means of obtaining money or other things of value through the employee's position in the County;

N. Divulging or discussing any County business not having previously been made public or disclosing confidential information to any person unless directed to do so by his department head, or granting interviews or making public speeches concerning information not previously made public;

O. Willfully falsifying County records (including time records, leave records, job applications, or pay or reimbursement vouchers);

P. Violating any workplace rule;

Q. Engaging in any action of extortion or other means of obtaining money or other things of value through the employee's position in the County; and

R. Unsatisfactory attendance, excessive absences, or excessive tardiness.

## 7.7 LAYOFF

The County reserves the right to lay off employees for lack of available work or funds. The order of layoff is hereby declared to be as follows:

A. The order of the layoff shall be based on the relative value of the employees to the County as determined by the Board of Supervisors on the recommendation of the County Administrator. Constitutional Officers have sole authority to determine order of layoffs in their Office.

B. No permanent employee shall be laid off from any position while any temporary employee continues in that capacity.

C. Each employee laid off shall be given a written notice. Whenever practicable, this notice should be given at least 14 days prior to the effective date and should include reasons for the layoff, the effective date, and any other information deemed necessary by the County Administrator.

## 7.8 EXIT INTERVIEW AND RE-EMPLOYMENT

Upon departure of a County employee from County service, an exit interview of the separating employee may be completed between the departing employee and the Human Resources Manager or designee.

During the exit interview, the employee may give his reason(s) for leaving County employment and be informed about re-employment opportunities, reinstatement privileges, and retirement benefits, if applicable. The informational session is not intended as a counseling or grievance interview. The information gained from the employee's viewpoint on subjects such as pay, benefits, training, and working conditions provides important feedback, which ultimately can result in more satisfying employment for other personnel.

If, for some reason, an employee voluntarily separates from County service and later decides he would like to rejoin the County, he may be considered for re-employment. Re-employment possibilities depend upon the individual's past record of performance, current position vacancies, and the recommendations of the previous immediate supervisor and department director. Consideration for interview and/or re-employment is at the discretion of the department head.

## 8. EMPLOYEE SUMMARY OF BENEFITS

The County offers a comprehensive benefits package. Benefits and employee eligibility include:

BENEFIT	FULL TIME	PART TIME	WHO PAYS?	WHEN ELIGIBLE	WHAT YOU RECEIVE
Vacation Leave	X		Pittsylvania County	After six (6) months of continuous service	Employee may begin using accrued vacation leave hours. Employee may not use leave in

					excess of what is accrued.
Sick Leave	X		Pittsylvania County	Date of Hire	Employee may begin using accrued sick leave hours. Employee may not use sick leave in excess of what is accrued.
Personal Leave Hours	X		Pittsylvania County	Date of Hire	Employee may use 8 personal leave hours per fiscal year.
Court Leave and Military Leave	X		Pittsylvania County	Date of Hire	See Court leave and Military leave policies for details.
Family Medical Leave (FMLA)	X	X (Those who meet eligibility requirements.)		After 12 months of continuous service and 1,250 hours worked	Up to 12 weeks paid/unpaid leave during 12-month period
Employee Assistance Program	X	X	Pittsylvania County	Date of Hire	Confidential assistance with family, work and life situations. Program administered through Anthem
Medical Insurance	X		Cost sharing between Pittsylvania	First of the month following date of hire	Voluntary participation in County's Group health insurance plan

			County and Employee		through payroll deduction
Dental Insurance	X		Cost sharing between Pittsylvania County and Employee	First of the month following date of hire	Voluntary participation in County's dental insurance plan through payroll deduction
Voluntary Benefits	X		Employee	First of the month following date of hire	Voluntary participation in Section 125 benefits.
Virginia Retirement System (VRS)	X		Pittsylvania County and Employee	Per VRS Business Rules	Employee contributes mandatory 5% per month.
Life Insurance	X		Pittsylvania County	Date of Hire	Benefit value is double the employee's annual salary.
Optional Life Insurance	X		Employee	Date of Hire	Benefit options available for spouse, employee and children.
Education Reimbursement	X		Pittsylvania County and Employee PC & E	Upon completion of 12 months of continuous service and satisfactory performance	Reimbursement up to \$1,600 per fiscal year, per budget approval. See Education Reimbursement policy for details.

## 9. IN-SERVICE ACTIVITIES

### 9.1 JOB RELATED TRAINING

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The Human Resources Manager and/or individual department heads shall be responsible for developing job-related in-service training programs for employees of the County and for investigating outside training programs. All training programs that have associated costs, must be approved by the department head and / or County Administrator or designee.

#### 10. EDUCATIONAL BENEFITS (PER BUDGET APPROVAL)

All active full-time employees of Pittsylvania County may request educational benefits when an employee elects to further his/her education at an accredited institution. Educational benefits include college level courses, certification programs, and other educational courses as approved by the employee's department head.

The employee must be employed a minimum of one (1) year with satisfactory performance to be eligible. Pittsylvania County will reimburse up to \$1,600 within the fiscal year, not to exceed \$1,600. Consideration will be given for specific coursework directly related to the employee's position, which will improve their knowledge and skills, and will increase their job performance. Reimbursement will be based on budget availability, and approval, provided that the employee successfully completes the coursework with a grade of C or better.

To apply for educational benefits, the employee must get approval from their department head on any courses being considered for reimbursement, and meet one of the following criteria:

1. Courses will enable the employee to assume and perform more difficult responsibilities and tasks;
2. Courses will improve the quality of the employee's work and bring additional skills to the job; or
3. Courses will enhance the employee's opportunity for promotion to a higher classified position within the employee's related field.

Once courses are approved, the employee will complete a Tuition Reimbursement Application and submit to the department head for signature. The employee will then submit the Application, proof of coursework completion and grade attained to Human Resources to confirm eligibility requirements are met, before reimbursement is authorized. Requests will be reviewed and approved on a first-come, first-served basis.

An employee agrees to repay the educational assistance received by continuing employment with the County for a minimum of one (1) year after all coursework is completed. If the employee's employment is terminated for any reason before completing the minimum period of service, the employee agrees to repay, on a

pro-rated basis, the dollar amount not repaid by service. For example, if the employee leaves after six (6) months, 50% of the educational assistance received will be refunded by the employee to Pittsylvania County.

## 11. EMPLOYEE ASSISTANCE PROGRAM POLICY STATEMENT

The Employee Assistance Program (EAP) is administered by the County Administrator, and managed by the Human Resources Manager through an EAP agreement. The EAP is operated both as a personal management function and as an employee benefit. Participation in the program is through referral by an employee's supervisor or County Administrator when job performance has declined or through self-referral when an employee feels personal problems may interfere or are interfering with job performance.

The overall objective of the EAP is to reduce problems in the work force and to retain valued employees. Administration recognizes that problems of a personal nature can have an adverse effect on an employee's job performance. It is also recognized that most personal problems can be dealt with successfully when identified early and referred to appropriate care. The purpose of the EAP is to provide these services through special arrangements with an outside counseling resource. The program is designed to deal with the broad range of human problems such as emotional, behavioral, family and marital, alcohol and/or drug, financial, legal, and other personal problems. The program will provide problem assessment, treatment planning and referral. Costs for these services are covered by the employer. If costs are incurred for other services that are not covered by insurance or other benefits, those costs will be the responsibility of the employee.

The guidelines for use of the EAP are:

- A. Management is concerned with an employee's personal problems, how they affect him as a person, as well as how the employee's well-being influences work performance.
- B. The program applies to all employees and their families.
- C. The program is available to all employees and their families as specified in the EAP agreement on a self-referral basis since problems at home can affect the job. If eligible employees or family members have personal problems that may benefit from assistance, they are encouraged to use the program.
- D. Participation in the program will not jeopardize an employee's job security, promotional opportunities, or reputation. EAP participation will not immunize an employee against discipline for an infraction of work rules or the rules of conduct.
- E. All records and discussions will be handled in a confidential manner as with other medical records. These records will be kept by the designated counseling resource and will not become part of the employee's personnel file,



except as set forth herein and in situations of dangerousness or as otherwise required by law, no information, oral or written, will be disclosed without the express written permission of the employee. If an employee is referred by the County to the EAP because of performance-related issues, the only information the EAP will disclose to the referring person is whether the employee has followed through.

F. When network related performance problems are not corrected with normal supervisory attention, employees will be encouraged to seek assistance to determine if personal problems are causing unsatisfactory performance. If performance problems persist, the employee will be subject to normal corrective procedures.

G. It is the responsibility of all levels of management to utilize this program when appropriate to assist in resolving job performance problems resulting from personal problems. Early recognition of the troubled employee through application of job performance standards is a proper function of management.

H. Sick leave may be granted for treatment of rehabilitation on the same basis as is granted for other health problems. Consideration will also be given for the use of annual leave, leave without pay if sick leave is not available, and disability policies.

I. The EAP does not alter or replace existing County policy or contractual agreements but serves to assist in their utilization.

J. In the case of a job-performance-related referral, the supervisor will do all of the following:

- Consult with Human Resources.
- Document, as part of a performance improvement plan, that the employee was made aware of the EAP as a resource.
- Notify the EAP that a referral has been made.
- Complete an EAP referral form in order to provide relevant documentation of the performance problem to the EAP.

