

**MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
REGULAR MEETING OF MAY 18, 2020**

A regular meeting of the Board of Supervisors of King William County, Virginia, was held on the 18th day of May, 2020, beginning at 7:00 p.m. in the Board Meeting Room of the County Administration Building via Zoom.

Agenda Item 1. CALL TO ORDER

Chairman Greenwood called the meeting to order.

Agenda Item 2. ROLL CALL

The members were polled:

Supervisor, 2nd District: Travis J. Moskalski – Vice Chairman	Aye
Supervisor, 3rd District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr.	Aye
Supervisor, 1st District: Stephen K. Greenwood - Chairman	Aye

Also, in attendance:

Bobbie H. Tassinari, County Administrator
Olivia Lawrence, Deputy Clerk
Andrew McRoberts, County Attorney

Agenda Item 3. MOMENT OF SILENCE

The Chairman called for a moment of silence.

Agenda Item 4. PLEDGE OF ALLEGIANCE

The Chairman led the pledge of allegiance.

Agenda Item 5. REVIEW AND ADOPTION OF MEETING AGENDA

Supervisor Moskalski moved for the adoption of the amended agenda for this meeting with the aforementioned changes; motion was seconded by Supervisor Hodges.

The members were polled:

Supervisor, 3rd District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr.	Aye
Supervisor, 2nd District: Travis J. Moskalski – Vice Chairman	Aye
Supervisor, 1st District: Stephen K. Greenwood - Chairman	Aye

Agenda Item 6. PUBLIC COMMENT PERIOD

Chairman Greenwood opened the public comment period.

There were no speakers.

There being no speakers, Chairman Greenwood closed the public comment period.

Agenda Item 7. CONSENT AGENDA

Supervisor Hodges moved for the approval of the Consent Agenda with the aforementioned changes; motion was seconded by Supervisor Garber.

The Chairman called for any discussion.

There being no discussion the Consent Agenda was approved by the following roll call vote:

Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr.	Aye
Supervisor, 2nd District: Travis J. Moskalski – Vice Chairman	Aye
Supervisor, 3rd District: William L. Hodges	Aye
Supervisor, 1st District: Stephen K. Greenwood - Chairman	Aye

Agenda Item 8. PRESENTATIONS

a. Information Technology Projects

Travis Wolfe, Systems Engineer, presented ongoing projects including server and computer upgrades and new system software being implemented.

Agenda Item 9. OLD BUSINESS

a. Public Hearing and Consideration of the Re-Adoption Ordinance 02-20 – An Ordinance of the Board of Supervisors of the County of King William, Virginia Instituting Emergency Procedures To Ensure Continuity of the County Government in Response to COVID-19 Disaster

Bobbie Tassinari, County Administrator, presented Ordinance 02-20. Compliance with the limitations on physical assembly occasioned by the COVID-19 public health crisis makes it difficult or impossible for the Board and other public bodies to safely physically assemble to conduct meetings and hold public hearings in accordance with ordinarily applicable procedures. Virginia Code Section 15.2-1413 authorizes any locality, by ordinance, to provide for methods to assure continuity in its government in the event of a disaster such as that created by the spread of COVID-19. The Board confirmed or ratified Ordinance 02-20 to ensure continuity of the County government in response to the COVID-19 disaster on March 26, 2020 and said Ordinance is being readopted to include a public hearing at this May 18, 2020 Board of Supervisors meeting.

Chairman Greenwood opened the public hearing.

There were no speakers.

There being no speakers, Chairman Greenwood closed the public hearing.

Upon the motion of Supervisor Hodges, seconded by Supervisor Garber, Ordinance 02-20 was re-adopted by the following roll call vote:

Supervisor, 5th District: Edwin H. Moren, Jr.	Aye
Supervisor, 2nd District: Travis J. Moskalski – Vice Chairman	Aye
Supervisor, 3rd District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 1st District: Stephen K. Greenwood - Chairman	Aye

ORDINANCE 02-20
READOPTION OF ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
KING WILLIAM, VIRGINIA, INSTITUTING EMERGENCY PROCEDURES
TO ENSURE CONTINUITY OF THE COUNTY GOVERNMENT
IN RESPONSE TO COVID-19 DISASTER

WHEREAS, on January 31, 2020, the United States Health and Human Services Secretary declared a public health emergency for the entire United States to aid the healthcare community in responding to the novel coronavirus or "COVID-19"; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 12, 2020, by Executive Order No. 51, Governor Ralph S. Northam declared a state of emergency in the Commonwealth of Virginia due to the spread of the COVID-19 virus, and declared the anticipated effects of COVID-19 to be a disaster within the meaning of Virginia Code Section 44-146.16; and

WHEREAS, on March 13, 2020, the President of the United States found and proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency, beginning March 1, 2020; and

WHEREAS, on March 18, 2020, the County's Director of Emergency Management issued, pursuant to Virginia Code Section 44-146.14, a Declaration of Emergency in the County due to the spread of COVID-19; and

WHEREAS, the Board confirmed or ratified the local Declaration of Emergency on March 26, 2020 and it continues in effect; and

WHEREAS, the Board confirmed or ratified Ordinance 02-20 to ensure continuity of the County government in response to the COVID-19 disaster on March 26, 2020 and said Ordinance is being readopted to include a public hearing at the May 18, 2020 Board of Supervisors meeting; and

WHEREAS, on March 17, 2020, Governor Northam, jointly with the Virginia State Health Commissioner, declared a continuing public health emergency in Virginia resulting from the spread of COVID-19 virus, and imposed stringent measures to combat the spread of COVID-19, including restricting the number of persons permitted to gather in certain public spaces to 10 persons or less; and

WHEREAS, the Board of Supervisors understands and acknowledges that the public health threat posed by COVID-19 constitutes a real and substantial danger to persons in the County of King William; that the limitations on physical assembly of persons are urgently necessary to protect the public health; and that the Board of Supervisors and other County boards, commissions, committees, authorities and other public bodies must conduct themselves accordingly; and

WHEREAS, compliance with the limitations on physical assembly occasioned by the COVID-19 public health crisis makes it difficult or impossible for the Board and other public bodies to safely physically assemble to conduct meetings and hold public hearings in accordance with ordinarily applicable procedures; and

WHEREAS, Virginia Code Section 15.2-1413 authorizes any locality, by ordinance, to provide for methods to assure continuity in its government in the event of a disaster such as that created by the spread of COVID-19.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of King William, Virginia:

1. That, in accordance with Virginia Code Section 15.2-1413, the following emergency procedures are hereby instituted to ensure continuity of government during the pendency of the COVID-19 disaster:

- a. Any process, procedure, matter or transaction which typically allows for the physical presence of the public in a county building that has been declared or in the future is declared to be closed to the public during the pendency of the Emergency Declaration is hereby suspended unless conducted in accordance with this ordinance or other provision of law.
- b. The County Administrator is authorized to take actions objectively reasonable and necessary in the public interest to alter schedules, arrange for alternative procedures consistent with this ordinance, provide programming and services, pay bills, engage contractors, hire employees, set and manage a succession plan effective in the event of unavailability of staff, adjust administrative processes and procedures in light of the disaster, all in keeping with the U.S. Centers for Disease Control and Virginia Department of Health guidance/directives, and consistent with State and Local Declarations of Emergency and other directives and law.
- c. Meetings required, and agenda items scheduled or proposed to be considered by the Board of Supervisors and other county boards, commissions, committees, authorities and other public bodies, for the duration of the local COVID-19 emergency but not to exceed six (6) months, are deemed continued and extensions therefor are hereby ordered if the body does not meet as permitted herein or in other applicable law and take action during that time, including those items for which applicable law requires an affirmative action to be taken within a particular time and failure to act is deemed approval.
- d. Meetings of the Board of Supervisors and other county boards, commissions, committees, authorities and other public bodies may be held through electronic communication means with a quorum of members participating but without a need for a quorum of members physically present in a single location, in accordance with the provisions of Virginia Code Section 2.2-3708.2(A)(3), including the public notice requirements, and at such a meeting may consider any item of business which the public body deems essential or is appropriate for the continuity of the work of the public body.
- e. Such meetings may be held without permitting members of the public to be physically present in a single location or in the same physical location as any of the public body members, so long as alternative arrangements for public access to such meetings are made. Such alternative public access may be electronic, including but not limited to audio, telephonic, or video broadcast.
- f. For any matter considered by the Board or other county public body during the pendency of the local emergency which typically require open doors, public

attendance, or public participation by law, such requirements are hereby altered and may be met by electronic, telephonic, and/or written means by the body, which may meet electronically or in person or in some combination thereof as circumstances may permit.

