



# PERSONNEL POLICY MANUAL

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# CHAPTER 1

## ORGANIZATION AND ADMINISTRATION

## 1-1 Adoption of Personnel Policies

The following is the Personnel Policy Manual for Bedford County, adopted July 24, 2006. It is subject to subsequent amendments as necessary. This manual supersedes all previous manuals.

These rules and regulations are established under authority of Section 15.2-1506, Code of Virginia, 1950. The policies and procedures outlined herein shall apply to all personnel employed by Bedford County, including the Department of Social Services. The policies and procedures shall apply to employees of Constitutional Officers, in which the Constitutional Officer has agreed to in writing. This includes the Clerk of the Court, Commissioner of the Revenue, Commonwealth Attorney, Sheriff and the Treasurer. Employees of the Constitutional Officers will be excluded from the Grievance Procedure. Constitutional Officers retain the right to their own hiring practices and terminations. These policies and procedures shall not apply to employees of Bedford County Public Schools or Bedford County Public Service Authority without specific action by the respective governing bodies to adopt the same. In the event that any office or agency of Bedford County not under the Board of Supervisors adopts these policies and procedures, the officer or board involved shall exercise the authority assigned herein to the Board of Supervisors and the County Administrator, unless otherwise specified.

## 1-2 General Policy

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

- A. Employment shall be based on merit, suitability, and ability without regard to race, religion, creed, color, national origin, age, sex, marital status, or the presence of any sensory, mental, or physical disability.
- B. Equitable incentives and conditions of employment shall be established and maintained.
- C. Compensation shall be in accordance with duties assigned and performance shall be the major factor in justifying salary adjustments and increases.
- D. Employees shall be expected to work productively and to demonstrate a considerate and friendly attitude towards persons with whom they come in contact during the course of their work.
- E. Employees shall adhere to the policies and procedures required of them and shall endeavor to serve the citizen and taxpayer to the best of their ability.

The County retains the sole right to exercise all managerial functions including, but not limited to, these rights:

- A. To direct the work force.
- B. To assign, reassign, supervise, discipline, and dismiss employees.
- C. To transfer or reassign duties as necessary to provide services to the citizen.
- D. To establish, change, alter, or delete policies as may be deemed necessary to achieve its goals.

E. To alter the organization and structure of the County within the Virginia statutory requirements at will as may be deemed necessary.

### 1-3 Purpose and Scope of Manual

This manual is intended to serve as a source of information about you're employment with Bedford County. It answers many of the questions most frequently asked by County employees. If further information or advice about matters covered in this manual is needed, please contact your supervisor, department head, or the Human Resources Office.

The policies and procedures contained in this manual are internal guidelines, which do not create contractual rights and should not be interpreted to constitute binding contractual obligations. The County reserves the right, in its sole judgment, to modify, amend, or rescind the provisions of this manual.

Much of the information contained in this manual is drawn from relevant laws, regulations, and policies. Should there be a conflict between any statement, fact or figure presented here, and the current laws, regulations and policies, the latter takes precedence. This manual is not intended to alter the employment-at-will relationship in any way.

Employees have the responsibility to keep themselves informed of updates and revisions to the County policy. Department heads are also responsible for maintaining a current manual within their department, which shall be available to all employees.

This manual will supersede any existing personnel policies in effect prior to the date of the publication of this manual. It applies to all regular, probationary, seasonal and temporary employees of Bedford County.

## 1-4 County Administration

The Code of Virginia and the Code for the County of Bedford establish the powers of the Bedford County government. These powers are vested in a Board of Supervisors consisting of seven (7) members, one from each of the County's seven voting districts. The qualified voters of the respective districts elect members of the Board of Supervisors for a term of four years. These terms are staggered. The Bedford County Board of Supervisors is responsible for all policy matters, allocation and expenditure of funds and contract execution.

The County Administrator is a full-time official appointed by the Board of Supervisors. Board resolution and official Board action specify the duties of this position, which include: Acting as the administrative head of the government, preparing the County's annual budget, and executing resolutions and orders of the Board. The Board of Supervisors delegates to the County Administrator authority in selection, hiring, and dismissal of all other County employees with the exception of the County Attorney. While actual selection and appointment responsibility is assigned to the County Administrator, the County Board of Supervisors, under Virginia Statutes, retains ultimate authority for all personnel under its auspices.

For the purposes of this manual the term "Bedford County Management" will be used and includes the County Administrator and the Assistant County Administrator.

# CHAPTER 2

## EMPLOYMENT

## 2-1 Equal Employment Opportunity

Bedford County shall promote and afford equal treatment and service to all citizens and will assure that all applicants are given equal employment opportunity without regard to race, religion, creed, color, national origin, age, sex, marital status, or the presence of any sensory, mental, or physical disability. Bedford County shall operate within the principles of equal employment opportunity guidelines set forth in Federal, State and local laws and regulations.

All activities relating to employment including recruitment, testing, selection, promotion, training and termination shall be conducted in a nondiscriminatory manner.

Bedford County will cooperate fully with all organizations and Commissions organized to promote fair practices and equal employment opportunity.

## 2-2 Open Door Policy

Bedford County practices an open door policy in which any employee who wishes to meet with the County Administrator, Assistant County Administrator or the Human Resources Office can do so by setting an appointment through his/her respective department head or through the County Administration support staff. Although there is an open door policy, employees are strongly encouraged to resolve any issues directly with the parties involved. If the parties involved are unable to reach an agreement, the issue should be brought to the attention of their supervisor.

## 2-3 Application Process

The Human Resources Office will administer and coordinate the hiring process for all position vacancies. All hiring efforts are conducted in the spirit of equal opportunity.

All departments announcing position vacancies will adhere to the following procedures.

### 2-3.1 Recruitment

1. The Human Resources Office will be notified immediately by the respective department head of any position vacancies.
2. The affected department may be asked to assist the Human Resources Office, as necessary, in formulating the job announcement and advertisements.
3. The Human Resources Office will post job openings on the County website and will distribute to all County departments copies of the job announcement for posting. Newspaper advertisements may run concurrently with the internal posting. When qualified applicants are available internally the County will give consideration to filling job openings by promoting from within and may decide to post internally rather than recruiting individuals not employed with the County. Job announcements may also be distributed to area Virginia Employment Commission offices, local governments and schools.
4. Advertisements for local newspapers, trade publications, and professional journals will be developed and may be placed by the Human Resources Office with assistance provided by the affected department.
5. Applications shall be submitted to the Human Resources Office using the County Employment Application. A resume will not substitute for the County application form. The County will accept applications for employment only for specific positions in which openings exist. In-house

candidates interested in applying for another position within the County should follow these same procedures.

6. No applications for a position are accepted after close of business on the published closing date. Applicants will be encouraged to request applications through the Bedford County Human Resources Office or access them on the County website. If time is a factor, a resume will hold an application slot open for five (5) working days after the closing date. If there are not sufficient qualified candidates at the closing date, the position can be re-opened and re-advertised.
7. Copies of all applications will be submitted to the affected department for review and comment.
8. Applicants may be disqualified for consideration for employment when any of the following facts exist:
  - A. They do not possess the qualifications for the job;
  - B. They have demonstrated an unsatisfactory employment record or personal record as evidenced by information contained on the application form or by the results of a reference check or background check;
  - C. They have made false statements of any material facts or were deceptive in their application;
  - D. They are physically, mentally or otherwise unable to perform the essential job functions of the position with reasonable accommodation;
  - E. The applicant does not meet the legal minimum age limits prescribed by law.
9. Bedford County endeavors to employ the best-suited person for each position. Each candidate for employment must complete the application process as set forth in Section 2-3. Applicants may be subject to various pre-employment checks and tests to determine suitability for the position. Applicants must sign a release for a background check as part of the application process. All applicants are required to meet the minimum standards of requirements for the position as set forth in the job description.

## 2-3.2 Interview Process

The employment interview is a supplement to and part of the selection process. The primary function of the interview is to obtain data on certain knowledge, skills, and abilities of a candidate not available through review of applications or other testing mechanisms. Certain guidelines will be observed to maximize the validity and reliability of the interview process as well as ensure the adherence to current EEOC requirements.

1. The Human Resources Office shall coordinate the interview process, including selection of panel members, scheduling candidates, development of interview questions, etc.
2. Generally no more than three (3) individuals will serve on the interview panel. The composition of the interview panel shall generally consist of personnel who have the expertise with the technical elements of the position. Careful selection will be made of panel members to ensure objectivity and job knowledge. Relatives or personal friends of the applicants will be excluded from serving on the panel. Reasonable accommodations shall be made for disabled applicants to allow participation in the interview process.
3. The Human Resources Office and the Department Head of the department in which the position vacancy exists shall be responsible for the development of interview questions and standards for measurement of candidate responses. Consistency will be maintained in questions asked of all candidates. The questions must be job related. All interview questions shall focus on the applicant's ability to perform essential job functions.
4. Inquiries as to an applicant's ability to read, write or speak foreign languages are permitted when such inquiries are based on job requirements.
5. The interview panel should be provided a job description outlining the responsibilities and requirements of the position to be staffed. Copies of the applications of final candidates will also be provided to the interview panel members prior to the

- interview, along with proposed interview questions.
6. Each panel member rates the candidates independently.
  7. Following the interview, the interview panel shall attempt to reach consensus and make a written recommendation to the County Administrator.

### **2-3.3 Applicant Expenses**

1. Unless approved by the County Administrator, the County does not reimburse any applicant for travel costs in conjunction with the hiring process.
2. Relocation costs are paid in full by the employee unless otherwise approved by the County Administrator or the Board of Supervisors.
3. Residency may be required for certain positions as defined in the Code of Virginia.
4. The applicant should be advised of items 1 and 2 above before reporting for the interview.

### **2-3.4 Reference Check**

1. Following the initial interview, the Department Head or the Human Resources Office conducts an employment reference check on the final candidate(s). The check includes verification of employment duties, dates of employment, work record, attendance record, strengths, weaknesses, safety record, and other pertinent information. Education and/ or licensure may also be verified.
2. Results of the reference check will help determine the applicant's aptness for the position.

### **2-3.5 Background Check/ DMV Check**

1. A background check will be conducted prior to applicant notification. The applicant will have signed a release form as part of the application.

2. Any background check will be obtained from the Virginia State Police Department or other designated individual/agency within the guidelines of the Fair Credit Reporting Act.
3. If a background check is returned flagged, it will be reviewed by the Human Resources Manager and the Assistant County Administrator or County Administrator if necessary. It will then be decided if the candidate is still eligible for the position.
4. All new employees who will operate a County-owned motor vehicle must possess a valid Virginia driver's license. In addition, employees who will be driving vehicles larger than a pickup truck must possess the appropriate commercial driver's license (CDL). All new employees' driving records may be checked through the Virginia Department of Motor Vehicles. Periodic DMV checks may be performed on current employees who are authorized to drive County Vehicles. Anyone who has had a DUI (Driving under the influence) within the last five (5) years and/or has a high incidence of moving traffic violations may be reassigned or terminated.

### **2-3.6 Applicant Notification**

1. After a final decision is reached, the Department Head or Human Resources will notify the candidate of their selection and make a verbal offer.
2. If the first offer is rejected after negotiations (if applicable), it will be decided whether to hire another candidate or to re-open the position.

### **2-3.7 Pre-employment Physical and Drug Screen**

1. If the verbal offer is accepted the applicant will be hired with a condition of passing pre-employment physical and drug screening. This should be completed by the end of the employees first week of work.
2. All full time and part time employees will have a physical and drug screening. Temporary employees are required to have a

drug screen only; unless required by the Department due to the nature of the work.

3. The cost of any required physical examination and drug screen will be paid by the County and completed by a medical doctor chosen by the County.
4. The employee will return the physical examination record to the Human Resources Office. This will become part of the employee's confidential personnel file.

## 2-4 Rehire/ Reinstatement

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

An employee who has chose to leave the County and is in good standing and wishes to return within thirty (30) days of the separation, may be reinstated, at the department heads discretion, to their former position if vacant. A reinstated employee shall be considered to have been on a leave without pay status for the time of the separation.

## 2-5 Orientation

1. All new employees of the County will be scheduled to meet with the Human Resources Office when starting their employment for general orientation.
2. The Human Resources Office will provide the employee with a job description, information on employee benefits, policies and other miscellaneous information. Human Resources will have the new employee complete the necessary Federal and State tax forms.
3. The Immigration Reform and Control Act of 1986, makes it illegal for employers to employ anyone who is not authorized to work in the United States. All new employees are required to provide documents establishing their identity and authorization to work in the United States. A menu of approved documents is listed on Form I-9 (Employment Eligibility Verification), which must be completed by all new employees and verified by a representative of the County. Failure to provide the required documents within three (3) days of employment may result in automatic termination.
4. The Department Head will provide additional information to the new employee, including:
  - A. Work standards and regulations;
  - B. Hours of work, timesheets, leave requests;
  - C. Duties of the position;
  - D. Safety rules and procedures, location of safety or protective equipment;
  - E. Tour of the work area, including location of equipment, supplies, etc.;
  - F. Introduction to co-workers;
  - G. Schedule for lunch and breaks;
  - H. When and whom to report absence from work;
  - I. Who is responsible for performance planning and evaluations.
5. All new employees shall be required to serve a probationary period as defined in this Chapter.