The County may mandate that an employee who is the victim of violence attend an EAP program before returning to work. Any employee with knowledge of any violation of this policy should report to his or her Supervisor without delay.

## 12. DRUG-FREE WORKPLACE

## 12.1 PURPOSE

The County is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment. The County encourages employees to voluntarily seek help with drug and alcohol problems.

## 12.2 COVERED WORKERS

Our policy includes, but is not limited to executive management, managers, supervisors, full-time employees, part-time employees (minors and interns working short term assignments may be exempted from pre-employment screening), off-site employees, and applicants offered conditional employment and are thus covered by our drug-free workforce policy.

## 12.3 APPLICABILITY

Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the County. Therefore, this policy applies during all working hours, whenever conducting business or representing the County, while on call, paid standby, while on County property and at County-sponsored events.

## 12.4 PROHIBITED BEHAVIOR

It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale, be under the influence or have a detectable presence of alcohol, illegal drugs or intoxicants.

### A. Prescription Medications

The legal use of prescribed and over-the-counter medications is not prohibited. An employee will be allowed to work while taking properly prescribed medications when it is needed and the employee can work and otherwise conduct himself or herself safely and appropriately. However, under no circumstances should an employee report to work under the influence of medication that may make the employee a risk of harm to themselves or others.

Employees taking prescription or non-prescription medications and reporting to work are responsible for understanding the potential effects such medication may have on their ability to work and otherwise conduct themselves in a safe and appropriate manner. Employees should consult with their medical providers to understand the effects such medications may have on their job duties. Employees may wish to request a job description and provide this to their medical provider when discussing such effects. Employees who are taking prescription or non-prescription medications which may inhibit

the ability to perform their duties or otherwise conduct themselves in a safe and appropriate manner should immediately notify their manager. Where possible the Company will seek to accommodate the employee as discussed previously in this handbook. Employees who bring medications to work must maintain these medications in a locked compartment or inaccessible location out of visibility. Employees failing to notify their manager of safety concerns may be subject to disciplinary action up to and including termination.

## 12.5 NOTIFICATION OF CONVICTIONS

Any employee who is charged with a criminal drug violation must notify the County in writing within five (5) calendar days of the offense, except for arrests, criminal charges, and/or convictions for simple (misdemeanor) possession of marijuana. The County will take appropriate action.

## 12.6 SEARCHES

Entering the County's property constitutes consent to searches and inspections. If an individual is suspected of violating the drug-free workplace policy, he or she may be asked to submit to a search or inspection at any time. Search is subject to approval of County Administrator and Human Resources.

## 12.7 DRUG TESTING

To ensure the accuracy and fairness of our testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines.

As a condition of employment, applicants (post-offer and pre-employment) will be required to participate in a drug screen. The screening process includes a test and review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for a positive result; and a documented chain of custody.

All drug-testing information will be maintained in separate confidential records.

Employees may be subject to random testing when there is a reasonable suspicion to conclude that an employee is under the influence of drugs or alcohol during work hours. Employees may also be subject to post-accident testing if there is a reasonable basis to conclude that the drugs or alcohol could have contributed to the accident. Any employee who tests positive may be immediately removed from duty, suspended without pay for a period of 30 days, or referred to a substance abuse professional for assessment and recommendations through the Employee Assistance program.

An employee will be subject to the same consequences of a positive test if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen

with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

## 12.8 CONSEQUENCES

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment can be withdrawn. The applicant may not reapply.

If an employee violates the policy, he or she will be subject to disciplinary action and may be required to enter rehabilitation. An employee required to enter rehabilitation who fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

## 12.9 ASSISTANCE

The County recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation.

To support our employees, our drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- Ensures the availability of a current list of qualified community professionals.
- Offers all employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP).
- Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.
- Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

## 12.10 CONFIDENTIALITY

All information received by the County through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

### 12.11 SHARED RESPONSIBILITY

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Use the Employee Assistance Program.
- Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- Inform employees of the drug-free workplace policy.
- Observe employee performance.
- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.
- Counsel employees as to expected performance improvement.
- Refer employees to the Employee Assistance Program.
- Clearly state any consequences of policy violations.

### 12.12 COMMUNICATION

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

- All employees will receive a written or electronic copy upon hire.
- The policy and assistance programs will be reviewed at safety meetings.

- Employee education about the dangers of alcohol and drug use and the availability of help will be provided to employees.
- Every supervisor will receive training to help him/her recognize and manage employees with alcohol and other drug problems.

### 13. TOBACCO USE POLICY

#### 13.1 POLICY.

It is the general policy of Pittsylvania County that there shall be no tobacco use (smoking, chewing, vaping, use of e-cigarettes, or dipping) as defined herein in any building or vehicle owned or leased by the County at any time except in approved designated smoking areas. In establishing this policy, it is the intent of the County to provide a safe workplace.

Failure to adhere to this policy may result in disciplinary action, up to and including termination of employment.

#### 13.2 DEFINITIONS

A. Public place shall mean any enclosed, indoor area used by the general public including, but not limited to, any building owned or leased by the Commonwealth or any agency thereof or any county, city or town, public conveyance or public vehicle, restaurant, educational facility, hospital, nursing home, other health care facility, library, retail store of 15,000 square feet or more, auditorium, arena, theater, museum, concert hall, or other area used for a performance or an exhibit of the arts or sciences, or any meeting room. (Ref. Code of Virginia, Section 15.2-2820).

B. Smoke or smoking shall mean the carrying or holding of any lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting, inhaling or exhaling of smoke from a pipe, cigar, e-cigarette/vape pen, or cigarette of any kind. (Ref. Code of Virginia, Section 15.2- 2820).

#### 13.3 AUTHORITY

The County Administrator, or, in the case of buildings not under the direct control of the County, the person in charge, is authorized to establish one (1) or more designated smoking areas outside of each County owned or leased facility provided that the designated smoking area shall be separate to the extent reasonably possible and practicable from those areas or rooms entered by the public or employees during the normal course of business. (Ref. Code of Virginia, Section 15.2- 2827). These areas are only available during lunch and break periods. Approved designated smoking areas must be equipped with items for proper disposal of smoking materials. Under no circumstances should smoking materials be discarded directly onto the ground, lawns, bushes, shrubs,

sidewalks, mulch, etc. Any employee found improperly disposing of smoking materials will be subject to disciplinary action.

#### 14. INFECTIOUS DISEASE CONTROL POLICY

Pittsylvania County will take proactive steps to protect the workplace in the event of an infectious disease outbreak. It is the goal of Pittsylvania County during any such event to strive to operate effectively and ensure that all essential services are continuously provided and that employees are safe within the workplace.

Pittsylvania County is committed to providing information about the nature and spread of infectious diseases, including symptoms and signs to watch for, as well as required steps to be taken in the event of an illness or outbreak.

##### 14.1 Preventing the Spread of Infection in the Workplace

Pittsylvania County will ensure a clean workplace, including the regular cleaning of objects and areas that are frequently used, such as bathrooms, break rooms, conference rooms, door handles and railings.

We ask all employees to cooperate in taking steps to reduce the transmission of infectious disease in the workplace. The best strategy remains the most obvious—frequent hand washing with warm, soapy water; covering your mouth whenever you sneeze or cough; and discarding used tissues in wastebaskets. We will also install alcohol-based hand sanitizers throughout the workplace and in common areas.

Unless otherwise notified, our normal attendance and leave policies will remain in place. Individuals who believe they may face specific challenges reporting to work during an infectious disease outbreak, should take steps to develop any necessary contingency plans. For example, employees might want to arrange for alternative sources of childcare should schools close and/or speak with supervisors about the potential to work from home temporarily or on an alternative work schedule.

##### *Temperature Screening*

Employees may be required to have their temperature taken upon reporting to work during an infectious disease outbreak.

Employees will be screened privately using a touchless forehead thermometer. The employee's temperature will be documented, and the record will be maintained as a private medical record. An employee who has a fever at or above 100 degrees Fahrenheit will be sent home.

##### *Limiting Travel*

All nonessential travel should be avoided until further notice. Employees who travel as an essential part of their job should consult with management on appropriate actions. Business-related travel outside the United States will require authorization from the County Administrator.

Employees should avoid crowded public transportation when possible.



### *Telecommuting*

Telework requests will be handled on a case-by-case basis. While not all positions will be eligible, all requests for temporary telecommuting should be submitted to your manager for consideration. All telecommuting arrangements must be approved by the Human Resources Manager and County Administrator in advance of beginning telework.

### *Staying Home When Sick*

Many times, with the best of intentions, employees report to work even though they feel ill. Pittsylvania County provides paid sick time and other benefits to compensate employees who are unable to work due to illness.

During an infectious disease outbreak, it is critical that employees do not report to work while they are ill. Currently, the Centers for Disease Control and Prevention recommends that people with an infectious illness such as the flu remain at home until at least 24 hours after they are free of fever (100 degrees F or 37.8 degrees C) or signs of a fever without the use of fever-reducing medications. Employees who report to work ill will be sent home.

### *Requests for Medical Information and/or Documentation*

If you are out sick or show symptoms of being ill, it may become necessary to request information from you and/or your health care provider. In general, we would request medical information to confirm your need to be absent, to show whether and how an absence relates to the infection, and to know that it is appropriate for you to return to work. As always, we expect and appreciate your cooperation, if and when, medical information is sought.