- g. For any matter so considered also requiring public comment or hearing, such will be allowed, solicited or received by the body by electronic, telephonic, and/or written means prior to the vote on such matter. All such comments will be heard by or provided to the members of the body and made a part of the record of such meeting.
 - h. Notices of meetings will be provided by email directly to those who have elected in writing in the previous calendar year to receive such notices under the Virginia Freedom of Information Act, and if practicable, will also be provided on the county website and by other means selected by the County Administrator. To the extent practicable, notices will also be provided as provided by general law.
- 2. That the provisions in Section 1 of this Ordinance shall be in effect until repealed by this Board or expiration of a period not exceeding six months from the adoption hereof, whichever comes first. This Ordinance may be amended as provided herein or by general law. Upon repeal or expiration of this Ordinance, the matters referenced herein shall resume operation in accordance with normal practices and procedures.
 - 3. This ordinance shall be effective upon re-adoption.

b. Public Hearing and Consideration of Ordinance 04-20 Planning and Zoning Proposed Fee Schedule

Ron Etter, Director of Community Development, presented Ordinance 04-20 to adopt the proposed fee schedule discussed at the May 11, 2020 work session. The recommended revisions to the fee schedules primarily involve basing the fees on the size of the projects and their complexity. The fees reflect the time and expenses incurred for reviews and inspections by staff, as well as contracted services.

Chairman Greenwood opened the public hearing.

There were no speakers.

There being no speakers, Chairman Greenwood closed the public hearing. Upon the motion of Supervisor Moren, seconded by Supervisor Hodges, Ordinance 04-20 was approved by the following roll call vote:

Supervisor, 2nd District: Travis J. Moskalski – Vice Chairman	Aye
Supervisor, 3rd District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr.	Aye
Supervisor, 1st District: Stephen K. Greenwood - Chairman	Aye

ORDINANCE 04-20
An Ordinance Amending the King William County
Planning and Zoning Fee Schedule

WHEREAS, King William County, Virginia is authorized by Virginia Code §15.2-2286 to collect fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of a zoning ordinance or the filing or processing of any appeal or amendment thereto; and

WHEREAS, the costs of providing these services are greater than the fees currently charged; and

WHEREAS, modified fees as adopted herein are found to be fair and reasonable by the Board to cover a larger portion of the cost of providing such services; and

WHEREAS, the Board believes it appropriate to amend the Planning and Zoning Fee Schedule as recommended by staff; and

WHEREAS, that the Board of Supervisors of King William County, Virginia, does repeal the current fees adopted June 22, 2015 as of May 31, 2020; and

WHEREAS, the amended fee schedule shall be effective June 1, 2020; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, does this May 18, 2020, repeal the current fees and adopt the proposed fees effective June 1, 2020 as shown below:

ZONING

<i>Category</i>	<i>Current Fee</i>	<i>Proposed Fee</i>
Comprehensive Plan Amendment	\$2,500	No Change
Zoning Text Amendment	\$2,500	No Change
Rezoning, including amendments	\$2,500	No Change
Conditional Use Permit – Cell Tower	\$3,500	Delete
Conditional Use Permit - Commercial	\$0	\$3,500 + \$50/acre
Conditional Use Permit - Accessory	\$0	2500
Zoning Permit Residential	\$75	No Change
Zoning Permit-Commerical New Construction	\$100	\$150
Zoning Permit-Commercial Existing Change Use	\$50	\$250

Zoning Variance	\$1,000	\$1,300
Appeal Zoning Determination	\$1,000	\$1,300
Defer Public Hearing, By Applicant	Cost of Advertising	No Change

SITE PLAN

<i>Category</i>	<i>Current Fee</i>	<i>Proposed Fee</i>
Site Plan	\$1,500	Delete
Site Plan – Amend After Final Approval	\$300	Delete
Site Plan (1st and 2nd Submittals)	\$0	\$ 750 + \$10/acre
Site Plan (3rd and subsequent submittals)	\$0	\$500 each
Site Plan - Revision Review	\$500	No Change

SUBDIVISIONS

<i>Category</i>	<i>Current Fee</i>	<i>Proposed Fee</i>
Single Lot	\$750	Delete
Minor	\$2,100	Delete
Subdivision	\$0	\$ 500 + \$25/acre
Family Division	\$0	\$300
Subsequent Submittals (After 1st)	\$0	\$250 each
Major - Preliminary Plat	\$2,500	No Change
Major - Final Plat	\$500	No Change
Revisions	\$250	\$500
Construction Plan	\$500	Delete
Lot Line Adjustment, Vacation of Lot Line	\$150	No Change
Boundary Survey	\$25	No Change
Subdivision Exception	\$1,000	Delete

LAND DISTURBANCE

<i>Category</i>	<i>Current Fee</i>	<i>Proposed Fee</i>
LD Permit Residential	\$150 + \$20/inspection	\$150 + \$10/acre
LD Permit Commercial	\$1,500	\$750 + \$10/acre
WQIA Minor	\$500	No Change
WQIA Major	\$1,000	No Change
E&S Plan Commercial	\$500	Delete
Wetland Board	\$1,000	No Change
Ches Bay Exception	\$1,000	No Change
Annual Land Disturbance Permit Renewal	Full Fee	No Change
Inspections <5 acres	\$0	\$125
Inspections 5 to <10 acres	\$0	\$225
Inspections 10 to <50 acres	\$0	\$225+\$10/acre over 10 acres
Inspections 50 to <100 acres	\$0	\$625+\$5/acre over 50 acres
Inspections >100 acres	\$0	\$875 + \$5/acre over 100 acres
Annual Land Use permit renewal	\$0	\$750 + \$5/acre

SIGNS

<i>Category</i>	<i>Current Fee</i>	<i>Proposed Fee</i>
Sign Permit	\$150	No Change
Temporary Banner	\$25	No Change
Temp Sign for Charity/Non-profit	No Charge	No Change

**c. Virginia Retirement System Enhanced Benefit Election for Fire and EMS Employees
Resolution 20-27**

Nita McInteer, Human Resources Manager, presented Resolution 20-27 recommending the adoption of the VRS Enhanced Hazardous Duty Benefit for Fire/EMS Employees. The Board of Supervisors discussed the merits of the resolution to include the Fire and Emergency Medical Services employees within the Virginia Retirement System (VRS) retirement coverage at the May 11, 2020 meeting. The Board recommended the action be brought to

them to formalize at the May 18, 2020 meeting. The standard retirement age under the enhanced provision is 60 years rather than 65 years. Early retirement is permitted at any time between ages 50 and 60 as long as the employee has at least five years of VRS service credit. For retirement between age 50 and 60, the actuarial reduction for early retirement is computed from the earlier of (i) age 60, or (ii) the first date on or after his/her fiftieth birthday on which the member would have completed 25 years of creditable service. No reduction is applied if the member has 25 years of credit.