## 2-6 Employment Categories

All employees at the time of hiring shall be designated as either regular full-time employees, regular part-time, seasonal or temporary employees. Employees will also be designated as salary or hourly.

**Regular Full-Time Employees** are selected to fill positions in the County that normally work a minimum of 37 ½ hours per workweek on a year-round basis and who have completed the minimum probationary period. Some regular full-time positions involve non-standard work hours to insure continuous operation.

Regular full-time employees receive full benefits, including retirement, group life, health insurance, sick leave, annual leave, military leave, paid holiday's, and voluntary payroll deductions.

**Regular Part-time Employees** are hired when the employee's services are only needed for a part of a workday or workweek, and generally will work 25 or fewer hours per week.

**Temporary Employees** are selected to fill a position having a short or fixed term to accomplish a specific project or projects. This position may be either part-time or full-time and usually is for a duration of less than one year. Temporary employees are not eligible for County benefits. A temporary employee may be dismissed at any time and has no right of appeal through the grievance procedure.

**Probationary Employees** have not successfully completed the required period of probation following original employment. During that time, probationary employees are entitled to the same benefits as regular full-time employees, however, sick leave and vacation time will accrue and may become available following the probationary period only if the employee becomes a regular employee subsequent to the probationary period. (See 2-8 for further clarification of a Probationary employee.)

**Seasonal Employees** are employed in a position generally for a

length of time that normally will not exceed six months. This position may be either part-time or full-time and the employee does not receive County benefits.

Hourly Employees are regular part-time, seasonal and temporary employees of Bedford County that shall be compensated on an hourly basis and shall be considered as hourly, non-exempt employees.

Salaried Employees are regular full-time employees of the County that will generally be considered as salaried employees and paid on a monthly or bi-weekly basis.

## 2-7 Employment Status

All employees at the time of hiring shall be designated as either exempt or non-exempt.

Exempt Status will include employees classified as executive, administrative or professional employees and other exempt classifications in accordance with the Fair Labor Standards Act and applicable regulations of the United States Department of Labor:

Non-Exempt Status will include employees not falling into one of the exempt categories.

All non-exempt employees shall be eligible for overtime pay in accordance with the Fair Labor Standards Act and applicable regulations of the United States Department of Labor.

## **2-8 Probationary Employment Period**

The work and conduct of an employee during the first six (6) months of the original employment or re-employment is considered a working test period termed a probationary period during which an employee is employed at will and is terminable at will with or without cause. All regular full-time and part-time employees shall serve a probationary period of six (6) months. Upon successful completion of the probationary period, the employee will become a regular employee. Temporary and seasonal employees are at-will employees for the duration of their employment and do not serve a probationary period.

### **2-8.1 Dismissal During Probationary Period**

At any time during the probationary period, a probationary employee may be dismissed at anytime with no right of grievance except where discrimination or retaliation is claimed. Employees with charges of discrimination or retaliation have the right of appeal through the grievance procedure described in Chapter 7. After successfully completing the probationary period, the probationary employee becomes a regular employee.

### **2-8.2 Probationary Period Performance Evaluation**

The County will conduct an initial informal assessment of the employee's ability to perform assigned tasks during the first thirty (30) days of employment and as frequently thereafter as deemed necessary. If it is determined that termination is required, the County Administrator will be so notified and dismissal will occur promptly. Two weeks prior to completion of the six months' probationary period of a new employee, the Human Resources Office shall send to the supervisor of the employee a performance evaluation form. The supervisor shall review the performance of the employee. The evaluation of performance shall be discussed with the employee pointing out any deficiencies. If the employee's performance evaluation has been rated as satisfactory, the department head will sign and return the evaluation recommending that the probationary employee become a regular employee.

If the employee's performance has not been satisfactory, a discussion will be held with the employee and one or more of the following actions taken:

1. Establish a future review date. The appraisal form will indicate action to be taken or any additional training to be provided. The appraisal form shall be returned to the Human Resources Office for action of follow-up and to be filed in personnel file.
2. Extend the probationary period. A department head may extend the probationary period for a period not to exceed three (3) months if the department head believes that an extension is in the best interest of the County and/or the employee.
3. Terminate the employee with approval from the County Administrator.

### **2-8.3 Probationary Period Benefits**

A new regular, full-time employee serving a probationary period accrues from date of employment, benefits to which he or she is entitled as herein set forth, including appropriate leave (vacation, sick, etc.) at the prescribed rates, and all other benefits such as health insurance, VRS life insurance and the VRS retirement plan will be effective.

## 2-9 Nepotism

It shall be the policy of the County not to place immediate family members within the same department or in a supervisor-subordinate relationship. The immediate family shall include: spouse, children, stepchildren, brother, sister, parents, guardians, mother-in-law, father-in-law, grandparents or any other person residing in the household.

## 2-10 Personnel Files

It is the County's objective to maintain complete and accurate personnel files on all full-time, part-time, temporary and seasonal employees. All personnel files will be located in a secure location in the Human Resources Office. These records are confidential therefore access is limited to the appropriate personnel.

The Personnel File will contain all information required by federal and state law. This includes, but is not limited to, the employees completed application for employment, interviewing records, Personnel Action Forms, performance reviews, benefit enrollment forms, discipline, training records and any polices that the employee had to review and sign. All confidential information will be kept separately to comply with HIPAA regulations.

Personnel files and the contents of the file are the property of the County. Individuals who wish to review their file, may do so by setting an appointment with the Human Resources Office. The Human Resources Manager will be present while an employee is reviewing the contents of the file.

CHAPTER 3  
COMPENSATION

### **3-1 Position Classification and Pay Plan**

County Administration and Human Resources is responsible for the administration of the Position Classification and Pay Plan. It is their responsibility to ensure that the plan is administered in a fair and equitable basis. Any situations that do not appear to be in accordance with the plan should be brought to the County Administrators attention.

#### **3-1.1 Interpretation**

The Human Resources Office and/or County Administration shall be responsible for applying the Position Classification and Pay Plan with respect to issues not specifically covered by the plan using the policies expressed herein as a guide.

#### **3-1.2 Review and Revisions**

Department heads shall be responsible for bringing to the attention of the County Administrator or the Human Resources Office any substantial change in duties, responsibilities, or other factors affecting the classification of any position in their respective departments. Upon receipt of such information, the County Administrator shall review the position and determine if the classification should be changed.

The Human Resources Office and the County Administrator shall review the Position Classification and Pay Plan for adequacy prior to the submission of the annual budget to the County Board of Supervisors. In conducting the review, consideration shall be given to current cost of living and the County's financial position. Based on the findings, the County Administrator may recommend revisions in the plan to the County Board of Supervisors.

#### **3-1.3 Classifications**

All full time regular County positions, with the exception of the County Administrator, County Attorney, and Constitutional Officers, are included in the Position Classification and Pay Plan.

All regular positions in the County are grouped together into classifications. Each position in the County is classified according to the type of work and the amount of responsibility in the position. Similar positions with like

duties and responsibilities are placed in the same pay grade. Each position has an established pay grade and a specification describing the duties and qualifications of the position.

### **3-1.4 Classification of New Positions**

To establish a new position in the County, the appropriate department head shall prepare a new personnel request form and a job description for the proposed position with the assistance of Human Resources. The final draft should be submitted to the County Administrator for review and approval.

If the County Administrator approves the establishment of the new position, it shall be allocated to one of the classes in the Position Classification and Pay Plan. In the event a suitable class does not exist, the County Administrator and Human Resources shall establish a new position classification and assign an appropriate pay grade to the class.

The proposed position would be presented to the Personnel Committee of the Board of Supervisors for approval. With the approval of the Personnel Committee, the proposed position would be presented to the full Board of Supervisors for final approval.

### **3-1.5 Appeals and Reclassification**

If an employee has facts, which indicate that his/ her position is improperly classified, a request may be made to the County Administrator to review the classification of the position. Such requests shall be submitted, in writing, through the employee's department head. All requests for review of classification shall contain a statement of justification. The County Administrator's decision regarding classification shall be final.

An employee whose position is reclassified upward may receive five (5) percent above the present salary, or the minimum of the new grade, whichever is higher. The compensation for an employee whose position is reclassified downward will remain the same. However, the employee will not be eligible to receive salary increases other than across the board pay level revisions or adjustments to that particular grade due to market adjustments.

### 3-1.6 New Employees

A new employee of the County shall normally be paid the minimum rate of pay for the grade.

A new employee with unusual experience may be paid within the grade, commensurate with the performance capability associated with the experience. Any rate paid to a new employee above the minimum for the classification requires a written description of the experience justifying the rate paid and written approval of the County Administrator or Assistant County Administrator.

### 3-1.7 Job Descriptions

All positions listed on the Position Classification Plan will have an associated job description. Job descriptions will be reviewed, as necessary, by the supervisor and employee, on an annual basis at the time of the annual performance evaluation. The Department Head will give suggested revisions to Human Resources. Human Resources will update the job description and give to the County Administrator or Assistant County Administrator for approval. Job descriptions may be updated more often as duties and responsibilities change. The employee shall be given a copy of his/her respective job description and shall also sign and date a copy of the job description for placement in his/her personnel file.

Human Resources will keep the official copy of all job descriptions.

## **3-2 Pay Policies**

It is the policy and practice of Bedford County to accurately compensate employees and to do so in compliance with all applicable state and federal laws.

### **3-2.1 Pay Schedules**

There are two schedules for County employees to be paid:

1. Employees who are paid from the General Fund and Group Home employees will be paid monthly.
2. Solid Waste and Nursing Home employees will be paid bi-weekly.

### **3-2.2 Working Hours**

Forty (40) hours shall be the maximum normal workweek for payroll calculations. The workweek is defined as seven (7) consecutive 24-hour periods beginning on Sunday and ending on Saturday with a day beginning at 12:00 A.M. The Nursing Home and Solid Waste workweek will begin on Thursday and end on Wednesday. One hundred seventy one (171) hours shall be the maximum normal work period for law enforcement personnel. Law enforcement and uniformed Fire/ EMS personnel who work 10 hour shifts or more will operate on a 28-day work period.

All employees of the County shall be required to observe all practices relating to hours of work, safe working requirements and lunch periods. It is, therefore, fair for the County to expect the time paid for to be time worked, with due regard for health and safety.

### **3-2.3 Record of Time Worked**

Time records for all employees are maintained on a monthly or bi-weekly time sheet. Some departments may use daily time cards. All employees are required to submit their timesheet to their department head for approval. The department head is required to submit the department's time to payroll.

### 3-2.4 Garnishments, Tax Liens and Court Orders

Bedford County is obligated by federal and state law to withhold money from an employee's paycheck for child support, unpaid student loans, unpaid medical bills, unpaid taxes or any other judgment ordered by the Court.

### 3-2.5 Overtime and Compensatory Time

All non-exempt employees will be eligible for overtime compensation or compensatory time in accordance with the law. These employees will accrue compensatory time unless authorized by the County Administrator. The overtime compensation will be paid at a rate of time and one-half hours for every hour worked. **Overtime will be approved by the department head in advance.** This approval will be in writing and will be sent to payroll with timesheets. Disciplinary action may be taken if unauthorized overtime is taken.

Compensatory time should be taken within 45 days of when it was earned with approval of the supervisor. A non-exempt employee may not accumulate more than 240 hours (480 for law enforcement) of compensatory time. If an employee has accrued compensatory time, it must be taken prior to using other accrued time off.

### **3-3 Employee Transfers**

Employees may be transferred, either voluntarily or otherwise, from one job to another and from one location to another as may be required in order to meet the needs of the organization. Every effort will be made to minimize personal hardships in the event of job reassignment or transfers.

The County retains complete discretion to determine both the location and place for the conduct of business and the assignments to each employee consistent with the employee's job specifications. Reasons for transfers may include fluctuations in workloads and production flows, increased career opportunities, emergency requirements, and implementation of governmental mandates, health considerations, and personal preference.

#### **3-3.1 Temporary Transfers**

Temporary transfers may occur as job requirements may dictate. Usually temporary transfers will not last longer than three (3) months, but may be extended an additional three (3) months with the approval of the County Administrator.

#### **3-3.2 Employee Transfer Request**

The County encourages existing County employees to seek out and apply for transfers, especially where said transfers result in promotions and upward mobility of employees.

The County will entertain a transfer at the employee's request if such action is consistent with the requirements of the County and such transfer does not disrupt the orderly and acceptable conduct of business.

A transfer to a new position within the same classification may occur, at the request of the employee, after that employee has held his current position for at least the completion of the probationary period and has performed in a satisfactory manner.