### *Confidentiality of Medical Information*

Our policy is to treat any medical information as a confidential medical record. In furtherance of this policy, any disclosure of medical information is in limited circumstances with supervisors, managers, first aid and safety personnel, and government officials as required by law.

#### 14.2 Social Distancing Guidelines for Workplace Infectious Disease Outbreaks

In the event of an infectious disease outbreak, Pittsylvania County may implement these social distancing guidelines to minimize the spread of the disease among the staff.

*During the workday*, employees are requested to:

- A. Avoid meeting people face-to-face. Employees are encouraged to use the telephone, online conferencing, e-mail, or messaging to conduct business as much as possible, even when participants are in the same building.
- B. Use video conferencing (i.e. Zoom) to conduct meetings. If a face-to-face meeting is unavoidable, minimize the meeting time, choose a large meeting room, and sit at least one yard from each other if possible; avoid person-to-person contact such as shaking hands.

- C. Avoid any unnecessary travel and cancel or postpone nonessential meetings, gatherings, conferences, workshops, and training sessions.
- D. Do not congregate in work rooms, break rooms, or other areas where people socialize.
- E. Bring lunch and eat at your desk or away from others (avoid lunchrooms and crowded restaurants).

Any questions regarding this policy should be directed to human resources.

## 15. SOLICITATION

To avoid disruption of business operations or disturbance of employees, visitors, and others, the County has implemented a No Solicitation Policy. For purposes of the No Solicitation Policy, "solicitation" includes selling items or services, requesting contributions, and soliciting or seeking to obtain membership in or support for any organization. Solicitation performed through verbal, written, or electronic means is covered by the No Solicitation Policy.

Employees are prohibited from soliciting other employees during their assigned working time. For this purpose, working time means time during which either the soliciting employees or the employees who are the object of the solicitation are expected to be actively engaged with assigned work. Employees may conduct solicitations during their lunch period, coffee breaks, or other authorized nonworking time, so long as they do so when the other employees are also on nonworking time.

To avoid inappropriate litter, clutter, and safety risks, employees may not distribute literature or other nonwork related items in working areas at any time. Working areas do not include break/rest areas, lunch rooms, or parking lots. Nothing in this policy is intended to limit employee rights under the National Labor Relations Act. County email may not be used to solicit others for commercial ventures, religious or political causes, outside organizations or other non-business matters.

## 16. DATING

The Pittsylvania County strongly discourages employees from dating or entering into romantic relationships with a co-worker. These relationships have the potential to cause serious problems in the workplace. Such relationships may cause morale problems, lead to claims of favoritism, discrimination, and sexual harassment, and affect the work routine and workload of co-workers. Employees that choose to date co-workers, are expected to maintain their professionalism. Their level of productivity cannot be affected, and public displays of affection are not acceptable while on duty employees should also review a copy of the County's Sexual Harassment Policy.

Manager/subordinate relationships, or any relationship between County employees that constitutes a crime in the Commonwealth of Virginia will not be permitted, and will result in disciplinary action up to and including termination of one or both parties involved.

Any questions regarding this policy should be directed to human resources.

## 17. HARASSMENT AND CONDUCT

The County shall not condone any form of unlawful harassment of any employee. Consistent with our policy of equal employment opportunity, harassment in the workplace based on a person's race, sex, sexual orientation, gender identity, religion, national origin, age, genetic makeup, veteran status, or disability will not be tolerated. All allegations of any form of harassment shall be investigated and the county will just as aggressively investigate any situation where unfounded complaints are lodged and will view that situation just as seriously. The County has a strict policy prohibiting unlawful harassment in any form, including sexual harassment, whether committed by employees, volunteers, Management and/or third parties.

The County is committed to having a diverse workforce with all employees being valued for their individual capabilities and contributions, complying with all federal, state, and local laws on equal employment opportunity, and striving to provide a workplace free from tensions involved in conduct that does not relate to the County's business. In particular, the hostile atmosphere created by non-work-related conduct including ethnic, racial, sexual, or religious remarks, animosity, unwelcome sexual advances, request for sexual favors, or other similar conduct is not permitted.

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.

### 17.1 SEXUAL HARASSMENT

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

- A. submission to such conduct is either explicitly or implicitly made a term or condition of employment;
- B. submission or rejection of such conduct is used as a basis for employment decisions;
- C. the conduct is severe or pervasive enough to create an intimidating, hostile, or offensive work environment.

Examples of sexual harassment are:

- A. verbal or physical assaults;
- B. subtle or overt pressures or direct requests for sexual favors;
- C. inappropriate displays of sexually suggestive objects, pictures, electronic pictures, or other materials that are sexually suggestive, sexually demeaning, or pornographic; or
- D. 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.

Management is responsible for ensuring that the County's work environment is free of harassment, whether sexual or otherwise. In addition, all employees are responsible for respecting the rights of their co-employees.

No supervisor or coworker shall suggest either explicitly or implicitly 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.

## 17.2 VIOLATIONS AND REPORTING

Any employee who believes he or she has experienced unlawful job-related harassment should report any such harassment promptly to Management. Should any employee believe it would be inappropriate to discuss the matter with his or her direct supervisor, the employee may report it directly to any member of Management. Every effort will be made to promptly investigate all allegations of harassment in as confidential a manner as possible and appropriate corrective action taken if warranted. If the County determines that any employee has violated this harassment policy, appropriate disciplinary action will be taken against the offending employee, up to and including termination of employment. We will periodically follow-up with the complainant to ensure that the actions taken by the County have remedied any problems and that the issues that prompted the complaint have not recurred. An employee violating this policy will be subject to disciplinary action, including termination. The employee who brought the complaint will be provided information on the outcome of the investigation.

## 17.3 RETALIATION

The County prohibits any form of retaliation against an employee for making a bona fide complaint of harassment under this policy or for assisting in a complaint investigation.

## 17.4 HORSEPLAY AND FIGHTING

Although we want our employees to enjoy their jobs and have fun working together, we cannot allow employees to engage in horseplay or to play practical jokes or pranks on each other. At best, these actions disrupt the workplace and dampen the morale of some; at worst, they lead to complaints of discrimination, harassment, or assault.

Employees are prohibited from engaging in horseplay—which is fun that has gotten loud and boisterous and out of control. Horseplay disrupts the work environment and can get out of hand, leading to fighting, hurt feelings, safety hazards, or worse.

Verbal assaults or physical fighting among employees is absolutely prohibited and may be cause for immediate termination. Employees shall not engage in, provoke, or encourage a fight.

Those who violate this policy will be disciplined, up to and including termination.

### 17.5 WORKPLACE BULLYING

The County will not in any instance tolerate bullying behavior. Bullying may be intentional or unintentional. Bullying is defined as repeated inappropriate behavior, either direct or indirect, whether verbal, physical, gesture, cyber, exclusion or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. All employees must treat each other and the County's clients, vendors, etc. with dignity and respect. Employees found in violation of this policy will be disciplined, up to and including termination.

### 17.6 GOSSIP AND RUMORS

We expect our employees to treat everyone they meet through their jobs with courtesy and respect. Gossip and rumors in the workplace destroy morale and relationships, and it impede the effective and efficient operation of our business. Gossip and rumors can drain, distract and downshift employee job satisfaction. In order to create a more professional workplace, we the undersigned are making a commitment to change our atmosphere to be gossip and rumor-free.

Employees are not to speak about another person that is an employee or a member when that person is not present unless it is to compliment that employee or with regard to a business matter. Employees are encouraged to not participate in any conversation when an employee or member mentions a person that is not present and is speaking about that person in a negative light. Employees are not to respond to negative or derogatory emails, texts, or chats about other employees or clients. If employees become aware of another employee doing something unethical or in violation of County policy, employees are to use the proper reporting channels to report this information so that corrective action can be taken.

Employees who violate this policy will face disciplinary action, up to and including termination.

Further, the County will also not tolerate threatening, abusive, or vulgar language from employees while they are at work or attending County-related business or social functions. Using profane language is discouraged and strictly prohibited in the vicinity of clients or potential clients and may be cause for immediate termination.

## 17.7 VIOLENCE PREVENTION

The County does not tolerate employee violence or threats on County property or on County time. The County strives to provide each employee with a safe working environment and to provide our customers with a comfortable business climate. Employees who jeopardize this safe atmosphere by engaging in violent behavior will be disciplined, up to and including discharge for a first offense. Any employee with knowledge of any violation of this policy should report to his or her supervisor, department head, or the County Administrator without delay. The unauthorized possession of firearms, illegal knives, blackjacks, explosives, or other weapons on County property or on County time is absolutely prohibited. Violation of this rule warrants discharge for a first offense. In order to maintain workplace safety and the integrity of its investigation, the County may suspend employees, either with or without pay, pending investigations.

Violent behavior includes fighting, threats, harassment, verbal assault, and other aggressive or intimidating behavior that places another individual in discomfort or fear for his or her well-being. If an employee is subjected to violent behavior, the employee should inform his or her supervisor instead of responding with violence. An employee should not escalate a potentially hostile situation.

The County supports victims of workplace violence by offering an Employee Assistance Program to victims and their families. The County may mandate that an employee who is the victim of violence attend an EAP program before returning to work. Any employee with knowledge of any violation of this policy should report to his or her Supervisor without delay.