Upon the motion of Supervisor Hodges, seconded by Supervisor Moren, Resolution 20-27 was approved by the following roll call vote:

Supervisor, 2nd District: Travis J. Moskalski – Vice Chairman	Aye
Supervisor, 3rd District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr.	Aye
Supervisor, 1st District: Stephen K. Greenwood - Chairman	Aye

RESOLUTION 20-27
VIRGINIA RETIREMENT SERVICES (VRS) ENHANCED BENEFIT ELECTION
FOR FIRE AND EMS EMPLOYEES

WHEREAS, subject to the approval of the Virginia Retirement System (“VRS”) Board of Trustees, *Code of Virginia* § 51.1-138 permits a political subdivision of the Commonwealth of Virginia currently participating in VRS to make an irrevocable election to provide enhanced hazardous duty retirement benefits for its eligible employees as outlined in § 51.1-138; and

NOW, THEREFORE, BE IT RESOLVED, that the County of King William (the “Employer”) does hereby elect to have such employees of Employer who are employed in positions as full time Law Enforcement Officers, Firefighters, and Emergency Medical Technicians, and whose tenure is not restricted as to temporary or provisional appointment, become eligible, effective the first day of July 2020 for VRS benefits equivalent to those provided for state police officers of the Department of State Police, as set out in § 51.1-138 including the retirement multiplier of 1.85%, in lieu of the benefits that would otherwise be provided to such employees, and Employer agrees to pay the employer cost for providing such benefits; and

NOW, THEREFORE, the officers of Employer are hereby authorized and directed in the name of Employer to carry out the provisions of this resolution and to pay to the Treasurer of Virginia from time to time such sums as are due to be paid by Employer for this purpose.

d. Human Resources Policies and Procedures Manual Update Resolution 20-28

Nita McInteer, Human Resources Manager, presented Resolution 20-28 recommending amendments to the King William County Personnel Policies and Procedures Manual. The Board of Supervisors discussed the merits of the recommended changes and draft resolution at the May 11, 2020 meeting. The Board recommended the Sick Leave revision to include some form of exemption for the period of January 1, 2016 through June 30, 2020 for Sick Leave Payout. All employees hired on or after July 1, 2020 will not be eligible for Sick Leave payout. Staff stated they would provide the Board with scenarios of this new request to address the 4 ½ year period at the May 18th meeting and that otherwise the resolution would be brought back for formal approval at the May 18, 2020 meeting.

Supervisor Garber stated he is not in agreeance with these changes.

Chairman Greenwood stated he is also not in agreeance with these changes. He preferred the second plan Mrs. Tassinari had introduced.

Upon the motion of Supervisor Moskalski, seconded by Supervisor Moren, Resolution 20-28 failed by the following roll call vote:

Supervisor, 3rd District: William L. Hodges	Nay
Supervisor, 4th District: C. Stewart Garber, Jr.	Nay
Supervisor, 5th District: Edwin H. Moren, Jr.	Aye
Supervisor, 2nd District: Travis J. Moskalski – Vice Chairman	Aye
Supervisor, 1st District: Stephen K. Greenwood - Chairman	Nay

Chairman Greenwood stated he'd like to proceed with an amended Resolution.

Upon the motion of Supervisor Garber, seconded by Supervisor Hodges, Resolution 20-28R was approved by the following roll call vote:

Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr.	Nay
Supervisor, 2nd District: Travis J. Moskalski – Vice Chairman	Nay
Supervisor, 3rd District: William L. Hodges	Aye
Supervisor, 1st District: Stephen K. Greenwood - Chairman	Aye

See Attachment A

Agenda Item 10. NEW BUSINESS

a. Resolution 20-29 to Accept Federal Cares Coronavirus Relief Funds and Authority to Expend

Bobbie Tassinari, County Administrator, presented Resolution 20-29. On May 12, 2020, King William County received communication from the Secretary of Finance for the Commonwealth reflecting the local allocation of the CARES relief funds. Per the U.S. Census Bureau's population data, King William County is eligible for \$1,496,097 in relief funds. These funds may be used for qualifying expenses related to the COVID-19 impact. Expenditures eligible must have been incurred during the period that begins March 1, 2020 and ends on December 30, 2020 and must be related to COVID-19 impact and designation as such is at the discretion of the locality. Funds may not be used to make up for lost revenue and any funds remaining as of December 30, 2020 will be returned to the Department of Accounts.

Supervisor Moren requested the Board be brought a list of recommended uses for the monies at the next meeting.

Upon the motion of Supervisor Hodges, seconded by Supervisor Garber, Resolution 20-29 was approved by the following roll call vote:

Supervisor, 5th District: Edwin H. Moren, Jr.	Aye
Supervisor, 2nd District: Travis J. Moskalski – Vice Chairman	Aye
Supervisor, 3rd District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 1st District: Stephen K. Greenwood - Chairman	Aye

**RESOLUTION 20-29
KING WILLIAM COUNTY BOARD OF SUPERVISORS ACCEPTANCE OF
FEDERAL CARES CORONAVIRUS RELIEF FUNDS AND
AUTHORITY TO EXPEND**

WHEREAS, the Congress of the United States passed and the President signed the **Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020** to provide funding assistance to state, local, territorial, and tribal governments for the direct impact of the COVID-19 pandemic; and

WHEREAS, the County Administrator was notified on May 12, 2020 of the local allocation for Federal CARES Coronavirus Relief Funds to the County in the amount of \$1,496,097; and

WHEREAS, to accept the Federal CARES Coronavirus Relief Funds, the King William County Board of Supervisors must certify that they have the authority to request direct payment on behalf of the locality from the Commonwealth of Virginia of revenues from the Coronavirus Relief Fund (CFR) pursuant to Section 601(b) of the Social Security Act, as added by Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (March 27, 2020); and

WHEREAS, King William County proposes to use the funds received as direct payment from the Commonwealth of Virginia under Section 601(b) of the Social Security Act will be only to cover those costs that: a) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); b) were not accounted for in the budget most recently approved as of March 27, 2020, for the locality and; c) were incurred during the period that began on March 1, 2020, and ends on December 30, 2020; and

WHEREAS, King William County understands that any funds not expended or that will not be expended on necessary expenditures on or before December 30, 2020, by the locality or its grantee(s), must be returned to the Commonwealth of Virginia no later than December 30, 2020;

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors hereby approves the acceptance of the Federal CARES Coronavirus Relief Funds in the amount of \$1,496,097 from the Commonwealth of Virginia, Department of Accounts and authorizes the County Administrator, Director of Financial Services and the Chair of the Board of Supervisors to sign the certificate and return it by May 22, 2020 to the Department of Accounts, Attention: Local CRF Certification, P.O. Box 1971, Richmond, VA 23218-1971.

Agenda Item 11. ADMINISTRATIVE MATTERS FROM COUNTY ADMINISTRATOR

a. Board Information

County Administrator, Bobbie Tassinari, noted the information items provided.

Agenda Item 12. BOARD MEMBER COMMENTS

Supervisor Moren stated the County can spend \$250,000 for a pavilion in West Point but cannot spend \$48,000 for its employees.

Supervisor Garber stated it was a hard decision, but the right one.

Supervisor Moskalski thanked everyone for attending and stated his disappointment as well.

Supervisor Hodges wished everyone a happy and safe Memorial Day.

Chairman Greenwood stated the board would continue to work together.

Agenda Item 13. CLOSED MEETING

a. Motion to Convene Closed Meeting

Upon motion of Supervisor Moren, seconded by Supervisor Hodges, the Board acted to convene a Closed Meeting pursuant to § 2.2-3711(A) (8) of the Code of Virginia to consult with legal counsel on a specific legal matter requiring the provision of legal advice by counsel.

The roll call vote on the motion was as follows:

Supervisor, 2nd District: Travis J. Moskalski – Vice Chairman	Aye
Supervisor, 3rd District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr.	Aye
Supervisor, 1st District: Stephen K. Greenwood - Chairman	Aye

b. Motion to Reconvene in Open Session

Having completed the Closed Meeting, Chairman Greenwood reconvened the regular meeting back to order in Open Session.

c. Certification of Closed Meeting

Chairman Greenwood called for a motion to approve Standing Resolution 1 (SR- 1) In accordance with Section 2.2-3717(D) of the Code of Virginia, 1950, as amended.

Supervisor Hodges moved that the King William County Board of Supervisors adopt the following SR-1 Resolution certifying that the Closed Meeting was conducted in conformity with the requirements of the Virginia Freedom of Information Act; the motion was seconded by Supervisor Moskalski.

Chairman Greenwood announced the motion was properly moved and properly seconded; he called for any discussion. There being no discussion among Board members SR-1 was adopted.