#### **3-3.3 Transfer Training Period**

During an initial training period, transferred employees will be evaluated to determine the employees' suitability to the new position. If it is determined that the employee is not suited for the new position the employee may be

subject to reassignment to another available position.

### **3-3.4 Compensation of Transferred Employees**

Pay for transferred employees will be handled as follows:

- A. Employees transferred to a job within the same salary grade will continue to receive their existing rate of pay.
- B. Employees transferred at the County's request to a position in a lower grade shall continue to receive his/her level of compensation, however the earning potential will decrease.
- C. Employees transferring at their request to a job at a lower grade may be paid within the pay grade of the new position, commencing with the start of the new job. The earning potential for the new grade will be lower, therefore limiting the earning potential.
- D. Employees transferring to a job with a higher grade will get the minimum of that grade. It will be at the discretion of the County Administrator to give the whole increase at once or to gradually increase the employee over the span of a specific time period. This may be done if the employee is increasing several grades.

# CHAPTER 4

## PAID TIME OFF AND OTHER ABSENCES

## 4-1 Holidays

The County observes certain days throughout the year as holidays and all regular full time employees are given leave with pay. If the nature of the services of a department of the County requires that it is at full operation on certain days listed below as holidays, compensatory time shall be credited on an hour for hour basis for hours worked, up to eight (8) hours. The compensatory time must be taken within 45 days of the actual holiday with the approval of the Department Head.

The giving of holidays is a benefit provided by the County and may be changed or altered from time to time by the Board of Supervisors. The Human Resources Office will post the holidays at the beginning of each year. If there are any changes to the schedule, Human Resources will notify all employees.

The Board of Supervisors adopted a policy on June 24, 2002 to follow the States holiday schedule for all holidays. The following holidays are authorized to be observed each year; however the County will follow the State if additional days are approved by the Governor.

- a. New Year's Day (1<sup>st</sup> day of January)
- b. Lee-Jackson Day (Friday before the third Monday in January)
- c. Martin Luther King Day (Third Monday in January)
- d. Presidents Day (Third Monday in February)
- e. Memorial Day (Last Monday in May)
- f. Independence Day (4<sup>th</sup> of July)
- g. Labor Day (First Monday in September)
- h. Columbus Day (Second Monday in October)
- i. Veterans Day (11<sup>th</sup> of November)
- j. Thanksgiving Day and the day after (Fourth Thursday and Friday in November)
- k. Christmas Day (25<sup>th</sup> of December)

Whenever any observed holiday falls on Saturday, the Friday preceding such day, or whenever such day falls on Sunday, the Monday next following such day, shall be observed as the holiday for purposes of leave absences.

Any employee desiring to work on an approved holiday in lieu of receiving a paid leave of absence may do so with approval of his/her supervisor. The

employee is entitled to compensatory time for hours worked in lieu of payment on an hour for hour basis.

The Board of Supervisors may grant additional holiday time off or may delegate to the County Administrator authority to declare certain days or parts of days as paid leaves of absences as may be deemed appropriate.

#### **4-1.1 Eligibility For Holiday Pay**

In order for a Full Time employee to receive payment for a holiday he/she must work the last regularly scheduled work day before and the first regularly scheduled workday after the holiday or be on approved leave status.

Holidays will be paid out during the pay period in which it falls. If an employee is scheduled to work a designated holiday, the time worked will be counted as compensatory time for up to eight (8) hours.

## 4-2 Vacation

1. Upon initial full time employment with the County, vacation leave credit shall be accrued in the following manner:

Hired on 1 - 15	Credit given for full month
-----------------	-----------------------------

Hired on 16 - end of month	Accrual will begin on the following month
-------------------------------	---

2. No vacation leave credit shall be provided for service less than a full calendar month.
3. Teachers of the Bedford County Group Home do not accrue vacation time.
4. Vacation leave credit will accrue when an employee is on pay status regardless of whether the employee is at work each day or not. Absences with pay for illness, vacation, jury duty, etc., do not affect vacation leave accrual. An employee shall not accrue vacation leave credits when in a non-pay status, i.e., administrative leave of absence, vacation and sick time exhausted, suspension, etc.
5. Employees will not be permitted to take vacation leave time before such leave is earned.
6. Vacation leave may be allowed on an hourly basis upon approval of the department head or County Administrator.
7. Vacation leave may be accumulated by regular full-time employees to a maximum of 288 hours (36 days) at the end of any calendar year. Any time over the 288 hours will be reduced.

### 4-2.1 Vacation Accruals

### 0-4 Years of Service

All regular full-time employees with less than 5 full years of continuous service can accrue vacation leave at the rate of 8 hours (1 day); up to twelve days per calendar year for each completed month of service.

### 5-9 Years of Service

All regular full-time employees with more than 5 and less than 10 full years of continuous service can accrue vacation leave at the rate of 10 hours (1 1/4 days); up to 15 days per calendar year for each completed month of service.

### 10 + Years of Service

All regular full-time employees with more than 10 full years of continuous service can accrue vacation leave at the rate of 12 hours (1 1/2 days); up to 18 days per calendar year for each completed month of service.

## **4-2.2 Vacation Leave Due Upon Termination**

Employees who have accumulated vacation leave hours up to the maximum allowable accumulations are entitled to cash payment up to a maximum of 288 hours (36 days) in lieu of such leave under the following circumstances:

- (a) When the employee terminates employment with the County whether through retirement, voluntary resignation, or discharge;
- (b) When the employee goes into military service or extended active duty;
- (c) Upon the employee's death, his beneficiary or estate is paid his unused vacation leave credit.

## **4-2.3 Paid Holidays and Illnesses During Vacation**

In the event a paid holiday falls during the employee's scheduled vacation period, the holiday will not be charged against the vacation leave.

In the event an employee becomes ill while on vacation leave, such illness shall be chargeable to sick leave and not to vacation leave, provided the employee presents a doctor's certificate to substantiate the claim.

#### **4-2.4 Payment in Lieu of Vacation**

Vacation leave is provided to give all employees a rest and change from their everyday duties. Therefore, it is encouraged that all employees take their vacation leave. Compensation payments in lieu of vacation will only be paid to an employee in unusual circumstances and only upon written approval of the County Administrator.

#### **4-2.5 Scheduling of Vacation Time**

Each department head is responsible for scheduling the vacation leave of employees in the respective departments. Department heads will attempt to schedule vacation leave as requested by the employee; however, the efficient operation of the department will be the first consideration. In the event of conflicting requests for vacation, the department head will attempt to give preference to the employee who requested the leave first. Department heads will make every effort to arrange his/ her personal vacation schedule in such a manner that it will not be necessary for the total annual vacation period to be taken in the last month of the calendar year.

#### **4-2.6 Requesting Vacation Time**

All employees will be required to submit requests for vacation leave on forms provided by the Human Resources Office. Employees within a department will submit vacation requests to their department heads for appropriate action.

Department heads will submit their vacation requests to the County Administrator or the Assistant County Administrator for approval.

**NOTE:** Leave without pay is not encouraged and will be granted only in unusual circumstances at the discretion of the Department Head with approval by the County Administrator. Should all leave time be exhausted, leave without pay will only be granted when it DOES NOT present an undue hardship on the County.

#### **4-2.7 Group Home Teachers and Vacation Time**

All Group Home teachers of the New Hope Academy are contractual employees. These employees will not accrue vacation time. They are

expected to take their vacations when school is not in session.

## 4-3 Sick Leave

Bedford County recognizes that the inability to work because of illness or injury may cause economic hardship. The County also recognizes that employees may need time off to obtain necessary medical treatment.

### 4-3.1 Eligibility and Amount

All regular full-time employees accumulate sick leave at the rate of 8 hours (1 day) for each completed month of service.

### 4-3.2 Sick Leave Accumulation

1. Upon initial employment with the County, sick leave credit shall be accrued in the following manner:

Hired on 1-15	Credit given for full month
---------------	-----------------------------

Hired on 16- end of the month	Accrual will begin at the beginning of the following month
----------------------------------	--

2. No sick leave credit shall be provided for service less than a full calendar month.
3. Teachers of the Bedford County Group Home will accrue ten (10) days of sick leave per school year. This time can be carried over year to year.
4. Sick leave credit will accrue when an employee is on pay status regardless of whether he is at work each day or not. Absences with pay for illness, vacation, jury duty, etc., do not affect sick leave accrual. An employee shall not accrue sick leave credits when in a non-pay status, i.e., administrative leave of absence, disciplinary suspension, or when vacation and sick time are exhausted.
5. Employees will not be permitted to take sick leave time before such leave is earned without the approval of the County Administrator.

6. Sick leave may be allowed on an hourly basis upon approval of the department head or County Administrator.
7. When all sick time has been exhausted and an employee is unable to report to work because of illness, the employee shall be given the option of using accrued vacation time.

#### **4-3.3 Use of Sick Leave**

Paid sick leave may be taken by a regular full-time employee for absence by reason of:

Bona fide illness or injury, which prevents the employees from performing their usual work;

Illness, injury, or doctor's appointment in the employee's immediate family, which requires the attendance of the employee;

Maternity leave.

#### **4-3.4 Definition of "Immediate Family"**

The term "Immediate Family" as it applies to the use of paid sick leave shall include the employee's spouse, children, step-children, parents, guardians, brother, sister, or any relative living in the employee's household.

#### **4-3.5 Sick Leave and Workers Compensation**

The salary or wages received by an incapacitated employee as sick leave pay shall be reduced by the amount of Workers' Compensation received during the sick leave period.

#### **4-3.6 Employee's Responsibility**

All employees shall, in the event of a sick leave absence, notify his/her immediate supervisor as soon as possible or at least two hours prior to shift time. Failure to notify a sick leave absence, as required, may subject the employee to disciplinary action.

#### **4-3.7 Proof of Illness**

Department Heads, the County Administrator or Human Resources may, at their discretion, require an employee to submit a doctor's statement certifying the reason for their absence.

#### **4-3.8 Abuse of Sick Leave**

Sick leave is provided to the employee as an aid in time of need and should only be used when necessary. Sick leave pay will be denied to any employee who is found guilty of making a false statement of sickness or otherwise abusing the sick leave privilege. Such false statements or abuse will be cause for dismissal or other disciplinary action.

Requests for extended leave of absence without pay must be approved by the County Administrator.

Employees on approved extended leave of absence do not accrue vacation and sick leave credits. An approved leave of absence without pay is not considered a break in service.

The County will continue to pay the group insurance premiums through the Virginia Retirement System for employees on extended leave of absence without pay in the same manner as it does for employees in pay status. The employee will be responsible for paying his/her portion of the group health coverage if applicable.

#### **4-3.9 Donation of Sick Leave**

In situations where an employee has depleted all of his/ her accumulated leave, or in situations where the employee has not been employed long enough to accumulate enough sick leave or vacation time, other employees may wish to donate a designated amount of their accumulated leave to the employee. If an employee is interested in donating a designated amount of their leave to another employee, a Donation of Sick Leave Form must be completed and submitted to the Human Resources Office for verification purposes.

The donation process is designed to assist employees who have catastrophic personal injury or illness such as heart attack, cancer or a serious car accident. (The examples are not all inclusive.) Sick leave may

not be donated for minor injury or short term illness (cold, flu or virus), elective surgery or injuries or illnesses covered under workers compensation.

In order to be eligible to receive donated sick leave an employee must:

- Have medical documentation.
- Have used all forms of accumulated leave days, including sick time, vacation time and compensatory time.
- Be absent in excess of three consecutive weeks, or have a physician certification stating the anticipated absence will be in excess of three consecutive weeks.

The donating employee must retain no fewer than 30 days (240 hours) of sick leave on record (after the donation). Once an employee has donated sick leave, the donor can not retrieve any portion of the donated leave.

The Human Resources Manager will review each request with the Assistant County Administrator. The decision of the Human Resources Manager and the Assistant County Administrator will be final and is not grievable through the County's grievance procedure.

#### **4-3.10 Group Home Teachers and Sick Leave**

All Group Home teachers of the New Hope Academy are contractual employees. These employees will accrue ten (10) days of sick per school year. Eight (8) hours of sick leave will be accrued each month of the school year, September through June. This sick leave can be carried over into the next school year.

#### **4-3.11 Sick Leave and Termination**

When an employee terminates employment with Bedford County, unused accrued sick leave shall not be paid out to the employee unless the employee is retiring under VRS. In this case, one - fourth (1/4) of the unused accrued sick leave shall be paid to the employee up to a maximum of \$5,000.

## 4-4 Bereavement Leave

Any employee required to be absent because of death in his/ her immediate family shall be entitled to use three (3) days of sick leave. Any additional days, if taken, shall be deducted from the employee's accumulated paid vacation leave. If an employee does not have any sick days, vacation days may be substituted.

### 4-4.1 Definition of "Immediate Family"

The term "Immediate Family" as it applies to the use of Bereavement Leave shall include the employee's spouse, children, step-children, parents, parents-in-law, guardians, daughter-in-law, son-in-law, brother, sister, brother-in-law, sister-in-law, grandparents, grandchildren, and any relative living in the employee's household.