## 18. GRIEVANCE PROCEDURE

Pittsylvania County recognizes that there are times when the need arises for employees to express concerns or complaints in a formal manner. The following procedures will ensure that employees receive a fair, unbiased, and timely review of workplace concerns.

### 18.1 ELIGIBILITY

All regular full-time and permanent part-time (non-probationary) County employees, including employees of the Department of Social Services, are eligible to file a grievance as provided in this policy.



The following are not eligible to file a grievance as provided in this policy:

- A. County Administrator;
- B. County Attorney;
- C. Members of Boards and Commissions;
- D. Employees whose terms are limited by law;
- E. Constitutional Officers and their employees;
- F. Temporary, limited term and seasonal employees.

## 18.2 DEFINITION OF GRIEVANCE

A grievance shall be a complaint or dispute by an eligible employee as defined in section 17.1 relating to his/her employment, including but not necessarily limited to:

- A. Disciplinary actions, including dismissals, disciplinary demotions and suspensions;
- B. Dismissals shall be grievable whenever resulting from formal disciplinary action or unsatisfactory job performance;
- C. Acts of retaliation as the result of utilization of the grievance procedure, or participation in the grievance of another County employee;
- D. Complaints of discrimination on the basis of race, color, creed, gender, national origin, marital status, age, religion, political affiliation, disability or veteran status;
- E. Acts of retaliation because an employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States or General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement.

## 18.3 NON-GRIEVABLE COMPLAINTS

Management reserves the exclusive right to manage the affairs and operations of the County government. Accordingly, complaints regarding the following are non-grievable:

- A. The establishment and revision of wages or salaries, including periodic pay adjustments, position classifications or general benefits;
- B. Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content;
- C. The contents of ordinances, statutes, or established personnel policies, procedures, rules and regulations;
- D. Failure to promote, except where the employee can show the County Administrator that promotional policies were not followed or applied fairly;
- E. The methods, means and personnel by which such work activities are to be carried on;
- F. Except where such action affects an employee who has been reinstated within the previous six months as a result of the final determination of a grievance, termination, layoff, demotion or suspension from duties because of lack of work,



reduction in work force, or job abolition. In any grievance brought under this 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 in writing prior to the effective date of the action;

- G. The hiring, promotion, transfer, assignment and retention of employees within County service;
- H. The relief of employees from duties in emergencies.

#### 18.4 GRIEVABILITY

Decisions regarding grievability or access to the grievance procedures shall be made by the County Administrator.

- A. The determination of grievability shall be made before the employee has access to the grievance procedures outlined in section 17.5 Procedures;
- B. If an employee questions whether a situation is grievable under this policy, the employee shall submit a *Determination of Grievability* form to the County Administrator for determination within and no later than 20 working days after the event giving rise to the grievance;
- C. The County Administrator shall respond within ten (10) working days of receiving the *Determination of Grievability* form from the employee. The decision will be indicated on the *Determination of Grievability* form and sent to the employee and his/her supervisor or department head;
- D. If the County Administrator determines the complaint is grievable; the employee will proceed to the steps outlined in section 17.5 Procedures;
- E. If the County Administrator determines the complaint is not grievable, the employee may appeal the decision as outlined in Step 4.

#### 18.5 PROCEDURES

Many concerns can be resolved informally when an employee and supervisor take time to review the concern and discuss options to address the issue. However, if an employee wishes to engage in the Grievance Procedure, in the interest of a speedy resolution, Pittsylvania County utilizes the Commonwealth's Expedited Grievance Process. To initiate a Grievance, the employee should use *Grievance Form A – Expedited Process*. The Expedited Grievance Process skips the traditional "Step 1," meaning employees should submit their written grievance form ("*Grievance Form A – Expedited Process*") to the second-step respondent and begin the Grievance Process at Step 2.

##### **Step 2:** Written grievance to the Department Head

The employee must submit a written grievance on *Grievance Form A – Expedited Process, Step 2*, to the department head for review within thirty (30) working days of

the date the employee knew or should have known of the issue being grieved. This form can be obtained from Human Resources.

NOTE: If the department head is the County Administrator, the employee may proceed directly to Step 3.

Within five (5) working days of receipt of the written grievance from the employee, the department head shall hold a meeting with the employee to review the grievance.

1. The only people who may be present at this meeting are the employee, the department head, and appropriate witnesses for each if requested. Witnesses shall only be present while actually providing testimony;
2. The department head will consult with the employee's immediate supervisor, human resources and any other relevant parties to evaluate the grievance;
3. The department head will provide a written response to the employee within five (5) working days from the date of the meeting with the employee.

### **Step 3: Written grievance to the County Administrator**

If the employee is not satisfied with the response from the department head, the employee may submit a written grievance within five (5) working days from the date of the department head's response, to the County Administrator for review. The grievance shall be submitted on the *Grievance Form A- Expedited Process, Step 3*. This form can be obtained from the Human Resources.

The County Administrator will schedule a meeting with the employee to be held within five (5) working days from the date on the *Grievance Form A – Expedited Process, Step3* form. The County Administrator will consult with any and all relevant parties to evaluate the grievance and provide a written response to the employee within five (5) working days from the date of the meeting with the employee.

### **Step 4: Appealing a Decision on Grievability**

Decisions regarding grievability and access to the grievance procedure made by the County Administrator may be appealed and assigned to a Hearing Officer for review.

- A. Proceedings for a review of the County Administrator's decision regarding grievability shall be initiated by the employee by filing a *Notice of Appeal and Appointment of Hearing Officer* form with the County Administrator within ten (10) working days from the date of receipt of the decision by the County Administrator. This form can be obtained from Human Resources;
- B. Within ten (10) working days, the County Administrator (or designee) shall transmit to the Clerk of Court for Pittsylvania County a copy of the *Determination of Grievability* form, a copy of the *Notice of Appeal* form, and any other relevant documentation;

- C. All documentation provided to the Clerk of Court shall be provided to the employee;
- D. Within 30 days of receipt of documentation by the Clerk of Court, the court shall assign a Hearing Officer and the Hearing Officer shall hear the appeal on the record transmitted by the County Administrator (or designee), and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The Hearing Officer may request other such evidence as required;
- E. The Hearing Officer may affirm the decision of the County Administrator, or may reverse or modify the decision;
- F. The decision of the Hearing Officer shall be rendered no later than 15 days from the date of the conclusion of the hearing of the appeal;
- G. The decision of the Hearing Officer is final and is not appealable.

#### 18.6 GENERAL TERMS AND COMPLIANCE

Except as otherwise noted, the following rules apply to all levels of the grievance procedure:

- A. It shall be the duty of the employee to obtain the necessary forms from Human Resources;
- B. Time intervals specified at each level of the procedure may be extended by mutual consent of the parties and documented in writing;
- C. Working days are defined as Monday, Tuesday, Wednesday, Thursday and Friday;
- D. All grievance meetings are to be held during normal County working days;
- E. County employees who are necessary participants in the grievance process shall not lose pay for time away from their job and will not be charged leave as a result;
- F. The use of recording devices is not permitted in any of the steps of the grievance process;
- G. At the Step 3 meeting, the employee, at his/her option, may have present a representative of his/her choice;
- H. If the employee is represented by legal counsel, the County also has the option of being represented by legal counsel;
- I. Each party shall bear the cost, if any, of legal counsel or representative;
- J. Except as otherwise noted, the failure of any party to comply with all procedural requirements without just cause, shall result in a decision in favor of the other party on any grievable issue;
- K. The County Administrator is the final authority on all general terms and compliance issues in regard to the grievance procedure.

#### 18.7 RECORDKEEPING

Human Resources will maintain records of the grievance process confidentially and securely.

### 19. EMPLOYEE PERFORMANCE REVIEW

Performance reviews benefit both employee and employer. They provide a framework for professional development and recognition of the quality of work performed by employees. The annual review is a time to provide feedback, recognize quality performance and set expectations for future job performance. It is also a time to have candid conversations about performance that is lacking and how performance can be improved. Successful performance management is an ongoing and continuous process involving interactive and open communication between the supervisor and the employee whose performance is being evaluated. Ideally, the performance management process continues throughout the year with regular communication and feedback between the supervisor and employee. Ongoing performance discussions can assist in avoiding serious problems in the future.

Human Resources will communicate instructions to department heads each year in regard to completing performance reviews. These instructions will also include a timeline for completion.

## 19.1 FREQUENCY

Although reviews should address performance as it occurs, formal written reviews should be prepared and delivered at the following times:

### A. Upon Completion of the Introductory Period

All full-time and part-time employees will receive a formal review upon completion of six (6) months of service from the date of hire. The supervisor is responsible for preparing and delivering the review, obtaining signatures and sending the final document to human resources.

### B. Annually

All full-time and part-time employees will receive a formal review on an annual basis at the end of the calendar year. The supervisor is responsible for preparing and delivering the review.

## 19.2 FORMS

The performance review form and all related documents can be found on the County website under Human Resources.

## 20. TRAVEL AND EXPENSE POLICY

### 20.1 PURPOSE

The County's policy regarding reimbursement for travel or business-related expenditures includes a variety of practices to provide the employee with fair and equitable

compensation for travel expenses related to the conduct of County business. Normal home-to-work and work-to-home travel time is not normally considered work or paid time. This is true whether the employee works at one location or many. Travel time between different work sites during the day is considered work time. When an employee is sent to work or attend a meeting requiring an overnight stay, only the travel time that falls within the regular scheduled work hours is compensable time unless the employee is working while traveling, in which case all the hours are compensable. Time spent traveling on off days during the employee's regular working hours is compensable time. As an enforcement policy, the Department of Labor will not consider as work time that time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile. However, time spent working while traveling as a passenger must be paid.