The roll call vote in favor of this motion was as follows:

Supervisor, 2nd District: Travis J. Moskalski – Vice Chairman	Aye
Supervisor, 3rd District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr.	Aye
Supervisor, 1st District: Stephen K. Greenwood - Chairman	Aye

STANDING RESOLUTION – 1 (SR-1)
A RESOLUTION TO CERTIFY COMPLIANCE WITH THE
FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

WHEREAS, the King William County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and,

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the King William County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the King William County Board of Supervisors on this 18th day of May, 2020, hereby certifies that, to the best of each member’s knowledge:

1. Only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were heard, discussed, or considered in the closed meeting to which this certification resolution applies, by the King William County Board of Supervisors.
2. Only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the King William County Board of Supervisors.

DONE this the 18th day of May, 2020.

Agenda Item 14. APPOINTMENTS

There were no appointments.

Agenda Item 15. ADJOURN

Upon motion of Supervisor Hodges, second by Supervisor Garber, the meeting was adjourned by the following roll call vote:

Supervisor, 2nd District: Travis J. Moskalski – Vice Chairman	Aye
Supervisor, 3rd District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr.	Aye
Supervisor, 1st District: Stephen K. Greenwood - Chairman	Aye

COPY TESTE:

Stephen K. Greenwood, Chairman
Board of Supervisors

Olivia S. Lawrence
Deputy Clerk to the Board



County of King William, Virginia
Est. 1702

Board of Supervisors

RESOLUTION 20-28R

APPROVING AMENDMENT TO THE KING WILLIAM COUNTY PERSONNEL POLICIES AND PROCEDURE MANUAL

WHEREAS, The Board of Supervisors adopted the King William County Personnel Policies and Procedures Manual (Manual) by Resolution 15-53 on December 14, 2015 effective January 1, 2016; and

WHEREAS, the Board amended the Manual by Resolution 18-66 on October 22, 2018 effective November 1, 2018; and

WHEREAS, the Board amended the Manual by Resolution 19-54 on August 26, 2019 effective September 1, 2019; and

WHEREAS, the Board amended the Manual by Resolution 20-09 on February 24, 2020 effective July 1, 2020; and

WHEREAS, the Board has reviewed and discussed a number of proposed amendments to various chapters and sections of the Manual at its meeting of May 11, 2020; and

WHEREAS, The Board finds the proposed amendments appropriate and necessary for the proper administration of the County's personnel system;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of King William, Virginia that the Board hereby approves and adopts the following amendments to the King William County Personnel Policies and Procedures Manual effective March 1, 2020 (deletions strike through; amendatory language appearing in *italicized/underlined* font):

DONE this the 18th day of May, 2020.

Chapter 4: Benefits

Section 4-1: General

Benefits are a privilege of employment and can be changed or revoked at any time. Benefits are personal to the employee and cannot be assigned to other

employees. Benefits are available to regular full-time employees and on a limited basis to regular part-time employees.

Section 4-2: Retirement

The County provides and funds through an agreement with the Virginia Retirement System, a program which provides retirement benefits in addition to Social Security. Participation is mandatory for all regular full-time employees and the requirements and benefits differ depending on the date the employee begins membership in the System. Employees are fully vested in the program after five (5) years of membership.

Section 4-3: Health Insurance

The County currently offers a health insurance program to its employees. The County shares the cost of selected coverage with the employees at a rate authorized by the Board of Supervisors. The County participates in the IRS Section 125 premium conversion plan. The County may at any time modify the cost sharing arrangement, change the available coverage, or eliminate coverage. Employees on leave without pay must pay the full amount (employer and employee share) of the health insurance policy for the months they are on such leave except in the case of approved Family Leave.

Under certain circumstances such as voluntary or involuntary job loss, reduction in hours worked, transition between jobs, death, divorce, and other life events, eligible employees and their covered family members who lose their health benefits have the right to choose to continue group health benefits for limited periods of time under the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA). Qualified individuals are required to pay the entire premium for coverage up to 102 percent of the cost to the plan. Employees who lose coverage due to gross misconduct

are not eligible for continuation of such coverage.

Section 4-4: Life Insurance, Short Term & Long Term Disability

Regular full-time employees are automatically enrolled in a group term life insurance program. Coverage is mandatory and managed by the Virginia Retirement System life insurance agency. Benefits for natural death are equal to the employee's annual salary rounded up to the next thousand and then doubled; benefits for accidental death are equal to four times the annual salary, rounded up to the next thousand.

The County also provides employee's with an option to purchase additional life and accidental death and dismemberment insurance to supplement the basic group insurance provided through VRS. All active employees currently covered by the VRS group life plan are eligible for this optional plan. Employees may purchase this additional insurance coverage for themselves and for their spouse and children.

Regular full-time employees are automatically enrolled in a short term and long term disability programs currently paid in full by the County. ~~The benefit varies depending on the individual employee's status under the Virginia Retirement System.~~

Section 4-5: Worker's Compensation

All County employees regardless of their employment category as set forth in Section 2- 1 are covered under the Workers' Compensation Act, to the extent required by law, in the event an employee sustains an occupational injury or disease as a result of, or in the course of, work performed for the County. Compensation is paid at the rate specified by the Act and begins when the employee is out of work for more than seven (7) consecutive calendar days.

Section 4-6: Deferred Compensation

The County offers a voluntary deferred compensation option. The County

does not make or match contributions. Contributions are made with pre-tax dollars by payroll deduction, which lowers gross pay and thus reduces the annual amount of taxes owed to the IRS. Earnings on contributions grow tax-deferred until withdrawals begin.

Section 4-7: Pre-Tax Withholding

The County offers a plan, under the guidelines of the Internal Revenue Service, which permits employees to purchase qualifying fringe benefits with pre-tax dollars instead of after tax dollars. The election by employees to voluntarily reduce their gross taxable income results in the employee paying fewer taxes in the area of Federal, State and FICA taxes. Election is made each year during open enrollment. The County offers the following plans:

- Premium Conversion (Pre-Tax Premiums) allows employees to lower their taxable income by having qualified group insurance premiums deducted from their paycheck before taxes are calculated. The County automatically withholds all qualifying group insurance premiums on a pre-tax basis unless the employee signs a waiver.
- Reimbursement Accounts allow employees to set aside a portion of their pay each pay period on a pre-tax basis for one, or both of these accounts:
 - Medical Reimbursement Account to pay for the out-of-pocket medical, dental, and vision care expenses not covered by health benefits plan.
 - Dependent Care Reimbursement Account to pay expenses for the care of a child, disabled spouse, elderly parent, or other dependents who are physically and mentally incapable of self-care so that the employee (and their spouse) can work or actively seek work.

Section 4-8: Unemployment Benefits

The County provides unemployment benefits as required by Virginia law at no cost to the employee.

Section 4-9: Leave

Leaves of absence for a variety of purposes and reasons are detailed in Chapter 5 of this manual.

Section 4-10: Voluntary Deductions

From time to time the County may offer other optional programs to employees. Participation is voluntary and withholding will be by agreement between the employee and the County. Any such programs may be discontinued by the County at any time.

Section 4-11: Written Benefit Information

Within ten (10) days of being notified by an employee or employee's family member that the employee has a life-threatening health condition, the County will provide in writing, information about relevant benefit options and programs along with appropriate forms, in order for the employee to communicate to the County any election of benefit options the employee may be entitled to as a result of their health condition.

Chapter 5: Leave

Section 5-1: General Provisions

The County provides for Leaves of Absence for a variety of conditions and reasons. Annual leave must be requested in advance and sick leave should be requested in advance, if possible. Requests for leave, for other than personal illness or that of an immediate family member, will be granted if in the opinion of the supervisor such leave is not disruptive to normal operations.

Employees are required to notify their immediate supervisor in advance of the regular starting time if they are going to be late or absent so that arrangements can be made. An employee not in an approved leave status who fails to report to work for two (2) consecutive workdays may be separated from employment.

Immediate family as it pertains to this Chapter is defined as: spouse, parent, children, including step-children and foster children, legal wards, and children placed with an employee for adoption, brother, sister, grandparents, grandchild, guardian, and the same relatives of spouse.

Fire and Rescue personnel as it pertains to this Chapter is defined as full-time employees employed to provide firefighting and emergency rescue services to the community. These employees typically work 53-hour work weeks or 212 hours per 28-day cycle.