## 4-5 Other Types of Leave

### 4-5.1 Military Leave

All employees of the County serving as members of the organized reserve forces of any of the armed services of the United States, shall be entitled granted military leave to in accordance with United States Government regulations, without loss of seniority, accrued leave or efficiency rating, on all days during which they shall be engaged in annual active duty for training or when called forth by the Governor pursuant to Section 44-93 of the Code of Virginia. There shall be no loss of pay during such leaves of absence and when relieved from such duty, they shall be restored to positions held by them when ordered to duty as described under the "Uniformed Services Employment and Reemployment Rights Act of 1994". The employee will be paid the higher of the County salary or the Military salary.

### 4-5.2 Civil Leave

Any regular employee who is summoned to serve on jury duty or who is summoned or subpoenaed to appear in any court or administrative hearing shall be entitled to civil leave with pay. If such employee receives a payment for civil duties, it must be turned in to the Human Resources Office. When an employee is only reimbursed for travel expenses, he or she may keep the payment. If the employee chooses to charge civil days to vacation leave, the employee may keep any payment. The employee may not use civil leave with pay if the employee is a defendant in a criminal case. In this case, the employee may charge the absence to vacation leave or compensatory time, if eligible, or leave without pay.

Civil leave with pay may not exceed the actual time required. With respect to any additional time off resulting from jury duty or summons to court, the employee may charge such time off to vacation leave or compensatory time, if eligible, or leave without pay. The immediate supervisor must be notified in a reasonable period of time in advance to schedule civil leave, and an employee leave request form must be completed. A copy of the civil leave request must be forwarded to the Human Resources Office.

Any employee who is summoned to serve on jury duty or any employee, except the defendant in a criminal case, who is summoned or subpoenaed

to appear in any court shall not be discharged from employment nor have any adverse personal action taken against him or her nor shall he or she be required to use sick leave or vacation time as a result of his or her absence from employment, upon giving reasonable notice to his or her supervisor of such jury duty or court appearance.

#### **4-5.3 Maternity Leave**

Employees unable to work due to pregnancy or complications related to pregnancy shall be entitled to the same paid sick leave and temporary disability benefits as any other employee unable to work due to illness or injury. All Maternity leave will follow the laws of the Family and Medical Leave Act (4-6)

#### **4-5.4 Leave Without Pay**

Department heads may grant regular employees a one-week leave without pay for a reasonable purpose. Leave without pay in excess of one week must be approved by the County Administrator.

#### **4-5.5 Administrative Leave**

An employee may be placed on administrative leave by their Department Head (with authorization of the County Administrator) when it is in the best interest of the County to remove the employee from the worksite. The employee may be placed on administrative leave during an investigation. The employee will stay on administrative leave as deemed necessary by the Department Head and the County Administrator. The employee will be paid his/her full salary for the duration of the leave. Time designated as administrative leave with pay will not be charged to the employee's paid leave.

The supervisor shall notify the Human Resources Office as soon as possible, after placing an employee on administrative leave with pay

#### **4-5.6 Volunteer Fire and Rescue Calls**

With permission from their immediate supervisor, employees who volunteer on a Bedford County fire or rescue squad may be permitted to leave their jobsite when required to respond to an emergency call. The employee is required to make up the hours missed from the job or account for the hours

using accumulated vacation or compensatory time.

#### **4-5.7 Voting and Elections**

Bedford County encourages its employees to vote as well as participate in the election process. An employee of the County may serve as an Election Official. An employee serving as an Election Official must be a qualified voter of the Commonwealth of Virginia and agree to represent a recognized political party. An Election Official cannot hold an elective office or be the deputy or employee of an elected official.

Employees are required to obtain approval of their supervisor in order to participate as an Election Official. The employee will not be required to use accumulated leave for the time missed from work.

## 4-6 Family and Medical Leave Act (FMLA)

The County provides leave to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). This policy is designed to provide you with some written guidance regarding your FMLA rights and obligations. This policy is not exhaustive in scope. If you have questions regarding the FMLA, please see Human Resources.

### 4-6.1 Eligibility Requirements

To be eligible for FMLA leave, an employee must be employed by the County for at least 12 months and have worked at least 1,250 hours during the previous 12 months.

### 4-6.2 Reasons for FMLA

1. The birth and care of a newborn child of the employee.
2. Placement with the employee of a son or daughter for adoption or foster care.
3. To care for a spouse, son, daughter, or parent with a serious health condition.
4. For a *serious* health condition that makes an employee unable to perform the functions of his or her job.
5. For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

FMLA may also be granted to an eligible employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness up to a total of 26 workweeks of unpaid leave during a single 12 month period to care for the service member.

### 4-6.3 Duration of Leave

1. A total of twelve work weeks of FMLA leave can be taken in a

12-month period based upon a rolling twelve (12) month period measured backward from the date of each use of FMLA leave.

2. Spouses who are both employed by the County are limited in the amount of family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 weeks.
3. Employees may take FMLA leave intermittently or on a reduced leave schedule. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation. Intermittent leave or reduced schedule for birth, care or placement for adoption of a child is subject to the approval of the County Administrator.

#### **4-6.4 Using Accrued Paid Time Off**

Depending on the purpose of your leave request, you may choose to use accrued paid leave, if available. Any paid leave that is taken is not exclusive of FMLA leave, and will be deemed to run concurrently with your FMLA leave entitlement.

#### **4-6.5 Maintenance of Health Insurance While on Leave**

Employees who are on the County's health insurance while on FMLA will be able to continue coverage during his/ her leave. The County will continue to make the premium payments to maintain coverage through the duration of the leave. Coverage will continue on the same terms as if the employee were working. Whenever appropriate, an employee will be required to make arrangements to pay his/ her share of the health insurance premiums while on leave. FMLA does not require the County to pay the employee's portion of health insurance premiums.

Under some circumstances the County reserves the right to recover premiums it has paid to maintain health coverage for an employee and his/ her family. This will generally occur only when an employee doesn't return to work at the conclusion of his/ her leave, and this was not due to the continuation or recurrence of the employee's (or the immediate family member's) serious health condition.

#### **4-6.6 Job and Benefit Protection**

1. 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 in accordance with the FMLA and its regulations. An employee on FMLA leave has no greater right to reinstatement or other benefits and conditions of employment than if the employee had not taken FMLA leave.
2. Employees on FMLA leave will not lose eligibility/entitlement to any benefits/employment programs accrued prior to the day the leave commenced.
3. For the duration of FMLA leave, the County will maintain an employee's medical insurance coverage under the same conditions and coverage level which would have been provided if the employee had not taken FMLA leave.

#### **4-6.7 Advance Notice and Medical Certification.**

1. An employee must provide a minimum of thirty (30) days advance notice when the leave is foreseeable. If the need for leave is not foreseeable, or 30 days is not possible, the employee must provide as much notice as possible.
2. Medical certifications supporting the need for leave due to a serious health condition affecting you or an immediate family member must be provided. The County reserves the right to ask the employee to get a second or third medical opinion at the County's expense. Periodic recertification may also be required.
3. The County may ask for periodic reports of the employee's status and intent to return to work.
4. Medical certification of the employee's fitness for duty will be required before the employee is allowed to return to work if the leave was taken for a serious health condition.

#### 4-6.8 Exhaustion of FMLA Leave

Any employee who does not return or is unable to return to work at the exhaustion of the 12 week entitlement may be subject to termination of his or her employment. An employee who informs the County that he/ she does not intend to return to work at the conclusion of the FMLA leave will be deemed to have resigned.

If the employee has exhausted their FMLA entitlement and it is medically necessary to remain out of work, the employee must request in writing to the County Administrator the reason for the extension. The employee must also provide medical certification for the extension of leave.

# CHAPTER 5

## INSURANCE AND OTHER EMPLOYEE BENEFITS

## 5-1 Benefits Introduction

The County has established a variety of employee benefit programs designed to assist employees and eligible dependents in meeting the financial burdens that can result from illness and disability and to help plan for retirement. This portion of the Personnel Policy Manual contains a very general description of the benefits to which employees may be entitled to, and does not provide all the details of these benefits. Therefore, this manual does not change or otherwise interpret the terms of the official plan documents. Employees' rights can be determined only by referring to the full text of the official plan documents, which are available for examination in the Human Resources Office. Benefits generally have a specific waiting period or eligibility requirements described in the official plan documents. To the extent that any of the information contained in this manual is inconsistent with the official plan documents, the provisions of the official documents will govern in all cases.

For more complete information regarding any of the benefits programs, please refer to the Summary Plan Descriptions, which were provided during new hire orientation, or contact the Human Resources Office.

## 5-2 Group Health Insurance

All regular full-time employees are eligible to participate in the Group Health Insurance Plan. Part-time employees who have consistently worked 30 hours per week *and* have been employed with the County for a minimum of three years are eligible for health insurance. Employee's coverage will be effective the first day of the following month after their date of hire if hired on or before the 15<sup>th</sup> of the month. If an employee is hired between the 16<sup>th</sup> and the last day of the month, the employee will be eligible for coverage the first day of the second month. Additional information concerning the Group Health Insurance Plan can be obtained from the Human Resources Office.

### 5-2.1 Continuous Coverage Option (COBRA)

Employees and enrolled family members may continue group coverage for either eighteen (18) or thirty-six (36) months.

Conditions of a continuance of eighteen (18) months:

- (a) Change from full-time to part-time employment
- (b) Lay off or discharge (except for gross misconduct)
- (c) Leave work voluntarily for any reason including retirement

Conditions of a continuance of thirty-six (36) months:

- (a) Surviving spouses or children of an employee who dies. If the spouse turns down coverage children may elect continuous coverage
- (b) Children of active employees who reach the dependent age limit for coverage under the parent's contract
- (c) Spouses or children who are no longer eligible for coverage because of separation or divorce
- (d) Family members who lose coverage because the employee is eligible for Medicare and chooses Medicare as his primary carrier

## 5-2.2 Age 65 Option

The Age Discrimination in Employment Act has been amended to require that all employees, over age 65, and their spouses, over age 65, be provided with the same health insurance, under the same conditions, as younger employees and spouses. Under this regulation, employees age 65 and over can enroll in the County's regular group program as long as they keep an active regular status.

### **5-3 Virginia Retirement System (VRS)**

Bedford County participates in the Virginia Retirement System (VRS) through the Commonwealth of Virginia. VRS provides a monthly payment to members when they retire and for as long as the member lives. This monthly payment is based upon the average final compensation, which is the average of a member's highest consecutive thirty-six (36) months of salaried employment, the years of service credit, and the member's age. Membership in VRS is a condition of employment for all regular employees. The County makes contributions to VRS on behalf of each employee. These payments are divided into the employee's share, which is five percent (5%) of the annual salary, and the employer's share. Each share is paid by the County as one of the employee's benefits. After five (5) years of service with the County, an employee is a vested member. Vested members are entitled to receive VRS benefits upon retirement. An employee may receive full or partial VRS benefits depending upon age at retirement. If an employee terminates service with the County before retirement, he or she may be able to withdraw the employee's share depending upon VRS membership date and the provisions of the VRS. Employees who have questions regarding the VRS retirement system should refer to their VRS handbook, their department head or the Human Resources Office.

#### **5-3.1 Group Health Insurance Premium**

Employees retiring through the Virginia Retirement System may continue health insurance coverage under the County group plan, provided the total premiums are paid by the retired employee. In the event such employee fails or neglects to pay the increase in premiums, then all health insurance under the County's group plan will be discontinued.

If the employee is not receiving VRS benefits after termination of employment, he shall not be eligible for the County group health insurance benefits.

## 5-4 Workers' Compensation Insurance

If an employee becomes ill or is injured while performing assigned duties, and the injury or illness is determined to be work related, the necessary medical payments and compensation pay will be made by the county's workers' compensation carrier, as provided for by Virginia State Workers' Compensation laws.

When a workers' compensation claim is filed with the county, an Election of Method of Payment Form must be signed by the employee, or his/her representative. This election form allows the employee to either receive compensatory pay which is paid by the workers compensation carrier only, or subsidize what the carrier pays with accumulated sick leave, so that in total the employee continues to receive his or her regular rate of pay.

All employees are required to report an on the job injury or illness immediately, regardless of how minor it may be, to their department head or immediate supervisor.

The County has established a list of approved physicians for an employee to see for a workers' compensation injury or illness. A claim will be considered if the employee has been seen by an approved physician. Please contact the Human Resources Office for a listing of approved workers' compensation physicians.

## 5-5 Life Insurance

Each regular full-time employee participates in the group life insurance plan, if eligible. This plan is administered by the Virginia Retirement System and offers life insurance without the requirement of a medical examination upon initial employment. The County covers the cost of the insurance. This insurance provides coverage for twice the amount of each employee's base annual salary when rounded to the next highest thousand for a natural death, and four times the base annual salary when rounded for accidental death. There is also coverage for accidental dismemberment and accidental blindness. Upon retirement, coverage will continue providing that the employee is at least 50 years old and has at least 10 years of service. After retirement, the amount of insurance reduces by 25% annually starting January 1 following the first full year of retirement. Each January thereafter the amount will reduce by 25% until the coverage reached 25% of its value at retirement. Both dismemberment and double indemnity coverage stop at retirement.