## 20.2 GENERAL

Requests for county employees' in-state travel must be preapproved by the department head or Constitutional Officer designee. Request for county employee out of state travel, requiring overnight accommodations, must be preapproved by the County Administrator or Constitutional Officer. Travel out of state during the course of normal business, that does not involve an overnight stay, requires only department head approval. Travel allocations shall normally be included in departmental/Constitutional Officer operating budget requests. Requests for travel and other expense reimbursement must be made on an approved County reimbursement form, and must be accompanied by receipts and other documentation. Each expense for which reimbursement is sought must be itemized. Each employee seeking reimbursement must sign his or her request. Each request must be signed and approved by the department head. Reimbursements will be made only to the employee seeking the reimbursement and not to a second party.

## 20.3 MEAL ALLOWANCE

Reimbursements for meals shall not exceed the amount approved by the Finance Director or designee. Information concerning the current amounts may be obtained from the Finance Director. Itemized receipts must be attached when requesting reimbursements.

## 20.4 MILEAGE REIMBURSEMENT

It is expected that employees traveling out-of-town on County business will use only the most direct route to and from the location of that business. The use of personal vehicles for County business will be reimbursed after a determination is made by the respective department head. Mileage shall be reimbursed at the prevailing rate per mile as published by the Internal Revenue Service for business use of personal vehicles. Mileage will be calculated to and from job sites. Normal travel time from work-to-home, and home-to-work will be deducted from out-of-town travel reimbursement.

## 20.5 NON-REIMBURSABLE TRAVEL EXPENSES

Ineligible expenses include but are not limited to the following: purchase of alcoholic beverages, personal recreation-related expenses, and entertainment costs. Expenses for spouses/guests are not allowed.

## 21. HEALTH AND SAFETY

### 21.1 OCCUPATIONAL SAFETY AND HEALTH

Pittsylvania County attempts to provide a safe and healthy working environment for all employees by providing the necessary safety education and training. Employees shall follow all prescribed safety procedures when performing their daily activities and shall further exercise all reasonable and prudent judgment to ensure safety.

Each supervisor has the responsibility for ensuring that the various work centers are free from any recognized hazards that might lead to death or injury. Further, it is the responsibility of each employee to perform all work in a safe manner. All hazards, deaths, injuries, "near misses," and illnesses that occur on County property must be reported to the manager within the same day of the discovery or occurrence.

Employees are directed to utilize all applicable safety procedures and equipment, and to perform all work in a safe manner. Employees are responsible for bringing to their supervisor's attention any potential hazards that might exist within their workstations. Supervisors are responsible for developing and maintaining work safety rules and for providing these rules in writing to their subordinates. Specifically, employees shall:

A. Report all injuries, regardless of severity, to the supervisor immediately, but no later than twenty-four (24) hours. If the supervisor is not available, the injury should be reported to the manager before medical treatment is sought; Employee and Immediate Supervisor shall follow the County's Procedure for reporting Worker's Compensation Claims.

- B. Report and, if possible, correct all unsafe conditions or acts;
- C. Avoid horseplay and mischief which could cause injury;
- D. Take all standard safety precautions to prevent injury;
- E. Follow all safety rules.

### 21.2 SELF- INSPECTION SAFETY PROGRAM

#### A. Purpose

Hazard prevention and control may be the most cost-effective aspect of the County's safety program. Self-inspections will allow identification of most hazards. Some hazards

will be physical while others will be procedural. All must be identified and addressed in some way.

## B. General Policy Statement

In an effort to create a safe and healthy workplace, the County has established a policy to conduct regularly scheduled self-inspections of the County's premises, job sites, and procedures by which all work is completed. All necessary steps will be taken to assure the safety of employees, the public, and any contractors.

## C. Management Responsibilities

1. Department heads will conduct or support self-inspection training for supervisors and/or employees that may have a part in this activity.

2. Department heads will monitor the implementation of the Self-Inspection Program in order to evaluate the overall effectiveness.

3. Each supervisor will provide the means and support necessary to ensure compliance with all applicable regulations and responsibilities outlined herein.

4. A Safety Committee, appointed by the County Administrator, shall have developmental and audit duties to be certain the safety policy is written, firmly established, and maintained.

5. The Safety Committee will be responsible for working with department heads to delegate activities to committee members or other supervisors to complete the self-inspections.

## D. Employee Responsibilities

1. To make the Self-Inspection Program as productive as possible, all County employees are expected to cooperate by answering any safety or work procedural questions asked by inspectors.

2. Employees are encouraged to volunteer ideas about how facilities, equipment or work procedures can be changed or improved to make them safer.

3. Report all hazardous conditions dangerous work procedures and near misses (an unplanned event that could have caused injury or damage).

## E. Self-Inspections



1. Written Program. Will be reviewed and evaluated annually.
2. Safety Committee. Will establish the types of inspections to be conducted and will determine the frequency of completion. Once an initial inspection is completed, the frequency of further inspections will be determined. This will be based on the number and severity of hazards identified. Many OSHA programs require an annual inspection/survey. Along with management, the committee will decide which self-inspections safety committee members would conduct and which are to be delegated to supervisors, equipment operators or specially trained engineers or maintenance personnel. All self-inspections required to be conducted more often than monthly will be completed by non-safety committee members.
3. Inspection Procedures. Previous inspection reports and any incident investigation reports will be reviewed prior to initiating an inspection to determine what items have been corrected, modified, completed, etc. The new inspection is then completed. A copy of the completed inspection form(s) will be forwarded to the designated inspection program coordinator, with recommendations for corrective action if deficiencies are noted. Department heads will take immediate corrective action to eliminate or minimize hazards. Management will then initiate permanent corrective action where possible.
4. Observations of Procedures and Actions. Observations of work practices and procedures will be conducted in addition to the established checklists. Comments will be offered on the inspection form and reported to the appropriate supervisor(s). This component of the inspection process will be kept professional and positive, not punitive. These inspections will accompany/be conducted independently of the checklist portion of the inspection process. Observation inspections will be conducted every two months.
5. Forms. Forms to guide investigators will be produced and modified as needed. Other forms will be generated and used as deemed necessary and may need to be specifically designed for some departments. Some forms will require descriptive observations made about how employees perform specific tasks, to determine work methods and actions that may contribute to hazards.
6. Inspector Training. Training on how to conduct effective self-inspections will be coordinated by the safety committee. Classroom training may be followed by site inspections with instruction from an experienced inspector who is able to answer questions relating to the inspection process and the inspection forms themselves.

7. Inspection Results/Corrective Actions. All items noted as needing improvement, modification, or action will be communicated to the appropriate manager or supervisor for the department(s) affected. Response to the deficiency will depend on the action as indicated by the nature of the shortfall. A response from the manager/supervisor will be sent to the safety committee indicating action(s) taken.

8. Follow-up. If necessary, the safety committee will review and act on all lack of progress in addressing self-inspection items noted for improvement.

### 21.3 ACCIDENT OR INJURY INCIDENT INVESTIGATION PROGRAM

#### A. General

The County is committed to providing a safe and healthy working environment for its employees. As such, we make every effort to comply with relevant federal and state occupational health and safety laws and to develop the best feasible operations, procedures, technologies, and programs conducive to this environment.

Our policy is aimed at minimizing the exposure of our employees, clients, and visitors to our facilities to health or safety risks. To accomplish this objective, all employees are expected to work diligently to maintain safe and healthful working conditions and to adhere to proper operating practices and procedures designed to prevent injuries and illnesses. The responsibility of all employees includes:

1. Exercising maximum care and good judgment at all times to prevent accidents and injuries;
2. Following the instructions of Supervisors and Management;
3. Reporting to Supervisors and seeking first aid for all injuries, regardless of how minor;
4. Reporting unsafe conditions, equipment, or practices to Supervisors or Management;
5. Using safety equipment provided by the County at all times;
6. Wearing personal protective equipment, such as safety glasses, hearing protection, masks, or gloves, and refraining from wearing dangling jewelry or apparel.
7. Observing conscientiously all safety rules and regulations at all times; and

8. Notifying their Supervisor before the beginning of the workday if they are taking any medication that may cause drowsiness or other side effects that could lead to injury to them or their coworkers.

When any accident, injury, or illness occurs while an employee is at work, it must be reported to your Supervisor as soon as possible regardless of the nature or severity. "Near misses" should also be reported promptly. The County will provide the proper form for reporting job-related accidents, injuries and illnesses. Any employee failing to report such occurrences is subject to disciplinary action and possible loss of benefits.

#### 21.4 WORKERS' COMPENSATION

Employees of the County are covered by Workers' Compensation insurance which is purchased by the County. This insurance provides compensation to an employee for lost wages caused by illness, accidental injury, or death suffered in the course of or as a result of his/her employment with the County in accordance with the laws of the Commonwealth of Virginia.

**Eligibility:** Eligibility for benefits under Workers' Compensation insurance is automatic and is effective on date of hire.

**Reporting:** A report must be filed within twenty-four (24) hours of the onset of illness or injury. Failure to report may result in disciplinary action and possible loss of benefits.