Sheriff's Deputies as it pertains to this Chapter is defined as full-time employees employed to provide public safety services to the community. These employees typically work 12-hour workdays or up to 171 hours per 28-day cycle.

E-911 Dispatchers as it pertains to this Chapter is defined as full-time employees employed to provide public safety and emergency dispatch services to law enforcement, fire and rescue and citizens. These employees typically work 10-hour work days or 40 hours per week with alternating schedules.

Section 5-2: Annual Leave

a. Classified employees are credited with annual leave monthly. New employees who begin work after the 10th working day of the month shall not receive annual leave for that month. Full time and regular part time employees are credited with and accrue annual leave as stated in this Section.

b. Probationary employees are not compensated for annual leave if

separated from County service during the probationary period. After successful completion of the probationary period (one (1) year), the right to compensation is granted retroactive to the first full month of service.

c. Employees may go over their accrual limit during the year, provided that accrued leave shall be reduced to the applicable limit on September 1st of each year. For good cause shown, the County Administrator may approve a written extension of the September 1st deadline for a stated period not to exceed four (4) months. All requests for extension must be received by the County Administrator before September 1st.

The Full-time and Part-time Annual Leave Schedules listed below applies to all full time and regular part time classified employees with the exception of Fire and Rescue staff, Sheriff's Deputies and E-911 Dispatchers. Fire and Rescue staff, Sheriff's Deputies and E-911 Dispatchers Annual Leave Schedules are displayed separately. Employees hired before January 1, 2016 who have a leave earned or accrual schedule that is greater than that shown below will continue to receive annual leave at the same rate they are receiving such leave on December 31, 2015 until their years of service qualify them for a higher earned and accrual rate in accordance with the schedule listed below. On and after such date they shall receive annual leave in accordance with said schedule.

FULL-TIME ANNUAL LEAVE SCHEDULE

Years of Service	Hours Earned Per Month	Hours Earned Per Year	Accrual Limit
Less than 5	8	96	192
5 but less than 10	10	120	240
10 but less than 15	12	144	288
15 but less than 25	14	168	336
25 and Over	16	192	384

PART-TIME ANNUAL LEAVE SCHEDULE

Years of Service	Hours Earned Per Month	Hours Earned Per Year	Accrual Limit
Less than 5	4	48	96
5 but less than 10	5	60	120
10 but less than 15	6	72	144
15 but less than 25	7	84	168
25 and Over	8	96	192

FULL-TIME ANNUAL LEAVE SCHEDULE (FIRE AND EMERGENCY)

<i>Years of Service</i>	<i>Hours Earned per Month</i>	<i>Hours Earned per Year</i>	<i>Accrual Limit</i>
<i>Less than 5</i>	<i>11.2</i>	<i>134.4</i>	<i>274.4</i>
<i>5 but less than 10</i>	<i>14</i>	<i>168</i>	<i>336</i>
<i>10 but less than 15</i>	<i>16.8</i>	<i>201.6</i>	<i>403.2</i>
<i>15 but less than 25</i>	<i>19.6</i>	<i>235.2</i>	<i>470.4</i>
<i>25 and over</i>	<i>22.4</i>	<i>268.8</i>	<i>537.6</i>

FULL-TIME ANNUAL LEAVE SCHEDULE (SHERIFF'S DEPUTIES)

<i>Years of Service</i>	<i>Hours Earned per Month</i>	<i>Hours Earned per Year</i>	<i>Accrual Limit</i>
<i>Less than 5</i>	12	144	288
<i>5 but less than 10</i>	14	168	336
<i>10 but less than 15</i>	16	192	384
<i>15 but less than 25</i>	18	216	432
<i>25 and over</i>	20	240	480

FULL-TIME ANNUAL LEAVE SCHEDULE (E-911 DISPATCHERS)

<i>Years of Service</i>	<i>Hours Earned per Month</i>	<i>Hours Earned per Year</i>	<i>Accrual Limit</i>
<i>Less than 5</i>	10	120	240
<i>5 but less than 10</i>	12	144	288
<i>10 but less than 15</i>	14	168	336
<i>15 but less than 25</i>	16	192	384
<i>25 and over</i>	18	216	432

Classified employees on annual leave shall be paid their prevailing wage based on the prevailing scheduled work period. Annual leave is earned only upon completion of a full month of employment and may not be used until earned. Annual leave may not be taken in less than .5-hour increments. It is not the intent of this policy to allow the employee to receive additional compensation through the use of annual leave, but to insure the employee's regular salary. Employees retain all benefits and seniority while on approved annual leave.

Annual leave schedules shall be planned and approved by the immediate supervisor so as to minimize the need for a temporary increase in personnel. Upon voluntary separation or retirement, full-time and part-time employees shall be paid

for accrued annual leave up to the ten (10) year accrual limit based upon their annual leave schedule. Involuntarily separated employees may not be paid for accrued annual leave. In the event of death of the employee, the employee's estate will be paid any amount due under this policy. Should a part-time position be made a full-time position, the incumbent will receive leave benefits at a prorated accrual rate for longevity purposes (e.g. 10 years of 20-hour part-time service = 5 years full-time service, 10 hours annual leave earned per month).

Section 5-3: Sick Leave

- a. Sick leave shall be defined as leave with pay granted for a bodily injury resulting in temporary disability, medically required confinement, medical or dental appointment, or illness of the employee or member of the immediate family requiring the presence of the employee.
- b. Sick leave is accrued at the rate of eight (8) hours per full month worked for all full-time employees, four (4) hours per full month worked for regular part time employees. An employee cannot use the present month's accrual during that month, as it is not earned until the end of the month. Sick leave, if not exhausted in the year in which it accrues, may be carried over from year to year without limit. Employees retain all benefits and seniority while on approved sick leave.
- c. Sick leave may not be taken in less than .5-hour increments. Sick leave may be used for visits to health providers during working hours only with the permission of the employee's supervisor. Employees must keep their supervisor informed of any absence from work and the anticipated duration due to illness. Employees may be are required to present a physician's statement to verify the illness or appointment if more than two consecutive work days are missed. Whenever possible, requests for sick leave should be made in advance. In the case of

personal illness, or unanticipated circumstances, the employee's supervisor must be notified no later than the beginning of the workday or as soon thereafter as is practical. After three consecutive workdays of absence by an employee on sick leave, the Department Head must notify the designated personnel officer to insure compliance with Family and Medical Leave Act provisions.

d. Notwithstanding any other provisions of this policy manual, employees who are absent from work for more than twelve (12) weeks (such that the provisions of the Family and Medical Leave Act are no longer applicable) for causes that qualify for sick leave, are not guaranteed continued employment. The status of such employees will be reviewed on a case- by-case basis to determine whether the operational needs of the County require that the vacancy caused by the employee's absence be filled. If the County Administrator determines that the vacancy will be filled, the employee will be separated from County service. At the time of separation any unused leave will be paid in accordance with the provisions of Section 5-14 of this Chapter.

e. Sick Leave Sharing Pool

(1) The purpose of establishing a Sick Leave Sharing Pool which provides income for those County employees who, due to illness or injury, have exhausted all of their accrued sick leave, annual leave and compensatory time, and are not eligible for Workers' Compensation or retirement benefits. The Sick Leave Sharing Pool is populated through donations of sick leave by existing employees and the sick leave remaining in employee accruals upon separation. The leave may be used by employees for personal illness, or injury, and for a family member's illness or injury for which the employee is using Family Medical Leave.

(2) Donors to the Sick Leave Sharing Pool may authorize

donations of accrued sick leave in minimum increments of 8 hours by completing a Donor Form and submitting it to the Finance Office. Donors do not have to retain any minimum leave balances, nor is there a limit on the number of sick leave hours they may donate.