Upon employment, a beneficiary must be chosen. The Human Resources Office must be contacted for any beneficiary changes. The Virginia Retirement System publishes a handbook which includes an explanation of the group life insurance plan. This may be obtained from the Human Resources Office.

## 5-6 Employee Assistance of Central Virginia (EACV)

Employee Assistance of Central Virginia (EACV) is provided as a benefit to all regular full and part-time employees and their immediate family members.

The County is vitally concerned with each employee's physical and mental well being. The County further recognizes that substance abuse and related behavioral and medical problems, and marital, family and financial problems can gravely affect employee's well being, work performance and attendance.

EACV is a voluntary program administered by the Human Resources Office through a contract with a private, non-profit organization. Employee Assistance is operated both as a personnel management function and an employee benefit. Participation in the program is through self-referral when an employee needs assistance with personal or medical problems or through supervisory referral where job performance has declined.

### 5-6.1 Purposes

The purposes of the Employee Assistance Program of Central Virginia (EACV) are:

- a. To provide immediate help for employees with personal or medical problems and to refer for help those employees whose work performance has declined as a result of personal or medical problems;
- b. To restore those employees to their previous higher level of work performance in order to prevent further decline in performance;
- c. To save County dollars by reducing losses due to declining work performance and productivity;
- d. To make these services available to members of the employee's immediate families who may be in need of assistance.

## 5-6.2 Policy Statement

- a. The primary focus of the program is to provide employees assistance in dealing with problems affecting their physical or mental well-being.
- b. An employee may participate in employee assistance without any adverse affect upon his/her employment with the County. All department heads and supervisors will insure compliance with this policy.
- c. Supervisors will not determine or define the nature of the problem. Assessment and treatment will be provided by Employee Assistance of Central Virginia (EACV). However, every effort will be made to detect employee problems and deteriorating job performance at an early stage and to encourage and assist the employee in obtaining immediate help.
- e. The employee will be responsible for complying with supervisory referrals to EACV and cooperating in any prescribed treatment plan.
- f. Employees participating in EACV will remain responsible for complying with all County employment policies and meeting employment job performance requirements.
- g. The medical/personnel records of employees participating in EACV will be handled in a confidential manner.
- h. Employees may use their accumulated leave time when attending the EACV on a self-referral basis. Instances where there has been a supervisory referral, the employee may attend on County time

## 5-7 Section 125 and Flexible Spending Plans

The Section 125 and Flexible Spending Plans allow an employee to apply "pre-tax" dollars toward health insurance premiums and un-reimbursed medical expenses for dependent and family coverage that is paid for by the employee. Under the Flexible Spending Plan, pre-tax dollars may also be deducted for day care expenses for children or elderly parents. Contact the Human Resources Office for additional information regarding these benefits.

## **5-8 Educational Reimbursement**

### **5-8.1 Purpose**

Bedford County values continued education and considers it a vital part of employee development. This program is a benefit designed to attract and retain qualified employees, to improve the quality of employee leadership and productivity and to encourage employees to continue their education as a means of improving job skills and enhancing promotional opportunities.

### **5-8.2 Eligibility**

All active full time employees under the County's Pay and Classification Plan may apply for educational assistance. The employee must have at least one year of service with the County and a satisfactory work performance.

Coursework taken must be directly related to the employee's present position or part of an undergraduate or graduate program where the degree is job related.

Reimbursement is not available if the course is being paid by another source.

### **5-8.3 Benefit**

This is a cost sharing program to aid the employee in furthering their education. Eligible expenses include tuition, fees and books for the coursework. The County will reimburse an employee 80% (up to \$2000/ fiscal year) of courses that are directly related to the employee's current position. Courses that meet degree requirements will be reimbursed at 50% (up to \$750/ fiscal year). The student must complete the class with a "B" or higher or "pass" to qualify for reimbursement.

An employee agrees to repay the educational assistance received by continuing employment with the County for a minimum of one 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 prorated basis, the dollar amount not repaid by service. For example, if the employee leaves after 6 months, 50% of the County cost will be paid back by the employee.

#### 5-8.4 Procedure

Employees requesting educational reimbursement should complete a Request for Educational Reimbursement Form with his/her department supervisor. The completed form will be submitted to Human Resources for approval prior to submitting with the department's annual budget. Budgetary considerations will be a determining factor in the decision concerning such reimbursement.

# CHAPTER 6

## EMPLOYEE RESPONSIBILITIES

## 6-1 Standards of Conduct and Performance

Bedford County has established rules of personal conduct and standards of acceptable work performance for its employees. Violation of the established rules and/or unacceptable work performance may result in the imposition of corrective action. Such action is designed, and is to be used, as a corrective measure and shall not be based on an employee's race, color, religion, national origin, marital status, political affiliation, disability, sex or age.

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

The Standards serve to:

1. Establish a fair and objective process for correcting or treating unacceptable conduct or work performance;
2. Distinguish between less serious and more serious actions of misconduct and provide corrective action accordingly, and;
3. Limit corrective action to employee conduct occurring only when employees are at work or when otherwise representing the County in an official or work-related capacity, or where the conduct is otherwise work related.

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

### 6-1.1 Standards of Conduct

- A. The effective operation of the County requires that all public officials and the employees be independent, impartial

and responsible to the citizens.

- B. Decisions and policy will be made through the proper channels of our government.
- C. The employees of Bedford County will maintain ethical conduct by setting forth actions that are compatible with the best interests of the County.
- D. No employee shall grant special consideration, treatment or an advantage to a citizen, or employee, which is not available to any other citizen or employee.
- E. Employees are expected to maintain timely and regular attendance at work.
- F. Employees are expected to meet established performance standards. Conditions or circumstances, as they become known, which will prevent employees from performing effectively or from completing their assigned tasks should be reported to the supervisor.

## 6-2 Performance Management

### 6-2.1 Definition

The performance evaluation system is a uniform procedure which permits the evaluation of the performance of employees in accordance with certain standards and criteria known to both those whose performance is being evaluated and those responsible for conducting the evaluation.

### 6-2.2 Purpose

The goal of the performance evaluation system is to permit supervisory personnel to evaluate the performance of employees in the accomplishment of their assigned duties and responsibilities. The evaluation of the performance of employees is to determine how and to what extent employee performance relates to position requirements. This system is intended to serve three main purposes:

1. The first is to insure that each employee is fully aware of performance standards which apply to this job. The performance evaluation system contains criteria on which performance is evaluated. Each of these criteria is used to measure how employees performed their assigned duties and responsibilities as explained in the position specifications.
2. The second purpose served by the system is to assist supervisory personnel not only in completing performance ratings, but also in discussing these ratings with the employees. In fairness to an employee, a supervisor should agree with him/her on the standards against which the employee will be rated. This system is designed to more clearly identify the elements of satisfactory performance and the reasons for a given rating. When properly applied, this system, as explained in this manual will take the "guess work" out of evaluating the performance of the employee. There are five levels of performance that can be used to describe an employee's performance in each category. These five performance levels are: (1) Unsatisfactory, (2) Below Satisfactory, (3) Satisfactory, (4) Above Satisfactory, and (5) Exceptional.
3. The third purpose of this system is to assist the supervisor in identifying development needs of subordinate personnel. Instead of forcing the supervisor to guess at employee development needs, the guide

encourages a detailed review of actual performance deficiencies and weaknesses as they are identified in the performance evaluation. When reviewing the employee's performance evaluation with the employee, these deficiencies can be discussed in detail and specific development programs can be provided to assist the employee in improving his/her total performance. The system requires the supervisor to discuss each employee's development and growth potential, completed goals and objectives and set future goals and objectives.

### **6-2.3 Use of Employee Evaluations**

Once an employee performance rating form is completed, it is made a permanent part of the employee's personnel file. The information collected can assist management in identifying deficiencies, outstanding performances, or areas where actions are necessary to better develop the employee. Each Supervisor sets goals and objectives for each employee to complete during the upcoming year. This enables both the supervisor and employee to know exactly what is expected. When used properly, the performance evaluation can be advantageous to management and can improve services.

### **6-2.4 Salary Adjustment**

The employee performance evaluation is designed to encourage improvement and development of employees within the organization. A more efficient working organization can be brought about by a common understanding that employees and supervisors are all working together for a common purpose. Further, effective periodic ratings tend to improve supervisory practices by bringing supervisors and employees into closer contact and producing mutual understanding. A formal review of an employees' performance is done annually during the months of September and October. Interim review dates for employees may be established if determined to be appropriate.

The performance evaluation is made by the employee's supervisor and reviewed by the County Administrator or the Assistant County Administrator. The review should cover the entire preceding review period. Elevation of employees within the salary range shall be made according to satisfactory completion of the requirements of the position in which the employee is functioning. The amount of salary increase available to any covered employee is directly tied to the individual's job

performance. Superior performance results in greater merit increases. Employees would generally be expected to be granted merit increases based on their overall rating and the midpoint of their pay bracket; budgetary conditions permitting.

### 6-3 Secondary Employment

In order to minimize the potential for conflict of interest, the County discourages any secondary employment. Any employee seeking secondary employment shall discuss this with his/ her immediate supervisor and obtain approval prior to accepting a position outside of County employment. It should be known that the employment with the County is primary. In the event that the secondary employment interferes with the employees performance, attendance or ability to do his/ her job, the employee may be asked to discontinue dual employment.

Employees who have secondary employment at the time of hire must notify their immediate supervisor and Human Resources of this.

## 6-4 Conflict of Interest

As provided in Title 2.2 of the Code of Virginia (The Virginia Conflict of Interests Act), no employee of the County shall engage in any financial or other interest which might impact the performance of his/her duties.

Employees shall not, without proper authorization, disclose confidential information concerning Bedford County.

Employees shall not accept any gift or favor from a citizen, corporation, or firm that is intended to influence his/her decision or discharge of his/her duties.

Employees shall not represent private interests before the interests of the County, unless he/she is doing so as a member of a civic organization or is speaking on an issue of general public interest.

## 6-5 Appearance

Personal appearance, cleanliness, and neatness are vitally important to one's job and relationships with others. Excessive use of shaving lotion, perfume, cologne, makeup, or jewelry should be avoided. Common sense and consideration for others must be exercised in matters of personal hygiene.

Employees are expected to dress in a professional manner. Dress slacks may be worn. Warm-up suits, halter tops, tank tops, gym shoes, rubber flip-flops, etc., are considered inappropriate. See-through blouses, tight fitting clothing and extremely high heels are equally inappropriate.

Casual attire such as golf shirts with the Bedford County Seal, jeans, and tennis shoes are permitted on Fridays. Additional casual days may be designated by the County Administrator.

If necessary, questions of proper attire will be addressed by the County Administrator whose decision will be final.

Exceptions are made on days set aside specifically for cleaning or moving as specified by the Department Head.

## 6-6 Attendance

Every employee is expected to be on the job during all hours assigned. Excessive absences or tardiness may lead to disciplinary action, up to and including termination. All employees shall, in the event of a sick leave absence, notify his/her immediate supervisor as soon as possible or at least two hour prior to shift time. Failure to notify a sick leave absence, as required, may subject the employee to disciplinary action. When requesting leave or reporting an absence, the employee must personally contact the supervisor.

## 6-7 Inclement Weather

During inclement weather conditions all county offices will remain open to serve the citizens of Bedford County and employees are expected to report to work. In situations of extreme weather conditions, the County Administrator will make the decision to delay opening, close early or close for the entire day. In these situations, essential personnel/ offices are required to report to work. Employees who are concerned about their travel safety should use their discretion and will be allowed to use their vacation leave for any time that they have missed for work.

There are times that the County offices will be closed for the day, delayed opening or early closings. In these instances, there may be times when essential personnel are required to work. Any essential employee who does not work for a 24/7 type of operation, and is required to work , the time that is worked will be counted as comp time.

## **6-8 Use of Computer Systems, Internet and Phones**

Computer and networking systems, including e-mail, internet and all other County resources and equipment are considered County property. The use of these systems, networks and equipment is limited to business purposes only, except as specifically set forth below.

Infrequent and very limited use of Company telephones for brief local calls or short local faxes normally is permitted so long as it does not interfere with performance of your duties, is consistent with all other County policies, is not disruptive to the County and is not potentially disruptive or offensive to others. Use of all other County resources, such as long distance telephone service, postal and shipping service, copiers, long-distance faxes, vehicles, equipment and/or office supplies and materials for any non-business purposes is generally not permitted, and may only be used with prior management approval as set forth below.

Requests for use of computers and computer systems and networks for personal/professional development or continuing education reasons is permitted only where approved by management in advance. Please note, however, that such approved personal use of County computers may be considered a taxable fringe benefit.