**Benefits:** Worker's Compensation benefits provide weekly payments based upon a statutorily specified amount of the employee's regular earnings as well as payments for medical and hospital expenses arising out of an occupational illness or injury.

**Wage Continuation:** On the first day of the accident where injury has resulted and the employee cannot return to work that same day, the County will pay the employee up to eight (8) hours for that day.

**Effect on Continuous Service Date:** Any time lost by an employee due to an occupational illness or injury covered by Worker's Compensation insurance will be credited as active service for all County benefits.

The Family and Medical Leave Act requires that the County provide up to 12 weeks of unpaid, job-protected leave to eligible employees when a serious health condition makes an employee unable to perform his or her job. Any Workers' Compensation injury or illness that qualifies as a serious health condition will be designated as FMLA and counted against the employee's annual FMLA entitlement. For the duration of the FMLA leave, the County will maintain the employee's health and life insurance coverage. The employee must pay for other benefits that are usually deducted from his or her salary. Employees

on FMLA leave resulting from a workers' compensation injury will not accrue vacation or sick leave hours.

If an injured employee is unable to return to work at the conclusion of the 12 weeks, the employee will remain on leave of absence until a determination is made by management.

Should an employee believe he/she is eligible for disability retirement under the Virginia Retirement System, he/she should discuss this with the department head.

## 21.5 RETURN-TO-WORK POLICY

The medical provider will notify the employer of any changes in the injured worker's physical restrictions, in writing, and will specify the employee's ability to return to work with or without restrictions or reasonable accommodation.

### A. Statement

The County will make every effort to return injured employees to productive employment as early as possible, compatible with physical restrictions and good medical practices.

A strong return to work effort yields several benefits including:

- acceleration of the injured employee's recovery;
- maintenance of an experienced workforce;
- reductions in claims costs; and
- improved employee relations.

The County's first responsibility is the prevention of occupational injury and illness. The County is committed to providing transitional work, on a temporary basis. The employee will continue to receive pay at his regular pay scale and receive job-related benefits of his original position.

Transitional work is defined as:

Appropriate work to allow the resolution of the injury and to prevent re-injury.

Modification of the job according to the medical limitations and needs of the department where the employee may be assigned.

A meaningful job.

Temporary transitional work assignments will be reviewed every fourteen (14) days.

### B. Procedure

1. Pittsylvania County shall receive a workers' compensation follow-up form which identifies specific employee restrictions.
2. The County shall review these physical restrictions and plan tasks for the employee on a temporary transitional assignment.
3. The employer and employee will meet to discuss the temporary transitional work assignment and complete a temporary transitional work form.
4. The employer will re-evaluate all temporary work assignments every fourteen (14) days.
5. Every effort shall be made within the employee's department or if necessary, within another department to find a suitable modified work assignment for an employee unable to perform his/her regular duties.
6. The modified work assignment shall be based upon the treating physician's medical evaluation (including information on required medical treatments, recovery prognosis, work restrictions, and time frames). The department head, Human Resources Manager and/or the Safety Committee, when needed, shall carefully consider the medical report(s) and the availability of suitable modified duty prior to initiating a modified work assignment. The Safety Committee may also provide assistance when needed in identifying modified work.
7. An injured employee, who refuses any suitable employment, shall not be entitled to any compensation at any time during the continuance of such refusal, unless in the opinion of the Virginia Workers' Compensation Commission the refusal was justified.

## 21.6 VEHICLE SAFETY POLICY AND DRIVER REQUIREMENTS

County owned vehicles may be operated only by approved County employees. Prior to employment, an applicant for a County position must agree to a license check and a drug screening by executing County approved consent forms. Driver's license checks will be conducted on all employees who operate County vehicles once a year, thereafter. If operation of a County owned vehicle is a primary requirement of an employee's job, a poor driving record could result in disciplinary action including dismissal. In addition, County owned vehicles are to be used only for County sponsored activities. Drug tests may be required for vehicle operators at any time as outlined in Section 11.

### A. Purpose

It is the policy of Pittsylvania County to protect its employees and citizens from injuries caused by motor vehicle accidents involving vehicles owned by the County. The County

will ensure compliance with County, state and federal laws and regulations and provide the most effective level of service at the least cost to citizens.

B. Covered Departments

All County Departments are covered by this policy.

C. County Vehicle Use Policy

Only County employees may operate County owned vehicles and other motorized equipment. Approved volunteer fire and rescue members may also operate County owned vehicles and other motorized equipment. The department head is responsible for all volunteer activities and compliance with all policies and procedures regarding use of County vehicles.

D. Responsibility

1. All County employees operating county vehicles shall adhere to the stipulations and requirements of this policy.

2. Seat belts are required at all times for the operator and all occupants of County vehicles.

3. Department heads shall be responsible for enforcement of this Policy in relation to their employees and any volunteer fire and rescue members.

4. Employees involved in an accident while operating a County vehicle must report it, if possible, to 911 immediately.

5. An employee operating a County vehicle must report any mechanical failure, accident, traffic violation or damage sustained to the vehicle while in the employee's use to the department head or his designee. County employees shall obey all traffic laws while operating a County owned vehicle and focus on driving at all times. Operators should avoid distractions such as cell phone usage and eating while driving in a moving vehicle.

6. A file shall be kept on each vehicle owned by the County by the department to which that vehicle is assigned. This file shall contain maintenance records and other pertinent information associated with the vehicle.

7. County employees and occupants shall not use tobacco products while in a County owned vehicle.

8. County employees shall not use, purchase, or transport alcohol while driving County owned vehicles.

9. Department heads shall ensure that all vehicles assigned to their department will be inspected every two (2) months. The purpose of this inspection is to identify potential safety concerns with the vehicle and to ensure that all necessary equipment remains with the vehicle. The inspections shall be documented and kept in the vehicle file.

#### E. Accident Review

County drivers who are involved in an accident while operating a vehicle on County business may be interviewed by the County or Departmental Accident Review Committee. The purpose of the review is to learn ways to prevent accidents and to recommend appropriate actions to the County Administrator.

#### F. Driver Requirements

##### 1. Acceptable Driving Record

For the purposes of this policy, the following constitutes an acceptable driving record:

- a) A valid Virginia driver's license with a score of -4 or better.
- b) No license revocations or suspensions within the past three (3) years.
- c) No record of conviction of a felony while operating a motor vehicle.
- d) No Driving under the Influence ("DUI") Driving while Intoxicated ("DWI") convictions in the past three (3) years.

##### 2. Driver Eligibility

- a) In order to operate County owned vehicles, an employee must be eighteen (18) years of age with a minimum of two (2) years of acceptable legal driving experience. If the employee's job requires transporting non-County employees in County vehicles, the employee must be at least eighteen (18) years of age with a minimum of two (2) years of acceptable, licensed driving experience.
- b) All County employees whose jobs may include driving responsibilities will have their Department of Motor Vehicles ("DMV") driving record reviewed annually by their department head.



- c) A County employee is eligible to operate a vehicle for County business purposes if their DMV driving record is determined to be satisfactory upon review by the department.
- d) The Department will utilize the Virginia Department of Motor Vehicles Driver Improvement Program to assess driver eligibility.
- e) Employees must inform their Supervisor of the following:
  - i. That the operator's DMV driver's license being restricted, suspended, or revoked.
  - ii. Charges for moving violations while operating a vehicle.
  - iii. Legal charges or convictions while operating a vehicle.
- f) Employees who fail to report such offenses outlined may be subject to disciplinary action up to and including termination.

3. Disciplinary Actions Related to Poor Driving Performance:

- a) If a County employee incurs violations while operating a County vehicle the employee may receive the following disciplinary actions:
  - i. Revocation or suspension of their driver's license will result in loss of driving privileges for County vehicles.
  - ii. Failure to report a moving violation while driving on County business will result in disciplinary action as defined by County policy.
  - iii. Failure to report an accident while driving on County business will result in disciplinary action as defined by county policy.

An employee who is charged with a DUI/DWI while on or off the job is prohibited from operating County owned vehicles until a decision on the charge is rendered in Court. If the employee normally operates a County owned vehicle, an assignment to a non-driving position may be required. If a non-driving assignment is not available, the employee may be required to take appropriate leave, or be placed on administrative leave without pay pending the outcome of the court decision.

## 22. ELECTRONIC COMMUNICATIONS ACCEPTABLE USE

The County may provide electronic, digital, and wireless communications equipment for County business purposes. Any communication received, sent, and stored on this equipment will be subject to monitoring and in the course of this monitoring, may be read for content. There should be no expectation of privacy in any communications received, sent, or stored on any equipment or service provided by the County. County provided

telephones and radios are for work related purposes. While occasional personal calls may be permitted, the number and duration of such calls should be limited and not interfere with normal job functions, responsiveness, or the ability to perform daily job activities. Failure to follow this guideline is a performance issue and will be addressed by the employee's department head. Other than in emergency situations, use of personal cell phones/personal electronic devices should be limited to lunch time or breaks.