(3) Full-time and regular part-time employees who have completed one year of service are eligible to participate. The Sick Leave Sharing Pool is not designed to provide coverage for brief illnesses or injuries. Employees must exhaust all personal leave balances (annual, sick, compensatory, and overtime) and be designated in a leave without pay (LWOP) status before becoming eligible for Sick Leave Sharing Pool donations. A Sick Leave Sharing Pool recipient will not accrue annual leave or sick leave while receiving pay through the pool. While an employee is receiving Sick Leave Sharing donations for personal illness or injury and absences due to FMLA family reasons, the County will continue to pay its portion of the health care premium for the period covered by FMLA or a maximum of 12 weeks. ~~Virginia Retirement System (VRS) contributions will be discontinued when an employee is receiving Sick Leave Sharing donations.~~

(4) To be eligible to receive Sick Leave Sharing donations, the employee must provide the County with a physician's certification of his/her medical condition including the date it began and its' probably duration. For family illness or injuries, normal documentation under FMLA is required. Employees may only receive Sick Leave Sharing donations for period of absences that are covered by personal or family FMLA medical certification. All medical documentation will be maintained confidentially and in a location that is separate from the employee's official personnel file.

(5) Employees seeking to access the Sick Leave Sharing Pool must

fill out a Request Form and submit with a physician's certification of a qualifying medical condition to the Review Committee. The Review Committee will have ten (10) working days to review and act on the request following the receipt of the Request Form and physician's certification. Employees requesting Sick Leave Sharing benefits agree to permit the Review Committee to review leave records and all pertinent medical information with the understanding the Review Committee will treat all documents as confidential.

(a) Employees are not entitled to draw more than 30 work days for one absence from work during a twelve-month period.

(b) The maximum number of work days which can be drawn by an employee from the Sick Leave Sharing Pool during his/her career with King William County is 60 work days.

(c) The maximum number of Sick Leave Sharing Pool benefits cannot at any time exceed the balance of available hours donated to the Sick Leave Sharing Pool.

(6) The Sick Leaving Sharing Pool is administered by the Financial Services – Payroll Department. The Finance Department may recommend such rules and policies, not in conflict with those provided herein, considered appropriate for the operation of the pool. Any additional rules or policies so developed must be agreed upon by the Review Committee and the County Administrator. The Sick Leave Sharing Pool policy will be reviewed and approved annually by the Board of Supervisors as part of the King William County Personnel Policies and Procedures Manual.

(a) A seven (7) member Review Committee is established. A member from each of the following departments of the County will be by each

department represented. In addition, one member from the combined participants of the remaining Constitutional Officers (Office of the Treasurer, Office of the Commissioner of Revenue, Office of the Clerk of the Courts, and Office of the Commonwealth's Attorney).

(b) Members of the Review Committee shall serve two-year terms.

(c) The Financial Services – Payroll Department shall review the decision of the Review Committee to assure consistency with County leave policy. Final approval of Sick Leave Sharing Pool benefits to be granted will be monitored and verified by the Financial Services – Payroll Department.

(d) The Financial Services – Payroll Department shall report the status of the Sick Leave Sharing Pool at any time upon the request of the Review Committee and provide information to the Committee with respect to donated hours, prior use of pool benefits, etc.

(7) Medical conditions of the employee will be excluded from eligibility for Sick Leave Sharing benefits if they result from:

(a) Any occupational related accident or illness for the period for which Workers' Compensation benefits have been awarded or could have been awarded, if the employee had cooperated with Workers' Compensation Program requirements;

(b) Intentionally self-inflicted injuries, except as a result of conditions that qualify under ADAAA (both employees and family members);

(c) Cosmetic surgery or treatment, or surgery or

treatment not deemed necessary by a physician (elective surgery); or

(d) Injuries occurring in the course of violating a law (both employees and family members).

- (8) The County retains the right to discontinue or modify the Sick Leave Sharing Pool, if for any reason it becomes necessary, and to make such termination or modification unilaterally and without prior notice. However, all approved existing and pending withdrawal will be continued to the extent that the Sick Leave Sharing Pool hours remain available. Should the Sick Leave Sharing Pool be terminated, unused hours will be dissolved.

Section 5-4: Discretionary Leave

a. Discretionary leave for employees exempt from the FLSA overtime provisions, is not earned or accumulated. Reasonable amounts of discretionary leave may be provided by the County Administrator or the Department Head, as appropriate, for exempt employees, if extended periods of work are necessitated by the requirements of the position.

(1) Unlike non-exempt employees, the work week of an exempt employee is not specifically defined as 35 hours per week. On the contrary, the general rule of thumb is that such employees work the number of hours required to “get the job done”, and these need not be associated with any concept of a “normal” work week. This is taken into account when compensation is determined for these positions.

(2) Discretionary leave is provided to meet professional and personal needs during normal working hours and is not designed to compensate hour for hour for extended hours of work.

(3) Discretionary leave for exempt employees should be viewed in the same context and in the same spirit as the “get the job done” character of time worked. Both employees and their supervisors are expected to use and administer an

unstructured concept of discretionary time off in a fashion that is in keeping with generally accepted standards of employee performance and not in terms of hourly entitlement.

(4) Discretionary leave may not be used in lieu of sick leave.

Section 5-5: Leave of Absence Without Pay

Leaves of absence without pay for personal reasons, such as lengthy illness beyond sick leave accrual, personal business, or travel must be requested in advance and in writing by the employee. If an individual qualifies for Family and Medical Leave, the policy requires additional steps and it is therefore necessary to refer to Section 5-13 for specific information regarding this type of leave without pay status.

For reasons other than those qualifying under Family and Medical Leave, the request must state the reason, and the starting and probable date of return. Leave without pay is at the discretion of the County and may be refused at any time.

Department Heads may approve leave without pay for a period of up to ten (10) workdays if conditions warrant. An employee is required to request in writing the reason(s) for leave without pay status. Leaves of absence in excess of ten (10) workdays and not to exceed twelve (12) calendar months require the County Administrator's approval. Leave without pay is granted only when all annual leave has been exhausted.

Employees on leave of absence without pay for 30 calendar days or less remain on active employment status and service towards accumulation of benefits continues; those on such leave in excess of 30 calendar days are placed on temporary non-pay, inactive status and the period of absence is not considered as service toward accumulation of benefits.

When leave without pay occurs immediately before or after a holiday, no pay is given for the holiday. Holidays that occur during such absences are likewise not credited to the employee for pay.

Section 5-6: Funeral Leave

Funeral leave is defined as leave with pay granted to regular employees upon the death of an immediate family member as defined in Section 5-1 of this Chapter. The purpose of such leave is to allow employees a period of adjustment and sufficient time to travel if necessary or to put family affairs in order when work would interfere with such activities.

Funeral leave shall be granted by the Department Head upon the request of the employee. Funeral leave shall not exceed three (3) consecutive workdays per death. Leave commences upon notification and approval by the Department Head. Funeral leave is not charged to sick or annual leave. If more than three (3) days is required, the employee may use accrued sick or annual leave. If leave is desired for a death other than an immediate family member, the employee at the discretion of the supervisor may use annual leave or leave without pay. The County Administrator may approve administrative leave for employees or groups of employees to attend funerals when warranted in special circumstances.

Section 5-7: Administrative Leave

Administrative leave is leave with pay and may be granted for any valid reason when it is deemed in the best interest of the County and approved by the County Administrator. When administrative leave is granted, employees who are in any other prior approved leave status (e.g., annual, sick, military, etc.) will remain in that status.

Section 5-8: Military Leave

Employees who are former members of the armed services or a member of an organized reserve force of any of the armed services of the United States, National Guard, naval militia, or other employees who are called to active military service will

have their job status protected in full compliance with current federal and state regulations.

Employees officially engaged in training duty or called to a tour of active duty are entitled to a leave of absence from their respective duties, without loss of seniority, accrued leave, or performance rating.

Employees officially engaged or called to service as noted above receive up to fifteen (15) paid workdays of military leave in each federal fiscal year (October 1 to September 30), except that no employee shall receive paid leave for more than fifteen workdays per federally funded tour of active military duty. For purposes of this section, a workday shall mean 1/260 of the total working hours an employee is scheduled to work for the county during the entire federal fiscal year.

Employees are required to provide documentation of orders for required military training or active duty to their Department Head and the designated personnel officer prior to commencement of duty.