### **6-8.1 Incidental Use**

During or after normal working hours, employees may occasionally wish to access the Internet for non-work-related purposes, just as they might currently browse a newspaper in the County lobby or make occasional, short, non-work-related local telephone calls. The County recognizes that its employees have busy lives and long workdays and that this sometimes warrants such infrequent and limited personal use of the County's computers to access e-mail or the Internet for non-business purposes. Such infrequent and limited non-business use is generally permissible (subject to the restrictions below) so long as it does not interfere with the performance of your duties, is consistent with all other County policies, is not disruptive to the County and is not disruptive or potentially offensive to others. If an employee has any doubts about the meaning of infrequent and limited, he or she should consult his or her immediate supervisor or the Human Resources Office.

The County reserves the right to block and/or monitor Internet access to

any sites that the County deems to be offensive or undesirable. In addition, employees found to be visiting sites that are not blocked that are subsequently found to be offensive are subject to review and possible disciplinary action. These offensive sites include, but are not limited to, sites focusing on pornography, violence, hate groups, games, and similarly objectionable material of no business relevance.

The County strives to maintain a productive, efficient workplace free of harassment of any type. The County therefore prohibits any use of its telephone systems, fax systems, computer systems and networks, e-mail or the Internet that is disruptive and potentially offensive to others. The display or transmission of sexually explicit images, messages, or cartoons is prohibited. This also includes but is not limited to ethnic slurs, racial or sexual comments, off-color jokes, vulgarities, obscenities; or anything that may be construed as harassment, discrimination, or which is disrespectful of others.

Individuals should refrain from using computer systems, e-mail and the Internet for personal reasons except as permitted under this policy. E-mail should be used no differently from County letterhead. All e-mail communications are considered County documents and are subject to subpoena. All e-mail correspondence should be complete and accurate in content. E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations or other non-business matters. Users of e-mail cannot assume privacy of the transmission. Users of e-mail and all other computer or internet resources waive any right to privacy in these communications and consent to the access and disclosure by authorized County employees. The County reserves the right to read and preserve the contents of e-mail and all other computer or internet communications, including contents of all files or messages created, transmitted, or stored using County resources.

## **6-8.2 Use of Licensed Software**

The County purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software. Employees may only use software on our networks according to the software license agreement. County policy prohibits the illegal duplication of software and its related documentation. The County maintains and supports hardware, software and network services for business use. Employees should only use the software and hardware provided. County

policy prohibits the loading of files and software or the altering of software setup and configuration without authorization from the systems administrator.

Some licenses allow for use of software by an individual on the computer in his or her office and on his or her home or portable computer, provided that only one copy of the software is in use at a time. But not all vendors allow such copying. Employees should use the software only in accordance with the terms of the license agreement. Before you make a copy of software applications for use on a computer other than your primary work computer, check with the systems administrator.

Likewise, software that employees have licensed for use on their home computers may not be appropriate or authorized for use on their computers at work. Installing software not authorized by the County on your work computer can cause system problems. "Shareware" or software acquired for use at home cannot be supported by the network systems administrator and could introduce viruses into the system. Use of non-authorized software on County computers is prohibited, and can lead to disruption of work.

Employees should notify their immediate supervisors, Information Systems, Human Resources or any member of County Administration upon learning of any violations of this policy. Employees who violate this policy will be subject to disciplinary action up to and including termination of employment.

## 6-9 County Owned Vehicles

County employees are responsible for the proper use and maintenance of County owned vehicles used in their work. Any defects noted by the employee should be reported to the immediate supervisor as soon as possible. County owned vehicles will be parked at the Central Garage vehicles are to be used for County business only. Persons who are not employees of the County are not authorized to ride in these vehicles unless prior permission is received from the County Administrator.

### 6-9.1 Accidents Involving County Owned Vehicles

Employees involved in any accident while driving a County owned motor vehicle must:

- (a) Immediately call 911 for first aid assistance if it is necessary.
- (b) Notify the Sheriff's Office or other law enforcement agency if accident is outside of Bedford County.
- (c) Obtain the names and addresses of the other person(s) involved in the accident.
- (d) Obtain the names and addresses of all witnesses present.
- (e) As soon as possible, notify their Department Head of the accident. It is the Department Head's responsibility to notify County Administration of the accident.

## 6-10 Keys to Facilities and ID Badges

Employees will be issued keys to the offices and/or buildings on an as needed basis. The keys are considered County owned property and should be treated as such. All new employees will sign a receipt form for each key that they are issued. No key is to be reproduced. In the event that the key is lost, the employee may be responsible for all costs incurred in changing the locks.

Employees will be issued a photo identification badge at the time of hire. The badge is to be worn while working or in any County buildings. Badges are a necessary security measure and will also help identify the County employees to citizens.

If an employee loses the badge there will be a charge of \$5.00 for a replacement. An employee who has a damaged badge and needs a replacement will not be charged a fee. Any name, title or department changes should be reported and a new badge issued.

## 6-11 Harassment

The County's support of its Equal Employment Opportunity policy includes its commitment to prohibit harassment against employees because of sex, gender, race, color, religion, national origin, age, disability or any other class protected by law. This prohibition covers illegal harassment by anyone in the workplace including supervisors, co-workers and even non-employees. Our employees have the right to be free from inappropriate comments, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, or based on a person's protected class, when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or when such conduct creates an intimidating, hostile or offensive work environment. We expect our employees to treat each other with respect and courtesy. The County will not tolerate discrimination or harassment.

### 6-11.1 Procedure

The following procedure applies to any harassment complaint.

- a. Any employee who feels he/ she has been discriminated against or harassed because of his/ her sex, gender, race or for any other improper reason should report the matter immediately to his or her immediate supervisor, County Administrator or the Human Resources Manager.
- b. The employee can inform any of these persons of the complaint. Thus, for example, if the employee prefers not to report it to his or her supervisor, the employee should report it to the County Administrator or the Human Resources Manager.
- c. Employees should not assume that the County management knows about the situation. Please inform your supervisor, the County Administrator or the Human Resources Manager promptly of your problem so that it may be addressed. Employees should report the situation before it becomes severe or pervasive.
- d. Such reports or complaints can be made without fear of retaliation.

- e. Once on notice of complaint, the County will investigate it in a prompt, thorough and impartial manner. The County will ensure as much confidentiality as is possible. The County will not retaliate against anyone who provides information during the County's investigation.
  
- f. The County will take immediate and appropriate corrective action if it determines that harassment has occurred in violation of this policy. Such action may include the suspension or discharge of the offender.

If you have any questions regarding this policy, or need information on complaint procedures, we urge you to contact the Human Resources Office.

## 6-12 Drug Free Workplace

In compliance with the Drug Free Workplace Act of 1988, the County shall:

1. Publish a policy notifying employees of the County's drug prohibitions in the workplace and specify any actions that will be taken against employees for violations of such policy.
2. Notify employees who are subject to the County's drug and alcohol abuse policy, that as a condition of employment with the County the employee will
  - a. Abide by the terms of the drug and alcohol policy, and
  - b. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
3. Notify any contracting agency within ten (10) days after receiving actual notice of such conviction.
4. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who is so convicted.
5. Make a good faith effort to continue to maintain a drug free workplace through implementation of this program.

### 6-12.1 Inspection

Inspections and searches conducted under this policy shall be for the purpose of determining adherence to County policy, fitness for duty and appropriate discipline. Law enforcement personnel investigating criminal activity shall not conduct inspections or searches pursuant to this policy.

The County reserves the right to search County owned property, including vehicles, structures, buildings, equipment, computer and other electronic communication systems, furniture, offices, desks, lockers, files, file cabinets and containers at any time and for any reason. All County employees are therefore strongly encouraged to refrain from storing on or in County owned property any personal article (including personal correspondence) they wish to protect from inspection by County officials.

By accepting or continuing employment, each County employee is deemed to have consented to unannounced searches of his or her own work area upon request. Searches of an employee's person, personal vehicle or personal containers such as vehicles, purses, brief cases or lunch pails will not be conducted without the employee's consent. However, an employee's refusal to consent to reasonable searches of his person, vehicle or personal containers while on County property may result in disciplinary action up to and including discharge.

## **6-12.2 Drug Policy**

Bedford County has long been committed to a safe and healthful working environment for its employees. Additionally, we have an obligation to the general public to conduct our operations safely and efficiently. With this commitment and obligation in mind, the County is reaffirming its rules prohibiting alcohol and drug abuse. The County is also reaffirming its willingness to assist employees with alcohol or drug related problems to find the appropriate treatment for rehabilitation and recovery.

In accordance with our long-standing policy, this notice is to reemphasize to our employees (and employees of other companies and contractors) that the abuse of drugs and alcohol poses a serious threat to the safety of our employees and the County's operations and to the public. Accordingly, the use, possession, being under the influence or having a detectable presence of drugs or alcohol in ones system (except where expressly authorized) or manufacture, distribution or sale of such substances on County premises or on-the-job or any off-the-job abuse of such substances which adversely affects an employee's job performance or other County interests in prohibited. Drug and alcohol include any substance with the potential to produce effects of intoxication and/or the potential to produce physical, mental, emotional or behavioral changes which could adversely affect as employee's ability to safely and efficiently perform his job and specifically include marijuana, cocaine, amphetamines, barbiturates, heroin, opium and phencyclidine. This prohibition includes any prescription or over-the-counter drug unless an employee's possession and use of such drug on County premises, or on-the-job, has been expressly approved by the County. The term County premises in this notice is used in its broadest sense, and includes all land, property, buildings, structures, cars, trucks, and all other means of conveyance owned or leased by the County, or otherwise being utilized for County business. The term on-the-job includes paid and unpaid meal periods during the business day and paid and

unpaid overtime.

Employees who have drug and/or alcohol abuse problems are encouraged to request assistance through the County's employee-assistance program or through community agencies. The County will take no disciplinary action against employees who voluntarily seek such assistance. The existence of, or employee participation in, an employee assistance program does not, however, relieve any employees from compliance with the terms of this notice or other applicable standards governing performance and conduct. Employees who violate this Drug and Alcohol Free Workplace Policy will be subject to disciplinary action up to and including discharge and may be allowed to participate in EAP approved treatment as an alternative to discharge. Employees of independent contractors and temporary agency employees who violate this policy will not be allowed to perform additional services on behalf of the County.

To further insure safe and healthy working conditions, the County may request an employee to participate in drug or alcohol testing for justifiable reasons. The County also reserves the right to take other justifiable measures including the inspection of all County premises and the personal property of employees on County premises in order to insure compliance with this policy. Participation in such testing and inspection is voluntary, but employees who refuse shall be deemed in violation of this Policy and subject to termination of employment. Contractor employees who refuse shall not be permitted to perform further work for the County.

All records and information obtained by the County regarding alcohol and drug testing and the results and treatment of employees for chemical dependency will be confidentially maintained by restricting access on a need to know basis to those designated by management.

Your cooperation in the enforcement of this policy will assist the County in providing your and your fellow employees with a healthy and safe work environment.

## 6-13 Workplace Violence

Due to the increasing incident of violent activities in the workplace, we are implementing this policy to state our strong opposition to acts of aggression or violence in the workplace. This includes, but is not limited to, intimidating, threatening or hostile behaviors, physical abuse, vandalism, arson, sabotage, use of weapons, bringing weapons of any kind onto County property, or to the workplace. In addition, jokes or offensive comments regarding violent events will not be tolerated and may result in disciplinary action.

The purpose of this policy is to minimize the risk of personal injury to employees and others at work and damage to County property. It is our belief that through the steps outlined below we can identify stresses in the workplace early on and develop a risk-reducing violence prevention program. It is important that you become familiar with the provisions of this policy.

*We wish to stress that the County does not expect you to become an expert in psychology or to physically subdue a threatening or violent individual. In fact, we discourage employees from engaging in a physical confrontation with a potentially violent individual.*

*However, we do expect that you exercise reasonable judgment in identifying potentially dangerous situations. It is essential that all employees recognize that before any physical acts of violence occur, there often are behaviors exhibited by individuals engaging in such acts. Such behaviors include:*

- *Co-workers display overt resentment, anger and hostility;*
- *Co-workers make ominous threats like bad things are going to happen to a particular person or a catastrophic event might occur;*
- *Co-workers whose work performance has deteriorated suddenly and/or significantly;*
- *Co-workers who display irresponsible, irrational or inappropriate behavior;*
- *Co-workers who have access to weapons, know how to use them, discuss them in the workplace, and/or brandish weapons in the workplace.*

## 6-13.1 Prohibited Conduct

Threats, threatening language, or any other acts of aggression or violence made toward or by any County employees WILL NOT BE TOLERATED. For purposes of this policy, a threat includes any attempts to intimidate or instill fear in others, menacing gestures, flashing of concealed weapons, stalking, verbal or physical abuse, or other hostile, aggressive, injurious, and destructive actions undertaken for the purpose of domination or intimidation, where one may fear bodily injury.