## 22.1 COUNTY COMPUTER USAGE

The IT policy for the County of Pittsylvania establishes guidelines for the proper and acceptable use of all information systems including e-mail by county employees, elected officials, volunteers, interns, and any other affiliates who may be authorized to use or perform work on hardware, software, devices, and/or network connections provided by the County of Pittsylvania. All electronic data created with, received by, or stored within any of the systems mentioned above, administered by the County of Pittsylvania, are the property of the county, and therefore, are not considered private to an individual, except where legally stated. Employees do not have personal privacy rights in using the county's e-mail system, internet, nor any other hardware or software owned and operated by the county. The County Administrator or Director of Information Technology reserve the right to restrict or remove access or availability of electronic tools for any employee or user of our network or connections as provided by the County of Pittsylvania that violates appropriate use and/or security policies and practices. Refer to the Information Technology Policy you were given at the time of employment, as well as any revisions that may apply, for more specific information as to what is and is not permissible for the systems owned by and administered by the County of Pittsylvania.

County systems should not be used to solicit or sell products or services that are unrelated to the County's business; distract, intimidate, or harass coworkers or third parties; or otherwise disrupt the workplace.

## 22.2 BRING YOUR OWN DEVICE POLICY

Employees may from time to time use their personal devices for work purposes, so long as the device is not shared with non-employees, the device is protected with appropriate passwords, and if the employee adheres to all applicable County policies when using the personal device.

The term "device" shall include any electronic apparatus that accesses the County's systems (e.g. County e-mail and internet), including desktop computers, laptops, tablets, smartwatches, etc.

The County will address connectivity issues, but not operating system or hardware-related issues and is not responsible for any increase in employees' bills related to personal device usage.

Nonexempt employees may not use their personal devices for work purposes outside their normal work schedule without authorization in advance from management. This includes reviewing, sending and responding to e-mails or text messages, responding to phone calls, making phone calls, and any other activity conducted for the benefit of the County. Employees may not use their personal devices for work purposes during periods of unpaid leave without authorization from management. Employees who violate this policy may be subject to disciplinary action.

Because the public library also provides computers and internet access to the public, its internet requirements meet federal and state requirements and are dictated by the acceptable use policy required by the Commonwealth of Virginia and approved by the Board of Trustees.

## 22.3 SOCIAL MEDIA POLICY

### A. GUIDELINES

The same principles and guidelines apply to your activities online. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects customers, vendors, others who work on behalf of the County or the County's legitimate business interests may result in disciplinary action up to and including termination.

### B. KNOW AND FOLLOW THE RULES

Carefully review this policy, the County's Electronic Communications Acceptable Use Policy and the County's Harassment Policy to ensure that your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

1. Maintain the confidentiality of the County's trade secrets and private or confidential information. Trade secrets may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
2. Do not create a link from your blog website or other social networking site to a County website without identifying yourself as a County employee.
3. Express only your personal opinions. Never represent yourself as a spokesperson for County. If the County is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the County, fellow employees, customers, vendors or others working on behalf of the County. If you do publish a blog or post online related to the work you do or subjects associated with the County, make it clear that you are not speaking on behalf of the County. It is best to include a disclaimer, such as, "The postings on this site are my own and do not necessarily reflect the

views of the County.”

### C. USING SOCIAL MEDIA AT WORK

Do not use your County email addresses to register on social networks, discount coupons blogs or other online tools utilized for personal use. Employees should refrain from excessive use of social media for personal reasons during working time. Remember that we must all fulfill the responsibilities of our individual jobs and social media should not interfere with your job or your commitments to our customers. Any business use must be consistent with the County’s Electronic Communications Acceptable Use Policy and our Harassment Policy.

### D. COUNTY-SPONSORED SOCIAL MEDIA

The County expects employees to use good judgment while participating in any County-sponsored collaboration or social media and to exercise personal responsibility over any exchanges they participate in.

## 23. POLITICAL ACTIVITY

All County employees are encouraged to exercise their right to vote and to express private opinions on candidates and issues. However, to ensure and maintain each employee’s individual rights free from interference or solicitation by fellow employees, supervisors or officials, political activities during working hours or when officially representing the County are prohibited. General statements of County policies and practices include:

A. An employee shall not be coerced to support a political activity or to sign petitions for office.

B. An employee shall not engage in political activity on work premises during work hours.

C. An employee shall not use County resources, including but not limited to County vehicles, for political activities.

D. An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities.

E. An employee shall not use the employee’s title or position while engaging in political activity.

F. Constitutional Officers and their appointees will conform to the State Board of Election Laws.

## 24. CREDIT CARD POLICY

## 24.1 PURPOSE

The purpose of this policy is to establish guidelines for Pittsylvania County to be able to issue credit cards to officers and employees for the purpose of covering expenses related to authorized travel and other authorized purchases. This policy will provide guidance to enable a cost effective, convenient and streamlined method of purchasing items for Pittsylvania County. Reports on cardholder activity will enable the County of Pittsylvania to capture information necessary to better manage Pittsylvania County purchasing activities. This policy replaces Section 3 of the Travel Training and Education Policy adopted by the Board of Supervisors on August 5, 2013.

## 24.2 GENERAL REQUIREMENTS TO USE CREDIT CARDS

A. Under this policy a credit card may be issued to an individual who is:

1. An employee or elected constitutional officer for the County of Pittsylvania who demonstrates a need to use a County credit card either for authorized travel or an authorized purchase or

2. A member of the Board of Supervisors only for travel outside of the County of Pittsylvania on an "as needed" basis.

B. Authorized employees or elected officials may use a county credit card to purchase merchandise or services required as a function of his/her duties for Pittsylvania County. Unauthorized and/or inappropriate credit card use is addressed in Section V of this policy. Disciplinary actions related to unauthorized and/or inappropriate credit card use is addressed in Section VI of this policy.

C. An authorized credit card purchase may be made in-store, by telephone, fax, internet or U.S. mail.

## 24.3 CARD ISSUANCE:

Credit cards for the County are maintained by the Purchasing Manager. Employees or elected county officials who have been authorized to utilize a County credit card must check out a credit card from the Purchasing Manager and sign an employee agreement concerning credit card purchases. Only one agreement is necessary per employee not per card use. A sample of the employee agreement form is attached. Cards must be returned to the Purchasing Manager within five (5) business days of the employee's return to work for authorized travel and within one (1) business day when the card is used for other authorized purchases.

## 24.4 SECURITY:

A. Authorized use of the credit card is limited to the employee or elected official whom the credit card was issued to. The credit card shall not be loaned to

another employee or elected official but should first be returned to the Purchasing Manager to be reissued.

B. It is the responsibility of authorized credit card user to safeguard the credit card and the credit

card account number at all times by keeping the card in a secure location at all times. Lost or stolen credit cards must be reported immediately to the Finance Director of Pittsylvania County.

C. The Finance Director will notify the County Administrator and the credit card agency of this lost or stolen card.

#### 24.5 UNAUTHORIZED AND INAPPROPRIATE USE:

Credit cards must never be used to purchase items for personal use, even if the employee or elected official intends to reimburse the County of Pittsylvania. Purchases for non-Pittsylvania County purposes include but are not limited to cash advances, food not previously authorized, alcoholic beverages, recreation, entertainment and any other expense considered personal.

#### 24.6 DISCIPLINARY ACTION:

A. An employee or elected official who makes unauthorized or inappropriate purchases with the county credit care will be subject to disciplinary action including but not limited to restitution to the County of Pittsylvania for the unauthorized or inappropriate purchase, possible inability to utilize county credit cards in the future, possible termination of employment at Pittsylvania County and possible criminal prosecution. Restitution for unauthorized/inappropriate purchases shall be paid by the employee or elected official by check or salary deduction.

B. Unacceptable or unauthorized purchases MUST be reported immediately to the County Administrator. The Board of Supervisors will subsequently be made aware of these charges by the County Administrator even if the affected employee/elected official has made arrangements to make restitution for these unauthorized/unacceptable purchases.

C. Improper use of the issued credit card may result in prosecution of embezzlement under section 18.2-112 of the Code of Virginia.

#### 24.7 CREDIT CARD ACCOUNTABILITY:

In order for spending limits to be monitored and purchasing activity reconciled to the monthly charge card statements, authorized credit cards users must maintain a separate log of purchases made with the credit card. A Credit Card Log Sheet (see attached)

should be established with each credit card issuance and submitted to the Accountant in the Finance Department when the card has been turned in to the Purchasing Manager. This must be done within five (5) business days after the employee returns to work for authorized travel and after one (1) business day when the card is used for authorized purchases. To use the card, the authorized user must:

- A. Identify the vendor that accepts VISA and sells the required goods and services.
- B. Call or go to the vendor's place of business and place an order.
- C. Give the vendor the account number and expiration date of the credit card. The vendor will verify the account number with VISA. The spending limit will be checked electronically for compliance with applicable limits. Inform the vendor that the County is tax exempt.
- D. Be sure there is NO SALES TAX applied to any purchases. Pittsylvania County is tax exempt from sales tax, but must pay meals tax.
- E. Retain all documents pertaining to the purchase. When the vendor delivers the order, documentation of the purchase, such as sales receipt or packing slip should accompany the order. Detailed receipts must be retained for ALL purchases including meals. Detailed receipts will list individual items purchased. This documentation must be attached to the credit card log sheet and submitted to the Accountant in the Finance Department so that these charges can be reconciled to the monthly credit card statement.