Section 5-9: Court Leave

Court leave is leave with pay and is defined as an employee's absence from work to serve on jury duty or attend court as a subpoenaed witness, and any compensation the employee receives for such service may be retained by the employee. An employee, who is a victim of a crime, but is not a subpoenaed witness, is not eligible for court leave, but shall be allowed to leave work to be present at all criminal proceedings relating to the crime, if such leave does not create undue hardship to the County's business. The employee, who is a victim of a crime, may take leave without pay or use accrued annual leave to exercise his or her right to attend the criminal proceedings. An employee appearing in court as either a defendant or plaintiff in a case is not eligible for court leave, but may take leave without pay or use

annual leave for such purpose at the employee's option.

An employee summoned or subpoenaed for jury duty or witness service must submit a copy of the official summons or other satisfactory documentation (such as witness recognition) to the Department Head prior to the beginning date of such service.

If court leave requires the employee's absence for their full workday the employee will be paid their regular rate of pay for that day. If court leave requires the employee's absence for less than their full workday, the employee must contact their supervisor concerning their return to work in order to be paid for any part of the workday.

An employee who is summoned and appears for jury duty for four or more hours, including travel time, in one day shall not be required to start any shift that begins on or after 5:00 p.m. on the day of such duty, or that begins before 3:00 a.m. on the day following the day of such duty.

Section 5-10: Workers Compensation Leave

Any employee who sustains an on-the-job illness or injury, which is deemed compensable by the County's workers compensation insurance carrier, shall be placed on workers compensation leave for the duration of related absence as long as medical certification indicates the employee is unable to perform the assigned work or until it is determined the employee is eligible for disability retirement, or is separated from County service due to continued inability to perform the assigned work. Workers compensation leave runs concurrently with Family and Medical Leave. (See section 5-14)

Employees are not compensated for the first seven (7) calendar days of workers compensation leave unless the employee elects to use accrued leave. This

seven-day period coincides with the 'waiting period' of the Virginia Workers Compensation Act in which an employee is not entitled to compensation from the County's worker's compensation insurance carrier.

If a compensable illness or injury results in an absence that exceeds seven (7) calendar days the employee receives replacement income paid by the workers compensation carrier at the rate of 66 2/3 % of his or her average weekly gross wages at the time of the disability, subject to the minimums and maximums allowed by the Workers Compensation Commission.

In instances where the maximum compensation allowed by law is less than 66 2/3% of the employee's average weekly gross wages, the employee may use accrued sick leave until exhausted and then annual leave to supplement their weekly compensation up to 66 2/3% of their average weekly gross wage and to cover any desired fringe benefits. This supplement will be treated as taxable wages and will cease when worker's compensation payments are terminated for any reason or, if the employee separates from County employment.

The employee's benefits, medical report, and employment status are reviewed within 30 days of the beginning of workers compensation leave to determine whether the employee remains on workers compensation leave or some other action is indicated. Employment decisions regarding workers compensation may be made at any time sufficient information is available. With the approval of medical authorities, the County may require the employee to return to light duty assignment.

Employees in workers compensation leave status exceeding 30 calendar days do not accrue annual or sick leave, or receive holiday pay. If workers compensation

leave status exceeds six consecutive months, the employees' performance review date (PRD) will be adjusted to reflect the period of workers compensation leave which exceeds six months.

Section 5-11: Emergency Conditions Leave

Should the County Administrator authorize the closing of County Offices because of an emergency, such as inclement weather conditions, classified employees will not suffer a loss in compensation and will be paid their regularly scheduled hours for that day. Should emergency conditions necessitate the early closing or late opening of County Offices, classified employees will be paid for their regularly scheduled hours regardless of the hours worked or missed during the period. Work As Required employees will not be considered as having been scheduled to work during the period of authorized closing and are therefore not entitled to any compensation for these hours. Non-exempt essential personnel required to work are compensated as set forth in Section 3-16. Employees in any other approved leave status (i.e., annual, sick, military etc.) will remain in that status.

Section 5-12: Volunteer Fire and Rescue Leave

Employees who are members of the any Volunteer Fire & Rescue Companies serving King William will be granted paid leave to answer calls on their shift during normal working hours (8:30 A.M. to 4:30 P.M.). This time will not be charged against annual or sick leave.

Section 5-13: Family and Medical Leave

This section implements the Family and Medical Leave Act of 1993, the "Act" (FMLA) which became effective on August 5, 1993. This section is intended to summarize the Act, and is not intended to change or alter any rights of employees under the Act.

As provided by the FMLA, all eligible employees shall be entitled to take up to 12 weeks of job-protected family and medical leave during any twelve (12) month period for specified family and medical reasons. The County defines the twelve (12) month period as that twelve (12) month period measured forward from the date an employee's first FMLA leave begins.

Family and medical leave may be either paid or unpaid and runs concurrently with sick and annual leave if the absence qualifies under the FMLA. An eligible employee on FMLA leave must first use all available sick, then annual leave before going into an unpaid leave status. An employee on FMLA leave to bond with a child must first use all available annual leave (but not sick leave) before going into an unpaid leave status.

(1) To be eligible for FMLA leave an employee must have been employed for at least 12 months, which need not be consecutive, and worked at least 1250 hours during the twelve (12) month period before the leave begins. When both spouses are employed by the County, they are limited to an aggregate of 12 weeks when FMLA leave is for the birth, adoption, or foster care of a child, or to care for a sick parent.

(2) FMLA leave, with the approval of the designated personnel officer, may be granted for any of the following reasons:

- (a) The birth or placement of a child for adoption or foster care;
- (b) To care for a spouse, child, or parent with a serious health condition; or
- (c) A serious health condition, as defined by the FMLA regulations,

which makes the employee unable to work. In general, a serious health condition is

defined as an illness, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider.

- (3) FMLA may be taken consecutively for twelve weeks or on an intermittent basis or part of a reduced workweek whenever it is medically necessary. When an employee's need for FMLA is foreseeable, the employee must give at least thirty (30) days written notice and must make a reasonable effort to minimize disruption of County operations. When the need for FMLA is unforeseeable the employee must give notice as soon as practicable (within 1-2 working days) of learning of the need for leave. The County may temporarily transfer an employee using intermittent or reduced workweek to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule.
- (4) Employees on FMLA leave must contact the designated personnel officer within 1-2 working days, if practicable, anytime there is a change in medical condition or requested leave dates. While on FMLA leave the employee must contact the designated personnel officer on the first and third Monday of each month regarding medical status and their intent to return to work.
- (5) The County may require certification from a "health care provider" as provided by the Family and Medical Leave Act. Employees will be notified when certification is required and forms will be provided for this purpose along with instruction for completion and due dates.
- (6) The County may require a second opinion when it is not satisfied with the certification. If the two health care providers disagree, the County may require the opinion of a third jointly approved health care provider who shall be the final

authority on the question. These second and third opinions are at the County's expense. The County may also require the employee to obtain subsequent recertification on a reasonable basis.

- (7) While on FMLA leave, the County must maintain the employee's group health insurance coverage at the same level and under the same conditions of coverage as existed before the employee took FMLA leave. The County will continue to pay its portion of the group health insurance coverage. It is the responsibility of the employee to maintain his/her portion of the health premium either through payroll deduction if on paid leave status or by submitting a check payable to the County to the Designated personnel officer no later than the twenty-fifth of the month prior to the month for which payment is due if on unpaid FMLA leave. If the employee fails to return from leave, the County may elect to recover the premium paid during the leave period in a manner consistent with the law. Likewise, the County will not make any payments for voluntary benefits on behalf of the employee while on FMLA unless the employee has sufficient funds through payroll deduction to cover the premiums or the employee submits payment directly to the designated personnel officer. Other benefits such as the accrual of seniority will not continue during Family and Medical Leave Act. Anniversary and evaluation dates will be adjusted to reflect any unpaid leave of absence of over thirty days.

- (8) An employee will be returned to his or her original position or to a position with equivalent pay and benefits upon return from family leave. The County may require a fitness for return certification from an employee who has been on family leave for medically related reasons before the employee returns to work.