All County employees are prohibited from possessing a weapon while in the course and scope of performing their job for the County, whether or not they are on County property at the time and whether or not they are licensed to carry a handgun. Employees may not carry a weapon while performing any task on the County's behalf. The only exceptions to this policy will be person/s who have been given written consent by the County to carry a weapon while performing specific tasks on the County's behalf. This policy also prohibits weapons at any County sponsored function. This policy further prohibits employees from having any firearms in a personal vehicle on County property and in a County vehicle at any time or place.

This policy applies to all County employees (with the exception of law enforcement officers), contract and temporary employees, visitors, customers and contractors on County property, regardless of whether or not they are licensed to carry a concealed weapon. The only exceptions to this policy are law enforcement and other persons who have been given written consent by the County to carry a weapon on the property.

Prohibited weapons include any form of weapon or explosive restricted under local, state or federal regulation. This includes all firearms, illegal knives or other weapons covered by the law. (Legal, chemical dispensing devices such as pepper sprays that are sold commercially for personal protection are not covered by this policy). If you have a question about whether an item is covered by this policy, contact Human Resources. You are responsible for making sure that any potentially covered item you possess is not prohibited by this policy.

County property covered by this policy includes, without limitation, all County owned or leased building and surrounding areas such as sidewalks,

walkways, driveways, and parking lots. County vehicles are covered by this policy at all times regardless of whether or not they are located on County property.

The County reserves the right to conduct searches and inspections of employee's personal effects or County provided materials in situations meeting the definition of "reasonable-cause" and when two supervisors agree on the "reasonable-cause" decision. Illegal and/or unauthorized articles discovered or articles deemed to be dangerous weapons may be taken into custody and may be turned over to law enforcement representatives, as appropriate. Any employee who refuses to submit to a search, or who is found in possession of prohibited or dangerous articles, will be subject to disciplinary action up to and including termination.

### **6-13.2 Threat Reporting Procedures**

All potentially dangerous situations including threats should be reported to a manager, supervisor in your office and/or to Human Resources. All threats will be investigated. The key is to report any incident involving conduct prohibited by this policy.

Employees who feel they have been subjected to any of the behaviors listed above are required to immediately report the incident to a Supervisor and/or to Human Resources. Complaints will be treated seriously and will be investigated. Based upon findings, disciplinary action may be taken against the offender.

Employees who observe or have knowledge of any violation of this policy should immediately report it to management and to Human Resources. We will take appropriate action and look to employees for support of this policy. Employees are empowered to contact the proper law enforcement authorities without first advising County Administration or the Human Resources Office (or simultaneously with informing above mentioned) if they believe an immediate safety threat exists.

## **6-14 Domestic Violence**

In order to create a safe, productive workplace, Bedford County is committed to providing information, resources and support for employees and management who are responding to domestic violence concerns. Bedford County treats all employees fairly and will not discriminate against an employee in any employment actions because the employee is, or perceived to be, a victim of domestic violence.

To enable employees to seek assistance for domestic violence needs, it is encouraged that management respond to employees who are victims of domestic violence in an open minded manner. Respecting the employees need for confidentiality whenever possible, we reserve the right to disclose limited information and take action when it is clearly necessary to protect the safety of Bedford County employees.

### **6-14.1 Education and Training**

Bedford County believes that offering employees opportunities to increase their awareness of domestic violence helps to prevent and reduce the impact of domestic violence in the lives of our staff. The County provides workplace educational and informational resources to employees whenever feasible.

### **6-14.2 Safety and Security**

Bedford County will not tolerate any acts of threat or domestic violence against any employee while on County property or while conducting County business. Employees who threaten, harass, or abuse any one either at the workplace or from the workplace, may be subject to disciplinary action, up to and including termination.

Employees who become aware of threats or acts of domestic violence that may occur or have occurred in the workplace must immediately inform their supervisor. In addition, employee with Orders of Protection or restraining orders that reference the worksite, must provide their supervisor with a copy of the order.

### **6-14.3 Employees Who Commit Acts of Domestic Violence**

An employee who is found guilty of committing an act of domestic violence in the workplace may be subject to disciplinary action, up to and including

termination. Further, if an employee is found using any County resources such as work time, workplace phones, fax machines, mail, electronic mail or any other means to commit an act of domestic violence may be subject to disciplinary action, up to and including termination.

## 6-15 Discipline

It is the policy of the County that all employees are expected to comply with the County's standards of behavior as set forth in these policies. Any noncompliance with these standards must be remedied and can be subject to one or more disciplinary actions. The supervisor shall consider the severity of the non-compliance and shall utilize the disciplinary action available in a progressive manner.

### 6-15.1 Progressive Discipline

In general, the County follows a progressive discipline approach. This will give most employees an opportunity to correct the problem before more serious disciplinary actions are taken.

In addition to the process outlined below, alternate strategies such as performance improvement plans, mediation, conflict resolution and demotions may be used on a case by case basis. These actions are to be utilized when it serves the County's best interest to resolve the problem in the least negative and most cost effective manner.

In the event it becomes necessary to take disciplinary action against an employee the supervisor shall have the following guidelines available:

- a. **Discussion**– Meet with and advise the employee of the nature of the problem and the action necessary to correct the situation. This action may be considered to be informative in nature and usually will not result in any entry in the employee's personnel file; however the Supervisor should document the conversation for reference.
- b. **Warning**– A verbal reprimand of the employee followed by a written entry in the personnel files indicating the actions taken.
- c. **Written Notice**– Issue a written reprimand to the employee advising him of facts involved and advising that such action is being recorded in the employee's personal file.
- d. **Suspension**– Place the employee on leave with or without pay pending completion of any investigation, court action or other such matter that is deemed to be serious enough to warrant suspension. Employees suspended from work will not accrue or receive any

employee benefits during their suspensions. Suspension shall not exceed thirty (30) working days.

- e. **Termination**– Terminate the employee from his/ her employment. This should be a last resort when serious misconduct remains uncorrected or when initial misconduct is so significant that the employment must be terminated. In the event a supervisor recommends dismissal a complete review will be made by the County Administrator and/ or the Human Resources Manager of the facts surrounding the request. If dismissal is warranted, the employee will be given a final notification form and an opportunity to respond.

### **6-15.2 Resignation With Pending Charges to Terminate**

An employee who wishes to resign during the termination process may do so by submitting a letter of resignation to the department head. If the letter of resignation is accepted in lieu of termination, the appropriate documentation will be placed in the employees personnel file.

### **6-15.3 Appeal**

Employees who believe they have been improperly disciplined may use the grievance procedures set forth herein to have their views considered.

### **6-15.4 Notification**

No disciplinary action that results in suspension or dismissal shall occur until the employee has been notified in writing by the supervisor, County Administrator or Human Resources Manager.

### **6-15.5 List of Less Serious Offenses**

Listed below are some of the infractions which are typically addressed through progressive discipline, however disciplinary action is not limited to the offenses listed. Please note that Bedford County Management reserves the right to determine how serious the offense and what course of action will be taken.

- Rude, abusive, indecent or threatening language to employees of the public;
- Failure to attend scheduled meetings or training sessions;

- Absences without approved leave;
- Inadequate or unsatisfactory work performance;
- Disruptive behavior;
- Careless workmanship or negligence of a minor nature;
- Violation of a County policy;
- Abuse of County property;
- Unsatisfactory performance;
- Violating a safety rule where there is not a threat of bodily harm;
- Failure to follow a supervisors instructions;
- Unsatisfactory attendance or excessive tardiness;
- Conviction of a moving traffic violation while using a County-owned vehicle.

### 6-15.6 List of More Serious Offenses

Listed below are some of the infractions which are typically addressed through more serious discipline, however disciplinary action is not limited to these offenses listed.

- Charged and/ or convicted of a felony or misdemeanor;
- Theft or misappropriation of funds or resources;
- Falsifying any official County document;
- The willful giving of false statements;
- Unsafe or illegal conduct that could result in endangering oneself, other employees or property, and/ or the public;

- Fighting and/ or other acts of physical violence;
- Absence in excess of three days without proper authorization or a satisfactory reason;
- Gambling on County property or during work hours;
- Sleeping during work hours;
- Insubordination;
- Sexual, racial or any other form of harassment;
- Theft or unauthorized removal of County records or property;
- Participating in any kind of slow down or similar concerted interference with County operations;
- Gross negligence;
- Willfully or negligently damaging or defacing County property;

## 6-16 Separation of Employment

The termination of an employee's service in the County may be the choice of the employee to either resign or retire, or the choice of the County to reduce the work force or to dismiss the individual. Whatever the reason for the separation, this final employee action which closes the entire personnel file, must be documented.

An exit interview will be held between the exiting employee and Human Resources. This interview is encouraged in all voluntary terminations and retirement. During the exit interview, the employee may discuss reasons for leaving and the status of benefits and compensation. This is not intended as a counseling or grievance session.

# CHAPTER 7

## GRIEVANCE PROCEDURES

## 7-1 Grievance Procedures

The purpose of the Bedford County Grievance Procedure is to afford an immediate and impartial method for the resolution of disputes which may arise between County Administration and its employees.

### 7-1.1 Coverage of Personnel

Unless otherwise provided by law, all non-probationary regular full-time and part-time employees are eligible to initiate a grievance under this policy. An employee or person who comes within one or more of the following groups is not eligible to initiate a grievance under this procedure:

1. Probationary employees – Unless there is a claim of unlawful discrimination or retaliation
2. The County Administrator, Assistant County Administrator and the County Attorney
3. All Department Heads and their equivalents
4. Temporary, limited terms (grants), and seasonal employees.

The County Administrator, or designee, shall determine the employees (by position) excluded from this grievance procedure, and shall maintain in the Human Resources Office list of such excluded positions.

### 7-1.2 Definition of Grievance

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

1. Disciplinary actions including demotions, suspensions, and dismissals resulting from formal discipline or unsatisfactory job performance.
2. The application of personnel policies, procedures, rules and regulations, and the application of ordinances and statutes.

3. Discrimination based upon race, color, creed, religion, political affiliation, age, disability national origin or sex.
4. Acts of retaliation taken as the result of utilization of this grievance procedure or the participation in the formal grievance (under this grievance procedure) of another County employee.
5. Acts of retaliation because the employee has complied with any law of the United States or of the Commonwealth of Virginia, has reported any violation of such law to a governmental authority, has sought any change in law before the United State Congress or the General Assembly of Virginia or has reported an incidence of fraud, abuse or gross mismanagement.

### **7-1.3 Local Government Responsibility**

The County reserves to itself the exclusive right to manage the affairs and operations of Bedford County. Accordingly, complaints involving the following management rights are not generally grievable:

1. Establishment and revision of wages or salaries, positions classification, or general benefits.
2. Work activity accepted by the employee as a condition of employment, or work activity which may reasonably be expected to be a part of the job content.
3. The content of ordinances, statutes, or established personnel policies, procedures, rules, and regulations.
4. Failure to promote, except where an employee can show that established promotional policies or procedures were not followed or fairly applied.
5. The methods, means, and personnel by which work activities are to be carried on, with due regard to safety, legality and ethics.
6. The hiring, promotion, transfer, assignment, and retention of

employees in positions within the County service.

7. The relief of employees from duties, or taking action as may be necessary to carry out the duties of the County in emergencies.
8. Direction and evaluation of the work of County employees.
9. Termination, layoff, demotion, or suspension from duties because of lack of work, reduction in the work force, or job abolition, except where such action affects an employee who has been reinstated within the previous six (6) months as the result of the final determination of a grievance.

In any grievance brought under the exception to chapter 7-1.3 item 9, the action shall be upheld upon a showing by the County that (a) there was a valid business reason for the action, and (b) the employee was notified of the reason in writing prior to the effective date of the action.

#### **7-1.4 Determination of Grievability**

The issue of grievability may occur at any step of this procedure prior to the panel hearing. However once the issue is raised, it must be resolved as provided herein before further processing of the grievance.

Decisions regarding grievability will be determined by the County Administrator, or a designee, at the request of the Supervisor or grievant within ten (10) calendar days of the request. A copy of the decision will be sent to the grievant. If the issue of grievability is not resolved prior to the panel hearing, it will be deemed to have been waived and the procedure will move forward.

The decision of the County Administrator may be appealed by the grievant to the Circuit Court for a hearing on the issue of whether the grievance qualifies for a panel hearing. Proceedings for review of the decision of the County Administrator, or the designee, may be instituted by the grievant by filing a notice of appeal with the County Administrator within ten (10) calendar days from the date of receipt of the decision and giving a copy thereof to all parties. Thereafter, within ten (10) calendar days the County Administrator, or the designee, shall transmit to the Clerk of the Court to

which the appeal is taken, a copy of the decision of the County Administrator, a copy of the notice of appeal, and the exhibits. A list of the evidence furnished to the Court shall also be furnished to the grievant. The failure of the County Administrator, or the designee, to transmit the record shall not prejudice the rights of the grievant.

Within thirty (30) days of receipt of such records by the Clerk, the Court, sitting without a jury, shall hear the appeal on the record transmitted by the County Administrator, or the designee, and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require. The court may affirm the decision of the County Administrator, or the designee, or may reverse or modify the decision. The decision of the Court shall be rendered no later than the fifteenth (15) day from the date of the conclusion of the hearing. The decision of the Court is final and can not be appealed.