#### 24.8 DOCUMENTATION, RECONCILIATION, AND PAYMENT PROCEDURES:

- A. Documentation: Any time a purchase is made with the credit card, the authorized user must obtain a customer copy of the charge slip, which will become the accountable document (make sure all carbons are destroyed). The charge slip MUST provide a detailed list of each item purchased including cost. When used to pay for meals, employees may have to specifically request detailed receipts that list each item purchased.
- B. Telephone Orders: The authorized user must obtain an invoice from the vendor after the order is placed.
- C. Missing Documentation: If the authorized user does not have documentation of the transaction to send with the credit card transaction log (sample log attached) for any transaction other than telephone orders as described above, he or she MUST contact the vendor to get a duplicate receipt. If the purchase cannot be documented you will be responsible for paying the purchase from your own personal funds. Recurring abuse of this provision may result in an employee/elected official's inability to utilize County credit cards in the future.



## 24.9 PERIODIC REVIEW:

The credit card statement will be audited monthly and reconciled with the credit card log sheets and receipts received by the Accountant in the Finance Department. Monthly reports will also be submitted to the Board of Supervisors for review. This report will show the item purchased, amount spent and the name of the individual making the purchase.

## 25. RECORDKEEPING POLICY

The HR department retains and destroys personnel records in accordance with the Library of Virginia policies on business records retention as well as federal and state laws governing records retention. Below is an outline of the HR department's operating procedures for personnel records retention and destruction of documents when such retention periods have passed.

The HR department maintains both employee record information and government compliance reports. Both are subject to the following retention requirements and destruction procedures.

### 25.1 MAINTENANCE OF EMPLOYEE RECORDS

- A. The following employee information records are maintained in segregated personnel files:
  - 1. Pre-employment information.
  - 2. I-9 forms.
  - 3. Benefits plan and employee medical records.
  - 4. Health and safety records.
  - 5. General employee personnel records.
- B. Government compliance reports are maintained in reverse chronological sequence and filed separately from the above employee information records.
- C. Employees who wish to review their own files should submit a written request to Management. Employees may receive copies of certain personnel or medical records, such as their job description, as required by law, within 30 days of making a written request to Human Resources. With reasonable notice, employees may review their entire personnel file in the presence of Management, but must sign an acknowledgment form provided by Management.
- D. Destruction of Employee and Applicant Records
- E. All paper personnel records and confidential employee data maintained by the HR department will be destroyed by shredding after retention dates have passed; this procedure pertains to all personnel records, not just those governed by the Fair and Accurate Credit Transactions Act (FACTA).

- F. Application materials submitted by applicants for employment who were never employed are also to be shredded.
- G. Personnel records include electronic as well as paper records. The HR department will work with the IT department periodically, but no less than twice annually to review and ensure that the HR department's electronic records relating to employee information and compliance reports are properly purged.

## 25.2 RETENTION OF TERMINATED EMPLOYEES' RECORDS

The retention periods for terminated employees' and applicants' records and compliance reports are as follows:

- A. Résumés, applications and related employment materials, including interview records and notes, for applicants not hired: 3 years.
- B. Résumés, applications and related employment materials, including interview records and notes, for employees: 4 years after date of termination.
- C. Background checks, drug test results, driving records, County employment verifications, letters of reference and related documents: 5 years.
- D. Terminated employee I-9 Forms: The later of 3 years from date of hire or 1 year following termination of employment.
- E. Compensation, job history and timekeeping records: 4 years after termination. FMLA and USERRA and related leave records: 3 years after termination. Performance appraisal and disciplinary action records: 4 years after termination.
- F. Benefit records: 6 years after the filing date of the documents, based on the information they contain, or 6 years after the date on which such documents would have been filed but for an exemption or simplified reporting requirement.
- G. Disputed issues (records relating to issues 2 years after resolution of dispute involving external agencies or parties, wage-hour investigation by DOL, EEOC charge, arbitrations, court actions, etc.), OSHA and employee safety records: 5 years after termination.
- H. Employee personnel records: Long Term – 50 years after separation.

## 25.3 RETENTION OF REPORTS

- A. Workers' compensation claims: 30 years after date of injury/illness.
- B. Employee health records: 30 years after separation.
- C. Compliance reports and records:

- D. State New Hire reports: 1 year after report was filed.
- E. EEO-1: 2 years after report was filed.
- F. Annual Affirmative Action plans: 2 years after close of AAP year.
- G. OSHA 300/300A: 5 years after posting.
- H. Form 5500: 6 years after report was filed.
- I. Federal/state tax reports: 4 years after report was filed.

## 26. EMPLOYEE RECOGNITION AND SERVICE AWARDS

Subject to available funds, regular full-time and part-time employees who meet specific eligibility requirements may be considered for programs which recognize continuous employment or other special employee contributions that the County from time to time develops.

Service awards shall generally be in recognition of continuous employment for five-year increments of time, and as follows:

A. An employee's service shall be considered continuous so long as his/her name remains in an uninterrupted way on the County's payroll, and/or;

1. The employee is on an approved leave of absence under the terms of the County's Employee Manual.
2. The employee has been laid off involuntarily.
3. The employee enters military service and returns to work within ninety (90) days after his/her honorable discharge.

B. No credit for prior service shall be considered in the award program in a case where an employee is terminated by reason of voluntary resignation or discharge, and then re-hired.

C. An employee whose service terminates for any reason prior to his/her appropriate employment anniversary date shall not be eligible to receive an award, with certain exceptions as follows:

1. The employee shall receive an award if he/she retires voluntarily or is required by reason of physical disability to retire within ninety days of the appropriate anniversary date.
2. The employee's family shall receive the award if he/she dies within ninety days of the appropriate anniversary date.

D. The County Administrator shall have discretionary authority to recognize employees (other than service) in amounts of \$500 or less.

## 27. INTERNSHIPS

Departments within Pittsylvania County have the option of using interns to assist in meeting their goals and objectives. It is important the selection and use of interns is consistent among each department. The framework of our internship administrative policy and procedure is outlined below.

### 27.1 Policy

Pittsylvania County supports internship programs sponsored by colleges, universities, local government or affiliated entities. In addition, if there is a specific department need, a department, upon notification to the Human Resources Department, may advertise for interns to assist with special projects. The County may provide for paid or unpaid internship opportunities. Internships are designed to provide a hands-on learning experience for the participant and, if paid, should meet the following criteria outlined by the Fair Labor Standards Act:

- A. The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment;
- B. The internship experience is for the benefit of the intern;
- C. The intern does not displace regular employees, but works under close supervision of existing staff;
- D. The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded;
- E. The intern is not necessarily entitled to a job at the conclusion of the internship; and
- F. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

If these criteria cannot be met, then the internship must be a paid internship. Departments must work with the Director of Finance to ensure they have funding available in their budget for paid interns.

Interns utilized by the County must be at least 18 years of age, currently enrolled in a degree program that is relevant to the internship, be in good academic standing, and be registered for courses during the internship period. Summer interns must be enrolled in the upcoming Fall semester. Interns are required to complete a County application and

submit an official transcript. Interns must also be lawfully authorized to work in the United States and are required to provide proof of authorization. The Human Resources Manager must approve all interns prior to their start date.

## 27.2 Responsibility

**Department Directors:** Department Directors are responsible for ensuring their department can meet the specific objectives of the student and educational institution when utilizing a sponsored internship. Department Directors are also responsible for managing interns and completing all necessary recordkeeping related to the performance and experience of interns in their department. This includes completing any required reports and providing feedback to the sponsoring agency. In addition, Department Directors are responsible for ensuring interns are selected and utilized within the framework of this administrative policy and procedure.

**Human Resources:** Human Resources is responsible for oversight of the hiring and use of interns.

## 27.3 Procedure

### A. Special Projects

1) If a department has a need for an intern to assist with a special project, then the Department Director should provide written justification to the Human Resources Manager for approval. The justification must include the need for an intern, how the intern will be utilized, length of time required, and whether or not the intern will be paid.

2) If approved, the department will create a request to the Human Resources Manager to advertise for an intern on the County website.

3) Human Resources will accept applications and monitor the recruitment process. The department is responsible for screening applications received for internships and conducting interviews with guidance from the Human Resources Manager.

4) Once an intern is selected, the recommendation should be sent to the Human Resources Department for approval and necessary screenings. Interns must satisfactorily complete a back ground check prior to their first work day with the County.

5) Human Resources will alert the department when their interns are able to begin their assignment.

### B. Sponsored Internships

1) The Human Resources Department will notify Department Directors of internship opportunities available to them through colleges, universities, or other government or affiliated entities.

2) Department Directors wishing to participate should notify the Human Resources Manager.

3) The Human Resources Manager, or designee, serves as the liaison between the

organization providing the intern and the department, and is responsible for oversight of the process.

4) Department Directors will interview interns provided by the organization and make a final selection.

5) Once a selection is made, the Human Resources Department will conduct necessary screenings. Interns must satisfactorily complete a back ground check prior to their first work day with the County.

6) Human Resources will alert the department when their interns are able to begin their assignment.

## 28. SEVERABILITY AND MODIFICATIONS

### A. Conflicting Policies Repealed

All prior policies that conflict with the provisions of this policy are hereby repealed.

### B. Severability

Should any section, subsection or provision of this Manual be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this Manual as a whole or any part thereof, other than the part so declared, to be invalid and unconstitutional.

### C. Right to Amend

The County reserves the right to modify all or any part of this Manual as may become necessary.

### D. Violation of Policy Provisions

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

### E. Effective Date

This policy shall become effective upon adoption.