- (9) The County may choose to exempt certain highly compensated, "key" employees from this job restoration requirement and not return

them to the same or similar position at the completion of FMLA leave. Employees who may be exempted will be informed of this status when they request leave. If the County deems it necessary to deny job restoration for a key employee on FMLA leave, the County will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

- (10) Special provisions related to the application of FMLA leave to members of the armed Forces, National Guard, or Reserves and their families will be implemented in accordance with federal and state law.

Section 5-14: Leave Accruals Paid at Separation

Employees are paid for accrued leave as set forth below at the time of retirement, resignation, termination or death:

a. Sick Leave

~~(1) Effective July 1, 2020, employees will not be paid for any accrued sick leave upon separation. Upon separation, any unused sick leave will be added to the Sick Leave Sharing Pool. January 1, 2016, eligible employees will be paid at separation for sick leave accrued in the following manner. If separation occurs during the first sixty (60) months of employment, the employee will not be paid for accumulated sick leave. For a length of service between sixty one (61) and one hundred twenty (120) months, accumulated sick leave will be paid at \$2.00 per hour. For a length of service between one hundred twenty one (121) and one hundred eighty (180) months, accumulated sick leave will be paid at \$3.00 per hour. For a length of service between one hundred eighty one (181) and two hundred forty (240) months, accumulated sick leave will be paid at \$4.00 per hour. For a length of service beyond two hundred forty (240) months, accumulated sick leave will be paid at \$5.00 per hour.~~

~~(2) Employees who are terminated for disciplinary reasons or who fail to give proper notice of intent to resign from County service as required in these policies are not eligible and do not receive compensation for any sick leave balance.~~

b. Annual Leave

Employees who leave County employment after twelve (12) or more months of service shall be paid for all accrued annual leave up to the applicable accumulation limit set forth in Section 5-2, subject to the conditions set forth in Section 12-1.

Chapter 12: Separation and Termination

Section 12-1: Resignation

To resign in good standing, employees other than Department Heads must give notice in writing to the Department Head at least fourteen (14) days prior to the effective date of the resignation; Department Heads must give 30 days' notice in writing to the County Administrator. Failure to provide the required notice renders the employee ineligible for accrued annual leave payout ~~sick leave accruals and results in forfeiture of accrued annual leave~~ up to eighty (80) hours notwithstanding the provisions of Chapter 5.

A resignation shall be effective when tendered. No written acceptance of a resignation shall be required as a condition precedent to its effectiveness. The notice period is for the benefit of the employer and should the Department Head decide that an effective separation, sooner than that proposed by the employee, is in the County's best interest, an earlier date may be established after consultation with the designated personnel officer. No compensation is due beyond the actual date set. Department Heads shall transmit all resignations to the designated personnel office within 24 hours of receipt.

Section 12-2: Retirement

The County is a member of the Virginia Retirement System (VRS) and employees are entitled to retire pursuant to the rules established by VRS.

Section 12-3: Death

When an employee dies while in the service of the County, all compensation due is paid to the legal representative of the employee's estate or any other properly designated individual.

Assistance and benefit counseling is provided to survivors of the employee by the designated personnel office. Pay and benefits accrue to the last day of actual service provided to the County.

Section 12-4: Termination

Termination is defined as a separation for disciplinary reasons. The process for termination is as set forth below:

a. If termination of a non-probationary employee is warranted, the Department Head shall provide the employee with a written notice of proposed termination. In situations when it is not possible to personally deliver a written notice to an employee, the notice may be sent as provide in paragraph (d) of this section. Such notice shall set forth the following:

(1) A statement of the reasons for which the dismissal of the employee is being considered, in sufficient detail to enable the employee to understand fully the violation, infraction, conduct or offense for which dismissal is being considered.

(2) That the employee's past performance, including any prior disciplinary records, has been considered;

(3) The effective date of the proposed dismissal, which should be no sooner than seventy-two (72) hours from the employee's receipt of the notice;

(4) That the employee is suspended, generally with pay, but for no longer than five (5) work days from the date of the notice of proposed dismissal or until a final decision is made, whichever occurs sooner.

(5) That the employee has the right to respond either in writing or in person, at the option of the employee, within two (2) working days of receipt of the notice;

(6) That the employee has the right to file a grievance pursuant to the County's grievance policy, if termination is imposed;

b. If the employee requests the right to respond in person, the Department Head should immediately schedule an informal hearing.

(1) The employee should be afforded an opportunity to explain his or her side of the story, to present any documentary evidence on his or her behalf, and to argue his or her side of the case.

(2) Such hearings are intended to be informal and legal representatives are not permitted.

c. If, after the hearing or consideration of the employee's written response, the Department Head finds that the charge or charges against the employee are valid and support the dismissal, a written notice of such dismissal shall be given to the employee.

d. After reasonable attempts have been made to deliver in person a written notice of proposed termination or notice of termination to an employee, delivery may be made by sending notice by certified mail to the last known address of the employee. For purposes of this section, such notice shall be deemed to have been received either on the actual day it was received, or, five (5) days after it was mailed, whichever date is earlier.

Section 12-5: Employee Separation Procedures

All pay and benefits accrue to the last day of actual service provided to the

County and employees cannot expect to receive any compensation or benefits for periods of time beyond the last day of actual service, including pay for holidays, sick or vacation days, etc., that occur or accrue after the last day of actual service. Since benefit accruals occur on the last day of the month, the employee must have actual service on the last day of the month in order to receive this accrual. For purposes of this section, actual service shall mean the last day the employee actually worked or was on approved leave.

Section 12-6: Layoffs

Any involuntary separation other than for disciplinary reasons is considered a layoff.

Layoffs occur when in the opinion of the County Administrator proper management requires a reduction or change in the work force or the elimination of certain positions or programs. Employees to be laid off are, at a minimum, given the same notice as that required when an employee resigns.

Section 12-7: Clearing Debt and Property Accounts

Employees who separate from County service must clear all debts to the County and account for and turn in all County equipment or other property in their possession or for which they are responsible, including keys, uniforms, tools, equipment, credit cards, identification cards, books, manuscripts, papers, etc. to the Department Head. It is the responsibility of the Department Head to forward a list to the designated personnel office of any property held by the separating employee or a statement that all such property has been returned. The value of the unreturned property may be deducted from the employee's final paycheck in accordance to FLSA regulations.

Failure to clear all debts and turn in all County property will result in the initiation of lawful collection procedures to recover any losses.

Section 12-8: Separation Pay

Generally, all compensation due and any settlement for accrued leave is included in the paycheck due on the next regularly scheduled payday.

Section 12-9: Post-Separation Benefits

The designated personnel office will provide information and counseling to separate employees regarding the availability of post separation benefits such as health insurance, life insurance, and retirement account options.

Section 12-10: Severance Pay

Severance pay may be approved by the County Administrator for separations that do not involve gross misconduct if deemed to be in the best interest of the County. When approved, the amount of severance pay shall not be more than 1/12th of the terminating employee's annual salary rate.

Section 12-11: Exit Interviews

The designated personnel office may conduct exit interviews of separating employees when it deems necessary. An exit interview properly conducted often corrects misinformation, modifies negative attitudes, and provides valuable information to the employer. Such interviews become a part of the employee's official personnel file and the employee's signature is required to acknowledge the correctness of the information on the interview form. When required by the designated personnel office, the exit interview is a prerequisite to final payment of any sums due the employee.

The vote on the foregoing was as follows:

Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr.	Nay
Supervisor, 2nd District: Travis J. Moskalski – Vice Chairman	Nay
Supervisor, 3rd District: William L. Hodges	Aye

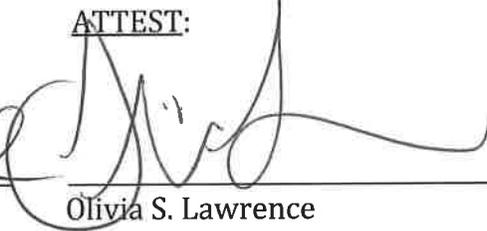
Supervisor, 1st District: Stephen K. Greenwood - Chairman

Aye

ATTEST:



Stephen K. Greenwood, Chairman
King William County Board of Supervisors



Olivia S. Lawrence
Clerk of the Board of Supervisors