#### **7-1.5 Compliance with Procedures**

All stages of the Grievance Procedure beyond the first step shall be in writing on forms supplied by the Human Resources Office.

Personal face-to-face meetings between the grievant and the designated County representative are required at each step of the severance procedure. Both sides may have appropriate witnesses present at Step 2 and beyond.

The grievant is entitled to representation at or beyond the Third Step. Such representation shall be at the grievant's expense and choice.

When the employee expresses his grievance in writing, he shall first obtain the required forms from the Human Resources Office. That office shall thereupon open a file on the grievance and shall assist the grievant, the department head and the County Administrator in insuring that all papers are transmitted throughout this process in a timely fashion.

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

consolidated, the grievances shall be processed at the same time.

After a grievance is committed in writing, failure of either party to comply with all substantial procedural requirements of the grievance procedure, including the panel hearing, without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five (5) work days of receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the County Administrator or the designee.

The County Administrator or the designee may require a clear written explanation of the basis for just cause extensions or exceptions.

The County Administrator or the designee shall determine compliance issues. Compliance determinations made by the County Administrator are subject to judicial review by filing a petition with the Circuit Court within thirty (30) days of the compliance determination.

#### **7-1.6 First Step - Immediate Supervisor Level**

An employee who has a grievance must discuss the problem directly with the immediate supervisor within twenty (20) calendar days after the occurrence which prompts the grievance. The supervisor shall give serious attention to the grievance, and must give the employee an answer within three (3) workdays following the meeting. The first step is intended to provide for an informal, initial processing of employee complaints by the immediate supervisor through a non-written, face-to-face discussion format.

If a satisfactory resolution is not reached by this informal process, the employee shall reduce his grievance to writing, identifying specifically and in detail the nature of the grievance and requested remedy.

The written grievance will be presented to the immediate supervisor within three (3) workdays of the date of supervisor's verbal reply to the verbal grievance. The supervisor will reply in writing within three (3) workdays of receipt of the written grievance.

In the event that the employee's immediate supervisor is the department head, then the grievant shall pass the Second Step of this procedure and

proceed immediately to Step Three.

### **7-1.7 Second Step – Department Head Level**

If the first step written response is not a satisfactory resolution of the grievance, the employee may so indicate on Grievance Form A and submit the grievance to his department head within five (5) workdays. Within five (5) workdays of such submission, a meeting shall be held with the grievant and the department head to review the grievance. The time may be extended by mutual agreement of the department head and the employee.

At the meeting provided for above, the only persons who may be present are the grievant, one (1) person representing the appropriate management level at which the grievance is being heard, and appropriate witnesses for each side. Witnesses shall be present only while actually providing testimony. The meeting may be adjourned to another time or place by agreement of the parties. The department head shall provide the employee with a written reply to the grievance within five (5) workdays after the meeting.

### **7-1.8 Third Step – County Administrator Level**

If a satisfactory resolution of the grievance has not been reached at the termination of the Second Step, the employee may submit Grievance Form B to the County Administrator or his designee. Submission to the County Administrator must occur within five (5) workdays following receipt of the response from the department head. The County Administrator shall then meet with the employee within five (5) workdays or indicate that an extension is necessary. The extension shall not exceed three (3) additional days, except by mutual agreement. The employee, at his option, may have a representative of his choice at the Third Step meeting. If the employee is represented by legal counsel, the County Administrator likewise has the option of being represented by counsel. The County Administrator shall render a written response to the grievance within five (5) workdays following the Third Step meeting. The Human Resources Office shall ensure that a tape recording of such meeting is made and retained in the file for not less than twelve (12) months. The grievant shall be entitled to a copy of the tape recording upon payment of a reasonable fee.

### **7-1.9 Fourth Step – The Panel Hearing**

If a satisfactory resolution to the grievance is not reached at the Third

Step, the grievant may submit the grievance to an impartial grievance panel. The request for a hearing before a panel shall be indicated by the grievant on Grievance Form C provided for that purpose by the Human Resources Office and submitted to the County Administrator within five (5) work days of receipt of the Third Step response.

#### **7-1.10 Composition of Grievance Panel**

The Grievance Panel shall be composed of three (3) impartial members who will be chosen in the following manner:

- One (1) member shall be appointed by the grievant,
- One (1) member shall be appointed by the County Administrator,
- The first two members shall appoint a third member.

To ensure an impartial panel, such panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew, and first cousin. No attorney having direct involvement with the subject matter of neither the grievance nor a partner, associate, employee or co-employee of such attorney shall serve as a panel member.

Both the grievant and the County Administrator shall select the first and second members of the panel within five (5) workdays after the request for a panel hearing shall have been filed. These members shall, in turn, select the third member within ten (10) workdays after the request for a panel hearing shall have been filed. In the event that an agreement cannot be reached as to the final panel member, the Chief Judge of the Circuit Court shall select the third panel member.

The third member of the grievance panel shall serve as Chairman, shall set the time for the hearing, and notify the grievant and the County Administrator thereof. The hearing shall be held within twenty (20) workdays after selection of the third panel member. This time limit may be extended by mutual agreement of the grievant and the County.

Both the grievant and the County may call upon appropriate witnesses and be represented by legal counsel or other representatives at the panel hearing. Such representatives may examine, cross-examine, question and present evidence on behalf of the grievant or the County before the panel.

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

The question of whether the relief granted by panel is consistent with written policy shall be determined by the County Administrator, or his designee, unless such person has a direct personal involvement with the event or the events giving rise to the grievance, in which case the decision shall be made by the attorney for the Commonwealth of the jurisdiction in which the grievance is pending.

#### **7-1.11 Rules for Grievance Panel Hearings**

1. A panel's responsibility is to ensure the proper application of County's policies and procedures. Panels do not have the authority to formulate or to change policies or procedures; however, they may consider mitigating circumstances and modify the County's action concerning discipline. Panels do not have the authority to consider matters which the grievance procedure makes non-grievable. A panel by a majority vote may uphold or reverse the action of the County or, in appropriate circumstances, may choose a modified remedy. Panel decisions, however, must be consistent with provisions of law and written policy. Where a panel decision directs reinstatement of an employee, the panel has the authority to award full, partial or no back pay for the period of separation as determined to be appropriate based on the circumstances of the case. In no case does a panel have authority to award damages or attorney fees.
2. The grievance procedure is an administrative process designed for the resolution of sensitive personnel matters, and the panel hearing is the concluding step of the administrative process. The panel shall have the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. However, at the request of either party, the hearing shall be private.
3. The Human Resources Office shall provide the grievance panel with copies of all documents and records germane to the grievance prior

to the hearing and provide the employee with a list of documents furnished to the grievance panel. The employee and his attorney, at least ten (10) working days prior to the scheduled panel hearing, shall be allowed access to all relevant documents intended to be used in the grievance proceeding.

4. The grievance panel has the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence.
5. All evidence shall be presented in the presence of the grievance panel and the parties, except by mutual consent of the parties.
6. Documents, exhibits and lists of witnesses shall be exchanged between the parties in advance of the hearing.

#### **7-1.12 Conduct of the Grievance Panel Hearing**

The grievance panel shall conduct the hearing as follows:

1. Opening and closing statements made be made by each party.
2. In disciplinary actions the County must present its evidence first and must show by a reasonable amount of evidence that the disciplinary action was warranted and appropriate under the circumstances.
3. With respect to all other actions, the employee must present his or her evidence so that a proper claim is present.
4. Formal rules of evidence do not apply, however, the panel shall have the authority to determine the admissibility of evidence and to exclude evidence which is irrelevant, immaterial, repetitive or confidential by law.
5. Non-party witnesses are not to be present in the hearing except to give testimony and be cross-examined.
6. Exhibits offered may be received into evidence and made part of the record.

7. The hearing must be recorded verbatim. The Human Resources Office has the responsibility of arranging for proper recording equipment. The panel is responsible for the recording and is to preserve the recorded tapes as part of the grievance record. Either party may receive a copy of the recording, if requested, for the cost of reproduction. A court reporter is not required. If a party requests a court reporter, that party is responsible for the cost. If a transcript is ordered, the other party may obtain a copy for cost.
8. The hearing officer has the authority to determine the propriety of attendance of all persons not having a direct involvement in the hearing including witnesses and spectators.

### **7-1.13 Decision of Grievance Panel**

The panel decision must be in writing and contain the findings of fact and the basis for those findings. The decision shall state in full the reasons for the decision and the remedy to be granted. In granting relief the panel should be guided, but not bound, by the relief of question in the written grievance. Appropriate relief can include reinstatement to the employee's former position or, if occupied, to an objectively similar position in terms of duties and salary, normally in the same work organizational unit; an award of no, partial, or full back pay; and restoration for benefits, seniority and other legal entitlements. Against an award of full or partial back pay interim earnings are to be deducted. Damages and attorneys fees cannot be awarded.

Appropriate relief may also include an order to create an environment free from discrimination or retaliation or to take corrective action necessary to cure the violation and/or minimize its reoccurrence. Other prospective relief cannot be ordered. The County cannot be ordered to promote, hire or transfer any employee. However, the panel can recommend such action and the County may act upon such recommendation. If the policy has been unfairly applied or misapplied the panel may direct the County to reevaluate the challenged employment action in accordance with applicable policies and procedures.

The Panel may affirm in all respects the decision of the County Administrator or any supervisor of the County.

The majority decision of the panel, acting within the scope of its authority,

shall be final and binding, subject to existing policies, procedures and law; the panel decision shall be provided to the County and the employee within fifteen (15) days from the conclusion of the hearing, and the decision shall be effective from the date issued. Within five (5) workdays from receipt of the decision, either party may petition the panel for reconsideration or reopening of the record for good cause shown and stating the basis for such request. Good cause may include newly discovered evidence or evidence of incorrect legal conclusions. The panel has sole authority to grant such requests.

Either party may petition the Circuit Court having jurisdiction in the locality in which the grievant is employed for an order requiring implementation of the panel decision.

#### **7-1.14 Time Frames**

For purposes of this regulation the term "calendar days" means a period of time during consecutive calendar days. If a final day for taking action falls on a Saturday, Sunday or legal holiday, the next following business day will be the deadline for purposes of this grievance policy.

Reference to "work days" are the days during which the Human Resources Office of the County are customarily open, from Monday through and including Fridays, not including holidays observed by the County.

Time frames established under this procedure are intended to be strictly construed and enforced. Time frames may be extended by mutual agreement of the County and the grievant; provided, however, that if the County Administrator consolidates grievances the employee's consent need not be obtained.

#### **7-1.15 Forms**

At Steps 2, 3, and 4 of this procedure, the grievant must complete and file a Grievance Form, in accordance with the terms of this procedure and in accordance with the instructions contained on the Grievance Form itself. The Grievance Form is available from the Human Resources Office.

Grievance Form A: This form will be initiated by the grievant upon completion of STEP 2 and will constitute a statement of the grievance at STEP 3 of the Grievance Procedure.

Grievance Form B: This form will be initiated by the grievant upon completion of STEP 3 and will constitute a statement of the grievance at STEP 4 of the Grievance Procedure.

Grievance Form C: This form will be initiated by either grievant or supervisor when the question of grievability is an issue.

# Employee Grievance Form A

This form is to be initiated by the grievant upon completion of Step 2.

Grievant's Name: \_\_\_\_\_ Position: \_\_\_\_\_

Date of Occurrence Which Prompted Grievance: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Nature of grievance: *Explain in your own words the nature of your grievance and the event (s) which prompted your original complaint*

Specify remedy expected:

Please explain why Step 1 was unacceptable to you:

Signature of Grievant: \_\_\_\_\_ Date: \_\_\_\_\_

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Department Head Response:

Signature of Department Head: \_\_\_\_\_ Date: \_\_\_\_\_

# Employee Grievance Form B

This form is to be initiated by the grievant upon completion of Step 3.

Grievant's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Date Step 2 Decision was received: \_\_\_\_\_

Explain why the Step 2 response is unacceptable to you.

Re-state the remedy expected:

Signature of Grievant: \_\_\_\_\_ Date: \_\_\_\_\_

Do you have representation? Yes No

If yes, what is their name? \_\_\_\_\_ Is this an attorney? Yes No

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County Administrator or designee response:

Signature of County Administrator or designee: \_\_\_\_\_

Date: \_\_\_\_\_

# Employee Grievance Form C

This form is to be initiated by either grievant or supervisor.

Grievant's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Date Step 3 decision was received: \_\_\_\_\_

Explain why Step 3 response is unacceptable to you:

Re-state the remedy expected:

Signature of Grievant: \_\_\_\_\_ Date: \_\_\_\_\_

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Date of Hearing: \_\_\_\_\_ Time of Hearing: \_\_\_\_\_

Location of Hearing: \_\_\_\_\_

Panel Decision:

Signature of Panel Members: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_